

State Review Meeting of NCSC regarding Prevention of Atrocities on Scheduled Castes held with the Principal Secretary, Social Justice, DGP, Addl. DGP, IG and other senior Police Officers of Government of Maharashtra on 30.08.2019.

1.7.1 The Principal Secretary, Social Justice, Maharashtra, DG Police, Maharashtra, Addl. DGP, IGs and other senior Police Officers of Maharashtra participated.

The DG Police, Maharashtra welcomed the Commission.

- The Chairman / NCSC in his opening remarks pointed out that the Commission was in Maharashtra as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government and State Police towards the same. The Commission had sent detailed Performa to the State Government and DGP for submitting detailed information on action taken regarding trends in atrocity cases, investigation, action taken for prevention of atrocities, payment of compensation to victims of atrocities, action taken by police on cases regarding death / injuries during manual cleaning of sewers / manual scavenging etc.
- The analysis of the replies to the various Performa and questionnaires of the Commission, data of NCRB, MSJE etc was done by the Commission. The IG, PCR made a presentation and detailed discussions was also held with the DGP & other senior officers present during the Review Meeting. The responses of the State Government and DGP was invited on the findings of Commission during detailed discussions.

The main issues highlighting the areas of concern of the Commission during the discussion were as follows:

1.7.2 Atrocities

- Reluctance of Police to register the cases and apply the Sections of PoA Act, 1989 (as amended).
- Police not registering case under SC/ST PoA Act (as amended 2015) in cases of deaths during manual cleaning of sewers when victim is SC
- As per Rules 46 of the SC/ST Act, the additional relief like pension to the widow, education up to graduation level of the children of the victim, 3 month rasan etc, has not been provided as recommendations not sent to DM by police.
- Setting up of exclusive Special Courts - necessary as per Section 14 of PoA Act

- Appointment of exclusive public prosecutors - necessary as per Section 15 of PoA Act.

1.7.3 Cases disposed of by Court

- During the month ending June, 2019, 7274 cases involving SCs were pending for disposal in the Special Courts. The performance of the Exclusive Special Prosecutor needs to be reviewed by the concerned District Collectors. Relief and protection provided to the victims and witness during the trial in the Court has not been provided.

1.7.4 Conviction Rate

- Rate of conviction in the cases involving Scheduled Castes was 10.91 against national average 25.78 in the year 2016. Rate of conviction is lower than the national average. **(Source: NCRB)**
- As per figures supplied by the State Govt., during the year 2016 the conviction rate was 6.81, in 2017 6.29, in 2018 8.13 and in 2019 (up to June) was 7.03 The performance of the Exclusive Special Public Prosecutor needs to be reviewed by the concerned District Collector of the District. Reason for low conviction rate may be analysed by the State Govt.

1.7.5 SC/ST Protection Cell

- The DGP, Maharashtra is the controller of the SC/ST Protection Cell. This Cell is headed by an officer of the rank of IG (Police) to assess law and order situation in the area and to monitor the implementation SC/ST (POA) Act in the cases registered. However, details asked for by NCSC could not be supplied hence the cell appears ineffective.

1.7.6 Training/Workshop

- The State Govt. has organized 838 regular training/workshop sessions in 2016, 847 in 2017, 973 in 2018 and 401 in 2019 (upto June, 2019) to enhance the capacity of the investigation and other police officers. What is the duration of Training?

1.7.7 Appointment of Nodal Officer for SCs and STs

- Principal Secretary, Minority Affairs, Govt. of Maharashtra has been designated as Nodal Officer to monitor the implementation of SC/ST (POA) Act, 1989 (as amended) and SC/ST (POA) Rules, 1995 (as amended). However, data regarding the compensation given to victims could not be supplied. Hence, it appears no monitoring is being conducted.

1.7.8 State level Vigilance Monitoring Committee

- No meeting held during the year 2016-17, 2017-18, 2018-19 and 2019 (upto June). Whereas, two meetings should be held under the chairmanship of Chief Minister in the month of January and July to review the implementation of the provisions of the Act, scheme for the right and entitlement of the victims and witness in assessing justice are mandatory as per the Scheduled Castes and Scheduled Tribes (POA) Act, 1989 (as amended).

1.7.9 Recommendations: Two Meetings in a year are mandatory as per Rules 16 (2) of the SC/ST (POA) Rules, 1995. The State Level Meetings should be held timely.

1.7.10 District level Vigilance Monitoring Committee

- All the District Collectors are the Chairman of the District Vigilance Monitoring Committee. The State Govt. has provided dates of the Meeting not the details of the Meetings. There may be error.
- **Recommendations: Four Meetings in a year are mandatory as per Section 17 (3) of the SC/ST (POA) Rules, 1995 (as amended).**

1.7.11 Cases registered u/s Cr.PC 156(3)

- 52 cases (21 cases chargesheeted, 2 cases acquittal and 29 cases pending in Court) in 2016, 41 cases (11 cases chargesheeted and 11 cases pending in Court) in 2017, 40 cases (12 case chargesheeted, 1 case acquittal and 11 cases pending in Court) in 2018 and 12 cases (3 cases chargesheeted, 3 cases pending in Court) upto June, 2019 registered u/s 156(3) – which shows that Police is not sensitive in the cases against the Scheduled Castes.
- The Commission desired to know the number of cross FIRs filed in the cases where FIR was registered u/s 156(3) and action taken against the Police officials u/s 4 of PoA Act 1989 (as amended). The officers were also unable to give details of the number of cases where cross FIRs have been filed against SCs in cases registered by the SCs. The

Chairman, NCSC explained to the officers that the cross FIRs are often used by opposite parties to intimidate and harass the SCs in cases where SCs file cases of atrocities. The police should take into account this aspect during investigation of such cross FIRs. DGP assured that the data on cross FIRs and the outcome of all the heinous crime cases will be collected and sent to the Commission within 1 month.

1.7.12 The cases registered under POA Act and compensation provided to the victims/dependant of deceased during last 3½ years.

- It is observed that the less compensation under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (as amended) provided to the victims/dependant of deceased during last 3½ years by the State Govt. Details are as under:-

- An amount of Rs. 329 lakhs was provided in 46 cases of murder and Rs. 469 lakhs in 220 cases of rape whereas Rs. 379.5 lakhs for 46 murder cases and Rs. 1815 lakhs for 220 rape cases were to be paid during the year 2016 as per the prescribed amount.

Recommendation: The remaining amount of Rs. 50.5 lakhs for murder and Rs. 1346 lakhs for rape cases be paid immediately to the victims/dependant of deceased.

- An amount of Rs. 382 lakhs was provided in 48 cases of murder and Rs. 686 lakhs in 230 cases of murder whereas Rs. 396 lakhs for 48 murder cases and Rs. 1897 lakhs for 230 rape cases were to be paid during the year 2017 as per the prescribed amount.

Recommendation: The remaining amount of Rs. 14 lakhs for murder and Rs. 1211 lakhs for rape cases be paid immediately to the victims/dependant of deceased.

- An amount of Rs. 708 lakhs provided in 315 rape cases whereas Rs. 2598.75 lakhs for 315 rape cases was to be paid during the year 2018 as per the prescribed amount.

Recommendation: The remaining amount of Rs. 1891 lakhs for rape cases be paid immediately to the victims.

- An amount of Rs. 78 lakhs was provided in 32 cases of murder and Rs. 175 lakhs in 177 cases of rape whereas Rs. 264 lakhs for 32 murder cases and Rs. 1460.25 lakhs for 37 rape cases were to be paid during the year 2019 (upto June, 2019) as per the prescribed amount.

Recommendation: The remaining amount of Rs. 186 lakhs for murder and Rs. 1285 lakhs for rape cases be paid immediately to the victims/dependant of deceased.

1.7.13 No additional relief being paid

- It appears that the State Govt. has not taken any cognizance of the D.O. letter No. 3/2/2007-APCR dated 21.6.2017 of the Chairman, NCSC to the Chief Minister, Maharashtra and a subsequent letter dated 05.10.2016 of Secretary, NCSC to Chief Secretary, Govt. of Maharashtra to publish Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended) and Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (as amended) in their official Gazette and to sensitize the Police Personnel and District Officials about the provision of the Act & Rules, since, the compensation paid to victim is much less than as per the Rules.

1.7.14 The following action points were identified by the Commission:

- The State Govt. to provide correct data on total number of crime registered against Scheduled Castes as there is discrepancy in figures supplied by the State Govt. and NCRB. The senior police officers need to review the cases periodically.
- The reason for low conviction rate may be analysed by the State Govt. as the rate of conviction is lower than the national average. The performance of the Exclusive Special Public Prosecutor needs to be reviewed by the concerned District Collector of the District.
- It was revealed during the review meeting that none of the Exclusive Special Court has actually started functioning therefore, the Commission recommends that the State Govt. should expedite the process so that Exclusive Special Court can function properly at the earliest.
- The Exclusive Public Prosecutor has been appointed in 23 Districts out of 36 Districts of the States. The State Govt. to provide the reasons for not appointing Exclusive Public Prosecutor in remaining 13 districts.
- The State Govt. to provide the details of SC/ST Protection Cell.
- The State Govt. to provide the number of training/workshop organised and their duration for training/workshop to sensitise the police officials and to create awareness about SC/ST PoA Act, 1989 (as amended).
- The State Govt. to provide the information regarding compensation provided to victims of atrocities.

- The Commission recommends that two meetings of the State Level Vigilance Monitoring Committee, should also be held in a year which are mandatory as per Rules 16 (2) of the SC/ST (PoA) Rules, 1995. The State Level Meetings should be held timely.
- The Commission recommends that four meetings of the District Level Vigilance Monitoring Committee, should be held in a year which are mandatory as per Section 17 (3) of the SC/ST (POA) Rules, 1995 (as amended). The District Level Meetings should be held timely.
- The State Govt. should provide the data on bonded labours.
- The Commission desired to know the number of cross FIRs filed in the cases where FIR was registered u/s 156(3) and action taken against the Police officials u/s 4 of PoA Act 1989 (as amended).
- The State Govt. to provide the details of the number of cases where cross FIRs have been filed against SCs in cases registered by the SCs.
- The State Govt. to provide the details of cases registered under SC/ST PoA Act,1989 and compensation provided to the victims/dependant of deceased during last 3 years.
- The State Govt. to provide the details of action taken against the erring police officials u/s (4) of SC/ST PoA Act, 1989 (as amended).
- It appears that the State Govt. has not taken any cognizance of the D.O. letter No. 3/2/2007-APCR dated 21.6.2017 of the Chairman, NCSC to the Chief Minister, Maharashtra and a subsequent letter dated 05.10.2016 of Secretary, NCSC to Chief Secretary, Govt. of Maharashtra to publish Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended) and Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (as amended) in their official Gazette and to sensitize the Police Personnel and District Officials about the provision of the Act & Rules, since, the compensation paid to victim is much less than as per the Rules. The State Govt. to provide action taken and present status in the matter.
- The Commission recommends that complete and timely payment be made to the victims of atrocities.
- All level Police Officers be sensitized and trained.
- The SC and ST (POA) Act, 1989 (as amended) and SC and ST (POA) Rules, 1995 (as amended) be published in a Hand Book and uploaded on website by the State Govt.

- The State Govt. to display the provisions of SC and ST (POA) Act, 1989 (as amended) and SC and ST (POA) Rules, 1995 (as amended) at prominent places like Police Stations and Collector's Office without losing further time.
- The State Govt. to provide additional assistance like pension, job, agriculture land, house, patta to the victim/family of the deceased victim as per the Sr. No. 46 of SC and ST (POA) Rules, 1995 (as amended).

1.7.15 Summing up by the Chairman NCSC:

- Chairman NCSC stated that the POA Act, 1989 (as amended) and Rules (as amended in 2016) need to be implemented in letter and spirit. There should not be delay in the completion of the investigations and in filing of charge sheets. The 60 day time limit as per the PoA Act should be adhered to.
- The senior officers of Police should work towards reducing the large number of cases lodged u/s 156(3). Action under Section (4) of PoA Act may be initiated against the Police Officials where the FIR was registered after the intervention of the Hon'ble Court. Cross FIRs against SCs should be reexamined to ensure that they are genuine and not lodged for the simple purpose of pressurizing the SC complainants. All FIRs should be lodged and no persons should have to resort to approaching courts for lodging of FIRs.
- The DMs and SSPs should visit the spot where atrocities against Scheduled Castes occur. This is mandated as per Rule 12 of the Prevention of Atrocities Rules.
- He urged that the Police should send details of the stage wise progress on the cases of atrocities to the DM in time, so that the monetary compensation as per the Prevention of Atrocities Rules, 2016 can be paid in time to the victims / families.
- He further urged Director General of Police, Maharashtra and Principal Secretary, Social Justice to review the action taken under the POA Act and Rules regularly, and asked them to ensure that the commitments made to the Commission during the Review Meeting may be compiled with and reported to the Commission within the committed time frame.

Minutes of the Maharashtra State Review by National Commission for Scheduled Castes with Chief Secretary and senior officers of Government of Maharashtra (GoM) on 29.08.2019.

- Minister of Social Justice, Government of Maharashtra (GoM), Chief Secretary, Maharashtra, Additional Chief Secretaries, Principal Secretaries, Secretaries, Commissioners, Directors etc. of Government of Maharashtra participated in the review.
- The Chairman National Commission for Scheduled Castes at the outset in his opening remarks pointed out that the Commission has come to Maharashtra as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state SC population which constitutes 11.81% of total population of the State. The review is an exercise undertaken by the commission to focus on the areas of concern of NCSC and to sensitize the Government towards the same. The Commission had sent detailed Performa and questionnaires to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes, Central Schemes and State Sector Schemes, other GOI schemes like PMAY, Ujjawala, Mudra, Stand Up, Jan Dhan, MNREGA etc, action taken regarding prevention of atrocities, payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.
- The Commission has made the analysis of the replies to the various Performa and questionnaires, data of NCRB and MSJE Govt of Maharashtra etc. The Commission made detailed discussions on the core sectors mentioned, the response of state Govt was invited on the observations/Findings of the Commission.

In the discussions held the main issues highlighting the areas of concern of the Commission were:

- Education – Literacy Rates , dropout rates and status of scholarships
- MNREGA- job cards, SC job cards, man days created
- Performance in key self employment schemes like : MUDRA, Start-up, Stand-up.
- Allocation and expenditure for schemes of welfare of scheduled castes, progress of central schemes like PMAY & Ujjawala
- Land related issues

- Atrocities on Scheduled Castes – crime rate , pendency with police & courts , conviction rate & timely and correct payment of compensation
- Service Safeguards and issue of Caste certificates
- deaths due to manual cleaning of sewers and action taken thereon

Findings

1.6.2 State SC population- 11.81%

Table 1.17

Population		State	All India	
Literacy Rate	Total	82.12	Male:	80.88%
			Female:	64.63%
Literacy Rate	SC	79.66	Male:	75.17%
			Female:	56.46%

- The Literacy rate of Maharashtra is 82.12% whereas SC literacy rate is 79.66% which is higher in the state of Maharashtra in comparison to All India Literacy rate for SCs. **The information of male & female literacy rate was asked by the Commission separately.**
- **Response of Government of Maharashtra**

The officers of Government of Maharashtra were unable to give the specific information asked and stated that they will provide all the details to the Commission at the earliest.

1.6.3 Enrolment of SC children

Table 1.18

Year	Primary		Upper primary		Secondary		Higher Secondary	
	Total	SC	Total	SC	Total	SC	Total	SC
2016-17	10002109	1284721	5983603	804695	3754149	534499	2860505	386690
2017-18	10012868	1271252	5899239	778386	2417160	528162	2876114	388512

- The data for 2018-19 and 2019-20 was not available. It was observed that no. of SC students have been decreasing in primary level from 12.71 lakh to Upper primary 7.78 lakh , Secondary 5.28 lakh and Higher secondary level 3.88 lakh in the year 2017-18. **Very high dropout which is almost 1/4th of SC students drop out by the time they reach Higher Secondary.**
- The no. of SC students have also been decreasing from primary level to upper primary level i.e. there is a difference of **480026 SC students** between primary level and upper primary level during 2016-17. Similarly the differences are noticed from upper primary to secondary and secondary to higher secondary in 2016-17 and 2017-18.
- **Response of Government of Maharashtra:**

The officers of Government of Maharashtra assured the Commission that the reasons for drop out will be examined at appropriate level and steps will be taken to improve the same.

1.6.4 Graduates:

Table 1.19

Year	Total no. of Graduates	SC Graduates (%of SC graduates against Total No. of Graduates)	Total No. Prof. Graduates	SCs out of them (%of SC Prof graduates against Total No. Of Prof Graduates)
2016-17	1620999	196656 (12.13%)	68048	6512 (9.57%)
2017-18	1582140	209591 (13.25%)	71023	7001 (9.86%)
2018-19	1852285	209954 (11.33%)	88977	8633 (9.70%)

- The no. of SC graduates were increased from 2016-17 but it was decreased from 2017-18 to 2018-19. The reasons for the same was asked from the State Govt.
- It was noticed that the number of graduates & professional graduates are 2.18 lakh whereas 3.88 lakh SC Students were enrolled in the Higher Secondary level. The State Government was to ask clarify the same.

1.6.5 Pre matric Scholarship

- 57214 SC students received the Pre-matric scholarship during the year 2016-17 whereas total 534499 SC students were registered in 2016-17 in Secondary level, hence State Government was asked to clarify as to why Pre-Matric Scholarship was not been given to 4.7 lakh SC students.
- 59244 SC students received the Scholarship under Pre-Matric (Unclean occupation during 2016-17).
- The details of the No. of SC students getting Pre Matric Scholarship from the year 2017-18 to 2019-20 has not been given the same was asked from the State Government.
- Under Pre Matric (Unclean occupation has also not been given from the year 2017-18 to 2019-20) the same was asked from the State Government.

- **Response of Government of Maharashtra:**

It was reported that since year 2017-18 the central assistance is due for said scheme and academic year 2018-19,2019-20, the said scheme was implemented offline as it was not implemented through Maha DBT Portal and hence the data compilation for the said years is under progress and shall be furnished once it is availed at Commissionerate, Social welfare, Pune.

1.6.6 Post Matric Scholarship

- **489278** No. of SC students received the Post matric scholarship during 2016-17, whereas 527387 SC students applied for the Scholarship.
- **354724** No. of SC students received the Post matric scholarship during 2017-18, whereas 370530 SC students applied for the Scholarship.
- **402373** No. of SC students received the Post matric scholarship during 2018-19, whereas **563949** SC students applied for the Scholarship.
- The State Government was asked to clarify as to why the 38109(2016-17), 15806(2017-18) and 1.6 lakh (2018-19) SC students who applied for the Scholarship were not given the Scholarship. The number is increasing.
- The State Government was also asked to clarify as to why the no. of SC students who received the Scholarship were decreased during 2017-18.
- **Response of Government of Maharashtra:**

The officers of Government of Maharashtra assured the Commission to provide the details at the earliest.

1.6.7 Hostels

Total No. of SC hostels (break up for boys and girls hostels district wise), capacity and actual children per hostel during the year 2018-19.

Table 1.20

Type	Total no. of hostel	Total sanctioned strength	Actual enrolled strength
Girls hostel	210	20400	17212
Boys hostel	229	22958	21332

- The total capacity of SC students are 43358 for the total 439 hostels in the State of Maharashtra, whereas only 38541 students are enrolled during the year 2018-19.
- The State Govt. was asked to explain why less no. of SC students are enrolled in the hostels.
- The State Govt. also running total 1989 SC hostels aided by Social Justice and Special Assistance Department and 88 Govt. residential schools.
- 10 SC Primary Ashram School also run by Social Justice and Special Assistance Department.
- **Response of Government of Maharashtra:**

The officers of Government of Maharashtra assured the Commission to provide the information at the earliest.

1.6.8 Pradhan Mantri Awas Yojna

- The State Govt. of Maharashtra has sanctioned 63339 (28.19%) houses out of total 224675 houses to SC persons in rural area during 2016-17 .
- Sanctioned 34687 (24.45%) houses out of total 141884 sanctioned houses to the SC persons in rural areas during 2017-18.

- Sanctioned 5426 (8.36%) houses out of total 64884 sanctioned houses to the SC persons in rural areas during 2018-19.
- Sanctioned 6194 (3.79%) houses out of total 163373 sanctioned houses to the SC persons in rural areas during 2019-20 Upto July 2019.
- State Government was asked to inform that how many houses out of sanctioned houses have actually been built.
- The State Govt . of Maharashtra also implemented Ramai Awas Yojna scheme and also providing the benefits of this scheme to the victim or deceased dependents in atrocities cases.
- The State Govt. has sanctioned adequate no. of houses which is higher than prescribed % of the SCs under Pradhan Mantri Awas Yojna during the year 2016-17 & 2017-18 the Commission appreciated the same.

1.6.9 National Rural Health Mission

Table 1.21

Year	Total Beneficiaries Covered
2016-17	1864806
2017-18	1857101
2018-19	1825376
2019-20 (Upto June 2019)	472426

- The State Govt. has not given the No. of SC beneficiaries.
- The Commission asked the no. of SC beneficiaries under the National Rural Health Mission and beneficiaries of Ayushman Bharat.
- **Response of Government of Maharashtra:**
It was reported that since caste status is not collected while admission to OPD and hospitals, Number of SC beneficiaries cannot be ascertained by the Public Health Department of the State. However allocation done under SCSP is spent on Notional basis prorata to the population of SCs in the State.

1.6.10 Details of Hand pumps

- The State Govt has installed 2516, 4643 and 3489 hand pumps during the year 2016-17, 2017-18 and 2018-19 respectively for the SCs.
- The Commission asked from the State Govt. whether these Hand pumps were installed in the area of SC persons.

1.6.11 Land Schemes

Table 1.22

Year	Total allocated land to SC (In acres)	Total No. of Beneficiaries
2016-17	660.83	209
2017-18	736.29	220
2018-19	852.18	310

- Tehsil wise data on regulation as per rule of residential and agricultural land possessed by SCs are NIL as there is no policy in the State.

1.6.12 Programme under MNREGA

Table 1.23

Year	Households issued job cards provided to SCs	No. of Person days generated (in lacs)	Average days of SCs
	SCs	%SC	
2016-17	806451	6254189	11.33
2017-18		7987841	10.33
2018-19		8920073	9.48

- The job cards issued to the SC persons for the last 3 years have not been given.
- As per MNREGA Act, the maximum 100 days job is to be provided to the weaker section of society. Even though Number of person days generated for SCs are increasing during the last 3 years but the average days for SCs are decreasing .

- The State Govt. was asked to clarification the same.

1.6.13 MUDRA LOAN

Table 1.24

Year	Applications accepted by banks (Sanctioned)		Total applications accepted	% of Sc	Amount distributed (Rs. in lacs)
	General	SC	SC		
2016-17	1294124	578930	578930	100	16976.76
2017-18	1753502	565029	565029	100	22266.2
2018-19	2467040	610846	610846	100	25741.99
2019-20 (up to June 2019)	445607	128828	128828	100	4193.03

- 100% SC persons received the loan under Mudra scheme for the last 4 years. Bank of Maharashtra which is lead bank in Maharashtra had disbursed the maximum loan under Mudra Loan scheme followed by Central Bank, State Bank of India, and Allahabad Bank. Total 23 public sector banks which are disbursing loan, 7 private banks and 2 Gramin banks disbursed the amount.
- **The Commission asked that how many Scheduled caste and how many SC women have received Rs.10 lakh and how many SCs received loan of 5 lakh and above under the Mudra loan.**

1.6.14 Stand Up

- Total 1664 no. of loans out of 2387 sanctioned loans were disbursed during 2016-17 under the scheme.
- Total 3203 no. of loans out of 4392 sanctioned loans were disbursed during 2017-18 under the scheme.
- Total 3717 no. of loans out of 5368 sanctioned loans were disbursed during 2018-19 under the scheme.
- Total 5427 no. of loans out of 5427 sanctioned loans were disbursed during 2019-20 (upto31.06.2019) under the scheme.

- **No separate information for the SCs has been provided under the scheme.** The objective of the Stand up India Scheme is to facilitate bank loans between Rs.10 lakh and Rs.1 crore to at least one Scheduled caste (SC) or Scheduled tribes (ST) borrower and at least one woman borrower per bank branch for setting up a greenfield enterprise. This enterprise may be in manufacturing, services or the trading sector. In case of non-individual enterprises at least 51% of the shareholding and controlling stake should be held by either an SC/ST or woman entrepreneur.
- The Commission desired to know that how many Scheduled Castes have received Rs.10 Lakh and how many SCs received loan of 10 lakh to 1 crore under the Mudra loan.
- **Response of Government of Maharashtra:**
The officers of Government of Maharashtra assured the Commission to provide the details at the earliest.

1.6.15 Education loan

- 212399 no. of education loan have been provided during 2016-17.
- 1731436 no. of education loan have been provided during 2017-18.
- 204099 no. of education loan have been provided during 2018-19.
- It is not clear whether above education loan have been provided to the SC students only, the Commission advised the State Government to confirm the same and to submit the data.

1.6.16 PM UjjawalaYojna

- It is observed that no. of SC beneficiaries under the scheme is higher as per % SC population of the State of Maharashtra.
- The Commission appreciated the same.

1.6.17 Details of % of expenditure under SCSP to the Total Plan expenditure, Total plan Expenditure and total SCSP expenditure 2016-17,2017-18, 2018-19 (upto July 2019).

- The % of SC population in the State is 11.8% whereas the SC SCSP outlay to the State outlay is 12%,9% and 10% respectively i.e. less than the population % of SCs in Maharashtra during the year 2016-17,2017-18,2018-19 respectively.

- The expenditure of under SCSP is 8%, 6.38% and 8.75% with reference to the State plan allocation is also very low during the year 2016-17,2017-18 and 2018-19 respectively.
- % expenditure under SC specific scheme to the total plan allocation is also very low i.e. 6.16% in 2016-17, 6.78% in 2017-18 and 5.27% in 2018-19.

NIL expenditure under centrally sponsored schemes

It was informed during the discussion that the norms notified by the State Government for SCSP is that the allocation should not be less than the last year as per the advise of Niti Ayog.

- **The Commission advised the State Govt. to increase the SCSP outlet as per % population of the State of Maharashtra.**

1.6.18 Death due to Manual Cleaning of sewer and Compensation provided since 2014:

- As per information provided by the State Govt. 20 death cases due to Manual Cleaning of Sewers and Septic tanks have been reported in which only in three cases, at Pimpri Chinchvaad, Umred and Bhandara, the compensation of Rs. 10 lakhs as per Supreme Court guidelines have been paid and Only Rs. 5 lakh in each two death cases at Aurangabad have been paid.
- The Commission had found that the above Act & the judgement of Hon'ble Supreme Court have not been fully implemented. The amount paid to families of victims is less than stipulated or not paid at all as pointed out in detail as per available information. The State Govt. may to provide the compensation and Rehabilitation of the Family of the victim in all the 17 cases of death due to manual cleaning of Sewers / Septic tanks immediately as per Supreme Court Guidelines.
- Whereas As per rule 7 (v) of the Prohibition of employment as manual Scavengers and their rehabilitation rules, 2013 (PEMSR, Rules 2013), the employer shall ensure that the assigned person has life insurance policy of at least Rs.10 lakh and the premium of such shall be paid by the employer.
- Regarding reply to the queries number 2-10 of the question 15 (e) at page 178 to 194. The 12 Municipal Corporations have not been provided the information and other Municipal Corporation have also given incomplete information.
- If the SC/ST PoA Act has not been applied in the cases of death cases of SCs Safaikaramcharies/ labourers whereas section 3(i) (j) of Act applies.

- In case the victims are SCs additional compensation to families as per Rule 46 of the PoA rules needs to also be paid.
- The detail of number of SCs died and details of FIRs lodged with sections of PoA Act and compensations provided under the SCs & STs (PoA), Rules, and houses, pension, Government job etc. to families of victims.
- Details of Provisions of the PEMSAR Act also applied in FIRs may also be given.
- Workers have to be fully equipped with safety apparatus & oxygen masks etc ,in case they have to clean sewers manually.
- Hence the FIR have to be lodged against officials responsible / contractors responsible for sending un equipped persons for manual cleaning of sewers.
- All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon'ble Supreme Court's directions. The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually.
- ***The State Government needs to issue comprehensive instructions to the District Administration and other officers concerned, including Police officers.***

The Commission observed that the above act and judgment of Supreme Court need to be implemented in to.

- **Response of Government of Maharashtra:**

The Chief Secretary agreed to issuing necessary instructions on all above points to the officers concerns. He also assured that the implementation will be monitored and action as per rules will be taken to prevent cases of death/injuries during manual cleaning of sewers.

1.6.19 Service Matters

- It was informed that there is no backlog vacancies in State Government departments except some in Municipal Corporation for Safai karamcharies.
- The Commission observed that all the backlog vacancies needs to be filled up through a special recruitment drive. The officers of State Government assured the Commission to clear the backlog.

1.6.20 The following action points were identified by the Commission:

- The State Government to provide the information of male and female literacy rate of SCs separately in comparison with overall literacy rate of Maharashtra State.
- The State Government shall analyze and share with the Commission the enrollment, dropout rate etc of SCs as compared with overall figures. What percentage of SC target group of school going age remained un enrolled in the last 03 years as compared to corresponding overall figures.
- The State Government to provide complete information on pre-matric and post-matric scholarship with clarifications as to why total number of students who applied for scholarship were not given scholarship.
- The State Govt. to provide the information as to why less no. of SC students are enrolled in the hostels.
- The State Government to inform that how many houses out of sanctioned houses have actually been built for SCs in Pradhan Mantri Awas Yojna .
- In National Rural Health Mission the State Govt. has not given the total No. of SC beneficiaries. This may be provided.
- The information on total number of SCs beneficiaries under the National Rural Health Mission and information on beneficiaries of Ayushman Bharat be provided.
- The detailed information regarding how many Hand pumps were installed in the SC concentrated population or in SC area during last 3 years be provided.
- In MNREGA the State Government has to provide information on total job card issued and number of days granted to SC persons during last 3 years.
- The State Government to provide information on applications of stand up schemes mentioning over all application received in general and in SC cases, application sanctioned, loan disbursed and rejection rate. State Government to analyze the reasons of rejection of SC applications and compare with over all rejection rate.
- The State Government to share the minutes of last 03 SLBC meetings and ATR there upon with the Commission.
- The representative of National Commission for Scheduled Castes from State Office may be invited in every SLBC meeting.
- The Commission desired to know that how many Scheduled Castes have received Rs.10 Lakh and how many SCs received loan of 10 lakh to 1 crore under the Mudra loan.
- It was not clear whether the education loan were provided to the SC students only, the Commission advised the State Government to confirm the same and to submit the data.

- The Commission advised the State Govt. to increase the SCSP outlay as per % population of the State of Maharashtra.
- The Chairman, NCSC advised that trained Teams of person on the lines of Disaster Management Team may be maintained in all local bodies to handle sewers etc. in such cases where mechanical cleaning is not possible.
- The State Government to provide the information on total information of death due to Manual Cleaning of sewer and Compensation provided since 2014 as per the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSR Act, 2013) and POA Act 1989 (As amended).
- The State Government to ensure that the provisions of PEMS R Act 2013 are implemented in toto.
- Workers have to be fully equipped with safety apparatus & oxygen masks etc ,in case they have to clean sewers manually.
- The FIR should be lodged against officials responsible / contractors responsible for sending un equipped persons for manual cleaning of sewers.
- All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon'ble Supreme Court's directions. The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually.
- The State Government needs to issue comprehensive instructions to the District Administration and other officers concerned, including Police officers on the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSR Act, 2013) and POA Act 1989 (As amended).

Summing up the discussions the Chairman, NCSC said that there is need to regularly monitor the schemes of welfare to ensure that the benefit of these schemes reach the target SC population and help in their economic and social upliftment. He advised the Chief Secretary, Home Secretary and other senior officers to review / monitor SCSP and cases of PO Act 1989 (Amended) time to time. He desired that the details asked for by the Commission may be compiled and sent to the Commission within one month.

The Chief Secretary, Government of Maharashtra assured the Commission that action as desired by the Commission on various issues will be taken and detailed reports as asked will be submitted to the Commission at the earliest.