



NATIONAL COMMISSION FOR SCHEDULED CASTES

THIRD ANNUAL REPORT

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राष्ट्रीय अनुसूचित जाति आयोग
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES

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Dated: .

Respected RashtrapatiJi,

I have the honour to present to you the Third Annual Report of the National Commission for Scheduled Castes upon the working of Safeguards of Scheduled Castes during the year 2006-07 under the constitution of India and other laws. The report pertains to the duration of the first Commission for Scheduled Castes.

Many instances of atrocities, deprivation of reservation rights in the service matters etc. were reported to the Commission during 2006-07. The matters were related to service in government, economic and social development, education for SCs and implementation of SC/ST (POA) Act, 1989. The Commission investigated these issues in its various meetings. The Commission also visited places where atrocities were committed against SCs. Separate chapters of this report deal with the state of implementation, analysis of these issues and recommendations of the Commission.

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

decided to use SCP as an instrument for development of SC population. The performance of some states have been elaborated in this report. The implementation part of SCP needs to be strengthened further. Though there is improvement in its implementation compared to earlier years, but a lot needs to be done. The main issue is that there is no monitoring agency for SCP at present.

It has been observed that even after almost two decades of its enactment the implementation of SC/ST (POA) Act, 1989 is not done in a effective manner. The atrocities against SCs are not decreasing with time, but are rather increasing. Police needs to be sensitized on this issue. SC/ST (POA) Act needs to be given publicity among the people for whom this Act has been enacted. The causes of atrocities related to drinking water, land deprivation etc. needs to be analysed and tackled.

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

With kind regards,

Yours sincerely,

Buta Singh

(DR. BUTA SINGH)

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

PREFACE

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

During the year under report 2006-07, complaints/petitions were handled by the Commission. Field enquiries were also conducted on atrocities and land related matters. The Report is based on the complaints received in the Commission as per Civil Court Power granted under Article 338 of the Constitution. Personal hearings/discussions are also being conducted by Hon'ble Chairman/Vice-Chairman/Members on the complaint for early settlement of grievances with the concerned authorities. During the year 2006-07, the Commission held 7 meetings on various issues relating to Scheduled Castes.

To ensure the upliftment/development of SCs at par with main stream communities, providing of protective and compensatory provisions were not enough. Their life remains without basic structure like housing, drinking water sanitation roads etc. Special provisions were made under development sectors like special component plan in the main Plan of the States and Special Central assistance to ensure the adequate flow of funds for the development activities including infrastructure for SC colonies and SC population in general. Almost all the States and UTs have failed in initial years, in allocating adequate funds for SCP according to the proportion of population in their states. Whereas in the year 2006-07 most of the States like Bihar, Gujarat, Haryana, J&K, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tripurra, Uttar Pradesh, Uttrakhand, West Bengal, the U.T. of Delhi have made allocation under SCP as per the proportion of SC population in the States.

The Commission has been experiencing that the Scheduled Castes cultivators are victimized and atrocities are committed on them on the land related issues. The Government should give them protection apart from issuing land records. There is need to distribute agricultural surplus land to SCs on priority basis. The State Governments have the land rights. In some cases the actual possession of surplus land has been under litigation. A common land pool or Bhoodan land should be acquired under the ceiling and other public land free from legal problems and place such lands under the control of an authority and this land should be distributed to landless SCs who are still engaged in working in the fields as agricultural labourers.

The Commission has noticed many incidents of atrocities on Scheduled Castes while fetching drinking water in the public taps/hand pumps located in the main village. As the large number of SC colonies are outside the village/adjacent to the village special provision be made to ensure safe drinking water.

Sanitary latrines have been provided to rural population with preference to SC families and people below the poverty line. The guidelines stipulate that a minimum of 25% of the total funds should be earmarked for providing subsidy to individual households from SCs below the poverty line. Where the SC population below poverty line is more than 20% of the total population, earmarking should be enhanced atleast to match the percentage of SCs population as per the guidelines.

Education is the main instrument to uplift the SCs and the thinking of the Government is on right direction with more and more funds being pumped into this sector. It can be seen from the available information of MHRD (Plans & Budget) that during 1951-52 the total expenditure on education by all sectors was Rs.814.14 crores and as per BE of 2006-07 it is projected at Rs.1018582.62 crores. However, figures for SC exclusively are not available. The people belonging to all walks of life have realized the educational needs and its importance in the social and economic fabric of the society.

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CHAPTER 1

INTRODUCTION

The social and economic position of the Scheduled Castes has been the concern of the founding fathers of the constitution. Hence for providing safeguards for Scheduled Castes special provisions were made to promote the social, educational, economic and service interest of the weaker section of society. In order to see 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 18th November, 1950. By 1965 the Commissioner for Scheduled Castes and Scheduled Tribes had 17 regional offices located at 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 in to 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. In the mean while 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 (46th Amendment) by replacing the single member special officer by multi-member Commission. The first Commission for SC & ST came into being in August, 1978. With effect from 1-12-78 the field offices were transferred to the newly set up Commission for SC & ST and the Zonal Directors, BCW, and the Deputy Directors, BCW, were re-christened as Directors for SC & ST and Deputy Directors for SC & ST respectively. After some time the Zonal set-up was abolished and the Commission once again came to have 17 field offices. Since the field Directors were also working for the Commissioner for SC & ST, they were re-designated as Director for SC & ST and Ex-officio Deputy Commissioner for SC & ST.

3. The functions of the Commission for SCs/STs and of the O/o Commissioner for SCs and STs nearly corresponded with each other. They co-existed till 11.03.1992. The erstwhile O/o Commissioner for SCs/STs during their office had submitted 30 reports
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 its tenure.
5. The National Commission for SCs & STs came into being consequent to assent to the 65th Amendment bill, 1990 notified on .8.06.1990, and rules there under were notified on .3.11.1990. The details of the National Commission for SCs & STs under 65th Amendment Act, is as follows.

1 st National Commission for SCs/STs	12.03.1992	Shri. Ram Dhan, - Chairman Shri. Bandi Oraon, Vice-Chairman Shri. B. Sammaiah- Member Dr. Sarojini Mahishi- Member Shri. Choudhary Hari Singh-Member Shri. N. Brahma-Member Shri. Jina Bhai Darjee-Member
2 nd National Commission for SCs/ STs	05.10.1995	Shri. H. Hanumanthappa, M.P(Rajya Sabha), - Chairperson Smt. Omem Moyong Deori, -Vice-Chairperson Shri. Narsingh Baitha-Member Ven. Lama Lobzang-Member Shri. Naresh Chandra Chaturvedi-Member Shri. B. Yadaiah-Member Shri. Anand Mohan Biswas-Member
3 rd National Commission for SCs/STs	12.1998	Shri Dileep Singh Bhuria- Chairman Shri. Kameshwar Paswan-Vice Chairman Shri. Harinder Singh Khalsa-member Ven. Lama Lobzang-Member Shri. Chhotray Majhi-Member M. Kannan- Member. Consequent to his resignation Shri. C. Chellappen was appointed in 2000. Smt. Venna Nayyar- Member
4 th National Commission for SCs/STs	03.2002	Dr. Bizay Sonkar Shastri-Chairman Ven. Lama Chosphele Zotpa-Vice Chairman Shri. Vijay Kumar Choudhary-Member Shri. Narayan Singh Kesari-Member Shri. Tapir Gao-Member Smt. Veena Premkumar Sharma -Member Shri. C. Chellappan-Member completed his tenure on 02.07.2003 and Shri Sampath Kumar assumed office on 30.09.2003 in his place.

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

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

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

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

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

1 st National Commission for Scheduled Castes	25.02.2004	Dr. Suraj Bhan-Chairman Shri. Fakirbhai Vaghela-Vice Chairman Shri. Phool Chand Verma-Member Shri.Devender V.-Member Smt. Surekha Lambture-Member
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8. Dr. Suraj Bhan Chairman of the 1st National Commission for Scheduled Castes died in harness on 06.08.2006 and subsequently taken over by Shri. Fakirbhai Vaghela-Vice Chairman for the remaining tenure. The newly Constituted National Commission for Scheduled Castes has submitted its report for the year 2004-2005 and also a special report which are yet to be discussed in Parliament.

NATIONAL COMMISSION FOR SCHEDULED CASTES				
		19.2.2004-Bifercation of National Commission for Scheduled Castes and National Commission for Scheduled Tribes		
Reports of the National Commission for Scheduled Castes	Period	Submitted to the President of India	Laid in Lok Sabha on	Laid in Rajya Sabha on
First Annual Report	2004-2005	13.7.2006	Yet to be laid	Yet to be laid
Special Report	1.4.2006 to 30.9.2006	21.02.2007	Yet to be laid	Yet to be laid

9. During the period under report, the Commission had referred to the Ministry of Law on 03.01.2006 the interpretation of judgment of Hon'ble Supreme Court as circulated by DOPT vide OM No 36036/2/97-Estt (Res) dated 01.01.1998 and OM No-36036/2/97-Estt(Res) dated 30.11.1998 as to the powers of the Commission in issuing the advice to various authorities in matters of safeguards which are to be provided to the Members of the

Scheduled Castes. The gist of the advice of the judgment of the Hon'ble Supreme Court in "All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association & others Vs Union of India and others (supra)" inter alia was that all the procedural power of a civil Court are given to the Commission for the purpose of investigating & enquiring into the matter referred to in clause 5(a) & (b) of Article 338 of the Constitution and those powers are limited to investigation only. The powers of civil Court of granting injunctions temporary or **permanent** be inferred or derived from the aforesaid article of the Constitution and that the judgment of the Hon'ble Supreme Court as aforesaid has become final and can not be challenged by way of filing review under Article 137 of the Constitution and is binding on all the Courts under Article 141 of the Constitution and accordingly it is binding on all the institutions situated in the country or under the control of the Govt. of India including the Commission also. This judgment is therefore the final outcome. The above said advice of the Ministry of Law was noted by the Commission for information and guidance.

10. During the year under report 2006-2007 as many as 371(of ESDW) Complaints/ petitions were handled by the Economic, Social Development wing of the Commission. Field enquiries were also conducted on atrocity and land related matters. The report is based on the complaints received in the Commission. As per Civil Court Power granted under Article 338 of the Constitution Personal hearings/ discussions are also being conducted by Hon'ble Chairman/Vice Chairman/Members on the Complaints for early settlement of grievances with the concerned authorities. During the year 2006-2007, the Commission held 6 meetings on various issues relating to Scheduled Castes.

11. The Right to Information Act, 2005 ensures supply of vital information to Indian Citizens which were earlier prohibited to be released by a public servant/ Authority under the provisions of the Official Secrets Act. The National Commission for Scheduled Castes has published a hand book for use by the seekers under RTI Act, 2005. It is also available in the official web site of the National Commission for Scheduled Castes.

12. From the year 2006 onwards under RTI Act, 2005 information is being sought by Scheduled Castes persons, Scheduled Castes Associations and others

13. In most of the cases it is seen that RTI information sought by the applicants do not relate to the their individual grievances for which the Commission takes up the cases for redressal of grievances. In some of the cases it was found that RTI applicants were not the aggrieved Scheduled Castes petitioners and in most of the applicants the matter did not directly relate to the functioning of the Commission nor to the concerned individual/petitioner. Maximum time was consumed to attend to RTI applications which could have been fruitfully utilized for solving the problems of individual Scheduled Castes Petitioners. RTI should be from the concerned Scheduled Castes petitioner. This would ensure proper weightage to RTI Act, 2005 and at the same time proper utilization of the manpower. It is also necessary that in case information is sought under RTI on policy issues, the concerned applicant should specify the need and how he is going to utilize the information as considerable time are spent on obtaining information. The methodology and modus operandi of RTI Act, 2005 needs a new re-look in the light of the experience gained during the last 2-3 years.

CHAPTER-II

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 state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the scheduled Tribes, and shall protect them from social injustice and all forms of exploitation". The Constitution under Article 366(24) specifically defined the term Scheduled Castes. The various safeguards and protective measures 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 categorised 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 upon the state to provide social safeguards to Scheduled Castes. Article 17 relates to abolition of untouchability being practiced in society. The Parliament enacted the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to tackle the problem of untouchability, which is being practiced against Scheduled Castes.

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

8. **Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Even in this

Article, there is no specific mention about the SCs but substantial portion of child labour engaged in hazardous employments belong to SCs.

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

ECONOMIC SAFEGUARDS

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

11. Article 46 the details of this is given in the beginning of the chapter.

EDUCATIONAL AND CULTURAL SAFEGUARDS

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

POLITICAL SAFEGUARDS

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

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

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

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

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

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

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

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

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

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

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

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

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

territory or of the Scheduled Tribes in the State or part of the state or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the 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 construed as a reference to the 1971 census.

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

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

(3) The Number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be,

the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

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

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

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

SERVICE SAFEGUARDS

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

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

CHAPTER III

ECONOMIC DEVELOPMENT OF SCs 2006-07

The Constitution of India provides a framework with three main strategies to protect and promote the interest of SC population in India and to ensure their development along with the lines of main stream society. Three main strategies are as follows:-

1. **Protection and punishment strategy:** As large number of SC population people were deprived of fundamental rights for centuries either by the practices of dominant communities or of their own (due to poverty). Hence, to eliminate such practices and to establish justice and equality number of provisions were made as part of Articles and Schedule in the Constitution of India and laws were enacted under such provisions.
2. **Compensatory strategy:** Special provisions were made in the Constitution to compensate the centuries old discrimination and loss caused to the SCs. As compensatory measures preferential provisions were made in the recruitment, promotion, admission in educational institutions to ensure the growth of SC population at par with other population in the country.
3. **Socio-economic development strategy:** To ensure the upliftment/development of SCs at par with main stream communities, providing of protective and compensatory provisions were not enough. Their life without being basic infrastructure like housing, drinking water, sanitation, roads etc special provisions were made under development sectors like special component plan in the main

plan of the States and special central assistance etc to ensure the adequate flow of funds for the development activities including infrastructure for SC colonies and SC population in general.

The development of Indian economy is based on planning through its Five Year Plans and annual plans executed and monitored by the Planning Commission, respective departments and the relevant monitoring agencies. After independence eleven Five Year Plans and six Annual Plans have been formulated by the Planning Commission.

The details of outlays and expenditure during the 8 five year plans and 6 annual plans period is as follows:

Outlays during Five Year Plans:

Table I

(Rs.in crores)

S.No.	Five Year Plan	Period	Outlays			
			Centre	States	UTs	Total
1	First Five Year Plan	1951-56	1241.00	828.00	-	2069.00
2	Second Five Year Plan	1956-61	2559.12	2240.88	-	4800.00
3	Third Five Year Plan	1961-66	3600.00	3725.00	175.00	7500.00
4	Fourth Five Year Plan	1969-74	8870.00	6606.47	425.00	15901.47
5	Fifth Five Year Plan	1974-79	19954.10	18265.08	634.06	38853.24
6	Sixth Five Year Plan	1980-85	47250.00	48600.00	1650.00	97500.00

7	Seventh Five Year Plan	1985-90	95534.00	80698.00	3768.00	180000.00
8	Eighth Five Year Plan	1992-97	247865.00	179985.00	6250.00	434100.00

Source : Economic Survey 2005-06 (Planning Commission Plan Statistics)

Outlays during the Annual Plans

Table II

(Rs.in crores)

S.No.	Five Year Plan	Period		Outlays					
				Centre	States		UTs	Total	
1	2	3		4	5		6	7	
1	Annual Plan	1966-67		1089.37	931.72		60.45	2081.54	
2	Annual Plan	1967-68		1172.00	1010.00	*	64.00	2246.00	
3	Annual Plan	1968-69	**	1320.00	974.00		65.00	2359.00	
4	Annual Plan	1979-80		6411.81	5910.33	@	227.00	12549.14	@
5	Annual Plan	1990-91		39329.26	25387.54	#	997.70	65714.50	

	Plan								
6	Annual Plan	1991-92		42968.75	29348.00	#	1165.40	73482.15	

Source : Economic Survey 2005-06 (Planning Commission Plan Statistics)

* This does not take into account reduction of Rs.14.19 crores in Bihar Annual Plan 1967-68 of Rs.80.55 crore.

** Revised

@ Includes increase in outlay of Rs.80 crores for West Bengal agreed subsequent to Annual Plan Discussion.

#Outlays refers to States and UTs. Outlay of Annual Plan 1991-92 includes provision for schemes of Model Village and Equity Base Co-operatives which have since been dropped and not included in the States/UTs Plan Outlays. Also includes Rs.1072 crore on account of Plan Loans accounted earlier but not approved subsequently. The total revised outlay for States and UTs thus amount to Rs.28105 crores.

Percentage share of Centre, States and UTs in Plan expenditure

Table III

(Rs.in crores)

Sl.No.	Plan Period	Centre Plan	% Share of the Plan	State Plan	% Share of the Plan	UTs	% Share of the Plan	Total Plan expenditure
1	First Plan (1951- 56 Actuals)	706	36.02	1245	63.52	9	0.46	1960
2	Second Plan (1956-61 Actuals)	2535	54.25	2115	45.26	23	0.49	4673
3	Third Plan (1961-66 Actuals)	4212	49.11	4227	49.28	138	1.61	8577
4	Annual Plans (1966-69)	3401	51.34	3118	47.06	106	1.60	6625
5	Fourth Plan (1969-74 Actuals)	7826	49.60	7675	48.64	278	1.76	15779
6	Fifth Plan (1974- 79 Actuals)	18755	47.57	20015	50.77	656	1.66	39426
7	Annual Plan (1979-80)	5695	46.77	6291	51.67	190	1.56	12176
8	Sixth Plan (1980-85	57825	52.91	49458	45.25	2009	1.84	109292

	Actuals)							
9	Seventh Plan (1985-90)	127520	58.30	87492	40.00	3717.7	1.70	218730
10	Annual Plans (1990-92)	72101	58.56	48856	39.68	2163.1	1.76	123121
11	Eighth Plan (1992-97)	328906	62.41	188449	35.76	9657.5	1.83	527012

Source : Economic Survey 2005-06 (Planning Commission Plan Statistics)

Expenditure have been rounded off therefore total may not tally.

* Eighth Plan expenditure is based on 1992-93 (actuals), 1993-94 (actuals), 1994-95 RE, 1995-96 RE and 1996-97 BE (Source : Economic survey and annual plans of different years)

During the 10th Plan (2002-07): Total State plan outlay for the 10th Plan period was Rs.517706.9 crores. The flow to SCP was Rs.23,0969.4 crores. Though the guidelines were issued to the States and UTs to allocate the funds in proportion to the SC population. The allocation in the year 2005-06 is not beyond the 10.5% whereas in the year 2006-07 it reached to 12.9%.

Almost all the States and UTs have failed in initial years, in allocating adequate funds for SCP according to the proportion of population in their States except Uttaranchal, Tamil Nadu, Uttar Pradesh, Rajasthan, Kerala, Haryana and Bihar as these States showed that allocation were made to SCP near to the percentage of SC population whereas in the last Annual Plan of the 10th Five Year Plan i.e. 2006-07 most of the States like Bihar, Gujarat, Haryana, J&K, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab,

Tripura, Uttar Pradesh, Uttaranchal, West Bengal, the UT of Delhi have made allocation under SCP as per the proportion of their population.

Special Central Assistance to Special Component Sub Plan during the 10th Plan

Government of India has released Rs.207880.05 crores SCA during the 10th Plan period from 2002 to 2007 as an additive to Special Component Sub-Plan of States and UTs whereas actual utilization is Rs.224748.53 crores which includes the expenditure out of unspent balances from previous years of 9th Plan period. States like Andhra Pradesh, Assam, Chattisgarh, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa, Punjab, West Bengal, UTs like Chandiarh, Delhi and Pondicherry have fully utilized the grants provided under SCA during the 10th Plan period whereas States like Bihar, Goa, J&K, Jharkhand, Karnataka, Kerala, Manipur, Rajasthan, Sikkim have not utilized the funds released under SCA to SCSP. Hence these States may formulate policies in the field of SHG and self employment sectors to boost the economic condition of SC families.

Recommendations:

- The earmarking of funds under SCSP should be in proportion to SC population and it should be proposed, when the plans are forwarded to the Planning Commission by the concerned Ministries and Departments in consultation with the National Commission for Scheduled Castes as per Art.338 (5 and 9) of the Constitution.

- The allocation of funds should be in proportion to the SC population at the national, State, district, block and ward/village level and it should be earmarked out of the total plan outlay.
- The separate budget head i.e., non-divertible and non-lapsable should be made under main head exclusively for SCSP.
- The earmarked funds should be placed at the disposal of one nodal Department in consultation with the National Commission for Scheduled Castes.
- The scheme-wise allocation of earmarked funds should also be separately intimated under separate budget heads by the Ministries/Departments. The Ministry/Department should intimate the National Commission for Scheduled Castes also.
- The unutilized funds should be given to the Ministries/Department when they are in need of additional funds to implement schemes meant to SCs.
- The Standing Committee of the Planning Commission should monitor the implementation of SCSP at the Ministry/Department level.
- The Ministry of SJ&E being the nodal Ministry is to play a very important role in ensuring effective implementation of SCSP by the Central Ministries/Departments.

Scheduled Castes Working Population

Work Participation rate

Table IV

Total workers	Number	Scheduled Castes
Persons	402,234,724	
Males	275,014,476	
Females	127,220,248	
Main Workers		
Persons	313,004,983	4,91,32,343
Males	240,147,813	3,60,62,522
Females	72,857,170	1,30,69,821
Marginal workers		
Persons	89,229,741	1,72,22,848
Males	34,866,663	
Females	54,363,078	

There is about 40.2 crore population in India which is working. This population consists of 27.5 crore male and 12.7 crore female out of which 31.3 crore people are main workers and 8.9 crore are marginal workers. The Scheduled Castes working population consists of 6.96 crores out of which 4.9 crores are main workers and 1.7 crores are marginal workers. The large number of Scheduled Caste population which is about 1.9

crores, are agricultural labourers as compared to 1 crore Scheduled Casts cultivators and 1.7 crores other working SC population. Out of which about 1.2 crore are male Scheduled Caste agricultural labourers and 66 lakh female agricultural labourers. Among the 6.96 crore SC working population about 1.30 crore women are main workers and 31.7 lakh marginal workers which constituted 33.06% women working population out of the total SC working population in India.

Recommendations:

- From the above analysis large portion of working population i.e. main and marginal workers, the Scheduled Caste working population constitutes 1/3 portion and still the major portion are agricultural labourers.
- The Government should see that the landless agricultural labourers should be given a unit of land either from the surplus land available/under land purchasing scheme.
- The Commission has been experiencing that the Scheduled Caste cultivators are victimized and atrocities are committed on them on the land related issues. The Government should give them protection apart from issuing land records.
- The Government should enact laws and bring out legislations to prevent alienation of the land belonging to Scheduled Castes. The Commission recommends that Government should take initiative like State of Karnataka which has enacted a legislation (Prevention of Transfer of Certain Lands Act, 1976) to prevent alienation of Scheduled Castes land.

- The Commission also recommends in the land related matters, the DM or the concerned officers should be made responsible for handing over possession of piece of land and in case any atrocity is there for dispossession. The officers concerned should be sensitized on the issues related to SCs.
- From the statement it is noted that majority of SC population lives on agriculture and they are the agricultural labourers, cultivators engaged in the work. The Commission recommends that there is a need to distribute agricultural surplus land to SC on priority basis.
- The State governments have the land rights. In some cases the actual possession of surplus land has been under litigation. A common land pool or Bhudan land should be acquired under the ceiling and other public land free from legal problems and place such lands under the control of an authority and this land should be distributed to landless SCs who are still engaged and working the fields as agricultural labourers.

Economic coverage of SCs in Rural Areas

The erstwhile Integrated Rural Development programme and its allied programmes namely Training of Rural Youth for Self Employment, Development of Women and Children in Rural Areas, Supply of Toolkits in Rural Areas and Ganga Kalyan Yojana, besides million Wells Scheme were restructured in the year 1999. Now the Swarnjayanti Gram Swarozgar Yojana is a major on-going programme for the self-employment of rural poor. The programme started from 1.4.1999.

The basic objective of the SGSY is to bring the assisted poor families above the poverty line by providing them income generating assets through a mix of bank credit and governmental subsidy. This programme aims at establishing a large number of micro enterprises in rural areas based on the ability of the poor and potential of each areas.

Under the aims and objectives of the Scheme the focus is on vulnerable groups i.e. SC, ST, Women and Disabled. 15% fund is earmarked for special projects to ensure a time bound programme for bringing specific number of BPL families above poverty line.

The funds are shared between Centre and the States in ratio of 75:25

The target and performance achieved till December, 2006 was as under:

- (a) No. of SHGS formed : 2413176
- (b) No. of Swarozgaris assisted: Total : 7403737
 - i. SHGs Swarogaries : 4131949
 - ii. Individual Swarogaries: 3271788
- (c) Subsidy disbursed: Rs.5401.98 crores
- (d) Credit disbursed : Rs.10705.16 crores
- (e) Per capita investment : Rs.21818
(Av. / per year)

Subsidy under SGSY

- Subsidy is only an enabling element of the scheme.
- Subsidy is back ended – to be kept by bank in subsidy reserve fund account.
- No interest to be charged by bank on subsidy deposited with them
- Quantum of subsidy –
 - (a) for individual Swarozgaris 30% of project cost subject to a maximum of Rs.7500. In case of SC/ST and disabled 50% of project cost or Rs.10000 whichever is less.
 - (b) For self help groups 50% of project cost subject to Rs.1.25 lakhs or Rs.10000 per SHG Member whichever is less.

Under the guidelines the programme stipulates that at least 50% of the Swarozgaris will be SC/STs, 40% women and 3% for disabled. The quantum of subsidy is 30% of the project cost as stated above with Rs.7500 maximum. This assistance during the period 2006-07 up to January 2007 was 70,0605 including Swarozgaris of SHGs. The Scheduled Castes Swarozgaris assisted were 221748 (35.65%) out of the target fixed i.e. 50%.

Recommendations : The Commission noted that against the target of 50% SCs only 35.65% has been achieved. Shortfall of 14.35% should be fulfilled in the year 2007-08 with backlog by way of fixing more target for Scheduled Castes.

The Sampoorna Grameen Rozgar Yojana was launched on 25th September, 2001 by merging the on-going schemes of Jawahar Gram Samridhi Yojana and Employment Assurance Scheme. The scheme targets to provide additional wage employment in the rural areas as also food security, alongside the creation of durable community, social and economic infrastructure in the rural areas. The programme places emphasis to provide wage employment to women, SCs, STs and parents of children withdrawn from hazardous occupations. The strategy of the scheme was to implement it in two streams till 2005. The first stream was implemented at the district and intermediate Panchayat levels. 50% of the funds and foodgrains were available under the first stream, which were further distributed between the district Panchayat and the intermediate Panchayats in the ratio of 40:60 respectively. The second stream was implemented at the village Panchayat level, and 50% of the funds and foodgrains were earmarked for the village Panchayats and distributed among them through DRDAs/District Panchayats. In the year 2004-05 the programme was implemented as one integrated scheme. The programme resources are shared by all the three tiers viz. District Panchayat, intermediate Panchayat and the village Panchayat in the proportion of 20:30:50.

The Sampoorna Gramin Rozgar Yojana is open to all rural poor who are in need of wage employment, preference shall be given to SC/ST and parents of child labour withdrawn from hazardous occupations who are below the poverty line. 22.5% of the annual allocation allocated both at the level of district and intermediate Panchayats shall be earmarked for individual/group beneficiary schemes of SC/ST

families living below the poverty line. Minimum 50% of the village Panchayat allocation shall be earmarked for the creation of need based village infrastructure in SC/ST habitations/wards. Under this yojana total employment of Rs.2360.76 lakh man days reported during the year 2006-07 (up to January 2007) out of which share to SCs was Rs.833.29 (35.9%) lakh man days.

Recommendations:

- Under the National Rural Employment Guarantee Programme employment should be created for SCs mandatorily and scheme details should be displayed in each block/taluka and publicity of the scheme be given through the media may be adopted.
- The payment to beneficiaries should be made through banks only.

HOUSING

The Indira Avas Yojana is being run at national level with the objective to provide a dwelling unit to the people who are below poverty line living in rural areas. Under this programme preference is given to the BPL families belonging to SCs/STs.

In the year 1985-86 IAY was launched as a sub-scheme of Rural Landless Employment Guarantee Programme. In the year 1989 it became a sub-scheme of the Jawahar Rozgar Yojana. On January 1st, 1996, IAY was finally delinked from JRY and made an independent scheme. In the beginning, it was meant to provide assistance for construction/upgradation of dwelling units to BPL rural households belonging to the SCs,

STs and freed bonded labourer categories people. Later on the scheme was extended to cover non-SCs and STs rural BPL poor with the condition that the coverage of SC/ST be 60% of the total IAY allocation. 3% of the houses are also reserved for the rural BPL physically and mentally challenged persons. The benefits of the scheme was extended to the families of the personnel from defence services/paramilitary forces killed in action as well as ex-servicemen, displaced persons and special tribal groups. The dwelling units have invariably to be allotted in the name of a female member of the beneficiary household. It can be allotted alternatively in the name of both husband and wife. Only in case there is no eligible female members in the family, a house can be allotted to a male member of the family.

The funding of the IAY is shared between the Centre and the State in the ratio of 75:25. In the year 2005-06, the allocation of funds under the IAY to the States/UTs was being made on the basis of rural housing, shortage estimated by the office of the registrar General of India based on 2001 Census and the poverty ratio, as approved by the Planning Commission, giving 75% weightage to housing shortage and 25% weightage to poverty ratio. Similarly, the allocation to a district assign 75:25 weightage to housing shortage and SC/ST population respectively.

The target was fixed through District Rural Development Agencies (DRDAs)/Zilla Parishads (ZPs) who decides Panchayatwise number of houses to be constructed under IAY and intimate the same to the concerned Gram Panchayat. Then the Gram Sabha selects the beneficiaries, restricting its number to the target allotted, from the list of eligible households. No approval of other authorities is required. **The Panchayat**

Samities/Zilla Parishads/DRDAs, have to send a list of the selected beneficiaries for their information. For the selection of beneficiaries now the lists are finalized by the States.

Construction assistance under the IAY is Rs.25,000/- per unit for the plain areas and Rs.27,500/- for the hilly/difficult areas. Besides, with effect from 1.4.2004, upto 20% of the total funds can be utilized for upgradation of unserviceable kutcha houses into pucca/semi- pucca houses and/or for providing subsidy to the beneficiary availing loan under the credit-cum subsidy scheme of rural housing. A maximum assistance of Rs.12,500/- per unit is provided for upgradation of unserviceable kutcha houses into pucca/semi-pucca houses. Credit-cum-subsidy is provided to rural households with an annual income of up to Rs. 32,000/- only. The subsidy ceiling under this scheme is Rs. 12,500/- per household and the upper limit of a loan under the scheme is Rs. 50,000/-

IAY permits that at least 20 sq. mts. Plinth area along with a sanitary latrine and smokeless chulha holder of land should be there. 5% of allocation is kept as central share to meet the exigencies arising out of natural calamities and other emergent situations like riot, arson, fire, rehabilitation. The State Government have to make necessary recommendation for additional funds in this regard which are to be shared by the Centre and State on 75:25 basis.

About 154 lakh houses have been constructed under IAY since inception of the Scheme with an expenditure of Rs. 29351.83 crore (Upto 21st February, 2007), as per Statement given below :-

Table V

Year	Allocation			Releases			Utilisation	No of Targetted	Houses Constructed/ Upgraded
	Central	State Matching Share	Total	Central	State Matching Share	Total			
1	2	3	4	5	6	7	8	9	10
2002-03	165640.00	55102.93	220742.93	162852.86	54245.15	217098.01	279496.46	1314431	1548641
2003-04	187050.00	62225.02	249275.02	187107.78	62306.61	249414.39	258009.69	1484554	1361230
2004-05	246067.00	81857.92	327924.92	288310.02	95941.83	384251.85	326208.64	1562356	1521305
2005-06	273240.00	90893.91	364133.91	273822.58	91254.72	365077.30	365409.05	1441241	1551923
2006-07	290753.00	96719.83	387472.83	204813.05	68251.42	273064.47	239301.82	1533498	816038
Total	1162750.00	386799.61	1549549.61	1116906.29	371999.73	1488906.02	1468425.66	7336080	6799137

Physical Progress

Table VI

Targets (no. in lakhs)	Houses constructed/ Upgraded	Houses allotted to			
		SC/ST	Percentage	Women	Physically Handicapped
13.14	15.48	956220	61	456285	11471
14.84	13.61	844517	62	522084	11173

15.62	15.21	938560	61	741739	16390
14.41	15.51	939541	60	879065	18614
15.33	8.16	497594	60	512292	7952

Observation: Overall achievements under IAY scheme during 10th Plan is appreciable, the target fixed for SCs i.e. 60% may be increased as the large number of houseless population in rural areas belongs to SCs/STs.

In 2005-06, the Central allocation for rural housing was Rs.2750 crores. Rs.2732.40 crores were allocated to States and Union Territories under IAY as the Central share against which Rs.908.94 crores were to be provided by States as matching share. This was meant for the construction of around 14.41 lakh houses. Rs.2738.23 crores were released during the year as Central assistance under the Indira Avas Yojana to States and Union Territories and 1551923 houses were constructed during the year. The physical achievement thus exceeded 100% of the target.

In the current financial year (2006-07) an outlay of Rs.2920 crores was approved for rural housing as B.E. Rs.2907.53 crores have been allocated to States and Union Territories under IAY as Central share against which Rs.967.20 crores is to be provided by States as their matching share. This will enable construction of around 15.33 lakh houses. As on 21.02.2007, Rs.2048.13 crore have been released as Central assistance under the Indira Avas Yojana to various States and Union Territories. This includes Rs.4.37 crore released as IAY 5% in the States of Bihar, Karnataka, Orissa, Rajasthan

and Uttar Pradesh. So far, 816038 houses are reported to have been constructed while 980335 houses are at various stages of construction.

Upon working of the programme the benefit accrued during the year 2006-07 (Up to Jan 2007) was 895236 out of which 389991 i.e. 43.56% houses were allotted to SC families. There is a shortfall of 16.44% as against the fixed target of 60% for SC/STs.

WATER

The Govt. is taking care and making provision for safe drinking water as fundamental to good governance to promote good health and welfare of the people. A national water supply and sanitation programme was introduced in the social sector in the country in 1954. The Government of India provided assistance to the States to establish special investigation divisions in the Fourth Five Year Plan to carry out identification of the problem of villages. To accelerate the pace of coverage of problem villages, the Government of India introduced the Accelerated Rural Water Supply Programme (ARWSP) in 1972-73 to assist States and Union Territories with 100% grants-in-aid to implement drinking water supply schemes in such villages. The entire programme was given a Mission approach when the Technology Mission on Drinking Water Management, called the National Drinking Water Mission (NDWM), was introduced as one of the five Missions in social sector in 1986. NDWM was renamed as Rajiv Gandhi National Drinking Water Mission (RGNDWM) in 1991 and further in 1999, the

Department of Drinking Water Supply was created. In view of lack of sanitation facilities in rural areas the Central Government launched the Central Rural Sanitation Programme (CRSP) in 1986 to accelerate sanitation coverage in rural areas with the objective of improving the health and quality of life of rural people and provide privacy and dignity to women. The Total Sanitation Campaign (TSC) under the restructured CRSP was launched on 01.04.1999. TSC introduced the 'demand driven approach' with emphasis on creation of awareness.

Against this the State/UTs are required to earmark and utilize at least 25% of the ARWSP funds for drinking water supply to the SCs. It is according to the population that if in a particular State is considerably high warranting earmarking /utilization of more than stipulated provisions, additional funds can be utilized. As a measure of flexibility, States may utilize at least 35% of the ARWSP funds for the benefit of SCs, particularly in those States where SC coverage is less than the coverage of the general population. Under ARWSP, a habitations consisting of 100 person or 20 households, is considered to be a habitation for the purpose of coverage of habitation with drinking water facilities utilizing fund released under the programme. **SC habitations having less than 100 persons can however be covered under ARWSP.**

A component wise release of fund during Tenth Plan.

Table VII

S.N	Component	2002-03	2003-04	2004-05	2005-06	2006-07	2002-07
1	ARWSP(Normal)	1741.58	1439.67	1754.52	3262.65	2641.30	10839.62
2	ARWSP(DDP)	80.33	99.86	124.07	192.62	142.21	639.09

3	ARWSP(SRP/ Swajaldhara)	150.27	521.02	492.40	490.44	144.97	1799.10
4	ARWSP)PM's Programmes)	0.00	310.07	387.84	0.00	0	697.91
5	ARWSP (Calamity relief)	77.73	106.76	139.39	106.21	10.00	440.09
6	ARWSP (HRD & IEC)	6.63	4.24	8.10	20.05	0.75	39.77
7	ARWSP (R&D)	0.58	0.66	0.05	0.09	0.02	1.40
8	ARWSP (Quality)					595.12	595.12
9	ARWSP (Others)	43.57	82.62	24.52	25.98	4.31	181.00
	Total	2100.70	2564.90	2930.79	4098.03	3538.68	15233.10

Table VIII

Year	Target	Achievements
2002-03	63,869	39,250
2003-04	1,11,051	39,736
2004-05	74,868	69,639
2005-06	56,270	97,215
2006-07	73,120	54,862
Total	379178	300702

The States are required to utilize a minimum of 25% of funds for provision of drinking water supply to SCs.

Recommendation: NCSC has noticed many incidences of atrocities on Scheduled Castes while fetching drinking water in the public taps/hand pumps located in the main village. As the large number of Scheduled Caste colonies are outside the village/adjacent to the village special provision be made to ensure safe drinking water.

RURAL SANITATION

The Central Rural Sanitation Programme (CRSP) was launched in 1986 in the Ministry of Rural Development with the objective of improving the quality of life of rural people and to provide dignity to the women. The programme provided 100 percent subsidy for construction of sanitary latrines for Scheduled Castes, Scheduled Tribes and landless labourers and subsidy as per the prevailing rates in the States for the general public.

Unit cost of Individual Household Toilets: The unit cost of both models of household toilets have been revised to take into consideration price escalation due to inflation. As a result, the cost of the two models will be revised from the existing Rs. 625/- to Rs. 1500/- and from Rs. 1000/- to Rs. 2000/- including superstructure cost of Rs. 650/-. The subsidy for the two models will be governed as follows.

Table IX

Basic Low cost Unit (BLCU) Rs.	Contribution		
	GOI	State	House hold

	BPL	BPL	BPL
Model 1 – up to Rs.1500	60%	20%	20%
Model 2 – Between Rs.1500 and Rs.2000	30%	30%	40%
Above Rs.2000	Nil	Nil	100%

Sanitary Latrines have been provided to rural population with preference to SC families and people below the poverty line. The guidelines stipulate that a minimum of 25% of the total funds should be earmarked for providing subsidy to individual households from SCs below the poverty line. Where the SC population below poverty line is more than 20% of the total population, earmarking should be enhanced at least to match the percentage of SCs population as per the guidelines. The Commission has noted that the SC households come under the scheme may also be covered by the Ministry of Rural Development and the same reflected in Annual Report of M/o Rural Development and in publicity of Yojana.

The State-wise details of activities relating to economic development are given below:-

Andhra Pradesh

SCP : Allocation and Expenditure under SCP during 10th Five Year Plan is as under:

2002-03	8553.19	5718.55	903.51	873.84	10.56	15.80	15.28	10.22	96.72
2003-04	10971.19	6729.72	810.51	1374.41	7.39	12.04	20.42	12.53	169.57

2004-05	13291.20	6619.53	1181.03	1341.15	8.89	17.84	20.26	10.09	113.56
2005-06	15650.76	8840.96	1445.35	792.59	9.24	16.35	8.96	5.06	54.84
2006-07	19551.91	8225.08	1730.40		8.85	21.04	DUE-	DUE-	DUE-
Total	68018.25	36133.84	*6070.80	4381.99	8.92	16.80			

* the Outlay approved by the Planning Commission for the X FYP is Rs. 46612 crores, but the Annual Outlays aggregate to an higher Outlay of Rs. 68018.25 crores.

It is seen that SCP allocation never reached statutory required percentage of 16% and expenditure was always abysmally low. It is also noted that Government of Andhra Pradesh considered only divisible pools of various Departments and many Departments are termed as indivisible. SCP allocations from such Departments do not flow at all. In order to improve the situation Government should setup a high level co-ordination committee with the Chief Secretary as the Chairman to monitor implementation of SCP and in such committee. National Commission for Scheduled Castes should be associated in the planning process and its monitoring.

Bihar

Economic Development

The Govt. of Bihar has taken the following steps for implementation of the SC Sub-Plan.

- (a) The Secretary, Welfare Deptt., Bihar, Patna has been notified as nodal officer for formulation and earmarking of funds for the schemes taken under SC Sub-Plan.
- (b) Accordingly the Secretary, Welfare Deptt., Bihar, Patna has been nominated as a permanent member of the Planning Authority Committee

(Yojana Pradhikrit Samiti) for sanctioning of schemes to be taken under SC Sub-Plan.

- (c) A member nominated by Secretary, Welfare Deptt., Bihar, Patna has been made permanent member of the Permanent Accounts Committee and Departmental Expenditure Finance Committee of every department for schemes taken under SC Sub-Plan.
- (d) The funds allocated to SC Sub-Plan could not be diverted.
- (e) There will be separate Budget Sub-head for SC Sub-Plan. If the funds allocated to it could not be spent at the end of the financial year, the balance amount will be made available to next financial year.

The Committee, which has been constituted at the divisional/district/block level vide Welfare Deptt. resolution no. 305 dated 16.1.1999 for selection of schemes under SC Sub-Plan/Tribal Sub-Plan, has been authorized for formulation, monitoring and review of the schemes under SC Sub-Plan vide Resolution Memo no. 192 dated 08-01-2007 by the Secretary, Welfare Department, Govt. of Bihar.

(ii) Implementation of the SCP

SCP outlays and expenditure during 10th Plan and during the year 2006-07

Allocation/expenditure under SCP

The following were the allocations and expenditures under SCP out of State Plan Funds during 10th plan and during the years 2005-06 and 2006-07 :-

(Rs.in Crores)

Period/Year	Total Plan Outlay	State Outlay revised	Flow of SCP		
			Outlay	Expenditure	% flow
10 th Plan	24064.90	21017.68	4138.59	1554.27	9.86
2005-06	5356.28	4735.46	985.57	596.60	12.59
2006-07	8250.00	8267.00	1518.36	917.62	11.10

(Source- Information as received from the State Government).

It may be seen that during the 10th five year plan the flow to SCP was 9.86%. Similarly it was 12.59% during the 2005-06 and 11.10% during the 2006-07 only which was not in the proportion to the SC population in the State of Bihar i.e. 15.72%.

Utilization of SCA to SCP :

Statement showing the position of receipt of SCA to SCP and release of SCA by the Govt. of Bihar to the field functionaries during the years from 2005-06 to 2006-07 are given below :-

(Rs.in lakh)

S.No.	Year	Amount released by Government of India	Amount sanctioned by State Govt.
-------	------	---	-------------------------------------

1	2	3	4
1	2005-06	0	
2	2006-07	2642.00	500.00

(Source- Information as received from the State Government).

State Sector Schemes :

The following are the State Sector Schemes which are being implemented in the State of Bihar for the development of the Scheduled Castes.

1. Veterinary Services & Animal health
2. Assistance to Pisciculturists
3. Aadarsh Dairy Gram Yojana
4. Bihar Employment Guarantee Scheme
5. Unemployment Allowance
6. Purchase of land for house hold & Approach land.
7. Million Shallow Tube well Programme
8. Surface Irrigation Scheme
9. Handloom & Powerloom Training Assistance and Extension Schemes
10. Training for Establishment of Food processing & Market Support

Chandigarh

ECONOMIC AND SOCIAL DEVELOPMENT

Details of Special Component Plan for the years 2002-03 to 2006-07 are given below:-

(Rs. in Crores)

Year	Total State Plan Outlay	SCP Outlay	%age of flow	Actual Exp	% of expend. Under SCP
2002-03	165.42	10.07	6.08	9.74	5.89
2003-04	168.00	11.24	6.69	11.04	6.57
2004-05	165.96	17.61	10.61	18.67	11.25
2005-06	197.96	19.62	9.91	18.77	9.48
2006-07	216.66	45.41	20.96	51.65	23.83

It is observed from the above that allocation of budget as well as expenditure under SCP is not in proportion so SC population i.e. 17.5% during the years from 2002-03 to 2005-06. Outlay and Expenditure under the SCP during the year 2006-07 was 20.96% & 23.83% of the total State plan which was considerably higher in comparison to the percentage of SC population in the UT which deserve commendation. Further it may

also be seen that total expenditure of Rs. 18.77 Crores was incurred under the scheme which includes divisible as well as indivisible expenditure during 2006-07.

Utilization of funds under SCP

There is no instance of diversion of funds under Special Component Sub-Plan. Necessary directions have been issued from the Finance Department, Chandigarh Administration to All the Heads of the Departments/Offices to utilize the funds on the item for which the provision of funds are made from time to time. The expenditure is being reviewed monthly in the Senior Officers conference by the Advisor to the Administrator, U.T. Chandigarh.

20 POINT PROGRAMME ASSISTED TO SCs DURING 10TH PLAN:-

<i>Year</i>	<i>Loan Sanctioned (Under National Corporations)</i>	<i>Training</i>
2006-2007	203	302

Utilization of SCA.

The Government of India, Ministry of Social Justice & Empowerment is releasing Special Central Assistance to carry out various development programmes for the upliftment of Scheduled Castes in addition to those undertaking in the State Budget. The details of Special Central Assistance received from the Government of India for the last 5 years is as under:-

S. No.	Year	Amount Allotted (in lacs)	Amount Spent (in lacs)
1	2002-2003	12.50	12.50
2	2003-2004	25.00	25.00
3	2004-2005	Nil	Nil
4	2005-2006	Nil	Nil
5	2006-2007	25.00	25.00

STATE SECTOR SCHEMES

Encouragement to Inter -Caste Marriage

Under this scheme a sum of Rs.25,000/- is granted to the married couples provided that one of the spouse belongs to S.C. Community. The applicant can apply on plain paper alongwith marriage Registration Certificate and proof of their residence in Chandigarh with Photographs of their marriage.

Financial Assistance for the Marriage of Daughters of Widows/Destitute Women Belonging to Scheduled Caste Community

Financial Assistance of Rs.20,000/-(w.e.f. 1.4.2008) will be provided for the Marriage of Daughters of Widows/Destitute Women belonging to the Scheduled Caste community whose monthly income does not exceed for Rs.24,000/-p.a. The assistance is

admissible for the marriage of two daughters in a family. The budget provision of Rs.7.00 lacs during the 10th Five Year Plan 2002-07 was made and funds amounting to Rs. 1.00 lack were spent during the year 2006-07.

Development of Skills amongst SC Children Living In Jhuggies and Slum Areas

Under the scheme training in Stenography, Cutting, Tailoring, Computer Course, Beautician Course etc. is imparted to the SC children living in slum and jhugies through Chandigarh Child and Women Development Corporation. Funds amounting to Rs. 5.00 lacs were spent during the year 2006-07.

Post Natal Assistance Scheme for Scheduled Castes Women

The scheme aims at providing direct benefit to Scheduled Caste Women whose monthly income does not exceed for Rs.24000/-p.a.to enable them to maintain their health after delivery. Under the scheme a sum of Rs.2000/- is being given to the S.C. women at the time of first and second delivery. There was a budget provision of Rs.10.00 lacs during the 10th Plan and funds amounting to Rs. 2.00 lacs were spent during the year 2006-07.

Houses for Scheduled Castes

The department is implementing a scheme known as "Dr.Ambedkar Avas Yojana". Under this scheme low cost houses for Scheduled Castes are got constructed from the Chandigarh Housing board and allotted to the poor houseless Scheduled Caste families. Under this scheme 25% dwelling units are reserved for Sewermen working in

Engineering Department and Municipal Corporation. There is no income ceiling incase of Sewermen and Safai karamcharis, however, for other the total family income from all sources should not exceed Rs.65,000/- per annum. The scheme is published by the Chandigarh Housing Board by inviting applications through local newspapers and allotment is made through draw of lot. There was a budget provision of Rs.40.00 lacs during the financial year 2006-07. Expenditure during the period was 100% of the allocation.

Apni Beti Apna Dhan

The main object of the scheme is to improve the status of a girl child in the society so that the parents of the girl child do not feel her a burden/liability and also to honour the mother of a girl child. Under this scheme, the Administrator will provide an assistance of Rs.5000/- on the birth of girl child deposited in the Children Career Plan in the name of the girl child which will be payable after the girl child complete the age of 18 years and unmarried on that date. The beneficiary should have appeared/passed at least class X to obtain the maturity value of invested amount. For availing the benefit, the parents should be residents of UT, Chandigarh and living below poverty line. The benefit is given to the first and second girl child whereas family having more than 2 children will not be eligible for available the benefit. During 2006-07 under this scheme outlay & expenditure was Rs. 16. lacs & Rs. 8.00 lacs respectively.

Chhatisgarh

SCP:

Under the SCP each development Department is directed to earmark 12% of the total plan outlay for the development of the Scheduled Castes concentrated areas. A separate Demand Grant No. 64 has been created in the State budget to ensure that the amount allocated for SCP is not diverted and used elsewhere.

It is noted that allocation under SCP varies between 6% to 11% and expenditure from 54% to 85%. The picture emerging is that Government is not allocating adequate funds under SCP and even the meager allocation amount is not spent. Many departments are not allocating funds under SCP and if allocated not spending it. The sample picture is given below: -

Department-wise Allocation & Expenditure (2005-06)

(Rupees in crores)

Sl. No.	Name of the Department	Grant No.	State Plan (2005-06)			
			Provision	Allotment	Expenditure	% of Expenditure
1	2	3	4	5	6	7
1.	Tribal and SC Dev. Deptt.	64	7767.54	5187.25	5070.18	
		15	1878.00	1439.49	1287.27	
	Total		9645.54	66.26.74	6357.45	95.93
2.	Police Deptt.	64	198.00	1989.00	127.43	
	Total		198.00	1989.00	127.43	64.35
3.	Forest Deptt.	64	405.00	405.00	395.08	
	Total		405.00	405.00	395.00	97.55
4.	Energy Deptt.	64	567.00	38.50	548.50	
	Total		567.00	38.50	548.50	96.73
5.	Agriculture Deptt.	64	1679.39	1644.03	1480.59	
		15	157.00	157.00	110.82	
	Total		157.00	157.00	110.82	88.36
6.	Co-Op. Deptt.	64	157.00	157.00	39.34	
	Total		157.00	157.00	39.34	25.05

1	2	3	4	5	6	7
7.	Public Health	64	834.41	834.41	660.75	
		15	1.00	1.00	00	
	Total		835.41	835.41	660.75	79.09
8.	Urban Dev. Deptt.	64	242.50	242.50	204.67	
		53	70.00	70.00	60.00	
	Total		312.50	312.50	264.67	84.69
9.	PWD	64	4905.27	3776.85	2572.37	
	Total		4905.27	3776.85	2572.37	68.10
10.	DPI	64	3416.83	3416.83	2877.02	
		15	190.00	190.00	89.68	
	Total		3606.83	3606.83	2936.70	81.42
11.	Law Deptt.	64	1050.05	-	-	
	Total		1050.05	-	-	-
12.	Panchayat & Rural Dev. Deptt.	64	155.21	966.17	966.17	
		15	00	00	00	
	Total		155.21	966.17	996.17	100.00
13.	Planning Economics & Statistical Deptt.	64	500.75	500.75	500.60	
	Total		500.75	500.75	500.60	99.97
14.	Social Welfare Deptt.	64	168.78	168.78	114.11	
	Total		168.78	168.78	114.11	67.60

15.	Irrigation Deptt.	64	1070.00	963.00	557.75	
	Total		1070.00	963.00	557.75	57.91
16.	PHED	64	3260.00	3260.00	2996.58	
		15	215.00	175.00	175.00	
	Total		3475.00	3335.00	3171.58	95.09
17.	Veterinary Deptt.	64	217.36	217.36	199.16	.
	Total		217.36	217.36	199.16	91.62
18.	Fisheries Deptt.	64	0.75	0.75	0.75	
		15	42.98	42.98	42.96	
	Total		43.73	43.73	43.71	99.95
19.	Higher Education Deptt.	64	74.00	74.00	74.00	
	Total		74.00	74.00	74.00	100.00
20.	Technical Education & Planning Deptt.	64	30.60	30.60	24.83	
	(a). Technical Education	64	135.00	135.00	133.48	
	(b) Employment & Trng.					
	Total		165.60	165.60	158.31	95.59
21.	Women & Child Dev.	64	1258.30	1258.30	1088.53	
		15	25.00	25.00	60.29	
	Total		1283.30	1283.30	1094.82	85.31

1	2		3	4	5	6	7
22.	Rural Industries Deptt.	A. Tussar	64	145.96	131.75	131.07	
		Total		145.96	131.75	131.07	
		B. Handloom	64	7.50	7.50	5.79	
			15	7.50	7.50	1.30	
		Total		15.00	15.00	7.09	
		C. Khadi & Village Ind.	64	156.13	134.13	134.13	
		Total		156.13	134.13	134.13	
		Grand Total:			317.09	280.88	272.29
23.	Medical Edn. Deptt.		64	27.23	27.23	26.82	
	Total			27.23	27.23	26.82	98.49
24.	Food & Civil Supplies		64	650.00	650.00	630.50	
	Total			650.00	650.00	630.00	97.00
Grand Total				32109.54	26456.16	23303.52	88.08

(Source: Government of Chhattisgarh)

(Source: Government of Chhattisgarh)

Though there are 30 Departments, only 24 Departments are taking part in SCP. These 24 Departments are categorized under divisible pools and participating in SCP. One good thing that the Government did was it increased the SCP allocation to

12% when there was a rise in Scheduled Castes population to 11.61% in 2001.

It is noted that

- 1) Allocation percentage is not indicated till 2005-06 whereby crores of rupees intended for SCP might have been diverted.
- 2) Expenditure never reached 100%, indicating poor implementation.
- 3) Departments like Police have not even allocated a penny under SCP during the last four years, which is a very serious aberration of guidelines.

4. Developmental Schemes:

Anusuchitjati Pradhikaran: A new scheme called Anusuchitjati Pradhikaran has been formulated since 2006. Under this, people and people's representative formulate the schemes meant for the Panchayat and Chief Minister will visit the site and sanction the full amount immediately. Ten Districts of the state are covered under Anusuchitjati Pradhikaran. Training to SC/ST/BC youth

for Civil Services and State Services is also a part of this. They send selected youth to private training centers in Delhi and Hyderabad etc. The year-wise details of budget provision allocated to the Pradhikaran and its release to various agencies is given below:

(Rs. in Lakhs)

<i>Budget Provisions and Release</i>					
2004-05		2005-06		2006-07	
Available	Released	Available	Released	Available	Released
400.00	360.00	2000.00	2000.00	2000.00	996.00

It is recommended that Government of Chhattisgarh may ensure that SCP concept is taken seriously into account. It is experienced that in various Districts many Departments neither formulate the schemes under SCP nor monitor it. Even District Officers are ignorant about SCP.

Goa

SCHEDULED CASTES SUB-PLAN: -

The Revised Estimated budget for the year 2006-07 is Rs.2192.23 lakhs. The total expenditure incurred up to the year 2006- 2007 was Rs. 2167.86 Lakhs, which comes to 98.99 % of the Revised Estimated budget. It is observed that there is a wide discrepancy in the performance of different departments as measured through amount spent vis-à-vis amount released.

In terms of actual expenditure, maximum amount was spent on Water Resources (Rs. 1131.43 lakhs) followed by Public Works Department (Rs. 388.42 lakhs), Education (Rs. 300.51lakhs), Social Welfare (Rs. 281.42 lakhs) followed by Women & Child Development (Rs. 24.53 Lakhs), Arts & Culture (Rs. 14.96 Lakhs), State Craftsmen Training (11.05 Lakhs), Animal Husbandry (7.68 lakhs), North District Rural Development (5.32 lakhs), and in that order.

In terms of amount spent as a percentage of Revised estimate, maximum amount was spent on Public Works Department (116.17%) followed by Water Resources (108.75 %) Arts & Culture (100.00 %), Social Welfare (100.00 %),

Electricity (100.00%), State Craftsmen Training (85.00 %), Agriculture (77.50 %) North District Rural Development Department (58.40 %), and Women & Child Development (54.15%), Education (90.91 %), Animal Husbandry (29.65), and in that order.

(Rs. In lakhs)						
Sl. No.	Name of the Department	Financial Outlay for the year 2006-07	Revised Estimates 2006-07	Expenditure for the Quarter ending March 2007	Expenditure Up to March 2007	% Of Revised Budget
01	Agriculture	0.80	0.80	0.18	0.62	77.50
02	Animal Husbandry	25.90	25.90	4.02	7.68	29.65
03	Forest	15.90	0.90	(-) 0.54	0.00	0.00
04	Electricity	250.00	1.92	0.00	1.92	100.00
05	State Craftsmen Training	4.28	13.00	8.65	11.05	85.00
06	Public Works Department	428.02	428.02	334.36	388.42	116.17
07	Education	245.46	330.55	149.55	300.51	90.91
08	Health	2.15	0.00	(-) 1.65	0.00	0.00
09	Social Welfare	193.50	281.42	90.56	281.42	100.00
10	Water Resources	154.71	1040.35	905.54	1131.43	108.75
11	North District Rural Dev. Agency	9.11	9.11	1.54	5.32	58.40
12	Art & Culture	4.12	14.96	11.71	14.96	100.00
13	Women & Child Development	51.30	45.30	6.20	24.53	54.15
	TOTAL	1385.25	2192.23	1510.12	2167.86	98.89

SPECIAL ASSISTANCE PROGRAMME

There are two Centrally Sponsored Schemes; -

- i.e. (1) National Old Age Pension Scheme and
(2) National Family Benefit Scheme under the National Social Assistance Programme.

There are three State Sponsored Schemes.-

- (1) Sanjay Gandhi Niradhar/Arthik Durbalansathi Anudan Yojana.
(2) Indira Gandhi Niradhar/Bhoomihin Shetmajoor Mahila Anudan Yojana
(3) Shravanbal Seva Yojalla

Expenditure for the Special central Assistance in respect of the State of Goa

(in Lacks)

Schemes	2005-06		2006-07	
	Sanctioned	Expenditure	Sanctioned	Expenditure
Post Matric Scholarship	5.00	7.27	11	10.34
UpGradation of Merit Scholarship	1.00	—	—	—
Prematric Scholarship for children who are engaged in un clean operation	4.00	2.50	2.0	1.84

The NCSC has seen in respect of expenditure that demands are placed by the respective Secretaries to the Department of Social welfare . Depending upon the demand as well as the population of the SC's the funds are allocated. It is noted that by this process by the end of August

only the funds are allocated to the various Schemes. As a result of the above the various developmental Schemes are delayed at the initiation stage itself. Further to above in order to complete the works for the financial year, at the last quarter of the year the planned works are cramped together. This also ensures abnormal expenditure during the last Quarter but also makes the quality of the work to suffer during the time to keep up with the annual target.

While formulating the developmental schemes, at the planning stage, it is entirely left to the Panchayat institution. These agencies lack technical input and are also not quite conversant with the latest development in the technology that are require. The entire process is at the level of a Asstt. Engineer who plans and also executes and even monitors the Scheme. This system needs to be changed so that the technical know how is not restricted to one single person while spending the amount.

Himachal Pradesh

The financial outlay and achievement under SCSP during 2006-07 was Rs. 195.36 crores and expenditure was 196.36 crores.

Monitoring and Evaluation System

A plan is a good as it is implemented and monitored as an effective tool for this HP has made a good stride in this direction. After the Scheduled Caste Sub Plan gets

reflected in the budget, a booklet containing the Schemes, State Plan, SCA and Centrally Sponsored Schemes and district-wise outlay against them is prepared and circulated to all the Deputy Commissioners, Departments and their field agencies. Simultaneously, the heads of departments convey the budget allocation to their respective DDOs.

Presently SCSP programme is being monitored in the District level Review Committee constituted for each district under the Chairmanship of Deputy Commissioner and also in DPDC constituted under the Chairmanship of Minister-incharge of the distt. Now a separate DPDC for SCSP is constituted by the Govt.

At the State level, the Chief Minister/Chief Secretary holds quarterly meetings with the departments, to review the progress of schemes/budget. Besides above, a mid year review is also taken to find lacune & rectify the same

Besides this, a High Powered Co-ordination & Review Committee had been reconstituted under the Chairmanship of Chief Minister who reviews the state of performance of Scheduled Castes Sub Plan once in a year.

Special Central Assistance

The Ministry of Social Justice & Empowerment, Govt. of India in order to enable the State Government to implement the development schemes for the scheduled castes population more effectively, is helping them financially by giving Special Central Assistance every year. The main objective of providing SCA is to attract more funds to

have large allocation for taking up schemes which the individual departments might find difficult to undertake solely from their own resources. The funds under this schemes are required to be spent by the States for income generating economic development schemes keeping in view the following principles i) utilization of SCA in conjunction with their resources available and ii) optimal and cost effective utilization of SCA so that maximum number of scheduled caste families are enabled to cross the poverty line. The Special Central Assistance for the Scheduled Castes is related to the Scheduled Castes Sub-Plan of the State and is an additive to the State Plans and programmes for the Scheduled Castes. The factors which determine the help to be given to a State from the Special Central Assistance are the following:-

- i) Population of Scheduled Castes.
- ii) Relative backwardness
- iii) The quantitative and qualitative optimality of the Special Component Plan.
- iv) The implementation of the Special Component Plan.

Special Central Assistance is provided to the following departments for the implementation of various schemes.

1. Agriculture
2. Horticulture
3. Animal Husbandry
4. Fisheries
5. Cooperatives
6. Industry

7. SC/ST Dev.Corpn,
8. PWD
9. Social Justice & Empowerment

The financial outlay and achievement under Special Central Assistance was Rs. 6 crores during 2006-07.

Schemes for Welfare of Scheduled Castes.

State Schemes

Housing Subsidy for the Construction of Houses.

This is a State Scheme under which Housing subsidy for the construction of new houses/repairs of houses on the following rates are provided to persons belonging to SCs provided their annual income does not exceed Rs. 17000/- p.a.

1. Const. of house Rs. 27,500/-
2. Repairs of houses Rs. 12,500/-

And expenditure of Rs 150 lakhs was incurred during the financial year 2006-07 which was 100% of the outlay

Economic Betterment

Assistance to the trained artisans belonging to SC communities is provided for the purchase of tools for carpentry, blacksmithy, weaving, spinning and sewing machines costing up to Rs. 800/- per beneficiary whose annual income does not exceed Rs. 11,000/- p.a. under the State sector. Financial Achievements for the year 2006-07 was 100% against the outlay of Rs. 570 lakhs,. are as under:

Award of Inter-caste Marriage

For elimination of the practice of untouchability between Scheduled Castes and non Scheduled Castes, the State Govt. encourages inter-caste marriages and is providing award money of Rs. 25,000/- to non-scheduled castes spouse, who marries scheduled caste girl/boy. Financial Achievements was full against outlay of Rs 65 Lakhs for the year 2006-07.

Environment/Improvement of Harijan Basties and D.W.S.S.

To improve the living condition in Harijan basties by providing clean and hygienic drinking water, construction of pavement, drainage etc. grants not exceeding Rs. 1.00 lac is provided to panchayat under the State sector for the implementation of scheme. Financial Achievements for the year 2006-07 is as under:-

Year	Budget(in lacs)	Financial Achievement(in lacs)
2006-07	300.00	300.00

Kerala

In the Annual Plan for 2006-07, Rs.609.20 Crores were earmarked under Special Component Plan which is 9.81%(as per %age of SC population to total population) of the State's Annual Plan account. This includes Rs.403.20 Crore lakhs earmarked for Local Self Government Departments and the remaining for the schemes directly implemented by Scheduled Caste Development Department and allied schemes. The following Table I

shows the budgeted outlay and expenditure of Special Component Plan under Kerala Development Plan for each local bodies during 2006-07 is furnished below:-

Table 1
Budgeted outlay and expenditure of Special Component Plan under
Kerala Development Plan during 2006-07

S. No	Local Self Government Institutions	2006-07		
		Budget Provn.	Expenditure	%
1	Grama Panchayat	21387.2	18347.81	86
2	Block Panchayat	7129.07	6520.98	92
3	District Panchayat	7129.06	6679.33	94
4	Municipality	2505.99	1966.30	78
5	Corporations	2148.66	1137.88	53
	TOTAL	40299.99	34652.36	86

The above data concludes that the overall expenditure under SCP for the year is as good as 86%.

Diversion of funds

With regard to the diversion of SCP funds, there is no such diversion in Kerala as it is following the concept of Maharashtra model of 'pooled funds'. On the contrary there is diversion of general funds (in the local bodies) to SCP in case of shortage/requirement.

Centrally Sponsored Schemes

Two departments viz. SC/ST Development Department and Rural Development Department implement Central Sector/Centrally Sponsored Schemes. As far as the SC Department is concerned necessary proposals under CSS are sent to the Union Ministry in time and expenditure is incurred on the schemes from the State Plan Funds. Later the amount is got reimbursed after receiving sanction from Government of India. As regards the Central Sector Schemes in Rural Development Department, the Project Officers under the control of District Panchayat will be implementing the schemes. Here the Project Officer will implement the schemes for SCs by spending the earmarked funds under different schemes as per the guidelines of the Central Ministry. Normally the amounts earmarked are spent except for some technical reasons wherever the case may be.

Release of SCA to SCP funds

Against an outlay of Rs.370.00 lakhs under Special Central Assistance to Special Component Plan during 2006-07, Rs.20.35 lakhs was only spent. The Director Scheduled Caste Development Department had reported that the less expenditure was due to the strict sanctioning of the schemes in accordance with norms since there was a vigilance enquiry against the huge allotment of funds during last years under Special Central Assistance to Special Component Plan.

Subsidy, Grant in aid to programmes/schemes

Since all development schemes are implemented by the local bodies, which receive 67% of the budgetary funds as grant-in-aid, all schemes of individual beneficiary oriented (IBO) nature are given aid right from housing scheme to drinking water well scheme. Similarly a majority of the schemes of IBO under SC/ST Corporation are based on grant in aid principle. Of course there are schemes involving huge cost like land purchase scheme etc. Where a major portion is loan (Rs.1 lakh) and minor portion is subsidy (Rs.50000), The subsidy is met from share capital of the Corporation.

Housing

Government has accorded sanction for construction of 5000 houses for BPL Scheduled Caste families in 14 districts of Kerala during 2007. The construction work of 2500 houses has been entrusted to Kerala State Nirmithi Kendra. The total outlay comes to Rs.17.5 crores with a unit cost of Rs.70 thousand. The entire construction was reported to be in progress and was expected to be completed before February 2008.

Madhya Pradesh

After the reorganization of the State in 2000, Government has been implementing Scheduled Caste Action Plan very rigorously. The thrust is on the improving of Scheduled Castes by providing safe drinking water, link

roads, health centers, educational institutions, electricity and protection against atrocities and exploitation of Scheduled Castes. The focus is also on soil conservation, minor irrigation, family oriented income generated schemes and infrastructure developmental programmes in the village having 50% or more Scheduled Castes population. The following information is available under Allocation and Expenditure of SCP:

a. State Plan:

X Five Year Plan:

(Rs. in Crores)

Year	State Plan	Divisible Amount SCSP	Scheduled Caste Sub Plan				
			Budget Pov.	% to divisible amount	Allotment	Expenditure	% to allotment
2002-03	4749.77	4040.68	590.48	14.61	561.50	450.12	80.16
2003-04	5901.75	3531.48	607.20	17.19	616.60	541.50	88.08
2004-05	6606.72	3203.34	740.36	23.11	684.88	585.66	85.51
2005-06	7643.44	4488.37	870.79	19.40	972.56	824.75	84.80
2006-07	9069.62	5527.32	1065.55	19.28	1294.43	1120.92	86.59

(Source: Commissioner, SC Welfare, Govt. of Madhya Pradesh)

XI Five Year Plan:

(Rs. in Crores)

Year	State Plan	Scheduled Caste Sub Plan				
		Budget Pov.	% to State Plan	Allotment	Expenditure	% to allotment
2007-08	11552.21	1717.76	14.87	1599.87	863.01	53.94
2008-09	13200.00	2142.68	16.23	-	-	-

(Source: Commissioner, SC Welfare, Govt. of Madhya Pradesh)

The above tables indicate that though SCP allocation was somewhat reaching mandatory population requirement, some departments do not make any allocation at all. The expenditure never reached 100%. It is also noted that Plan formulations are not realistically done. Earmarking of funds is not extended to grass root level. Similarly monitoring at District level is done along with 20-Point monitoring and hence no unique focus is made on SCP. The NCSC State Office, Madhya Pradesh has interacted with many Collectors and found that SCP is not implemented at all.

Same position is noted with regard to expenditure under Special Central Assistance.

Therefore the Monitoring of SCP shall be done at State and District level and all Departments - irrespective of divisible and indivisible should take part in the SCP Process. A Nodal Officer should be appointed at State level and District level to monitor SCP. Government may ensure that SCP funds are spent fully.

Maharashtra

The sanctioned budget for the year 2006-2007 is Rs.58860.14 lakhs. The released budget upto the quarter ending March, 2007 was Rs.62501.90 lakhs. The total expenditure incurred up to the quarter ending March 2007 was Rs. 55472.81 Lakhs, which comes to 94.25 % of the sanctioned budget and 88.75 % of the released budget.

In terms of actual expenditure, maximum amount was spent on Backward Class Development (Rs. 23008.72 lakhs) , followed by Social & Community services (Rs. 16173.02 lakhs) Agriculture & Allied Services (Rs. 6784.04 lakhs) Rural Development (Rs.5859.77 lakhs), , Power Development (Rs. 2266.04 lakhs), Industry & Mining (Rs. 766.47 lakhs) and Transport & Communications (Rs. 614.75 lakhs) in that order.

In terms of amount spent as a percentage of released outlay Transport & Communications (99.39 %) ranked highest followed by Social & Community Services (96.17 %) , Agriculture & Allied Services (92.77 %) , Power Development (90.99 %) , Industry & Mining (90.59 %) , Rural Development (90.07 %) , Backward Class Development (82.44 %) in that order.

Sector-wise expenditure under Scheduled Castes Sub – Plan 2006-07

(Rs. In lakhs)

Sl. No.	Name of the Department	Sanctioned Outlay for the year 2006-07	Released Budget	Expenditure Up to March 2007	% Of sanctioned Budget	% Of Release Budget
01	Agriculture & Allied Service	7751.08	7312-93	6784-04	87.52	92.77
02	Rural Development	8960.64	6505-92	5859-77	65.39	90.07
03	Power Development	2490.54	2490-34	2266-04	90.99	90.99
04	Industry & Mines	846.77	846-12	766-47	90.52	90.59
05	Transport & Communication	703.96	618-54	614-75	87.33	99.39
06	Social Community Service	18376.90	16817.16	16173.02	88.01	96.17
--	Group Total 01 to 06	39129.89	34591-01	32464-09	82.96	93.85
07	Backward Class Development	19730.25	27910.89	23008.72	116.62	82.44
--	GRAND TOTAL	58860.14	62501.90	55472.81	94.25	88.75

Expenditure for the Special central Assistance in respect of the State of Maharashtra

(Rs. in lakhs)

Schemes	2005-06		2006-07	
	Sanctioned	Expenditure	Sanctioned	Expenditure
GOI Scholarship	12581.58	12581.58	12077.92	12077.92
Tech/Medic	267.9	267.9	301.42	301.42
Sch for Safai Kar.Children	1207.65	1207.65	1267.96	1267.96
Constr. Of Govt hostel	—	—	—	—
Govt.Aided Hostel	57.62	57.62	39.37	39.37

Orissa

Year wise allocation and expenditure of SCP out of the State Plan Outlay in the 10th Five Year Plan up to 2006-07 are as follows :

In crores					
Flow of SCP					
	Total Plan Outlay	State Outlay	Outlay	Expdr.	% of Flow
Total 10 th Plan		7875.3021	1321.1075	1256.9629	16.82
2002-03		2550.00	276.5183	270.5199	10.81-
2003-04		2714.50	299.6791	258.5167	11.01-
2004-05		2500.00	1113155	329.2098	16.15
2005-06		3000.00	334.8183	578.2263*	11.16-
2006-07		3600.00	595.5466	632.5671*	16.51
Total 10 th Plan		14364.50	1917.8778	2069.0401*	13.35-

- including 1st Supplementary Provision/Expenditure.

The percentage of Flow of Funds to SCSP out of the State Plan Funds is to be equal to the population percentage of the State. The State Govt. has not adopted the Maharashtra Model for pooling of funds, to be kept in the Budget of the ST & SC Development Department. A State level Monitoring Committee has been constituted under Chairmanship of Development Commissioner to review the expenditure under SCSP and monitor the expenditure under SCSP. During the pre-budget scrutiny meeting of each Department, the representatives of ST & SC Deptt. attend the meeting to watch the flow of funds to SCSP in their department budget as per SC population.

In order to effectively monitor and review the implementation of SCSP in the State, the State Government have decided to constitute the following committees at different levels.

I. State Level Monitoring Committee for SCSP

II. District Level Monitoring Committee for SCSP

III. Block Level Monitoring Committee for SCSP

The State Level Monitoring Committee meets at least once in a quarter and performs the following functions.

- I. The Committee review the earmarking of funds for SCSP by the Administrative Departments.
- II. The Committee also monitor and review implementation of various Schemes/Projects and Utilization of funds relating to State Plan/Centrally Sponsored Plan & Central Plan under SCSP
- III. The Committee may order conduct of selective evaluation studies in order to provide appropriate feedback to improve the Programme design and implementation strategies.
- IV. The committee meets at least once in a quarter and the proceedings of each meeting are forwarded to the Planning & Co ordination Department for further follow up action.
- V. Any other matter relating to formulation, implementation, monitoring and evaluation of plan schemes under SCSP as may be assigned from time to time.

The District Level and Block Level Monitoring Committees for SCSP have also been constituted as per the guidelines issued by the Planning Commission and in consultation with the P & C Department and the concerned Collectors.

Special Central Assistance to Special Component Plan

The amount of SCA under SCP for Sch.Castes released by Govt of India and amount sanctioned by the State Govt. in favour of- implementing agencies from the year 2000-01 to 2006-07 is as follows :

Year	Provision	Amount released by Government of India	Amount sanctioned by the State Government in favour of implementing agency
1	2	3	4
1990-91	1000.00	803.70	803.70
1991-92	1200.00	1021.76	1021.76
1992-93	1440.00	1323.38	1323.38
1993-94	1730.38	1075.66	1075.66
1994-95	2000.00	1332.84	1332.84
1995-96	2200.00	1215.765	1215.765
1996-97	2400.00	1354.52	1354.52
1997-98	2640.00	1925.47	1925.47
1998-99	3000.00	2295.99	2295.99
1999-00	3300.00	1860.755	1860.755
2000-01	4000.00	1930.96	1930.96
2001-02	4000.00	2451.376	2451.376
2002-03	2000.00	1820.824	1820.824
2003-04	4000.00	779.30	779.30
2004-05	4000.00	345.70	345.70
2005-06	4000.00	1386.08	1386.08

Programme-wise provision of SCA as per the guidelines of Govt. of India during Annual Plan 2006-07 and 10th Five Year Plan are as follows :

Sl. No.	Programme	2006-07 Annual Plan	2002-07 10 th Five Year Plan
1	2	3	4
1.	AGRICULTURE	238.10	850.00
2.	HORTICULTURE	78.00	500.00

3.	LAND REFORMS	-	50.00
4.	MINOR IRRIGATION	999.13	8500.00
5.	SOIL CONSERVATION	-	250.50
6.	ANIMAL HUSBANDRY	448.75	750.00
7.	FORESTRY	-	50.00
8.	FISHERIES	303.00	600.00
9.	VILLAGE AND SMALL INDUSTRIES	1096.45	1500.00
10.	OTHER INCOME GENERATING SCHEMES FOR SCHEDULED CASTES AS PER IRD NORMS	324.50	5600.00
11.	INFRASTRUCTURE DEVELOPMENT (KIOSK, SHOP ROOM, COMMON WORK SHED)	100.00	
12.	COOPERATIVES	38.00	50.00
13.	EDUCATION	-	500.00
14.	SCHEDULED CASTE WOMEN	-	100.00
15.	ECOLOGY AND ENVIRONMENT	-	50.00
16.	MINIMUM NEEDS APROGRAMMES	-	250.00
17.	TRAINING	252.00	-
18.	PLANNING, MONITORING, EVALUATION, SUPERVISION AND PREPARATION OF PROJECT REPORTS	120.00	400.00
TOTAL		3997.93 or 4,000.00	20,000.00

20-POINT PROGRAMME

Point 11(a) of the 20 Point Programme lays emphasis on justice to Scheduled Caste ensuring compliance with the Constitutional provisions and laws for Scheduled

Castes, ensure possession of land allotted to Scheduled Castes, revitalize land allotment programme, eradicate scavenging, pursue programme for further integration of Scheduled Castes with the rest of Society and provide better directive and funds for the Scheduled Caste Sub-Plan (SCSP).

The efforts towards protective measures under Constitutional provisions and land allotment and possession thereof, eradication of scavenging and other aspects have been highlighted in the proceeding chapters. As regards poverty alleviation programmes, the Integrated Rural Development Programme is intended to assist the rural population to drive economic benefit from the developmental assets created in different areas. The scheme is also designed to raise the income of rural families who are below the poverty line. There are State Plan Programmes like handloom sericulture, small and village industries fisheries, horticulture, agricultural development etc. under which the SC families are also assisted for their economic development. The Special Central Assistance under the Scheduled Caste Sub-Plan (SCSP) is also utilized for the economic development of SCs supplementing the efforts with State Plan outlays and for implementing composite programmes for the main occupational groups like weavers, leather workers, fishermen, cultivators, Seri culturists etc. among the Schedule Castes.

The target and achievement during 2005-06 are as follows :

Year	Target	Achievement
2005-2006	60,000	57,638

During the 10th Five Year Plan (2002-07) & Annual Plan 2006-07 the target has been fixed to assist 3,00,000 & 60,000 SC families respectively under point 11(A) of 20 Point programme.

Puducherry

As per 2001 census, SCs account for 16.19% of the total population. However, it was seen that the percentage of funds earmarked for SCSP was always in proportion to the percentage of SC population in the U.T. of Puducherry. This can be seen from the Table below:

(Rs. in lakhs)

Year	State Plan Outlay	SCSP Outlay	Percentage to total State Plan Outlay	Expenditure	Utilization Percentage to SCSP Outlay
2002-03	41205.00	4347.34	10.55%	4295.51	98.81%
2003-04	46863.00	7302.93	15.58%	6764.99	92.63%
2004-05	61500.00	9947.50	16.17%	9906.55	99.59%
2005-06	92500.00	13762.00	14.88%	11057.06	80.34%
2006-07	141000.00	13007.88	9.22%	12212.68	93.88%

Utilization of SCSP Outlay:

In order to ensure full utilization of funds provided under SCSP, the Heads of Departments prepare Action Schedule and steps are taken to realize the targets in full before the end of the financial year. Department also take advance action in locating public institutions in SC habitations/nearby SC

habitations so that non-availability of suitable sites should not be the justifications to divert funds earmarked for SCs.

It may be seen from the above table that during 2004-05, the SCSP outlay was utilized to the maximum extent (99.59%) whereas during 2005-06, the utilization percentage was drastically reduced to 80.34%.

20 Point Programme:

The Twenty Point Programme is under implementation since 1975 which was restructured first in 1982 and then in 1986 and the same continues to be in operation till date. It forms an integral part of planning process. Under Point No.11(A), SC families are assisted with the key objective of accelerating development of SCs. Various schemes are implemented by the Sectoral Departments for the year 2006-07.

S. No.	Name of the item of TPP	Physical progress		(Rs. in lakhs)
		Target	Achievement	Expenditure
1	Loan cum Subsidy Scheme	1300	900	105.01
2	NSFDC Loan Scheme	100	2	2.84
3	Training	500	596	38.05
4	Micro Credit Finance Scheme	300	221	55.25
5	Educational Loan Scheme	50	70	21.70
6	Low Investment Credit Scheme	660	269	13.45
TOTAL		2910	2058	236.30

XI Five Year Plan objectives and strategies:

Special Central Assistance:

Ministry of Social Justice and Empowerment, Government of India release Special Central Assistance (SCA) every year as an additive to Scheduled Caste Sub Plan to States / Union Territories from the budget of the Ministry of Social Justice and Empowerment, Government of India. During the year under report the SCA released and spent may be seen from the table below:-

(Rs. in lakhs)

Year	Allocation	Expenditure
2006-07	21.80	21.80

Centrally Sponsored Schemes and Development of basic amenities like housing, rural electrification and water etc.

DRDA implements various Poverty Alleviation, Employment Generation and Area Development Schemes as per the guidelines of the Ministry of Rural Development for the upliftment of the rural poor in the U.T. of Puducherry. The schemes implemented by DRDA are as follows:

i) **SWARANJAYANTI GRAM SWAROZGAR YOJANA (SGSY):**

PERFORMANCE UNDER SGSY DURING 2006-07

(Rs. In Lakhs)

	No. of beneficiaries assisted	Total credits disbursed	Subsidy disbursed	Training – skill upgradation
Total	1290	232.07	125.47	1678

SCs	596	75.63	40.38	695
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ii) SAMPOORNA GRAMEEN ROZGAR YOJANA (SGRY):

PERFORMANCE UNDER SGRY DURING 2006-07

(Rs. In Lakhs)

Sl. No.	Item	2006-07	SCs
		Total	
1	No. of works completed	121	27
2	Mandays Generated	0.589 lakhs	0.412 lakh
3	Rice generated	193.216 MTs	76.951 MTs
4	Expenditure incurred	198.58 lakhs	60.54 lakhs

iii) INDIRA AVAS YOJANA/PRADHAN MANTRI GRAMODAYA YOJANA:

PERFORMANCE UNDER IAY

(Rs. In Lakhs)

Sl. No.	Item	2006-07	SCs
		Total	
1	Houses completed	261	78
2	Expenditure incurred	45.36	13.30

iv) Total Sanitation Campaign (TSC):

PERFORMANCE UNDER TSC

(Rs. In Lakhs)

Sl. No.	Item	2006-07	
		Total	SCs
1	Individual Toilets	39	15
2	Community Toilets Complex Complex	2	-
3	Anganwadi Toilets	-	-

Tamil Nadu

**X FIVE YEAR PLAN OUTLAY, SCSP AND EXPENDITURE
FROM 2005-06 TO 2006-07**

(Rs. In lakhs)

Year	Plan Outlay	Expenditure	% of flow from outlay to expenditure
2005-06	910000.00	173684.82	19.09
2006-07	1250000.00	122485.00	19.70

It may be seen that the expenditure for SCSP during X Five Year Plan period is well above the SC population percentage of 19 in Tamil Nadu. Scheme-wise/Sector-wise flow and expenditure on SCSP during 2006-07 may be seen at Annexure-I.

National Scheme for Liberation & Rehabilitation of Scavengers

National Scheme for Liberation & Rehabilitation of Scavengers has been reformulated to assist scavengers and their dependents by organizing them in the form of Self Help Groups for giving training and economic assistance.

Assistance Provided in 2006-07

No. of beneficiaries	Total Assistance (Rs. in Crores)
9428	5.53

Assistance under 20 Point Programme:

Sl. No.	Schemes	X Five Year Plan Target – No. of families	2006-07	
			Target	Achievement
1	Forests	1,00,000	25000	31486
2	Rural Development	3,00,000	100000	136785
3	Animal Husbandry	5,000	-	-
4	Industries and Commerce	12,500	2500	2878
5	Sericulture	2,500	500	592
6	Adi-Dravidar Welfare	7,500	81000	136573
7	Cooperation	5,000	-	-
8	Soil Conservation	-	9000	10704
9	Land Administration	-	-	24080
10	Revenue Administration	-	225000	225000
11	Social Welfare	-	7000	15852
12	Land Reforms	-	-	301
13	TAHDCO	-	150000	230724
	TOTAL		600000	814975

XI Five Year Plan objectives & strategies:

Utilisation of SCA:

SCA released by GOI, received by Government of Tamil Nadu for
utilisation during X Five Year Plan Period

Period	Year	Opening Balance	SCA released by Government of India	SCA received by Government of Tamil Nadu	Total (3 + 5)	Amount utilised	Closing balance (6 – 7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
X Five Year Plan Period	2002-03	2945.89	4500.71	4500.71	7446.60	4182.03 (56.16%)	3264.57
	2003-04	3264.57	3800.74	3800.74	7065.31	5123.08 (72.51%)	1942.23
	2004-05	1942.23	4327.89	4000.00	5942.23	6274.60	-332.37

						(115.59%)	
	2005-06	-332.37	4306.62	4461.13	4128.76	6326.60 (153.24%)	-2197.84
	2006-07	-2197.84	4482.57	4655.95	2458.11	6071.63 (247%)	-3613.52

It can be seen from the above Table that the SCA amount utilized has steeply gone up from 56.16% in 2002-03 to 247% in 2006-07.

Details of Programmes under SCA to SCSP during 2006-07

Sl. No.	Scheme	2006-07 (No. of Beneficiaries)	
		Target	Achievement
1	Land Purchase Scheme	8000	2785
2	Financial Assistance for Individuals	18449	17048
3	Financial Assistance to SHGs	43000	47214
4	Revolving Fund Assistance to SHGs	112500	84532
5	Collector's Discretionary Fund	6000	5596
6	EDP Training to SHG	-	10805
7	Skill Training for SHG	10000	7527
8	Vocational Training to Individuals/SHGs	22800	15269
9	Spl. Training Programme organised by H.O	2300	5820
10	Computer Software Training	2000	2000
11	Computer Training to Degree Students	500	500
12	NSKFDC (SRMS) Eco. Devpt. Schemes and Training Programme	-	-
13	NSKFDC Group Scheme	600	397

14	NSLRS New Scheme for Economic Devpt. Of Sanitary worker & dependents.	10000	2789
15	NSLRS (Revolving fund assistance)	-	6452
16	NSFDC	1000	1061
17	Special Economic Project	4000	100
18	Self-employment Program for Youth (SEPY)	3000	1813
19	Providing infrastructure facilities	-	26703
	TOTAL	244149	237565

Due to the impact of implementing the anti-poverty and employment generation schemes/programmes, the below poverty line ratio has come down considerably to 21.12% (1999-2000) from 35.03% (1993-1994). The details of expenditure, beneficiaries under SGRY, SGSY and PMGSY are given below:

SGRY (Sampoorna Grameen Rojgar Yojana):

(Rs. In Crores)

Year	Total Plan Outlay	State Outlay	Flow to SCSP		% Flow
			Outlay	Expenditure	
2002-03	220.86	55.21	79.79	104.75	131%
2003-04	256.20	64.05	92.61	143.29	154%
2004-05	273.84	68.46	99.27	133.17	134%
2005-06	328.08	82.02	118.92	165.49	139%
2006-07	251.33	62.83	91.1	112.46	123%

SGSY (Swarna Jayanthi Gram Swarozgar Yojana):

(Rs. In Crores)

Year	Category (Scheduled Castes)	
	Target	Achievement

2002-03	No fixed target			24.42	
2003-04				29.77	
2004-05				39.78	
Year	Total Plan Outlay	State Outlay	Flow to SCSP		% Flow
			Outlay	Expenditure	
2005-06	63.67	16.76	0	0	0
2006-07	52.04	16.78	1.84	1.84	100%

PMGSY (Pradhan Mantri Gram Sadak Yojana):

(Rs. In Crores)

Year	Total Plan Outlay	State Outlay	Flow to SCSP		% Flow
			Outlay	Expenditure	
2002-03	115.81	0	As regards Special Component Plan, no separate allocation for Scheduled Castes. But based on the number of habitation priority being given for Road formation.		
2003-04	164.78	0			
2004-05	117.91	0			
2005-06 & 2006-07	182.05	0			

Annexure-I

Outlay & Expenditure on SCSP during 2006-07

Sl. No.	Department	Annual Plan Outlay	Expenditure SCSP		
			Divisible	Indivisible	Total
1	Adi-Dravidar and Tribal Welfare	44877.55	15846.49	4629.83	20476.32
2	Agriculture	25175.75	1504.62	1206.41	2711.03
3	Animal Husbandry and Fisheries	10883.75	80.08	2089.79	2169.87
4	Co-op, Food & Consumer Protection	24222.08	130.00	0.00	130.00
5	Energy	100831.28	19365.26	14800.39	34165.65
6	Environment & Forest	19516.95	0.00	5053.68	5053.68
7	Text & Khadi	36318.27	6236.13	66.85	6302.98
8	Health & Family Welfare	37027.06	11.20	983.00	994.20
9	Higher Education	8586.44	8.93	1084.84	1093.77
10	Highways	237434.09	3360.27	26780.38	30140.65
11	Housing & Urban Development	13908.08	2882.00	175.01	3057.01
12	Labour & Employment	9608.40	1089.77	703.16	1792.93
13	Municipal Admn & Water Supply	134447.51	16835.67	8184.60	25020.27
14	Planning, Development & Spl. Initiatives	10406.25	1564.02	0.00	1564.02
15	Rural Development	177409.44	19724.12	22311.57	42035.69
16	School Education	49819.37	8160.67	15621.73	23782.41
17	Small Industries	1722.68	0.00	172.27	172.27
18	Social Welfare & Nutritious Meals	183094.44	27569.41	17695.01	45264.42
19	Tamil Development Culture and Religious Endowment	674.93	0.00	113.24	113.24
20	Youth Welfare & Sports Dev.	1459.74	0.00	263.50	263.50

21	Others	122575.94	0.00	0.00	0.00
	Total	1250000.00	124368.65	121935.27	246303.91 (19.70%)

Uttar Pradesh

SPECIAL COMPONENT PLAN

The strategies of SCP for the development of Scheduled Castes was adopted in the State at the beginning of Six Plan period and followed in the seventh, eighth, ninth and tenth Five Year Plan period. State Planning Department provides lump-sum outlay from total State Plan for SCP in actual proportion of SC population at the disposal of Social Welfare Department. Social Welfare Department functions as a Nodal Department for formulation and monitoring of Five Year Plan and Annual Plan of Special Component Plan. Principal Secretary and Commissioner, Social Welfare is fully empowered to allocate outlay, issue financial sanction and re-allocate/re-appropriate outlay/budget under SCP. Schemes relating to creation of socio-economic infrastructure, employment generation and economic development which directly benefit the SCs would be included in SCP. The allocation and expenditure made under SCP during the eighth, ninth and tenth plan period (up to 2007-08) is given as under :-

Outlay and Expenditure under Special Component Plan – Uttar Pradesh

Rs. in crore

PLAN PERIOD	STATE PLAN		SCP		% age	
	OUTLA Y	EXPEN- DITURE	OUTLA Y	EXPEN- DITUR	COL. (4 to 2)	COL. (5 to 3)

				E		
1	2	3	4	5	6	7
1. Sixth Five Year Plan (1980-85)	6200.00	6594.29	570.00	525.35	9.19	7.97
2. Seventh Five Year Plan (1985-90)	11000.00	11948.72	1458.11	1239.98	13.26	10.38
3. Annual Plan (1990-91)	3200.00	3208.22	449.00	362.15	14.03	11.29
4. Annual Plan (1991-92)	3710.00	3695.54	466.43	339.51	12.57	9.19
5. Eighth Five Year Plan (1992-97)	22005.00	21679.81	1923.94	2975.31	8.74	13.72
6. Ninth Five Year Plan (1997-2002)	46340.00	-	8725.25	-	18.83	-
i. 1997-98	7163.34	5667.12	1448.84	1064.07	20.23	18.78
ii. 1998-99	10260.96	6363.94	2156.15	1356.99	21.01	21.32
iii. 1999-2000	11400.00	6572.21	2369.49	1016.36	20.79	15.46
iv. 2000-2001	9025.00	8188.24	1692.27	952.92	18.75	11.64
v. 2001-2002	8400.00	-	1764.00	556.16	21.00	12.68
7. Tenth Five Year Plan (2002-2007)						
i. 2002-2003	7250.00	6617.84	1540.00	751.14	21.24	21.44
ii. 2003-2004	7728.00	6141.73	1640.00	760.50	22.21	12.38
iii. 2004-2005	9661.51	8427.54	2026.00	997.77	21.01	11.83
iv. 2005-2006	13500.00	13579.12	2830.00	1548.82	20.96	11.40
v. 2006-2007	19000.00	19000.00	3990.00	3219.13	21.00	16.94
vi. 2007-2008 (Proposed)	25000.00	25000.00	5287.00	-	21.15	-

It may be seen from above table that the flow of SCP was not in proportion to the Scheduled Caste population of the State which is 21.18%. The percentage of expenditure during the eight plan and ninth plan remained 13.34% and 15.54% respectively.

During the years 2004-05 and 2005-06 the expenditure came down to 11.83% and 11.40% respectively. But in the year 2006-2007 the expenditure increased up to 16.94%.

While the outlays under SCP are increasing over the years, the SCP funds have never been fully utilized.

Sector-wise allocation and expenditure of 15 sectors are shown in the table whereas it may be seen that investment in many of the sectors were not up to the mark. Even the outlays provided in the SCP under different sectors were not fully utilized. One of the major weaknesses of the Special Component Plan has been the lack of formulation of schemes directly relevant for the Scheduled Castes. The State Government requires to give high priority in various development plans to the SCP.

(Rs. in Lakhs)

OUTLAY AND EXPENDITURE OF ANNUAL PLAN 2005-06 AND 2006-07				
(SPECIAL COMPONENT PLAN)				
MAJOR HEAD/SUB MAJOR HEAD/SECTOR	2005-2006		2006-2007	
	OUTLAY	EXPND.	OUTLAY	EXPND.
Agriculture	401.87	207.71	436.25	346.64
Cane Development	776.14	525.28	457.21	457.21
SMFP	5620.49	5769.64	6873.53	6070.49
Horticulture	395.23	134.48	395.23	309.20
Animal Husbandry	1130.5	558.97	1088.30	848.96
Dairy Development	1059.71	538.22	1271.15	815.17
Fisheries	17.31	13.38	14.80	3.70
Forestry and Wild Life	1767.6	1614.88	2307.96	1614.89
Co-operation	120.9	89.75	80.80	70.40
Other Agriculture Prog. (Mandi Parishad)	7500			
I.R.D.P. SJGSY	3459.44	3459.43		
D.P.A.P.	609.89	170.98	457.60	242.00
I.R.E.P.	142.78		152.78	38.20
I.W.D.P. (Land Dev. & Water Resources)	72.07	22.56	82.70	72.07
Sampurna Rozgar Yojna	26445.3	11322.67	12787.60	6787.61
Ambedkar Vishesh Rozgar Yojna (RD)	264	218.33	264.00	208.99
Land Reforms	54.1	54.1	1.61	59.15

Panchayati Raj	8717.71	7213.35	9678.25	9678.25
Border Area Dev. Prog.	35427			
Bundelkhand Vikas Nidhi	3750	2693.83	1250.00	1250.00
Poorvanchal Vikas Nidhi	3750		4250.00	4250.00
State Minor Irrigation	2262.99	711.04	4299.25	991.10
Private Minor Irrigation	600.08	561.73	786.08	786.03
Flood Control and Dramage	119.58			
Power	14472.1			

Non-Conventional Sources of Energy	209.29	206.29	331.29	85.66
Small Scale Industries	86.22	85.4	203.74	55.07
Handloom	25	25	25.00	24.54
Khadi & Village Industry	397.29	170.53	526.00	300.50
Sericulture	308.58	325.12	567.06	271.13
Roads & Bridges	31632.1	32485.89	53400.00	53300.00
Scientific Res. (including S&T)	6.25		3.25	
Ecology & Environment	2.5	2.5	21.60	21.60
Tourism	8		278.90	
OTHER GENERAL ECONOMIC SERVICES	13267.6		49545.98	21310.32
Elementary Education	26274.3	9149.15	22115.86	18900.00
Secondary Education	6300	3177.6	233.40	
Adult Education	65			
Technical Education	45.85		7076.93	6999.98
Sports	44.25		196.25	120.00
Youth Services	328.82	323.42	254.42	199.47
Allopathy	2239.63	1883.33	7738.85	7738.85
Family Welfare	376.18	146.96	868.22	559.87
Medical Education			58426.86	58426.23
Ayurvedic & Unani	193.37	193.37	291.95	
Homeopathy	236.51	236.51	291.60	87.75
Urban Dev (Urban Water Supply)	1207.12	1009.91	2184.40	1207.00
Rural Dev. (Rural Water Supply)	14753.7	14753.74	18509.04	14000.00
Rural Sani. (Panchayati Raj)	5405.57	5405.57	5405.57	3237.57
Indira Awas Yojna	6802		8276.10	6923.02
House Site (Revenue)				
SC/ST Awas Yojna	1850		30000.00	30000.00

Poverty Employment & Edu.	5636	595.24	8920.00	8920.00
Information & Publicity	24.26	13.06	42.75	24.26
Welfare of SC & DT	25500	17633.28	30000.00	16923.29
Employment	93.51	37.15	264.97	216.31
Training	351.48	349.98	2210.46	1853.70
Social Welfare (NSAP)	8928.2	5192.73	9200.00	9200.00
Handicapped	613.87	548.24	2635.87	1961.53
Women & Child Welfare	1088.3	862.39	2409.45	2409.37
Nutrition	5396.27	5375.74	13318.77	13264.35
TOTAL			399000.00	328630.29
Berojgari Bhatta	-	-	-	5750.32
Kanyavidyadhan Yojna	-	-	-	15560.00
GRAND TOTAL	283000	154881.74	399000.00	349940.61

Special Central Assistance

The information regarding the SCA released & expenditure incurred is given below:-

(Rs. in Crores)

PLAN PERIOD	SCA RECEIVED	EXPENDITURE	% age
1	2	3	4
9 th Plan	342.92	358.47	104.53
10 th Plan			
i. 2002-2003	101.79	134.00	131.72
ii. 2003-2004	78.08	133.72	158.25
iii. 2004-2005	54.44	56.21	103.25
iv. 2005-2006	44.78	34.18	77.27
V. 2006-2007			
VI. 2007-2008			

It may be noted that the utilization of SCA was satisfactory. By and large a large chunk of SCA fund was utilized as subsidy. Ideally, the SCA should have enable the State Govt. to fill the critical gaps to give a composite and integrated shape to economic development programmes made for Scheduled Caste Families. There is therefore a need to review the situation and remove such bottleness.

POVERTY ALLEVIATION (20 POINT) PROGRAMME

Progress details of SC families economically assisted to cross the poverty line as compiled by the Social Welfare Department, UP is reproduced below for the period up to 31.03.07.

No. of Beneficiaries

ITEMS	TARGET 2005-06	ACHIEVE.	%	TARGET 2006-07	ACHIEVE.	%
SCHEDULED CASTES						
1. Under Self-employment schemes (families).						
i) implemented by UPSFDC.	1,25,000	67,016	53.69	1,25,000	85,444	68.36
ii) Implemented by RD (SJRY).	1,24,250	1,25,930	101.35	1,36,750	1,22,548	90.00
TOTAL	2,49,250	1,92,946	77.41			

Welfare of Scheduled Castes under Plan Schemes of Social Welfare Department of UP.

(Rs. In Lakhs)

Plan Period	Direction & Administration	Economic Development (Grants for marriage of daughters & treatment	Assistance to UPSFDC	Education (Scholarship, Hostels, etc.)	Other Expenditure (Scheme under PCR Act and POA Act cases	Total
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		for severe diseases)			and others)	
Tenth Plan						
Outlay	2180.00	5000.00	7789.00	55031.00	19250.00	89250.00
Expenditure						
2002-2003						
Outlay	290.00	1488.10	500.00	9025.33	6495.04	17798.47
Expenditure	-	100.00	500.00	4527.44	6387.01	11514.45
2003-2004						
Outlay	1000.00	1585.84	500.00	16810.45	3977.20	23873.49
Expenditure	-	1385.06	-	6290.80	1826.27	9502.13
2004-2005		-				
Outlay	500.00	1796.21	500.00	14373.08	7075.74	24245.03
Expenditure (Anticipated)	-	1585.84	500.00	4922.74	1322.00	8330.58
2005-2006						
Outlay	150.00	2370.33	1530.00	20042.04	1243.69	25336.06
Expenditure	150.00	2370.33	1530.00	19785.11	1243.69	25079.13
2006-2007 (Proposed)						
Outlay	370.00	3000.00	1530.00	19703.54	807.50	25785.00

NATIONAL SCHEME OF LIBERATION & REHABILITATION OF SCAVENGERS:

The Corporation has also been entrusted to implement the scheme of liberation of scavengers. The scheme provides for funding of projects costing up to Rs. 50,000 per

beneficiary. The financial assistance comprises of maximum loan to the extent of 15% of the project at 4% rate of interest, 50% or Rs. 10,000 whichever is less, a subsidy and the rest as bank loan.

During the 9th Plan the Corporation has extended benefit to 4,66,709 SC persons.

Housing

The number of houses/house sites allotted to SCs in the State during the last 5 financial years from 2002-2003 to 2006-2007 out of total houses/house sites allotted in the State is given below:-

Year	Total Annual Target	Housing Site Allotment Made		
		Total Family No.	Family of SC/ST	Percentage of SC/ST
2002-03	60000	114918	77513	67.45%
2003-04	60000	77720	50944	65.55%
2004-05	60000	79491	43712	54.99%
2005-06	60000	75202	41335	54.97%
2006-07	53337	59310	32642	55.04%
Total	293337	406641	246146	60.53%

Land

Waste land/surplus land allotted to and taken possession of by landless agricultural labourers belonging to SCs during the last five financial years from 2002-2003 to 2006-2007 and average size of land allotted may be seen from table given below:-

Revenue Department

Year	Allotment Made		Possession Given		Possession yet to be given in that Financial year		Average area of Allotment
					Number	Area(Ha)	Area(Ha)
2002-03	80219	18549.32	78854	18247.03	1365	302.28	0.231
2003-04	44121	10109.28	43305	9946.74	816	162.53	0.229
2004-05	31558	6398.99	30461	6179.76	1097	219.23	0.202
2005-06	27435	6171.68	26428	5991.23	1007	180.45	0.225
2006-07	21396	4644.65	21396	4644.65	0	0	0.217
Total	204729	45873.92	200444	45009.41	4285	864.49	

West Bengal

Plan Formation :

Development is a study to measure the progress of development work and its improvement in the quality of life achieved through an active integration of socio-economic components designed towards growth oriented planning. Society is constituted of heterogeneous segments of population, to have a stable social and economic growth, proper planning for development of each section of people required and that is only possible if priority is accorded to improve the condition of life of those people belonging to Scheduled Castes in social stratification who are considered socio-economically deprived section in our Society. Hence, development and planning for the development of Sch.Caste population needs special attention and it is priority to us.

The State Govt. of West Bengal following the guideline of the Planning Commission of the Government of India. The Planning and Development Department of Govt. of West Bengal maintain certain procedure for formulation of Budget and Plan. State Planning and Development Department asked different Plan implementing Departments of the State to formulate their draft plan proposals with continued and new schemes along with provisional allocation of funds of the Planning and Development Deptt. Thereafter the Member of the State Planning Board Development and Planning Deptt. interact with those plan implementing Deptts. on different issues relating to plan proposals and thereafter proposals are compiled section wise. Finally the papers containing the proposals are sent to the Planning Commission for approval.

Most of the Plan implementing Deptts of the State Govt. opened their Budget head & sub-heads for Plan allocations for the schemes for SCP. And according to the Budget Provision each Deptt. released SCP funds to the agencies.

In the Annual plan for 2006-07 Rs.1746.54 crores were earmarked under Special Component Sub-Plan (SCSP) out of the total State Plan Outlay of Rs.7669.82 crores which is 23.01% as per the percentage of State Sch. Castes population. The approximate/ provisional expenditure of the State Govt. is Rs.1634 crores, which is 21.43 little below the prescribed percentage.

There is a State Level Monitoring Committee formed for monitoring the SCSP and TSP Schemes consisting of 20 members headed by Minister-in-Charge, Backward Classes Department. The Committee held meeting twice in a year.

CHAPTER IV

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES

The Independent India focussed on the educational development of all its population with specific emphasis on the underprivileged and deprived sections of the society. Due to the various forms of social and economic exploitation the marginalized community could hardly have access to education. Education is to some extent even today a distant dream to some underprivileged Scheduled Castes. Due to their being in disadvantageous position, the framers garlanded them with special provision through guaranteeing them under Article 46 of the Constitution which seeks to ensure that "the State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation." Numerous steps have, since been taken, to strengthen the educational base of the persons belonging to SC community. The national policy on education, 1986, Programme of Action (POA), 1992, 83rd Constitutional Amendment which came into being in 2000 indicates government resolve in the matter. The 86 amendment of the Constitution recognizes education as a fundamental right of Indian citizens and also makes elementary education compulsory for all children in the age group of 6-14 years. It directly encompass the educational needs of all including the SCs.

In line with this Constitutional obligation, at the national and State level various schemes and programmes are being implemented to empower the SCs to join as one of the co-partners of development and at the same time enhance their self-esteem. Hence education is the only way to uplift the SCs and the thinking of the Government is on right direction with more and more funds being pumped into this sector. It can be seen from the available information of MHRD (Plans and Budget) that during 1951-52 the total expenditure on education by all sectors was Rs.814.14 crore and as per BE of 2006-07 it is projected at Rs.1018582.62 crore. However, figures for SC exclusively are not available. But it can be safely concluded that people belonging to all walks of life have realized the educational needs and its importance in the social and economic fabric of the society.

At the national level there are many schemes for the overall educational development including the special schemes for SCs. The details of some schemes which have specific/special focus on SCs implemented at the national level are:

1. **Sarva Shiksha Abhiyan (SSA)** : It is a time bound universalisation of elementary education to provide useful and quality elementary education to all children in the 6-14 age group by 2010 with special emphasis on girl education. It focuses on girls especially SC/ST and minority. Back to school for out of school girls, free text book, special/remedial classes, teacher's sensitization programme, innovative girls education projects and recruitment of 50% female teachers.

2. **Kasturba Gandhi Balika Vidyalayas:** Under the scheme of Kasturba Gandhi Balika Vidyalayas, 750 residential schools are being set up in difficult areas with boarding facilities at elementary level for the girls belonging predominantly to the SC, ST, OBC and minorities. The scheme would be applicable only in those identified Educationally Backward Blocks (EBBs) where, as per census data 2001, the rural female literacy is below the national average and gender gap in literacy is more than the national average. Among these blocks, schools may be set up in areas with concentration of tribal population, with low female literacy and/or a large number of girls out of school.
3. **Mahila Samakhya (MS):** MS addresses traditional gender imbalance in educational access and achievement. This involves enabling women (especially from socially and economically disadvantaged and marginalized groups) to address and deal with problems of isolation and lack of self-confidence, oppressive social customs and struggle for survival all of which inhibit their empowerment.
4. **District Primary Educational Programme (DPEP) :** The thrust of the scheme is on disadvantaged groups like girls, SCs/STs working children, urban deprived children, disabled children, etc. There are specific strategies for girls and SCs/STs, however physical targets are fixed, in an integrated manner including

coverage of these groups as well. According to a study by NIEPA, schools in DPEP districts had more than 60% students belonging to SC/ST communities.

5. **Mid-day Meal scheme:** National Programme of Nutritional Support to Primary Education (NPNSPE) is also known as the Mid-day Meal scheme. The scheme is a successful incentive programme. It covers all students of primary classes in all government, local body and government aided schools in the country with the aim to improve enrolment, attendance and retention while simultaneously impacting on the nutritional status of the children.
6. **Navodaya Vidyalaya (NVs):** Reservation of seats in favour of children belonging to SCs and STs is provided in proportion to their population in the concerned district provided that no such reservation will be less than the national average of 22.5% (15% for SCs and 7.50% for STs) and a maximum of 50% for both the categories (SCs and STs) taken together. These reservations are interchangeable and over and above the students selected under open merit.
7. **Kendriya Vidyalaya (KVs):** 15% and 7.5% seats are reserved for SCs and STs respectively in fresh admissions. No tuition fee is charged from SC and ST students up to class XII.

- 8. National Council for Educational Research and Training (NCERT) :** NCERT focuses on the development of textbooks, teacher guides, supplementary reading materials, evaluation of textbooks, vocational education, educational technology, examination reforms, support to Sarva Shiksha Abhiyan (SSA), education of educationally disadvantaged groups.

NCERT operates the National Talent Search Scheme for pursuing courses in science and social science up to doctoral level and in professional courses like medicine and engineering up to second-degree level subject of fulfilment of the conditions. Out of 1000 scholarships, 150 scholarships are reserved for SC students and 75 scholarships for ST students.

- 9. National Institute of Open Schooling (NIOS):** The SC/ST students are given concession in admission fees to the extent of Rs.200 for bridge courses, Rs.250 for secondary courses and Rs.300 for senior secondary courses.

Under the scheme of strengthening of Boarding and Hostel Facilities for Girls Students of Secondary and Higher Secondary Schools cent percent financial assistance is given to voluntary organizations to improve enrolment of adolescent girls belonging to rural areas and weaker sections. Preference is given to educationally backward districts particularly those predominately inhabited by SC/ST and educationally backward minorities.

Out of 43,000 scholarships at the secondary stage for talented children from rural areas 13000 scholarships are awarded to SC/ST students subject to fulfillment of criteria laid down.

10. Jan Shikshan Sansthan (JSS) : The Scheme of JSS or Institute of People's Education is polyvalent or multifaceted adult education programme aimed at improving the vocational skill and quality of life of the beneficiaries. The objective of the scheme is education, vocational and occupational development of the socio-economically backward and educationally disadvantaged groups of urban/rural population particularly neo-literates, semi-literates, SCs/STs, women and girls, slum dwellers, migrant workers, etc.

Literacy campaigns have had an enormous impact on other social sectors. The campaigns have served the cause of promoting equality and social justice in society and fostering of a scientific temper and a sense of belonging to India's great composite culture and consciousness of unity in diversity.

11. National Institute of Educational Planning and Administration (NIEPA) : Educational development of SCs and STs is an area of major concern of NIEPA. It carries out a number of studies relating to educational programmes and schemes

for SCs and STs. IT has also been generating material relating to educational institutions and development of SC and ST students.

12. University Grants Commission: UGC provides financial assistance to universities/deemed universities for the establishment of SC/ST cells in universities to ensure effective implementation of reservation policy for SCs and STs. The UGC has established SC/ST cells in 113 universities including Central universities to ensure proper implementation of the reservation policy. The Standing Committee on SCs/STs monitors and reviews the work undertaken by the universities/colleges.

As per the reservation policy, UGC has earmarked 15% and 7.50% reservation for SCs and STs respectively in appointments, both in teaching and non-teaching posts, admissions, hostel accommodation, etc., in universities/colleges, professional and technical educational institutions administered by the Central Government. State universities follow reservation policy as prescribed by respective state governments. The commission has been issuing guidelines/directives/instructions from time to time for implementing reservation policy of the Government of India. Apart from reservation, there is also relaxation in the minimum qualifying marks for admission for SC/ST candidates UGC has been implementing the programme of Career Orientation to education (vocationalisation of education) to ensure that the graduates have knowledge,

skills and attitudes for gainful employment in the wage sector in general, and self-employment in particular for all including SCs/STs. It also provides financial assistance for remedial coaching to SC/ST students. It provides financial assistance to the existing coaching centres to prepare SC/ST candidates for the National Eligibility Test (NET) conducted by UGC/CSIR. The Commission provides financial assistance for extension activities. Under the scheme, all groups of the society are covered including SCs/STs.

In order to contribute towards social equity and socio-economic mobility of the under privileged sections of the society, UGC has introduced remedial coaching scheme at UG/PG level. The main objectives of the scheme are : (i) to improve the academic skills and linguistic proficiency of students in various subjects, (ii) to raise the level of comprehension of basic subjects so as to provide a strong foundation for further academic work, (iii) to strengthen their knowledge, skills and attitudes in the subjects where quantitative and qualitative techniques and laboratory work are involved and (iv) to improve the overall performance of these students in the examination.

The Commission has created a Central pool database of eligible SC/ST candidates and recommends their candidature for teaching positions in order to fulfil the prescribed reservation quota in universities and colleges.

Periodic meetings of Registrars of Central universities are organized to review the implementation of reservation policy in the Central universities. A special monitoring committee reviews the functioning of existing cells.

13. **Community Polytechnics:** The scheme of community polytechnics undertakes rural/community development activities through application of science and technology in its proximity. It provides platforms for transfer of appropriate technologies to rural masses/local communities. Preference is given in training to rural youths, SCs, STs, women, school dropouts and other disadvantaged groups and helps them to obtain need based gainful employment. The scheme of community polytechnics has been in operation in selected diploma level institutions since 1978-79. It applies science and technology through skill oriented non-formal training technology transfer and technical support services.
14. **Engineering colleges:** The higher educational institutions administered by the Central Government including IITs, IIMs, National Institutes of Technology, etc, provide reservation to the extent of 15% and 7.5% for SC and ST students respectively. Apart from reservation, there is also relaxation in the minimum qualifying marks for admission for SC/ST students. Seats are also reserved in hostels. However, in institutions run by the State Governments, the reservation percentage varies as per the State Government's policy.

The Ministry of SJ&E has the following schemes for the educational development of SCs:

Post Matric Scholarship to Students belonging to SC: The M/o SJ&E provided post matric scholarship to students belonging to SC. The scholarship is disbursed through respective State Governments and Union Territory Administrations which receive 100% central assistance from the Government of India for the total expenditure under the scheme over and above their respective committed liability. The North Eastern States are not required to bear the committed liability, and in their case 100% expenditure on the scheme is met by the Central Government. The performance of the scheme during the last three financial years are as follows:

Table : I

(Rs.in crores)

Year	Budget Allocation	Expenditure	No. of beneficiaries in lakhs
2004-05	319.55	330.27	22.64
2005-06	379.59	548.09	25.41
2006-07	450.00	526.03	26.43

Source: Annual Report 2006-07 of M/o Social Justice & Empowerment.

Pre-matric scholarships to the Children of those engaged in unclean occupations:

Under the scheme the children of those engaged in unclean occupations i.e. scavengers, flayers and tanners are provided assistance to pursue education upto matriculation level.

The scholarship is provided through State govts and UT administrations. Central assistance is provided to the State Govts. on 50:50 basis and 100% to UT Administrations over and above their committed liability. Students amongst target groups with disabilities are also assisted. There is no income ceiling for award of scholarship under the scheme. The performance of the scheme during the last three years are as follows:

Table: II

(Rs.in crores)

Year	Budget Allocation	Expenditure	No. of beneficiaries in lakhs
2004-05	16.00	9.89	5.61
2005-06	16.00	10.80	5.81
2006-07	16.00	20.25	6.77

Source: Annual Report 2006-07 of M/o Social Justice & Empowerment.

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

The details of releases of the central assistance and the number of SC students benefited under the scheme during the last three years are as follows:

Table III

(Rs. in crores)

Year	Budget Allocation	Expenditure	Beneficiaries
2004-05	20.00	1.77	1334
2005-06	18.00	6.22	4398
2006-07	3.00	3.00	2183

Source: Annual Report 2006-07 of M/o Social Justice & Empowerment.

Free coaching for Scheduled Castes

A new scheme namely Free coaching for SC has been implemented from the current year as a replacement of the Scheme of Coaching and Allied Assistance for Weaker Sections including SCs. The screening Committee formed under the scheme selects organizations/institutions that are not blacklisted and ensuring that largest possible number of districts having adequate SC students but inadequate coaching facilities are covered. Projects are inspected and utilization certificate obtained before release of 2nd instalment.

The salient features of the new scheme are:

- (a) The objective of the scheme is to provide qualitative coaching for Group A and B examinations conducted by the UPSC, the SSC and the various Railway Recruitment Boards; Group A and B examinations conducted by the State PSUs and finishing courses/job oriented courses for employment in the private sector like IT, Bio-technology, etc.
- (b) The scheme is implemented through the reputed institutions/centres run by the State Governments/UT Administrations, Universities (both central and State including the deemed universities) and the private sector organization industry bodies or institutes identified by them.
- (c) Proposals from the reputed coaching centres will be invited directly every year by the Ministry and will be considered by a screening committee constituted for the purpose.
- (d) Only students belonging to SCs and OBCs having total family income of Rs.2.00 lakh per annum or less will be eligible.
- (e) Students from SC and OBC will be admitted for coaching in the ratio of 70:30 and will be paid stipend @ Rs.750 per student per month for local students and @ Rs.1500 per student per month for outstation student.

The dropout rate at primary classes of all categories (excluding STs) and of SCs

are as under:

Table IV

Primary Classes dropout and decrease in %age points

S.No.	State/UT	Dropout (I-V) All categories excluding ST		Decrease in % age points	Dropout (I-V) Scheduled Castes		Decrease in %age points
		1996-97	2002-03		1996-97	2002-03	
1	Andhra Pradesh	46.71	41.71	5.00	55.45	46.63	8.82
2	Arunachal Pradesh	51.55	37.94	13.61	-	-	-
3	Assam	54.95	61.17	-6.22	51.78	48.80	2.98
4	Bihar	59.10	62.31	-3.21	63.46	58.81	4.65
5	Chhattisgarh	-	-	-	-	-	-
6	Goa	6.06	2.69	3.37	48.37	35.13	13.23
7	Gujarat	41.94	24.77	17.16	44.50	26.44	18.06
8	Haryana	18.55	6.89	11.66	28.54	25.32	3.22
9	Himachal Pradesh	26.94	12.42	14.53	27.10	20.02	7.08
10	J&K	22.08	24.82	-2.74	37.59	25.72	11.87
11	Jharkhand	-	-	-	-	-	-
12	Karnataka	42.18	18.74	23.44	46.77	18.14	28.62
13	Kerala	0	0	0	0	0	0
14	Madhya Pradesh	27.71	31.43	-3.72	28.40	35.00	-6.60
15	Maharashtra	22.41	15.55	6.86	28.69	8.68	20.01
16	Manipur	42.46	25.60	16.86	63.14	40.51	22.63
17	Meghalaya	60.87	56.51	4.37	55.93	70.33	-14.40
18	Mizoram	58.10	56.38	1.73	-	-	-
19	Nagaland	31.47	51.80	-20.33	-	-	-
20	Orissa	50.59	46.13	4.46	55.42	36.48	18.94
21	Punjab	22.31	25.29	-2.98	31.81	31.78	0.03
22	Rajasthan	56.51	56.93	-0.42	57.43	53.82	3.62
23	Sikkim	58.88	52.06	6.82	64.84	53.85	11.00
24	Tamil Nadu	15.06	15.37	-0.31	12.52	33.53	-21.01
25	Tripura	54.35	42.97	11.38	51.44	36.37	15.07
26	Uttar Pradesh	39.55	23.55	16.01	31.63	51.02	-19.39
27	Uttaranchal	-	-	-	-	-	-
28	West Bengal	54.85	36.41	18.44	61.71	52.32	9.39
29	A&N Islands	20.37	2.31	18.06	0	0	0
30	Chandigarh	1.39	30.44	-29.05	16.95	14.33	2.62
31	D&N Haveli	38.53	24.82	13.71	20.22	33.60	-13.38
32	Daman & Diu	0	0	0	0	0	0
33	Delhi	0	12.13	-	9.33	15.85	-6.52
34	Lakshdweep	13.33	3.03	10.30	-	-	-
35	Pondicherry	0	0	0	0	0	0
	India	40.20	34.89	5.31	42.74	41.47	1.27

Source: Annual Report 2006-07 of M/o HRD.

The above table shows that over all dropout rate at primary level among SCs has decreased from 42.74 in 1996-97 to 41.47 in 2002-03. The States like Andhra Pradesh,

Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Maharashtra, Manipur, Orissa, Rajasthan, Tripura, West Bengal and UT of Chandigarh shows good result in arrest of dropouts. But in the States of Madhya Pradesh, Uttar Pradesh and Tamil Nadu the dropout has increased considerably. **The Ministry of HRD under NIEP&A can undertake studies to ascertain the reason for sharp increase in dropout. Also some states like Bihar, Orissa, West Bengal and UT of Delhi have arrested the dropout rates.**

The National Sample Survey Organisation (NSSO) and National Family Health Survey (NFHS) collected data on the 'level of education completed', whereas the Reproductive Child Health Survey (RCHS) provided data on the years of education completed. Some of the important findings relevant to SCs are as follows:

The survey depicts disparities in primary education between children from different castes, economic group, sex, rural and urban, certain characteristics of households and between the different regions in India. These different forms of deprivation do not work in isolation. The most disadvantaged children would suffer from multiple forms of exclusion and disadvantages, including for example being SC, girls, poor living in a poor and /or remote location etc. It is therefore important to acknowledge the multiplicity of deprivations and the interrelationship between them.

Table V

Survey	% completed
NSS 52 (1995-96)	32.8
NSS 55 (1999-00)	36.8
NFHS-II (1998-99)	37.7
RCHS-II (2002-04)	37.8

Source: Annual Report 2006-07 of M/o HRD.

Various sources : NSS 52, NSS 55, NFHS-II, RCHS-II

Table shows the SC population are disadvantaged when compared to other backward classes (OBCs) and others.

Completion rate of 10-12 years by caste (RCH 2002-04)

Table VI

Social Group	SC	ST	Others
Male	36.3	32.6	44.8
Female	32.3	26.6	44.1

Source: Annual Report 2006-07 (RCH 2002-04) of M/o HRD.

Table below shows that only 65.7% of SC children age 7-17 are currently attending school compared to 81.3% of higher caste groups. Furthermore, 20.8% of SC children never attended school compared to 7.6% of children from high caste.

Percent of children age 7-17 by schooling outcomes (NFHS, 1998-99)

Table VII

Caste/religion of the household head	Never attended	Every attended	
		Dropped out	Currently attending
Hindu SC	20.8	13.0	65.7
Hindu ST	29.7	13.9	56.3
Hindu Others	7.6	10.6	81.3
Other	7.8	10.7	81.1

Source: Annual Report 2006-07 (NFHS 1998-99) of M/o HRD.

Table below indicates the disparities in rural areas between children from SC castes and also between the poorest 20% compared to the richest 20% of households using data from RCHS-II for boys and girls. The survey defined economic status based on households ownership of assets such as electric fan, radio/transistor, pressure cooker, telephone, bicycle, car, tractor and water pump among others. The table indicates that SC children are disadvantaged compared to children from other castes in each of the economic groups, but also that the economic status of the household is a very important discriminating factor in accessing education. The table also indicates that girls are disadvantaged compared to boys in the lower economic group, but less so in the higher economic group.

% age of children in 10-12 years age group who have completed at least 5 years of schooling across economic groups and gender in rural areas (RCHS 2002-04)

Table VIII

Rural	Male			
	SC	ST	Other	Total
Poorest 20%	23.5	22.9	22.2	22.5
Richest 20%	50.0	56.9	54.2	52.9
	Female			
	SC	ST	Other	Total
Poorest 20%	17.4	15.5	18.5	16.5
Richest 20%	52.5	45.4	55.1	53.0

Source: RCHS 2002-04 M/o HRD.

The literacy rates of women, SC and ST continue to be below average.

As per National Sample Survey Organisation in 43 districts in the country, there are significant disparities in attendance rates and also learning achievements between children from SC and other castes.

From the above surveys the commission feels that the physical distance to school is often cited as a barrier for children in India particularly at the higher levels of middle and secondary school and is of particular importance for SC children as they often live in hamlets which are on the outer edge of the village, accessing of school is another problem and walking long distance for the families and children.

Another element of social exclusion of SC children from primary education in India is the extent to which discrimination is practiced by teachers. As we have already pointed out for sensitizing of teachers from time to time. Teachers are predominantly

from upper caste and bring their own understandings of the legitimacy of caste relations into the classroom. Children are expected to run errands and are assigned menial tasks such as sweeping and cleaning the classrooms. Higher rates of teacher absenteeism is reported.

Recruiting teachers from marginalized communities is an important means of signaling state commitment to making services more accessible to excluded groups. However, not only their background and caste are important, their empathy with children from SC will affect their behaviour in the classroom, and the resulting education experience of children from SC. Mission of SSA highlighted the importance of training of teachers to address issues of attitude and classroom practice in order to improve the academic performance of SC children. (source Department of Education 2006 page 16). Teachers' empathy with children from diverse or disadvantaged background is important in providing an education service which is attractive to marginalized groups.

Reasons for never attending or dropping out of school children aged 6-17 years, NFHS, 1998-99.

Table IX

Reasons	Males		Females	
	Urban	Rural	Urban	Rural
Never attended school (%)	6.4	13.6	9.0	25.7
School far away	1.5	4.4	3.4	5.2
Education not necessary	6.1	7.8	12.9	13.1
Required for work at home or outside for cash/kind	12.6	17.1	15.4	24.5

Costs too much	28.5	25.8	30.1	23.8
Not interested in studies	26.5	25.7	15.7	15.9
Others	26.5	17.0	19.7	15.4
Don't know	3.0	2.0	2.8	2.1
Total	100.0	100.0	100.0	100.0
Dropped out of school (%)	10.6	10.6	11.0	12.6
School far away	0.3	1.4	1.2	7.5
Education not necessary	2.4	2.3	5.4	4.3
Required for work at home or outside for cash/kind	21.9	28.4	20.8	26.2
Costs too much	15.2	13.3	17.0	11.4
Not interested in studies	42.5	40.0	30.2	24.8
Repeated failures	6.0	5.3	6.1	3.7
Others	5.9	5.5	14.3	18.2
Don't know	5.7	3.8	5.1	4.0
Total	100.0	100.0	100.0	100.0

Source : Annual Report 2006-07 of M/o HRD.

Multilevel model regression for 1) ever been to school 7-17 years of age and 2) completing grade 5 among children age 11-17 years in India (calculations based on NFHS 2, 1998-99).

Table X

Caste	Odds ratio between castes	
	Ever been to school 7-17 years of age	Completing grade 5 among children age 11-17 years of age
SC	1.0	1.0
Other backward classes	1.07	1.1
Other Hindu castes	1.35	1.33

Source: Annual Report 2006-07 of M/o HRD. NFHS - 1998-99.

CHAPTER V

SERVICE SAFEGUARDS FOR SCHEDULED CASTES

The Scheduled Caste community has suffered social and economic disadvantages due to stratified unchanging nature of Indian society. The leaders in the forefront of national movement were concerned with social and economic change even, apart from political freedom. The social mobilisation against caste hierarchy and untouchability grew in tandem along with the political mobilisation. It was the reformist and humanist ethos of such visionary leaders that the Constituent Assembly vowed to enshrine the empowerment principle of the Scheduled Caste community in the document of Constitution itself.

The framers of the Constitution were concerned with the overall upliftment of the Scheduled Caste community. They envisaged development through the State and the State as an employer for the emerging educated class. It was necessary henceforth to provide adequate representation to this community in the organizational set up of the biggest employer. There were various problems in achieving this dream of social and economic equity. First, the community had to be uplifted through educational empowerment. Secondly, the information had to be disseminated in a systematic manner to the most marginalized segment of society. Thirdly, the community had to be convinced that genuine empowerment cannot be achieved without emancipation at knowledge level and engagement within the service sector. Fifthly, adequate motivation and incentives had to be provided to the needy so that urge to join services could be ignited. The framers of the Constitution devised a multi-pronged strategy to tackle aforesaid problems and inscribed certain concessions and privileges in the soul of the Constitution viz. Fundamental Rights itself.

Reservation Profile.

Even before India's independence, the British authorities provided formal reservation @ 8.13% to the Depressed Classes for the first time in August, 1943. As soon as independence was achieved, fresh orders were issued by the Government of India on 21st June, 1947 providing reservation @12-1/2% for the Depressed communities in respect of direct recruitment through open competition. Since, then, another policy decision was mandated to provide reservation @ 16-2/3% . It is provided for SCs in

recruitment otherwise than by open competition. Taking into account the population of SCs as reflected in the 1961 census, the reservation was raised to 15% for SCs w.e.f. 25.3.1970. Reservation in services/posts continued to be fixed at 15% for the SCs in the Central Government, central public sector enterprises and nationalized and public sector banks as well as, autonomous bodies.

The application of reservation orders was extended in promotions in stages from the year 1957 onwards and covered all areas in the groups of A.B.C. and D in the cases of promotion by seniority-cum-fitness and up to the lowest rung of group A in promotions by selection. Presently reservation stands @ 15% for SCs in cases of promotions in cases where the element of direct recruitment does not exceed 75%. As a result of the Constitutional amendment Article 16(4A) has now empowered the State to extend reservation in matter of promotion in posts/services not adequately represented by SCs under the State. In view of inadequate representation of the SCs especially in group A and B posts, the Commission has recommended that the reservation in promotion should be extended to all levels in cases of promotion by selection.

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

Under the Constitution every citizen of India is eligible for consideration for appointments to posts and services under the Central services irrespective of their domicile or place of birth and there can be no recruitment in any Central Services, which is confined by rule to the inhabitants of any specified area. In practice, however recruitment to any Class I and Class II services and posts is likely to attract candidates from all over India and will be on a truly all India basis, while majority of the class III services and posts, filled otherwise than through the UPSC, only those residing in the area or locality in which the office is located are likely to apply. In the latter class of cases, i.e. group C and D government taking into account the population of the SCs in that area or State, fixed the percentage of reservation for SCs and STs. In a recent order the Union of India revised the quantum of reservation for Scheduled Castes vide DoPT O.M.No.36017(2004-Estt.(Per). Dated 5th July, 2005.

The reservation for Scheduled Castes in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region, which is generally fixed in proportion to the population of the Scheduled Castes in the respective States/UTs was last fixed in 1985 on the basis of the 1981 census. The aforesaid OM conveyed the decision to revise the quantum of reservation for SCs in case of direct recruitment to Group 'C' and Group 'D' post normally attracting candidates from a locality or a region, keeping in view the figures of the 2001 Census, as given in the Annexure to the said OM. This figure ranges from 1.7 for Arunachal Pradesh to 29% for Punjab

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

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

special efforts taken up by national leaders were appreciated and incorporated by the framers of the Indian Constitution.

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

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

To make the law more stringent and strong the NCSC strongly recommended for inclusion of a penal clause that "any appointing authority or official or employee entrusted with the responsibility covered under clause 11 of the Bill and contravening any

of the provisions of the bill shall on conviction be punishable with imprisonment which may be extended upto six months or fine of not less than Rs.5000 or both. The fine shall be payable from his/her salary.

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

The impact of the DOPT OM No.20011/1/96-Estt. (D) dated 30.1.97 on seniority of SC/ST which adversely affected was nullified by the Constitution (85th amendment) Act, 2001, restoring the seniority of SCs/STs Government servant on promotion by virtue of rule of reservation vide OM No. 20011/1/2001/Estt (D) dated 21.1.2002. OM No. 36012/18/95-Estt. (Res) dated 22.7.1997 which took away relaxations and concessions was restored by Constitution 82nd Constitutional Amendment Act, 2000 and DOP&T accordingly withdrew its OM of 1997 and restored relaxations and concessions in promotion-prescription of lower qualifying marks/lesser standard of evaluation making the OM of 22.7.1997 inoperative from the date of issue. The third O.M. 36012/5/1997 (Estt.) Res. Dated 29.8.97 imposed the limit of 50% on backlog vacancies and this 50% limit was waived by the DOP&T vide OM No. 36012/5/97 (Estt.) (Res) Vol.I dated 20.7.2000 instructing all the ministries to carry out a review of vacancies of the backlog and to fill up them immediately but the Commission has noted no improvement in filling up the posts arising out of this exercise on backlog/shortfall has been carried out so far. Commission strongly urges that the Government of India should calculate the backlog/shortfall of SCs and launch Special Recruitment Drive to cover backlog in a time bound manner.

The Ministry of Personnel, Public Grievances and Department of Personnel and Training vide OM No. 36038/1/2004-Estt (Res) dated 5.8.2004 and 26.8.2004 had

chalked out a time bound programme under the common minimum programme of Government under special drive to fill up the backlog vacancies reserved for SCs and STs in promotion quota.

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

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

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

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

Observations on maintenance of post based roster

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

- (i) Departments/organisations have not prepared rosters in the form of registers but keeping records in their computer or loose sheets.
- (ii) Departments/organisations are still under correspondence with their administrative ministries for guidance and clarification about how to maintain the model post based rosters and due to non-response, post based rosters are yet to be implemented.

- (iii) Each year summary has not been drawn in the rosters at the end of each recruitment year.
- (iv) On the replacement of roster points, there often remain confusion and they have not been correctly followed by majority of the appointing authorities. Even if there is a shortfall of SCs and STs percentage of reservation in a particular cadre of the post, still points are being replaced from unreserved category candidates despite the fact that their representation is in excess.
- (v) That reserved candidates appointed by direct recruitment on their own merit and not owing to reservation will be adjusted against unreserved points. Similarly, the candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualification will not be adjusted against reserved points of the reservation roster. They will be adjusted against unreserved points.
- (vi) Liaison officers inspect the post based rosters but entries have not been signed of their correctness.
- (vii) Most of the departments/organisations are not clear about replacement system in the 13 points L shaped roster and the rotation of reserved vacancies is to be worked out.

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

Reservation for disabled and Scheduled Castes

The erstwhile National Commission for Scheduled Castes and Scheduled Tribes had no objection for filling up a post which is reserved for SCs as well for persons with disabilities that when a post falls vacant which is reserved for SCs and also for the handicap persons with disability such a post should be advertised as reserved for the SCs for handicapped also and the SC candidates who are handicapped will be given

preference. In case the handicapped persons belonging to SC are not available or not found suitable for the post, the post may be filled by appointing a physically fit SC candidate. The procedure may be followed in cases of promotion where the post to be filled by promotion in group "C" and "D" wherein reservation is available for disabled SCs and is also earmarked/reserved for the disabled.

Criteria of own merit in direct recruitment and promotion

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

- (a) The SC candidates appointed by promotion on their own merit and not owing to reservation or relaxation or qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.
- (b) If an unreserved vacancy arises in a cadre and there is any SC candidate within the normal zone of consideration in the feeder grade, such SC candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to unreserved category. In case he is selected he will be appointed to the post and will be adjusted against the unreserved point.
- (c) SC candidates appointed on their own merit by direct recruitment or promotion and adjusted against unreserved points will retain their status of SC and will be eligible to get benefit of reservation in future/further promotions, if any.
- (d) 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/promoted on their own merit.

Ad-hoc promotions

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

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

Training vide their O.M. No.36012/27/2000-Estt.(Res) dated 15 March, 2002 revalidated the instructions issued by them (i.e. DP&AR) vide their O.M. dated 30 April,1983.

Representations of SC on selection boards/committees

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

Role of Liaison Officers

In each Ministry/Department, an officer of the rank of Deputy Secretary is nominated as Liaison Officer to ensure due compliance of the orders of reservation issued from time to time in favour of SCs/STs. Similarly, Liaison Officers are nominated in attached/subordinate offices and other offices functioning under the control of a Head of Department. Main functions of the Liaison Officer are:

- i) To ensure due compliance by the appointing authorities with the reservation orders and other benefits admissible to SCs.
- ii) To scrutinize and ensure prompt submission of the prescribed annual statements about the representation of SCs/STs in services/posts by the

appointing authorities to the Ministries/Departments and consolidation of the annual statements and sending such statements to the Department of Personnel and Training.

- iii) To scrutinize all proposals for dereservation and to certify after due satisfaction that such dereservation are inevitable and that all steps prescribed in this regard have been taken.
- iv) To liaise between Ministries/Departments/Attached and Subordinate Offices and the Department of personnel & Training for supply of other information, answering queries and clearing doubts.
- v) To conduct annual inspection of rosters and maintaining a record of such inspections.
- vi) To extend necessary assistance to the National Commission for SCs in discharge of its duties and functions.
- vii) To meet SC employees who are desirous of meeting him in connection with their grievances.

The Liaison Officers are assisted by a Cell called SC/ST Cell in each Ministry/Department and office. The strength of the Cell depends on the work-load and the strength of personnel in the office.

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

officer at all stages in matters relating to direct recruitment, promotion etc. It is also necessary that there should be a full time Liaison Officer in large Ministries/Departments Like Railways, Posts, Tele-communication, Defence, Finance, Home, Industry, etc. and large Public Sector Enterprises having more than 10,000 employees so that he can keep a close watch on the implementation of reservation policy in the Ministry/Department / Public Sector Enterprise. The tenure of the Liaison Officer, should, as far as possible, be three years.

Often the cells set up in each organization to assist the liaison officer are not adequately staffed or given proper orientation training, thus reducing the capabilities of the Liaison officer to work effectively.

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

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

Reservation in Private sector

The Commission has already expressed the view that in consonance with the Constitutional safeguard the principle of positive discrimination enshrined in various articles of the Constitution governing reservation for SCs should be extended to the

private sectors also to fulfill constitutional obligation of social equality. The DoP&T on the Private Member Bill sought opinion of the Attorney General of India who opined that Article 16(4) of the Constitution enables the State to provide reservation of appointments or posts in favour of any backward class of citizens in the services under the State and that reservation in private sector will not be permissible under Article 16(4) of the Constitution and will be violation of the equality provisions in the Constitution. The National Commission for SCs considered the recommendation contained in the Sixth Annual Report (1999-2000 and 2000-01) and the seventh Annual Report (2001-02) of the erstwhile National Commission for SC and ST and reiterates to bring about suitable provision for extension of reservation in private sector. The Commission has taken notice of the vocal demands by various senior Political leaders, associations and political parties to introduce reservation in private sector. Since introduction of new Economic Policy during early 1990s, the role of State as an Employer is increasingly diminishing and maximum jobs are created in the Private Sector. As the social disability still mars the Scheduled Caste community in private sector, the Commission reiterates its earlier demand to introduce in a single major step reservation in private sector.

Recognition of SC and STs employees Welfare Associations

In many Ministries/Departments/ Public Sector Enterprises/Banks and other organizations, SC/ST employees have formed separate association for projecting their grievances as the general associations (Unions) are reluctant to support the grievances and claims of SC/ST employees since there are conflicting interest. Under the provisions of central Civil Services (Recognition of Service Association) Rules, the associations formed on the basis of caste/tribe/religion are not entitled for recognition. In the absence of recognition, associations of SC/ST employee face a lot of difficulties in persuading the administrative authorities to listen to the grievances of SC/ST employees. Although the concerned authorities in many organizations readily respond to these associations and also have correspondence and meetings with them for solving the issues/problems voiced

by the associations, the attitude of some administrative authorities has been found to be very rigid. As a result, these associations sometimes adopt agitational method in order to secure justice for the SC/ST employees.

Taking into account all relevant aspects, the Commission for Scheduled Castes and Scheduled Tribes has recommended for the recognition of associations of SC/ST employees. The Commission has also supported the demand of these associations in its earlier report. This question constantly continues to engage the attention of the Commission as the associations formed by SC/ST employees are persistently demanding recognition of their associations. In this context, the Commission has started a dialogue with the concerned authorities. Chairman of the Commission has addressed demi-official letters to the concerned Union Ministers in this connection and has had a meeting with the office-bearers of some associations also. A meeting with the senior officer of the concerned Ministries/Departments was also organized by the Commission and more such meetings are planned in the near future so that the issue is examined and debated in depth for finding a solution to the problem faced by the SC/ST employees' associations.

The Commission has also pointed out to the Department of Personnel & Training that it is well known fact that the SCs/STs together constitute almost one fourth of India's population and between themselves they comprise various castes, tribes and races or parts of or groups within castes, races or tribes. Scheduled Caste profess different religions viz. Hinduism, Sikhism and Budhism, Similarly, Scheduled Tribes also profess religion like Hinduism, Christianity, Budhism, etc. To consider such a mass of communities from hundres of castes and tribes and professing different religions as communal would be a travesty of facts. Even the Supreme Court has decided in their judgement in the case of State of Kerala Vs.N.M.Thomas and others that they (Scheduled Castes) are no castes.

The Commission would recommend that the Government of India should review the whole issue in detail as early as possible so that the associations formed by the SC/ST

employees get a respectable status and the administrative authorities listen to them with due attention. They may be provided with the following opportunities:

- (1) Collective representation
- (2) Personal Meetings
- (3) Record of discussions, redressal and grievances
- (4) Follow up and discussion
- (5) Supporting officers to build up leadership among these sections.

This will go a long way in assuaging the feelings of the most vocal section of SC/ST population.

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

- a) The Service associations formed by SC/ST employees do not fulfill the conditions prescribed in Rule 5(b), (c) and (f) of the CCS(RSA) Rules, 1993.
- b) The recognition rules have been framed after extensive consultations lasting over several years in which all major associations were involved and during the discussions there was no demand for a separate SC/ST associations.
- c) Various provisions of CCS(RSA) rules, 1993 came under scrutiny of the Supreme Court in 1996 (vide JT 1996(9) SC 456 DK Chhangani and others V Nitya Ranjan

Mukherjee and others) and the court did not find anything irregular or unconstitutional in the rules.

d) If the service associations of SC/ST employees are recognized by amending the rules mentioned above, then various other similar groups of employees belonging to OBC, minority, lingual, regional etc would also demand the recognition of their service associations. This will not be in the interest of an unified Civil Service. This may lead to litigation and industrial unrest.

e) The existing institutional safeguards protect the interest of SC/ST employees through the appointment of Department Liaison Officers and other administrative instructions. The NCSC/ST is charged with the responsibility to investigate and monitor such matters. The Commission can also enquire into specific complaints.

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

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

Annexure I

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

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

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

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

Group	Total No. of Employees	Representation of SCs	
		SCs No.	%age
As on 1.1.2007 (Based on information furnished by 210 Enterprises)			
Group 'A'	1,91,299	25,058	13.09
Group 'B'	1,69,191	22,860	13.51
Group 'C'	6,65,996	1,28,352	19.27
Group 'D'	2,31,640	50,142	21.64
(excluding Safai Karamcharis)			
Total	1258126	226412	17.99
Group 'D'	14,553	11,509	79.08
(Safai Karamcharis)			
Total	12,72,679	2,37,921	18.69

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

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

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

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

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

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

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

Where the property, service/employment of SCs and other related matters are under immediate threat and prompt attention of the commission is requested the matter is taken up by issue of telex/fax to the concerned authorities for making them know that the commission seized of the issue. The Chairperson, the vice-Chairperson and the Members have the jurisdiction on the subjects where investigation or inquiry to be carried out through the State offices of the Commission by holding sittings anywhere in India. The findings/observations of the commission issued after the investigation/enquiry by the commission in the light of laid down reservation policies by the DoP&T/State Government concerned/DPE etc are advised to consider and take corrective action in all fairness on the advice/findings and recommendations of the Commission.

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

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

1. A Scheduled Caste person (Shri Lalit Kumar) has alleged that he has been working as LDC in the Dr. Rajender Prasad Inter college, Bilaspur, Gautam Budh Nagar, UP since 22.5.2001 but the school authorities have not paid any salary till 2006. The Commission took up the matter with Education Deptt. of govt. of UP, Lucknow and the Special Secretary, Education and Director (Education), Govt. of UP was also asked to appear for the discussion in the Commission. Then school authority has regularized the SC person since 16.2.2006 but his salary was not released since 22.5.2001 as he has been working since 22.5.2001 in the school. The Commission again took up the matter with

Education Deptt. and the Education Deptt of Govt. of UP and School authority have released the salary of SC person from the date of joining i.e. from 22.5.2001.

2. Some of the SC doctors of Hoshiarpur have sent a representation regarding denial of appointment to them since 1997 by Punjab Government against their selection. The Commission took up the matter with Chief Secretary, Govt. of Punjab for the comments/reply in the matter. The Deptt. Of Health and Family Welfare, Govt. of Punjab has reported that fresh appointment orders to 73 SC candidates pertaining to the year 1997 had been issued on 8.3.2006

3. On the basis of the complaint received from a SC Addl. Supdt. Engineer in the Punjab State Electricity Board regarding framing of fabricated charge sheet against him and stoppage of three annual increments and frequent transfers, the Commission took up the matter with the Chairman, Punjab State Electricity Board in the year 2004. The case was examined in the Commission and all the records of the PSEB related to the petitioner were called in the commission as Commission was not satisfied with the report submitted by the Secretary, PSEB. Later on, the Special Secretary, Deptt. of Power (Energy Branch), govt. of Punjab was also called in the Commission who assured that the matter was resolved but the Punjab State Electricity Board did not take any action in this case. Thereafter the Principal Secretary, Deptt. of Power, Govt. of Punjab, Chandigarh and Chairman, PSEB, Patiala were again called in the commission in the year 2006 as the Commission observed that the charges framed against the petitioner seems to be fabricated. On intervention of the commission, the Secretary, PSEB intimated that PSEB has decided to withdraw the punishment and charges have been dropped in the case and order have been issued.

4. On the basis of the representation submitted by a SC lady regarding regularization/appointment in the Punjab National Bank in Branch Delhi, the Commission took up the matter with the Punjab National Bank in 2005. The petitioner alleged that she had worked as a temporary sweeper from 1998 in the branch office of PNB at Gandhinagar Delhi but despite clear cut permanent vacancy in the branch after the dismissal of a permanent peon, the bank instead of regularizing her services

terminated her services w.e.f. 20.10.2005. The Commission observed that although the post has been filled up on permanent basis against a vacant post the services of part time sweeper cannot be discontinued when a person has been elevated from the seniority of full time sweeper. It is clear from the case of part time sweeper that the petitioner should be considered from other branch of the bank. The GM PNB was called in the Commission for discussion in the case who agreed to offer employment to the petitioner as part time sweeper at 1/3rd scale of pay for which necessary steps have been initiated.

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

6. The petitioner belonging to SC sent a representation to the Commission in 2006 and alleged that he has applied for appointment on compassionate ground in the North West Railway, Jaipur. He has given the interview and NW Railway has verified his all educational certificates but he was not appointed so far by the North West Railway, Jaipur. The Commission took up the matter with the General Manager (P) North West Railway, M/o Railway, Jaipur for their comments. The GMP was called in the case in the Commission. The Commission was informed that the case of the petitioner has been considered and appointment on compassionate ground in group D in the post of Khallasi/T. Boy at workshop Ajmer offered and he has resumed duties on 5.9.2006.

7. One SC Under Secretary, posted in Ministry of Social Justice and Empowerment represented to this Commission regarding grant of notional benefit of upgradation of Selection Grade to the post of Under Secretary as personal on in-situ basis. The comments from the concerned authorities were called and based on facts the Commission called the Joint Secretary, M/o SJ&E for discussion in the matter. After discussion of the case it was agreed to review the case of petitioner. On the intervention of the Commission petitioner got the notional benefit.
8. A petitioner belonging to SC community working in Deptt. of Posts as Postman in MP Circle Bhopal represented to the Commission on 4.2.2005 regarding his non-promotion. The matter was taken up with the Chief Postmaster General MP circle, Bhopal on 15.3.05. On the basis of facts, the roster registers were requisitioned for examination in the Commission. The case was discussed with the Post Master General, MP Circle Bhopal in the Commission on 29.11.05 who agreed to review the case of the petitioner. On the intervention of the Commission the petitioner was promoted to the post of Clerk.
9. A person belonging to SC community represented to this Commission on 8.4.05 that his father working as Inspector in Haryana State Transport, died in service and the Govt. of Haryana denied appointment on compassionate ground to him. The matter was referred to concerned authorities for obtaining facts. The case was discussed with the commissioner, Transport in the commission who agreed to reconsider the case and the petitioner was recommended for appointment on compassionate ground by the Screening Committee. The petitioner had joined as LDC in the Transport Deptt. Govt. of Haryana.
10. One SC Director, GAIL India Limited posted in GAIL New Delhi represented to this commission regarding non-forwarding of application for the post of Chief Executive Officer and MD and caste based discrimination and harassment by an upper caste Chairman-cum-Managing Director. The matter was taken up with the Secretary, M/o Petroleum and Natural Gas on 4.8.05. The Secretary, M/o Petroleum and Natural Gas intimated the Commission on 29.8.05 that Petronet LNG Ltd is not a Govt. company and the selection for the post of CEO and MD has been done as per the Article of Association

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

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

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

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

12. The husband of the petitioner, Shri Jagbir Singh was serving in the BHEL for about 25 years. In July 2001 he died, leaving behind him, three children. As he died in harness his wife applied for employment of her son on compassionate ground in BHEL. She sent many applications in this regard but the company did not accede to her request.

At last, she lodged her complaint with this Commission. This Commission examined her case in detail and on the basis of the economic conditions of the family took up the case with BHEL authorities. The exchange of communications between the commission and BHEL continued for some years and finally it was in the month of May, 2006 that the BHEL formally appointed Shri Riteshwar Kumar, s/o late Shri Jagbir singh on compassionate ground.

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

For ensuring adequate representation of the SC and ST in the services and post under the State the safeguards in services are provided under Article 16(4), 16(4A) which came into force the safeguards in service on 19.6.95 vide the Constitution (77th Amendment) Act, 1995 and Article 16(4B) which has been incorporated in the Constitution vide the Constitution (81st Amendment) Act, 2000 empowers the State for making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the SC/ST which in the opinion of the State are not adequately represented in the services under the State. However, the issue of providing reservation in promotion within group "A" selection post is subjudice before the

Constitution Bench of the Supreme Court hence under Article 335 the claims of the members of the SCs shall be taken into consideration consistently with the maintenance of efficiency of administration to services and posts in connection with the affairs of the Union or of a State.

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

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

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

DoP&T may advise all the Ministry/Department and the appointing authorities that they should select the SC candidates from amongst the available eligible lot called for selection/interview and should not follow the criteria of not found suitable. DoP&T though has clarified it to the Commission but has not issued the instructions in this regard. The Commission therefore recommends that DoP&T may issue suitable instruction in this regard.

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

The Commission recommends that in order to make this inbuilt mechanism more effective the concept of making the Liaison Officer answerable/accountable to the NCSC

the Govt. should issue instructions (as is being done in case of Central Vigilance Organisation).

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

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

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

CHAPTER VI

PROTECTION OF CIVIL RIGHTS AND PREVENTION OF ATROCITIES ON SCs

Introduction

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

6.2 The Parliament passed the Untouchability (Offences) Act, 1955, which, again was an improved version of the Untouchability Order, 1950, in order to give effect to the declaration made in Article 17 of the Constitution and it came into force on 01.06.1955. The statement of Objects and Reasons appended to the Bill mentions, among others, that: *"Under Article 17 of the Constitution, untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the Law."*

6.3 Although the Untouchability (Offences) Act, 1955 has brought tremendous effect on the process of eradication of the evil of untouchability, it was felt in the course of its implementation that there was still enough scope and reasons to amend it for further broad-basing. In 1965, the Govt. of India, appointed a Committee under the Chairmanship of Shri L. Elayaperumal on untouchability, economic and educational development of the Scheduled Castes. The Committee submitted its report in 1969, and after examining the recommendations made by the Committee, Govt. of India introduced a Bill known as the Untouchability (Offences) and Amendment and Miscellaneous Provisions Bill, 1972 in Lok Sabha in April, 1972. The Parliament amended the Act of 1955 in November, 1976 in Lok Sabha in April, 1972. The Parliament amended the Act of 1955 in November, 1976, renaming it as the Protection of Civil Rights Act, 1955 which

came into force from 19.11.1976. In this Act, the term Civil Rights has been defined as any right accruing to a person by reason of abolition of "Untouchability" by Article 17 of the Constitution. Offences committed under the Act were made non-compoundable and summary trials prescribed in every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months. Punishment in a number of offences was also considerably enhanced.

6.4 The PCR Act, 1955 seeks to demolish the age-old, biased social attitude towards lower castes treating them as untouchables who remained at the receiving end of the lowest rung of the caste ladder. Apart from the declaration in the Constitution of India that untouchability is abolished and its practice in any form is prohibited, the PCR Act, 1955 was enacted to enforce that any disability arising out of untouchability shall be an offence punishable in accordance with the law. The PCR Act, was broad-based to make it an expressed charter of civil rights for all citizens, although it was not focused exclusively on the SCs and STs and not restricted to the Hindu way of a caste-divided life. As it was difficult to define untouchability, the enactment made express provisions with respect to the more common forms of untouchability, which are practiced in India. The Protection of Civil Rights Act, 1955 provides for exemplary punishment for practices of untouchability, in various forms that was eradicated under Article 17 of the Constitution. As a social legislation, PCR Act, 1955 partially succeeded in creating social awareness and in the eradication of socio-economic and religious disabilities imposed through various forms of practices of untouchability in a traditional Indian society.

6.5 Section 15-A of the PCR Act, 1955 imposes the statutory duty on the State Govts. to ensure that the rights accruing from the abolition of untouchability are implemented for the benefit of the discriminated/weaker sections of the society who are further subjected to social, economic and political discrimination by branding them as untouchables. Under the PCR Rules, 1976, States are also under obligation to set up special courts for trials, appointment of officers for due supervision over prosecutions in the cases, set up district level committees and periodic assessment of the working of the Act and identification of areas where persons are suffering from various disabilities due to the practice of untouchability.

6.6 However, the fact remains that the PCR Act, 1955 in particular could not live up to its expectations despite listing of various untouchability practices constituting crime under the law of the land. There were legal loopholes, the levels of punishments were less punitive as compared to those of the IPC and the law and order machinery were neither professionally trained nor socially inclined to implement the spirit of such social piece of legislation. These were the major reasons why a

more comprehensive and more punitive Act was required to be enacted to protect the members of SCs/STs from atrocities and prevent atrocity on them through the SCs & STs (POA) Act, 1989. The basic objective and purpose of this more comprehensive and more punitive piece of legislation stand explained in the statement of objects when the bill for the SCs & STs (POA) Act was introduced in the Lok Sabha which is quoted below:

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

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

6.7 The SCs & STs (POA) Act, 1989 defines atrocity as an offence punishable under section 3 (1) and (2) of the Act and lists 22 offences relating to various patterns of behaviour inflicting criminal offences for shattering the self-respect and esteem of the persons belonging to SCs & STs, denial of economic, democratic and social rights, discrimination, exploitation and abuse of the legal process etc. The Act, therefore imposes exemplary punishment at a scale much more than those under the IPC for atrocities on SCs and STs, except for the offence of rape where the level of punishments under the IPC is more than those contained in the POA Act. Apart from penal measures, the act also endeavors to ensure prevention of atrocities and seeks to provide legally justiciable rights to the victims of atrocities by way of a well scheduled scale of graded financial assistance to the victims of atrocities and provisions of relief and rehabilitation under Rule 12(4) of the SCs & STs (POA) Rules, 1995, apart from various steps like provisions of legal aid to the victims, maintenance allowance during investigation and trial, identification of atrocity prone areas, etc.

6.8 The basic conditions for taking cognizance under the Act is that the offender/accused should not be a member of SC & ST and that the victim should be a member of SCs/STs and the offence so committed should be made with prior knowledge of the caste background of the victim. While all the offences under section 3(1) and 3(2) of the POA Act are covered under IPC, these offences have been made non-bailable, cognizable and non compoundable under the SCs & STs (POA) Act, 1989. Under the SCs & STs (POA) Rules 1995, these offences are required to be tried by special courts in the State designated specifically for the purpose and investigation is to be carried out within 30 days by an officer not below the rank of Dy. Superintendent of Police so as to ensure that more than routine attention is paid by the investigation authorities while carrying out their duties under this socially meaningful piece of legislation. The social objective of both the Acts were sought to be achieved through the precautionary and preventive measures, rehabilitative measures, punitive measures enacted for the purpose.

6.9 There are conflicting views about the impacts of these two Acts on the overall crime scenario of the country. At the level of ideology, caste as a system has considerably weakened and perhaps has assumed newer forms or appeared as new avatar particularly in the wake of implementation of the Mandal Commission's Report in the nineties. But, still it cannot be denied that older forms and practices of untouchability have waned if not assumed newer/more subtle forms but atrocities committed on SCs & STs by local dominant groups of castes/people, have, contrary to the expectations, increased in absolute number. The reason

behind this apparent reality lies in the tensions within the social, economic and political fabric of the Indian society but nonetheless, it still can be construed as a sad commentary on the very nature of the civil society of the world's largest democracy.

Fact sheet

- 6.10 For the purpose of analysing crime against SCs data provided by NCRB has been relied upon. Going by the available statistics, the magnitude of crime registered under the PCR Act has been found to be speedily decreasing particularly after 1996 when the SCs & STs (POA) Act came into effect. After the SCs & STs (POA) Act, 1989 came into force with effect from 30-1-1990; the cases of atrocity on SCs & STs are being increasingly booked under the SCs & STs (POA) Act, 1989 and less and less under the PCR Act.
- 6.11 As observed from Table 1, the rate of cognizable crime under IPC+SLL against SCs and STs decreased in the year 1997 as compared to those in the year 1996. The Crime again increased in the year 2001 and 2002, again decreased in year 2003, increased in 2004 and again decreased in year 2005, but increased during the year 2006.

Table 1
Crime against SCs/STs

Year	Total cognizable crimes under IPC	Crime against\ (IPC+SLL)		(Unit: 1000)
		SC	ST	Total (SCs & STs)
1997	1720	27.9	4.7	32.6
1998	1779	25.6	4.3	29.9
1999	1764	25.1	4.4	29.5
2000	1771	25.5	4.1	29.6
2001	1769	33.5	6.2	29.7
2002	1783	33.5	6.8	40.3
2003	1716	26.3	5.9	32.2
2004	1832	26.9	5.9	32.8
2005	1823	26.1	5.7	31.8
2006	1878	27.1	5.8	32.9

Source: NCRB, New Delhi, Crime in India

- 6.12 State wise distribution of crime on members of SCs and STs show (ANNEXURE 6.1) that the magnitude of crime registered under PCR from 2000-2006 in six States of Uttar Pradesh, Andhra Pradesh, Bihar, Karnataka, Orissa and Tamil Nadu are relatively higher than other States. Generally, it has been found from the NCRB data that States that have high rate of crime reported under IPC and State Local Law (SLL) are also generally the States with high rate of crime on SCs & STs depending on the concentration of population of respective communities. While NCRB data shows that Uttar Pradesh, recorded highest number of IPC crimes in general between periods from 2000-2006 followed by Andhra Pradesh, Bihar and Karnataka. It was further followed by States like Andhra Pradesh, Bihar, Gujarat and Tamil Nadu recording incidence of IPC crime in the range of 1.0-1.5 lacs. Ironically these are also the States where atrocities on SCs & STs are higher compared to their counterparts. The only difference being that in some southern States like Andhra Pradesh, Bihar, Karnataka, Orissa and Tamil Nadu relatively more cases registered under PCR Act compared to the other States of the country. Northern States of Uttar Pradesh, Madhya Pradesh and Bihar are generally the States where serious/violent crimes against the SCs & STs are relatively higher.
- 6.13 The analysis of the total crimes committed against the members of SCs/STs since 2002 to 2006 (Table 2) reveals that in year 2002, crimes against SCs rose whereas for the year from 2003 to 2006 remain almost the same. As regards specific nature of crimes committed on the members of SCs (Table 2) reveals that the heinous cases like murder, rape, arson, has gone down in case of SCs. States/UTs wise review of the serious crimes committed against the members of SCs in the year 2006 (ANNEXURE 6.II) reflects highest number of murder cases in the State of Uttar Pradesh (318) followed by Madhya Pradesh (76), Rajasthan (60) & Andhra Pradesh (52) whereas highest rape cases has been reported from State of Madhya Pradesh (335) followed by Uttar Pradesh (229), Rajasthan (132).

Table 2
Nature of Crime on SCs

Year	Murder	Grievous Hurt	Rape	Arson	Kidnaping & Abduction	Dacoity	Robbery	Protection of Civil Rights Act	SC/ST (Prev. of Atrocities) Act	Other offences	Total
2002	739	4491	1331	322	319	29	105	1018	10770	14383	335
2003	581	3969	1089	204	232	24	70	634	8048	11401	262
2004	654	3824	1157	211	253	26	72	364	8891	11435	268

2005	669	3847	1172	210	258	26	80	291	8497	11077	2612
2006	673	3760	1217	226	280	30	90	405	8581	11808	2707

Source: NCRB, New Delhi, Crime in India

- 6.14 The State wise numbers of atrocity cases in respect of SCs are given at **ANNEXURE 6.III**. From this table, it is observed that the State of Uttar Pradesh has highest number (1702) of atrocity cases in 2006 followed by Andhra Pradesh (1514), Bihar (1438), Karnataka (1051) and Orissa (621). These trends are alarming and need some effective measures. The status of dealing with the cases of atrocity by the Police may be seen at the table give in the (**ANNEXURE 6.IV**). It appears that substantive numbers of cases have been investigated by the State Police under the POA Act but only a small proportion of them ended in charge sheet. However in the State of Andhra Pradesh (4354), Uttar Pradesh (4787), Rajasthan (3910), Bihar (1803). The Police has also submitted significant number of cases as final report which needs in-depth study by the concerned States and subsequently feed back to the investigation officer.

Table-3
Cases pending in various courts of law

CRIME HEADS	FOR TRIAL	WITH-DRAWN	TRIAL-COMPL	CONVIC TED	DISCHARGED	PENDING
2002 TOTAL COG. IPC CRIME	114464	9	20403	6556	13847	92642
2003 TOTAL COG. IPC CRIME	114882	21	20803	5937	14866	92708
2004 TOTAL COG. IPC CRIME	112409	23	22002	5962	16040	88157
2005 TOTAL COG. IPC CRIME	109072	12	20640	6145	14495	87467
2006 TOTAL COG. IPC CRIME	106754	4	20495	5662	14833	85264

Source: NCRB, New Delhi, Crime in India

- 6.15 The status of disposal of atrocity cases by the Court may be seen at **Table No. 3** taking together as whole country the number of cases for the year 2002 and 2003 are 92642 and 92708 respectively. For the next three years from 2004 to 2006 the

pendency of the cases decreased i.e. 88157 during the year 2004, 87467 during the year 2005 and 85264 during the year 2006.

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

Main reasons of acquittal:

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

- 6.17 As is evident from the table on state-wise atrocity on SCs and STs the four States mentioned above are the States, which have remained at the top of the country's crime map. The top position of crime in terms of atrocities on members of SCs & STs are either being claimed by Madhya Pradesh or Uttar Pradesh followed by Bihar and Rajasthan. Over a period of time, these States have accounted for most of the serious crime against SCs & STs indicating, inter alia, that the enhanced levels of prescribed punishment under the SCs & STs (POA) Act, 1989 could not act as a deterrent socially, economically or politically for eliminating atrocities on the dalits or the weaker sections of the society.
- 6.18 As will be evident from the Table 3, a large number of cases have been accumulating as pending cases in various courts of law all over the country and the total pending cases under SCs & STs (POA) Act, 1989. The number of pending cases in various Courts of Law for the year 2005 was 87467 and for the next year 2006, this figure slightly came down to 85204. As against this, the level of conviction under both the Acts have been found to be very much lower than those cases booked under IPC as a result of which the level of acquittal have been found to be higher under the POA/PCR Acts. This reflects the unsatisfactory condition of delivery of justice to the victims of atrocity under the existing conditions of bureaucracy in courts, legal loopholes, lack of support to the

victims, lack of commitment of the law and order machinery and their indulgence and connivance with the accused.

- 6.19 Similarly, in terms of total cognizable crimes committed on SCs during the year 2006 (ANNEXURE-6.II), it has been seen that the State of Madhya Pradesh ranked top with 1298 number of total offences committed followed by Uttar Pradesh 1132, Andhra Pradesh with 839 and Rajasthan 689 of offences number of crimes committed on Scheduled Castes during the year 2006. It has however, been observed that the incidence of rape or other heinous crimes is minimum or negligible in the states like West Bengal and North-Eastern States.
- 6.20 As regards cases pending for investigation (ANNEXURE-6.IV) show that in 2006, the maximum number of cases pending investigation is in the State of Orissa 8171 cases followed by Andhra Pradesh with 5896, Uttar Pradesh 5603, Bihar 4471, Madhya Pradesh 4444 and Rajasthan 4158. It is, therefore, imperative to initiate some urgent measures to decrease the pendency to deliver justice expeditiously.
- 6.21 From the chart of convictions and acquittals, it has been observed that the rate of acquittal is very high. The same can be observed from the table mentioned below.

Disposal of cases for Crimes against SCs by Courts during 2006

S. No.	Crime Head	Total No. of cases for trial incl. pending cases	Cases withdrawn by the Govt.	No. cases in which trials completed				Pending cases
				Compounded or Withdrawn	Convicted	Acquitted or discharged	Total	
1	2	3	4	5	6	7	8	9
1	MURDER	2969	0	1	291	301	592	2376
2	RAPE	4270	1	5	284	637	921	3344
3	KIDNAPPING & ABDUCTION	1066	0	1	77	136	213	852
4	DACOITY	104	0	0	2	22	24	80

5	ROBBERY	303	0	0	16	54	70	233
6	ARSON	829	0	1	45	128	173	655
7	HURT	14491	0	232	891	2017	2908	11351
8	PCR ACT	2996	0	3	87	473	560	2433
9	SC/ST PREV. OF ATROCITIES ACT	40800	0	262	1538	4989	6527	34011
10	OTHER CRIME AGAINST SC	38926	3	490	2431	6076	8507	29929
11	TOTAL	106754	4	995	5662	14833	20495	85264

Source: NCRB, New Delhi, Crime in India

Compensation to Victim:

- 6.22 The principle of compensating victims of atrocities crime has been recognized in SCs/STs (POA) Rules, 1995 more so as a token of relief rather than part of a punishment or substantial remedy. The idea of providing compensation primarily has been, to support the victim financially so as he/she can cop-up with the situation even when a earning member of a family lost or incapacitated or otherwise. The SCs/STs (POA) Rules, 1995 have vividly defined section-wise compensation amount and share of stipulated amount to the victim should be before or after the judgement is delivered by the Competent Court of Law. While various sections under POA Act provide the specific amount to the victim from the State Govt.; it also stipulates the mode through which the payment shall be disbursed. The compensatory amount, however, to be paid directly to the victim of atrocity or his/her immediate relative by cash/cheque through the Social Welfare Department of the respective States. Here it is important to mention that in cases of atrocity; compensation is paid through a matching grant maintained by the State Department and the Central Govt's share is 50% of the total share of budget amount.
- 6.23 Unfortunately, our adversarial criminal justice system, has rather shown apathy towards a victim oriented justice. The Mallimath Committee Report is critical about the same.
- "Historically speaking, Criminal Justice System seems to exist to protect the power, the privilege and the values of the elite sections in society. The way crimes are defined and the system is administered demonstrate that there is an element of truth in the above perception even in modern times. However, over the years the dominant function of criminal justice is

projected to be protecting all citizens from harm to either their person or property, the assumption being that it is the primary duty of a State under rule of law. The State does this by depriving individuals of the power to take law into their own hands and using its power to satisfy the sense of revenge through appropriate sanctions. The State (and society), it was argued, is itself the victim when a citizen commits a crime and thereby questions its norms and authority. Thus, the focus of attention of the system shifted from the real victim who suffered the injury (as a result of the failure of the State) to the offender and how he is dealt with by the State. Criminal justice came to comprehend all about crime, the criminal, the way he is dealt with, the process of proving his guilt and the ultimate punishment given to him. The civil law was supposed to take care of the monetary and other losses suffered by the victim. Victims were marginalized and the State stood forth as the victim to prosecute and punish the accused.

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

Atrocity on women

- 6.24 Section 3 (1) (X), (XI) and (XII) of the SCs & STs (POA) Act, 1989 specifically deal with the atrocity on women belonging to SCs & STs. Both of these provisions do not include the specific provisions of rape as in the case of IPC. As a result, specific complaints of rape cases are generally booked under the provisions of IPC and not under the SCs & STs (POA) Act, which provides for outraging the modesty of women, an omnibus clause that also include incidence of rape. Technically, it is very difficult to prove rape under SCs & STs (POA) Act. It is very difficult to establish the motive of the crime as the incident/attempt ipso facto may not tantamount to purposive humiliation of the weaker sex on account of caste factor. But the fact remains that rape/incidents of assault on the women folk of SCs & STs are caused by double dis-advantage; that they are economically less empowered and weak compared to their male folk even within

the community and secondly they are relatively weak when compared to the society as a whole. Perhaps this is one of the reasons why SCs & STs women in Madhya Pradesh or in Rajasthan and Uttar Pradesh are subjected to atrocities more than their counter-parts in other States.

Main successful cases dealt by APCR Wing during the year 2005-2006 and 2006-2007

1. **Case-I (File No. UP/16/07 APCR):** On the complaint of Sh. Chandra Pal, S/o Shri Gobordhan and others of Vill.- Kanchan Nagar, Hathras, Uttar Pradesh, alleging that he was working with the Krishna Eit Udyog, Bhagabadh Pura, Distt. - Dausa (Rajasthan) as brick kiln labourer. But the owner of the brick klin never paid him salary and forced him to stay within the premises of the brick kiln. When the petitioners asked for their salary, they were beaten up and provided meager amount for their bare living only. The matter was referred to the S.P., Dausa, on 18/1/2007 for immediate necessary action. Accordingly, a communication was received from petitioners on 17/7/2007 stating that the police rescued them and arranged to send them to their place of origin i.e., Hathras.
2. **Case-II (File No. Har/25/07/APCR):** On the complaint of Sh. Biresh Kumar, Vill. - Dinapur, P.S. Pali Mukimpur, Distt. Aligarh, Uttar Pradesh alleging that they were brought to Dabar Brick kiln at Distt. Jhajjar, Haryana, by one Shri Sanjay for brick kiln work. The brick kiln owner refused to make payment when they reported for work at Jhajjar and provided a meager amount to sustain themselves. The matter was referred to District Magistrate, Jhajjar on 19/2/2007 for report with a direction to take necessary measures to relieve the aggrieved labourers from the clutches of brick kiln owner. Subsequently, a letter was received from petitioner stating that they were freed.
3. **Case III (File No. UP/289/07 APCR):** On the complaint of Shri Suresh Chandra, Vill.- Sokhana, Hathras, Uttar Pradesh alleging that his minor daughter of seven years old has been kidnapped on 26/6/2007 by some upper caste co-villagers and they removed her kidney and other vital organs from the body of the deceased after killing her and dumped her body to suppress this heinous crime. The petitioner had lodged an F.I.R. indicating the names of the suspected accused. On 24/7/2007 the decomposed body of the petitioner's daughter was recovered from a pit. Subsequently, a case was registered vide No.354/07 U/S 364,302, 201, 212 IPC and 3 (2) (5) of (POA) Act, 1989. Petitioner alleged that one Dr. Murari Lal, who was involved in organ transplant business, had

influenced the local police where by a charge-sheet was submitted immediately in the Court suppressing many vital facts of the case. It was also alleged that the compensation amount the District Administration provided was far below the prescribed amount. The matter was taken up with the S.P. Distt. Hathras on 29/10/2007 for submitting a report on factual position of the complaint and action taken thereon. Accordingly, a report was received from the S.P. Hathras stating that a case had been registered under relevant Sections of both I.P.C. and under SCs/STs (POA) Act, 1989. Consequently, compensation as per norms had been provided to the family member of the atrocity victim.

4. **Case-IV (File No. Raj/74/07 APCR):** On the complaint of Shri P.L. Mimroth, President, Centre for Dali Rights, Jaipur, Rajasthan, alleging that one Shri Khibaram Naik, Vill.- Togabas, P.S.-Bhalori, Distt.- Churu, Rajasthan was murdered on 20th August, 2007 allegedly by Shri Jaipal Singh who was a local influential land owner. Upon receiving the complaint, the matter was brought to the notice of S.P., Churu on 1/11/2007. Accordingly, a report was received from S.P., Churu on 27/11/2007 and a case registered against the accused vide F.I.R. No.65 dated 3/9/2007 U/S 302 IPC and section 3(2) (5) of SCs/STs (POA) Act, 1989. Consequently, a sum of Rs. 1.5 lakh had been provided to the family members of the deceased.
5. **Case-V (File No. Raj/73/07 APCR):** On the complaint of Shri Tilokaram, S/o Shri Sugnaram, Vill Togabas, the. Taranagar, P.S. Malori, Dist. Churu, Rajasthan alleging that the petitioner had lodged a police complaint against some Rajputs for causing murder of his brother. It was alleged that the other Rajput villagers were annoyed due to this reason and they interfered with the police enquiry. The local SHO also allegedly supported the Rajput villagers as he himself belonged to Rajput caste. Upon receiving the complaint, the matter was referred to the SP, Churu on 12.10.2007 for an action taken report within 15 days. Subsequently, a report was received from SP, District Churu wherein it was informed that a case had been registered under sections of SCs/STs Act, 1989 along with other sections of IPC. Subsequently, financial compensation of Rs. 1.50 lakh was made available to the victim of atrocities under POA Rules, 1995.
6. **Case-VI (File No. Delhi/3/2007 APCR):** On the complaint of Shri Bateshwar of Mahindera Park, Delhi alleging one Shri Gyanchand and his family members residing there were objecting to his working on street. Alleged persons abused him using caste words. He had alleged that some police officials threw his working tools and cloths which he had brought for ironing. The petitioner again complained that the accused person started misbehaving with him again and

removed his table with the help of local police. Upon received the complaint the matter was referred to Special Commissioner of Police (Vig.) on 12/01/2007 followed by reminders dated 25/05/2007 & 17/07/2007. A rejoinder was forwarded to the Commissioner of Police on 29/08/2007 followed by reminders dated 11/09/2007 & 26/09/2007.

A report was received from DCP, North West on 01/08/2007 stating that the petitioner was advised to shift his table a few yards away as he has encroached upon a very narrow street and not having any permission from MCD to carry out his work but he was adamant to work at that place only. Hence a case u/s 283 IPC vide FIR No. 685/07 was registered and action u/s 66 DP act was also taken.

Subsequently, a communication has been received from the petitioner dated 24.3.2008 according to which the accused had apologized publicly and also through an affidavit. The petitioner does not want further action against the accused at this stage.

7. **Case-VII (File No. Delhi/61/07-APCR):** On the complaint of Sh. Rajpal, R/o- C-28 Z-4, Dishad Garden, Delhi-95, alleging that her daughter in-laws belonging to upper castes harassing him and his wife without any reasons. He further complained that on 5/8/2007 his daughter in-laws abused them by caste name though they stay separately with their respective husbands. The petitioner was 62 years- old with ailments connected with his old age and requested the National Commission for SCs to intervene in the matter. Upon receiving complaint, the matter was referred to Delhi police on 30/8/2007. Subsequently, a report was received from the Additional D.C.P North - East District Delhi, dated 10/11/2007 intimating that the dispute within the family had been solved and the petitioner didn't want any action on his complaint. Petitioner also vide his application dated 19/1/2007 requested the Commission not to intervene further in the matter.
8. **Case-VIII (Atma Narayan Ambre V/s Shafiq Zahoor Shaikh and 04 others):** The said case was registered in Ambernath (Thane) district as crime number 272/06 under the provisions of POA Act 3 (1) (11) (12) PCR Act Section 7 (1) (D). 10 read with IPC 302, 201, 147, 148, 149, B.P. Act 37 (1) 135. The deceased, Miss Megha Ramesh Gaikwad and the accused Z. Shaikh were working together. They fell in love with each other and the accused incited the deceased that, he would marry her. The deceased was not in favour, on the grounds that, she was from the SC community. On 12/06/2007, the accused brought the deceased near the forest compound and strangled her with a scarf and also injured her with a knife. In order to conceal her identity, he poured kerosene over her and burnt her to destroy the evidences. Based on the statements of the witnesses, the crime was cracked and all the accused were taken into custody.

The Charge Sheet has already been filed and the Trial was on in the Sessions Court Thane.

9. **Case-IX:** Shri Ramdev Priyadarshi, LIG Flat No. 432, Sector-3, Bahadurpur Housing Colony, Patna (Bihar) submitted a representation to the State Office, Patna of the NCSC with an information that he and his family members were being harassed by the neighbours due to his being a member of the Scheduled Castes. He had made a complaint to the local police in this regard but the police had neither registered a case nor taken any action against the accused persons. The State Office took up the matter with the Senior Superintendent of Police, Patna for necessary action in the matter and also discussed the matter with the Officer-in-charge of the local police station. As a result, the police had registered at Sultanganj (Agamkuan) P.S. Case No. 280/2006 dated 21.07.2006 u/s 379/323/325/384 of IPC and section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (POA) Act, 1989 against 6 named and 5 unknown accused persons. The case was under investigation.
10. **Case-X (Case No. 3/247/2006) General:** Shri Satyavir Balmiki, S/o Sh. Parsadi, R/o Bakrailya, Police Station Nohjheel District Mathura informed that some of the Upper Castes people injured his wife, brother and sister in law (Bhabhi) by the bullets, and insulted him on caste basis i.e., calling him by his caste name. Case was filed under sections 147, 148, 149, 307 of Indian Penal Code and Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. Case was registered under No. 123/2002 at Police Station Nohjheel. Petitioner alleged the Social Welfare Officer did not give financial help under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this regard correspondence has been made with the District Social Welfare Officer. He informed that all the four aggrieved persons of Scheduled Castes were given Rs. 43,750/- to each by Cheque as a financial help.
11. **Case-XI (Case No. 3/21/2007-General):** Shri Indupal, S/o Sh. Shobi, Vill Ghatwayhati, Police Station Veenavar, Badayuan complained that when his brother went to Bareilly he was murdered. He also alleged some of the upper castes persons for this Act. Only section 302 of IPC was imposed in this case and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was not invoked. After thorough examination of the Petition, the matter was forwarded to the Senior Superintendent of Police, Bareilly, with a request to register the case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and proposal for financial help to the dependent of deceased. Senior Superintendent of Police replied that with the intervention of the Commission for the proposal for financial help it was sent to the District Social Welfare Officer for their sanction.

12. **Case-XII:** Shri Indrapal, S/o Sh. Shobhi, Vill. Ghatbehti, P.S. Binawar, Badaun submitted a representation alleging that his brother was shot-dead at the Bus-stand, Bareilly by some known persons (Upper-caste). He also alleged that a case was registered under Section 302 of IPC. This office took up the matter with District Police Chief. With the intervention of this Commission, section 3(2) V of the POA Act was applied. The accused were arrested. The Inquiry Officer after investigation filed charge sheet in the Court. The next kin of the deceased was also provided financial assistance to the tune of Rs. 1.5 Lakh.
13. **Case-XIII:** In Firozabad District case of rape of 3 Scheduled Caste girls had come to notice. Taking seriousness of the case, the District Authorities were asked to act promptly. The Commission intervened and all the accused were arrested and a case under section 395/394/376/511/205/412/354/355 of IPC & 3(1) XI, XII and 3(2) 5 of SC/ST Act was registered. Rs. 25, 000/- to each victim was provided as financial assistance.
14. **Case-XIV:** Through a press report, a case of murder of a Scheduled Caste person in Balrampur District was noticed. The SP of the District was asked to act promptly. All the 8 accused were arrested. A case under Section 147/148/302/504/506 of IPC and 3(2)5 of SC/ST Act was registered. The next of kin of deceased was provided financial assistance to the tune of Rs. 1, 20,000/- by the District Administration.
15. **Case-XV:** Smt. Meta, W/o Sh. Sanjay, R/o Vill. Padhai Puwayan, Shahjapur, submitted a representation to this office alleging that his father was shot dead. With the intervention of the Commission a case under Section 304 of IPC and 3(2) 5 of SC/ST Act was also registered. The next of kin was not given financial assistance although Inquiry Officer had filed a charge-sheet in the Court. The matter was taken up with the District Social Welfare Officer. Finally, financial assistance to the tune of Rs. 1.50 Lakh was sanctioned to the next of kin of deceased.

RECOMMENDATIONS:

- 6.25 The Central Government should request the State Governments to ensure that police officials should be sensitized about the provisions/implementation of PCR Act, 1955 and POA Act, 1989 in their in house training programme as well as to organize special training for them.
- 6.26 The Central Government and the State Governments should ensure that the underlying reasons for ending up the investigations in final report as acquittal of

the accused in the States where maximum cases are registered under PCR and POA Act need to be studied in depth.

6.27 It has been observed that the pendency rate of atrocity cases in courts is very high. The Government of India and respective State Government, therefore, need to evolve some mechanism to ensure speedy trial of such cases.

6.28 It has also been observed that the level of awareness about PCR Act, 1955 and POA Act, 1989/Rules, 1995 is very low among the Scheduled Castes and Scheduled Tribes across India. The same even more lower in the villages and other remotely far- flung areas. The Commission, therefore, urge the State Government and UT administration to display material pertaining to these acts in local language to enhance information level of general public at large and especially to SC/ST communities.

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Cases registered under Protection of Civil Rights Act from 2000-2006 and Prevention of Atrocities Act from 2002-2006

States/UTs	PROTECTION OF CIVIL RIGHTS ACT, 1955										SC/ST (POA) Act, 1989				
	2002	2003	2004	2005	2006	2002	2003	2004	2005	2006					
Andhra Pradesh	459	165	68	61	93	830	1234	1319	1244	1514					
Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0					
Assam	0	0	0	0	0	0	0	0	0	0					
Bihar	113	82	93	95	2	715	904	1813	1141	1438					
Chhattisgarh	22	0	0	1	0	77	155	138	115	120					
Goa	0	0	0	0	0	1	1	0	1	4					
Gujarat	6	7	5	6	4	332	320	411	434	359					
Haryana	0	0	0	0	0	32	36	31	73	86					
Himachal Pradesh	10	1	2	3	0	32	36	40	18	36					
Jammu & Kashmir	0	0	3	1	2	0	0	0	0	0					
Jharkhand	0	0	0	8	11	53	36	53	64	135					
Karnataka	101	68	38	28	25	1099	1155	1061	1108	1051					
Kerala	0	0	3	0	0	229	173	162	41	70					
Madhya Pradesh	5	1	1	1	1	570	445	357	344	338					
Maharashtra	76	43	26	32	36	136	216	219	258	350					
Manipur	0	0	0	0	0	0	0	0	0	0					
Meghalaya	0	0	0	0	0	0	0	0	0	0					
Mizoram	0	0	0	0	0	0	0	0	0	0					
Nagaland	0	0	0	0	0	0	0	0	0	0					
Orissa	3	0	0	0	0	466	435	574	639	621					
Punjab	2	1	0	1	0	53	c	61	72	99					
Rajasthan	1	0	0	1	0	2384	867	579	415	119					
Sikkim	0	0	0	0	0	0	0	0	0	1					
Tamil Nadu	79	198	70	12	84	685	776	691	829	468					
Tripura	0	0	0	0	0	0	0	0	1	0					
Uttar Pradesh	122	52	35	28	133	2974	1128	1264	1623	1702					

	2002	2003	2004	2005	2006	2002	2003	2004	2005	2006	2002	2003	2004	2005	2006
Uttarakhand	0	0	0	0	0	85	66	112	50	48					
West Bengal	0	0	0	0	0	2	1	2	5	0					
Total (States)	999	618	344	278	391	10755	8035	8887	8475	8559					
A & N Islands	0	0	0	0	0	0	0	0	0	0					
Chandigarh	0	0	0	0	0	0	0	0	0	1					
D & N Haveli	0	0	0	0	0	0	0	0	0	0					
Daman & Diu	0	0	0	0	0	0	0	0	0	0					
Delhi	1	0	0	1	0	15	12	4	20	21					
Lakshadweep	0	0	0	0	0	0	0	0	0	0					
Pondicherry	18	16	20	12	14	0	1	0	2	0					
Total (UTs)	19	16	20	13	14	15	13	4	22	22					
Total (All-India)	1018	634	364	291	405	10770	8048	8891	8497	8581					

Source: NCRB, New Delhi, Crime in India

ANNEXURE 6.II

State wise/ UTs review of the serious crimes committed against the members of SCs in the year 2006

States/UT	Murder	Hurt	Rape	Arson	Others	Total
Andhra Pradesh	52	657	97	13	20	839
Arunachal Pradesh	0	0	0	0	0	0
Assam	5	114	11	7	42	168
Bihar	16	336	19	22	12	405
Chattisgarh	10	48	49	0	3	110
Goa	0	0	0	0	0	0
Gujarat	20	255	19	11	48	353
Haryana	7	45	31	1	16	100
Himachal Pradesh	0	0	11	0	0	11
Jammu & Kashmir	0	0	0	0	0	0
Jharkhand	5	54	15	3	2	79
Karnataka	28	120	27	1	7	183
Kerala	3	85	62	1	4	155
Madhya Pradesh	76	815	335	34	37	1298
Maharashtra	21	57	87	9	30	204
Manipur	0	0	0	0	7	7
Meghalaya	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0
Nagaland	3	0	1	0	1	5
Orissa	12	192	52	17	8	281
Punjab	3	5	11	0	6	25
Rajasthan	60	435	132	39	23	689
Sikkim	0	0	0	0	0	0
Tamil Nadu	26	136	21	7	3	193
Tripura	0	1	0	0	0	1
Uttar Pradesh	318	398	229	61	126	1132

States/UT	Murder	Hurt	Rape	Arson	Others	Total
Uttaranchal	7	6	6	0	1	20
West Bengal	1	1	2	0	0	4
Total (States)	673	3760	1217	226	400	6276
A & N Island	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0
D & N Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	0	0	0	0	0	0
Lakshadweep	0	0	0	0	0	0
Pondicherry	0	0	0	0	0	0
Total (UTs)	0	0	0	0	0	0
Total (All India)	673	3760	1217	226	400	6276

Source: NCRB, New Delhi, Crime in India

Disposal of Cases for Crimes Committed Against Scheduled Castes by Police During 2006
(States & UT Wise)

ANNEXURE 6.IV

Cases Committed Against Scheduled Castes by Police During 2006 (States & UT Wise)													
S. No.	State/UT	Total No. of cases for investigation including pending cases	No of case in which						No. of cases pending investigation	Pending percentage	%age of pending to all India total	Charges heeding rate (COL8) / (COL 7+8 * 100)	
			<u>Investigation was completed</u>										
			Cases withdrawn by Govt.	Investigation was Refused	Charge found False/Mistake of Fact or Law etc	Final Report true submitted	Charge sheets were submitted	Total (6)+(7)+(8)+(9)					
1	2	3	4	5	6	7	8	9	10	11	12	13	
1.	Andhra Pradesh	5896	0	0	1954	320	2080	4354	1542	26.2	18.4	86.7	
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0.0	0.0	0.0	
3.	Assam	423	0	0	0	106	103	209	214	50.6	2.6	49.3	
4.	Bihar	4471	0	0	241	325	1237	1803	2668	59.7	31.8	79.2	
5.	Chattisgarh	471	0	0	2	2	395	399	70	14.9	0.8	99.5	
6.	Goa	6	0	0	0	0	1	1	5	83.3	0.1	100.0	
7.	Gujarat	1063	0	0	49	21	910	980	78	7.3	0.9	97.7	
8.	Haryana	330	0	0	80	5	196	281	49	14.8	0.6	97.5	
9.	Himachal Pradesh	107	0	0	37	0	56	93	14	13.1	0.2	100.0	
10	Jammu & Kashmir	2	0	0	0	0	2	2	0	0.0	0.0	100.0	
11.	Jharkhand	395	0	0	31	47	203	281	111	28.1	1.3	81.2	
12.	Karnataka	2242	5	9	297	171	1356	1766	462	20.6	5.5	92.3	

Number of Atrocity cases in respect of Scheduled Castes

Sl. No.	Name of the State	2001	2002	2003	2004	2005	* 2006
1.	Uttar Pradesh	4885	2974	1128	1264	1623	1702
2.	Karnataka	983	1099	1155	1061	1108	1051
3.	Rajasthan	2965	2384	867	579	415	119
4.	Andhra Pradesh	950	830	1234	1319	1244	1514
5.	Madhya Pradesh	435	570	445	357	344	338
6.	Tamil Nadu	682	685	776	691	829	468
7.	Gujarat	356	332	320	411	434	359
8.	Orissa	645	466	435	574	639	621
9.	Bihar	513	715	904	1813	1141	1438
10.	Kerala	121	229	173	162	41	70
11.	Maharashtra	146	136	216	219	258	350
12.	Himachal Pradesh	41	32	36	40	18	36
13.	Haryana	33	32	36	31	73	86
14.	Chhattisgarh	164	77	155	138	115	120
15.	Punjab	49	53	51	61	72	99
16.	Uttaranchal	84	85	66	112	50	48
17.	Delhi	17	15	12	4	20	21
18.	Pondicherry	-	-	1	0	2	0
19.	Goa	1	1	1	0	1	4
20.	Assam	-	-	0	0	0	0
21.	West Bengal	5	2	1	2	5	0
22.	Chandigarh	2	-	0	0	0	1
23.	Daman & Diu	-	-	0	0	0	0
24.	Jammu & Kashmir	-	-	0	0	0	0
25.	Jharkhand	35	53	36	53	64	135
26.	Tripura	1	-	0	0	1	0
	Total	13113	10770	8048	8891	8497	8580

Source: NCRB, New Delhi, Crime in India

1	2	3	4	5	6	7	8	9	10	11	12	13
13.	Kerala	692	0	0	171	81	206	458	234	33.8	2.8	71.8
14.	Madhya Pradesh	4444	0	1	80	59	4001	4140	303	6.8	3.6	98.5
15.	Maharashtra	1301	0	5	119	31	800	950	346	26.6	4.1	96.3
16.	Manipur	0	0	0	0	0	0	0	0	0.0	0.0	0.0
17.	Meghalaya	0	0	0	0	0	0	0	0	0.0	0.0	0.0
18.	Mizoram	0	0	0	0	0	0	0	0	0.0	0.0	0.0
19.	Nagaland	5	0	0	0	0	2	2	3	60.0	0.0	100.0
20.	Orissa	8171	0	2	132	24	933	1089	780	41.7	9.3	97.5
21.	Punjab	291	0	0	56	17	96	163	128	44.0	1.5	85.0
22.	Rajasthan	4158	0	1	1935	52	1919	3910	247	5.9	2.9	97.4
23.	Sikkim	5	0	0	0	0	1	1	4	80.0	0.0	100.0
24.	Tamil Nadu	1227	0	4	184	46	777	1007	216	17.6	2.6	94.4
25.	Tripura	21	0	0	0	14	3	17	4	19.0	0.0	17.6
26.	Uttar Pradesh	5603	0	0	285	568	3934	4787	816	14.6	9.7	87.4
27.	Uttaranchal	77	0	0	11	8	48	67	10	13.0	0.1	85.7
28.	West Bengal	29	0	0	0	2	9	11	18	62.1	0.2	81.8
	Total (States)	35130	5	32	5662	1841	19268	26771	8322	23.7	99.3	91.3
29.	A & N Island	0	0	0	0	0	0	0	0	0.0	0.0	0.0
30.	Chandigarh	2	0	0	0	0	0	0	2	100.0	0.0	0.0
31.	D & N Haveli	4	0	0	0	0	3	3	1	25.0	0.0	100.0
32.	Daman & Diu	2	0	0	0	0	2	2	0	0.0	0.0	100.0
33.	Delhi	51	0	0	0	0	8	8	43	84.3	0.5	100.0
34.	Lakshadweep	0	0	0	0	0	0	0	0	0.0	0.0	0.0
35.	Pondicherry	19	0	0	2	0	5	7	12	63.2	0.1	100.0
	Total (UTs)	78	0	0	2	0	18	20	58	74.4	0.7	100.0
	Total (All India)	35208	5	32	5664	1841	19246	26791	8380	23.8	100.0	91.3

Source: NCRB, New Delhi, Crime in India