

Minutes of the 22nd meeting of the National Commission for Scheduled Castes

22nd Meeting of the National Commission for Scheduled Castes (NCSC) was held at 1.00 PM on 03.10.2011 under the Chairmanship of Dr. P.L. Punia, Chairman, NCSC in his office. The list of participants is as at Annexure-I.

The Commission thereafter discussed the following agenda items:-

Agenda Item No. 1:	Confirmation of the minutes of the 19th meeting of the Commission held on 08.08.2011.
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The Commission confirmed the minutes of the 19th meeting of the Commission held on 08.08.2011.

Agenda Item No. 2:	Action taken on the minutes of the 19th meeting of the Commission held on 08.08.2011.
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The action taken on decisions taken in the 19th meeting of the Commission held on 08.08.2011 were noted and approved by the Commission.

Agenda Item No. 3:	Confirmation of the minutes of the 20th meeting of the Commission held on 29.08.2011.
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The Commission confirmed the minutes of the 20th meeting of the Commission held on 29.08.2011.

Agenda Item No. 4:	Action taken on the minutes of the 20th meeting of the Commission held on 29.08.2011.
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The action taken on decisions taken in the 20th meeting of the Commission held on 29.08.2011 were noted and approved by the Commission.

Agenda Item No. 5:	Confirmation of the minutes of the 21st meeting of the Commission held on 12.09.2011.
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The Commission confirmed the minutes of the 21st meeting of the Commission held on 12.09.2011.

Agenda Item No. 6:	Action taken on the minutes of the 21st meeting of the Commission held on 12.09.2011.
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The action taken on decisions taken in the 21st meeting of the Commission held on 12.09.2011 were noted and approved by the Commission.

Agenda Item No. 7:	Creamy layer/categorization in SCST list-presentation from Shri Narendra Kumar, State General Secretary, All India Confederation of SC/ST Organizations(Regd.) Bihar.
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The issue was discussed and it was decided that a d.o. letter from Hon'ble Chairman to Hon'ble Union Minister for Social Justice & Empowerment may be sent for taking up the matter with the Ministry of Law & Justice to contest in the Supreme Court as the status of Scheduled Castes is determined with the practices of untouchability etc. and not by the economic status *per se*. **(Action: SSW)**

Agenda Item No. 8:	Advisory on time against Scheduled Castes/ Scheduled Tribes-Manual Scavenging-measures needed to curb-regarding.
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The content of the Advisory issued by the Ministry of Home Affairs was noted by the Commission. This should also be included in the recommendations to be given by the Committee on "Plight of Safai Karamcharies and abolition of manual scavenging" **(Action: Chairman/Member Secretary of the Committee)**

Agenda Item No. 9:	Consideration of the Draft Reports of Committee on
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	Reservation in Judiciary, Committee on the Plight of Safai Karamcharies and the recommendations/proposals to improve their plight and Review of problems relating to SC who immigrate to other states.
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The Commission desired that the following points (as recommendation) may be included while finalizing the report of the Committee on the Improvement of Plight of Sweepers Community-Abolition of Manual Scavenging:-

- (i) An extensive survey on prevalence of Manual Scavenging including Indian Railways should be conducted to know the extent of the problem.
- (ii) Rehabilitation
- (iii) Vocational courses and employment thereafter should be provided.
- (iv) For implementing the facilities as aforesaid funds from SCSP may be utilized so that good living conditions are created for the Safai Karamcharies.
- (v) Contractual employment in the field of sweeping etc. be banned immediately because it involves exploitation of the sweepers.

Hon'ble Chairman observed that in order to make the report on 'Reservation in Judiciary' fruitful, data on Scheduled Castes Judges at the District Court Level should be collected from all the States/UTs through all State Offices and included in the report. **(Action: Chairman/Member Secretary)**

Agenda Item No. 10:	Any other items with the permission of the chair.
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The Commission also observed the following;

- (i) The Committee on strengthening of NCSC should also recommend for Constitutional Amendment keeping in view of the Civil Writ Petition No.13700 of 1996, Supreme Court, All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and others Vs. Union of India wherein the Supreme Court has held that the National Commission for Scheduled Castes and Scheduled Tribes has no power of granting injunctions, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article

338(8) of the Constitution are all the procedural powers of the Civil Court for the purpose of investigations and inquiring into the matters and that too for that limited purpose only and subsequently Office Memorandum No. 36036/2/97-Estt. (Res.) dated 1st January, 1998 and No. 36036/2/97-Estt. (Res.) dated 30.11.1998 issued by Department Personnel, Public Grievances & Pensions, Department of Personnel & Training in the matter. **(Action: Chairman/Member Secretary)**

- (ii) The Commission observed that letter may be sent to the Planning Commission advising them to make it mandatory for all States/UTs while issuing guidelines to them that the SCSP funds are spent on exclusive programmes/schemes meant for the welfare of Scheduled Castes with the objective of equalizing in economic development with other communities as there is no development without economic development of SCs. It may also be pointed out that the Hon'ble Prime Minister during the meeting of NDC on 26.06.2005 had expressed his concern that the gap between SCs and the rest of the population shall be eliminated within 10 years of which 7 years had already passed. The Planning Commission should also make mandatory provision in the guidelines to States/UTs on SCSP to consult the NCSC as per Article 338(9) of the Constitution of India before finalizing the allocation for any schemes/programmes. **(Action: ESDW)**
- (iii) It is seen that the members of Scheduled Castes & Scheduled Tribes will be brought to APL as per the latest criteria of Rs.26/32 fixed by Planning Commission based on the recommendation of Thendulkar Committee. Therefore, the Committee on Innovative New Schemes for the welfare of SCs should look into the matter and suggest appropriate measures for inclusion of Scheduled Castes/Scheduled Tribes deserving families in the BPL list as they form majority of the poorest of poor in India. **(Action: Chairman/Member Secretary)**
- (iv) The Commission observed that many people are complaining that the Annual Reports of the Commission have not been laid in Parliament since 2004-05. The Commission desired that a d.o. letter from Hon'ble Chairman, NCSC to Hon'ble Union Minister for Social Justice & Empowerment should be sent requesting for early laying of the Annual Reports for 2005-06, 2006-07, May, 2007 to November, 2009 and December, 2009 to May, 2010 along with a Special Report on the AIIMS as submitted to Her Excellency the President of India along with memoranda of action taken. **(Action: C.Cell)**
- (v) The Commission desired that a DO from Hon'ble Chairman to all Chief Ministers and from JS to All Chief Secretaries should be sent requesting

them to build Ambedkar Bhawans at State Capital, District Hqrs. in all States. Such Bhawan has been constructed at Bangalore in the State of Karnataka. (**Action: ESDW**)

- (vi) The Commission desired that the allotment of New NDMC Building (for accommodation) should be taken up with the Ministry of Social Justice & Empowerment for approval. The Commission also noticed the delay in the Computerization of CMIS by the NIC & should be suitable instructed for expeditious action in the matter. (**Action: Genl. Admn.**)

The meeting ended with vote of thanks to the chair.