

COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(2022-2023)

(SEVENTEENTH LOK SABHA)

TWENTY SECOND REPORT

ON

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

Action taken by the Government on the recommendations contained in the Thirtieth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Examination of Annual Reports of National Commission for Scheduled Castes (NCSC) presented under Article 338(5)(d) of the Constitution of India and the measures that should be taken by the Union Government in respect of matters within the purview of the Government".

Presented to Lok Sabha on 24.03.2023

Laid in Rajya Sabha on 24.03.2023



LOK SABHA SECRETARIAT  
NEW DELHI

24 March 2023/ 4 Chaitra 1945 (Saka)

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**COMPOSITION OF  
THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES  
(2022-23)**

**Dr. (Prof.) Kirit Premjibhai Solanki - Chairperson**

**MEMBERS - LOK SABHA**

2. Shri Girish Chandra
3. Shri Santokh Singh Chaudhary #
4. Shri Guman Singh Damor
5. Shri Anil Firojiya
6. Shri Tapir Gao
7. Shri Rattan Lal Kataria
8. Smt. Goddeti Madhavi
9. Smt. Pratima Mondal
10. Shri Ashok Mahadeorao Nete
11. Shri Vincent H. Pala
12. Shri Chhedi Paswan
13. Shri Prince Raj
14. Shri A. Raja
15. Shri Upendra Singh Rawat
16. Smt. Sandhya Ray
17. Shri Jagannath Sarkar
18. Shri Ajay Tamta
19. Shri Rebati Tripura
20. Shri Krupal BalajiTumane

**MEMBERS - RAJYA SABHA**

21. Shri Abir Ranjan Biswas
22. Shri Neeraj Dangi
23. Smt. Kanta Kardam
24. Shri Samir Oraon
25. Shri Anthiyur P. Selvarasu
26. Shri Ram Shakal
27. Dr. V.Sivadasan
28. Dr. Sumer Singh Solanki
29. Shri Kamakhya Prasad Tasa
30. Shri Nabam Rebia

# *Shri Santokh Singh Chaudhary passed away on 14.01.2023 and ceased to be Members of the Committee.*

**SECRETARIAT**

- |    |                    |   |                 |
|----|--------------------|---|-----------------|
| 1. | Shri D. R. Shekhar | - | Joint Secretary |
| 2. | Shri P. C. Choulda | - | Director        |



## INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the report on their behalf, present this Twenty Second Report (Seventeenth Lok Sabha) on action taken by the Government on the recommendations contained in their Thirtieth Report (Sixteenth Lok Sabha) on "Examination of Annual Reports of National Commission for Scheduled Castes (NCSC) presented under Article 338(5)(d) of the Constitution of India and the measures that should be taken by the Union Government in respect of matters within the purview of the Government" pertaining to the Ministry of Social Justice and Empowerment.

2. The draft Report was considered and adopted by the Committee on 23.03.2023 (Appendix I).

3. The Report has been divided into the following chapters:-

- I Report
- II Recommendations/ Observations, which have been accepted by the Government.
- III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
- IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the action taken by the Government on the recommendations contained in the Thirtieth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix II.

New Delhi  
24 March, 2023  
4 Chaitra, 1945 (Saka)

**DR. KIRIT P. SOLANKI**  
Chairperson,  
Committee on the Welfare  
of Scheduled Castes and  
Scheduled Tribes.



## CHAPTER I

### Report

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the Action Taken by the Government on the recommendations of the Committee contained in their Thirtieth Report (Sixteenth Lok Sabha) on the subject "Examination of Annual Reports of National Commission for Scheduled Castes (NCSC) presented under Article 338(5)(d) of the Constitution of India and the measures that should be taken by the Union Government in respect to matters within the purview of the Union Government" pertaining to the Ministry of Social Justice and Empowerment.

1.2 The Thirtieth Report was presented to Lok Sabha on 12.02.2019. It contained 17 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorized as under:-

- (i) Recommendations/observations which have been accepted by the Government (Sl Nos. 5, 6, 7, 8, 9, 12, 14, 16 & 17)
- (ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 4, 10 & 13)
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 1, 2, 3, 11 & 15)
- (iv) Recommendations/observations in respect of which final replies have not been received (Nil)

1.3 The Committee will now deal with the Action Taken by the Government on some of the recommendations which need reiteration or comments:-

1.4 The Committee will now deal with the Action Taken by the government on those Observations/Recommendations which need reiteration or comments. The Committee trust that utmost importance will be given to the implementation of the recommendations accepted by the government. In case, where it is not possible for any reason to implement the recommendations in letter and spirit, the matter should be reported to the Committee with reasons for non implementation. The Committee desires that Action Taken Notes on the recommendations/observations contained in Chapter-I and Final Action Taken notes in respect of

the recommendations contained in Chapter-V of this Report be furnished to it urgently and in no case later than six months of the presentation of the Report.

### **Recommendation No. 1**

1.5 The Committee note that NCSC does not enjoy adequate independence in exercising financial powers and it does not have a separate "Demand for Grants". Consequently, the Commission is not in a position to discharge its work effectively. The Committee, in this regard, are not inclined to support the Government's view that NCSC, though an independent body, does not need financial independence from the Ministry of Social Justice and Empowerment. The makers of Constitution had stressed on the fact that the SC population of India needs special care in order to bring them on par with other sections of society, owing to which several specific provisions have been made to safeguard the interest of SCs. Successive Governments have, over the years, shown keen interest in strengthening the laws for upliftment of SCs. This being an all important and sensitive issue cannot be compared or treated on par with other issues. Financial dependence of NCSC on the Ministry of Social Justice and Empowerment is a major hindrance for its efficient working and delivery of goals for accomplishing which the national level body has been set up. The Committee, therefore, strongly recommend that NCSC should be given adequate and distinct financial independence and powers so that it can, apart from carrying out its administrative functions smoothly, take better care of its core agenda of upliftment of SCs; and addressing issues pertaining to their grievances and betterment.

### **Reply of the Government**

1.6 Ministry of Finance vide O.M. No. 25(31)/E-Coord/2013 dated 06.05.2014 has not agreed to the proposal for a separate 'Demand for Grants' for the Commission, mentioning, inter-alia, that the proposal had already been examined in this Ministry and the views of this Ministry had already been communicated to the Ministry of Social Justice & Empowerment with a copy endorsed to NCSC by then Finance Minister to the then Chairman, National Commission for Scheduled Castes on 3.11.2009. The contents of the DO are reproduced as under:

- (a) The proposal has been examined earlier also and the views of this Ministry communicated to the Ministry of Social Justice & Empowerment with a copy endorsed to NCSC. I have had the matter examined again and would like to reiterate the earlier views of this ministry that while normally only one Demand for Grant is presented in respect of each Ministry or Department, there are a few exceptions with respect of large Ministry or Department, there are a few exceptions with respect of large Ministry or Department. This policy is in line with the provisions laid down in the General Finance Rules.



- (b) It may be mentioned in this regard that the budgetary outlays of Ministry of Social Justice & Empowerment or the NCSC are not so large to warrant a separate Demand for NCSC. You may appreciate that creation of separate Demands for Grants' for comparatively smaller Department /Constitutional bodies etc. would not only lead to proliferation of Demands but also change the very complexion of budget documents. Besides, it will lead to similar requests from other such similarly placed organizations/bodies. It should therefore be avoided.
- (c) NCSC has a separate Drawing & Disbursing Officer (DDO) for carrying out its payment functions and it is expected that continuation of the existing system for provisioning the outlays of NCSC through the "Demand for Grants" of the Ministry of Social Justice & Empowerment will not in any way adversely impinge on the financial independence of the NCSC.

#### Updated Reply

There is no change in the policy with regard independent budget for NCSC.

#### Comments of the Committee

1.7 The Committee are not inclined to accept reply that the Ministry of Finance is not agreed to the proposal for separate "Demands for Grants" for the Commission. The Committee are of the firm view that NCSC represents aspirations of crores of the poor people belonging to depressed class of the society and to protect their constitutional rights in an effective and right directions, it is, therefore, imperative that the Ministry of Finance to re-examine this issue and make separate provision of budgetary allocations for NCSC. The Committee note that by strengthening NCSC financially their most of the problems like infrastructure, manpower, vacant vacancies, etc. would be addressed/resolved automatically.

The Committee, therefore, reiterate that the Ministry of Social Justice and Empowerment to make all out efforts for financial independency of the NCSC in coordination and effective liaisoning with the Ministry of Finance so that NCSC may be facilitated with a separate 'Demands for Grants' for its efficient working.

#### Recommendation No. 2

1.8 The Committee observe that though the Commission is bestowed with the power of Civil Court, it is not in a position to exercise effective authority as its recommendations and findings are not binding on anyone. From an analysis of the data available with the Commission, it is very

much evident that its recommendations are hardly ever accepted and implemented by the agencies concerned. Since NCSC is a premier national level institution for redressing the grievances and safeguarding the interest of SCs across the country, it receives a large number of grievance cases from SCs spanning across different fields. After investigating and going through all the relevant facts, NCSC gives its decision on the cases, which unfortunately, are not binding on the "aggressor parties", who, therefore, easily get away with the wrong doing. There is a plethora of civil cases where SCs working in PSUs and Government run organizations are deprived of timely promotions that are legitimately due, seniority, or other perks and facilities, and the administrative department/agency concerned is found to blatantly ignore their pleas for no valid or coherent reason. Such aggrieved persons approach the Commission with the hope of getting justice, but the powers of the Commission being illusory, they fail to get justice, with the end result being that their faith in the Commission as a protector of their rights and interests is also eroded. The Committee are, therefore, compelled to express the opinion that the Commission is a mere "titular body" so long as it does not get some real judicial powers. The Committee therefore recommend that the powers of Commission needs to be suitably enhanced so as to make its orders binding at least in regard to service matter cases and grievances addressed by the Commission.

The argument of the Government against this proposition also centres on the aspect that the Members of the Commission do not possess judicial knowledge and hence cannot be given powers akin to a Civil Court. The Committee, in this regard, recommends that the total number of members of the Commission be adequately increased. Also, one third of the Members appointed should have legal/judicial expertise which would facilitate in giving appropriate decisions in the light of existing rules and laws. Unless the powers of a Civil Court are conferred on the Commission, whereby decisions would be binding and not merely recommendatory, atleast in regard to service matters, the Commission will not become an effective body to serve the purpose for which it was formed. As of now, compliance with the decisions given by the Commission is negligible. It is found that in 99% of the cases, the aggrieved SC person is not able to get justice due to "non-honoring" of the orders delivered by the Commission.

#### **Reply of the Government**

1.9 Ministry of Law vide L.D. No. 4833/A/2014 dated 26.11.2014 has not agreed to the proposal while quoting the following comments:

(a) The object of the constitution of the Commission is to provide protection to the members of the Scheduled Castes having regard to social and educational backwardness from which they suffer. Part XVI of the Constitution of India deals with the special provisions relating to certain classes under Article 330 to Article 334 and 342. The Commission has been constituted under Article 338 of the Constitution to investigate and monitor all the matters relating to safeguards. The object of the constitution of the commission is to keep a vigil eye on the interests of the Scheduled Castes where they may be in vulnerable position.

(b) For the effective protection against the atrocities, there is an enactment "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989" because the normal provisions of the existing laws like the Protection of Civil Rights Act, 1955 and the Indian Penal Code has been found to be inadequate to check these atrocities. The Act of 1989 is special legislation under which provisions for establishment of special court with the concurrence of Chief Justice of High Court as well as appointment of Special Public Prosecutor has been provided. There are stringent provisions in the said Act e.g. denial of benefit of anticipatory bail under Section 438 of the Code of Criminal Procedure and denial of benefit of Section 360 of the Probation of Offenders Act to the persons guilty of the offences under the Act. In para no. 11.0 of the Rules of Procedure to the Commission, the role of the Commission has been mentioned as advisory after having an interaction with the State Government. It is also mentioned in the Rules that the secretariat of the Commission through its concerned wing would provide necessary assistance and information to the Members for enabling him to discharge his functions effectively. Because the Chairperson, Vice-Chairperson and other Members as well as even the Secretary of the Commission are not qualified members of judiciary, certainly they will be unable to apply the legal jurisprudence while performing the functions as judges, nor they are required to be eligible as a judge of High Court. The functions of the Commission are limited up to the investigation and monitoring/enquiring the complaints with respect to the deprivation of rights and safeguards. Under Article 338 from clause 8(a) to (e) of the Constitution, the Commission would have all the powers of civil court trying suit.

(c) We are of the considered opinion that for the adequate safeguard for all the Scheduled Castes, there are sufficient efficacious remedies available by way of SC/ ST (Prevention of Atrocities) Act, 1989, under Article 338 of the Constitution as well as granting of reservation in the Government service and admission in educational institutions so there is no need of amending the present Constitution for the purpose of providing full power of High Court to the Commission.

As per the Article 338 (2) of the Constitution states that - "Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine." Therefore, proposal for increasing the number of members in the Commission and for appointment one-third of the Members with legal/judicial expertise, would require amendment of the Constitution by an Act of Parliament. This would be considered at an appropriate time.

#### **Updated Reply of the Government**

There is no change in the policy with regard giving additional powers to the NCSC.

### Comments of the Committee

1.10 The Committee in order to strengthen the working of the Commission had urged to suitable enhance its power so as to make its orders binding at least in regard to service related matters and grievances addressing capability of the Commission could be made efficacious and meaningful. (Matter deleted) It is pertinent to mention here that most of the service related grievances received by the NCSC are not implemented by the concerned authorities, inspite of the fact that judgement delivered by the Commission is in conformity with the existing reservation policy and law of the land. The Committee, therefore, reiterate that Commission's power may be adequately enhanced and made binding on administrative matters so that faith on the working of the NCSC can be restored as an effective tool to address the grievances of Scheduled Caste. For the purpose, as recommended by the Committee earlier, Government may bring suitable changes in the existing law and structure of the NCSC to facilitate delivery of justice within a prevalent legal system.

### Recommendation No. 3

1.11 The Committee note that the Commission is composed of only five Members, including the Chairperson. The Committee feel that the number of Members is not adequate to represent or take care of the interests of the population of SCs and STs in the country. Thus, only a fraction of the complaints that are received are dealt by the Commission. Our country has a total of 29 States, of which some States have a high percentage of SC population. Similarly, some States have a high percentage of ST population. The Committee feel that there should be one Member from each State in the Commission. Accordingly, zonal/regional offices need to be constituted to facilitate speedy delivery of justice to the "deprived sections" at the regional/State level. This will provide for adequate representation of all regions of the country in the Commission. Secondly, the supporting staff of the Commission needs to be increased proportionately so that the administrative work is smoothly executed. The Committee also strongly recommend that vacancies in NCSC, which are existing since long, be filled up within a period of three months from the presentation of this Report.

### Reply of the Government

1.12 (i) NCSC is functioning as per provisions of Article 338 of the Constitution. Article 338 (2) of the Constitution states that - "Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other

Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.]” Thus, any increase in the number of Members of the NCSC would require an amendment of Article 338. This would be considered at an appropriate time.

(ii) As regards opening of new zonal/regional offices, the proposal was examined in consultation with Department of Expenditure who had raised many queries. NCSC was accordingly requested to reply to these queries vide letter dated 13.3.2018 followed by reminder dated 3.8.2018. However, no reply from NCSC has been received to enable this department to pursue the matter further with Department of Expenditure.

#### **Updated Reply of the Government**

There is no proposal to increase the number of Members in the NCSC under consideration of the Government at present.

Also, the NCSC have not furnished any further information about opening of their new zonal/regional offices.

#### **Comments of the Committee**

1.13 The Committee in view of the efficacious working of the NCSC had strongly recommended to fill up vacancies which have been lying vacant for so long within a period of three months from the presentation of its Thirtieth Report. Since, considerable time has been lapsed after the presentation of the Report, the Committee is surprised to note that NCSC have not furnished any information on the same. This shows dilly dally approach of the Ministry of Social Justice and Empowerment towards the very important recommendation of the Committee. The Committee, therefore, strongly reiterates its recommendation that vacancies lying vacant in NCSC may be filled at the earliest so that issues /grievances of Scheduled Castes may be resolved properly and timely. (Matter deleted) The Committee desire that they may be informed about the steps/measures taken by NCSC in this regard.

#### **Recommendation No. 7**

1.14 The Committee are of the view that the enactment of PoA Act by the Government is a welcome step in the endeavour to stop atrocities on SC/ST people. The Committee feel that the State Governments should be sensitized so that the PoA act is implemented in letter and spirit and well advertised so that the SC people are made aware of their rights. The Committee recommend that a portal be created by the Ministry in which all cases throughout the country

which have been registered under the PoA Act are listed. Also, details of progress of these cases, and their final outcome should be given in the portal, which may also be connected with the portals of NCSC, NCST; and shared with the Parliamentary Committee on Welfare of SCs and STs. Such a national level portal can help bring in transparency and also early and proper progression of cases booked under this Act. The Committee would like to be apprised of the Notifications issued by the Government in pursuance of the PoA Act passed by the Parliament and assented to by the President of India.

### Reply of the Government

1.15 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (POA) Act, 1989 was enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes (SCs) and the Scheduled Tribes (STs), to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected there with or incidental thereto. The POA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations.

2. With an objective to deliver members of SCs and STs a greater justice, the POA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with the effect from 26.01.2016. The amendments broadly relate to addition to several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing and expansion of some of earlier offences, establishment of Exclusive Special Courts and Specification of Exclusive Special Public Prosecutors to exclusively try the offences under the POA Act to enable expeditious disposal of cases, power of Special courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case, as far as possible within two months from the date of filing of the chargesheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:

"18A. (1) For the purposes of this Act,

- (a) Preliminary enquiry shall not be required for registration of a First Information Report against any person; or
- (b) The investigating officer shall not require approval for the arrest, if necessary, of any person, against whom accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply

(2) The provision of section 438 of the code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any court."

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018.

(3.1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central government in exercise of powers conferred by sub-section (1) of section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- Rs.8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings.

(3.2) The POA Rules have been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC377, sr. no. 44, col.(2) of Annexure-I to Schedule of POA Rules), grievous hurt by throwing acid (IPC326B, sr. no. 24, col. (2) of Annexure. I to Schedule of PoA rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC) (Rule 16(1) of POA Rules), provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law.

(4.) The Ministry of Social Justice and Empowerment has been addressing the State Governments / Union Territory Administrations to implement the provisions of the POA Act in letter and spirit, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the POA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his DO letter dated 13.05.2016 addressed to Chief Minister of States/Union Territories has, inter-alia, stated that amendments done in the PoA Act and POA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amend provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and POA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes. A request has also been made for immediate action by the concerned Departments on the specific actionable points arising from amendments done in the Act and the Rules.

(5.) As regards creation of a National Portal for listing all cases, their progress, final outcome and

connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs including those under the PoA Act is entrusted to the Ministry of Home Affairs. The data in regard to cases under the POA Act is also generated by the National Crime Records Bureau (NRCB), MHA. As such, it is for the MHA to consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List- II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within the jurisdiction including crimes against members of SCs and STs.

### Updated Reply of the Government

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989 was enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes (SCs) and the Scheduled Tribes (STs), to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The PoA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations,

2. With an objective to deliver members of SCs and STs a greater justice, the PoA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with effect from 26.01.2016. The amendments broadly relate to addition of several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing 397993/2022/SCD-VI 818 and expansion of some of earlier offences, establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable expeditious disposal of cases, power of Special Courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case, as far as possible within two months from the date of filing of the charge sheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:- "18A. (1) For the purposes of this Act,— (a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or (b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply. (2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court." The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018. 3.1 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central Government in exercise of powers conferred by sub-section (1) of Section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly



relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- - Rs. 8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings. 397993/2022/SCD-VI 819 3.2 The PoA Rules have been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC 377, sr. no.44, col.(2) of Annexure -I to Schedule of PoA Rules), grievous hurt by throwing acid (IPC 326B, sr. no.24, col.(2) of Annexure. I to Schedule of PoA Rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC) {Rule 16(1) of PoA Rules}, provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law. 4. The Ministry of Social Justice and Empowerment has been addressing the State Governments/Union Territory Administrations to implement the provisions of the PoA Act in letter and spirit from time to time, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the PoA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his D.O. letter dated 13.05.2016 addressed to Chief Minister of States/ Union Territories has, inter-alia, stated that amendments done in the PoA Act and PoA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amended provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and the PoA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes and a request also been made for immediate action by the concerned Departments on the specific actionable points arising from amendments done in the Act and the Rules. 5. A Committee has also been constituted, on the recommendation of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, under the Chairpersonship of Union Minister for Social Justice and Empowerment for effective coordination to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs and effective implementation of the PCR Act, 1955 and SC/ST (PoA) Act, 1989. The Committee has so far held twenty six meetings wherein implementation of the Acts as well as the schemes in the States and Union Territories has been reviewed. 6. As regards creation of a National Portal for listing all cases, their progress, final outcome and connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs, including those under the SC/ST (PoA) Act, 1989 is entrusted to the Ministry of Home Affairs. The data in regard to cases under the PoA Act is also generated by the National Crime Records Bureau (NCRB), MHA. As such, it is for the MHA to

consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are States subjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of SCs and STs. However, the department of Social Justice & Empowerment has taken an initiative of launching a National Helpline against Atrocities (NHAA) on the members of the Scheduled Castes and the Scheduled Tribes to prevent atrocities on members of SCs and STs. It is an initiative for grievance redressal and real time monitoring. It is a web based self service portal with a feature of auto routing of grievances to the resolution officers at State/UT level. The NHAA is available on toll-free number '14566' across the country. The objective of the helpline is to build informed awareness about the provisions of the Law that are aimed at ending discrimination and provide protection.

#### Comments of the Committee

1.16 The Committee note that on the recommendations of the Committee, a Committee has been constituted under the Chairmanship of Union Minister for Social Justice and Empowerment for effective coordination to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs and for effective implementation of the PCR Act, 1955 and SC/ST (PoA) Act, 1989. The Committee further note that the said Committee has so far held twenty six meetings wherein implementation of the Acts as well as the schemes in the States and Union Territories has been reviewed. The Committee desire that the report including minutes of the said Committee sittings may be provided to the Committee alongwith its final outcome. The Committee also reiterate for 'Creation of National Portal for listing of all cases of atrocities on SCs and STs people and be connected with NSCS and NCST and public at large.

#### Recommendation No. 9

1.17 The Committee have extensively assessed the issue of reservation in promotions in Government departments, PSUs and various Government aided institutions. The data received in this regard from DoPT shows that the number of SCs and STs in higher positions in the Government is very dismal. There appears to be no change in the situation since the time of the presentation of the 26<sup>th</sup> Action Taken Report of the Committee on the Welfare of SCs and STs on the subject "Review of representation of SCs and STs in senior positions of Government of India", in March, 2013. The Committee had, in the Report, observed *inter-alia* that the representation of SC and ST officers in the higher echelons of the bureaucracy was rather dismal. The Committee had also expressed concern over the fact that hardly any SC official occupied the post of secretary in any of the offices under the Government of India. The Committee had observed that the Department of

Personnel and Training was not serious enough to get the reservation policy implemented in letter and spirit. The Committee had, in this regard succinctly observed: "Even though the Constitution lays down the provision contained in Article 16(4A) as enabling, the onus of responsibility for its enablement lies with the DoPT". The Committee had, further, recommended that the DoPT should maintain centrally collected data for reservation, promotion, including appointment and promotion on merit etc. so that each state may easily prove whether SCs/STs are adequately represented or not.

#### Reply of the Government

1.18 DOPT vide O.M. No. 41034/1/2019-Estt.(Res.) dated 22.08.2019 has stated that the matter is being examined and inputs/comments have been sought from concerned offices. DOPT maintains Data in respect of representation and appointment of Scheduled Castes and Scheduled Tribes in the posts and services of the Central Government. As per the data received from Various Ministries/Departments, the representation of SCS and STS in Group A posts/services as on 01.01.2016 is 11333 and 5013 respectively out of 84705 total Group A posts.

#### Updated Reply of the Government

Department of Personnel and Training have not intimated about any further developments.

#### Comments of the Committee

1.19 The Committee note with concern from the reply that DoPT maintains data in respect of representation and appointment of Scheduled Castes and Scheduled Tribes in the posts and services of the Central Government, but surprisingly even lapse of more than three years they have failed to provide requisite asked for information to Committee. As per the data provided by the Ministry, out of total 84705 Group 'A' posts/service, the representation of the SCs and STs as on 01.01.2016 is 11333 and 5013 respectively. The Committee would like to be apprised about the latest data from the Department of Social Justice and Department of Personnel and Training on the representation of the SCs and STs in Group A posts/services.

#### Recommendation No. 11

1.20 The reservations for Scheduled Castes and Scheduled Tribes have been provided for by the Government of India through instructions and executive orders and not through legislation. The scheme of reservation as formulated by the Department of Personnel and Training and Ministry of Home Affairs is basically applicable to services under the Government of India. Reservations in the services under the Public Sector banks and Public Sector enterprises are governed by separate

instructions issued by the Banking Division of Ministry of Finance, and the Department of Public enterprises respectively and the administrative ministries concerned. There are many other establishments, which are either statutory or non- statutory, where reservations are provided through executive instructions.

All these provisions are made in the Constitution with the objective of providing opportunities to the Scheduled Castes in the country. The 71 years of history of independent India and its development proves that these provisions have increased the representation of Scheduled Caste employees in posts and services in Government organizations. The extent of implementation of the provisions varies from State to State. The Service safeguards and provisions have played a very significant role in the economic development of the Scheduled Castes in the country. Those groups who were more vigilant, and active have benefitted from these provisions. To improve the representation of Scheduled Castes in posts and services, there is strong and urgent need to pass a bill pertaining to Reservation for Scheduled Castes and Scheduled Tribes in the posts and services under the Government so as to bring in uniformity in the implementation of the policy and taking punitive measures against the non-implementing organizations and individuals.

The experience of the Committee during various review meetings regarding implementation of reservation policies in different Central/State/Govt. Offices/PSUs and in the course of hearings reveals that in the absence of legislative measures which could act as a deterrent by providing for penal action against defaulters, the reservation is not being followed scrupulously. The demand for enacting a legislation in the matter of reservation for Scheduled Castes and Scheduled Tribes has also been voiced from time to time by various agencies.

The SC& ST & OBC (Reservation in posts and services), Bill 2004 was introduced in Rajya Sabha on 21.12.2004 without taking into consideration the views of the Commission. The Commission have also expressed their views in this regard to the Chairman of the Department Related Parliamentary Standing Committee and to the Rajya Sabha. The Bill has not yet been considered for passing. The Committee therefore strongly recommend that in order to implement the reservation policy effectively there is an urgent need to frame the reservation policy under a statute enacted by Parliament.

### Reply of the Government

1.21 DOPT vide O.M. No.41034/1/2019-Estt. (Res) dated 22.08.2019 the Hon'ble Supreme Court, in its judgment in the case title 'Indira Sawhney Vs Union of India' held that the executive instructions on reservation policy for Scheduled Castes, Scheduled Tribes and Other Backward Classes have the force of law.

2. The Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) bill, 2004 was introduced in the Rajya Sabha on 22.12.2004. The Bill was referred to the Department Related Parliamentary Standing Committee on Ministry of Personnel, Public Grievances, Law and Justice for examination. On receipt of the report of the Standing Committee on 29.06.2005, a Group of Ministers (GoM), headed by the then Minister of External Affairs, was constituted to consider the recommendations of the Committee. The GoM considered the recommendations of the Committee and decided that the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004 should be withdrawn and a fresh Bill, having provisions regarding reservation only for the Scheduled Castes (SCS) and Scheduled Tribes (STS), be introduced in the Parliament.

3. Accordingly, the Reservation Bill, 2004 was withdrawn on 22.12.2008 and a new Bill, namely, the Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill, 2008, was introduced in the Rajya Sabha. The Bill was passed by Rajya Sabha on 23.12.2008, but could not be discussed in the 14th Lok Sabha and lapsed after the dissolution of the Lok Sabha.

4. The Cases relating to the policy on reservation in promotion for SCS/STS, including policy of 'own merit' in reservation in promotion, are pending before the Hon'ble Supreme Court. In the 'Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill', it was proposed to give a statutory backing to the Office Memoranda/executive instructions issued in this regard. However, in view of the fact that the matter is still pending in the Supreme Court, it would be appropriate to await the finalization of the pending court cases so that there is clarity on the status of the two key Office Memoranda, i.e., the Office Memorandum on Reservation in Promotion' and the office Memorandum on 'Own Merit Promotions', quashed by the High Courts, so that the bill is clear from legal encumbrances.

### Updated Reply of the Government

Department of Personnel and Training have not intimated about any further developments.

### Comments of the Committee

1.22 The Committee is pleased to note from the reply that Hon'ble Supreme Court, in its judgement in the case of 'Indira Sawhney Vs Union of India' held that the executive instructions on reservation policy for Scheduled Castes, Scheduled Tribes and Other Backward Classes have the force of law. The Committee also note from the reply that the 'Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill, 2008' was passed by Rajya Sabha but

could not be passed in 14<sup>th</sup> Lok Sabha for statutory backing to the Office Memoranda/ executive instructions issued. The Committee feel that though the reservations policies can be implemented through executive instructions, which has force of law but is not being followed scrupulously due to which SCs/STs people are not able to get the benefits of reservation as provided by the Government. The Committee, therefore, reiterate that the Ministry of Social Justice and Empowerment should make concerted efforts and take up the matter with concerned Ministry/Department so that reservation policy can get a shape of legislation passed by Parliament.

### **Recommendation No. 13**

1.23 The Committee, during the interaction with various Ministries, Departments, PSUs, Banks and autonomous bodies observed that most of the Group C and D posts have been outsourced to private contractors where reservation policy is not followed. There are clear and strong recommendations of the Committee in various reports presented to Parliament that in cases of works outsourced to private agencies, there must be a clause in the provisions of the "contract" to ensure adequate representation of SCs and STs by providing prescribed reservation to them. However no positive action has been taken by the Government so far in this regard. The Committee are of the strong view that in the absence of statutory provisions, the Government organizations are not following the reservation policy in contractual/outsourced work. The Committee, therefore, earnestly recommend that the Government must provide statutory backing in favour of reservation for SCs and STs in outsourced work.

### **Reply of the Government**

1.24 Ministry of Labour & Employment vide O.M. No. S-11013/01/2019 LW(A) dated 22.03.2019 has stated that the Central Government engages workers on regular, temporary, ad-hoc, casual, dailywage, contract, contractual, outsourcing basis, based on the policies/guidelines framed by the DOPT, which is the nodal Department in the matter. One such instructions on implementation of reservation policy in temporary appointments has recently been reiterated by the DoPT vide Office Memorandum No.36036/3/2018 Estt.(Res.) dated 15th May, 2018 (Annexure-III) which stipulates that in respect of appointments to Central Government Posts and services, there shall be reservation for Scheduled Caste/Scheduled Tribes/Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

2. It is stated that the Contract Labour (Regulation & Abolition) Act, 1970 do not envisage any provision of reservation in engagement of workmen on contract.

Updated Reply of the Government

Department of Personnel and Training have not intimated about any further developments.

Comments of the Committee

1.25 The Committee take a serious view in the matter that DoPT vide OM No.36036/3/2018 Estt. (Res.) dated 15th May, 2018 reiterated one of its instructions on implementation of reservation policy in temporary appointments which stipulates that in appointments to Central Government Posts and services, there shall be reservation for Scheduled Caste/Scheduled Tribes/Other Backward Class candidates in temporary appointments which are to last for 45 days or more. Contrary to it Ministry of Social Justice have quoted the Contract Labour (Regulation & Abolition) Act, 1970 which do not envisage any provision of reservation in engagement of workmen on contract. The Committee observe that that there is a contradiction between these two orders issued by two different Ministries on the issue of implementation of reservation policy on contract service. The Committee are of the firm view that DoPT is a nodal Department of the Government for framing reservation policy guidelines for implementation by all Government Ministries/Departments, however, surprisingly Ministry of Social Justice instead of consulting this vital issue with DoPT and Ministry of Law have furnished such reply to the Committee. The Committee desire that the matter be examined in detail in consultation with DoPT and Ministry of Law and informed the Committee about the outcome of that exercise.

Recommendation No. 15

1.26 The DoP&T vide their Office Memorandum No.I-11019/6/2008 dated September 5, 2008 has instructed all the cadre controlling authorities to carry out the cadre reviews in respect of the services under their administrative control within a year. The Committee are surprised that despite such a clear order of DoP&T for carrying out cadre reviews, the exercise has not been undertaken in regard to the Joint cadre of Ministry of Social Justice and Empowerment and NCSC in the last 30 years. Consequently, the morale of the Group B and C officials working in NCSC is very low due to absence of any avenue of promotion. The Committee strongly denounce this act of the Ministry and recommend that cadre review for all the groups of employees in NCSC be done immediately and avenues for promotion/career progression opened to them.

### **Reply of the Government**

1.27 As regards cadre review of the Joint cadre posts, the NCSC vide letter dated 17.7.2018 was requested by this Department to submit a detailed proposal along with justification for conducting of SIU study on the working of the Commission. No response has been received from NCSC thereafter till date. The proposal for a cadre review of all the posts in NCSC would be examined by the Department after receipt of the work study report.

### **Updated Reply of the Government**

NCSC have not furnished any further information about cadre review of the Joint cadre posts since 2018. However, in response to the current communication from the Committee on Welfare of SC/ST, the Commission have now vide their letter No. NCSC- Adm.013/2/2022-UA-(Admin), dated- 04.10.2022 stated that there is an urgent need for cadre review of Joint Cadre posts of MSJE & NCSC. This needs to be discussed with the Ministry of Social Justice and Empowerment (MSJE).

### **Comments of the Committee**

1.28 The Committee note from the reply that the NCSC vide the Department of Social Justice letter dated 17.7.2018 was requested to submit a detailed proposal along with justification for conducting of SIU study on the working of the Commission. NCSC did not respond to the same till date. The Department will only examine the cadre review of all the posts in NCSC after receipt of the said work study report. The Committee stress that Cadre review provides an opportunity to overcome various bottlenecks, remove existing distortions and bring about rationalisation of cadre structure so as to improve the efficiency and morale of the cadre officers and thereby enhance the effectiveness of the Service in the fulfillment of the objectives for which it has been established. The Committee strongly feel that it is the need of the hour and strongly reiterate that NCSC must reconsider this matter and prepare the proposal/report and submit the same to the Ministry for their consideration.

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## CHAPTER II

### Recommendations/Observations which have been accepted by the Government

#### Recommendation No. 5

2.1 The Committee note that the Ministry of Social Justice and Empowerment is an important Ministry which gives Grants-in-aid to various NGOs for upliftment of SCs. There is a "portal" created by the Ministry through which it receives applications for Grant-in-aid via the State Governments concerned. Nevertheless, there are many genuine NGOs who are not able to receive the much needed Grant-in-aid. At times, it is due to "red tapism" at the level of the State Government concerned or due to inadequacies in paperwork that Grant-in-Aid is not sanctioned. The Committee feel that the Ministry should simplify the process of providing Grant-in-aid so that a larger number of NGOs benefit from this scheme. At the same time, the Ministry should ensure that these NGOs utilize the funds properly for the purpose for which they are granted. Obtaining a compliance report from the NGOs would, therefore, be a must. The Committee recommend that the Ministry should devise a holistic approach for identifying the NGOs who are actually working at the field level for upliftment of SCs/STs and support them so that they can continue with the good work being done. The Committee, in this regard, also wish to be furnished with detailed data, giving inter-alia the names of NGOs who have received Grant-in-aid from the Ministry in last three years; and also the criteria on the basis of which grants have either been given or stopped. The Committee also desire to be informed of the monitoring mechanism available with the Ministry on effective utilisation of the funds and corrective measures initiated and taken on the observations made in the course of monitoring.

#### Reply of the Government

2.2 The application for Grant-in-Aid under the Scheme of Grant-in-Aid to Voluntary and other Organisation working for Scheduled Caste are received and processed through a web enabled portal, [ngograntsje.gov.in](http://ngograntsje.gov.in). The migration from physical file to digital format has simplified the whole process.

2. NGOS/VOS are required to submit a utilization certificate for the Grant released to them through a certified Chartered Accountant. No release is made without compliance of this procedure.

3. The performance of the NGOs receiving financial assistance from the Ministry of Social Justice and Empowerment working for the welfare of Scheduled Castes is evaluated through:

- i. Mandatory annual inspection by District Authorities;
  - ii. Scrutiny of proposals by Multi Disciplinary State Level Committees for voluntary efforts every year;
  - iii. Mandatory submission of audited statements of accounts, annual report as well as Utilization Certificate pertaining to the releases; duly verified by a Chartered Accountant.
  - iv. The schemes/programmes implemented through NGOs are also monitored by respective State Governments/UT Administrations;
  - v. Mandatory sign-up of all NGOS/VOS on NGO-DARPAN Portal after furnishing PAN number of the Organisation and Aadhaar verification of at least three office bearers.
  - vi. Surprise inspection of NGOs across all States/UTs by teams of the Central Ministry.
4. Review of performance of grantee NGOs is a continuous process carried out with a view to improve the working of grantee NGOs and to cater the needs of beneficiaries. Whenever any irregularity in the utilization of funds or otherwise is noticed, action is taken for stopping GIA and/or blacklisting such NGOS
5. A list of VOS/NGO sanctioned Grants-in- Aid during the last 3 years is enclosed at Annexure-I

#### **Updated Reply of the Government**

#### **Students in High Schools in Targeted Areas (SHRESHTA) (Previously known as "Assistance to VOs working for SCs")**

SHRESHTA is being implemented since 1953 with the objective to enhance the reach of development Intervention of the Government and to fill the gap in service deficient SCs population dominant areas, in the sector of education through the efforts of Voluntary Organizations and other organizations and to provide environment for socio-economics upliftment and overall development of the Scheduled Castes (SCs) students.

2. The scheme is operated under two Modes. Under Mode-I of the Scheme, every year 3000 meritorious SC students, whose parental annual income is up to Rs. 2.5 Lakh, are selected through a nation-wide entrance test conducted by National Testing Agency (NTA) for providing quality residential education in top- class CBSE affiliated Residential High Schools. Selection of residential schools is done by a committee on their performance for the previous 6 years. Selected SC students can choose any school in the country and allotted schools based on their rank and choices.

3. Under Mode-II, financial assistance is provided to the NGOs for running and maintenance of projects related to Education sector to Scheduled Caste students. The Scheme broadly covers 3 types of projects namely (i) Residential Schools (ii) Non Residential Schools and (iii) Hostels, both for Primary and Secondary Students, ongoing projects of Non-residential schools/Residential Schools/ Hostels of the VOs/NGOs are supported under this Mode. New proposals of schools/Hostels from organizations are not accepted from 2021-22.
4. Since, the ongoing project of the NGOs are being assisted under the scheme and no new proposals are considered in the Ministry NGOs submit their applications for ongoing project on e-Anudan Portal, which have directly received in the Ministry, instead of recommendation from the concerned State Government. Such proposals received through e-Anudan Portal for ongoing project are get inspect from the Project Monitoring Unit (PMU) of this Department and thereafter proposals are processed for release of funds through e-Anudan Portal itself. As such, the procedure for seeking application without the recommendation of State Government for ongoing projects and also for release of fund has considerably been simplified.
5. Functioning of projects of the scheme are regularly monitored by the Ministry through periodic inspections carried out PMU of the Department. Funds to the project of the organization are released based on expenditure shown by the organization in their Audited accounts subject to ceiling of the cost norms of the scheme. Utilization Certificate (UC) of the grant released to organizations is also obtained, before release of grant for the next year.

List of organizations received fund during the last three years is attached as Annexure-I.

#### **Recommendation No. 6**

2.3 The Committee note from the data provided by the Commission that the number of cases of false caste certificates has witnessed a spurt, particularly in the recent past. The Ministry, in this regard, have stated that the matter pertaining to verification of caste certificates is a state level issue. The Committee recommend that the Ministry of Social Justice and Empowerment should take the initiative towards enacting an appropriate law by way of which, both making and furnishing false caste certificates would be cognizable offences involving heavy fine and imprisonment. The State Governments should be given guidelines for strict implementation of this law. Also, at the same time, the process of verification of caste certificates should be made simple. Many a time, candidates are asked to personally help in verifying the certificates with the relevant authorities. A law should be made whereby it would be mandatory that any such verification be completed within fifteen to thirty days and officers who delay the stipulated process brought to book. Also, the process of verification should not, in any way affect the candidates concerned by way of delaying the process of their joining or taking up the job selected for. The Committee also wish to be informed of the number of cases where official FIR has been

lodged and criminal cases booked for securing jobs on the basis of false caste certificates. The Committee may also be informed of details in regard to in pursuance of Supreme Court order on immediate termination of the jobs of such employees who may have secured jobs on the basis of false caste certificates.

### Reply of the Government

2.4 Ministry of Social Justice and Empowerment is the nodal agency for notification of Scheduled Castes under the provisions of Article 341 of the Constitution of India. The subject of issuance and verification of caste certificates, however, is the responsibility of the concerned State Governments/ UT Administrations. In this connection it is pertinent to mention here that the Supreme Court in its order dated 02.09.1994, in the case of Kumari Madhuri Patil Vs. Additional Commissioner, Maharashtra has also recommended to States a procedure for issuance and verification of social status certificates. In compliance there of State Governments have set up scrutiny Committees for verification of Scheduled Caste claims.

Further some State Governments such as Gujarat, Maharashtra, Kerala, Andhra Pradesh, Telangana, Odisha, Chhattisgarh, West Bengal etc. have enacted laws for regulation of issuance and verification of Scheduled Castes, Scheduled Tribes and Other Backward Classes caste certificates. However, the observations of the Hon'ble Committee has been brought to the notice of all the state Governments/UT Administrations vide this minister's circular dated 11.03.2019 (copy enclosed) with a request to issue necessary instruction to all the officials under their control who are empowered to issue social status Certificates to take proper care before issuing them and action would be taken against them under the relevant provisions of Indian Penal Code, if any of them is found to have issue certificates carelessly and without proper verifications. Further, State Governments/UT Administration have also been requested to issue instructions to the officials who have been assigned the job of verification of social status certificates to the verification expeditiously. Action should be taken against the officials who deliberately delay the process of verification.

DOPT vide O.M.41034/1/2019-Estt. (Res.) dated 22.08.2019 has stated the following comments:

- (i) DoPT has requested all the States/Union Territories, from time to time, to streamline the process for verification of claims of candidates belonging to SCS/STs and OBCs and also to issue instructions to District Magistrates/District Collectors/Deputy Commissioners to ensure, at their own level, the veracity of caste certificates issued so that unscrupulous non SC/ST/OBC persons prevented from securing jobs means for are SCS/STs/OBCs by producing false certificate.
- ii. The extant instructions in DoPT's Office Memorandum of 19.05.1993 provides that if it is found that a Government servant has furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. Thus when an appointing authority comes to know that an employee has submitted a false/fake caste certificate, it has to initiate action to remove or dismiss such an employee from service as per the provisions of relevant Service Rules.
- (iii) These instructions have been reiterated by DoPT, vide letter No.36011/1/2012-Estt. (Res.),

dated 14.03.2016. Further, in order to discourage unscrupulous activities, State Governments/Union Territories have also been requested to consider issuing appropriate instructions for initiating disciplinary proceedings against the errant officers who default in making timely verification and issue of caste certificates well in time or who issue false certificates

- iv. DOPT had undertaken an exercise to collect information about the appointments secured on the basis of false/fake certificates in the year 2018. On 23.02.2018 all Ministries / Departments were again requested to collect information about appointments made on the basis of fake/false caste certificates and follow up action taken thereon. As per information received more than 700 cases of fake/false caste certificates have been reported by the Ministries/Departments, including in its attached and subordinate offices. Out of these, in 68 cases, employees have reportedly been dismissed/terminated from service by the concerned cadre controlling authority.

#### **Updated Reply of the Government**

There are no further developments in the matter ever since. Also, the Department of Personnel and Training have not intimated about any further developments.

#### **Recommendation No. 7**

2.5 The Committee are of the view that the enactment of PoA Act by the Government is a welcome step in the endeavour to stop atrocities on SC/ST people. The Committee feel that the State Governments should be sensitized so that the PoA act is implemented in letter and spirit and well advertised so that the SC people are made aware of their rights. The Committee recommend that a portal be created by the Ministry in which all cases throughout the country which have been registered under the PoA Act are listed. Also, details of progress of these cases, and their final outcome should be given in the portal, which may also be connected with the portals of NCSC, NCST; and shared with the Parliamentary Committee on Welfare of SCs and STs. Such a national level portal can help bring in transparency and also early and proper progression of cases booked under this Act. The Committee would like to be apprised of the Notifications issued by the Government in pursuance of the PoA Act passed by the Parliament and assented to by the President of India.

#### **Reply of the Government**

2.6 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (POA) Act, 1989 was enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes (SCs) and the Scheduled Tribes (STs), to

provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected there with or incidental thereto. The POA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations.

2. With an objective to deliver members of SCs and STs a greater justice, the POA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with the effect from 26.01.2016. The amendments broadly relate to addition to several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing and expansion of some of earlier offences, establishment of Exclusive Special Courts and Specification of Exclusive Special Public Prosecutors to exclusively try the offences under the POA Act to enable expeditious disposal of cases, power of Special courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case, as far as possible within two months from the date of filing of the charge sheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:

"18A. (1) For the purposes of this Act,

- (a) Preliminary enquiry shall not be required for registration of a First Information Report against any person; or
- (b) The investigating officer shall not require approval for the arrest, if necessary, of any person, against whom accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply

(2) The provision of section 438 of the code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any court."

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018.

(3.1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central government in exercise of powers conferred by sub-section (1) of section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- Rs.8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings.

(3.2) The POA Rules have been further amended by the Scheduled Castes and the scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC377, sr. no. 44, col.(2) of Annexure-I to Schedule of POA Rules), grievous hurt by throwing acid (IPC326B, sr. no. 24, col. (2) of Annexure. I to Schedule of PoA rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC) (Rule 16(1) of POA Rules), provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law.

(4.) The Ministry of Social Justice and Empowerment has been addressing the State Governments / Union Territory Administrations to implement the provisions of the POA Act in letter and spirit, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the POA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his DO letter dated 13.05.2016 addressed to Chief Minister of States/Union Territories has, inter-alia, stated that amendments done in the PoA Act and POA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amend provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and POA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes. A request has also been made for immediate action by the concerned Departments on the specific actionable points arising from amendments done in the Act and the Rules.

(5.) As regards creation of a National Portal for listing all cases, their progress, final outcome and connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs including those under the PoA Act is entrusted to the Ministry of Home Affairs. The data in regard to cases under the POA Act is also generated by the National Crime Records Bureau (NRCB), MHA. As such, it is for the MHA to consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List- II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within the jurisdiction including crimes against members of SCs and STs.

#### **Updated Reply of the Government**

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was

enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes(SCs) and the Scheduled Tribes(STs) , to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The PoA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations,

2. With an objective to deliver members of SCs and STs a greater justice, the PoA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with effect from 26.01.2016. The amendments broadly relate to addition of several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing 397993/2022/SCD-VI 818 and expansion of some of earlier offences, establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable expeditious disposal of cases, power of Special Courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case , as far as possible within two months from the date of filing of the charge sheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:- "18A. (1) For the purposes of this Act,— (a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or (b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply. (2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court." The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018. 3.1 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central Government in exercise of powers conferred by sub-section (1) of Section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- - Rs. 8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings. 397993/2022/SCD-VI 819 3.2 The PoA Rules have been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC 377, sr. no.44, col.(2) of Annexure -I to Schedule of PoA Rules), grievous hurt by throwing acid (IPC 326B, sr. no.24, col.(2) of Annexure. I to Schedule of PoA Rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC){Rule 16(1) of PoA Rules}, provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in



respect thereof under any other law. 4. The Ministry of Social Justice and Empowerment has been addressing the State Governments/Union Territory Administrations to implement the provisions of the PoA Act in letter and spirit from time to time, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the PoA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his D.O. letter dated 13.05.2016 addressed to Chief Minister of States/ Union Territories has, inter-alia, stated that amendments done in the PoA Act and PoA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amended provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and the PoA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes and a request also been made for immediate action by the concerned Departments on the specific actionable points arising from amendments done in the Act and the Rules. 5. A Committee has also been constituted, on the recommendation of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, under the Chairpersonship of Union Minister for Social Justice and Empowerment for effective coordination to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs and effective implementation of the PCR Act, 1955 and SC/ST (PoA) Act, 1989. The Committee has so far held twenty six meetings wherein implementation of the Acts as well as the schemes in the States and Union Territories has been reviewed. 6. As regards creation of a National Portal for listing all cases, their progress, final outcome and connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs, including those under the SC/ST (PoA) Act, 1989 is entrusted to the Ministry of Home Affairs. The data in regard to cases under the PoA Act is also generated by the National Crime Records Bureau (NCRB), MHA. As such, it is for the MHA to consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of SCs and STs. However, the department of Social Justice & Empowerment has taken an initiative of launching a National Helpline against Atrocities (NHAA) on the members of the Scheduled Castes and the Scheduled Tribes to prevent atrocities on members of SCs and STs. It is an initiative for grievance redressal and real time monitoring. It is a web based self service portal with a feature of auto routing of grievances to the resolution officers at State/UT level. The NHAA is available on toll-free number '14566' across the country. The objective of the helpline is to build informed awareness about the provisions of the Law that are aimed at ending discrimination and provide protection.

2.7 Please see Para No. 1.16 of Chapter I.

### **Recommendation No. 8**

2.8 The Ministry of Social Justice and Empowerment is the nodal agency for implementing AWSC in the country. The Committee recommend that the Ministry give focussed attention to this plan, since it is the nodal plan for SCs, who constituted a substantial section of the population of the country. On earlier occasions too, the Committee had, in their Reports made recommendations on this aspect. For instance, the Committee had in their 25<sup>th</sup> Report(16<sup>th</sup> Lok Sabha) recommended that SCSP should have statutory backing so as to ensure serious and effective implementation of the plan as has been done by the State Governments of Karnataka and Telangana. This would enable the Ministries concerned to plan, implement, and monitor the AWSC in right earnest and spirit. The Committee had also recommended that since a number of Ministries, as well as NITI Aayog and the State Governments are involved in AWSC, it is very important that there is proper coordination of work amongst them. NITI Aayog or M/o Social Justice may be given statutory powers so that causes for delays and discrepancies at various levels could be effectively tackled and thereby ensure that the schemes reach their desired goal. The Committee are of the view that the most of the vital scheme envisaged for SCs i.e. AWSC has not been implemented in letter and spirit so far.

### **Reply of the Government**

2.9 Department of Social Justice and Empowerment has been entrusted the task of monitoring the financial and physical progress of all identified schemes under the Allocation for Welfare of Scheduled Castes (AWSC) from the year 2017-18.

Accordingly, the Department has developed the online portal [www.eutthaan.gov.in](http://www.eutthaan.gov.in) for the financial, physical and outcome based monitoring of the subplan for the identified Central Sector and Centrally Sponsored Schemes. All the concerned Department/Ministries have nominated the Nodal Officer and they have been provided with User-ID and Passwords for submitting information on physical and outcome based monitoring of each scheme under the component Allocation for Welfare of Scheduled Castes through web portal.

In order to monitor the Financial Progress on real time basis, the web portal has been integrated with Public Financial Management System (PFMS) and accordingly, the progress of financial achievement is monitored at regular intervals by Hon'ble Minister (SJ&E) and Secretary of the Department.

NITI Aayog has also issued revised guidelines dated 25.01.2019 and requested all the obliged Ministries/Departments to identify specific schemes which provide benefits of SCS and STS and ensure allocation only for such schemes instead of notional allocation for all schemes (CSS & CS) and to formulate innovative responses or new interventions/new schemes for inclusive

development of SCS and STS, in case of difficulties to allocate and or incur expenditure under existing schemes in consultation with Nodal Ministry (D/o Social Justice and Empowerment and NITI Aayog).

The details of budget allocations of all the Ministries/Departments made under SCSP and Actual Expenditure for 2017-18 and 2018-19 are attached herewith as per Annexure-II.

#### **Updated Reply of the Government**

There are no further developments in the matter ever since.

#### **Recommendation No. 9**

2.10 The Committee have extensively assessed the issue of reservation in promotions in Government departments, PSUs and various Government aided institutions. The data received in this regard from DoPT shows that the number of SCs and STs in higher positions in the Government is very dismal. There appears to be no change in the situation since the time of the presentation of the 26<sup>th</sup> Action Taken Report of the Committee on the Welfare of SCs and STs on the subject "Review of representation of SCs and STs in senior positions of Government of India", in March, 2013. The Committee had, in the Report, observed *inter-alia* that the representation of SC and ST officers in the higher echelons of the bureaucracy was rather dismal. The Committee had also expressed concern over the fact that hardly any SC official occupied the post of secretary in any of the offices under the Government of India. The Committee had observed that the Department of Personnel and Training was not serious enough to get the reservation policy implemented in letter and spirit. The Committee had, in this regard succinctly observed: "Even though the Constitution lays down the provision contained in Article 16(4A) as enabling, the onus of responsibility for its enablement lies with the DoPT". The Committee had, further, recommended that the DoPT should maintain centrally collected data for reservation, promotion, including appointment and promotion on merit etc. so that each state may easily prove whether SCs/STs are adequately represented or not.

#### **Reply of the Government**

2.11 DOPT vide O.M. No. 41034/1/2019-Estt.(Res.) dated 22.08.2019 has stated that the matter is being examined and inputs/comments have been sought from concerned offices. DOPT maintains Data in respect of representation and appointment of Scheduled Castes and Scheduled Tribes in the posts and services of the Central Government. As per the data received from Various Ministries/Departments, the representation of SCS and STS in Group A posts/service sas on 01.01.2016 is 11333 and 5013 respectively out of 84705 total Group A posts.

**Updated Reply of the Government**

Department of Personnel and Training have not intimated about any further developments.

**2.12 Please see Para No. 1.19 of Chapter I.**

**Recommendation No. 12**

2.13 Government of India *vide* its Office Memorandum dated 24.09.1968 had laid down instructions that in regard to appointments to Central Government posts and services there shall be reservation for Scheduled Castes/Scheduled Tribes/OBC candidates in temporary appointments which are to last for 45 days or more. NCST pointed out DoP&T's 1968 OM and stressed that it should be reiterated. Hence, DoP&T *vide* their order No. 36036/3/2018-Estt. Dated May 15, 2018 reiterated the above-mentioned instructions and sent it to all Central Government offices. The Committee are of the view that the instructions given in this Office memorandum are not followed in letter and spirit. There is no data available to determine the level of compliance in case of temporary appointments exceeding 45 days. Hence, the Committee recommend that these instructions be circulated at repeated intervals to all Government departments so that they are complied with.

**Reply of the Government**

2.14 DOPT *vide* O.M. No.41034/1/2019-Estt. (Res.) dated 22.08.2019 has stated that this Department keeps on circulating these instructions to all Government Departments at regular interval, so that they are complied with. The latest instructions in this regard were circulated on 15.05.2018.

**Updated Action by the Government**

Department of Personnel and Training have not intimated about any further developments.

**Recommendation No. 14**

2.15 It has come to the notice of the Committee that cadre review has not been carried out for the "joint cadres" of Ministry of Social Justice and Empowerment and NCSC in the last 30 years. The officials posted in this cadre are stagnating at the same level for 20 to 26 years without any promotion. The post of DIG in NCSC is lying vacant for the last 15 years as no IPS candidate is available to take up the said post. The Committee have, learned that the Ministry does not

provide basic facilities which come along with the post of a DIG such as requisite office space, conveyance and assisting clerical staff .In such a scenario, the post is bound to lie vacant since no officer will be willing to occupy it.

The Committee, therefore, recommend that all facilities attached to the post of DIG should be provided to the official occupying it in the Ministry. The Committee further recommend that if a suitable candidate is not available from the Central services, the Ministry of Social Justice and Empowerment should make a provision in the Rules that an officer of the rank of Director or above ranks possessing the prescribed legal/administrative qualifications may be appointed to the said post either from within the Ministry or by means of deputation, as the case may be. The number of cases of atrocities against SCs being continuously on the rise, a DIG level officer in NCSC is the need of the hour to enable in investigating such cases and bringing the guilty to book.

#### **Reply of the Government**

2.16 The proposal for amendment of Recruitment Rules to the post of DIG in NCSC is presently under submission with DOPT, RR Division. As per existing Recruitment Rules, the post can only be filled up by IPS officers. Since no willing IPS Officers are available for posting in NCSC, it has been proposed in the draft RRS that non-IPS police personnel may also be appointed against the posts on deputation. A proposal has now been received from NCSC requesting that the post may be filled up by promotion of eligible officers of Director rank (Joint Cadre). In the past, the NCSC has been insisting that only persons with experience in criminal investigation/police work may be posted as DIG. Since posting of Joint Cadre officers as DIG on promotion would require change in the policy, the NCSC would be requested to examine the matter thoroughly and send their consolidated proposal to this Department. The same would be considered on priority after it is received.

#### **Updated Action Taken by the Government**

The post of DIG (P) in NCSC has since been filled. Ms. Sanmeet Kaur, IPS (NL:2007) has been posted and she assumed charge of DIG(P) in NCSC on 26.09.2022.

#### **Recommendation No. 16**

2.17 The Committee has sought information from the Ministry of Social Justice and Empowerment and NCSC through several Office Memoranda and their reminders details regarding the total number of individual complaints received by the Commission and action taken there on. In spite of repeated reminders, the NCSC has not divulged any data either on the

number of representations received or action taken in regard to these cases. The Committee have inferred from this reluctance of NCSC from giving details that there is "zero compliance" in case of recommendations of NCSC in regard to individual complaints which it receives. This very dismal picture is extremely worrying to the Committee as an apex institution, like NCSC is practically a powerless body, whose recommendations are not complied with by Government agencies themselves. The SC population of the country looks upto NCSC as the main institution through which their grievances would be resolved but in reality it is quite the opposite. The Committee, therefore, once again strongly recommend that NCSC be given appropriate statutory powers so as to make it a strong working and protective body for the SC population of the country.

#### **Reply of the Government**

2.18 As per the NCSC letter No. 17/7/NCSC/2016- C.Cell dated 20.03.2019, the relevant data regarding total number of individual complaints and action taken thereon has already been provided to the Lok Sabha Secretariat *vide* this Commission's letter No. 17/7/NCSC/2016-C.Cell dated 15.02.2019. A copy of the same is enclosed for ready reference (Annexure-IV)

#### **Updated Reply of the Government**

There is no proposal for giving additional statutory powers to the Commission under consideration of the Government at present

#### **Recommendation No. 17**

2.19 The Committee feel that National Scheduled Castes finance and Development Corporation (NSFDC) is a premier institution through which poor and vulnerable SC families can get financial support especially in rural areas. NSFDC has ventured its financial assistance in the leather industry, footwear industry and also handloom industry. The Committee feel that NSFDC can enter into many other fields like dairy products, small handicrafts made of local trees, poultry farms etc which are part of rural India and which require financial support. Most of the SC population which lives in rural areas earns its living through agriculture and its allied activities like dairy, poultry, goat farms, apiculture etc. Hence, the Committee recommend that NSFDC should increase its outreach to other sectors as well and provide financial assistance as well as skill development training to rural youths for better income generation.

**Reply of the Government**

2.20 National Scheduled Castes Finance and Development Corporation (NSFDC) is a Central Public Sector Enterprise (CPSE) under the Ministry of Social Justice and Empowerment, Government of India. The broad objective of NSFDC is to provide concessional financial assistance in the form of loan under its Credit Based Schemes to scheduled caste persons having annual income up to Rs.3.00 lakh for both rural and urban areas. The financial assistance is routed through nominated State Channelizing Agencies (SCAs) and other Channelizing Agencies (CAs) PAN India.

NSFDC's Credit Based Schemes are income generating in nature. These schemes have been introduced by NSFDC from time to time keeping in mind the needs and benefit of the target group's requirement assessed on the ground. NSFDC provides financial assistance for technically feasible and economically viable projects costing upto Rs.50.00 lakhs broadly under three sectors namely Agriculture & Allied, Industry and Service including transport. The project proposals are prepared and sent by the Channelizing Agencies to NSFDC based on the demand and need of the target group and area. Under Agriculture & Allied Sector, as per the demand received from the Channelizing Agencies, NSFDC has been providing financial assistance to the target group through its Channelizing Agencies in the field of Dairy, Piggery, sheep farming, Fisheries, Poultry, Goat rearing, Bee keeping, Land Purchase, Minor Irrigation, Tractor, Power Tiller etc. which are part of rural India. Till date, NSFDC has disbursed Rs.712.97 crore for 3,13,32 beneficiaries for various projects under Agriculture & Allied Sector.

Further, NSFDC has one Non-Credit Based Scheme (Skill Development Training Programme) for imparting employable skills and assisting in wage/self-employment post training. These programmes are conducted by Government/ Semi-Government/ Autonomous Institutions /Universities/ Deemed Universities/ Sector skill Council affiliated Training Providers. All NSFDC sponsored skill training programmes are National Skill Qualification Framework (NSQF) compliant and conform to the Common Norms for Skill Development Schemes.

Under the scheme, 100% Course Fee and Stipend @ Rs.1,500/- per month per trainee are provided as Grants for non-residential training programmes. Till date, NSFDC has sanctioned Grants-in-Aid of Rs.176.45 crore to training 1,38,798 target group under various Skill Development Training Programmes both in rural and urban areas.

**Updated Reply of the Government**

The NSFDC have not intimated about any further developments.

### CHAPTER-III

#### **Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government**

##### **Recommendation No. 4**

3.1 The Commission highlighted in its report the fact that there are many Minority institutions in the country which do not provide reservation to SCs and STs. As per the information furnished by the Ministry of Social Justice and Empowerment the Ministry of Minority Affairs has expressed favour with the recommendation of the National Commission for Scheduled Tribes for extending the benefit of reservation in Government aided minority institutions. The Committee, are of the view that the Government must bring in a suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 so as to enable SCs/STs to secure prescribed reservation in admissions to Minority Institutions.

##### **Reply of the Government**

3.2 Department of Higher Education *vide* OM No. 12-16/2019-U1 dated 22.08.2019 has stated that according to the provisions of Article 15(5) of the Constitution of India the Government has been empowered for making any special provisions, by law, for the advancement of socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions other than the minority educational institutions.

Further, Article 15(6) has been inserted *vide* the Constitution (One Hundred and Third Amendment) Act, 2019. This provision enables the Government to make special provisions for admission in educational institutions, excluding the minority educational institutions, for the Economically Weaker Sections.

Moreover, a separate National Commission for Minority Educational Institutions has also been set up under The National Commission for Minority Educational Institutions Act, 2004.

##### **Updated Reply of the Government**

Department of Higher Education have not intimated about any further developments.

##### **Recommendation No. 10**

3.3 In order to have adequate representation of SCs/STs in higher positions in Ministries, Departments under the Government of India, the Committee strongly recommend that the Constitution 117<sup>th</sup> Amendment Bill, 2012 which was passed by the Rajya Sabha, but lapsed



pending consideration in the 15<sup>th</sup> Lok Sabha be again introduced and passed by both the Houses of Parliament so as to be in the interest of social justice.

### Reply of the Government

3.4 DOPT *vide* O.M. No.41034/1/2019-Estt. (Res.) dated 22.08.2019 Four Amendments i.e., 77, 81, 82nd and 85<sup>th</sup> Amendments have already been made to strengthen the position of SCS/STs in Govt. jobs/services. Hon'ble Supreme Court, on 19.10.2006, while deliberating on the issue of validity of Constitutional amendments, namely, the 77th, 81, 82nd and 85th Amendments in the case of M. Nagaraj Vs. UOI & Ors., inter-alia, observed that the concerned State would have to show, in each case, the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation in promotion.

2. The concerned State Governments and also Union of India approached the Hon'ble Supreme Court for review of M. Nagaraj judgment. In SLP (Civil) No. 30621 of 2011 in the case title Jarnail Singh & Others Vs Lachmi Narain Gupta & Others', the five Judge Bench, headed by Chief Justice, Hon'ble Supreme Court pronounced their judgment on 26.09.2018 with reference to the plea for review of M. Nagaraj judgment and for referring it to a Constitutional Bench. The Judgement, inter alia, directed that the need for State to collect quantifiable data showing backwardness of the SCS and STs, as observed in Nagaraj judgment, being contrary to the nine-judge Bench in Indra Sawhney judgment, is not there. However, it ruled that while considering promotions for SCS/STs/, the quantifiable data on the inadequacy of representation need to be seen, which would be relatable to the concerned cadre. Further, efficiency in administration is also required to be kept in view while granting such promotions.

3. After the judgment of 26.09.2018 in Jarnail Singh & Ors Vs. Lachmi Narain Gupta & Ors., the policy of reservation in promotion in Central Government posts and services is now compliant with the principles laid down in M. Nagaraj Judgment, as interpreted/modified by the judgment of 26.09.2018 in Jarnail Singh case, apparently in view of the following:

- (i) The condition to collect quantifiable data to determine backwardness, as laid down in Nagaraj judgment, which was not feasible to be implemented, has been done away with:
- (ii) The roster system followed by Central Government Departments ensures that the second condition, i.e., the adequacy of representation is seen before providing the benefit of reservation. The cadre controlling authorities, while working out vacancies, take into account the roster points meant for SCS and STs and, accordingly, calculate the vacancies to be filled up by the reserved candidates. Thereafter, only they initiate the process of promotion. This ensures that vacancies to the extent of 15% and 7.5% respectively are reserved for filled up by the SC/ST candidates. The SCS/STs promoted on their "own merit" are adjusted against unreserved vacancies, which is, however, under challenge. Since reservation in promotion does not apply to OBCs, the percentage of reservation in no way would exceed 50% in any of the cadre.

- (iii) To ensure efficiency in higher administration, the concept of reservation in the concept of reservation in promotion is restricted upto entry level of Group A. Within Group A, there is no reservation in promotion. The prescribed bench mark in the Annual Performance Appraisal Report, (APAR) is the check while considering cases pertaining to confirmation, promotion etc. The APAR conveys the real qualities and year-wise performance of an employee reported by the immediate senior officer and also reviewed by the next higher officer while working in a Government Department/Ministry/ Organisation. All the employees, including SC/ST employees, are required to meet the "benchmark" while being considered for promotion. This ensures that the aspect of efficiency in administration is kept in view while giving promotions.

The concept of "creamy layer" for SCS/STS was never in vogue and therefore question of obliteration of the concept of creamy layer does not arise.

#### **Updated Reply of the Government**

Department of Personnel and Training have not intimated about any further developments.

#### **Recommendation No. 13**

3.5 The Committee, during the inter-action with various Ministries, Departments, PSUs, Banks and autonomous bodies observed that most of the Group C and D posts have been outsourced to private contractors where reservation policy is not followed. There are clear and strong recommendations of the Committee in various reports presented to Parliament that in cases of works outsourced to private agencies, there must be a clause in the provisions of the "contract" to ensure adequate representation of SCs and STs by providing prescribed reservation to them. However no positive action has been taken by the Government so far in this regard. The Committee are of the strong view that in the absence of statutory provisions, the Government organizations are not following the reservation policy in contractual/outsourced work. The Committee, therefore, earnestly recommend that the Government must provide statutory backing in favour of reservation for SCs and STs in outsourced work.

#### **Reply of the Government**

3.6 Ministry of Labour & Employment vide O.M. No. S-11013/01/2019 LW(A) dated 22.03.2019 has stated that the Central Government engages workers on regular, temporary, ad-hoc, casual, daily wage, contract, contractual, outsourcing basis, based on the policies/guidelines framed by the DOPT, which is the nodal Department in the matter. One such instructions on implementation of reservation policy in temporary appointments has recently been reiterated by the DoPT vide Office Memorandum No.36036/3/2018 Estt.(Res.) dated 15th May,2018 (Annexure-III) which stipulates

that in respect of appointments to Central Government Posts and services, there shall be reservation for Scheduled Caste/Scheduled Tribes/Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

2. It is stated that the Contract Labour (Regulation & Abolition) Act, 1970 do not envisage any provision of reservation in engagement of workmen on contract.

**Updated Reply of the Government**

Department of Personnel and Training have not intimated about any further developments.

**3.7 Please see Para No. 1.25 of Chapter I.**

## CHAPTER IV

### **Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration**

#### **Recommendation No. 1**

4.1 The Committee note that NCSC does not enjoy adequate independence in exercising financial powers and it does not have a separate "Demand for Grants". Consequently, the Commission is not in a position to discharge its work effectively. The Committee, in this regard, are not inclined to support the Government's view that NCSC, though an independent body, does not need financial independence from the Ministry of Social Justice and Empowerment. The makers of Constitution had stressed on the fact that the SC population of India needs special care in order to bring them on par with other sections of society, owing to which several specific provisions have been made to safeguard the interest of SCs. Successive Governments have, over the years, shown keen interest in strengthening the laws for upliftment of SCs. This being an all important and sensitive issue cannot be compared or treated on par with other issues. Financial dependence of NCSC on the Ministry of Social Justice and Empowerment is a major hindrance for its efficient working and delivery of goals for accomplishing which the national level body has been set up. The Committee, therefore, strongly recommend that NCSC should be given adequate and distinct financial independence and powers so that it can, apart from carrying out its administrative functions smoothly, take better care of its core agenda of upliftment of SCs; and addressing issues pertaining to their grievances and betterment.

#### **Reply of the Government**

4.2 Ministry of Finance vide O.M. No. 25(31)/E-Coord/2013 dated 06.05.2014 has not agreed to the proposal for a separate 'Demand for Grants' for the Commission, mentioning, inter-alia, that the proposal had already been examined in this Ministry and the views of this Ministry had already been communicated to the Ministry of Social Justice & Empowerment with a copy endorsed to NCSC by then Finance Minister to the then Chairman, National Commission for Scheduled Castes on 3.11.2009. The contents of the DO are reproduced as under:

- (a) The proposal has been examined earlier also and the views of this Ministry communicated to the Ministry of Social Justice & Empowerment with a copy endorsed to NCSC. I have had the matter examined again and would like to reiterate the earlier views of this ministry that while normally only one Demand for Grant is presented in respect of each Ministry or Department, there are a few exceptions with respect of large Ministry or Department, there are a few exceptions with respect of large Ministry or

Department. This policy is in line with the provisions laid down in the General Finance Rules.

- (b) It may be mentioned in this regard that the budgetary outlays of Ministry of Social Justice & Empowerment or the NCSC are not so large to warrant a separate Demand for NCSC. You may appreciate that creation of separate Demands for Grants' for comparatively smaller Department /Constitutional bodies etc. would not only lead to proliferation of Demands but also change the very complexion of budget documents. Besides, it will lead to similar requests from other such similarly placed organizations/bodies. It should therefore be avoided.
- (c) NCSC has a separate Drawing & Disbursing Officer (DDO) for carrying out its payment functions and it is expected that continuation of the existing system for provisioning the outlays of NCSC through the "Demand for Grants" of the Ministry of Social Justice & Empowerment will not in any way adversely impinge on the financial independence of the NCSC.

#### Updated Reply

There is no change in the policy with regard independent budget for NCSC.

#### Comments of the Committee

**4.3 Please see Para No. 1.7 of Chapter I.**

#### Recommendation No. 2

4.4 The Committee observe that though the Commission is bestowed with the power of Civil Court, it is not in a position to exercise effective authority as its recommendations and findings are not binding on anyone. From an analysis of the data available with the Commission, it is very much evident that its recommendations are hardly ever accepted and implemented by the agencies concerned. Since NCSC is a premier national level institution for redressing the grievances and safeguarding the interest of SCs across the country, it receives a large number of grievance cases from SCs spanning across different fields. After investigating and going through all the relevant facts, NCSC gives its decision on the cases, which unfortunately, are not binding on the "aggressor parties", who, therefore, easily get away with the wrong doing. There is a plethora of civil cases where SCs working in PSUs and Government run organizations are deprived of timely promotions that are legitimately due, seniority, or other perks and facilities, and the administrative department/agency concerned is found to blatantly ignore their pleas for no valid or coherent reason. Such aggrieved persons approach the Commission with the hope of getting justice, but

the powers of the Commission being illusory, they fail to get justice, with the end result being that their faith in the Commission as a protector of their rights and interests is also eroded. The Committee are, therefore, compelled to express the opinion that the Commission is a mere "titular body" so long as it does not get some real judicial powers. The Committee therefore recommend that the powers of Commission needs to be suitably enhanced so as to make its orders binding at least in regard to service matter cases and grievances addressed by the Commission.

The argument of the Government against this proposition also centres on the aspect that the Members of the Commission do not possess judicial knowledge and hence cannot be given powers akin to a Civil Court. The Committee, in this regard, recommends that the total number of members of the Commission be adequately increased. Also, one third of the Members appointed should have legal/judicial expertise which would facilitate in giving appropriate decisions in the light of existing rules and laws. Unless the powers of a Civil Court are conferred on the Commission, whereby decisions would be binding and not merely recommendatory, atleast in regard to service matters, the Commission will not become an effective body to serve the purpose for which it was formed. As of now, compliance with the decisions given by the Commission is negligible. It is found that in 99% of the cases, the aggrieved SC person is not able to get justice due to "non-honoring" of the orders delivered by the Commission.

#### **Reply of the Government**

4.5 Ministry of Law vide L.D. No. 4833/A/2014 dated 26.11.2014 has not agreed to the proposal while quoting the following comments:

(a) The object of the constitution of the Commission is to provide protection to the members of the Scheduled Castes having regard to social and educational backwardness from which they suffer. Par XVI of the Constitution of India deals with the special provisions relating to certain classes under Article 330 to Article 334 and 342. The Commission has been constituted under Article 338 of Constitution to investigate and monitor all the matters relating to safeguards. The object of the constitution of the commission is to keep a vigil eye on the interests of the Scheduled Castes where they may be in vulnerable position.

(b) For the effective protection against the atrocities, there is an enactment "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989" because the normal provisions of the existing laws like the Protection of Civil Rights Act, 1955 and the Indian Penal Code has been found to be inadequate to check these atrocities. The Act of 1989 is special legislation under which provisions for establishment of special court with the concurrence of Chief Justice of High Court as well as appointment of Special Public Prosecutor has been provided. There are stringent provisions in the said Act e.g. denial of benefit of anticipatory bail under Section 438 of the code of Criminal

Procedure and denial of benefit of Section 360 of the Probation of Offenders act to the persons guilty of the offences under the Act. In para no. 11.0 of the Rules of Procedure to the Commission, the role of the Commission has been mentioned as advisory after having an interaction with the State Government. It is also mentioned in the Rules that the secretariat of the Commission through its concerned wing would provide necessary assistance and information to the Members for enabling him to discharge his functions effectively. Because the Chairperson, Vice- Chairperson and other Members as well as even the Secretary of the Commission are not qualified members of judiciary, certainly they will be unable to apply the legal jurisprudence while performing the functions as judges, nor they are required to be eligible as a judge of High Court. The functions of the Commission are limited up to the investigation and monitoring/enquiring the complaints with respect to the deprivation of rights and safeguards. Under Article 338 from clause 8(a) to (e) of the Constitution, the Commission would have all the powers of civil court trying suit.

(c) We are of the considered opinion that for the adequate safeguard for all the Scheduled Castes, there are sufficient efficacious remedies available by way of SC/ ST (Prevention of Atrocities) Act, 1989, under Article 338 of the Constitution as well as granting of reservation in the Government service and admission in educational institutions so there is no need of amending the present Constitution for the purpose of providing full power of High Court to the Commission.

As per the Article 338 (2) of the Constitution states that - "Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine." Therefore, proposal for increasing the number of members in the Commission and for appointment one-third of the Members with legal/judicial expertise, would require amendment of the Constitution by an Act of Parliament. This would be considered at an appropriate time.

#### Updated Reply of the Government

There is no change in the policy with regard giving additional powers to the NCSC.

#### Comments of the Committee

4.6 Please see Para No. 1.10 of Chapter I.

#### Recommendation No. 3

4.7 The Committee note that the Commission is composed of only five Members, including the Chairperson. The Committee feel that the number of Members is not adequate to represent or take care of the interests of the population of SCs and STs in the country. Thus, only a fraction of the complaints that are received are dealt by the Commission. Our country has a total of 29 States, of which some States have a high percentage of SC population. Similarly, some States have a high

percentage of ST population. The Committee feel that there should be one Member from each State in the Commission. Accordingly, zonal/regional offices need to be constituted to facilitate speedy delivery of justice to the "deprived sections" at the regional/State level. This will provide for adequate representation of all regions of the country in the Commission. Secondly, the supporting staff of the Commission needs to be increased proportionately so that the administrative work is smoothly executed. The Committee also strongly recommend that vacancies in NCSC, which are existing since long, be filled up within a period of three months from the presentation of this Report.

#### **Reply of the Government**

4.8 (i) NCSC is functioning as per provisions of Article 338 of the Constitution. Article 338 (2) of the Constitution states that - "Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.]" Thus, any increase in the number of Members of the NCSC would require an amendment of Article 338. This would be considered at an appropriate time.

(ii) As regards opening of new zonal/regional offices, the proposal was examined in consultation with Department of Expenditure who had raised many queries. NCSC was accordingly requested to reply to these queries vide letter dated 13.3.2018 followed by reminder dated 3.8.2018. However, no reply from NCSC has been received to enable this department to pursue the matter further with Department of Expenditure.

#### **Updated Reply of the Government**

There is no proposal to increase the number of Members in the NCSC under consideration of the Government at present.

Also, the NCSC have not furnished any further information about opening of their new zonal/regional offices.

#### **Comments of the Committee**

4.9 Please see Para No. 1.13 of Chapter I.

#### **Recommendation No. 7**

4.10 The Committee are of the view that the enactment of PoA Act by the Government is a welcome step in the endeavour to stop atrocities on SC/ST people. The Committee feel that the State Governments should be sensitized so that the PoA act is implemented in letter and spirit



and well advertised so that the SC people are made aware of their rights. The Committee recommend that a portal be created by the Ministry in which all cases throughout the country which have been registered under the PoA Act are listed. Also, details of progress of these cases, and their final outcome should be given in the portal, which may also be connected with the portals of NCSC, NCST; and shared with the Parliamentary Committee on Welfare of SCs and STs. Such a national level portal can help bring in transparency and also early and proper progression of cases booked under this Act. The Committee would like to be apprised of the Notifications issued by the Government in pursuance of the PoA Act passed by the Parliament and assented to by the President of India.

### Reply of the Government

4.11 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (POA) Act, 1989 was enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes (SCs) and the Scheduled Tribes (STs), to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected there with or incidental thereto. The POA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations.

2. With an objective to deliver members of SCs and STs a greater justice, the POA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with the effect from 26.01.2016. The amendments broadly relate to addition to several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing and expansion of some of earlier offences, establishment of Exclusive Special Courts and Specification of Exclusive Special Public Prosecutors to exclusively try the offences under the POA Act to enable expeditious disposal of cases, power of Special courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case, as far as possible within two months from the date of filing of the chargesheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:

“18A. (1) For the purposes of this Act,

(a) Preliminary enquiry shall not be required for registration of a First Information Report against any person; or

(b) The investigating officer shall not require approval for the arrest, if necessary, of any person, against whom accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply

(2) The provision of section 438 of the code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any court."

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018.

(3.1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central government in exercise of powers conferred by sub-section (1) of section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- Rs.8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings.

(3.2) The POA Rules have been further amended by the Scheduled Castes and the scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC377, sr. no. 44, col.(2) of Annexure-I to Schedule of POA Rules), grievous hurt by throwing acid (IPC326B, sr. no. 24, col. (2) of Annexure. I to Schedule of PoA rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC) (Rule 16(1) of POA Rules), provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law.

(4.) The Ministry of Social Justice and Empowerment has been addressing the State Governments / Union Territory Administrations to implement the provisions of the POA Act in letter and spirit, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the POA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his DO letter dated 13.05.2016 addressed to Chief Minister of States/Union Territories has, inter-alia, stated that amendments done in the PoA Act and POA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amend provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and POA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes. A request has also been made for immediate action by the

concerned Departments on the specificable points arising from amendments done in the Act and the Rules.

(5.) As regards creation of a National Portal for listing all cases, their progress, final outcome and connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs including those under the PoA Act is entrusted to the Ministry of Home Affairs. The data in regard to cases under the POA Act is also generated by the National Crime Records Bureau (NRCB), MHA. As such, it is for the MHA to consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List- II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within the jurisdiction including crimes against members of SCs and STs.

#### Updated Reply of the Government

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989 was enacted and brought into force on 31.01.1990, to prevent the commission of offences of atrocities against the members of the Scheduled Castes (SCs) and the Scheduled Tribes (STs), to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The PoA Act extends to the whole of India except Jammu & Kashmir and responsibility for its implementation rests with State Governments and Union Territory Administrations,

2. With an objective to deliver members of SCs and STs a greater justice, the PoA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and enforced with effect from 26.01.2016. The amendments broadly relate to addition of several new offences of atrocities, addition of certain IPC offences attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act, rephrasing 397993/2022/SCD-VI 818 and expansion of some of earlier offences, establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable expeditious disposal of cases, power of Special Courts and Exclusive Special Courts to take direct cognizance of offence and as far as possible, completion of trial of the case, as far as possible within two months from the date of filing of the charge sheet and addition of chapter on the 'Rights of Victims and Witnesses'. The PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:- "18A. (1) For the purposes of this Act,— (a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or (b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply. (2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court." The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the

Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018. 3.1 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 made by the Central Government in exercise of powers conferred by sub-section (1) of Section 23 of the PoA Act have also been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 and enforced with effect from 14.04.2016. The amendments broadly relate to provisions of relief amount for 47 offences of atrocities, rationalization of the phasing of payment of relief amount, enhancement of relief amount between Rs. 85,000/- - Rs. 8,25,000/-, depending upon the nature of the offence, payment of admissible relief to within seven days, completion of investigation and filing of charge sheet within sixty days to enable timely commencement of prosecution and periodic review of the Scheme for the rights and entitlements of victims and witnesses in accessing justice, by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings. 397993/2022/SCD-VI 819 3.2 The PoA Rules have been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018 and notified in the Gazette of India, Extraordinary, vide notification dated 27.06.2018. The amendments broadly relate to provision of relief to victims of unnatural offences (IPC 377, sr. no.44, col.(2) of Annexure -I to Schedule of PoA Rules), grievous hurt by throwing acid (IPC 326B, sr. no.24, col.(2) of Annexure. I to Schedule of PoA Rules), omission of limit of 25 members of State Level Vigilance and Monitoring Committee (SLVMC) {Rule 16(1) of PoA Rules}, provision of relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law. 4. The Ministry of Social Justice and Empowerment has been addressing the State Governments/Union Territory Administrations to implement the provisions of the PoA Act in letter and spirit from time to time, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. Subsequent to amendments made in the PoA Act and the PoA Rules, Union Minister for Social Justice and Empowerment vide his D.O. letter dated 13.05.2016 addressed to Chief Minister of States/ Union Territories has, inter-alia, stated that amendments done in the PoA Act and PoA Rules have enjoined upon States Governments and Union Territory Administrations, an important responsibility to augment their infrastructure as well as human resource to effectively implement the amended provisions. They have also been requested to disseminate information about the amended provisions and sensitize police and other concerned officers for effective implementation of PoA Act and PoA Rules as amended. The Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment vide d.o. letter dated 19.05.2016 addressed to Chief Secretaries of all State Governments and Union Territory Administrations, has mentioned that owing to amendments done in the PoA Act and the PoA Rules, the responsibility of the State Governments and Union Territory Administrations has enlarged towards effective implementation of these Statutes and a request also been made for immediate action by the concerned Departments on the specific actionable points arising from amendments done in the Act and the Rules. 5. A Committee has also been constituted, on the recommendation of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, under the Chairpersonship of Union Minister for Social Justice and Empowerment for effective coordination to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs and effective implementation of the PCR Act, 1955 and SC/ST (PoA) Act, 1989. The Committee has so far held twenty six meetings wherein implementation of the Acts as well as the schemes in the States and Union Territories has been reviewed. 6. As regards creation of a National Portal for listing all cases, their progress, final outcome and

connecting it with the portals of NCSC, NCST, it may be mentioned that at the Central level, as per the Government of India (Allocation of Business) Rules, 1961, the responsibility in regard to criminal offences against members of the SCs, STs, including those under the SC/ST (PoA) Act, 1989 is entrusted to the Ministry of Home Affairs. The data in regard to cases under the PoA Act is also generated by the National Crime Records Bureau (NCRB), MHA. As such, it is for the MHA to consider feasibility of creating such a National Portal and its linking with portals of the NCSC, NCST, while also keeping in view that the 'Police' and 'Public Order' are Statesubjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes againstmembers of SCs and STs. However, the department of Social Justice & Empowerment has taken an initiative of launching a National Helpline against Atrocities (NHAA) on the members of the Scheduled Castes and the Scheduled Tribes to prevent atrocities on members of SCs and STs. It is an initiative for grievance redressal and real time monitoring. It is a web based self service portal with a feature of auto routing of grievances to the resolution officers at State/UT level. The NHAA is available on toll-free number '14566' across the country. The objective of the helpline is to build informed awareness about theprovisions of the Law that are aimed atending discrimination and provide protection.

#### Comments of the Committee

4.12 Please see Para No. 1.16 of Chapter I.

#### Recommendation No. 9

4.13 The Committee have extensively assessed the issue of reservation in promotions in Government departments, PSUs and various Government aided institutions. The data received in this regard from DoPT shows that the number of SCs and STs in higher positions in the Government is very dismal. There appears to be no change in the situation since the time of the presentation of the 26<sup>th</sup> Action Taken Report of the Committee on the Welfare of SCs and STs on the subject "Review of representation of SCs and STs in senior positions of Government of India", in March, 2013. The Committee had, in the Report, observed *inter-alia* that the representation of SC and ST officers in the higher echelons of the bureaucracy was rather dismal. The Committee had also expressed concern over the fact that hardly any SC official occupied the post of secretary in any of the offices under the Government of India. The Committee had observed that the Department of Personnel and Training was not serious enough to get the reservation policy implemented in letter and spirit. The Committee had, in this regard succinctly observed: "Even though the Constitution lays down the provision contained in Article 16(4A) as enabling, the onus of responsibility for its enablement lies with the DoPT". The Committee had, further, recommended that the DoPT should maintain centrally collected data for reservation, promotion, including appointment and promotion

on merit etc. so that each state may easily prove whether SCs/STs are adequately represented or not.

#### Reply of the Government

4.14 DOPT vide O.M. No. 41034/1/2019-Estt.(Res.) dated 22.08.2019 has stated that the matter is being examined and inputs/comments have been sought from concerned offices. DOPT maintains Data in respect of representation and appointment of Scheduled Castes and Scheduled Tribes in the posts and services of the Central Government. As per the data received from Various Ministries/Departments, the representation of SCS and STS in Group A posts/service sas on 01.01.2016 is 11333 and 5013 respectively out of 84705 total Group A posts.

#### Updated Reply of the Government

Department of Personnel and Training have not intimated about any further developments.

#### Comments of the Committee

4.15 Please see Para No. 1.19 of Chapter I .

#### Recommendation No. 11

4.16 The reservations for Scheduled Castes and Scheduled Tribes have been provided for by the Government of India through instructions and executive orders and not through legislation. The scheme of reservation as formulated by the Department of Personnel and Training and Ministry of Home Affairs is basically applicable to services under the Government of India. Reservations in the services under the Public Sector banks and Public Sector enterprises are governed by separate instructions issued by the Banking Division of Ministry of Finance, and the Department of Public enterprises respectively and the administrative ministries concerned. There are many other establishments, which are either statutory or non- statutory, where reservations are provided through executive instructions.

All these provisions are made in the Constitution with the objective of providing opportunities to the Scheduled Castes in the country. The 71 years of history of independent India and its development proves that these provisions have increased the representation of Scheduled Caste employees in posts and services in Government organizations. The extent of implementation of the provisions varies from State to State. The Service safeguards and provisions have played a very significant role in the economic development of the Scheduled Castes in the country. Those groups who were more vigilant, and active have benefitted from these provisions. To improve the representation of Scheduled Castes in posts and services, there

is strong and urgent need to pass a bill pertaining to Reservation for Scheduled Castes and Scheduled Tribes in the posts and services under the Government so as to bring in uniformity in the implementation of the policy and taking punitive measures against the non-implementing organizations and individuals.

The experience of the Committee during various review meetings regarding implementation of reservation policies in different Central/State/Govt. Offices/PSUs and in the course of hearings reveals that in the absence of legislative measures which could act as a deterrent by providing for penal action against defaulters, the reservation is not being followed scrupulously. The demand for enacting a legislation in the matter of reservation for Scheduled Castes and Scheduled Tribes has also been voiced from time to time by various agencies.

The SC& ST & OBC (Reservation in posts and services), Bill 2004 was introduced in Rajya Sabha on 21.12.2004 without taking into consideration the views of the Commission. The Commission have also expressed their views in this regard to the Chairman of the Department Related Parliamentary Standing Committee and to the Rajya Sabha. The Bill has not yet been considered for passing. The Committee therefore strongly recommend that in order to implement the reservation policy effectively there is an urgent need to frame the reservation policy under a statute enacted by Parliament.

#### **Reply of the Government**

4.17 DOPT vide O.M. No.41034/1/2019-Estt. (Res) dated 22.08.2019 the Hon'ble Supreme Court, in its judgment in the case title Indira Sawhney Vs Union of India' held that the executive instructions on reservation policy for Scheduled Castes, Scheduled Tribes and Other Backward Classes have the force of law.

2. The Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) bill, 2004 was introduced in the Rajya Sabha on 22.12.2004. The Bill was referred to the Department Related Parliamentary Standing Committee on Ministry of Personnel, Public Grievances, Law and Justice for examination. On receipt of the report of the Standing Committee on 29.06.2005, a Group of Ministers (GoM), headed by the then Minister of External Affairs, was constituted to consider the recommendations of the Committee. The GoM considered the recommendations of the Committee and decided that the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004 should be withdrawn and a fresh Bill, having provisions regarding reservation only for the Scheduled Castes (SCS) and Scheduled Tribes (STS), be introduced in the Parliament.

4. Accordingly, the Reservation Bill, 2004 was withdrawn on 22.12.2008 and a new Bill, namely, the Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill, 2008, was

introduced in the Rajya Sabha. The Bill was passed by Rajya Sabha on 23.12.2008, but could not be discussed in the 14th Lok Sabha and lapsed after the dissolution of the Lok Sabha.

4. The Cases relating to the policy on reservation in promotion for SCS/STS, including policy of 'own merit' in reservation in promotion, are pending before the Hon'ble Supreme Court. In the 'Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill', it was proposed to give a statutory backing to the Office Memoranda/executive instructions issued in this regard. However, in view of the fact that the matter is still pending in the Supreme Court, it would be appropriate to await the finalization of the pending court cases so that there is clarity on the status of the two key Office Memoranda, i.e., the Office Memorandum on Reservation in Promotion' and the office Memorandum on 'Own Merit Promotions', quashed by the High Courts, so that the bill is clear from legal encumbrances.

#### **Updated Reply of the Government**

Department of Personnel and Training have not intimated about any further developments.

#### **Comments of the Committee**

4.18 Please see Para No. 1.22 of Chapter I.

#### **Recommendation No. 13**

4.19 The Committee, during the interaction with various Ministries, Departments, PSUs, Banks and autonomous bodies observed that most of the Group C and D posts have been outsourced to private contractors where reservation policy is not followed. There are clear and strong recommendations of the Committee in various reports presented to Parliament that in cases of works outsourced to private agencies, there must be a clause in the provisions of the "contract" to ensure adequate representation of SCs and STs by providing prescribed reservation to them. However no positive action has been taken by the Government so far in this regard. The Committee are of the strong view that in the absence of statutory provisions, the Government organizations are not following the reservation policy in contractual/outsourced work. The Committee, therefore, earnestly recommend that the Government must provide statutory backing in favour of reservation for SCs and STs in outsourced work.

#### **Reply of the Government**

4.20 Ministry of Labour & Employment vide O.M. No. S-11013/01/2019 LW(A) dated 22.03.2019 has stated that the Central Government engages workers on regular, temporary, ad-hoc, casual, daily wage, contract, contractual, outsourcing basis, based on the policies/guidelines framed by the DOPT, which is the nodal Department in the matter. One such instructions on implementation of reservation policy in temporary appointments has recently been reiterated by the DoPT vide Office



Memorandum No.36036/3/2018 Estt.(Res.) dated 15th May, 2018 (Annexure-III) which stipulates that in respect of appointments to Central Government Posts and services, there shall be reservation for Scheduled Caste/Scheduled Tribes/Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

2. It is stated that the Contract Labour (Regulation & Abolition) Act, 1970 do not envisage any provision of reservation in engagement of workmen on contract.

#### **Updated Reply of the Government**

Department of Personnel and Training have not intimated about any further developments.

#### **Comments of the Committee**

4.21 Please see Para No. 1.25 of Chapter I.

#### **Recommendation No. 15**

4.22 The DoP&T vide their Office Memorandum No.I-11019/6/2008 dated September 5, 2008 has instructed all the cadre controlling authorities to carry out the cadre reviews in respect of the services under their administrative control within a year. The Committee are surprised that despite such a clear order of DoP&T for carrying out cadre reviews, the exercise has not been undertaken in regard to the Joint cadre of Ministry of Social Justice and Empowerment and NCSC in the last 30 years. Consequently, the morale of the Group B and C officials working in NCSC is very low due to absence of any avenue of promotion. The Committee strongly denounce this act of the Ministry and recommend that cadre review for all the groups of employees in NCSC be done immediately and avenues for promotion/career progression opened to them.

#### **Reply of the Government**

4.23 As regards cadre review of the Joint cadre posts, the NCSC vide letter dated 17.7.2018 was requested by this Department to submit a detailed proposal along with justification for conducting of SIU study on the working of the Commission. No response has been received from NCSC thereafter till date. The proposal for a cadre review of all the posts in NCSC would be examined by the Department after receipt of the work study report.

#### **Updated Reply of the Government**

NCSC have not furnished any further information about cadre review of the Joint cadre posts since 2018. However, in response to the current communication from the Committee on Welfare of SC/ST, the Commission have now vide their letter No. NCSC- Adm.013/2/2022-UA-(Admin), dated-

04.10.2022 stated that there is an urgent need for cadre review of Joint Cadre posts of MSJE & NCSC. This needs to be discussed with the Ministry of Social Justice and Empowerment (MSJE).

**Comments of the Committee**

4.24 Please see Para No. 1.28 of Chapter I.

CHAPTER V

Recommendations/observations in respect of which final replies have not been received

- NIL -

New Delhi,  
24 March, 2023  
4 Chaitra, 1945 (Saka)

DR. KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare  
of Scheduled Castes and  
Scheduled Tribes



**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES  
AND SCHEDULED TRIBES  
(2022-2023)**

(SEVENTEENTH LOK SABHA)

EIGHTEENTH SITTING  
(23.03.2023)

MINUTES

The Committee sat from 1000 hrs. to 1100 hrs. in Committee Room No. 53, first floor, Parliament House, New Delhi-110001

**PRESENT**

Shri Kirit Premjibhai Solanki - Chairperson

**MEMBERS**

**LOK SABHA**

2. Shri Girish Chandra
3. Shri Guman Singh Damor
4. Shri Tapir Gao
5. Shri Rattan Lal Kataria
6. Shri Chhedi Paswan
7. Smt. Sandhya Ray
8. Shri Jagannath Sarkar
9. Shri Ajay Tamta

**RAJYA SABHA**

1. Shri Abir Ranjan Biswas
2. Shri Kamakhya Prasad Tasa

**SECRETARIAT**

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri P.C. Choulda, Director
- 3 Shri. Mohan Arumala, Under Secretary

At the outset, the Chairperson welcomed the Members of the Committee. The Committee then considered the following draft report(s):

- i. Action taken by the Government on the recommendations contained in the Thirtieth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Examination of Annual Reports of National Commission for Scheduled Castes (NCSC) presented under Article 338(5)(d) of the Constitution of India and the measures that should be taken by the Union Government in respect of matters within the purview of the Government".
- ii. "Review of Functioning of National Scheduled Castes Finance and Development Corporation (NSFDC)."
- iii. Action taken by the Government on the recommendations contained in the Seventeenth Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Role of autonomous bodies/educational Institutions including Central Universities,

Engineering Colleges, IIMs, IITs, Medical Institutes etc. in socio-economic development of Scheduled Castes and Scheduled Tribes with special reference to pre-matric/post-matric scholarships in Navodaya Vidyalayas/Kendriya Vidyalayas.”

2. After due consideration, the Committee adopted the aforementioned Report(s) without any modification. The Committee also authorized the Chairperson to present the Report to both the Houses of Parliament during the ongoing Session of the Parliament.

The sitting of the Committee then adjourned.

## APPENDIX-II

(Vide Para 4 of Introduction)

**Analysis of the action taken by the Government on the recommendations contained in the Thirtieth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.**

1. Total number of recommendations	17
2. Recommendations/observations which have been accepted by the Government (Sl. Nos. 5, 6, 7, 8, 9, 12, 14, 16 & 17)	09
Number percentage of the total	52.94%
3. Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 4, 10 & 13)	03
Number percentage of the total	17.64%
4. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 1, 2, 3, 11 & 15)	05
Number percentage of the total	29.42%
5. Recommendations/observations in respect of which final replies have not been received (Nil)	Nil
Number percentage of the total	Nil

