

Akhil Bhartiya Vidyarthi Parishad

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE R.M. LODHA HON'BLE MR. JUSTICE H.L. GOKHALE

Writ Petition (Civil) No. 468 Of 2008 | 13-03-2012

1. Babu Jagjivan Ram Chhatrawas Yojna (hereinafter referred to as "the Scheme") has been framed by the Central Government which is effective from January 1, 2008. The Scheme was earlier known as the Centrally Sponsored Scheme of Hostels for Schedule Caste Girls and boys. The primary objective of the Scheme is to attract the implementing agencies for undertaking hostel construction programme, especially for Scheduled Caste girls towards the broader vision of containment and reduction of their drop out rate. The other objectives are (i) having a girls hostel with a capacity of 100 seats, in very block headquarters of low literacy districts not having one now, by way of priority (ii) reduction in gestation of construction period and (iii) having an effective mechanism for monitoring, review, quality control etc. The Scheme provides for implementing agencies, eligibility; location and scope of hostels; strength of hostels; funding pattern; monitoring, evaluation and implementing pattern.

2. In response to the notice issued by this Court to the Central Government, State Governments and Union Territories, written responses have been filed by the Central Government and some of the States/Union Territories. However, rest of the States and Union Territories have not submitted their written response.

3. Mr. P.P. Malhotra, learned Additional Solicitor General placed before us the Agenda Notes of the Conference of State Ministers of Welfare and Social Justice held on 17-18th June, 2011. The Minutes of the said Conference with regard to the Scheme read as under:

"2.8 Babu Jagjivan Ram Chhaattrawas Yojana(BJRCY)

2.8.1 Minister, SJ&E expressed his deep concern over underutilisation of funds meant for the Scheme, even in case of girls' hostel which is fully funded by the Centre, due to inadequate response from State Governments. He expressed his dissatisfaction over delay in completion of construction work vis-à-vis stipulated time period of two years. During 2007-2008, total numbers of 103 hostels were sanctioned (52 for girls and 51 for boys), however, completion status was not satisfactory, which leads to time and cost overrun. He stressed on greater attention for speedy completion of hostels.

2.8.2. Secretary, SJ&E expressed his deep concern on non-receipt of adequate number of complete proposals from State Governments, slow progress in completion of hostels already sanctioned and non-submission of Ucs. In addition, lack of supporting information e.g., justification for proposed hostels, land documents, site plan and other documents etc. along with the fresh proposals received from States, resulted in avoidable delays in timely release of Central assistance. During 2010-11, 10 States and one UT availed central assistance of Rs. 34.28 crore towards construction of 41 boys hostel, whereas Rs. 43.91 crore to 9 states for construction of 33 girls hostels were sanctioned under this Scheme.

2.8.3 Following views were expressed by the States/UTs:

Andhra Pradesh

Minster (SW) stated that the present annual provision of 6-10 boys hostels for the State was quite inadequate to meet the emerging demand of SC students. At least 100 hostels should be sanctioned during the coming 12th Five Year Plan Period (2012-17) to meet the requirement.

Bihar

Minister (SC&ST) expressed his thanks to the Ministry of SJ&E for sanctioning 8 boys hostel in 2010-11 and projected a requirement for additional central assistance towards construction of hostels in 2011-12.

Goa

Minister (SW) stated that BJRCY has not been implemented in the State as the construction of hostel for SC students is covered under the SC Sub-plan. He State also provides stipend of Rs 750/- per month for 10 months to those who reside in hostels.

Haryana

Minister (SJ&E) highlighted the progress of hostel Scheme in the State and suggested and requested for additional central assistance under the Scheme.

Karnataka:

Minister (SW) stated that form 2004-05 onwards, about 78 hostels have been sanctioned to the State, out of which 57 were completed and the remaining 21 were at various state of construction and will be completed by the end of this year 2011. The Minister also expressed his concern over non-release of central assistance for boys' hostel during 2010-11 and opined that maintenance expenditure of hostel should be shared between Centre and States on 50:50 basis.

Odisha

Minister (ST,OBC, SC and BM) mentioned that additional hostels, for boys/girls in thickly SC concentration pockets, are needed as the percentage of SC population in these areas is quite high and SC female literacy rate is far

below the national average. He requested for sanction of 50 hostels each for boys and girls during the current year 2011-12.

Rajasthan

Minister (SJ&E) mentioned that, at present, the State has about 704 hostels at school level and 80 hostels at college level to meet the requirement of about 30,000 SC students. State also provides, Rs. 1250/- pm. for lodging/boarding and other maintenance expenditure.

Tamilnadu

Minister (BC&E) expressed his satisfaction on increase in notional allocation of funds to the State amounting Rs. 7.00 crore for girls' hostel and Rs. 3.50 crore for boys' hostel in 2011-12 under the Scheme to the State.

Tripura

Minister (SW) requested for enhanced central assistance for construction of boys and girls hostels for SC students".

4. From the above Minutes, it appears that there has been under-utilisation of funds meant for the Scheme due to the inadequate response from the State Governments/Union Territories. The Central Government also seems to have not received adequate number of complete proposals from the State Governments/Union Territories. There is slow progress in completion of hostels already sanctioned and where proposals are sent, the supporting information is not supplied. The Minutes also show that some of the States have raised grievance of not receiving the central assistance under the Scheme.

5. We find that there is laxity and lack of concern on the part of most of the State Governments/Union Territories in ensuring that the objectives of the Scheme are achieved. There is also lapse on the part of the Central Government in not constituting the Steering Committee for monitoring and evaluation as contemplated in Clause 7 of the Scheme. If the grievance of some of the States/Union Territories as noted in the Minutes is well founded, then it also shows that the Central Government has also been slow in releasing the funds under the Scheme.

6. We have no doubt that if the objectives of the Scheme are to be achieved, the efforts of the Central Government/State Governments and Union Territories have to be collaborative and cooperative. The States/Union Territories must submit their proposals complete in all respects with supporting information under the Scheme to the Central Government well in time. The States/Union Territories must also ensure the proper utilisation of the funds received by them under the Scheme. The Central Government also has to ensure that on receipt of the complete proposals from the State Governments/Union Territories, funds under the Scheme are released without delay. For the purposes of effective monitoring of the Scheme, it is essential that the Steering Committee, as contemplated in Clause 7.1 of the Scheme is constituted, if not done so far, by the Central Government.

7. We, accordingly, direct the Central Government to constitute a Steering Committee, if not constituted, consisting of the officers mentioned in Clause 7.1 of the Scheme as early as may be possible and in no case later than three weeks from today.

8. The Chairperson of the Steering Committee shall submit the report to this Court by May 5, 2012 indicating therein the present state-wise state of affairs in respect of the implementation of the Scheme.

9. Let the matter come up for further consideration on May 8, 2012.