

GOVT OF RAJASTHAN

Point wise reply on the recommendations made under Shri K.D. Saxena Report

S.No.	R.No.	Recommendation	Reply
1.	3 Home	Training of Officials - A 3-tier training programme for police and civil functionaries engaged in the implementation of laws and regulatory measures, which have a bearing on atrocities committed on SCs, may be implemented. The first tier of training may be imparted by National Police Academy and Lal Bahadur Shastri National Academy of Administration to cover only trainers from each State. The second tier training may be organized by a State Training Institution identified for this purpose by each State Government to cover officers of level of DSPs, SDMs, ADMs, etc. The third tier of training would deal with other civil and police officers at the lower level. This training may be organized by the DMs and SPs of the concerned Districts. The design and syllabi of training for the three training courses may be approved by the National Human Rights Commission.	<p><i>For implementation of this recommendation at the first stage it is necessary for National Police Academy and Lal Bahadur Shastri National Academy of Administration to organize the trainings for the trainers from each State. Only thereafter will the State Training Institutes be able to undertake the trainings for the officers of the Level of DSPs, SDMs, ADMs etc.</i></p> <p><i>However, modules have been prepared and incorporated in the training programmes for the personnel of the State Police force and other officers connected with implementation of the rules and regulatory measures having a bearing on atrocities on scheduled castes.</i></p>
2.	3.1 Home	An Annual Workshop of DMs and SPs on implementation of these laws may be organized in the State's Administrative Training Institute where the State Home and Social Welfare Secretaries and DGPs may interact with participants on the whole range of issues concerning the subject and specifically to identify problems experienced by them in investigation and trial of cases of atrocities, those experienced by victims and impact of measures undertaken to prevent recurrence of such incidents. Presiding officers of courts dealing with atrocities cases may be invited to these workshops to lecture on the shortcomings in investigation leading to acquittal. Based on this	<p><i>Such annual workshops have not been organized in the State thus far. However, the State Government welcomes this suggestion and will now take action for organizing such workshops.</i></p> <p><i>However the regular joint meetings of Collectors and SPs at the State level includes in the agenda the implementation of these laws.</i></p>

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		feedback, State Governments may take necessary corrective steps expeditiously to improve the administration of these laws.	
3.	4	States need to constitute exclusive special courts for dealing with atrocity cases in districts where volume of such cases is large. Special public prosecutors for this work may be selected on the basis of their competence and commitment and their level of remuneration should be adequate to sustain their interest in work. National Human Rights Commission may lay down norms for such selection to improve the level of motivation and performance.	<i>For effective implementation SC/ST (PoA) Act, 1989, 17 Special courts have been constituted in districts in remaining districts, the District Session Court is designated as Special Courts. Establishment of 8 additional Special Courts- Bharatpur, Sirohi, Bundi, Hanumangarh, Karauli, Jhunjhunu, Dholpur and Barmer has been sanctioned and is soon to be functional. The remaining 8 district and Session Courts are specified as special courts under this Act.</i>
4.	5	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.	<i>State Level Vigilance and Monitoring Committee under chairmanship of Hon'ble Chief Minister has been constituted under Rule 16 of the Act. At District level Vigilance and Monitoring Committees under chairmanship of District Collector have been constituted under Rule 17. Meetings of these committees are conducted regularly.</i>
5.	7 Home	State Governments should expeditiously identify atrocities prone areas and untouchability prone areas as per provisions contained in the respective laws and thereafter prepare Plan of Action for eliminating untouchability practices and reducing incidence of violence against SCs through various regulatory and	<i>Districts and Police Stations with high number of cases of atrocities on SC/ ST have already been identified. SC/ST Cells have been set up in 30 districts. These SC/ST Cells are headed by an officer of the rank of Dy.Supt. of Police. Proposal for converting these SC/ST Cell into SC/ST</i>

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		development measures. The norms for identification of such areas and framework of the Action Plan may be prescribed by the National Human Rights Commission in consultation with Human Rights organizations and NGOs/ activists working for the SCs. These norms may also be incorporated in the Manual.	<i>Police Stations is also under consideration.</i>
6.	8 Home	State Governments may institute an Annual Award for the police station which emerges as the most responsive to the complaints of Scheduled Castes and has achieved significant success in taking preventive measures timely, registering all cases of violence and expeditious follow-up action on them.	<i>The State Government welcomes this recommendation. DGP has been asked to prepare a scheme for this purpose. Thereafter, action will be taken for obtaining formal approval for the scheme.</i>
7.	10.3	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.	<i>State Government is providing compensation as per SC/ST (PoA) Rules, 1995 Sub Rule 12(4) in 22 different categories.</i>
8.	10.4	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.	<i>State Government is providing compensation as per SC/ST (PoA) Rules, 1995 Sub Rule 12(4) in 22 different categories.</i>
9.	15 Home	At least one women police functionary may be posted in each police station located in atrocities prone areas in the State. It should be endeavoured that, as far as possible, investigation into serious complaints of	<i>Investigation of all cases of atrocities on SC is done by an officer of the level of Circle Officer. We do not have adequate lady police officers of the level of Circle Officers for posting them in all the police stations located in atrocity</i>

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		violence against SC women be carried out by the woman police officer and where this is not feasible, a woman police or civil functionary may accompany male police officer/ officers during investigation.	<i>prone areas in the State. However, the proposal for associating a woman police or civil functionary to accompany the male police officer during investigation is being under consideration.</i>
10.	16 Home	At the district level, women police station may be set up exclusively manned by women functionaries so that complaints of Scheduled Caste women, if not entertained elsewhere in the district, can be registered there. Where an exclusive police station for SCs has been set up at the District Headquarters, it could have a Women's Wing manned by women police functionaries to serve this purpose.	<i>Women Police Stations have been set up in 29 police districts. Sanction has been accorded for setting up of Women Police Stations in 6 more police districts during the current financial year and these police stations are likely to be made operational very shortly. Women Police Stations will be set up in the remaining 5 police districts during this financial year i.e. 2012-2013.</i> <i>While the State Government agrees that the examination of the complainant (usually a woman) should be done by lady police officers, the examination/ interrogation of the accused would require presence of male police officers also. Therefore, it may not be proper to post only lady officers in such Police Stations. The majority of the posts in these police stations may be manned by lady police officers.</i>
11.	17 Women & Child Development	State Governments may notify a lady officer from among the staff posted in each block, such as the Social Welfare Officer or Women & Child Development Officer to entertain complaints regarding the ill-treatment of and violence committed against SC women not registered by the competent authority and officially pass it on to the concerned authority with a copy to the District Magistrate for taking up necessary investigation. This arrangement may be adequately publicized in SC habitations of the block.	<i>In pursuance to the recommendation no.11 the Pracheta at the Panchayat Samiti level has been appointed as an authorised person to receive complaints from the aggrieved SC woman and for taking further necessary action, as suggested. (Copy of orders enclosed).</i>
12.	18	Self-help groups of SC women should be formed in each village with sizeable SC population, in atrocities	<i>Orders have been issued to all CEOs Zila Parishad for formation of Self Help Groups with maximum participation</i>

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	Women & Child Development	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 measure as a part of activities for administration of SCs/STs (Prevention of Atrocities) Act, 1989.	<p><i>of SC women against the total target assigned for the year 2012-13.</i></p> <p><i>After the groups are formed, they will be provided training on legal literacy. Pracheta at Panchayat Samiti level has been appointed as the authorised officer to receive complaints of violence and ill-treatment from SC women. Therefore, in such matters the complaints can be given to the Pracheta for onward transmission to the competent authority and necessary investigation in the matter to the district collector as provided in point no. 11 above.</i></p>
13.	20 WCD	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).	<p><i>In Rajasthan a district level mechanism is already in place to address the complaints regarding gender related violence as illustrated below.</i></p> <p><i>(a) Zila Mahila Sahayata Samiti (ZMSS) in each district is setup under the Chairmanship of the Zila Pramukh. The District Collector is the Deputy Chairman with Superintendent of Police, C.JM, two Advocates and two Social Workers. This Samiti is to provide necessary guidance/counselling and help in matters of any complaint of violence/atrocity etc.</i></p> <p><i>The SC women may also lodge her complaint to ZMSS for necessary action.</i></p> <p><i>(b) In each police district, Mahila Suraksha Evam Salah Kendra is setup. These Centres are being run by selected NGOs preferably related to Women issues. Any</i></p>

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			<p><i>aggrieved woman can approach MSSK for redressal of her grievances including help/assistance in registration of complaints, wherever necessary.</i></p> <p><i>(c) Protection Officers under the Protection of Women from Domestic Violence Act, 2005, are available right up to the panchayat samiti level. Any woman victim of Domestic Violence may approach the Protection Officer or any Service Provider available to get DIR prepared and submitted in the Court for seeking protection or relief or compensation, as the case may be. However, the Department of Women and Child Development agrees to help identifying, in each district a woman organisation specifically to address complaints regarding gender related violence and apathy towards registering the complaint by the competent authority, as suggested, albeit in consultation with NHRC/SHRC and the Department of Social Justice Empowerment.</i></p>
14.	23	<p>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.</p>	<p><i>The State Government is working in coordination with NGOs for speedy disposal of enquiry under SC/ST Atrocities Act.</i></p>
15.	24 Home	<p>State Governments reporting a large number of cases of violence in judicial custody may constitute an ombudsman (Committee) headed by a retired judicial officer, with an eminent lawyer, NGO</p>	<p><i>The State Government welcomes this recommendation. The recommendation will be processed immediately for implementation.</i></p>

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		representative/social activist working for Dalits, public-spirited citizen and retired civil/police officer with high reputation which may be utilized by National Human Rights Commission to look into cases of custodial atrocities where prima facie State's version does not satisfy.	
16.	24.1 Home	The Visitors Committee constituted for each jail and Special Rapporteurs visiting jails for inspection may specifically make discreet enquiries into conditions of SC Under Trials in jail, untouchability related practices and treatment meted out to them.	<i>The State Government welcomes this recommendation. The recommendation will be processed immediately for implementation.</i>
17.	25	In respect of Districts which have sizeable SC population, District Magistrate shall create a Cell in his office headed by the District Social Welfare Officer looking after the interests of SCs. The information about SCs in police and judicial custody should be maintained there. On demand made by human rights organizations/ social activists/ SC organizations, information in respect of SCs in custody may be provided to enable them to take up the matter in appropriate fora for seeking relief admissible under the law.	<i>A Cell has been created under the District Magistrate in each district which is headed by District Social Welfare Officer, who would collect information about SCs in police and judicial custody.</i>
18.	30 Social Justice & Empowerment	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	<i>The important orders/ circulars related to Rules 1995 are being placed on website of Social Justice and Empowerment Department.</i>

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		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.	
19.	35	It is extremely necessary to have a strong investigation and law wing in the National Commission for Scheduled Castes and Scheduled Tribes. Considering the level at which the Commission would be required to interact with the State Governments the existing arrangement for investigation headed by a DIG rank officer needs to be upgraded and supporting staff and facilities should be provided. Also, a Law Officer with appropriate staff should be available to the Commission for advice on legal matters. Ministry of Social Justice and should take expeditious action in-the matter.	NA
20.	57	Until such time a Central Law is in position, National Human Rights Commission may direct that the concerned State Governments of Maharashtra, Andhra Pradesh and Karnataka may amend their existing law, remove loopholes, make it more stringent and activate the enforcement machinery to implement it effectively.	NA
21.	58	The concerned State Governments may, through the coordinated efforts of their Departments of Scheduled Castes Welfare, Woman & Child Development. Rural	NA

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		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.	
22.	59	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.	NA
23.	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 inputs of poverty alleviation, housing, health, nutrition for children, drinking water, education, PDS, Social security, etc., through appropriate convergence</p>	NA

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		<p>of existing programmes.</p> <p>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>	
24.	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>	NA
25.	62	<p>A Police Task Force should be set up in each concerned State Government to investigate complaints of trafficking in women and children. This Task Force should thoroughly investigate cases where Devdasis</p>	NA

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		and/or their daughters have been pushed into brothels. It should build up information on agents, middlemen, religious priests and powerful local people who are still promoting this practice with a view to pursuing effective legal action against them. The inputs received from this investigation may be utilized for the Awareness Campaign suggested earlier. There should be regular consultation among the members of the Task Force in different States. Department of Women & Child Development should coordinate and monitor this work with the help of Ministry of Home Affairs, where necessary.																															
26.	63 Labour	Enforcement of various labour laws, such as those relating to bonded labour system, minimum wages, equal remuneration, child labour, inter-state migrant labour, which have a bearing on the violence committed against the Scheduled Castes needs to be assigned high priority. The performance should also be intensively monitored at the Central, State and District levels. Ministry of Social Justice and Empowerment should associate itself with such monitoring at the central level, if it is already being done by Ministry of Labour, particularly in respect of atrocities prone States. State Secretaries in charge of SC welfare should do likewise in respect of atrocities prone districts areas in their States.	<p>1. There are 90 Labour Inspectors in the state to enforce the above Labour Laws and 40 officers have been notified as Court Authorities for hearing the court cases. These all Inspectors and Authorities also carried out enforcement work in those cases which are specifically related to the schedule caste and also be awarded relief in the court cases by the notified authorities.</p> <p>The enforcement of the above acts in the year of 2011-12 and 2012-13 (up to July, 2012) has been carried out as below:-</p> <table border="1" data-bbox="1464 959 2255 1430"> <thead> <tr> <th>Year</th> <th>Act</th> <th>No. of Inspection</th> <th>Challan</th> <th>Challan decided</th> <th>Amount of fine in Rs.</th> </tr> </thead> <tbody> <tr> <td>2011-12</td> <td>Minimum Wages Act, 1948 (in agriculture)</td> <td>2725</td> <td>1</td> <td>1</td> <td>500</td> </tr> <tr> <td>2012-13</td> <td></td> <td>534</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>2011-12</td> <td>Minimum Wages Act, 1948 (other than agriculture)</td> <td>4986</td> <td>40</td> <td>65</td> <td>40850</td> </tr> <tr> <td>2012-</td> <td></td> <td>1627</td> <td>5</td> <td>14</td> <td>640</td> </tr> </tbody> </table>	Year	Act	No. of Inspection	Challan	Challan decided	Amount of fine in Rs.	2011-12	Minimum Wages Act, 1948 (in agriculture)	2725	1	1	500	2012-13		534	0	0	0	2011-12	Minimum Wages Act, 1948 (other than agriculture)	4986	40	65	40850	2012-		1627	5	14	640
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			2011-12	Child Labour Act, 1986	3429	45	13	13000
			2012-13		1224	2	11	4000
			2011-12	Interstate Migrant Workers Act, 1979	24	1	1	1000
			2012-13		11	0	0	0
			2011-12	Equal Remuneration Act, 1976	412	0	1	5000
			2012-13		155	0	0	0
			2011-12	Payment of Wages Act, 1936	4126	55	26	47150
			2012-13		1429	4	12	15200
			<p>The Districtwise enforcement of the above acts is also enclosed at <u>Annexure-1 to 5</u>.</p> <p>2. The relief to the workers as awarded decretal amount by the authorities in Workmen Compensation Act, Minimum Wages Act and Payment of Wages Act are Rs. 452529246/-, 6934024/- & 13215215/- respectively for the year 2011-12.</p> <p>3. The monitoring of the enforcement of Labour Laws at the state level is carried out by the Labour Department. Simultaneously the same monitoring at the level of district is carried out by the district level officers of the Labour Department.</p>					
27.	65 Labour	The machinery for enforcement of above labour laws needs to be strengthened for intensive coverage and activated through training and appropriate capacity building, particularly in respect of atrocities prone	<p>1. All the Labour Inspectors of the department carried out the enforcement work of all labour laws and they are well conversant with the provisions of labour laws as well as trained to perform their duties of enforcement of</p>					

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		<p>districts. Trade Unions, NGOs, social activists should be involved for organizing labour and helping them avail of benefits of these laws. Legal aid should be mobilized in needy cases for this purpose. Ministry of Social Justice and Empowerment should take initiative to push up these measures with State Governments/ Ministry of Labour.</p>	<p><i>the Acts. However, they are sensitized and instructed to perform enforcement work in the frequent meeting of the department.</i></p> <p>2. <i>There are frequent meetings convened at the different levels with the Labour Organizations and Unions to seek their assistance to extend the benefits to the workers under different Labour Laws. In this respect, there are, following committees and boards have been constituted:-</i></p> <ul style="list-style-type: none"> • <i>State Labour Advisory Board</i> • <i>State Level Standing Labour Committee</i> • <i>Contract Labour Advisory Board</i> • <i>Minimum Wages Advisory Board</i> • <i>Equal Remuneration Advisory Committee</i> • <i>Vigilance Committees under Bonded Labour Act at District levels</i> • <i>Task Forced for problems of Child Labour at the level of Districts</i> <p><i>In the course of meeting of above Boards or Committees the Labour Organizations/Unions are sensitized and motivated to assist to the workmen for benefits under the different provisions of the Labour Laws.</i></p>
28.	67 Labour	<p>The occupations which employ large number of SC labour, but have not yet been brought within the ambit of Minimum Wages Act may be included in the Schedule to provide protection to them with regard to wages and working conditions. Ministry of Social Justice and Empowerment may pursue this matter with Ministry of Labour and State Governments. Necessary survey of such occupations may be carried out for this purpose if no information exists on the strength of such labour.</p>	<p>1. <i>There are 63 scheduled employments in the state in which the Minimum Wages is fixed and enforced under the provisions of Minimum Wages Act, 1948. There are remote chances that any schedule employment in the state is left from the ambit of Minimum Wages Act, 1948. It is pointed out that the most of the schedule employments are related with the unorganized sector wherein workers belongs to the scheduled castes engaged in these employments. The benefits of the Minimum Wages Act to the schedule caste workers are ensured and likewise be protected. The Labour Inspectors carry out the</i></p>

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			<p>inspections under the provisions of the Act of 1948 and wherever any violation is observed, they file cases and challans before the authorities and courts respectively and they ensure the benefits of the Act to the workers.</p> <p>If, it comes to the knowledge of the department that any employment where the most of the of the SC/ST workers are engaged and such employment is left from the list of the schedule employment, then, that employment is incorporated in the list of schedule employment under the provision of the Act of 1948.</p>
29.	77 Labour	<p>National Human Rights Commission may direct Ministry of Labour to sponsor a comprehensive survey of child labour in the country. Meanwhile, Ministry of Social Justice and Empowerment may identify areas where SC child labour is employed in hazardous occupations and assist National Human Rights Commission 'in vigorous enforcement of the Act to get labour released and rehabilitation projects started by the concerned State Governments /Ministry of Labour in line with SC guidelines. It should also seek, if necessary, higher allocation under Special Component Plan of the Ministry of Labour for taking up sufficient number of such projects. It could also seek augmentation of its own resources to share the responsibility of Ministry of Labour.</p>	<p>1. In compliance of the order of Hon'ble Supreme Court in the matter of M.C. Mehta vs State of Tamil Nadu and ors. First survey to identify child labour was conducted in the year 1997. Further in the year 2002-03, department conducted a survey in hazardous occupations and processes only to identify the child labour. However, information about child labour of scheduled caste category was not collected in both the surveys. Under Child Labour Act, 1986 also inspections are not carried out according to SC category too.</p> <p>2. In 27 district of the State namely Jaipur, Jodhpur, Alwar, Ajmer, Udaipur, Tonk, Bhilwara, Ganganagar, Barmer, Dholpur, Pali, Dungarpur, Bundi, Churu, Jalore, Nagore, Banswara, Jhalawar, Bharatpur, Bikaner, Chittorgarh, Jhunjhunu, Sikar, Dausa, Hanumangarh, Baran and Kota, National Child Labour Projects have been sanctioned and survey to identify child labour is under progress where identified children will be rehabilitated through child labour special schools. At present part survey has been completed in the following districts and following schools are functional:- Jaipur (25 schools),</p>

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			Chittorgarh (39 schools), Ajmer (19 schools), Bikaner (40 schools), Jhunjhunu (10 schools), Kota (4 schools) and Dholpur (39 schools). Till date 49297 children have benefited through NCLP.																								
30.	86 Labour	Ministry of Social Justice and Empowerment in cooperation with Ministry of Labour may identify occupations where SC migrant labourers are employed as bonded Labour or child labour and assist National Human Rights Commission in their intensive inspection for their identification, release and rehabilitation by the State Governments.	<p>In accordance with the provisions of the Bonded Labour System (Abolition) Act, 1976 district administration carries out bi-annual survey in its districts. Apart from this survey complaints received by districts/sub-divisional vigilance committees or from any other source are attended promptly and action is initiated as per law to release and rehabilitated identified bonded labourers. Details of bonded labourers released and rehabilitated during the last four years are as follows:-</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Released bonded labourers in the state</th> <th>Bonded Labourers who came from other states</th> <th>Bonded Labourers sent to other states</th> </tr> </thead> <tbody> <tr> <td>2009-10</td> <td>19</td> <td>-</td> <td>-</td> </tr> <tr> <td>2010-11</td> <td>42</td> <td>-</td> <td>17</td> </tr> <tr> <td>2011-12</td> <td>135</td> <td>-</td> <td>70</td> </tr> <tr> <td>2012-13 (up to June, 12)</td> <td>45</td> <td>48</td> <td>-</td> </tr> <tr> <td>Total</td> <td>241</td> <td>48</td> <td>87</td> </tr> </tbody> </table>	Year	Released bonded labourers in the state	Bonded Labourers who came from other states	Bonded Labourers sent to other states	2009-10	19	-	-	2010-11	42	-	17	2011-12	135	-	70	2012-13 (up to June, 12)	45	48	-	Total	241	48	87
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31.	88 Rural Development & Panchayati Raj	A labour catchment area development programme may be initiated to target those areas which push a large number of labourers to other States in search of work. Appropriate package of development measures may be implemented to remove conditions which force labourers from these areas to migrate. Ministry of	<p>Under NREGS, 771.80 lac person days generation of employment to the SC families was done in the year 2010-11, similarly, 353.26 lac person days were generated in the year 2011-12.</p> <p>Under the Swarn jayanti Gram Swarozgar Yojna which is</p>																								

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		<p>Social Justice and Empowerment with the help of Ministry of Labour may identify such areas from where SC labour migrates, get projects prepared and proactively work to get them included in the Special Component Plan of the concerned State Governments and sectoral programmes of concerned Ministries for implementation.</p>	<p><i>being implemented by the Rural Development Department, Govt. of Rajasthan, 1.78 lac beneficiaries of SC BPL benefited from 1.4.99 to 31.3.12 by providing self employment.</i></p> <p><i>Rajasthan Gramin Ajeevika Vikas Parishad – RGAVP is implementing various programmes like RRLP, MPOWER, and NRLM to empower the poor and alleviate their poverty. The poverty alleviation programmes indicated above would keep the need for addressing the challenges of migration on priority. The thrust would be given particularly in those districts, from where substantial migration takes place. It is contemplated that certain studies and appropriate interventions would be drawn to specifically address the issue of migration.</i></p>
32.	96 Revenue	<p>Where SC beneficiaries have been distributed land under any programme but they have not been given formal possession of it, possession may be delivered to them in respect of such land and entry to this effect may be made in relevant revenue records. Contentious cases should be sorted out within a time frame and those which are pending in courts should be expeditiously fought out at the State's cost.</p>	<p><i>Allotment of lands under various programmes are made by Land allotment Advisory committees at village panchayat headquarters and possession is given to the allottees then and there. Moreover, revenue campaigns are arranged almost every year and regularization of encroachments by SC/ST persons are done, who are already in possession of Government lands. Barring few cases, possession of allotted land has given to the S.C. beneficiaries. Entries in revenue records are made by attesting mutations. Instructions are being issued again to all District Collectors to ensure the possession and updating of revenue records of S.C. beneficiaries.</i></p>
33.	97 Revenue	<p>Where SCs are cultivating land which belongs to the Government/ Gram Sabhal Panchayat, etc., for which they have not got ownership rights, such ownership may be conferred on them in accordance with the provisions of law, rules or the Government instructions</p>	<p><i>State Government has issued a circular dated 11.1.2008, with an intention to regularize the encroachments on government lands upto 1.1.2000. State Government, with a view to solve village-level problems relating to agricultural land and other developmental issues, organize "Revenue</i></p>

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		<p>pertaining to such lands in the concerned State.</p>	<p><i>Campaigns" almost every year. Revenue officers like SDO's, Tehsildar and other departmental officers attend the camps at village level. The wider-publicity is made about the works to be done and dates of these camps. Regularization of agricultural encroachments, allotment of agricultural land, residential sites, possession of land, mutations and division of holdings and other issues are solved then & there. State Government has regularized thousands of acres of land in favor of S.C. families. In the year 2001-02, 1336 acres of land were regularized in favor of 851 S.C. families. In revenue campaign of year 2010, 488 S.C. families were benefited by regularization of 1500 acres of agriculture land. There is a continues process of allotment and regularization of agriculture land to S.C./S.T. families.</i></p>
34.	98 Revenue	<p>Where SCs are working as insecure tenants or share croppers their status may be entered in the revenue records to facilitate security of tenure and protection against arbitrary eviction in accordance with provisions contained in the relevant Land Reform laws of the State.</p>	<p><i>Rajasthan Tenancy Act, 1955 came into force with effect from 30.10.1955. At the commencement of this act and Jagir Resumption Act, 1952, all tenants or sub-tenants entered in revenue records by whatever name acquired khatedari rights by virtue of operation of law. State Government in Revenue Department is actively considering to prepare a bill to benefit the share-croppers/lessee of agricultural lands, through various schemes like crop insurance , input subsidy , crop-loans and other financial schemes. State Government is studying the Andhra-Pradesh Model of licensed cultivators Act. Revenue laws safeguard the interests of allottees/ khatedars /Gair-khatedars as per various provision.</i></p>
35.	99 Revenue	<p>Government land, Bhoodan land -and surplus ceiling land available for distribution but not yet allotted may be distributed to eligible SCs (also STs as per priorities laid down in respective States) so that they are helped</p>	<p><i>Ceiling surplus lands have been allotted to 30552 S.C. families with an area of 145569.85 acres till March, 2012. Total 12081 S.T. families have been allotted ceiling surplus land measuring 50515.01 acres. Allotment of Government</i></p>

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		to disengage themselves from their traditional degrading occupations.	<i>lands were also made in various revenue campaigns. Over 8179 S.C. families were allotted Government agriculture land to the tune of 3506 hectares. Over 72 thousand acres of ceiling land is under litigation in various courts.</i>
36.	100 Revenue	Top priority should be given to get expeditious court decisions on huge area of surplus ceiling land which is locked in litigation so that it is available for distribution to SCs and other poor.	<i>905 ceiling cases are pending in various courts involving 72268 acres of agriculture land. State Government is committed to defend the rights of State and to execute the land reforms as envisaged in the Constitution of India.</i>
37.	101 Revenue	in cases where non-Scheduled Caste persons have encroached upon the land which are owned / cultivated by members of SCs, action may be taken to restore these lands to them. In case of litigation either the State Government should fight out the case or provide legal aid to the affected SCs.	<i>To safeguard the interests of poor and scheduled cast persons, there is a special provision in Rajasthan Tenancy Act, 1955. Sec. 183(b) gives powers to summarily eject the trespassers on land belonging to S.C. persons. Board of Revenue, Rajasthan, Ajmer regularly monitor the cases of 183(b). During the year 2011-12, 218 cases of section 183(b) of Rajasthan Tenancy Act, have been decided by various revenue courts in the state and possession of lands have been restored to S.C. Khatedars. 406 cases under 183(b) Rajasthan Tenancy Act are pending. This is a regular process hence no. of pending cases are not significant. The Board of Revenue is issuing strict instructions to dispose off pending cases.</i>
38.	102 Revenue	States may also make provisions in their Land Reforms Laws which prohibits alienation of land owned by SCs to Non-SCs for this purpose.	<i>Sec. 42(b) of Rajasthan Tenancy Act, 1955 prohibits the sale, gift or bequest of agriculture land by a member of scheduled cast in favor of non-scheduled cast. Special provisions 42(bb) was inserted in the year 1999 to protect the agricultural rights of Saharias Scheduled Tribe. Thus by declaring the transfers of agriculture lands, void, ample protections is given to S.C./S.T person under revenue laws.</i>

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39.	103 Rural Development & Panchayati Raj	States may take adequate steps to ensure that SCs are enabled to enjoy equal rights on community land and other common property resources and that their rights of grazing or rights of way, etc. are not restricted.	<p><i>Rural Development and Panchayati Raj Department is implementing various schemes to create infrastructure facilities in Rural Areas.</i></p> <p><i>All the villagers/ communities/ Scheduled Caste persons have equal right to access these assets. There is no discrimination in use of the common assets. All assets are maintained by Gram Panchayat or some other Govt. Departments, therefore, everyone have equal right to use these assets.</i></p>
40.	104 Rural Development & Panchayati Raj	Where SCs are residing in houses constructed on the land of other persons or on Government land in rural areas, they may be provided ownership rights in respect of those lands as per provisions existing for this purpose in the laws/instructions/ guidelines of concerned State.	<p><i>Pattas are being issued to Scheduled Caste persons under Rule 157 & 157(2) of Rajasthan Panchayati Raj Rules, 1996, to regulate possessions.</i></p> <p><i>Where SCs are residing in houses constructed on the on government land in rural areas, before 2003 they are eligible for ownership rights in respect of aabadi land as per provisions in State. Pattas to 419 SCs house hold have been issued during the year 2011-12.</i></p>
41.	105 Rural Development & Panchayati Raj	In case of SCs who have no land for residential houses in rural areas, if no vacant Government land in the area is available for allotment to them, land may be acquired for this purpose and minimum land for construction of a house may be allotted to them in order to provide security of a habitat may be allotted to them in order to provide security of a habitat to such persons. Benefit of House Construction Schemes may be made available to such allottees.	<p><i>Revenue Department has issued an order on 25.07.2011 to direct Gram Panchayats for conversion of "Siway Chak and Charagah" lands for "Abadies", for those families who have no land under CM BPL Housing Scheme and Indira Gandhi Housing Scheme.</i></p> <p><i>During the years 2010-11 to 2012-13, 65873 pattas were issued and houses for SCs have been sanctioned under IAY.</i></p> <p><i>The State Government has taken a decision to give houses to the 10 lac BPL families, who do not have houses in three years (2011-12 to 2013-14). In the year 2011-12, sanctions for 2.75 houses to Rural BPL families were issued under CM BPL Housing Scheme. 82,729 pattas were issued and</i></p>

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			houses are sanctioned for SCs and the construction of 29,104 houses has been completed. During the year 2012-13 5,685 pattas and houses are sanctioned to SC families.
42.	<p>107</p> <p>Rural Development & Panchayati Raj</p> <p>Raj. SC/ST Finance & Development Cooperative Corporation Ltd.</p>	<p>District Magistrates may carry out investigation into complaints relating to v payment of bank loan to SCs under various Development/Poverty Alleviation programmes, such as under payment, nonpayment and fraudulent drawal of loan amount in their name by others, etc. While appropriate punitive action may be taken for proceeding against the guilty officials intermediaries and perpetrators of fraud, protection may be given to affected victims of these malpractices against harassment.</p>	<p><i>SGSY – The schemes of poverty alleviation programmes i.e. SGSY sponsored by Govt. of India is being implemented by Rural Development Department.</i></p> <p><i>All the complaint relating to payment of Bank Loan are being monitored by DLCC headed by District Magistrate and State Level Banker's Committee (SLBC).</i></p> <p><i>All the complaints submitted to SLBC and controlling authority to enquire the matter and to take appropriate action against guilty official.</i></p> <p><i>RGAVP – Efforts would be made to accentuate the issue of disbursement of loans by the banks under various poverty alleviation programmes in the review meets like DCC, BLBC and SLBC. Wherever district offices of RGAVP are functioning the DPMs would be advised to be more proactive on this account.</i></p>
43.	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><i>Social Justice & Empowerment department is nodal department and created a cell to coordinate these works.</i></p> <p><i>Problems like housing, education, health and security of DNT identified after detail discussion with various community leaders/ representatives and concerned departments. The State has also organized meetings at all divisional headquarters to motivate DNTs community leaders regarding socio-economic caste wise census. There are 32 castes of DNTs in Rajasthan.</i></p>
44.	112	<p>At least one NGO in each major State may be funded by the Ministry of Social Justice & Empowerment [in</p>	<p><i>Several meetings were conducted with 30-35 DNTs organizations by State Government at all divisional</i></p>

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		<p>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 DNTs and mobilize necessary legal assistance for DNTs in distress. DNTs in the State may be encouraged to organize themselves as a society to take up their common problems with the various Government agencies.</p>	<p><i>headquarters to motivate DNTs community leaders regarding socio-economic caste wise census.</i></p> <p><i>DNTs in the State may be encouraged to organize themselves as a society to take up their common problems with the various Government agencies. Besides this, meeting with there organizations have taken place with regard to resolving issues related to Education, Health, Protection, Housing etc.</i></p> <p><i>Rajasthan has also initiated the inclusion of DNTs in the below poverty line list (BPL).</i></p>
45.	113	<p>Local Panchayats, in whose jurisdiction DNTs reside, may be sensitized about the need for their development and rehabilitation needs and, in particular, about changing peoples' attitude towards them. Training programmes contemplated in National Human Rights Commission recommendations may cover this aspect also. Ministry of Social Justice and Empowerment may pursue the matter with the State Governments.</p>	<p><i>Allotment of lands to nomadic tribes, gadia lohars, who do not have own house would be allotted Abadi land under Rule 158 of Rajasthan Panchayati Raj Rules, 1996. A provision has been made to provide free land to nomadic sheep rears upto 300 Sq.yard land under Rule 158 - 2(A) of Rajasthan Panchayati Raj Rules, 1996.</i></p>
46.	114	<p>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, de-stigmatization and mainstreaming.</p>	<p><i>Several meetings were conducted with 30-35 DNTs organizations by State Government both at the State and the divisional levels to identify problems of the DNTs.</i></p> <p><i>Constitution of a separate Board for welfare of DNTs in under consideration of the Cabinet.</i></p> <p><i>A proposal of land allotment to these communities is also under process.</i></p>
47.	121	<p>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.</p>	<p><i>The reservation percentage of SCs is 16% in the state. Backlog position upto 31.03.12 of SCs in the State is as under :-</i></p>

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			Name of Service	SC Backlog															
			State Services	169															
			Subordinate Services	1802															
			Ministerial Services	464															
			IV Class	38															
			Total :	2473															
48.	130	<p>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 organizations,</p>	<p>State Government is serious about the development of the SCs in the State. Scheduled Caste Sub Plan (SCSP) is being fully implemented in the State and funds have been earmarked to different departments in the proportion to the population of SCs in the ratio of their population in the State. To achieve proper utilization of funds the budget has been earmarked specifically under the demand No. 51 (sub budget head 789).</p> <p>Rajasthan is the first State which allocates in their budget outlay for the SCs 17.16% (in the year 2011-12) and 17.22% (in the year 2012-13).</p> <p>During the XI Five Year Plan (2007-12) year wise actual expenditure under SCSP is as under :-</p> <table border="1"> <tbody> <tr> <td>2007-08</td> <td>1998.95</td> <td>14.5%</td> </tr> <tr> <td>2008-09</td> <td>2352.35</td> <td>15.77%</td> </tr> <tr> <td>2009-10</td> <td>2821.49</td> <td>15.2%</td> </tr> <tr> <td>2010-11</td> <td>3364.35</td> <td>14.28%</td> </tr> <tr> <td>2011-12</td> <td>3877.44</td> <td>13.25%</td> </tr> </tbody> </table> <p>Under the Sambal Village Scheme, 4110 villages have been adopted for providing basic infrastructure in these villages. A fund of Rs.5 lakh per village per year is allocated under the scheme. The State Government has also made provisions for Rs. 20 lakh per village for selected 100 Sambal Villages</p>		2007-08	1998.95	14.5%	2008-09	2352.35	15.77%	2009-10	2821.49	15.2%	2010-11	3364.35	14.28%	2011-12	3877.44	13.25%
2007-08	1998.95	14.5%																	
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2009-10	2821.49	15.2%																	
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2011-12	3877.44	13.25%																	

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			<p>during the Annual Plan 2012-13 for their overall development.</p> <p>For effective monitoring of SCSP, the State Government has constituted State Level Steering Committee under the Chairmanship of Minister, Social Justice & Empowerment and the District level Committee is also constituted under the Chairmanship of District Collector. The District Committee has 4 SCs members also. The meetings of State and District level committees are conducted regularly.</p>