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6/3/NCST/2004 C-Cell

**MINUTES OF THE THIRD (JOINT) MEETING OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES AND NATIONAL COMMISSION FOR SCHEDULED TRIBES HELD ON 06-07-2004 AT 11.00 A.M. IN THE CONFERENCE ROOM OF THE COMMISSIONS.**

1.1. The 3<sup>rd</sup> Meeting of the National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST) was convened jointly under the Co-Chairmanship of Dr. Suraj Bhan, Chairperson, National Commission for Scheduled Castes and Shri Kunwar Singh, Chairperson, National Commission for Scheduled Tribes at 11.00 A.M. on 06-07-2004 in the Conference room of the Commissions. The list of participants is at **Annex-I**.

1.2. At the outset, Secretary welcomed the Chairpersons, Vice-Chairperson and the Members of both the Commission. Besides the officers from the Secretariat, the Director/Officer-in-charge of the State Offices of the Commission(s) were also present.

1.3. In the joint meeting of the Commissions, presentations were made by the three Wings of the Commission at Hqrs. (I) Prevention of Atrocities Act, 1989 and Protection of Civil Rights Act, 1955; (II) Special Component Plan (SCP) & Tribal Sub Plan (TSP) (III) Service Safeguards relating to the work of the Commission.

**Atrocities**

2. A presentation was made by DIG, APCR and Deputy Secretary(APCR) on protection of the members of Scheduled Castes and

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Scheduled Tribes and prevention and monitoring of atrocities with reference to the provisions of the Prevention of Atrocities Act, 1989 and Protection of Civil Rights Act, 1955. A hard copy of the presentation is placed at **Annex-II**. Outlining the provisions Section 3(i) and (ii) of SCs and STs (POA) Act, the presentation highlighted the salient features of the Act such as genesis, penal provisions, pattern of atrocity, judicial process, lacuna in police action and the procedure for enquiry/action to be taken by the law enforcing officers on various aspects of FIR and the role of the Commission in this regard. The definition of atrocity and their ingredients required to be fulfilled in Section 3 of the SCs&STs (PoA) Act, 1989 were discussed in detail as also the causes of atrocity including manifestation of tensions emanating from political and social and economic changes. It was stated that the Act provided Special Courts to be established exclusively for speedy trial of cases under this Act; expressed still there was considerable delay in trial of cases under this Act.

### **Special Component Plan and Tribal Sub Plan**

3.1. Director(ESDW) and Deputy Director(ESDW) made presentation on implementation of Special Component Plan(SCP) and Tribal Sub-Plan (TSP) in the States. Director (ESDW) mentioned that the benefit of the welfare and the development schemes in general expected to trickle down to the SCs and STs did not yield the desired results and, therefore, special schemes exclusively for development of SCs and STs like SCP and TSP were introduced with the guidelines for earmarking of funds in proportion to the population %age to SCs and STs from the 5<sup>th</sup> and 6<sup>th</sup> Five Year Plan onwards. It was, however, observed that requisite funds were not being

earmarked by the State Governments/Central Ministries in accordance with the guidelines of SCP/TSP schemes. As a result the pace of development of SCs/STs could not be achieved to the desired level. It was stated that to ensure proper development of SCs and STs, guidelines of Planning Commission for allocation of funds under SCP/TSP should be complied with strictly and that major thrust should be in the field of education and health services besides consolidation of protective measures. A copy of the presentation on SCP&TSP is at **Annex-III**.

3.2. It was mentioned by the Chairperson (NCSC) that socio-economic conditions of SC/ST peoples were not up to the mark. They are still deprived of the benefits of the planned process due to illiteracy, poverty and age-old exploitation within the system. He agreed with the view of Director, ESDW that SC/ST development index might be made so that their present status could be brought to the notice of Government. He also mentioned that some Central Ministries were not allocating the funds under the Schemes of SCP and desired that a list of those Central Ministries be prepared and submitted to him for further necessary action. It was also mentioned that State Governments were not allocating the funds according to the population of the State. He cited the example of Punjab State, where population of Scheduled Castes was 30% of the total population and the amount allocated under the schemes meant for Scheduled Castes was only 10% of the total budget. Out of these 10% amount, expenditure of less than 5% amount was actually incurred under the schemes. **(Action: ESDW)**

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3.3. He desired that letters may be sent to all the State Governments including Tamil Nadu to follow the pattern of Maharashtra and Uttar Pradesh regarding implementation of SCP and TSP. (Action : ESDW)

3.4. Chairperson, NCST mentioned that information/data regarding allocation of amount, amount released and expenditure incurred under Special Central Assistance (SCA) to Tribal Sub-Plan (TSP) during 9<sup>th</sup> Five year plan should be collected from all the State Governments/UT Administrations. (Action: ESDW)

#### Service Safeguards

4.1. A presentation was made by the Director (SSW) and Deputy Director (SSW) on implementation of rules of reservations in services issued by DoPT from time to time. The basic issues were recapitulated before both the Commissions regarding Constitutional provisions, reservation in direct recruitment and promotions, concessions and relaxations, vacancy based roster and switch over to post based rosters and de-reservations in promotion. The action taken by the Government in recent past and reversal of five O.Ms and their present status was discussed. A copy of the presentation is at **Annex-IV**.

4.2. During the course of presentation, Chairman, National Commission for Scheduled Castes recalled that the Air India had recently advertised certain posts and that they had not mentioned anything about the posts reserved for Scheduled Castes and Scheduled Tribes. He desired the position to be checkedup from the Air India. He further stated that no

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reservations were being given in the Groups 'A' & 'B' SC/ST employees of Haryana Government in the promotions by the State Government. He desired that matter should be taken up with the State Government. In this regard, it was mentioned by the Director(SSW) that as desired by the Chairman, NCSC, the matter had already been taken up with the Government of Haryana through our State Office at Chandigarh and that their reply was awaited. Another point mentioned by the Chairman, NCSC that was that the rules of reservation in teaching posts in the Universities were not being followed properly. The reservation percentage in teaching posts was not as per required instructions. He desired that reservation rosters maintained by all the Central Universities and other Universities should to be inspected in phased manner and the discrepancies brought to the notice of the Commission for taking corrective action. **(Action: SSW)**

4.3. Chairman, National Commission for Scheduled Castes (NCSC) enquired about the adverse effects of five OMs dated 30-1-1997, 2-7-1997, 22-7-1997, 29-8-1997 and 13-8-1997 which had affected the benefits of the reservations to the SCs/STs employees. He desired that the impact of these five OMs should be analyzed to see how far the members of SC/ST employees had been adversely affected. It was recalled that the erstwhile National Commission for Scheduled Castes and Scheduled Tribes on 22-1-1998 had presented a Special Report to the President of India, inter alia, suggesting necessary intervener to stop the wheel of reversal which had been set in motion by these OMs. It was also stated that the adverse effects of three OMs dated 30-1-1997, 2-7-1997 and 22-7-1997 have been undone by the 81<sup>st</sup>, 82<sup>nd</sup> & 85<sup>th</sup> amendments to the Constitution. It was mentioned that in view of the Supreme Court judgement in R.K. Sabarwal case, the

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views of the Commission had been communicated that adequate provisions may be made to protect the interest of SCs and STs who will be affected by ad-hoc promotion and reversion on preponement to 10-2-1995 instead of 2-7-1997 for implementation of OM's in respect of post based roster system. A reference was made to the OM dated 13-8-1997 issued in pursuance of Article 16(4A) (Constitution 77<sup>th</sup> Amendment) in terms of the Hon'ble Supreme Court judgement in Indira Sahni case and it was stated that the matter challenging the validity of Article 16(4A) and another praying for reservation within Group 'A' posts were pending before the Constitution bench of Supreme Court in respect of SCs and STs, where the mode of recruitment was of direct recruitment and promotions.

4.4. To assess implementation position of the Rules of reservations, it was advised by the Chairman, NCSC that Commission may inspect two or three Ministries/Departments of Central and State Governments in a month. Chairman advised to send questionnaires to all the Ministries/Departments of Central and State Governments to collect the information. **(Action: SSW)**

4.5. Chairman, NCSC enquired whether educational institutions and hospitals which have got the land on concessional rates for the purpose were giving reservations to the weaker sections/SC/ST people in the employment or not specially in Delhi. Director (SSW) informed that there was no reservation in private sector and the erstwhile Commission (NCSCST) had been recommending to provide reservation in its earlier reports in private sector too. Chairman desired that matter may be pursued with the Government. **(Action: SSW)**

4.6. The issue of recognition of Scheduled Castes and Scheduled Tribes Employees's Associations was also discussed by Chairman and it was stated that the SC/ST Associations based on castes, creed and race were not being recognized by DoPT. The Chairman, NCSC observed that in one of its recent judgement The Supreme Court had ruled that Scheduled Castes was not a caste but it was a group of castes. Chairman desired that the Commission may take up the matter with the DoPT in accordance with the recommendations already made in its earlier reports. **(Action: SSW)**

4.7. Chairman, NCSC desired this Commission to collect the information from Employment Exchanges about the data of unemployed youth of SCs and STs. **(Action:SSW)**

4.8. The meeting ended with a vote of thanks to the Chairpersons of National Commission for Scheduled Castes & National Commission for Scheduled Tribes.

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**ANNEXURE-I**

**THE THIRD (JOINT) MEETING OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES AND NATIONAL COMMISSION FOR SCHEDULED TRIBES HELD ON 06-07-2004 AT 11.00 AM .**

**PRESENCE OF MEMBERS AND OFFICERS**

**NATIONAL COMMISSION FOR SCHEDULED CASTES**

Dr. Suraj Bhan, Chairman  
Shri Fakir Bhai Veghela, Vice-Chairman  
Shri Phool Chand Verma, Member  
Shri V. Devendra, Member  
Smt. Surekha Lambture, Member

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Shri Kunwar Singh, Chairman  
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Smt. Prem Bai Mandwi, Member  
Shri Lama Lobzang, Member  
Shri Buduru Srinivasulu, Member

Shri P.C. Rawal, Secretary

**OFFICERS**

1. Shri G.R. Marwah, DIG
2. Shri M.A. Sattar, Director
3. Shri Babu Lal, Director
4. Shri R.S. Garg, Director
5. Dr. A. Bhattacharya, Deputy Secretary
6. Smt. K.D. Bhansor, Deputy Director
7. Dr. Ajit Singh, Deputy Director



8. Shri Murari Lal, Under Secretary
9. Shri M.P. Dinkar, Under Secretary
10. Shri Sohan Lal, Assistant Director
11. Dr. D.C. Upadhyaya , Assistant Director
12. Shri Tripurari Rai, Assistant Director
13. Smt. Sasikala Parambath, Librarian
14. Shri N.K. Kaushik, Research Officer
15. Shri Balak Ram, Research Officer
16. Shri S.P. Meena, Research Officer,
17. Shri S. Nandi, Research Officer
18. Shri R.C. Sehtya, Section Officer
19. Shri Tikam Singh, Section Officer
20. Smt. Nalini, Assistant Director(OL)

**DIRECTOR/OFFICER INCHARGE STATE OFFICE OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES.**

<b><u>S.NO.</u></b>	<b><u>NAME &amp; DESIGNATION</u></b>
1.	Dr. G.S. Somawat, Director, State Office <b>Jaipur</b>
2.	Shri K.P. Gairola, Director, State Office <b>Lucknow</b>
3.	Shri Tanzin Wangyal, Director, State Office <b>Chandigarh</b>
4.	Smt. Vibha Sood, Director, State Office <b>Hyderabad</b>
5.	Smt. Kannegi Packianathan, Director, State Office <b>Chennai</b>
6.	Shri P.N. Prasad, Director, State Office <b>Patna &amp; Ranchi</b>

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7. Shri R.C. Durga, Director, State Office **Bhopal & Raipur**
8. Shri Sanjay Srivastava, Director, State Office **Pune**
9. Dr. S.K. Naskar, Deputy Director, State Offices **Kolkatta, Agartala & Bhubaneshwar**
10. Sh. P. Ramasamy, Research Officer, State Office **Thiruvananthapuram**
11. Miss P. Syiemlieh, Assistant Director, State Office **Shillong**
12. Shri Kaushal Kumar, Assistant Director, State Office **Ahmedabad**
13. Shri Tarun Khanna, Research Officer, State Office **Guwahati.**