

GOVT. OF HARYANA

RECOMMENDATIONS OF THE REPORT ON 'PREVENTION OF ATROCITIES AGAINST SC's BY SHRI KB SAXENA

606

Jurisdiction of Action: State Governments

S.No.	R.No.	Recommendations	Comments.
1	5	<p>State level and district level vigilance and monitoring committees may meet regularly as per prescribed provisions. Human rights organizations and activists working for and with Scheduled Castes may be involved in their deliberations as members/invitees. Their proceedings may be adequately publicized and also placed on the website of the State Governments. National Human Rights Commission may suggest that State Home Minister and SC Welfare Minister may jointly hold an Annual meeting of heads of District Vigilance Committees. This would activate their functioning and provide them necessary guidance.</p>	<p>As required under Rule 16 of SC/ST (PoA), Rule 1995. State Level Vigilance & Monitoring Committee has been constituted on 20.09.2006 under the Chairmanship of Hon'ble Chief Minister, Haryana. As per rule, the meeting of the committee is to be held twice a year. The last meeting was held on 19.04.2011 where in the implementation of the Act was reviewed in detail.</p> <p>Under Rule 17 of SC/ST (PoA), Rule 1995. District Level Vigilance & Monitoring Committees are required to be set up under the Chairmanship of the District Magistrate. However, the State Govt. had constituted District Consultative Committees to review the implementation of departmental welfare schemes and also the issues related to PCR & PoA Acts. The meeting of the DCC are being held quarterly.</p>
2	10.3	<p>States may be directed by National Human Rights Commission to make the District Magistrate solely responsible for ensuring that the compensation money given to the victims is effectively utilized to provide sustainable rehabilitation. The parameters of such rehabilitation may be laid down in the Manual. State and District level Monitoring and Vigilance Committees may monitor the status of rehabilitation.</p>	<p>As required under Rule 10 of SC/ST (PoA), Rule 1995, District Magistrate of the District concerned has been appointed as Special Officer to co-ordinate the functioning of Superintendent of Police and other officers responsible for implementation of the provisions of SC/ST (PoA) Act, 1989 in the District. The State Govt. had also constituted District Consultative Committees to review the implementation of departmental welfare schemes and also the issues related to PCR & PoA Acts As and when, an atrocity is committed on the Scheduled Castes, compensation is provided immediately to the victim of atrocities by the concerned District Magistrate. The meeting of the DCC are being held quarterly.</p>
3	10.4	<p>Appropriate instructions may be issued by National Human Rights Commission that value of property destroyed in the course of atrocities committed against Scheduled Castes is included in the compensation package provided to them.</p>	<p>As required under Sub Rule 2 (ii) of Rule 6 SC/ST (PoA), Rule 1995, whenever the District Magistrate receives an information regarding atrocities committed on the Scheduled Caste within his jurisdiction he shall immediately visit the place of occurrence of incidence to assess the extent of atrocity, loss of life and damage to the property and will submit a report forthwith to the State Government and the compensation is provided to</p>

			the Victim of atrocities as per recommendation of the Committee constituted by the District Magistrate.
4	18	Self-help groups of SC women should be formed in each village with sizeable SC population. in atrocities prone areas to start with and to other areas subsequently. These groups, apart from being mobilized for activities relating to thrift, credit and development may also be given elementary legal training along with sessions on confidence building which equips them with knowledge and strength to take up cases of violence and discriminations against SC women with Police/Civil functionaries and provide emotional support to the victims in situations of crisis. At least one or two women in each group may be specifically trained to draft complaints on behalf of the victims and despatch them to competent authorities and Human Rights organizations/activists, if any. Ministry of Social Justice and Empowerment may include this measures as a part of activities for administration of SCs/STs (Prevention of Atrocities) Act. 1989.	The incidents of atrocities on Scheduled Castes are sporadic and no pattern is seen. There are no particular pockets where such incidents have occurred time and again. Therefore, no atrocity prone area has been identified in the State of Haryana.
5	20	National Human Rights Commission with the help of State Governments and Human Rights organizations should identify at the level of each district, where atrocities against SC women occur, a women's organization or its branch, a lawyer/lawyers, human rights activist/activists or welfare agency/agencies, social worker, who can be contacted by victims or members of her family in cases of complaints regarding gender related violence where the competent authorities do not respond or have shown obvious bias in dealing with it. The identified agency may take up the matter with the competent authority if the complaint has not been registered or is not being investigated properly. It may also, where necessary, take up the matter with an appropriate State or a National Commission (Human Rights /SC & ST / Women).	There is no particular recognised area where atrocity against women occurs. All victims of atrocities are contacted and necessary help/guidance is also provided where cases are registered under the SC/ST PoA Act 1989.
6	23	National Human Rights Commission with the help of State Governments and human rights organizations may identify at the level of each district, a NGO, human rights activist or an organization with empathy for SCs which can be approached in case of custodial violence or any other atrocity by the victim's family or well wisher for help in taking up the matter with the competent authority and informing the National/ State Human Rights Commission so that process of enquiry is initiated expeditiously.	Matter is under consideration of the Govt.

7	30	<p>All relevant information on SCs relating to atrocities, reservation, development, including findings of Enquiry Reports, if any, should be placed on the website of the Ministry of Social Justice and Empowerment for greater transparency and wide accessibility. The material to be placed on the website of the State should include, in addition to the above, findings of inquiry ordered in respect of specific incidents, proceedings of State level Vigilance and Monitoring Committees, etc. A non-official group of persons interested in problems of SCs may be constituted at the State and Central level to regularly report on the material placed on the website, its shortcomings, what additional material can be brought on it, etc. It would be desirable for National Human Rights Commission to institutionalize this arrangement for ensuring greater transparency of information relating to SCs.</p>	<p>As required under Rule 9 of SCs & STs (PoA), Rules 1995, Sh. Manik Sonawane, IAS, Financial Commissioner & Principal Secretary to Govt. of Haryana, has been designated as Nodal Officer to review the progress of SCs & STs (PoA) Act, 1989 and meetings are being held regularly.</p> <p>As required under Rule 17 of SCs & STs (PoA) Act, 1955 DCC has been constituted and meetings are being held regularly. As far as State is concerned reservation is applied properly, and SCSP is also implemented on the Guidelines of the Central Government.</p> <p>Regarding Transparency of the State Govt., Nodal Department for SCs is preparing its website on the new guidelines, WCAG 2.0 of GOI and the matter will be put up on the website.</p>
8	58	<p>The concerned State Governments may, through the coordinated efforts of their Departments of Scheduled Castes Welfare, Women & Child Development, Rural Development, etc. launch a massive awareness programme, particularly directed at the vulnerable communities regarding the abolition of divine prostitution system and availability of programmes for rehabilitation of liberated Devdasis. The programme should provide information on whom the women affected by the system, potential victims and their guardians should approach for seeking intervention of the Government. The temple priests should be targeted in this campaign for conveying the message that they incur criminal liability in encouraging or conniving at this practice. NGOs and social activists should be actively involved in this campaign.</p>	<p>Matter does not relate to the State of Haryana as there is no Devdasis system in Haryana State.</p>
9	59	<p>Intensive survey should be carried out by the concerned State Governments in their respective areas to identify 'Devdasis' who have not yet been liberated from the practice as also those who have abandoned this practice but have not yet been brought within the ambit of rehabilitation. This task may be accomplished with the help of NGOs, Village Panchayats, women activists and social workers. The rehabilitation of such Devdasis may be taken up most expeditiously and completed within a specified time frame. The National Commission of Women may monitor this.</p>	<p>Matter does not relate to the State of Haryana as there is no Devdasis system in Haryana State.</p>
10	60	<p>The pattern and contents of the rehabilitation programme for Devdasis may be completely overhauled so as to incorporate the following :</p> <p>An integrated package which includes</p>	<p>Matter does not relate to the State of Haryana as there is no Devdasis system in Haryana State.</p>

		<p>inputs of poverty alleviation, housing, health, nutrition for children, drinking water, education, PDS, Social security, etc., through appropriate convergence of existing programmes. Confidence building measures.</p> <p>Special efforts aimed at saving the girl child of Devdasis from falling into this practice and removal of stigma from their children in schools.</p> <p>The liberated Devdasis should not be subjected to loan burden in the pattern of rehabilitation worked out for them.</p> <p>There should be a single window delivery of various admissible benefits to remove bureaucratic red tape and other hassles.</p> <p>The entire programme implementation should be entrusted to a single organization with a full time functionary at the State level executing it.</p>	603
11	61	<p>The liberated Devdasis may be organized into a Society at the District level. The Society may be associated with the entire programme concerning Devdasis and some components of programmes may be entrusted to it for implementation as well. An apex level organization at the State level headed by Secretary, Woman and Child Development may coordinate the work of District level societies. This society should also liaise with Government agencies to sort out problems of their members and also ensure that ineligible persons do not corner benefits meant for genuine Devdasis.</p>	<p>Matter does not relate to the State of Haryana as there is no Devdasis system in Haryana State.</p>
12	111	<p>Social Welfare Departments of State Governments may make institutional arrangements within their organisation to look after the needs and problems of DNTs, the way Government of Maharashtra has done. Ministry of Social Justice and Empowerment may pursue the matter with concerned State Governments. Ministry of Social Justice and Empowerment like-wise should create a cell to coordinate this work as a nodal agency at the central level.</p>	<p>All the DNTs under BPL category who have a Plot of 50 sq. yard or a Kachha House in their names are being helped with a grant of Rs.50,000 for Construction of a House and Rs. 10,000 for the repair of their house.</p> <p>All the DNTs under BPL category are being provided Rs. 31,000 on the occasion of Marriage of their Daughter (upto Two Girls Only) to facilitate the marriage of poor girls.</p>
13	112	<p>At least one NGO in each major State may be funded by the Ministry of Social Justice & Empowerment (in case of DNTs notified as SCs/OBCs)/Ministry of Tribal Affairs (in case of DNTs notified as STs) for liaising with State agencies, providing necessary support to members of DNTs and acting as an umbrella organization for social workers from villages of DNT and mobilize necessary legal assistance for DNTs in distress. DNT in the State may be encouraged to organize them selves as a society to take up their common problems with the various Government agencies.</p>	<p>It relates to MOSJE Govt. of India for consideration.</p>

14	114	Ministries of Social Justice and Empowerment/Tribal Affairs may sponsor research studies on various problems relating to DNTs (of specific tribes/communities, where necessary) to obtain valuable insights and necessary inputs concerning them for undertaking policy interventions on their upliftment, destigmatization and mainstreaming.	Matter relates to GOI. 602 ✓
15	121	Similar exercise should be carried out by the State Governments in respect of the reserved posts under them and their PSUs, etc. where reservation is applicable.	There is already a provision of Reservation for those DNT who are also included in the list of SCs & BCs.
16	130	Under-utilization, diversion and misutilization of funds allocated for SC development under SCP and Sectoral Schemes in various States is emerging as a matter of serious concern. Planning Commission should collect details of these features state-wise and arrange discussion with defaulting States and work out strong measures to stop diversion and misutilization of funds and promote their full and proper utilization. It should devise effective mechanisms such as punitive financial consequences which create adequate pressure on State Governments against repetition of these practices. National Commission for SCs and STs may visit defaulting States for discussion to accelerate the pressure. Ministry of Social Justice and Empowerment may monitor the impact of these measures with the help of competent research organisations.	The Scheduled Caste Sub Plan (SCSP) is being formulated, implemented and monitored in accordance with the guidelines of the Planning Commission, Govt of India. Separate budget head 789-SCSP has been opened under major functional head of the concerned department. Instructions have also been issued by the State Govt. that the SCSP funds will not be divertable and will not be misutilized. As per the census of 1991 and 2001, the percentage of Scheduled Castes population in Haryana was 19.75 and 19.35 respectively. The expenditure during the 9 th Five Year Plan was 19.91%, 10 th Five Year Plan was 19.04% and 11 th Five Year Plan (2007 upto 31-03-11) was 18.88% of the Total Plan Expenditure. The funds flow of SCSP is near to the %age of SC Population in Haryana State i.e. 19.35% as per census 2001. The funds of SC development allocated under SCSP are not diverted to other head and not mis-utilization on the Sectoral Scheme by the concerned department of the State.