

Minutes of the Punjab State Review by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Punjab (GoP) on 08.03.2018

Chief Secretary , Punjab, other senior officers like Additional Chief Secretaries, Special Chief Secretaries and Principal Secretaries, Secretaries, Commissioners, Directors etc. of GoP participated in the review. List of participants is placed at Annexure – I.

The Principal Secretary, Department of welfare of SC/BC, Punjab while welcoming the Commission stated that Punjab has highest percentage of SC population in India i.e. approx. 32% and stated that the officers looked forward for the pro-active observations and advice of NCSC to strengthen their activities. He informed that 3% of the land holdings are held by SCs and 73% SC reside in villages working mainly as agricultural laborers.

The Chairman / NCSC in his opening remarks said that the Commission has come to Punjab as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government towards the same. The Commission had sent detailed proformae to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes , Central Schemes & State Sector Schemes , other GOI schemes like PMAY , Ujjawala , Mudra , Stand Up , Jan Dhan , MNREGA etc, action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission. Detailed discussions will be held after a brief presentation by the Commission on the findings and concerns of the Commission on the core sectors mentioned. Responses of the

State Government will be invited on the findings in the presentation during detailed discussions.

In the presentation the main issues highlighting the areas of concern of the Commission were :

Expenditure on schemes for welfare of SCs is much below the norm:

- State needs to bring the expenditure at par with the population of SCs in the State. The % of expenditure on SC specific schemes to the total plan allocation was very low ie 1.37 % in 2015-16 and 0.05% in 2017-18 while the % expenditure under SC specific scheme to SCSP outlay ranged from 4.27 % in 2015-16 to only 0.14% in 2017-18.
- % of SCSP expenditure to total State outlay & % expenditure under SC specific schemes to SCSP outlay is reducing from 2015-16 to 2017-18.
- Non utilized SCA funds are Rs 1395.82 lakh & Rs 5411.19 lakh in 2015-16 & 2016-17 respectively.
- Total State Plan Rs. 16858.72 crore in 2017-18 is about half of the total State Plan of Rs. 30688.00 crore in 2016-17.
- **No expenditure made in :**
 - scheme of diary farming as livelihood for SC beneficiaries ,while the allocation is 100 lakh during 2015-16.
 - scheme of Pilot Project for solar roof top scheme for SCs against allocation of Rs. 150 lakh during 2015-16
 - scheme of houses to houseless SCs in rural & urban areas against the allocation of Rs. 2500 lakh during 2016-17 & Rs. 7000 lakh during 2017-18.
 - loan waiver scheme for PSCFC against allocation Rs. 1766 lakh during 2017-18.

Only Rs. 9.37 lakh expenditure was made against allocation of Rs. 235 lakh under the provision of free text books & tool kits to SCs during 2016-17.

Education and Literacy Rate

- The literacy rate of Punjab is near the all India average.
- Literacy rate of SC women is above the all India average- commendable.
- Decline in total no. of students & SC students in primary and middle school level between 2014-15 to 2017-18
- % of SC student in UG, PG, PG diploma courses range from 19 to 24% between 2014-15 to 2016-17.

Drop out rate

- The drop out rates particularly of SC students have increased in 2016-17 when compared to 2015-16.
- Drop outs are high as the number of SC students in middle school are around 2.5 lakh when compared to SC students in primary school (around 3.7 lakh)
- Measures to check the increase may be elucidated.

Pre Matric Scholarship

- Rs 18.43 crore of scholarship for 2016-17 has been released by GoI in November 2017- may be released immediately

Post Matric Scholarship

- Reasons for non release of scholarships to left over students of previous years(approx 30,794 students) , all students of 2017-18 and the time frame for release may be elucidated.

SC hostels

- Funds received from MSJE for construction of hostels in last three years (upto Dec. 2018)
 - Rs 889.14 lakh for girls hostels – released to 6 girls hostels.
 - Rs 153 lakh for boys hostels – released to 4 boys hostels.

- Number of hostels is very low when compared when compared to approx 20.19 lakh SC students .These hostels are not exclusive to SCs as per report.

Social Sector Central schemes

Mudra Loans

- The number of loans given to SCs in 2016-17 & 2017-18 has not been given.
- How many loans of Rs 10 lakh have been given and how many loans from Rs 5 lakh to Rs 10 lakh may be specified.

Stand Up Yojna

- No details of Stand up Scheme beneficiaries have been given , while the scheme has special provision that each branch will give loan to 1 SC / ST & 1 woman.
- How many loans of Rs 1 crore, how many loans from Rs 50 lakh to Rs 1 crore, No of loans between Rs 25 lakh to Rs 50 lakh and upto Rs 25 lakh may be specified.

Pradhan Mantri Jandhan Yojana

- No details of SC beneficiaries have been given

The monitoring mechanism of these important Central schemes appears missing as no details have been given.

Ujjawala Yojana

- LPG connections to 118457 SC persons out of total 245008 (48%) were provided during 2016-17, which is commendable.

Education Loan

- The 12 SC were sanctioned education loan during 2016-17 and only one SC was sanctioned education loan during 2017-18.

Land Schemes

- 87.67% (1981) SC persons out of total 2261 beneficiaries were allocated the land during 2015-16
- 88.19 % (6424) SC persons out of total 7284 number of beneficiaries were allocated the land during 2016-17.

Pradhan Mantri Awas Yojana

- 72.25% SC households are without pucca house.
- 14681(60%) houses out of 24469 were allotted to SC persons during 2016-17, but only 388 houses were constructed in 2016-17.
- 3969(60%) houses out of 6615 were allotted to SC persons during 2017-18 – details of actually constructed houses is to be given to the Commission.

Swachh Bharat Abhiyan (Gramin)

- 1.13 lac individual household latrines (IHHL) were constructed for SC households during 2016-17.

Services

Representation of Scheduled Castes in services.

- State Government of Punjab enacted an Act namely “The Punjab Scheduled Castes and Backward Classes, (Reservation in services) Act, 2006” on 06.10.2016.
 - In direct recruitment - 25% reservation has been given to SCs in service, however for promotion posts there is a variation ie 14% reservation to SCs in Group-A & B posts and 20% reservation in Group - C & D posts. The norms of 25 % in both DR and promotion need to be adopted.

No advice of NCSC was taken on this dichotomy in reservation in DR / promotion & for the bifurcation of % reservation between different Group posts whereas as per Article 338 (9) of the Constitution the State Government was required to consult the Commission on all major policy matters affecting the Scheduled Castes.

Representation of Scheduled Castes in State Government services.

- Data on representation of Scheduled Castes in State Government services is incomplete.
- No calculation of shortfall / backlog reserved vacancies in all Group Posts.

No separate data on representation of SCs in SafaiKaramcharis provided.

Representation of Scheduled Castes in State PSUs services.

- No Group wise/cadre wise information on representation of SCs in services of State PSUs provided.
- Data on representation of Scheduled Castes in State PSUs Services is incomplete.

- Shortfall of reserved vacancies have not been calculated and shown in the total representation of SCs in services in State PSUs

Back-log Vacancies

As on 2016, 9259 backlog vacancies for Scheduled Castes in different post/cadres have been identified. The state government has to decide on a time bound action plan for filling up of these backlog vacancies.

False Caste Certificates

- One case each of the false caste certificates reported during the years 2014-15, 2015-16 & 2016-17. Action has to be taken for cancellation of false caste certificate, against the person who had obtained benefits of reservation with a false certificate and also against officers who issued false caste certificate.

Atrocities

- Police were found to be registering cases under the unamended sections of the SC/ST Prevention of Atrocities Act (PoA Act) despite the fact that the Act and Rules thereof have been extensively amended in 2015 & 2016 respectively. There are delays by DM to sanction monetary compensation at FIR & chargesheet stages, as per sections applicable of the SC/ST Prevention of Atrocity Rules , 2016 . DMs & SSPs are required to make spot visits in cases of murder & rape of SC victims , the visits are not being made.
- District administration is not drawing compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation to assist the victims & families or utilizing Central Victim Compensation Fund (CVCF) to help victims get additional assistance.
- In cases against minors , the compensation as per POCSO act not being paid.
- As per Rule 46 of the SC/ST Act, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rasan etc. has not been provided in even a single case.

- Compensation to the victims / families is not being paid as per rules and is delayed.
- Between 2014-15 to 2016-17 alone Rs 402.50 lakh was the minimum due to be paid . Only Rs 223.353 lakh has been paid in past 11 years (between 2005-06 to 2016-17) . The cases need to be reviewed on a priority and compensation made. The compensation should be paid as per the new Rules in cases from 2016 -17 onwards.
- Punjab has a very poor conviction rate which is much below the All India rate of 28.8 ,25.8& 24.9 in 2014, 2015 & 2016 being 0, 2.81 and 3.6 respectively regarding prosecution of the atrocity cases against SCs. This could be due to fact that incorrect provisions of the PoA Act are being imposed ,no exclusive special courts have been set up and no exclusive public prosecutors have been appointed. These are mandated as necessary as per u/s 14 and 15 of the PoA Act.

The State Government needs to take action as per the provisions of the amended PoA Act and Rules and issue necessary instructions to the District Administration , District Police , SC/ BC and the women and child development departments for the same and also set up the exclusive courts.

State Level Vigilance & Monitoring Committee under the Chairmanship of Chief Minister is to meet twice in a year as per Rule 16(2) of the POA Rules.

In 2015-16 and 2017-18 only one meeting was held . The meetings need to be regularly held and the above points made by the Commission should be implemented

District Level Vigilance And Monitoring Committee Quarterly meetings are to be held . In 22 districts a total of 88 meetings annually were to be held , but :

- In 2015-16 only 40 meetings were held
- In 2016-17 only 37 meetings were held
- In 2017-18 only 5 meetings were held

Instructions are needed to be issued for regularly holding DLVMC meetings.

Implementation of Prohibition of Manual Scavenging Act

- The above Act & the Judgement of Hon'ble Supreme Court has not been properly implemented.
- 4 deaths during manual cleaning of sewers in 2013-14
- 1 death during manual cleaning of sewers in 2015-16
- 4 deaths during manual cleaning of sewers in 2016-17
- In 2017-18 there were 2 deaths during manual cleaning of sewers in TaranTaran. The PoA Act was included in FIR only after follow up by the Commission , however compensation of only Rs 10 lakh each was paid.
- In 2 deaths during manual cleaning of sewers in Ludhiana(2017-18), the POA Act was included in FIR, but compensation of only Rs 7 lakh each has been paid.

It is seen that compensation of only Rs. 10 lakh has been paid to each family in these 11 cases, whereas Rs 28.25 lakh is the minimum payment to be made in cases where victims are SCs and additional compensation to families as per Rule 46 of the PoA rules needs to also be paid.

All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon'ble Supreme Court's directions. The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually.

Response of State Govt to NCSC :

About 80-85 cases related to land , atrocities and service issues are pending in NCSC (HQs). It is seen that replies are not received and 2-3 reminders are sent by Commission to get any report. During hearings the officers called do not come or sent very junior officers for hearings.

Detailed discussions were held on the issues raised by the Commission in its presentation :

Literacy & education:

In the detailed discussions the Commission desired to know measures taken by the State Government to improve literacy rates , reduce drop out rates ,why enrolment in schools is going down and whether there is reservation in aided schools and colleges. Reasons for non payment of scholarships to students in 2017-18 and toleft over students of previous years were also asked.

Response of GoP :

Principal Secretary (Education) informed the Commission that literacy and dropout are areas of concern and action is being taken to combat the same by the Government by schemes like ‘padhoPunjab ,padhao Punjab’.There are a total of 28000 schools in Punjab (19,000 Government and 9000 Private) and there is reservation in all aided schools and colleges. Regarding scholarship it was informed that there were reports of some scams in the scholarships in the past years , hence a verification was being done and scholarships of all valid students will be shortly released.GoI has released all scholarship amount required .

He assured that these issues raised by Commission will be acted upon.

Expenditure on Schemes for welfare of SCs :

It was seen that departments like Energy , Panchayat Raj, Rural water supply & sanitation, Rural development , MA&UD , WD&CD,H&FW, Weaker section Housing,SC development, Municipal administration, irrigation , Transport etc had not spent most of the the allocation as on date.More than 50% of SCA funds were unutilized in 2015-16 and 2017-18. Poverty alleviation schemes helped only approx. 16% of beneficiaries to cross poverty line.

Response of GoP

The CSagreed that the allocation has been low and expenditure on SC welfare schemes has been very low when compared to allocation. The total plan size has also reduced to almost half (from Rs 30688 crore in 2016-17 to Rs 16,858 crore in 2017-

18 and the SCSP component has also reduced. He admitted that the Government will take steps to increase both allocation and expenditure on SC specific schemes.

The CS and other senior officers committed to ensure speedy expenditure , improved planning & regular monitoring in the next year regarding schemes for welfare of SCs.

The Commission however felt that the situation is alarming and it will bring it to attention of NitiAayog and the PMO.

Implementation of GoI schemes on employment & skill/ entrepreneurship development :

MNREGA :

- After analysis it appears that an average of more than 200 days employment per year /card holder was shown as given¹ , since this is much higher the norm of at least 100 days of job as per MNREGA and also more than 5-6 times higher than the average no. of mandays / card holder created by other states , the same needs to be carefully rechecked and examined and district wise details are to be provided. The Member of State Scheduled Castes Commission informed that the process is not working in a transparent way.

Response of GoP

The Govt. will examine the data and give an update as well as steps taken to provide the proper no. of days employment / person.

Implementation of Central Government Schemes

Mudra loan ,Ujjawalayojna , PM JandhanYojna , Stand up scheme, Education loans:

No data on SC beneficiaries of Mudra yojnaUjjawalayojna , PM JandhanYojna , Stand up scheme (which has special provision that each Bank branch will select at least 1 SC/ ST and 1 woman to sanction loan) and **education loans** to students by

¹ SC job cards – 9,32,749, SC person days 2.23 crore days, Actual no. of days job was given / year – 23

banks was made available to the Commission . The data may be collected ,analysed and sent to NCSC.

Commission desired that the implementation by Banks / Oil PSUs of these important schemes be monitored by GoP regularly so as to ensure that SC beneficiaries are receiving the due benefits. Data on how many bank branches have given Stand up scheme loan to SCs / SC women out of total no. of bank branches in 2016-17 & 2017-18, how many SCs had applied for the loan ,average loan size etc need to be collected and analysed and sent to the Commission within 1 month. Similarly for Mudra scheme, data on how many SCs have received loans of Rs 10 lakh, how many between Rs 5-9 lakh & how many below Rs 1 lakh need to be collected ,analysed and sent to Commission.

Response of GoP:

CS / Punjab agreed that the monitoring mechanism was lacking as they were dependent on the supply of information by the Bank . He assured that a monitoring mechanism will be put in place and data collected from implementing banks & sent to NCSC within 2 months.

Reservation of industrial plots for SCs:

To the queries of Commission regarding reservations in SEZs and allocation to SCs , it was found no information is available on SEZ for SCs and Secretary, Industries informed that no industrial estates have been allocated in last several years.

Assigning of land to landless SCs :

Only 3 % of the total land is with SCs in the state,ie. 6424 SC families out of 7284 beneficiaries were allocated land in 2016-17 , however the details of how much land allotted per SC family needs to be known.

CS / Punjab assured that details will be worked out and Commission informed.

Action to reduce Atrocities and status of compensation to Victims / families:

The Commission emphasized a few aspects needing the attention of the CS , PS (home) , PS (SC/BC) and District Magistrates :

Timely and proper payment of financial compensation as per the amended SC/ST Prevention of Atrocity (PoA) Rules 2016 :

- There is a huge gap between the compensation to be paid to victims and the amount actually paid. Victims / dependents of even heinous crimes like murder, rape & arson are not receiving the compensation amount and additional help as defined under the Rules. The Government should regularly monitor the same and ensure the step wise compensation is paid timely. The provisions of the unamended PoA Act are being added in the FIRs and the stage wise payment of Compensation is not being made. Instructions are needed to be issued regarding the same to all DMs & SSPs to ensure action as per the amended Act & Rules.
- The DMs and SSPs should conduct spot visits to the area where atrocities like murder & rape of SCs take place and monitor the investigation and compensation payment.
- The Prohibition of Manual Scavenging Act & the judgement of Hon'ble Supreme Court on the same has not been properly implemented.
- **State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister needs to be constituted and has not met twice in a year as per Rule 16(2) of the POA Rules.
- **District Level Vigilance and Monitoring Committee (DLVMC)** meetings are to be held every quarter, however the regular meetings are not being held .
- Steps need to be taken set up Exclusive Special Courts in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (PoA) (as amended 2015) & regular monitoring of the work of the Special Public Prosecutors is needed as the conviction rate of Punjab is very low as compared to the national average.
- In heinous crime cases , proposals for compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation and for GoI Victim Compensation Scheme should be sent by district authorities in order to assist the victims.

Response of GoP

CS agreed on the problems as pointed out and assured action on all the above points. Instructions to use the correct provisions of the amended Act as well as stage wise and correct payment of compensation will be issued. All FIRs in atrocity cases from 2016 & 2017 where the provisions of the un amended PoA Act and Rules were applied will be reviewed within 1 month and rectified. The pending compensation in 2014 to 2107 cases will be reviewed and released within 2 months.

Instructions will be issued that proposals for additional assistance to victims of heinous crimes are to be sent by DMs to Dr. Ambedkar Foundation and under Victim Compensation Scheme.

Instructions will be issued to districts to hold DLVMC meetings regularly, the SLVMC meeting will be held regularly and action will be taken to set up exclusive special courts and prosecutors as per the PoAAct.

Implementation of Prohibition of Manual Scavenging Act :

Regarding the cases of death / injuries during manual cleaning of sewers as pointed out by NCSC , *the CS Punjab stated that instruction to all Municipal Commissioners / heads of local municipal bodies will be issued to ensure proper implementation of Prohibition of Manual Scavenging Act and manual cleaning of sewers will be stopped. All cases of death injuries due to manual cleaning of sewers will reviewed and families will be paid compensation as per the Hon'ble Supreme Court guidelines and the compensation as per the PoA Rules will also be paid to families of SC victims of such tragedies.*

Response to Commission by officers of GoP:

Regarding the issue of non appearance of the officers called for hearings in the Commission and not sending of the reports to NCSC , *CS , Punjab assured that necessary instructions will be issued to all officers to respond with reports within the time frame prescribed and attend the hearings regularly.*

Summing up the discussions the Chairman, NCSC appreciated the efforts of officers . He stated that there are shortcomings in implementation of Government Schemes,

Centrally Sponsored Schemes etc. which have been pointed out during the review, there is need to regularly monitor the same to ensure that the benefits of these schemes reach the target SC population and help in their economic and social upliftment. He urged Chief Secretary to review the SCSP urgently as the state was lacking in the implementation of the same. CS should monitor action taken under the POA Rules and also regarding implementation of the MS Act, regularly in his regular meetings with officers also. The Principal Secretary (Home) should also regularly follow up the action taken by the police in cases of atrocities against SCs. There is need to urgently issue necessary instructions as pointed out by the Commission.

He asked CS also take steps to immediately arrange meeting of the State Level Vigilance & Monitoring Committee. He desired that the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

Chief Secretary Punjab assured the Commission that action as desired by Commission on various issues will be taken and the detailed reports as asked for will be submitted to the Commission in the time frame as fixed.

Officers present for the State Review

S.No.	Name & Designation	Department	E-mail ID	Signature and Mobile No.
1.	Chief Secretary	Punjab		
2.	Addl. Chief Secy.	Department of Revenue and Rehabilitation		
3.	Addl. Chief Secy.	Home Affairs and Justice		
4.	Addl. Chief Secy.	Technical Education		
5.	Addl. Chief Secy.	Forest & Wild Life		
6.	Addl. Chief Secy.	Power		
7.	Addl. Chief Secy.	Agriculture		
8.	Addl. Chief Secy.	Cooperation		
9.	Addl. Chief Secy.	Housing and Urban Dev.		
10.	Addl. Chief Secy.	Higher Education		
11.	Addl. Chief Secy.	Animal Husbandry, Fisheries and Dairy Dev.		
12.	Principal Secretary,	Finance		
13.	Principal Secretary	Labour		
14.	Principal Secretary	Rural Development & Panchayat		
15.	Principal Secretary	Health & Family Welfare		

16.	Principal Secretary	Local Govt.		
17.	Secretary	Water Supply & Sanitation		
18.	Secretary	School Education		
19.	Secretary	PWD		
20.	Secretary	Department of Personnel		