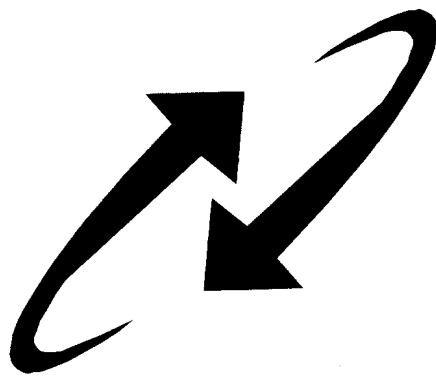


BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)



**INFORMATION BOOKLET ON STATUTORY
COMMISSIONS**

National Commission for Scheduled Castes
National Commission for Scheduled Tribes
National Commission for Safai Karamacharis
National Commission for Other Backward Classes
National Commission for Minorities

2008

SCT Cell
BSNL Corporate Office
B-148, Statesman House, Barakhamba Road, New Delhi-110001

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भारत संचार निगम लिमिटेड
(भारत सरकार का उद्यम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

गोपाल दास
(एच.आर.डी.)
एन.एल. बोर्ड

Gopal Das
Director (HRD)
N.L. Board

FOREWORD

The Constitution of India envisages special emphasis on the social justice and empowerment for development of deprived classes of the society. One of the main efforts in the sphere of socio-economic development of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Religious Minorities etc., undoubtedly is providing Government employment for them, within the frame work of the Constitutional provisions.

I am happy to note that the SCT Cell of BSNL Corporate Office have prepared Information Booklet on Statutory Commissions constituted by the Government of India, for safeguarding the interests of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Religious Minorities etc.

I hope that this booklet will be quite useful in day to day working of officers of BSNL, while dealing with matters pertaining to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Religious Minorities. I fully appreciate the efforts of Officers and staff of SCT Cell for their endeavor in bringing out this Booklet.


(Gopal Das)
Director(HRD)

R.K. Mishra
General Manager(Pers.)



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MESSAGE

I am glad to note that SCT Cell BSNL Corporate Office has prepared Information Booklet on various statutory Commissions constituted by the Government of India, in the interest of Scheduled Castes, Scheduled Tribes, Safai Karmacharis, Other Backward Classes and Minorities. It has been realized that a majority of persons belonging to these categories can lead a better quality of life if they have equal opportunities.

BSNL is the largest telecom service provider in this country having around 3.10 lakh Executive and Non-executive employees, I hope our officers and staff will use this Booklet to have better ideas about the various statutory Commissions cited above and use it while interacting with various offices of the Commissions located at different parts of the country.

I congratulate the Chief Liaison Officer(SCT) and officers and staff of SCT Cell for their endeavor for preparing this Booklet.

(R.K. Mishra)
General Manager(Pers.)

R.K. Varun, I.T.S.
Chief Liaison Officer(SCT)

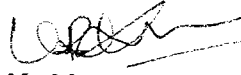


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INTRODUCTION

Since joining as Chief Liaison Officer(SCT) I visited and inspected a number of offices of various BSNL Circles in connection with implementation of reservation policies of Government of India. I felt that it is necessary to bring out Information Booklet on various statutory Commissions constituted by the Government of India, in the interest of Scheduled Castes, Scheduled Tribes, Safai Karmacharis, Other Backward Classes and Minorities to facilitate all the officers dealing with cases pertaining to the Scheduled Castes, Scheduled Tribes, Safai Karmacharis, Others Backward Classes and Minorities, within the frame work of the Constitutional provisions.

We hope this Booklet will prove its utility in day to day work of the officers of BSNL, while dealing the personnel matters pertaining to the Scheduled Castes, Scheduled Tribes, Safai karmacharis, Other Backward Classes and Minorities.


26/11/08
R.K. Varun, I.T.S.
Chief Liaison Officer(SCT)

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NATIONAL COMMISSION FOR SCHEDULED CASTES

A. Genesis

- 1.1 The framers of the Constitution took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of this primitive agricultural practices, lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development. These communities were notified as Scheduled Castes and Scheduled Tribes as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution respectively.
- 1.2 With a view to provide safeguards against the exploitation of SCs & STs and to promote and protect their social, educational, economic and cultural interests, special provisions were made in the Constitution. Due to their social disability and economic backwardness, they were grossly handicapped in getting reasonable share in elected offices, Government jobs and educational institutions and, therefore, it was considered necessary to follow a policy of reservations in their favour to ensure their equitable participation in governance. For effective implementation of various safeguards provided in the Constitution for the SCs & STs and various other protective legislations, the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution. The Special Officer who was designated as Commissioner for SCs & STs was assigned the duty to investigate all matters relating to the safeguards for SCs and STs in various statutes and to report to the President upon the working of these safeguards. In order to facilitate effective functioning of the office of the Commissioner for SCs & STs 17 regional offices of the Commissioner were set up in different parts of the country.
- 1.3 On persistent demand of the Members of Parliament that the Office of the Commissioner for SCs & STs alone was not enough to monitor the implementation of Constitutional safeguards, a proposal was moved for amendment of Article 338 of the Constitution (46th Amendment) for replacing the arrangement of one Member system with a Multi-Member system while the amendment to Article 338 was still under consideration, the Government decided to set up a Multi-Member Commission through an administrative decision vide Ministry of Home Affairs' Resolution No.13013/9/77-SCT(1) dated 21.7.1978. The first Commission for SCs & STs was, therefore, set up in August, 1978 with Shri Bhola Paswan Shastri as Chairman and other four Members. The field offices of the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes, which were transferred under the control of DG backward classes welfare in 1965, were brought back under the control of this Commission. The functions of the Commission for SCs & STs broadly corresponded with those of the Commissioner for SCs & STs.
- 1.4 The functions of the Multi-Member Commission set-up in 1978 were modified vide Ministry of Welfare's Resolution No. BC-13015/12/86-SCD VI dated 1-9-1987 and the Commission for SCs & STs was renamed as the National Commission for Scheduled Castes and Scheduled Tribes. It was set up as a National Level Advisory Body to

advise the Government on broad policy issues and levels of development of Scheduled Castes and Scheduled Tribes.

- 1.5 The statutory National Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as the Commission) came into being consequent upon passing of the Constitution (Sixty fifth Amendment) Bill, 1990 which was notified on 8-6-1990 (**Annexure I of the handbook**) and the Rules there under were notified on 3-11-1990. The first Commission under the Constitution (65th Amendment) Act was constituted on 12-3-1992 replacing the Commissioner for Scheduled Castes and Scheduled Tribes and the Commission set up under the Ministry of Welfare's Resolution of 1987. The first Commission consisted of Shri Ram Dhan as the Chairman, Shri Bandi Oraon as the Vice-Chairman and Shri B. Sammaiah, Dr. Sarojini Mahishi, Choudhary Hari Singh, Shri N. Brahma and Shri Jina Bhai Darjee as Members.
- 1.6 The second Commission was constituted on 5-10-1995 with Shri H. Hanumanthappa as Chairman and Smt. Omem Moyong Deori as Vice-Chairperson. The Members of the Commission were Shri N.C. Chaturvedi, Shri Anand Mohan Biswas, Ven. Lama Lobzang, Shri Nar Singh Baitha and Shri B. Yadaiah.
- 1.7 The third Commission was constituted in December, 1998 vide Ministry of Social Justice and Empowerment's Notification No.5035(E) dated 27th January,1999 consisting of Shri Dileep Singh Bhuria as the Chairman, Shri Kameshwar Paswan as the Vice-Chairman and Shri Harinder Singh Khalsa, Ven. Lama Lobzang, Shri Chhotray Majhi and Shri M. Kannan as Members, Smt. Veena Nayyar, Member was also appointed as Member vide Ministry of Social Justice & Empowerment's Notification No. S.O. 529 (E) dated 30th June 1999. On the resignation of Shri M. Kannan, Shri C. Chellappan was appointed, as Member vides Ministry of Social Justice & Empowerment's Notification No. S.O. 722 (E) dated 3-7-2000.
- 1.8 The fourth Commission was constituted in March, 2002 vide Ministry of Social Justice and Empowerment's Notification No. S.O. 351 (E) dated 21-3-2002 consisting of Dr. Bizay Sonkar Shastri as the Chairperson, Ven. Lama Chosphel Zotpa, Vice-Chairperson and Shri Vijay Kumar Choudhary, Shri Narayan Singh Kesari and Shri Tapir Gao as Members, Smt. Veena Premkumar Sharma assumed office on 23-8-2002 as Member and Shri C. Chellappan as Member completed his tenure on 2nd July, 2003. Shri Sampath Kumar assumed office on 30-9-2003 in place of Sh. C. Chellappan.
- 1.9 Consequent upon the Constitution (Eighty-Ninth Amendment) Act , 2003 (**Annexure II of the handbook**) coming into force on 19-2-2004 vide Notification of that date (**Annexure III of the handbook**) the erstwhile National Commission for Scheduled Castes & Scheduled Tribes has been replaced by (1) National Commission for Scheduled Castes, and (2) National Commission for Scheduled Tribes. The Rules of the National Commission for Scheduled Castes were notified on 20th February, 2004 by the Ministry of Social Justice & Empowerment (**Annexure IV of the handbook**) . National Commission for Scheduled Castes was constituted with S/Shri Suraj Bhan, Chairperson, Fakirbhai Vaghela, Vice-Chairperson, Phool Chand Verma, V. Devendra and Smt. Surekha Lambture as Members.

The Chairman and Vice-Chairman of the Commission has been conferred the status of Union Cabinet Minister and Union Minister of State and the Members of the Commission will enjoy a rank of Secretary to the Government of India.

B. Composition of the Commission

S. No	Name & Designation	Office	Residence	E-Mail ID	Fax No.
1	Dr. Buta Singh, Chairman	24632298 24620435	23016438 23792754	chairman-nesc@nic.in	24632298
2	Dr. S.D. Tripathi P.S. to Chairman	24632298 24620435	-	-	-
3	Prof. N.M. Kamble, Vice Chairman	24690334 24654105	011-24643749	vicechairman-nesc@nic.in	24690334
4	Shri R.C. Kapur PS to Vice Chairman	24690334 24654105	022-26488844	-	-
5	Smt. Satya Bahin, Member	24624801	120-2774995	memberpv-nesc@nic.in	24624801
6	Shri.K.L.Dhanak PS to Member	24624801	9968291070	-	-
7	Shri. Mahindra Boddh Member	24626061	24100724	memberdv-nesc@nic.in	24626061
8	Sh. Mahendra Prasad PS to Member	24626061	20519463	-	-
9	Shri.Mrutyunjay Nayak. Member	24623266	26882123	membersl-nesc@nic.in	24623266
10	Sh. Prasanna Kr. Parida PS to Member	24623266	64544178	-	-
11	(Vacant) Secretary	24620308 24694743	-	secretary-nesc@nic.in	24694743
12	Shri S. S. Sharma, Joint Secretary	24635722 24624731	23381076	jointsecretary-nesc@nic.in	24625378
13	DIG (Vacant)	24615014	-	dig-nesc@nic.in	24615014
14	Dr. V.K. Rathi Director	24646568	28033956	directorssw-nesc@nic.in	24624731
15	(Vacant) Deputy Secretary	24615014	-	dsestdw-nesc@nic.in	-
16	Smt. K. D. Bhansor, Deputy Director	24694365	-	-	-
17	Shri M.P. Dinkar, Under Secretary	24629434	25540045	-	-
18	Shri.SN.Meena, Under Secretary	24625748	-	-	-
19	Sh. Kaushal Kumar Deputy Director	24694365	-	-	-

Telegram: E-Mail address: Fax:
CASTRICOM jointsecretary-nesc@nic.in 011-24634743, 24625378, 24615014

**Location, Jurisdiction & Telephone Nos. of State Offices of the National
Commission for Scheduled Castes**

Designation	Office Telephone Nos.	Headquarters & Jurisdiction	Address
1	2	3	4
Deputy Director	0381-2223140 2315967	Agartala (Tripura)	Pragati Road, Lake Chowmohani, Agartala-799001. (Tripura West)
Assistant Director	079-25509762 25510717 (PC)	Ahmedabad (Gujarat, Rajasthan, Daman & Diu, Dadra & Nagar Haveli)	2 nd Floor, Mavlankar Haveli, Vasant Chowk, Lal Darwaja, Ahmedabad-380001.
Director	080-25537155 25527767 (PC)	Bangalore (Karnataka)	3 rd Floor, 'D' Wing, CGO Complex, Kendriya Sadan, Koramangala, Bangalore-560034.
Director	0172-2742561 2743784 (PC)	Chandigarh (Haryana, Punjab, Himachal Pradesh, Jammu & Kashmir and Chandigarh)	6 th Floor, Kendriya Sadan, Sector-9-A, Chandigarh-160017.
Director	044-28276430 28312851 (PC)	Chennai (Tamil Nadu and Pondicherry)	2 nd Floor, Block-5, Shastri Bhawan, Chennai - 600006.
Director	0361-2347040 2346885 (PC)	Guwahati (Assam, Arunachal Pradesh, Nagaland, Meghalaya, Mizoram and Manipur)	IInd Floor, "VN Enterprises Building", Christian Basti, G.S. Road, Dispur, Guwahati-781 005.
Director	040-23354907 23350237 (PC)	Hyderabad (Andhra Pradesh, Madhya Pradesh, Chhattisgarh)	Flat No.103, Tejaswi Apartment, IInd Floor, Dwarka Puri Colony, Panjagutta, Hyderabad- 500082.
Deputy Director	033-23370977 23213259 (PC)	Kolkata (West Bengal, Orissa, Sikkim, Andaman and Nicobar Islands)	Mayukh Bhawan (Ground Floor), Salt Lake City, Kolkata - 7900091.
Deputy Director	0522-2330288 2323860 (Fax)	Lucknow (Uttar Pradesh and Uttaranchal)	5 th Floor, Kendriya Bhawan, sector-H, Aliganj, Lucknow -- 226024
Director	0612-2232285	Patna (Bihar & Jharkhand)	189-B, Shrikrishnapauri, Patna- 800001.
Director	020-24337510 24336124 (PC)	Pune (Maharashtra, Goa, Daman & Diu)	Chiplunkar Bhawan, Navipeth, Shastri Marg, Pune-411 030.
Deputy Director	0471-2327530	Thiruvananthapuram (Kerala & Lakshadweep)	15/1658, "Kandla" MP Appan Road, Vazhuthacaud Junction, Thiruvananthapuram - 695014.

C. Duties and Functions of the Commission

1. FUNCTIONS AND DUTIES OF THE COMMISSION

- 1.1 The functions, duties and power of the Commission have been laid down in clauses (5), (8) and (9) of the Article 338 of the Constitution. **(Annexure-II) of the handbook Clause (5):** It shall be the duty of the Commission: -
- (a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
 - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the **FUNCTIONS** Union and any State;
 - (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
 - (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

Clause (8) : The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) Requiring the discovery and production of any documents;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office;
- (e) Issuing commissions for the examination of witnesses and documents;

(f) Any other matter which the President may by rule, determine;

Clause (9): The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

2. STATUTES AND LEGISLATIONS

There are a number of laws, both Central and State, which provide for safeguards to SCs. Some of these emanate from the various Constitutional provisions. An illustrative list of such laws is given below:

- The Protection of Civil Rights Act- 1955(in respect of Scheduled Castes)
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- The Bonded Labour System (Abolition) Act, 1976 (in respect of Scheduled Castes)
- The Child Labour (Prohibition and Regulation) Act, 1986 (in respect of Scheduled Castes)
- The Minimum Wages Act 1948 (in respect of Scheduled Castes)
- Acts and regulations in force in different States to prevent alienation of land belonging to SCs. In some States such provision exists in the Land Revenue Code.

3. PROCEDURE FOR INQUIRY

3.1 Inquiry into specific complaints

The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Castes. In order to enable the Commission to perform this function effectively and efficiently, the Commission would like the members of Scheduled Castes to know that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules directions which have been violated.

3.2 The following aspect may be kept in mind while filing complaints before the Commission.

- (a) The complaint should be directly addressed to the Chairman/ Vice-Chairman/ Secretary, National Commission for Scheduled Castes, New Delhi or the heads of its State Offices.
- (b) The complaints should disclose his full identity and give his full address and should sign the representation.
- (c) Complaints should be legibly written or typed and, where necessary, supported by authenticated documents.
- (d) No action will be taken on matters which are sub-judice. Hence sub-judice matter need not be referred to the Commission as complaint(s).

- (e) Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.

3.3 Inquiry into cases of atrocities

3.3.1 Whenever information is received in the Commission about any incident of atrocity against a person belonging to Scheduled Castes, the Commission would immediately get in touch with the law enforcing and administrative machinery of the State and the district to ascertain the details of incident and the action taken by the district administration.

3.3.2. The Commission ensures the following while by monitoring and issuing instructions to the concerned authorities.

- (i) Whether the scene of occurrence of the crime has been visited immediately by Collector and Supdt. of Police of the district on receipt of information.
- (ii) Whether proper FIR is registered in local Police Station.
- (iii) Whether names of all the persons involved/cited by the complainant has been included in the FIR.
- (iv) Whether investigation has been taken up by a Senior Police Officer as per provisions of SCs & STs (POA) Act- 1989.
- (v) Whether culprits has been apprehended and booked without loss of time.
- (vi) Whether proper charge sheet is filed mentioning the relevant sections of IPC together with the PCR Act-1955 and SCs & STs (POA) Act-1989 in Court.
- (vii) Whether the cases are tried by the Special Courts.
- (viii) Whether special Public Prosecutors are appointed to handle these cases
- (ix) Whether Police assists the courts in bringing forward witnesses and see that the culprits are suitably punished by the courts.

3.3.3 The Commission will also monitor that

- (i) The victims are provided with suitable medical assistance and on time;
- (ii) Adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling, etc;

- (iii) To see that proper compensation is paid to the victims as per provisions of law.

3.3.4 The Commission will, wherever possible depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.

3.3.5 The Commission has laid down detailed procedure for conducting such inquiries and monitoring at all levels. Such inquiries can be conducted by the Members of the Commission or Teams of Investigators from Headquarters or State office of the Commission.

3.4 Powers of the Commission to act as a Civil Court

While investigating any matter referred to in sub-clause (a) or inquiring into specific complaints under sub-clause (b) of the clause (5) of Article 338 of the Constitution, the Commission shall have the powers of a Civil Court trying a suit and in particular in respect of the following matters:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning of any public record or copy thereof from any court of office;
- (e) Issuing commissions for the examination of witnesses the documents;
- (f) Any other matter which the President may, by rule, determine.

3.5 Power to regulate its own procedure

Clause 4 of the amended Article 338 of the Constitution empowers the Commission to regulate its own procedure for a meaningful performance. The Commission has framed the Rules of Procedure. A copy of the Rules of Procedure of the National Commission for Scheduled Castes as notified on 1st September, 2004 at given (Annexure X) of the Handbook.

D. APPROACH AND METHODOLOGY ADGPTED BY THE COMMISSION.

1. Keeping in view its Constitutional obligations and the issues that are now critical, after almost half a century of independence, for the overall development and mainstreaming of the Scheduled Castes, the present Commission, constituted in February, 2004 has adopted a more vigorous approach in its functioning. The meetings of the Commission are held regularly and the implementation of decisions taken is monitored keenly.

- 2 In order to monitor and evaluate the impact of development schemes, the Commission has decided to interact with the State/UT Governments more actively by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits. The Commission feels that as a result of these visits and meetings, the State/UT Governments will become more conscious of the genuine problems of the Scheduled Castes and would take the necessary initiative in working out remedial measures and adopting appropriate strategies.
- 3 The Commission, through its Headquarters and State Offices has also conducted field level inquiries and studies. This process has been given a renewed vigour with a view to ensure prompt relief, specially in matters, relating to crimes and atrocities on Scheduled Castes and the grant of development benefits.
- 4 The procedure for investigating into complaints, especially with reference to violation of service safeguards, has also been streamlined to ensure prompt and speedy disposal of cases and relief in genuine cases. By calling officers and concerned Liaison Officers to the Commission with all relevant records, many long pending cases are being decided in one or two sittings. The Commission has also used its powers of Civil Court to summon documents and enforcing attendance in conducting the inquiries.
- 5 The Commission is of the view that it is only through proper planning and effective implementation of appropriate schemes for development that the Scheduled Castes can hope to catch up with the rest of the population and realize their full potential. The Commission has, thus, made a beginning by actively associating itself and participating in the planning process at the National and State levels. Regular communication is being maintained with the Planning Commission, Ministry of Social Justice & Empowerment and the State/UT Governments. The Annual Plans of the Central Ministries, States and UT Governments are being analysed in the Commission to this end with the support of its State Offices.

E. Consultation with Commission

Under the amended Article 338 (9), it has been provided that the Union and State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes. The Commission has impressed upon all concerned that this provision should be strictly enforced, as a result of which many Bills and other Policy matters affecting Scheduled Castes is now being received in the Commission for its views. The Commission would like to reiterate the obligatory nature of this provision and solicit the support of all concerned to bring to its notice new policies and change in existing policies, which have a bearing on the interests of SCs.

F. COMMISSION'S REPORT