

MINUTES OF MEETING HELD ON 22ND DECEMBER, 2011 WITH REPRESENTATIVES, MEMBERS OF SERVICE ASSOCIATIONS, NGOs AND PERSONS OF EMINENCE FROM CIVIL SOCIETY AT CONSTITUTION CLUB, NEW DELHI.

National Commission for Scheduled Castes (NCSC) organized a meeting with office bearers of SC / ST Service Associations / NGOs / Person of Eminence from Civil Society, working for betterment of SCs / STs to discuss various issues pertaining to welfare of SCs. This was to get feed back from participants about functioning of Government programmes / guidelines and what more the Government can be done. Meeting was inaugurated by Shri Mukul Wasnik, Hon'ble Minister, Ministry of Social Justice and Empowerment, Government of India. Dr. P.L.Punia, Hon'ble Chairman, NCSC gave key note address. Dr. Raj Kumar Verka, Hon'ble Vice Chairman, NCSC; Shri Raju Parmar, Hon'ble Member, NCSC; Shri M.Shivanna, Hon'ble Member, NCSC; and Smt. Latha Priya Kumar, Hon'ble Member, NCSC also graced the meeting. List of participants is at **Annexure I**.

2. Meeting started with welcome address by Vice Chairman, NCSC; followed by lighting of lamp by Hon'ble Union Minister and other dignitaries. Dr. Verka in his welcome address said that development of any nation has no meaning when a particular section of society such as the downtrodden are socially and economically alienated from mainstream. Scenario is critical when we analyze overall development of our country in absence of equal opportunity for the downtrodden. After 64 years of independence, SCs are barred even today from temple entry at many places. Different measures along with voluntarism can play a pivotal role in eradicating this social menace of untouchability.

3. In his inaugural address, Hon'ble Union Minister spoke about initiative Government of India has taken to protect interest of SCs. He has also highlighted areas where much need to be done like amendment of SC/ST (POA) Act, offering scholarships both at pre-matric and post-matric levels to adequate number of SC students and ensure quality education.

4. Hon'ble Chairman, NCSC in his key-note address stressed the following points:

4.1. He emphasized need for holistic development of SCs and urged for finding immediate solution for inter community rivalry on reservation etc. There are incidences where different Government departments are against each other in Courts by spending public money against Constitutional rights of SCs & STs. This needs to be discouraged.

4.2. Despite the provision under Article 17 of the constitution, Protection of Civil Rights Act, 1955, SCs/STs(POA) Act, 1989 and, Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 the untouchability is still a reality. It should be eradicated immediately. System of manual scavenging is still prevailing in many in many States in overt or covert forms. It should be eradicated immediately.

4.3 Migrant SCs are not getting benefits in States where they have migrated, citing reason that particular caste is not listed in 'Schedule' valid in that particular State. Caste certificates issued by the original State should also be accepted as valid certificate in such State(s) where SCs have migrated.

4.4 Special Component Sub-Plan's nomenclature should be restored original as Special Component Plan and adequate fund should be made available under this head to initiate development programmes for SCs.

Sanction of Parliament on the lines of MNAGREGA on mission mode through a Parliament Act for SCP can be alternate to present system.

through OM or Circular by Planning Commission. All officials (irrespective of SC / Non-SC) in charge of implementation or enforcement should be held responsible for failures & defaults. Non Compliance of Government Order should attract SC / ST(POA) Act, 1989.

Constitution of statutory National and State Authorities for Development of SCs within a year. National Schedules Castes Development Authority (NSCDA), should be there with a single window system of SCP funds for effective implementation of exclusive programmes / projects on need based basis. SCP funds should be spent for beneficiary oriented schemes, purchase of land for distribution among SC families, education, housing & sanitary, drinking water, health, service safeguards skill development through Coaching Centers and Vocational training Centers & protection PCR & POA Act, 1989 through NSCDA.

- 4.5 Residential hostels and schools should be set up where all modern facilities and amenities should be made available. Gross Enrollment Ratio was lower than for the overall population in age groups 14-18 years and 18-24 years. Dropout rates increased for SC students at a faster rate for higher classes compared to overall rates.
- 4.6 Article 330 provides for reservation of seats for SCs / STs in the Lok Sabha. But there is nothing for Rajya Sabha which is the Council of States.
- 4.7 The Practice of such traditional unclean occupations as scavenging carrying night soil, removing dead animals, leather work, beating of drums is prevalent.
- 4.8 The condition of the SCs women is particularly deplorable. Female literacy among the SCs is low. They constitute the major work force doing hard manual labour and engaged

in agricultural operations. Exposure to outdoor work and interaction with employers make vulnerable to sexual exploitation. To illustrate, 15 SC communities, including Mushar, Bhuiya, Dom, Dhangad, Chamar, Mochi etc. each population of 1 lakh or above in States Bihar, Jharkhand and UP having female literacy rate 20%, or less than National female literacy.

- 4.9 As per Agricultural Census, 2007, share of operational landholding by SCs in the total land holding was 12.7%. (for 20% SC). Average area per operational landholding by SCs was only 0.91 hectares as compared to 1.4 hectares for all social groups. SCs are mostly engaged as agricultural labourers. Their dependence on upper-caste landowners for agricultural labour and perpetual subjugation force many of them to live as bonded laborers.

Access to toilet facilities and electricity was considerably lower as 36.80% of SC rural population is living below poverty line (others 28.30%).

- 4.10 Higher nutritional deficiency and higher percentage of anemic women and children in SC families than overall population indicate lower health status of SCs.
- 4.11 Income ceiling should not be there for SCs / STs as Supreme Court make it clear on many occasions that there is no creamy layer among SCs / STs. So removal of income criteria/limits for eligibility under various socio-economic and educational schemes for SCs is necessary.
- 4.12 A Complaint Monitoring Information System (MIS) would be introduced in NCSC Hqrs to enhance speed and quality of services in NCSC. Hon'ble Chairman stressed for introduction of reservation in judiciary. Strengthening of functioning Commission can be done only by filling up

of all vacant posts and increase in personnel corresponding to work load of NCSC. Opening of 8 new States Offices where SCs population is considerably high along with upgradation of 4 existing State Offices is necessary for this.

4.13.1 Hon'ble Chairman has elaborated that NCSC has set up following 16 Committees headed by Vice Chairman, Members and drawing persons of eminence from civil society to look into various pertinent matters related to welfare of SCs.

- (i) Committee on Atrocities on the SCs
- (ii) Committee on the effective utilization of funds under the SCP and SCSP.
- (iii) Committee on the Residential School and Hostels for SC students.
- (iv) Committee on the Allotment of Land / Pattas to SCs under 20 point programme.
- (v) Committee on the Reservation in Judiciary.
- (vi) Committee on the Employment and Reservation.
- (vii) Committee on the Strengthening of NCSC's functioning.
- (viii) Improvement of Plight of Sweepers Community Abolition of Manual Scavenging.
- (ix) Review of provisions relating Scholarships / Payment / Reimbursement of Tuition Fees.
- (x) Innovative / New Schemes for Welfare of SCs.
- (xi) Campaign for Awareness of Rights /Safeguards / Schemes for SCs.
- (xii) Review of safeguards for SC employees.
- (xiii) Review of problems relating to SC who immigrate to other States.
- (xiv) Study on the issue of inclusion of Dalit Muslims and Dalit Christians in the list of Scheduled Castes.

- (xv) Committee on Reservation in Private Sectors

4.13.2. Following Committees have furnished reports so far.

- (i) Reservation in Promotion
- (ii) Reservation in Judiciary
- (iii) Empowerment of Manual Scavengers, Safai Karamcharis.
- (iv) Issuance of SC certificates to migrant Scheduled Castes.

5. Presentations were made by Secretary, NCSC on the matters related to atrocities and service safeguard and by Joint Secretary, NCSC on economic and social development of SCs
(Presentations are annexed – Annexure 2 and 3.

5.1 During discussions, following issues also merged.

5.1.1 On Service Safeguards:

- (i) Reservation in Private Sectors should be initiated by Government.
- (ii) Inclusion of SC members in Company Boards.
- (iii) Reorganization of SC Associations in State and Central Government, Public Sector Undertakings, Banking sectors etc. at par with General Unions.
- (iv) Post based roster system should be consider for abolishing and vacancy based rosters should be reintroduced.
- (v) Caste certificates issued by States / UTs should be replaced by a single all India Caste Certificate System..
- (vi) Criminal action should be taken against the bogus caste certificate holders.

5.1.2. On Economic, Educational and Social Development:

- (i) Separate budget should be prepared for development of SC by State Governments. Misuse of SC funds or diverting SC funds for other works in States must stop.
- (ii) Government land should be identified and distributed amongst SC people for cultivation with Government assistance for irrigation facilities. Land entitlement to SCs should be on a fast track mode.
- (iii) Ideal SC villages with all modern amenities should be put in place.
- (iv) Reservation should be introduced in private schools. Schools must ensure high quality education for SC students. SCs should get free education up to Graduation level. Column for mentioning caste name in application forms for admission in schools / colleges and hospitals should be omitted.
- (v) Un-employed SCs should be provided with at least Rs. 3000.00 p.m. as un-employment allowance.
- (vi) All Grant-in-Aid schemes should be supervised by the NCSC.

5.1.3. On Atrocities and Protection of Civil Rights:

- (i) Officers should be booked under the provision of POA Act, 1989 for dereliction of duty.
- (ii) Since PCR Act, 1955 has lost its relevance, the same may be considered for withdrawal.
- (iii) Exclusive Special Courts should be set up to deal the cases under POA Act, 1989 and no other cases should be dealt by such Courts.

5.1.4. Other Suggestions:

- (i) Legal standing may be given to the Commission with judicial power bestowed upon it. Thus, NCSC should be given status of High Court, like CEC.
- (ii) Reports submitted by NCSC to the President of India should be regularly placed before Parliament.

5.1.5 Joint Secretary also highlighted achievements in 2011 (Annexure – 4)

6 Conclusion :

While summing up discussion, Hon'ble Chairman expressed his satisfaction on deliberations held during the meeting and hoped that NGOs, Civil Society Members and SC / ST Welfare Associations will send their views / ideas on safeguarding Scheduled Caste's rights and interest through emails and such interaction will continue in days to come.

Meeting ended with thanks to all participants.
