

Representation to the National Commission for Scheduled Castes, New Delhi

Date: 08/07/2015 Venue: Jawaharlal Nehru Stadium, Chennai – 600003.



Honorable Chairman and the members of the National Commission for Scheduled Castes, New Delhi have convened a meeting with SCs civil society organizations on 08/07/2015 to review the SCs related issues. There were many SC organizations made their representations. **Fr. John Kumar,**

Director, Social Watch – Tamilnadu, **Mr.R.Christudos Gandhi, IAS (Retd)** Former Additional Chief Secretary and **Mr.A.Antony,** Researcher, Social Watch – Tamilnadu represented to the Commission on some of the major concerns of SC related issues which the Tamilnadu Bureaucracy has refused to solve.

Some major issues for SC/STs which the Tamil Nadu bureaucracy has consistently failed or refused to address

I. SCHOOL EDUCATION

An alarming number of about 10000 schools in Tamil Nadu (Primary to Higher Secondary) exclude SCs by admitting much less than 21% (the SC/ST population census 2011). These include Government and Aided schools too. This matter is being represented to Government since 2005. But no change has been brought about till now.

Data and supporting documents

- 2005 letter of Special Commissioner Data Center
- Reviews by Development Commissioner in 2011-12
- Letter of R.Christodas Gandhi in 2014
- Data of Schools

Action Requested

- SC/ST teacher representation in each of those schools should be made public in the portals of the Department.
- All schools including private unaided schools which have failed to appoint 21% (20% SC+1% ST) SC/STs should be made to comply with this requirement. Till such time no new appointments should be approved.
- Admission of SC/ST uniformly in every class should be ensured. In plus one this should be ensured uniformly in all core groups excepting vocational courses. Till compliance is made renewal of permissions or according of new permissions by Government should be put on hold.

II. MSME & INDUSTRY

GOI has enacted a measure for giving 4% business opportunity to SC/ST entrepreneurs in procurement by all Public Undertakings way back in 2010. GOI has also addressed all States to adopt similar measures in respect to States. A few States like Andhra have already done it. In spite of several representations no action has so far been initiated by Tamil Nadu.

Data and supporting documents

- Copy of GOI gazette notification and Andhra G.O.
- Extract of AIADMK manifesto in 2011
- Copy of DICCI letter in 2014

Action Requested

Initially 20% priority to SC/STs in procurement and outsourcing can be announced in the following Government undertakings.

- i. Text book society
- ii. TNPL
- iii. TN Warehousing Corporation
- iv. TAMIN
- v. TWAD
- vi. TANSI
- vii. Transport Corporations
- viii. Co-optex
- ix. TANGEDCO
- x. TANCEM
- xi. Sugar Corporation
- xii. TNCSC

Or a blanket order be made applicable to all State public undertakings.

III. SCSP & TSP

The recommendations made by the State Planning Commission in 2012 for establishing suitable administrative structures and conducting civil society consultative meetings have not yet been implemented.

Data and supporting documents

- Copy of SPC's report
- Letter addressed to Government by Social Watch
- Letter of R. Christodas Gandhi to Secretary P & D.

Action Requested

- Secretary SC/ST should be made to act more proactively and not cowed down to the table-dressing FinanceDept. does for preparing the list of SCSP/TSP schemes. SC/ST Secretary should be having consultative meetings with Secretaries of other Departments not confining to lower level officials like DS, US or SOs. These meetings should be held with specific agenda prepared ahead with the coordination of civil society representatives. Minutes of these discussions should be put on the department portal.
- Minimum two civil society consultative meetings should be convened one before and the other after the Budget. Genuine forums and individuals working on SCSP/TSP should be invited.
- The Monitoring Committee headed by Chief Secretary should also include civil society representative and minutes of these meetings put on public portal.

IV. TRIBAL RIGHTS ACT, 2006

For 9 years this Act is kept in cold storage by Tamil Nadu Government failing to vacate the High Court stay for over 6 years.

Data and supporting documents

- Cite High Court stay.
- Extract Development Commissioners review minutes of 2011-12.
- Cite GOI letters and reviews.

Action Requested

- For about 20000 acres for which District Forest Rights Committees have already made recommendations titles should be given immediately.
- Government should use its influence at the highest level to vacate the stay immediately.
- Minor forest produces should no longer be procured or sold by Forest Department or the Forest Committees established prior to 2006 Act.

V. FAILURE TO COMPLY WITH HIGH COURT ORDER ON BACKLOG RECRUITMENT

The Government has reneged on its promises repeatedly in the last 28 years. First in the latter half of 1980s, secondly in the first half of 1990s, thirdly in the 2nd half of 1990s, fourthly in the first half of 2010 when the High Court directive was simply ignored, fifthly in the latter half of 2010 when the recommendation of the High Level Committee were not taken to the Cabinet at all and sixthly in 2014-15 where the High Direction to act within six months is not being heeded to.

Data and supporting documents

- G.O. 44/G.O. 91/HC order 2001(?)/ HLC 2006/HC order 2014
- AIADMK manifesto extracts 2001
- DMK manifesto extract 2006/AIADMK manifesto extract 2011.
- Total number of posts filled from 2011
- Federation Of Central and State SC ST Associations

Action Requested

- Government should come out with categorical declaration of the number of backlog vacancies for SC/STs, the Departments and the posts in which they exist within the stipulated time of the HC.
- Simultaneously issue orders for special recruitment to be completed within three months by respective recruiting agencies.

VI. RESERVATION IN PROMOTION

Since the 1970s Government of Tamil Nadu have introduced the policy of reservation in promotion and have been continuously enforcing it too. But with a difference. While Government of India, Central Public Undertakings and various other State Governments have made a blanket application of reservation in promotion on all departments, Government of Tamil Nadu extended it initially to only six departments viz., Revenue, Survey & Settlement, Registration, Commercial Taxes and Highways and to only select posts. The SC/ST Associations also failed miserably to augment this gain. When the Supreme Court order on Mandal Commission took away the right to reservation in promotion in 1991, Tamil Nadu Government did very little or a mere lip-service to fight against the Supreme Court order as so many others did. Tamil Nadu Government had not shown the same aggressive posture it took and succeeded in restoring the right to reservation up to 67%, for reservation in promotion policy. After the Constitutional Amendment to Article 16 (4) was made in 1995 the Tamil Nadu Government dared to violate it by extending reservation in promotion to BCs for over 8 years till a High Court intervention stopped this illegality. Quite contradictorily when Art 16 (4A) and 16 (4B) amendments in the Constitutions enabled the State to provide reservation in promotion to SCs and STs, the Tamil Nadu Government strangely and diabolically desisted and is desisting adamantly to provide this constitutional right to SCs. In 1997, R.Christodas Gandhi I.A.S (Rtd) when he was Secretary SC/ST welfare convinced the then CM to accept and announce the extension of reservation in promotion for SC/STs. Newspapers also carried the press release. But the then Secretaries to CM sabotaged it quite surreptitiously. And till now the impasse continues.

On top of it the benefit was also taken away from the Highways Department. Militating against Art 16 (4B) which concedes due seniority, the Highways Department reversed the seniority of over 50 Divisional Engineers thereby snubbing their chances of promotion as CEs. Even today in the other services where reservation in promotion is accorded only ad-hoc seniority is being given.

VII. NEW SCHEMES

The visionary schemes evolved by the State Planning Commission for SC Economic Development during the current five year plan period have been shelved by the Government. We are into the fourth year of the twelfth five year plan.

