

CHAPTER II

ORGANISATIONAL SET-UP OF THE COMMISSION

The functions entrusted to the Commission by the amended Article 338 of the Constitution cover a very wide area. The Commission is required to investigate, monitor and evaluate the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution or under any law or any order of the Government. It has also to inquire into specific complaints of violation of rights and safeguards of the Scheduled Caste and Scheduled Tribe people. Experience has shown that the complaints received by the Commission are not only those which pertain to a clear-cut violation of a right or safeguard but that these people also bring up to it their grievances and problems of varied nature. In addition, the Commission has to participate in the planning process and advise the Governments on planning and development matters. There are also a number of miscellaneous references and tasks which come up before the Commission. In order to discharge these functions there is a need for sufficient manpower but unfortunately the Commission has been handicapped on this account. The functions to be performed by the Commission cover a much larger area than those performed by the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes and the predecessor non-statutory National Commission for Scheduled Castes and Scheduled Tribes.

2.2 The organisational set-up of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was as under:

Headquarters

Chairman and Members	5
Honorary Members	2
Secretary	1
Joint Secretary	1
Deputy Secretary	1
Director	1
DIG of Police	1
Superintendents of Police	2

Technical staff

Deputy Directors	2
Asstt. Directors/ROs	5
Sr. Investigators	11
Investigators	3

Administrative staff

Under Secretary	1
Asstt. Director(OL)	1
Librarian	1
Section Officers	2
Assistants	3
Sr. Hindi Translator	1
Accountant	1
UDCs	3
LDCs	7

2.3 There were three Study Units dealing with service safeguards, development and atrocities. The functions performed by these Units were as follows:

Study Unit I

This Unit was dealing with the implementation of service safeguards provided for representation of SC & ST in the Central and State Government services as well as Central and State Public Sector Undertakings. All complaints/representations of SC/ST persons relating to service matters were dealt with in this Unit in addition to policy matters relating to enactments/Government orders and instructions pertaining to representation of SC & ST in services. Evaluation studies/surveys relating to implementation of the various Constitutional safeguards in respect of service matters were also taken up from time to time by this Unit.

Study Unit II

This Unit was dealing with matters relating to development of SC & ST. The specific items of work entrusted to this Unit were: (i) Special Component Plan for Scheduled Castes, (ii) Scheduled Castes Development Corporations/Tribal Development Corporations, (iii) representations/complaints made by SC/ST persons regarding their grievances on matters other than atrocities, untouchability practices and service matters, (iv) Tribal Sub-Plan, (v) Welfare of Backward Classes Sector, (vi) Tribal Research Institutes and other research bodies, (vii) Land Reforms Acts and their implementation, (viii) land alienation, (ix) educational schemes for SC & ST.

Study Unit III

This Unit was dealing with matters pertaining to atrocities on SC & ST and cases relating to the Protection of Civil Rights Act, the Bonded Labour System (Abolition) Act, the Minimum Wages Act, etc. Evaluation studies and surveys on these subjects were also conducted by this Unit.

Functions of the field organisation

2.4 Besides performing the watchdog functions the field offices of the Commission were also required to actively assist the State Governments/U.T. Administrations in the proper formulation and implementation of the various programmes for the welfare and development of SC & ST. Their general functions were: (i) to maintain effective liaison with the State Governments/U.T. Administrations on behalf of the Commission, (ii) to serve on the State level Advisory Councils/Committees/Corporations, etc., on behalf of the Commission, (iii) to provide information about the policies and programmes of the Union Government for the welfare of SC & ST to the States in their respective jurisdiction and report to the Headquarters about the important developments, social movements and policy changes in the State affecting the interests of SC & ST, (iv) to conduct research studies, sample surveys and evaluation studies either on their own or as entrusted to them by the Commission, (v) to inspect the working of various voluntary organisations receiving grants-in-aid directly from the Ministry of Welfare for work among SC & ST, (vi) to inspect the working of

the various Pre-Examination Training Centres both at the Central and State levels, (vii) to conduct on-the-spot enquiries into cases of atrocities on SC & St, and (viii) to deal with complaints/representations on various matters including service matters.

Field offices

2.5 The erstwhile Commission had 17 field offices 12 of which were headed by Directors and 5 by Deputy Directors. The jurisdiction and the designation of the field offices are given below:

	<u>Location</u>	<u>Designation of the officer incharge</u>	<u>Jurisdiction</u>	<u>Remarks</u>
(1)	Agartala	Dy. Director	Tripura	The post of Dy. Director was abolished on 12-3-92.
(2)	Ahmedabad	Director	Gujarat, Dadra & Nagar Haveli	
(3)	Bangalore	Director	Karnataka	
(4)	Bhopal	Director	Madhya Pradesh	
(5)	Bhubaneswar	Director	Orissa	
(6)	Calcutta	Director	West Bengal, Sikkim, A&N Islands	
(7)	Chandigarh	Dy. Director	Punjab, Haryana, Chandigarh	The post of Dy. Director was abolished on 12-3-92.
(8)	Guwahati	Dy. Director	Assam	
(9)	Hyderabad	Director	Andhra Pradesh	The post of Director was abolished on 12-3-92.
(10)	Jaipur	Director	Rajasthan	The post of Director was abolished on 12-3-92.
(11)	Lucknow	Director	Uttar Pradesh	
(12)	Madras	Director	Tamil Nadu, Pondicherry	
(13)	Patna	Director	Bihar	The post of Director was abolished on 12-3-92.
(14)	Pune	Director	Maharashtra, Goa, Daman & Diu	
(15)	Shillong	Director	Meghalaya, Arunachal Pradesh, Manipur, Mizoram, Nagaland	
(16)	Shimla	Dy. Director	Himachal Pradesh, Jammu & Kashmir	
(17)	Thiruvananthapuram	Dy. Director	Kerala, Lakshadweep	The post of Dy. Director was abolished on 12-3-92.

Organisation of Commissioner for Scheduled Castes and Scheduled Tribes

2.6 The establishment of the Commissioner for Scheduled Castes and Scheduled Tribes, who was the Constitutional authority under Article 338 upto 11-3-1992, was as follows (except personal staff and Group D staff):

Commissioner for SC & ST	1
Special Commissioners	2
Deputy Commissioners	2
Assistant Commissioner	1

Technical Staff

Asstt. Directors	4
Research Officers	2
Investigators	8

Administrative staff

Section Officers	2
Asstt. Director (OL)	1
Assistants	7
Sr. Hindi Translator	1
Jr. Hindi Translators	2
UDCs	7
LDCs	12

2.7 It was most unfortunate that on the very day the Commission was reconstituted, i.e., on 12-3-92, the Ministry of Welfare abolished 106 posts of the Commission. These included 75 posts of the erstwhile Commissioner's office which was to be merged with the National Commission as per the Financial Memorandum attached to the Constitution (Sixtyeighth Amendment) Bill that was passed and notified as the Constitution (Sixtyfifth Amendment) Act, 1990. The abolished posts also included 31 posts of the erstwhile Commission which were lying vacant on that date. These posts included three Directors (Patna, Jaipur and Hyderabad), two Superintendents of Police, four Dy. Directors, one Asstt. Director, one Research Officer, nine Sr. Investigators, six Investigators, one Sr.P.A., two Assistants, one Superintendent and one Despatch Rider. Although the functions and responsibilities of the National Commission were enhanced, the number of staff was reduced. The three field offices covering big States of **Bihar, Rajasthan and Andhra Pradesh** having substantial SC/ST population were left without a Director and the offices at Agartala, Chandigarh, and Thiruvananthapuram were left without a Deputy Director. The highly unsatisfactory state of affairs is exemplified by the field office at Patna which did not have any Gazetted Officer from 1-8-93 to 23-5-94. On 12-3-92 the establishment of the Commissioner for SC & ST was disbanded. Some of its posts were abolished and the remaining staff transferred to the Ministry of Welfare. Subsequently on 31-7-92 and 5-8-92, 27 staff members

belonging to the erstwhile office of the Commissioner were temporarily attached with the National Commission. Even out of these 27 persons some did not join the Commission. The abolition of 106 posts on 12-3-92 itself was a great blow to the Commission.

2.8 To carry out the enhanced functions entrusted to the Commission effectively, the Commission proposed on 2-6-92 to the Ministry of Welfare to sanction 283 posts for its headquarters and its field offices besides restoring its 31 abolished posts and 75 posts of the erstwhile office of the Commissioner for SC & ST. Detailed justification for this proposal was furnished to the Government. As per the proposed set-up, the Headquarters will have four Wings, viz., Services & Tribal Affairs, Atrocities, Planning & Development and Administration, each headed by a Joint Secretary and assisted by Directors/Dy. Secretaries. To look after the safeguards provided in the Constitution for representation of SC & ST in services, five Units have been proposed and in addition there will be four Inspection Wings and a Grievances and Monitoring Cell. An officer of the rank of Director/Deputy Secretary will hold overall charge of this Wing and will be assisted by three Dy. Directors two of whom will be dealing with complaints and representations relating to service matters and the third one will be in charge of inspecting the implementation of reservation orders in the Government and semi-Government offices. All these Units will be served by technical staff like Asstt. Directors, Research Officers, Sr. Investigators and Investigators. In the Tribal and Miscellaneous Safeguards Wing a Director/Dy. Secretary will be having four Units, viz., Tribal Safeguards, Miscellaneous Safeguards and Education, each under the charge of a Dy. Director, and Complaints & Monitoring Cell under the charge of an Assistant Director. These Wings will be manned by the usual research staff of Asstt. Directors, Research Officers, Sr. Investigators and Investigators. The Atrocities and PCR Wing will be under the charge of a Director/Dy. Secretary (Investigation). The Wing will have four units, viz., APCR (I&II), Monitoring & Policy and Complaints & Monitoring Cell, each manned by an Asstt. Director and assisted by Sr. Investigators and Investigators. Another Wing looking after Atrocities & PCR Act under the charge of a Director/Dy. Secretary (Investigation) will be having two Units, each headed by a Dy. Director and assisted by a Sr. Investigator. These Units will mainly be conducting on-the-spot enquiries, etc. The Planning & Development Wing under the overall charge of a Director/Dy. Secretary will be assisted by five Units, each headed by a Dy. Director and the complementary staff who will be dealing with Central Schemes and State Plans respectively. An Evaluation Wing headed by a Director/Dy. Secretary will be assisted by two Units, each headed by a Dy. Director, and the requisite research staff whose main job will be to conduct evaluation studies in different States in a well planned manner.

2.9 In addition to the above Wings the Commission also proposes to have a Legal Branch to advise the Commission in legal

matters in view of the powers of a civil court having been given to the Commission. This Branch will consist of a Law Adviser of Director's scale, a Law Officer of Under Secretary's grade, a Legal Assistant and other staff. It is also proposed to have a Computer Cell under the charge of an Assistant Director for the purpose of collecting and maintaining statistical data and records. A Library and Reference Cell headed by a Librarian and assisted by a Research & Reference Officer is also proposed to be strengthened by proposing new posts for this Cell. This Wing will be the Professional Services Wing and will be under the charge of a Joint Secretary. There will be a Report Cell headed by a Deputy Director who will be assisted by three Research Officers and other research staff in collection of material and drafting of the Annual Report of the Commission and printing and distribution of the Report. In addition to strengthening the Headquarters it is also proposed to strengthen the field offices in view of the enlarged functions by providing more staff to the existing 17 field offices and also establishing two new offices at Jammu and New Delhi and sub-offices in four bigger States, viz., **Madhya Pradesh** (Raipur and Indore), **Uttar Pradesh** (Varanasi and Agra/Meerut), **Bihar** (Ranchi and Darbhanga) and **Maharashtra** (Nagpur and Nashik). An abstract of the staff proposals may be seen at Annexure 2.I.

2.10 The Commission has not been able to start functioning effectively in respect of several Constitutional provisions due to gross insufficiency of the staff. The staff proposals submitted to the Ministry of Welfare are yet to be sanctioned. As against the proposal to have 157 technical officers and staff at the Headquarters office of the Commission it had just 14 officers and staff till the end of December 1993. Only 31 posts were restored in January 1994 out of the 106 posts abolished at the time of the constitution of the Commission on 12-3-92. Repeated letters to the Government including demi-official communications from the Chairperson of the Commission to the Prime Minister and the Welfare Minister for sanctioning necessary staff for the Commission have not led to any positive results, though the Welfare Minister has written to the Chairman that the newly constituted National Commission requires more staff due to its enlarged responsibilities and functions.

ANNEXURE 2.I

Proposal for staff

Abstract

	Existing with the Commission	Proposed	Addition- ality	Available with the erstwhile O/o Commr.	Net addi- tionality
<u>Hqs. Office</u>					
Technical Staff	17	157	140	17	123
Administrative and ministerial staff	60	177	117	70	47
	77	334	257	87	170
<u>Field Offices</u>					
	201	345	144	-	144
Grand Total	278	679	401	87	314

This statement does not include the posts meant for the personal staff of Chairperson/Vice-Chairperson/Members.