



**NATIONAL COMMISSION  
FOR  
SCHEDULED CASTES  
AND  
SCHEDULED TRIBES**



**FIFTH REPORT  
1998-99  
VOLUME-I**



भारत सरकार  
राष्ट्रीय अनुसूचित जाति एवं अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

दिलीप सिंह भूरिया  
अध्यक्ष  
DILEEP SINGH BHURIA  
CHAIRMAN

पौजरी मॉडल, लोकनायक भवन,  
खान मार्केट, नई दिल्ली-110003  
5th FLOOR, LOK NAYAK BHAWAN,  
KHAN MARKET, NEW DELHI-110003  
Tel.: Off. 4632298, 4620435  
Res. 3715480

Respected Rashtrapati Ji,

26th February, 2001

The National Commission for the Scheduled Castes and the Scheduled Tribes has so far presented four Reports to the President, covering the period upto 1997-98. As in the past, in this Report also, the Commission has tried to evaluate the implementation of Special Component Plan and Tribal Sub-Plan strategies adopted by the Government for the socio-economic development of the Scheduled Castes and the Scheduled Tribes, safeguards and protection provided to them under the Constitution and various other laws and the extent of benefits accrued to them under the Government's policy of reservations in services and in educational and professional courses. In addition, an attempt has been made to assess the availability of basic minimum needs to these communities and the impact of poverty alleviation programmes on their economic status.

In the recent years, the Government has made an attempt to shift its strategy for mainstreaming the Scheduled Castes and the Scheduled Tribes by aiming at social justice and empowerment instead of confining its programmes to only welfare oriented activities. Through the 73<sup>rd</sup> amendment to the Constitution, provision has been made for reservation of seats for SCs and STs in the Panchayat Raj Institutions and urban local bodies. In 1997, the Ministry of Welfare was renamed the Ministry of Social Justice and Empowerment. A separate Ministry for Tribal Affairs was carved out in 1999 for giving more focused attention to the socio-economic development of tribal communities. Through Panchayats (Extension to Scheduled Areas) Act, 1996, the Scheduled Areas covered under Schedule V of the Constitution have also been brought under the purview of the Panchayat Raj system, with provision for specific powers and responsibilities to the Gram Sabhas to ensure closer participation of tribal communities in preservation of their cultural heritage and accelerated socio-economic development. An effort has been made in this Report to analyse the impact of these measures in enabling these communities to overcome their social disabilities and their assimilation in the national mainstream.

The evaluation of the implementation of development programmes for SCs and STs and other protective measures provided for them in the Constitution and other laws leads one to the inevitable conclusion that there has been lack of sincerity and earnestness in dealing with the issues of socio-economic development of these communities. Various legal and policy measures have not succeeded in reducing the deep-rooted prejudices in the society against these communities to any significant extent. The Governmental programmes alone, which are mainly concerned with economic development, cannot achieve the national goal of removing the social disabilities of these communities and to enable them to lead their lives with dignity and self-respect, as other communities of the society. Policies need to be reoriented to promote larger involvement of civil society.

Despite various poverty alleviation programmes and special strategies for their economic development, poverty among SCs and STs is not reducing. In 1993-94, 50.97% of ST families and 49.94% of SC families in rural areas were below the poverty line, as against 32.96% for other communities. In 1987-88, STs constituted 14.62% of all the poor households, which reduced marginally to 14.4% in 1993-94. However, the share of poor SC households went up from 24.72% to 28.24% during the same period. Instead of benefiting from various land reform programmes, the SCs and the STs are actually losing control on their meagre land holdings. The percentage of cultivators among SCs and STs has gone down from 37.76 and 68.18 in 1961 to 25.44 and 54.50 respectively in 1991.

Although the number of cases registered under PCR Act and SC & ST (POA) Act are showing declining trend in recent years, the reason for that appears to be reluctance on the part of the police officers to register the cases under the POA Act, rather than actual reduction in the incidence of atrocities against these communities. These Acts provide for an elaborate mechanism for reducing the atrocities and for bringing the guilty to book. But apart from reluctance to register the cases, it has been noticed that there are delays in investigation, collusion with the offenders and manipulation of witnesses and evidence, resulting in very poor rate of convictions. It is, therefore, necessary to have a fresh look on the entire system of dispensation of justice in such cases so as to achieve the objective of removal of untouchability and exploitation of these communities.

It is evident that though the Constitutional and policy framework and institutional mechanism have been put in place for protecting the interests of SCs and STs and for their socio-economic development, the manner of implementation of these programmes leaves much to be desired. Though there is a provision for their participation in the planning process at various levels, the same does not appear to have been very effective. Therefore, there is a need to give proper training and orientation to the representatives of SCs and STs as well as to those entrusted with the responsibility for their development to make their participation in planning and policy formulation more effective. It is also necessary to improve the quality of implementation of development programmes, besides ensuring that financial allocations for their development are significantly increased to enable them to catch up with the rest of the population.

(Dileep Singh Bhatta)  
Chairman

(Kameshwar Paswan)  
Vice-Chairman

(Ven. Lama Lobzang)  
Member

(Harinder Singh Khalsa)  
Member

(K. Shorray Magbit)  
Member

(Smt Veena Nayyar)  
Member

(C. Chellappan)  
Member

## CONTENTS

CHAPTER	TITLE	PAGE NO.
I	INTRODUCTION	1-2
II	APPROACH TO THE REPORT	3-11
III	CONSTITUTIONAL SAFEGUARDS	12-17
IV	PANCHAYATI RAJ AND DECENTRALISED GOVERNANCE	18-57
V	PROVISIONS AND ACCESS TO MINIMUM NEEDS	58-91
VI	POVERTY ALLEVIATION AND EMPLOYMENT AND INCOME GENERATION	92-128
VII	SERVICE SAFEGUARDS	129-149
VIII	CRIMES AND ATROCITIES ON SCHEDULED CASTES & SCHEDULED TRIBES	150-201
IX	MAIN ISSUES IN TRIBAL DEVELOPMENT	202-225
X	SUMMARY OF MAJOR RECOMMENDATIONS	226-238



# CHAPTER I

## INTRODUCTION

The need for providing safeguards for Scheduled Castes and Scheduled Tribes was duly felt by the framers of the Constitution. Special provisions were made to promote the social, educational, economic and service interests of these two weakest of the weaker sections and guidelines issued for implementation of these safeguards. Mere provision of safeguards and issue of guidelines are not enough. To ensure that the provisions made for the SCs and STs are implemented in right earnest the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes and report to the President about the working of those safeguards.

1.2 The Office of Special Officer, subsequently designated as Commissioner for Scheduled Castes and Scheduled Tribes, came into being on 18.11.1950 having its Head Office at New Delhi. Field Offices were also set up under the control of Commissioner for SCs & STs for effective discharging of the duties assigned to it. By 1965, 17 field offices had been set up in different States to oversee the working of various safeguards provided to the members of SCs & STs under the Constitution or under the order of the Government.

1.3 In 1967 the field offices of the Commissioner for SCs and STs were taken out from its control and placed under the control of newly created set up known as Director General, Backward Classes Welfare under Department of Social Welfare after rearranging 17 field offices into five Zonal Offices

1.4 In order to oversee the implementation of various safeguards provided for SCs & STs then Government in 1978 tried to amend the provisions of Article 338 of the Constitution so as to set up a Multi-Member Commission. Having failed in its attempt the Government decided to set up a Multi-Member Commission vide Ministry of Home Affairs Resolution No. 13013/9/77-SCT(1) dated 21.7.78. The first Multi-Member Commission known as Commission for SCs & STs became operational w.e.f. 1.12.78 headed by Shri Bhola Paswan Shastri. This Commission was renamed as National Commission for SCs & STs in 1987 and was made a National level Advisory Body. The erstwhile field offices of Commissioner for SCs & STs were taken out from the control of Director General, Backward Classes Welfare, Department of Social Welfare and placed under the control of Multi-Member Commission.

1.5 In 1990 a fresh attempt was made by the Government to amend the provisions of Article 338 of the Constitution so as to make the body set up under the provisions of this Act effective and have wide duties and responsibilities. In 1990 the provisions of Article 338 were amended vide the Constitution (Sixty-fifth) Amendment Act, 1990. As per the amended provisions of the Constitution first Constitutional National Commission for SCs & STs was set up w.e.f. 12.3.92 by closing office of Commissioner for SCs & STs and erstwhile National Commission for SCs & STs.

1.6 During 42 years of existence of Office of Commissioner for SCs & STs it has submitted 30 Reports containing nearly 5200 recommendations for upliftment of social, educational, economic interests and reservation in services for SCs & STs.

1.7 During 14 years of existence of Multi-Member Commission (earlier Commission for SCs & STs and later on National Commission for SCs & STs) have submitted eight Reports containing nearly 1100 recommendations. It has also submitted a Report on 'Atrocities on SCs & STs Causes and Remedies' to the President.

1.8 The present report is Fifth report of the Constitutional Commission for SCs & STs, which contains chapter on Constitutional provisions, Panchayati Raj, minimum needs and Poverty alleviation, employment and income generation, service safeguards, main issues of tribal developments, crimes and atrocities on SCs & STs, etc. Details on issues have been discussed in respective chapters of the report.

## CHAPTER II

### APPROACH TO THE REPORT

#### Introduction

The National Commission for Scheduled Castes and Scheduled Tribes believes that, besides effective implementation of safeguards and development programmes for these communities, there is a need for improving the awareness in the society and awakening its conscience for contributing towards the accelerated socio-economic development of the SCs and STs, who have suffered deprivations for centuries. For the development strategy to be effective, each component of Indian Economy and the Society must work towards the common goal to empower these Social Groups for bringing them in the mainstream. The National Commission seeks to approach the problems of SCs and STs by shifting existing emphasis from charity/subsidy to promoting their creativity and building up capability, capacity and confidence among them. This approach of development requires their participation and involvement in decision making process for providing them gainful employment and access to basic needs. In its Fifth Report, the Commission would focus on participation of SCs and STs in decentralised governance, planning and development, Access to Minimum Basic Needs and issues relating to creation of employment opportunities for these communities, and awareness building about their constitutional safeguards through print and electronic media. These issues and concerns which have surfaced from the observations of the Commission through its State Level Review Meetings, discussions with various institutions and evaluation of socio-economic status of SCs and STs through various studies, need to be approached objectively, systematically and with a sense of compassion and commitment. Against this backdrop, a brief account is given of the approach, objectives and methodology adopted in different chapters of the Report.

#### Panchayati Raj and Decentralised Governance

2.1 One of the important reasons for SCs and STs not getting full benefit of 50 years of planning and development has been their inadequate participation in planning and implementation of economic development programmes and the promotion of social justice, particularly at the decentralised level. The 73<sup>rd</sup> Amendment to the Constitution, vide its Article 243D, has reserved seats for membership and chairpersonship for SCs and STs, including women belonging to these Groups, at all tiers of the Panchayati Raj System in the country. This is an important step towards empowering socially and economically deprived sections of society as it would enable them to participate in decision making. Elections to the Panchayats in most of the States were held during 1995-96. In these elections, about 34 lakh elected representatives have become Members and Chairpersons at three tiers of the Panchayats across the country. Of the total elected representatives about 7.50 lakhs are SCs and STs of which about 2.5 lakhs are women belonging to these Groups.

2.2 Article 243 G of the Constitution envisaged that the Legislature of the State may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self government and such laws may contain provisions for the devolution of powers and responsibilities upon the Panchayats at the appropriate level subject to such condition as may be specified with respect to :

- i. Preparations of plans for economic development and social justice.
- ii. Implementation of schemes for economic development and social justice, as may be entrusted to them, including subjects listed in the 11<sup>th</sup> Schedule (ANNEXURE 2.1). The 11<sup>th</sup> Schedule contains a list of 29 subjects ranging from Agriculture to Maintenance of Community Assets. It may be seen from the 11<sup>th</sup> Schedule that almost all the basic needs like health, education etc., are in the domain of the Panchayats. This casts a heavy responsibility upon the elected representatives.

2.3 Besides, the provisions of the Constitution (73<sup>rd</sup> Amendment) Act have also been extended to the 5<sup>th</sup> Schedule Areas as per the provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996. The Extension Act has empowered the Gram Sabhas or the Panchayats to protect and promote their traditional values, rights, resources and environment.

2.4 However, keeping in view the hierarchical caste system and the prevailing economic inequality in the rural areas, it might be a difficult task for the SC and ST elected representatives to function effectively in the Panchayats. In the light of experience gained so far with regard to their participation in the Panchayats, the focus in this chapter will be on whether the deprived sections have started to exert some influence in the functioning of the Panchayats or whether the traditional forces are still hindering their active participation. Focus will also be placed on the extent to which these disadvantaged and deprived sections of society have found Panchayats to be effective platforms to ventilate their grievances and in seeking social justice. The report would examine the impediments in the path of their empowerment and the steps the Centre and the States have taken to enable the SCs and STs to participate in the Panchayats effectively. Besides, extent to which SCs and STs, including women belonging to these Groups, are feeling empowered to address their problems in their respective areas and jurisdictions, will also be analysed.

#### **Provision and Access to Minimum Needs**

2.5 The capabilities, capacities and confidence among SCs and STs can be built up and sustained by providing better education, better health facilities, safe drinking water, housing, good quality roads and better sanitation and cleanliness.

2.6 Access to these facilities would lay the foundation for integration of these Groups in the mainstream. It may be recalled here that the Scheduled Areas and Scheduled Tribes Commission had recommended as far back as in 1960-61 that concentration should be on economic development, education, health and communication in the Tribal Development Blocks. If the targets had been fulfilled in all Tribal Development Blocks and the implementation of the necessary protective legislations had been effective, the objects of the Fifth Schedule would have been achieved and it could be conveniently abrogated. (Report of the Scheduled Areas and Scheduled Tribes Commission, Vol. I, 1960-61). But the reality is that, over a period of time, the inequality in socio-economic development, between Scheduled Areas and other areas, instead of narrowing has widened.

2.7 Emphasising the importance of literacy, Jean Dreze and Anantya Sen commented that "the flourishing of local participatory politics has been greatly slowed down by low levels of literacy and basic education. Literacy obviously helps people to understand the functioning of the system, to deal with the Government bureaucracy, to be aware of their rights, to understand and tackle new problems and to achieve other

abilities, that are important for an effective role in local politics" ( Drenze and Sen 1995,p-106).

2.8 The State Chief Ministers conference held in New Delhi in July 1996 resolved to provide the following Basic Minimum Services by the turn of century for the uplift of poor and deprived: (i) Provision of safe drinking water in rural and urban areas (ii) Primary health services in rural and urban areas (iii) Universalisation of primary education (iv) Extension of midday meal scheme (v) Public housing assistance to shelterless poor families (vi) Connectivity of all villages and habitations and (vii) Streamlining of the public distribution system (PDS) with focus on the poor.

2.9 This chapter will examine the extent to which such Basic Needs have been provided to SCs and STs so far. The Commission strongly feels that strong public action alongwith Governmental efforts are essential for effective coverage and improving the quality of delivery of these Basic Services. The methodology of the Commission in examining the Minimum Needs issues would be a critical examination of the level of allocation, expenditure and physical achievements of the Central and State Governments and whether they have taken any special measures for providing these services to the SCs and STs.

2.10 As population growth among SCs and STs has a bearing on providing access to basic needs as well as overall development of these Groups, measures to check their population growth will also be focused upon in this chapter.

### **Employment and Income generation**

2.11 Employment and Income generation through various programmes have always been one of the main planks of planning since its inception. But till the Third Five Year Plan, the emphasis had been on a growth oriented approach assuming that the fruits of development would "trickle down" to the masses and thereby alleviate their poverty. However, the fruits of growth did not trickle down to the masses as assumed. Even the Green Revolution bypassed most of the SCs and STs and the backward areas. Hence, during the Fourth Five Year Plan, the approach of removing of poverty was modified. Special programmes were initiated to benefit the poor and backward areas. As poverty is an indivisible phenomenon, a variety of programmes were launched over a period of time for alleviating it. In this chapter the strategy for removal of poverty would be examined critically to assess the extent to which these programmes have succeeded in reducing poverty amongst SCs and STs through employment generating schemes.

2.12 The problem of providing employment opportunities is becoming increasingly difficult as elasticity of employment to Gross Domestic Product (GDP) has been decreasing. For example, it may be seen from ANNEXURE 2.H that the elasticity of employment to GDP for all Sectors has come down to 0.40 during 1993-94 from 0.59 during 1972-73 to 1977-78. Sector-wise figures show that except for Construction and Finance, Real Estate, Insurance and Business Services, the elasticity of employment has decreased in all the sectors. It may be mentioned here that during the 9<sup>th</sup> Plan period the elasticity of employment-to-GDP ratios has been projected at a lower level compared to the decade 1983-94 to 1993-94. Although this trend does not necessarily depict the employment position of the SCs and STs, it certainly indicates the grim position of employment opportunities in the years to come. This will have a particularly adverse impact on SCs and STs. In such a situation it has become important to provide employment for SCs and STs in those sectors of the non agricultural economy where the elasticity of employment to GDP is higher than in other sectors of economy, as there is



not much absorption capacity in agriculture sector, where most SCs and STs are engaged today.

2.13. Employment and income generation among SCs and STs may also be seen in the light of the new economic policy adopted in July 1991, which has adversely affected the SCs and STs. S.P. Gupta, using the NSSO estimates and based on the method suggested by the Expert Group of the Planning Commission, has estimated that the poverty ratio in the rural sectors dropped from 57 percent to 35 percent between 1970-71 and 1990-91, but moved up to 41.71 percent in 1992 (Gupta, 1995 p-1296).

2.14. This study indicates that after the induction of the New Economic Policy, poverty has increased but it does not indicate its impact on SCs and STs as a major sub-group of the poor. However, the study of the Central Statistical Organisation "Counting the Poor" clearly indicates that of all the poor households, STs which accounted for 14.6 percent in 1987-88 fell negligibly to 14.4 percent in 1993-94. SC households which accounted for 24.72 percent in 1987-88, have increased to 28.24 percent in 1993-94, while the other households formed a lower proportion of the poor households in 1993-94 (56.74%) compared to 1987-88 (60.65%). What is true for the rural sector is also true for the urban sector. It can be said that relatively SC households have fared worse than other categories of households throughout the country in both rural and urban sectors (Dubey, and Gangopadhyaya 1998, p-48). In the light of experience gained so far it would be studied as to whether the Government has made any efforts to offset the adverse impact of the New Economic Policy on SCs and STs and suitable measures will be suggested for achieving this objective.

2.15. The problem of educated unemployed is quite serious among SCs and STs. In the present and emerging situation, where Government jobs are shrinking, the only alternative appears to be to make the educated unemployed skilled in different trades and commerce so that they could be absorbed in the secondary and tertiary sectors of the economy. This will not only provide them gainful and sustained work but also enable them to join the mainstream of development. An assessment would be made in the report as to what steps the Government has taken to develop an environment for building confidence among them by way of upgrading their skills and giving technological support to them for exploiting existing technical know-how and experiences.

2.16. Dissemination of state of art technologies impacting positively on rural infrastructure, micro enterprises, cottage and small scale industries in the rural and urban areas for ensuring sustained employment and incremental incomes is a sine qua non for overall development of SCs and STs. This Commission strongly believes that technologies must be disseminated and transferred through establishing Rural Technology Demonstration Centres across the country and particularly in Tribal and Scheduled Caste dominated areas. In rural area this work can easily be done by the network of more than 500 Zilla Panchayats and more than 5000 Development Blocks across the country. Besides, these Centres could help in upgrading technologies for value addition relating to the present products which are being produced by the TRYSEM and DWACRA Groups. Such interaction between these Centres and the beneficiaries would enhance their incomes, for replication of output levels and ultimately help in improving their quality of life. Issues regarding Employment Assurance Scheme as discussed in the meeting of the Commission held on 21<sup>st</sup> June 1999 shall also be highlighted in this Chapter. Besides, the problem of poverty alleviation shall also be focused in the light of the recently

restructured employment and income generation schemes, like Sauranjyoti Rozgar Yojana by the Ministry of Rural Development with reference to SCs and STs.

2.17 Replication and diffusion of successful measures such as the Operation Barga in West Bengal to other States for providing land rights for SCs and STs in rural areas is essential. This will not only enhance their incomes but also improve their status in society which is essential for bringing them into the national mainstream.

#### **Service Safeguards**

2.18 While participating in the Lok Sabha Debate on withdrawal of Office Memorandum pertaining to Reservation of SCs and STs in Services on 18.3.99, Dr. Subramanian Swamy pointed out that "reservation is not an allotment or a concession by the upper castes to the Scheduled Castes. It is a part of a social contract signed by none less a person than Mahatma Gandhi in 1932 with Dr. Bhabasabheb Ambedkar when he voluntarily, on behalf of the Scheduled Caste community, gave up separate electorate which the British had mischievously tried to bring and divide the country. That great act of sacrifice led to the Poona Pact and from there flows the reservation. Hence, reservation is not something that we are giving them. It is a part of a social contract and that contract must be honoured. It is because of honouring this contract that we are today such a united country." (Lok Sabha Debate pp- 9877-78). The provision of reservation in Service for SCs/STs was made in the Constitution under Article 16(4), 16(4A), 335 and 320(4) to give opportunities to them for equal participation in governance and administration of the country. But even after 50 years of independence, the representation of SCs and STs in various Departments and PSEs of Government of India and in many of the State Governments has not reached the prescribed level.

2.19 The Five Orders issued by DoPT in 1997 further diluted the reservation policy by withdrawing a number of facilities that were available to SCs and STs. This has been agitating the minds of the SCs and STs who organised a number of public meetings against these O. Ms. The Lok Sabha was also rocked on 18.4.99 when most of MPs, irrespective of their party and caste, had shown their concern on this issue. The consensus that emerged among the MPs was that a permanent solution to the problem lie in putting reservation in Ninth Schedule of the Constitution.

2.20 Keeping in view the seriousness of the problem, the Commission submitted a Special Report on the Reservation Issue to the President. Thus, this year the Commission shall focus on important services cases taken up by the Commission during the reference period and the issues that still require attention of various Departments and Ministries for fulfilling reservation quota.

#### **Atrocities**

2.21 It is observed that with the increase in awareness among SCs and STs about their rights, violence on them has also increased. This appears to be a natural phenomenon as SCs and STs have started asserting themselves in day to day life while others want to continue their suppression, which has resulted in violence. Various legal provisions have been made to deal with those who commit atrocities on SCs and STs.

2.22 Keeping this in view, the Commission has proposed to examine the effectiveness of the Special Courts and role of the Police and the Administration in dealing with the problem of atrocities on SCs and STs. Some important cases dealt by the Commission will also be highlighted in the Report. Case studies on implementation of POA Act, in UP and functioning of Special Courts in MP have been conducted and the

findings of these studies will also form part of this Chapter. The Group atrocities which took place in Bihar and other parts of the country will also be focused in order to recommend policies for preventing such cases.

### **Main Issues in Tribal Development**

2.23 Several State Governments are considering relaxation of ceiling limits of land to enable the private sector to participate in commercial farming in the wake of economic liberalisation. For example, the State of Karnataka has relaxed the ceiling on horticultural land and the State of West Bengal is considering doing so in regard to fish ponds (Government of India M/o RA&E p-30). This is a dangerous trend from the tribal angle as it would mean that the tribals would lose their community resources, which would worsen their already poor economic position since employment opportunities in non-farm sectors for landless are not adequate. The alternative arrangements initiated by the Govt. for providing employment to the tribals will be examined in this chapter.

2.24 Further, keeping in view the strategy of market led growth, appropriate technology, infrastructure and organisational support for credit, marketing, storage and transportation needs will be discussed to enable small and marginal farmers among the STs to generate sufficient income, which could keep them above the subsistence level.

2.25 Horticulture, Sericulture and Aquaculture are emerging fields for creating employment opportunities for tribals. Here, it would be examined what efforts the government have made towards developing these areas for tribals.

2.26 The present strategy of removal of poverty among the tribals has not paid desired attention to the institutional issues which have a significant bearing on raising their economic status. The Steering Group on Poverty Alleviation & Area Development in Rural India for the Ninth Five Year Plan also felt ".... that some existing policies/laws were anti poor and therefore posed as an anti thesis of the development process. There was a strong case to review the existing policies which impinged on the interest of the poor". ( Planning Commission, 1997, p-p-22-23). For this purpose, a sub-Group which was constituted under the Chairmanship of Dr. N.C. Saxena, had identified of certain laws and policies which need to be reviewed. An attempt will be made to examine as to what extent the identified laws and policies have been made poor friendly.

2.27 In the light of extension of provisions of Constitution (73<sup>rd</sup> Amendment) Act to the 5<sup>th</sup> Schedule Areas, it is important to investigate whether the powers and functions given to the Gram Sabhas or the Panchayats have been operationalised by the respective State govts. Because the preliminary investigation, done by CSD ( Council for Social Development ) in Orissa revealed that the State Govt. has acquired tribal land for the Alumina Project in Raygada district without the approval of Gram Sabha (CSD 1999 ). Similarly, in Madhya Pradesh, a report appearing in the Pioneer discovers that Government has grabbed land from tribals for World Bank Project in Pati Block of Barwani district. Hence, based on available information, it would be examined as to what extent the provisions of the Extension Act has been operationalised in protecting the interests of the tribals.

2.28 As Tribals do not get remunerative prices for their produce, marketing network through their co-operatives need to be created in the tribal areas. Example of marketing of tamarind in tribal dominated Bastar district in Madhya Pradesh is worth mentioning in this connection where, through co-operative societies, tribals have fetched almost four times more prices as compared to last year's price. Commission recommends such co-operative network across the country for all forest produces such as mahua, chirunji, kosa,



honey, tendu leaves and sal seeds so that tribals can get remunerative prices. Value addition activities may also be undertaken for creating additional employment in these areas.

#### **Summing up**

- \* 2.29 Though the SCs and the STs have benefitted from 50 years of planning and development, it has been far less than what was intended or expected. The inequality between SCs and STs and others has been persisting. Problems have further accentuated as inequality in intra SCs and STs has also been growing. Hence, there is a out cry among SCs and STs against others (i.e. non SCs and STs) as also different SC communities for not having their fair share in governance and administration of the country. In such a situation, besides creating employment opportunities for them, their access to Basic Minimum Services for enhancing their creativity, capability, capacity and confidence building is essential. Hence, the Commission emphasize on dealing with these issues through public action and participatory democracy.

## ELEVENTH SCHEDULE

## (Article 243-G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of Community Assets.

## ANNEXURE 2.II

## ELASTICITY OF EMPLOYMENT TO GDP

Employment Elasticity						
Sector	1972-73 to 1977-78	1977-78 to 1983	1983 to 1987-88	1987-88 to 1993-94	1983-94 to 1993-94	1997 to 2002
			Actuals			Projected
1. Agriculture*	0.75	0.45	0.45	0.53	0.50	0.50
2. Mining & Quarrying	0.94	0.80	1.00	0.39	0.67	0.60
3. Manufacturing	1.00	0.67	0.29	0.42	0.33	0.25
4. Electricity	1.00	0.73	0.73	0.33	0.50	0.50
5. Construction	0.33	1.00	1.00	0.60	1.00	0.60
6. Wholesale & Retail Trade	1.00	0.78	0.63	0.59	0.60	0.55
7. Transport, Storage & Communication	0.74	1.00	0.25	0.68	0.47	0.55
8. Financing, Real Estate, Insurance & Business	0.00	1.00	0.11	1.00	0.90	0.53
9. Community, Social and Personal Services	0.73	0.83	0.27	0.92	0.59	0.50
All Sectors	0.59	0.53	0.38	0.43	0.40	0.38

\*On the basis of 3 year moving average of GDP at 1980-81 prices.

Source: Ninth Five Year Plan, Volume-I, Government of India, Planning Commission

## CHAPTER X

### SUMMARY OF MAJOR RECOMMENDATIONS

Detailed recommendations have been made in different chapters. A summary of major recommendations made in each chapter is given below.

No.	RECOMMENDATION	Para No.
<b>CHAPTER III - CONSTITUTIONAL SAFEGUARDS</b>		
1	In its Fourth Report Commission had recommended that the reservation in promotion should be extended to all levels in all classes of posts by modifying the DoPT O.M. dated 13.8.97. Commission reiterates its recommendation to ensure that the most downtrodden sections of the society gets its due share and the opportunity to work and contribute in the management.	3.30
2	Commission, therefore, reiterates its recommendations made in the Forth Report, that the report of the Commission should be placed before each house of Parliament within three months of its submission to the President and the action taken report placed before the Parliament within six months of its submission. This may be done by suitably amending the respective clauses of Article 338.	3.33
3	While the Commission has been given wide ranging responsibilities that not only cover the duties of the erstwhile Commissioner for SCs/STs and the Commission for SCs/STs but also include matters such as participation in planning process and consultation on all major policies affecting SC&ST, the powers with which it is armed are not adequate to deal with the issues effectively. The suggestions are recommendatory in nature and not binding. The Commission feels that there is an urgent need to re-look at the whole issue and give more powers to the Commission under the Constitution itself.	3.34
<b>CHAPTER IV - PANCHAYATI RAJ AND DECENTRALISED GOVERNANCE</b>		
1	Scheduled Areas by definition have a preponderance of Scheduled Tribes and in the Panchayati Raj bodies they should be enabled to be office bearers and members of the Standing Committee. Legislation should facilitate this requirement. Otherwise, standardised package of development will continue to be pushed into these areas and in the package there may be schemes, which the tribals neither understand, nor have much use for them. This situation would cause alienation in various ways. On the other hand, adequate tribal representation in the Scheduled Areas in the Panchayat Raj Bodies may bring about required changes in the strategy and content of development at the local level and ensure full involvement of the people in programme implementation.	4.35 (i)
2	The process of Multi level planning should get momentum in the PRIs	4.35 (ii)
3	Necessary amendments are required to be made in the existing Land Revenue Act.	4.35 (iii)

- |    |  |                |
|----|--|----------------|
| 4  | Since Government Departments have transferred schemes to the Panchayats relating to Rural and Tribal Development. There should be clear cut provisions for the supervision, superintendence and control of these schemes.  | 4.35<br>(iv)   |
| 5  | Bureaucracy continues to exercise all the authority leading to lack of effective participation of the local people. The conflict is aggravated by the Ministers who shuttle the bureaucrats from one place to another in pursuit of their whims and fancies.   | 4.35<br>(v)    |
| 6  | The root cause of the problem is that the XI Schedule does not clearly demarcate the functions and powers of the three -tiers of the Body.   | 4.35<br>(vi)   |
| 7  | The training of the Panchayati Raj functionaries about the process of self governance in the State is still unsatisfactory and it should get priority.   | 4.35<br>(vii)  |
| 8  | A number of women representatives have stated that power given to Panchayats is not real, and they continue to be on the mercy of bureaucrats. Suitable steps may be taken to devolve power to the elected women representatives.  | 4.35<br>(viii) |
| 9  | Article 243 G of the Constitution empowers the State Legislatures to endow Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-governmece and such law contains provisions for the devolution of powers and responsibility to Panchayats at appropriate level with respect to : (a) preparation of plans for economic development and social justice (b) implementation of such plans and schemes as may be entrusted to them, including those in relation to the matters listed in the Eleventh Schedule. This is the heart and soul of the entire scheme of decentralisation. Although the term "institution of self-government" is not used in the Act, the expression is well-understood. Only those institutions which fulfil three basic conditions viz (a) institutional existence, i.e., decisions are taken by the people's representatives, (b) institutional capacity, i.e., the institution is empowered to make rules independently and ( c ) financial viability, i.e., it is sufficiently empowered to raise financial resources to meet its responsibilities, can qualify for being called "institutions of self government." For this purpose there is need to define clearly functions at different tiers keeping in view the cardinal principle that what can be done at a particular level should be done at that level only. Hence, there is a need to evolve a separate list of functions for the Panchayat which may be termed the local list. For performing assigned functions effectively the Panchayats should also enjoy financial and administrative autonomy. In other words, they should have adequate financial resources at their disposal and required personnel for undertaking planning and implementation of development programmes. | 4.74<br>(i)    |
| 10 | Gram Sabha presents direct democracy at grassroots level. It provides an opportunity to each and every member of Gram Panchayats to participate in preparing and monitoring the implementation of plans for economic development and social justice. It is generally found that people are not participating in Gram Sabha meetings due to lack of enthusiasm which is largely due to the powers actually vested with the Gram Sabha being   | 4.74<br>(ii)   |



inadequate and marginal. If the Gram Sabha meetings are to be viewed as a useful forum by the villagers, it would be necessary to vest in the Gram Sabha the power to sanction and disburse benefits in open meetings, to approve and sanction plans prepared by the Panchayat. Meetings of the Gram Sabha may be organised at such a time of the day when women and weaker sections are not busy either at home or in wage employment.

- 11 As mentioned earlier, there are more than 7 lakh elected representatives from SCs and STs including women ( about 2.50 lakhs) belonging to these Groups. It is, therefore, necessary to impart requisite knowledge and skill about the management of Panchayat affairs to its members, particularly the weaker sections. Moreover, government officials dealing with programmes and subjects transferred to the PRIs also require sensitisation and reorientation. The Ministry of Rural Development, as a nodal Ministry at the Centre and the State Govts should formulate such training modules which should also include the constitutional safeguards provided to SCs and STs. In this connection, necessary training infrastructure should be created at National, State, District and Sub-District levels. Awareness about constitutional safeguards particularly POA Act 1989 and PCR Act,1955 is necessary to enable SCs and STs to protect themselves from atrocities from the higher castes. Besides, a multi-media approach consisting of the preparation of : (a) Attractively produced Self- learning print materials; (b) Audio and video programmes and (c) training programmes to the elected representatives of the Panchayats. 4.74 (iii)
- 12 To make the Provisions of Panchayats Act ( Extension to Scheduled Areas) Act 1996, more effective for development of the Scheduled Areas, Central and State Laws, like Forest Conservation Act, State Excise Act, Minor Minerals Act, Money Lenders Act, Land Acquisition Act etc., having bearing on the Extension Act should be suitably amended. 4.74 (iv)
- 13 A comprehensive data base has to be developed on SCs, STs including women (both national and state levels) covering their number, socio-economic profile and their performance as members and chairpersons of the PRIs . On the basis of such database a comprehensive policy may be evolved for making their political reservation in decentralised governance more effective. 4.74 (v)
- 14 Voluntary organisations and SCs and STs Associations should also come forward to support SC and ST elected representatives by conducting Training and Awareness Building camps, seminars, conferences and workshops etc. Central and State Governments should provide liberal grants to the NGOs and Association for this purpose. 4.74 (vi)

#### CHAPTER V PROVISIONS AND ACCESS TO MINIMUM NEEDS

- 1 Availability of schooling facilities in SC bastis and tribal areas, particularly with regard to Upper Primary Schools and above, is poor, leading to higher drop out rates among children of these communities. This needs to be brought, at least, as per with the schooling facilities for children of other communities. 5.80 (i)

2	The children of SC and ST communities have access to only Government run schools, which have very poor academic and infrastructure standards. Special attention should be given to improve the standard in such schools.	5.80 (ii)
3	To give access to the deserving and talented SC and ST children to quality education a network of residential schools should be set up which should be run on public school model.	5.80 (iii)
4	Quality of food, sanitation and upkeep of school/hostel buildings for the SC/ST children should be improved.	5.80 (iv)
5	Scholarship to SC/ST children should be suitably enhanced and its increase linked to the changes in the price.	5.80 (v)
6	Mid-day-meal scheme has helped in decreasing the dropout rates among children of SCs and STs. The scope of the programme should be enhanced and its implementation streamlined.	5.80 (vi)
7	Government has been earmarking Rs. 250 crores since 1997-98 under Kasturba Gandhi Swatantra Vidyalaya Scheme for improving female literacy among the weaker sections. This scheme should be operationalised without further delay.	5.80 (vii)
8	Passage of the Constitution (83 <sup>rd</sup> Amendment) Bill, 1997, making elementary education a Fundamental Right, may be expedited.	5.80 (viii)
9	A Central Scheme for sponsoring deserving SC/ST children in the existing public schools may be taken up urgently.	5.80 (ix)
10	To give better health coverage to SCs/STs, the existing norms for Sub-Centres and PHC'S in SC basties, urban slums and tribal areas may be suitably revised.	5.80 (x)
11	In the tribal areas most of the health institutions remain without qualified personnel. The State Government should formulate clear policies for allocating medical and para-medical personnel through a system of package of incentives. Additional costs on account of such incentives should be borne from the grants under Article 275 (1) of the Constitution.	5.80 (xi)
12	To improve the effectiveness and outreach of the health programme the existing indigenous systems of health care in the tribal areas should be suitably integrated with the modern system of medicine through training and orientation programmes.	5.80 (xii)
13	To give better access to the allocations work Indira Avas Yojana, a separate component may be provided for SCs and STs to meet their housing requirements. Utilization of funds under this Scheme has not been fully satisfactory in many of the States, which needs to be improved.	5.80 (xiii)
14	Credit-cum-subsidy scheme under Indira Avas Yojana needs to be targeted more specifically to SC/ST beneficiaries.	5.80 (xiv)
15	Equity base of Rural Housing and Development Corporation is inadequate and needs to be strengthened. Housing for eligible SC/ST beneficiaries should form special focus of this Corporation.	5.80 (xv)



- |    |   |                 |
|----|---|-----------------|
| 16 | Inaccessibility is the main problem in effective implementation of development programmes in the tribal areas. Therefore, very high priority needs to be given for laying road network in the tribal areas and also providing facilities.   | 5.80<br>(xvi)   |
| 17 | Most of the States are finding it difficult to mobilise resources for meeting their share of the cost of ICDS and to further expand their programme. The SCs and STs being the most vulnerable sections of the society and the incidence of mal-nutrition being higher among them, this programme should be more specifically focused on them.                        | 5.80<br>(xvii)  |
| 18 | Aganwadi workers should be more intensively trained in the field of nutrition and growth monitoring.  | 5.80<br>(xviii) |
| 19 | Instances of practice of untouchability in implementation of ICDS programme has come to the notice of the Commission. The concerned officials should be made aware of the provision of Protection of Civil Rights, Act 1955 and for its effective implementation.   | 5.80<br>(xix)   |
| 20 | The existing scale of 10 kgs of foodgrains per family per month needs to be enhanced keeping in view the recommendations of the Working Group on National Policy on Public Distribution System set up by the Planning Commission in 1995. The PDS should focus on the poorer sections, particularly those belonging to the Scheduled Castes and the Scheduled Tribes. | 5.80<br>(xx)    |
| 21 | Panchayat Raj Institution may be involved in supervising the functioning of Fair Price Shops in the rural areas and also in identification of persons below the poverty line.   | 5.80<br>(xxi)   |
| 22 | Implementation of the Centrally Sponsored Scheme of urban low cost sanitation for liberation of scavengers has not been satisfactory. This programme needs to be properly coordinated between the Ministry of Urban Development and Ministry of Social Justice and Empowerment and more effectively implemented.  | 5.80<br>(xxii)  |
| 23 | Programme of sanitary latrines in the rural areas has been given very low priority. This programme should be given higher priority and increased financial allocation and implemented in close coordination with NGO's and local bodies.  | 5.80<br>(xxiii) |
| 24 | Utilisation of funds under Rural Sanitary Programme was only 66% in 1997-98. The expenditure under this programme should be stepped up.   | 5.80<br>(xxiv)  |

## CHAPTER VI POVERTY ALLEVIATION AND EMPLOYMENT AND INCOME GENERATION

- |   |  |      |
|---|--|------|
| 1 | The Ministries of Rural Areas and Employment and Urban Affairs and Employment are requested to make detailed studies to assess as to why the poverty alleviation programmes are not making the desired dent on the poverty in the case of Scheduled Castes and Scheduled Tribes. | 6.8  |
| 2 | It is suggested that agricultural labourers should be categorised as skilled workers as the job performed by these workers require a certain degree of skill regarding cultivation methods. Similarly, another category of the   | 6.12 |



Scheduled Caste workers are the cleaners who should also be recognised as skilled workers keeping in view the fact that the jobs performed by these workers cannot be undertaken by any other segment of the population. Such a recognition would provide them the dignity of work which is long over due to such class of workers.

- 3 There is an urgent need to take a fresh look on the land reform legislation in the country. Implementation of these laws and Acts must be rigorous and stringent punishment should be prescribed for the erring officials. Poor SC and ST farmers need protection of the police force to retain their meager land holdings. Every poor SC and ST farmer must be provided with a complete package of agricultural inputs, including training and extension to make his cultivation successful and self-sustaining. 6.16
- 4 The Commission recommends that the Ministry may review its criteria for allocation of funds among the block to ensure that areas which are in greater need of funds get higher allocation. It should also see whether some of the blocks have larger unspent balances while other blocks were in greater need of allocation due to higher demand of employment under this programme. Tribal and backward areas which has very limited scope for alternative employment and where the productivity of agricultural is low, should be made higher allocation as they are in greater need of funds to create employment under this programme. 6.29
- 5 The Commission feels while re-structuring the EAS the Government should ensure that the interests of Scheduled Castes and Scheduled Tribes are not adversely affected. Increase in the share of the State Govts. from 20% to 25% under this programme is likely to affect its implementation as the States may feel a strain on their resources in providing the matching share under this programme. 6.30
- 6 Ministry of Rural Areas and Employment should pay special attention to check the declining trend of the share of SC/ST beneficiaries in IRDP keeping in view the fact that scheduled Castes and Scheduled Tribes are the poorest among the poor people in the country. 6.31
- 7 The guidelines of the SGSY has not clearly stated if there would be any representation to the SCs or STs in these Committees. As stated above the programme has laid emphasis on a group approach. It is suggested that the implementation agencies should ensure that adequate representation is given to the SC & ST beneficiaries in these groups. 6.36
- 8 It is recommended that all the SC/STs beneficiaries of all welfare programmes should be given identity cards all over the country. 6.45
- 9 The Commission recommends that out lay for special component plan for SCs must be increased in proportion to SC population without notional quantification and it should be effectively monitored keeping in view the suggestions made by the Ministry of Social Justice and Empowerment as mentioned in para 6.51 below. It has been pointed out in the C&AG Report, that in 9 State funds for SCs and STs programmes have been diverted. This is a serious matter and preventive steps must be taken to 6.49

ensure that funds for the SC and STs are not diverted to any other programme.

- 10 The National Commission for Scheduled Castes and Scheduled Tribes recommends that all the Ministries should prepare suitable schemes for the development of Scheduled Castes within their spheres and implement SCPs under their respective sectors. The Central Ministries should also open separate Budget Heads/Sub-Heads for Special Component Plan as advised by the Ministry of Social Justice and Empowerment. The Ministries are also requested to include a small write-up on the implementation of SCP in their Annual Reports. 6.52
- 11 There is a need for effective monitoring of the utilization of the funds allocated under SCA by the State Govts. to ensure that laxity on the part of implementing agencies does not hinder the progress of the Scheduled Castes. 6.58
- 12 The criteria seems to be a very tough as in some of the cases the State Governments may find it difficult to first release their share. This would particularly affect those States which are financially weak. Similarly SCDCs have already reported about the difficulties they are facing in release of the Bank credit to the beneficiaries. Such SCDCs cannot be expected to raise additional resources from the Banks. Therefore, this criteria areas should be suitably relaxed. 6.59
- 13 Income ceiling of double the poverty line criteria seems unrealistic. As it is extremely unlikely that persons in that category will come up with projects costing Rs. 30 lakhs. Therefore, the amount of annual income ceiling needs to be suitably enhanced. 6.60
- 14 Keeping in view these trends of the emerging employment opportunities the Government of India should consider extending the social obligation, cast upon the public sector enterprises, of providing reservation in jobs to SCs and STs to the private sector also. 6.65
- 15 The courses of these ITIs should be so structured so as to up grade the skills of the Scheduled Tribes to make their products competitive in the market besides providing them training in the areas which offer large employment opportunities. 6.66

## CHAPTER VII SERVICE SAFEGUARDS

- 1 The Commission recommends that short-term as well as long-term measures need to be taken up for increasing the representation of SCs and STs in services. 7.3
- 2 The National Commission for SCs and STs has been making recommendations in its various reports that special efforts need to be made to make up this shortfall by taking steps such as special training and coaching for SCs and STs, passing of central legislation to enforce reservation in Govt. Services and PSEs, banks, universities, grant-in-aid bodies etc. 7.3



- 3 Ministry of Social Justice & Empowerment has prepared a Draft Bill on the subject called "Sch. Castes & Sch. Tribes (Reservation of Appointments or Posts and of Seats in Educational Institution Bill 1996". The Commission has already sent its comments on the Bill. However, the Bill is yet to see the light of the day. There is an urgent need to get this Bill made into Law and to strictly enforce reservations in Govt. services, PSEs, Banks Universities and other educational institutions of the Central and State Govts. 7.9
- 4 The National Commission for Scheduled Caste and Scheduled Tribes again recommends that certain minimum facilities for their effective functioning should be provided to the SC/ST Employees Welfare Association. 7.12
- 5 It was, therefore, felt that it would be better if the State Govts. constitute SC/ST Development Liaison Cells within the States with the responsibility of coordinating with all the Departments of the State Govt. for implementing the development schemes as also to provide the required information to the Commission and its State Offices. 7.13
- 6 In order to ensure that dereservation is resorted to only as a last recourse the D/o Personnel and Training should re-examine the entire issue and provide for direct recruitment of Sch. Caste & Sch. Tribes where the post meant for them cannot be filled by promotion. The re-examination would require amendment of rules in many cases. It is felt that the following measures may be taken to ensure that the reserved posts even under promotional categories are filled only by SC/ST persons and such posts may be thrown open to others only under certain compelling circumstances. 7.15
- 7 Various Ministries/Departments may be asked to amend their Recruitment Rules to ensure that an element of direct recruitment is introduced at all levels except in certain specific cases where it is not possible to induct direct recruits. 7.15 (i)
- 8 Where the Recruitment Rules provide for promotions, failing which by deputation and failing both by direct recruitment, the authorities must exhaust other avenues i.e. deputation and direct recruitment before approaching for dereservation. 7.15 (ii)
- 9 Even though there is no reservation in posts filled up on the basis of deputation/transfer, the administrative authorities may be advised to fill up reserved SC/ST posts from other Ministries/Depts having experience in the same field, in case suitable candidates are not available for promotion in the feeder grade and there is no element of direct recruitment. 7.15 (iii)
- 10 Where the Recruitment Rules provide for 100% promotion, and it is not possible for the authority to introduce the element of direct recruitment therein, filling up of an equal number of posts at the lower level through direct recruitment may be ensured. 7.15 (iv)

- |    |  |                |
|----|--|----------------|
| 11 | In case of posts to be partly filled by promotion and partly by direct recruitment, the authorities shall in no case be allowed to divert the promotion quota to direct recruitment. It may also be ensured that adequate no of SCs/STs are available in the feeder grades. Where the Recruitment Rules in such cases are violated, dereservation should not be permitted.   | 7.15<br>(v)    |
| 12 | Where SC/ST candidates are available in the feeder grade but are not eligible for promotion, such of SC/ST candidates who are likely to become eligible during the pendency of the panel, should be included in the panel against reserved posts and promoted after they become eligible for promotion. Till then the authorities can make ad-hoc arrangements if necessary keeping in view the exigencies of work.  | 7.15<br>(vi)   |
| 13 | In the case of Scientific/Technical posts in the safety categories in the Railways, Defence Para-Military Organisations and other Organisation having similar requirement, the Commission may agree to the proposal.   | 7.15<br>(vii)  |
| 14 | The proforma for dereservation also needs to be modified to include information about the element of direct recruitment, reasons for non-availability of SC/ST candidates etc. DOPT has since revised the proforma for dereservation by adding columns like; sanctioned posts, posts filled up, prescribed percentage of reservation, posts to be filled up as per prescribed percentage, shortfall if any, representation of SC/ST as on 2.7.97 how vacancies which are now proposed to be filled up have arisen viz. whether by retirement or promotion of SC/ST or general candidates; and post based roster as on 2.7.97 with changes, if any. The Commission has written to the various Ministries/Departments to send proposals for dereservations in the revised format, if not already sent. | 7.15<br>(viii) |
| 15 | The Commission is of the view that only revenue authorities may be empowered to issue community certificates. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. The appointing authority should cancel the admission/appointment at the earliest possible by taking effective action expeditiously. The Commission also recommends that the Bill on regulation and issuance of community certificates may be placed before the Parliament at an early date.  | 7.43           |

## CHAPTER VIII CRIMES AND ATROCITIES ON SCHEDULED CASTES & SCHEDULED TRIBES

- |   |  |      |
|---|--|------|
| 1 | Incidences of atrocities on STs were highest in Madhya Pradesh (1547) followed by Rajasthan (1132) during 1998. States like Andhra Pradesh (359), Bihar (144), Gujarat (406) Kerala (138), Maharashtra (153), Orissa (282) and Uttar Pradesh (110) Karnataka (71), Sikkim (33) and Tamil Nadu (31) have also reported the incidence of atrocities against STs. It may also be observed that the incidences of crimes against Scheduled Tribes are increasing in Andhra Pradesh, Gujarat, and Orissa. The Govt. of these States may take effective steps to check and control atrocities on members of STs by non-STs people. | 8.21 |
|---|--|------|



- 2 Training programme may be conducted by every State Government for police personnel to sensitise them regarding implementation of the provisions of SCs & STs (POA) Act, 1989 and the PCR Act 1955 either through its Police Training Institutions or otherwise. 8.118 (i)
- 3 The Central Government should ensure that report on the measures taken for implementation of the SCs & STs (POA) Act, 1989 and PCR Act 1955 are obtained from the States/UTs in time to place the consolidated annual report in the Parliament every year as per provisions contained in these Acts. The State Government, where atrocities on SCs & STs are rampant may take effective steps to check and control atrocities on members of SCs & STs by non-SC/ST people. 8.118 (ii)
- 4 A person who has been convicted under the provisions of SCs & STs (POA) Act, 1989 should not be permitted to seek election at any level. 8.118 (iii)
- 5 An Awareness Programme should be conducted through Non-governmental Organisations about the provisions of SCs & STs (POA) Act, 1989, PCR Act 1955 and the economic relief to be provided to the victims of atrocities as per scale laid down in the SCs & STs (POA) Rules, 1995. The Government should consider organising Seminars of the NGOs for eliciting their help in Awareness Programme. 8.118 (iv)
- 6 An Awareness Programme should be conducted through Non-governmental Organisations about the provisions of SCs & STs (POA) Act, 1989, PCR Act 1955 and the economic relief to be provided to the victims of atrocities as per scale laid down in the SCs & STs (POA) Rules, 1995. The Government should consider organising Seminars of the NGOs for eliciting their help in Awareness Programme. 8.118 (v)
- 7 An Awareness Programme should be conducted through Non-governmental Organisations about the provisions of SCs & STs (POA) Act, 1989, PCR Act 1955 and the economic relief to be provided to the victims of atrocities as per scale laid down in the SCs & STs (POA) Rules, 1995. The Government should consider organising Seminars of the NGOs for eliciting their help in Awareness Programme. 8.118 (vi)
- 8 In case the office-incharge of concerned police station does not register FIR on the basis of complaint but the FIR is registered at the instance of Superintendent of Police or Special Enquiry Cell or Hon'ble Court and the chargesheet is submitted before the court, appropriate action under the Act or departmental action as the case may be, should be taken against the officer incharge of police station for not registering the case in time. 8.133 (i)
- 9 The case of atrocity should be investigated by an experienced Dy. Superintendent of Police, even if, he is not having territorial jurisdiction for normal day-to-day work. 8.133 (ii)
- 10 The Dy. Superintendent of Police (Investigating Officer) should complete the investigation and submit chargesheet/final report within 30 days to Court under intimation to District Superintendent of Police. 8.133 (iii)
- 11 The Special Public Prosecutors should be paid the fee on a high scale than the panel advocates as provided in the Rules 1995. 8.133 (iv)

- 12 Necessary arrangements for providing travelling and maintenance expenses, reimbursement of the payment of medicines, special medical consultation fee, blood transfusion, etc. should immediately be made to the victims of atrocity. 8.133 (v)
- 13 In all cases of atrocities, immediate relief, rehabilitation and compensation should be provided keeping in view the mandate of the Parliament. 8.133 (vi)
- 14 The State Government should implement the mandatory provisions relating to exercising supervision over prosecution, setting up of committees, periodic survey for better implementation of the provisions of act, identification of atrocity prone areas, precautionary and preventive measures, setting up of awareness centres and organisation of workshop, involvement of non-governmental organizations, etc. 8.133 (vii)
- 15 The Special Enquiry Cell set up under the provision of Rule 8 of the Rules 1995 should be given special powers to register the FIR, investigate and submit chargesheet/final report before the Special Court. The cell should be provided atleast primary requirements like sufficient stationery, typewriter, telephone and vehicles, etc. 8.133 (viii)
- 16 The State Government should prepare contingency plan as required under Rule 15 to check atrocity on the members of Scheduled Castes and Scheduled Tribes. 8.133 (ix)
- 17 State Governments should invariably provide regular and effective training to the Police Officers, Special Public Prosecutors and the District Administration. 8.133 (x)
- 18 For better performance of the Special Courts, and to improve the rate of conviction, as per the Rule, the Chief Justice of M.P. High Court should depute a Justice of the High Court to review the working of the Special Courts and Judgements delivered by these Courts, atleast once in a year. The judicial review would ultimately highlight all those legal and administrative aspects/facts responsible for acquittal of accused, weak prosecution and the quality of judgements. 8.142 (i)
- 19 The Special Courts should issue timely summons taking the assistance of the police administration to ensure that parties attend the court in time. 8.142 (ii)
- 20 The Office of the Director, Prosecution should be strengthened for effective supervision of prosecution in accordance with Rule 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. 8.142 (iii)
- 21 The institution of Special Public Prosecutor should be strengthened. The problems and constraints of Special Public Prosecutors should be redressed. The remuneration/fees of the Special prosecutors should be suitably enhanced to attract experienced, disciplined, committed and knowledgeable advocates. The panel of advocates should be prepared as per the rules and communicated to the Special Judge. Another step to strengthen and make the prosecution capable of discharging the job will be to appoint Asstt Public Prosecutors(APP) as the Special Public Prosecutor to deal with the atrocity cases in the Special Courts. 8.142 (iv)
- 22 Responsibility should be fixed on District Superintendent of Police and Director Prosecution if the accused is acquitted on the ground that relevant section of Scheduled Castes and the Scheduled Tribes (Prevention of 8.142 (v)



section of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and that of IPC have not been included in Challan filed in the court.

- |    |  |                |
|----|--|----------------|
| 23 | The State level Vigilance & Monitoring Committee should hold the meetings of the committee atleast twice in a year and give strict guidelines to the District Vigilance & Monitoring Committee to galvanise the machinery responsible for the implementation of the Act and the Rules. | 8.142<br>(vi)  |
| 24 | The FIR lodged in the Police Station under the Act should be recorded with due care. Because when FIR is put up in the Court giving all necessary details, so as to expedite the process of prosecution and improve the rate of convictions.   | 8.142<br>(vii) |

## CHAPTER IX MAIN ISSUES IN TRIBAL DEVELOPMENT

- |   |   |              |
|---|---|--------------|
| 1 | To avoid lapsing of funds and to ensure against its diversion to other sectors, a National Fund for Tribal Development may be set up and the unutilised funds under SCA and other tribal development schemes of the Central Ministries may be credited to this Fund, to be utilised for their development activities. The recommendation for setting up a National Fund for Tribal Development was originally given by Dhebar Commission in 1961, but has remained unimplemented.   | 9.23<br>(i)  |
| 2 | In view of the procedures involved, there are enormous delays before the funds are available to the implementing agencies for utilisation. Therefore, to cut short the delays, the Ministry of Tribal Affairs should release the SCA directly to the Integrated Tribal Development Projects, as is being done by the Ministry of Rural Development in case of DRDA funds. Only for meeting the requirements of scattered tribal population, not covered by the ITDPs, funds should be released to the concerned State/UT Governments. | 9.23<br>(ii) |
| 3 | The Ministry of Tribal Affairs may constitute an Expert Group to examine the scope and objective of Article 275(1) and to submit a comprehensive proposal, including mechanisms for formulating the schemes under this provision, their implementation, monitoring and evaluation.  | 9.30<br>(i)  |
| 4 | The Ministry of Tribal Affairs may take urgent action to coordinate with the concerned State/UT Governments for implementation of the Residential Schools scheme and ensure that the proposals are formulated and implemented keeping in view the guidelines and the objectives for which the scheme has been initiated.  | 9.30<br>(ii) |
| 5 | Education in tribal areas is at present a divided responsibility; the Education Departments, Tribal Welfare Departments, Panchayat Raj Institutions and NGOs all playing a role. This system needs to be streamlined with a centralised coordinating mechanism to ensure proper monitoring of educational programmes for the tribals.   | 9.61<br>(i)  |
| 6 | Many of the tribal communities have their own languages/dialects, and often these are quite different from mainstream language in which education is imparted. It is therefore, necessary to develop teaching material in their own languages, at least for primary level, so that they are able to have better understanding of what is taught to them.  | 9.61<br>(ii) |

- |    |  |               |
|----|--|---------------|
| 7  | The tribals live in small scattered habitations, which contributes to low standard of education and absenteeism among the teachers. Therefore, a sincere effort should be made to recruit the teachers mainly from the local tribal communities, if necessary by amending the relevant rules.  | 9.61<br>(iii) |
| 8  | For improving their access to quality education, there is a need to set up a network of residential schools with all the modern facilities. The Union Government and the State Governments should also formulate schemes for funding the education of poor and deserving tribal children in the existing Public Schools of repute. These measures will enable them to benefit from the Governments policy of reservation in services in a much more effective and meaningful manner. | 9.61<br>(iv)  |
| 9  | Keeping in view the level of development reached by each of the 75 PTG's, an exercise may be undertaken to revise the list of PTGs and only those communities should be continued in the list who truly deserve special attention in view of their very low level of economic development and who are facing extinction.   | 9.82<br>(i)   |
| 10 | Their development strategy should take into account their traditional life style and they should be enabled to improve their socio-economic condition without destroying their culture and traditions as has happened in the case of Great Andamanese and Onges in Andaman and Nicobar Islands.  | 9.82<br>(ii)  |
| 11 | The new scheme for development of PTGs should be implemented with due care and with proper monitoring mechanism so that no community remains primitive in the next decade.   | 9.82<br>(iii) |



## CHAPTER III

### CONSTITUTIONAL SAFEGUARDS

The Constitution of India provides to all the citizens, social, economic and political justice and equality of status and opportunity Article 46 under the Directive Principles of State Policy provides that "the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". For achieving this objective social, economic, educational, cultural, political and service safeguards and certain protective measures have been provided in the Constitution for the deprived, weaker and vulnerable sections to ensure their all round development so as to bring them into the mainstream of the nation and at par with other sections of the society.

#### **Social Safeguards**

3.2 As per **Article 17** "Untouchability is abolished and its practice in any form is forbidden." The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law. There are two important legislations relating to this Article viz. the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.3 **Article 23** prohibits traffic in human beings and 'begar' and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SCs & STs but since the majority of bonded labour belongs to SCs/STs this article has a special significance for them. In pursuance of this article Bonded Labour System (Abolition) Act, 1976, has been enacted and there is a Centrally Sponsored Scheme for identification, liberation and rehabilitation of bonded labourers. However, even after the working of this Act for the last twenty-three years, incidence of bonded labour still exists and preventive and rehabilitation activities need to be geared up further.

3.4 **Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State laws to prevent child labour. Since substantial portion of child labour engaged in hazardous employment belong to SC/ST, this Article is significant for SCs/STs. It may be mentioned that despite the existence of these legal instruments and publicity to check this evil, child labourers are engaged in Glass Bangle Industry, Carpet Weaving, and Beedi industry etc. The pitiable conditions of these children and the violation of these laws has received wide coverage in the Mass Media i.e. Press and Television. Unfortunately, the anti-child legacy still continues and steps for complete eradication of this evil, special measures are required for bringing about social awareness through voluntary efforts. At the same time about implementation of the legal provision and vigilance on the part of the Labour Department of the Central and State Government is absolutely essential.

3.5 **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be open to all classes and sections of Hindus. The term Hindu includes persons

professing Sikh, Jain and Buddhist religions. This provision is relevant as some sects of Hindus used to claim that members belonging to SC/ST had no right to enter the temples. Though this social evil is gradually vanishing yet incidents of prohibiting SC/ST people from entering the temples are sometimes reported in the press and have also been brought to the notice of the Commission. Collective efforts of all sections of society is necessary for providing unhindered access for SCs/STs to Hindu temples and Hindu religious institutions.

### **Economic Safeguards**

3.6 Fifth Schedule contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. There are eight States having Scheduled Areas, viz., Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The Governors of these States have special responsibilities and powers. These States have Tribes Advisory Councils. They have the power to make regulations for the peace and good governance of any Scheduled Areas, particularly for the following purposes:

- i. to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such areas;
- ii. to regulate the allotment of land to members of the Scheduled Tribes in such area;
- iii. to regulate the carrying on of business as money lender by persons who lend money to members of the Scheduled Tribes in such areas.

3.7 In addition to these eight States, Tamil Nadu and West Bengal which do not have any Scheduled Areas, also have statutory TACs.

3.8 According to **Article 244** clause (1), the provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

3.9 **Article 275(1)** provides that "there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of State such Capital and recurring sum as may be necessary to enable that State to meet the cost of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the Welfare of Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State".

3.10 A similar provision exists in this article for paying such special grants to the States covered under the Sixth Schedule out of the Consolidated Fund of India. Sixth Schedule contains provisions relating to the administration of the Tribal Areas in the States of Assam (North Cachar Hills District and Karbi Anglong District), Meghalaya, Mizoram and Tripura (Autonomous Hill District). There are Autonomous District Council and Autonomous Regional Council in these areas which have a long tradition of self-management systems. These Autonomous Councils not only administer the various Departments and development programmes but they also have powers to make laws on a variety of subjects, e.g. land, forest, shifting cultivation, Village and town administration,



including village and town police, public health and sanitation, inheritance of property, marriage and divorce and social customs.

### 3.11 **Article 339. Control of the Union over the administration of Scheduled Areas and the Welfare of Scheduled Tribes-**

(1) The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States 1\*\*\*

The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions, as the President may consider necessary or desirable.

(2) The executive power of the Union shall extend to the giving of directions to 2[a State] as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

### **Educational and Cultural Safeguards**

3.12 **Article 15(4)** empowers the State to make special provision for the advancement of any socially and educationally backward classes of citizens or for SCs & STs. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several articles. This provision has enabled the State to reserve seats for SCs/STs in educational institutions including technical, engineering and medical colleges. In this article as well as in Article 16(4) the term 'backward classes' is used as a generic term and comprises various categories of backward classes, viz. Scheduled Castes/Scheduled Tribes, (Other Backward Classes, Denotified Communities (Vimukta Jatiyan) and Nomadic/Semi-nomadic Communities.

3.13 **Article 29(1)** provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same." This Article has special significance for the Scheduled Tribes as many of them have distinct languages and some Communities such as Santhals have a script of their own viz., Olchiki. However, this provision need not be understood to mean that the tribals should be educated only in their language and thereby isolating them further. They should also be educated in the language of the State as well as the national languages to facilitate their integrative interaction with the national mainstream.

3.14 **Article 350(A)** also provide "It shall be the endeavour of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities." Most of the tribal communities have their own languages or dialects which usually belong to a different family of languages than the one to which the State's official language belongs. With a view to improve the accessibility and acceptances of education among tribal communities, it is desirable that they are given education in their own dialect, to the extent possible, and measures are initiated taken for developing curricula training material etc. for the purpose on top priority basis.

## Political Safeguards

3.15 **Article 164(1)** provides that in the States of Bihar, Madhya Pradesh and Orissa there shall be a Minister-in-charge of tribal welfare who may in addition be in-charge of the welfare of the Scheduled Castes and Backward Classes or any other work.

3.16 **Article 330** provides for reservation of seats for SCs & STs in the Lok Sabha. In pursuance of this Article, 106, out of 545 seats are reserved for members of SC/ST communities. In the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> Lok Sabha, there were respectively 123, and Members of Parliament belonging to SC/ST communities, which indicates that besides the reserve Constituencies SC/ST candidates are elected against unreserved Lok Sabha seats also. It is a healthy sign of social transformation.

3.17 **Article 332** provides for reservation of seats for SCs & STs in the State Vidhan Sabhas (Legislative Assemblies).

3.18 **Article 334** lays down the provision relating to the reservation of seat for SCs and STs in the Lok Sabha and the State Vidhan Sabhas (and the representations of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination). This provision has been extended by amending the Constitution every ten years. At present this provision expires in the year 2000. Commission recommends that keeping in view the uneven development of SCs and STs, as discussed in other parts of this Report, the provision in the constitution, for reservation in Lok Sabha & State Vihan Sabhas may be extended till 2010.

3.19 **Under Article 243-D** which came into existence with the Constitution (Seventy-third Amendment) Act, 1992, seats in Panchayats from village Panchayats to Zila Parishads will be reserved for SCs & STs in proportion to their population at respective level, in direct election. Out of the seats reserved for SCs & STs one-third seats will be reserved for women of these communities. These reserved seats for SCs/STs shall be allotted by rotation to different constituencies in a Panchayat at each level.

3.20 With the enactment of the Panchayats (Extension to the Scheduled Areas) Act, 1996. (No. 40 of 1996), the provisions of Part IX of the Constitution relating to Panchayats have been extended to the Scheduled Areas subject to exceptions and modifications that a Legislature of a State shall not make any law inconsistent with any of the following features:-

Customary law, social and religious practices and traditional management practices of community services.

3.21 **Article 243-T.** In accordance with the Constitution (Seventy-Fourth Amendment) Act, 1992, out of total seats to be filled by direct elections, seats shall be reserved for SCs/STs in proportion to their population in the Municipal Bodies at each level. Out of these reserved seats for SCs/STs at least one-third shall be reserved for SC/ST women.

3.22 **Article 371** contains special provision with respect to Nagaland.

3.23 **Article 371B** contains special provisions with respect to Assam.

3.24 **Article 371C** contains special provisions with respect to Manipur.



- 3.25 **Article 371F** contains special provisions with respect to Sikkim.
- 3.26 **Article 371G** contains special provisions with respect to Mizoram.
- 3.27 **Article 371H** contains special provisions with respect to Arunachal Pradesh.

#### **Service Safeguards:**

3.28 **Article 16(4)** empowers the State to make any provision for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

3.29 **Article 16(4) A** The Supreme Court in their judgement dated 16.11.1992 in Indira Sawhney case held that the existing policy of reservation in promotion is not sustainable under Article 16(4) of the Constitution. The Supreme Court, however, allowed that the existing policy of reservation may continue for a period of five year i.e. up to 15.11.1997. The Government of India, however, considered it necessary to continue with reservation in promotion in the case of SCs/STs as their representation in services had not reached the required level. Accordingly Article 16 was amended vide Constitution (Seventy-Seventh Amendment) Act, 1995 empowering the Government to provide for reservation in promotion for SCs&STs by inserting Clause 4A as under:

“Nothing in this article shall prevent the State from making any provision for reservation in matter of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which in the opinion of the State are not adequately represented in the services under the State.”

3.30 Keeping in view the spirit of the amendment it was expected that reservation in promotion would be extended to all levels and all classes of posts, including those above the lowest rung of Group A upto which the present policy of reservation in promotion is restricted as the Scheduled Castes and Scheduled Tribes are not adequately represented in services, especially in Group A & B. Upon consultation on this issues, the National Commission for Scheduled Castes and Scheduled Tribes sent its comments to Department of Personnel Govt. of India stating that reservation in promotion should be extended to all levels including within Group A. However, the DoPT's OM No. 36012/18/95-Estt. (Res.) Part II dated 13.8.97 did not incorporate any such provision and merely extended the 'existing policy of reservation'. In this regard it is observed that the Govt. of India has not implemented amendment in its true spirit. The order was issued ignoring the advice of the Commission and a separate report in this regard has already been submitted to the President. **In its Fourth Report Commission had recommended that the reservation in promotion should be extended to all levels in all classes of posts by modifying the DoPT O.M. dated 13.8.97. Commission reiterates its recommendation to ensure that the most downtrodden sections of the society gets its due share and the opportunity to work and contribute in the management.**

3.31 **Article 335** provides “The claims of the members of Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

3.32 **Article 338** As provided in amended Article 338 of the Constitution the functions of the Commission include investigation, monitoring and evaluation of various safeguards provided for SCs and STs; inquiry into specific complaints with respect to deprivation of rights and safeguards of SCs and STs and participation in the planning process. Union and State Governments are under obligation to consult the Commission on all major policy matters affecting the SCs and STs. According to the provisions of Amended Article 338 of the Constitution, the Commission, while investigating any matter or inquiring into any complaint, has all the powers of a Civil Court trying a suit and in particular in respect of the following matters:

- i. Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
- ii. requiring the discovery and production of any document.
- iii. receiving evidence on affidavit.
- iv. requisitioning any public record or copy thereof from any court or office.
- v. issuing commissions for the examination of witnesses and documents.
- vi. any other matter which the President may by rule determine.

3.33 The Commission is required to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of various safeguards for SCs and ST and make recommendations as to the measures for their welfare and upliftment. The Commission set up under the Constitution Sixty-fifth Amendment Act, 1990 has so far submitted Four Reports beside a Special Report. Out of the reports submitted so far by this Commission, 1<sup>st</sup>, 2<sup>nd</sup> and special Reports have been placed in Parliament late as in July 1998. The reason for the delay in submission is stated to be due to delay in collection of information and preparation of action taken report from various Ministries/Departments of Govt. of India and State Governments. As per the existing provisions each report is to be placed in Parliament alongwith action taken report. As a result these reports are not accessible to Members of Parliament and other Public Institutions and the valuable suggestions/recommendations contained in these reports remain unknown to all concerned and become infructuous. **Commission, therefore, reiterates its recommendations made in the Forth Report, that the report of the Commission should be placed before each house of Parliament within three months of its submission to the President and the action taken report placed before the Parliament within six months of its submission. This may be done by suitably amending the respective clauses of Article 338.**

3.34 While the Commission has been given wide ranging responsibilities that not only cover the duties of the erstwhile Commissioner for SCs/STs and the Commission for SCs/STs but also include matters such as participation in planning process and consultation on all major policies affecting SC&ST, the powers with which it is armed are not adequate to deal with the issues effectively. The suggestions are recommendatory in nature and not binding. The Commission feels that there is an urgent need to re-look at the whole issue and give more powers to the Commission under the Constitution itself.



## **CHAPTER-IV**

### **PANCHAYATI RAJ AND DECENTRALISED GOVERNANCE**

#### **Introduction**

One of the important reasons for SCs and STs not receiving adequate benefits from 50 years of planning and development has been the lack of opportunity for their participation and involvement in the preparation and execution of plans for their economic development and social justice through decentralised institutions. Even in States where legal provisions of reservation for SCs and STs existed, or were promulgated, they were not able to get representation in the Panchayats to any significant extent. Elections to Panchayats were not held regularly in many States. Bihar is an extreme case where Panchayat elections were held as far back as in 1978. But the 73<sup>rd</sup> Amendment to the Constitution vide its Article 243D has reserved seats and offices for SCs and STs, including women belonging to these Groups, at all three tiers of the Panchayati Raj System (PRS). Article 243E requires regular elections to the Panchayats every five years.

4.2 The provisions of the 73<sup>rd</sup> Amendment Act was extended to the 5<sup>th</sup> Scheduled Areas through the Panchayats ( Extension to the Scheduled Areas ) Act 1996. This Act empowers the Gram Sabhas or Panchayats not only to prepare plans for economic development and social justice but also to protect the traditional rights of tribals on natural resources in these areas.

4.3 Keeping in view the prevailing caste system and acute economic and social inequalities in the rural areas, it is a challenging task for the SCs and STs elected as people's representatives to function effectively in the Panchayats. This chapter examines whether the deprived sections have started exerting some influence in the functioning of the Panchayats or whether the traditional forces continue to be dominant. It is also proposed to focus on the extent to which these disadvantaged Groups have found Panchayats as platforms to ventilate their grievances and the impediments in their genuine empowerment. Based on such analyses, recommendations have been made in the concluding portion of the chapter as to the steps the Centre and the States should take to enable the SCs and STs to participate effectively in the Panchayats so as to make political reservations more meaningful.

#### **Panchayati Raj in Pre - 73<sup>rd</sup> Amendment Act Regime**

4.4 In the Constituent Assembly, there was a lively debate on the subject of Panchayati Raj and many of the Members emphasised the importance of giving due place to villages and village Panchayats in the Constitution. As a result, Article 31-A was added which states "The State shall take steps to organise village Panchayats and endow them to function as units of self-government" This Article was later renumbered as Article 40 and became part of the Directive Principles of State Policy. Necessary legislation was, however, not immediately enacted to bring the Panchayats into being.

4.5 In the post-independence period, instead of establishing Panchayats as vehicles of economic development and social justice in rural areas, the Community Development Programme and the National Extension Service were launched, aimed at bringing about all-round development in the country. But these programmes could not evoke people's participation in rural development. To enquire into the causes of indifferent attitude and apathy of the rural population towards these programmes and to suggest remedies, a team was constituted by the Ministry of Agriculture, Government of India, under the chairmanship of Balvantrai Mehta, which submitted its report on 24<sup>th</sup> of November, 1957. This report laid the foundation-stone of Panchayati Raj in India. In its own words, "So long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money on local objectives conforms with the needs and wishes of the locality, investing it with adequate power and assigning to it appropriate finance, we will never be able to evoke interest and excite local initiative in the field of development." The Committee recommended establishment of a three tier Panchayati Raj system in the country. Most of the States adopted Panchayati Raj Acts, modelled on the pattern recommended by the Balvantrai Mehta Committee. About the constitution of the Panchayats and representation of SCs and STs on these bodies, the Committee had recommended "The Constitution of the Panchayats should be purely on an elective basis with provision for co-option of two women members and one member each from scheduled castes and scheduled tribes. No other special group need be given special representation." By 1959, all the States had passed Panchayat Acts, and by mid 1960s, Panchayats had been constituted in all parts of the country. More than 217,300 village panchayats, covering over 96 per cent of the 579,000 inhabited villages and 92 per cent of the rural population had been established by this time. On an average, a Panchayat covered a population of about 2,400 in two to three villages. There was enthusiasm in the rural areas and the people felt that for the first time they would have a say in affairs affecting their daily lives. (George Mathew, 1994)

4.6 But interest and support for Panchayati Raj did not last long. Apathy towards Panchayats started emerging. The flow of funds for block development started declining. In many States elections to these bodies were postponed indefinitely. In some States, parallel institutions came into being which marginalised the Panchayats. To evaluate the functioning of Panchayat Raj Institution, a Committee was set up under Shri Ashok Mehta, which submitted its report in August, 1978. The Committee identified a number of factors such as creation of Small Farmers Development Agency (SFDA), Drought Prone Areas Programme (DPAP) and Integrated Tribal Development Project (ITDP), as being responsible for the declining importance of the Panchayats. In some of the States, a separate body parallel to the Zilla Parishad (ZP) was created under the chairpersonship of a Minister through executive order of the State Government. Unwanted staff was transferred to the Panchayats and the resources meant for the Panchayats were not transferred. In a nutshell, the Committee commented that "the lukewarm attitude of the political elite at higher levels towards the strengthening of the democratic process at the grassroots was generally the crux of the matter. Of particular significance in this connection is the relative cooling off of enthusiasm of MPs and MLAs in some States vis-à-vis Panchayati Raj because they perceived a threat to their position in their respective constituencies from the emerging Panchayati Raj leadership. In the ultimate analysis, all this led to a weakening of political support to PRIs and of the administrative will to work through them."



4.7 The Ashok Mehta Committee had made several recommendations for making the Panchayat institutions strong. This Committee also prepared a draft Bill to amend the Constitution to reconstruct, reinforce and revitalise the Panchayati Raj Institutions (PRIs) to make them an organic part of the national democratic process and to elevate Panchayats from being a development agencies to political Institutions for fulfilling people's aspirations. To ensure the participation and involvement of SCs and STs in decentralised governance, the Committee had specifically recommended the following:

- i "In order to provide a fair deal to Scheduled Castes and Scheduled Tribes, their representation in all Panchayati Raj Institutions should be on the basis of their population,
- ii 666 talukas/blocks where the Scheduled Castes constitute more than 20 per cent of the population and in 329 talukas/blocks where Scheduled Tribes constitute a majority of population, the principle of reservation should be extended to elective offices,
- iii the reservation system can be supplemented by formation of Social Justice Committees where the Chairman should be only from Scheduled Castes/Scheduled Tribes,
- iv with a view to provide political support to the objective of protection of the interests of the weaker sections, a Committee of the Legislature with, as far as possible, majority representation of MLAs/MLCs belonging to Scheduled Castes/Scheduled Tribes should be set up to review the working of the programmes meant for these communities. This Committee would also be responsible for Social Audit of funds earmarked for Scheduled Castes/Scheduled Tribes."

4.8 In the mid-1980s, the Union Government had constituted a Committee for preparing a Concept Paper on Panchayati Raj Institutions (popularly known as the L M Singhvi Committee) which submitted its report in June 1986. This Committee also recommended that the PRIs should be constitutionally recognised, protected and preserved by inclusion of a new chapter in the Constitution. Local self-government and more particularly, Panchayati Raj Institutions should be constitutionally proclaimed as the third tier of government. Although the Committee did not make any specific reference to SCs and STs, it referred to social mobilisation in following words: "The operational dynamics of Panchayati Raj should be directed to achieve community and social mobilisation, transcending the barriers of caste, religion, sex and disparities of wealth and surmounting social disabilities and disadvantages. The Panchayati Raj Institutions should become vehicles for homogenisation, secularisation and socialisation of national ethos."

### **Constitution 73<sup>rd</sup> Amendment Act 1992: Salient Features**

4.9 It was against this background that the Union Government started the process of consultations and working out modalities for providing a constitutional basis for Panchayat Raj system. After several attempts to get the Constitutional amendment bill passed in the Parliament, the Constitution (73<sup>rd</sup> Amendment) Act, 1992 was finally passed and came into effect from 24<sup>th</sup> April, 1993.

4.10 Provisions of the 73<sup>rd</sup> Amendment Act 1992 can be broadly categorised as mandatory and or discretionary.

#### **Mandatory provisions**

- i Establishment of Gram Sabha at village level consisting of people registered in the electoral roll relating to a village falling within the area of the Panchayat.
- ii Establishment of three tier system of Panchayati Raj at village, intermediate and district levels in all States and UTs except those States having a population of less than 20 lakhs.
- iii At all levels, Panchayats will comprise of persons chosen by direct election from the respective territorial constituencies.
- iv All members of Panchayats elected directly or indirectly shall have voting rights in Panchayat meetings.
- v The Chairpersons of the intermediate and the apex tier of Panchayats will be elected from among the directly elected members
- vi Reservation for SCs and STs in memberships and offices of chairpersons will be provided based on their population in a Panchayat. (details may be seen in Article 243 D of 73<sup>rd</sup> Amendment Act in **ANNEXURE 4.1** .
- vii Not less than one- third of the membership and the offices of chairperson will be reserved for women. (details may be seen in Article 243 D of the 73<sup>rd</sup> Amendment Act, in **ANNEXURE 4.1** .
- viii Five year term for all tiers of Panchayats. If a Panchayat dissolves earlier than this for whatever reason, fresh elections will be held within 6 months. In case the term remaining is less than 6 months, it is not mandatory to hold election for this period.
- ix Constitution of State Finance Commission within one year from the commencement of the Act and thereafter at the expiry of every five years. Sub-clause "bb" was also inserted in Article 280 of the Constitution. As per this sub-clause the Central Finance Commission shall recommend to the President, the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State.
- x Constitution of the State Election Commission for supervision, direction and control of the preparation of electoral rolls and conducting elections to the Panchayats
- xi The Act shall not be applicable to the Scheduled Areas referred to in clause (1) and the tribal areas referred to in Clause (2) of Article 244 of the Constitution.

#### **Discretionary Provisions**

As the subject of PRIs is under the domain of the State List, the 73<sup>rd</sup> Amendment Act has given discretionary powers to the State on devolution of powers, functions, authority, finance, etc. to the Panchayats. Following are the enabling provisions given in this Act for the States:



- i Powers and functions of the Gram Sabha
- ii Membership of the chairpersons of Gram Panchayat in the Panchayat at intermediate level and of the Chairperson of the Panchayat at the intermediate level in the Panchayats at the district level.
- iii Membership of the MP, MLA and MLCs at intermediate and district levels.
- iv Mode of election of the chairperson at the Gram Panchayat level.
- v Reservation of seats in favour of backward classes of citizens in terms of membership as well such chairpersonship, at different tiers of the PRS.
- vi Vesting of power, authority and responsibility in the Panchayats which may be necessary for them to function as effective institutions of self-government, and to make provisions for devolution of powers and responsibility to Panchayats at the appropriate levels with respect to:
  - (a) The preparation of plans for economic development and social justice,
  - (b) The implementation of schemes for economic development and social justice entrusted to them including 29 subjects contained in 11<sup>th</sup> Schedule of the Constitution. (ANNEXURE 4.I)
- vii Authorise each tier of the PRS to levy appropriate taxes, duties, tolls and fees in accordance with a well defined procedure of levying and allocation of such tax revenue collected by each of three tiers of the PRS. Allocation of taxes, duties, tolls and fees levied by the State government to each tier of the PRS depending on the nature and magnitude of the responsibilities vested in each tier. Decide the amount of grant-in-aid to the Panchayats from the Consolidated Fund of the State.
- viii Composition of the State Finance Commission.

4.11 It may be seen from the above discussion that the 73<sup>rd</sup> Amendment Act provides a broad framework for the states to enable the Panchayats function as institutions of self-government as envisaged in Article 243 G of the Constitution. A uniform three tier structure of the Panchayat system, election every five years, reservation for SC, ST and women etc., are mandatory on the part of the States but devolution of powers, authority and financial resources have been left entirely to the State Governments.

## **Important Features of 73<sup>rd</sup> Amendment Act**

### **Gram Sabha to be set up**

4.12 As far back as in 1963, the Report of the Study Team on the Position of Gram Sabhas in the Panchayati Raj Movement had suggested that the Gram Sabha should statutorily be recognised in each State. But all the States had not incorporated this provision in their Panchayat legislations. With the enactment of the 73<sup>rd</sup> Amendment Act, it has now become mandatory on the part of the States to make the Gram Sabha an integral part of their Panchayati Raj legislations. In this respect, therefore, the Central Act has

established direct democracy at the village level, by enabling each and every voter to take part in the development of the village community.

### **Regular and timely elections**

4.13 With a few exceptions like West Bengal, the States were not conducting regular elections to the Panchayats. For example, in Bihar, elections to the Gram Panchayat, Panchayat Samiti and Zilla Parishad were last held as back as in 1978, 1979 and 1980, respectively. In Tamil Nadu elections to the Panchayats were held in 1996 after a gap of ten years. According to the 73<sup>rd</sup> Amendment to the Constitution, regular and timely elections to all PRIs are mandatory. The 73<sup>rd</sup> Amendment also provides that, if Panchayats are dissolved, elections must be held within six months.

### **Reservation for weaker sections**

4.14 Studies reveal that the Panchayats were dominated by powerful sections of rural society, like landlords and money lenders. There was not much scope for SCs and STs to participate in these local democratic and "self-governing" institutions. The Dantwala Committee in 1978 even went to the extent of saying that "Panchayati Raj Institutions act as gate keepers and prevents the flow of benefits to the weaker sections of the rural community." The Constitution (73<sup>rd</sup> Amendment) Act provides for ensuring reservation for SCs and STs to enable them to participate in decentralised governance, planning and development.

### **Reservation for women**

4.15 Like the weaker sections, women also did not have any say in local governance. The 73<sup>rd</sup> Amendment Act requires that at least one-third of the seats in the Panchayats be reserved for women both as Panchayat members and chairpersons (including women belonging to SCs and STs).

### **Adequate financial resources**

4.16 Panchayats have been starving for financial resources. Let alone undertaking developmental activities, they have not been able to even properly maintain community assets as sufficient funds were not being allotted by the State Government. According to the Committee of Administrative Arrangement for Rural Development (CAARD) "the tax and non-tax income (including grants) realised by the Panchayati Raj Institutions constituted 4 per cent of the tax and non-tax revenue of all the States and 3 per cent of all State tax and non-tax revenue and capital receipts." Although these observations relate to 1981-82, the ground level situation has not changed much. To ensure sufficient financial resources for the Panchayats, the provision for constituting a State Finance Commission has been made in the Central Act.

### **State Election Commission**

4.17 The Act also provides for constitution of State Election Commission with the purpose of supervising, directing and conducting free and fair elections to the Panchayats.

### **Constitution of District Planning Committee**

4.18 Article 243 ZD of the Constitution provides that a District Planning Committee will be established to consolidate the plans prepared by the Panchayats and the municipal sectors. While preparing the draft plan, it will also take into account spatial planning,



physical and natural resources, infrastructure and environmental conservation. This Act thus provides for a statutory body at district level for preparing the development plan for the district. Before the Amendment, planning committees were constituted in almost all the States but they were merely integrating and implementing the sectoral programmes of the State government relating to rural areas.

4.19 Thus, timely elections to the Panchayats will give sustainability to the local governance system, representation of weaker sections and women so as to give an adequately representative character to these bodies, the State Finance Commission will devolve financial resources to them and District Planning Committee will prepare a consolidated plan of the district. These provisions, if faithfully and effectively implemented, can give new lease of life to the PRS in the country.

## **Implementation of The Constitutional 73rd Amendment Act, 1992**

### **Conformity legislations**

4.20 It was mandatory on the part of the State Legislature to amend their Panchayats Acts in conformity with the Central legislation within a year of coming into force i.e. w.e.f. 24<sup>th</sup> April 1993. Out of the 25 States and 7 UTs, the 73<sup>rd</sup> Amendment Act was required to be enforced in 21 States and 6 UTs. This Act was not applicable to Meghalaya, Mizoram and Nagaland as these States form part of the Sixth Schedule Areas. Article 370 of the Constitution gives special status to J&K State and the provisions of the Amendment Act are not applicable in that State also. Among the UTs, it is not applicable in Delhi as it consists of urban areas only.

4.21 All the States/UTs passed their legislations in conformity with the Central Act within the prescribed time of one year from 24<sup>th</sup> April, 1993. This is a milestone in the history of the Panchayati Raj System because it established a uniform pattern of local democracy across the country. Most of the conformity legislations were, however, passed hurriedly without any serious deliberations. For example in UP, the Panchayat Act was passed so hurriedly that the opposition was not even allowed to discuss it in detail. The government pacified the opposition by arguing that if the Act was not passed by April 23, a constitutional vacuum would be created. **ANNEXURE 4.II** gives the Statewise details of the dates of passing of the conformity legislations. It will be seen there from that most of the States and UTs passed the Panchayati Raj Acts only on the eve of the prescribed date.

4.22 The Eleventh Schedule of the Constitution enumerates 29 subjects which could be entrusted to the Panchayati Raj Institutions. These could broadly be categorised as follows:-

- ii Productive activities - agriculture, animal husbandry, poultry, fishery, small scale industries including food processing, cottage industries, fuel and fodder, and irrigation;
- iii Land development programme - land reforms, soil conservation, minor irrigation, water management and watershed development, wasteland development, social forestry and grazing lands;
- iv Poverty alleviation and allied programmes for social and economic upliftment of the weaker sections;

- v Provision of civic amenities - drinking water, rural electrification, non-conventional sources of energy, rural roads, bridges, culverts, waterways, sanitation, rural housing, and health;
- vi Education and cultural activities - primary schools, adult education, technical education and libraries;
- vii Social welfare - welfare of the women and child development, family welfare, care of disabled and mentally retarded;
- viii Maintenance of community assets and public distribution system;
- ix Organisation and control of rural markets and village fairs.

### **Legislative Measures Taken By The States As A Follow-Up To The Central Legislation**

4.23 All the States and Union Territories, where this Act is applicable, have either amended their existing legislations or brought in fresh legislations in conformity with the provisions of the 73<sup>rd</sup> Constitutional Amendment. States have also constituted the State Election Commissions and Finance Commissions. The new Panchayati Raj set up in different States is generally in conformity with the provisions of the Amendment. Though the organizational set up is uniform all over the country, there are some variations in administrative arrangements which have evolved over the years.

4.24 An important measure for assessing the adequacy of the Panchayati Raj system is the extent to which different States have actually complied with the provisions of the Constitution while framing their new legislation or modifying the existing ones. An examination of the new Panchayati Raj Acts of different States clearly shows that all the States have followed the constitutional provisions in terms of organizational structure, functional mechanism and constitution of State Finance Commissions and State Election Commissions. The new Panchayati Raj system has, therefore, been imparted continuity, durability and strength. Also, the Panchayats have been vested with a wide variety of functions and responsibilities for planning and development of local areas. The States have made necessary provisions in their respective Panchayati Raj Acts in conformity with the Constitution. In actual practice, however, the Report of the Working Group of Decentralised Planning and Panchayati Raj (1997-2002) set up by the Planning Commission observed that the legislative provisions remain inoperative. For instance, although Panchayati Raj bodies have been assigned a number of functions in a number of States, they have not been provided with corresponding autonomy in terms of administrative or financial powers or staff support to perform these functions.

### **Devolution of Functions on PRIS**

4.25 Under the Panchayati Raj Acts, the State governments have been given the power to assign or withdraw any of the functions to the PRIs. The different Panchayati Raj Acts, however, differ in scope and coverage of functions to be performed by these bodies.

### **An Appraisal of PRIS in 12 States**

4.26 The Working Group on Decentralised Planning and Panchayati Raj (1997-2002) has given an appraisal of the actual devolution of power to Panchayati Raj Institutions in 12 selected States after the new Panchayati Raj system was introduced in the country.



The position in respect of these States is briefly discussed to have an idea about the extent to which Panchayats have been conferred functional and financial autonomy in their working.

### **Andhra Pradesh**

4.27 Even after the enactment of the A. P. Panchayati Raj Act in 1994, and completion of elections to the three tiers in 1995, the powers and functions, as included in the Eleventh Schedule of the Constitution, have not yet been transferred to the PRIs. These institutions have also not been endowed with adequate resources and staff support.

### **Gujarat**

4.28 The Panchayati Raj bodies have been duly constituted and vested with wide-ranging powers and functions. As a matter of fact the past achievements in this respect have been further consolidated. The democratic decentralisation process in the State of Gujarat has resulted in substantial transfer of development activities, except secondary education and cooperation, to the PRIs. Sectoral staff holding Gazetted rank have also been transferred to the PRIs. As regards funds, besides statutory grants, the State government has been providing grants to the PRIs to carry out activities entrusted to them by the government. Twenty per cent of allocation for district level schemes is given for schemes formulated by the Panchayats. Schemes have also been formulated in some parts of the State to generate financial resources at the village level. For example, rich persons of some villages have devoted huge sums of money to the Gokul Gram Programme that aims at holistic development of Gram Panchayats.

### **Haryana**

4.29 While the Panchayati Raj bodies were constituted in December, 1994, necessary follow up action in respect of devolution of powers, functions and resources is yet to be taken. While 16 functions have been transferred to the elected bodies, modalities to transfer corresponding powers, functions, staff and resources are yet to be worked out. More specifically, though some of the functions such as maintenance of community assets and services to the people have been assigned to PRIs, the corresponding funds, personnel and authority for planning and development responsibilities have not been transferred to these bodies. In general, the role and responsibilities provided for are of supervisory and monitoring nature.

### **Himachal Pradesh**

4.30 The State Government has notified the specific responsibility of each tier of the PRIs in the formulation and implementation of the programme relating to subjects allocated to them. The actual operationalization is, however, yet to take place.

### **Karnataka**

4.31 The Karnataka Panchayat system is characterised by specific devolution of powers and functions at each level. The functions to be performed by each of the three tiers have been spelt out in the Act itself. As Taluka Panchayats have been strengthened both financially and administratively, it has become an ideal unit of planning and implementation of the development programmes. Appropriate staff has also been provided to the three tiers.

## Kerala

4.32 Specific functions have been devolved on each tier of the PRIs in the State. For instance, Gram Panchayats are responsible for primary schools, public health centres, krishi bhavans and Anganwadis, village roads and selection of beneficiaries for IRDP-IAY etc. Block Panchayats are responsible for overall supervision of IAY and beneficiary oriented SCP/TSP schemes. The District Panchayat President is the chairman of the DRDA. All the staff of the institutions transferred have been placed under the respective panchayat. Separate budget has been created for PRIs, with untied grants as well.

## Madhya Pradesh

4.33 The Constitution (73<sup>rd</sup> Amendment) Act provided that its provisions will not apply to the Scheduled Areas and Tribal Areas under Fifth and Sixth Schedules. However, Government of Madhya Pradesh through the M.P. Panchayati Raj Adhiniyam, 1993 applied the provisions to whole of the State w.e.f. 25.01.94. The State Government also conducted Panchayat elections for 45 Districts, 459 Janpads and 30,922 Gram Panchayats. While conducting the Panchayat elections, seats were reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population percentage. Under the three-tier Panchayati Raj System, Zila Panchayat for a District, Janpad Panchayat for a Block and Gram Panchayat for a village have been constituted in the State. Besides, a Gram Sabha has also been constituted under the Act, consisting of persons registered in the Electoral Roll for the village.

4.34 A Committee of Parliament headed by Shri Dileep Singh Bhuria had given recommendation and manner of extension of the provisions of Panchayat Raj to Scheduled Areas. The provisions of Panchayati Raj should have been extended to the Scheduled Areas as per the recommendation of the Committee so as to retain the administrative structure and unique features of Scheduled Areas undisturbed and intact. Under the newly established three-tier Panchayati Raj System in the State, the strategy of Tribal Sub-Plan with its Unit as ITDP has been diluted. The role of ITDP has not been clearly defined in the new system and it is not clear how these projects will function and prepare the plan for the Scheduled Areas/Tribal Sub-Plan Areas for the tribal people falling under the project. There are more than one Janpad Panchayat under one ITDP. Therefore, it would be difficult for the Project Officer, ITDP to prepare the Plan at the Project level and ensure proper implementation and monitoring of the programme.

4.35 Since the inception of the M.P. Panchayati Raj Adhiniyam, 1993 and its implementation, no evaluation has been done by the State Government for assessing the working of three-tier Panchayati Raj System. However, some workshops and studies were conducted by NGOs and academic institutions. On the basis of the findings of these workshops and studies and actual field visits of the Commission to various parts of the State, Commission makes the following recommendations:

- (i) **Scheduled Areas by definition have a preponderance of Scheduled Tribes and in the Panchayati Raj bodies they should be enabled to be office bearers and members of the Standing Committee. Legislation should facilitate this requirement. Otherwise, standardised package of development will continue to be pushed into these areas and in the package there may be schemes, which the tribals neither understand, nor have much use for them. This situation would cause alienation in various ways. On the other hand, adequate tribal representation in the**



Scheduled Areas in the Panchayat Raj Bodies may bring about required changes in the strategy and content of development at the local level and ensure full involvement of the people in programme implementation.

- (ii) The process of Multi level planning should get momentum in the PRIs
- (iii) Necessary amendments are required to be made in the existing Land Revenue Act.
- (iv) Since Government Departments have transferred schemes to the Panchayats relating to Rural and Tribal Development. There should be clear cut provisions for the supervision, superintendence and control of these schemes.
- (v) Bureaucracy continues to exercise all the authority leading to lack of effective participation of the local people. The conflict is aggravated by the Ministers who shuttle the bureaucrats from one place to another in pursuit of their whims and fancies.
- (vi) The root cause of the problem is that the XI Schedule does not clearly demarcate the functions and powers of the three -tiers of the Body.
- (vii) The training of the Panchayati Raj functionaries about the process of self governance in the State is still unsatisfactory and it should get priority.
- (viii) A number of women representatives have stated that power given to Panchayats is not real, and they continue to be on the mercy of bureaucrats. Suitable steps may be taken to devolve power to the elected women representatives.

### **Maharashtra**

4.36 In Maharashtra, even historically, the Zilla Parishads (ZP) have been quite powerful with clear functions and responsibilities, equipped with sufficient staff to handle them. Zilla Parishads can take up schemes from their own funds and also implement schemes transferred with funds and staff provided by the government. There is also provision for government to requisition the staff of Zilla Parishads to carry out government schemes. The technical control is exercised by the concerned Department of the State Government. Funds are provided as ways and means advance and adjusted later. There is a separate account code for the Zilla Parishad. The ZP has a Chief Executive Officer, normally from the Indian Administrative Service who coordinates the nine departments under them. The CEO is also the Chairman of the DRDA. The Panchayat Samitis have independent functions and responsibilities. The Gram Panchayats, however, are relatively less developed and they are being strengthened only now. An innovative feature is the creation of a corpus fund consisting of 5% of the revenue earned by the Gram Panchayat from taxes, duties, fees, etc. and with facilities for Gram Panchayats to take loans from the corpus fund upto 50% of scheme cost, repayable in five years.

### **Punjab**

4.37 Devolution of powers and functions on the Panchayati Raj bodies is still in its infancy in Punjab. Although orders for transfer of powers and functions to the PRIs were

issued at the commencement of the new Act, these are yet to be operationalised. As a result, the elected bodies have not been able to involve themselves in planning and implementation of various development programmes. However, a post of Chief Executive Officer, who is of the rank of Additional Deputy Commissioner has been created with a view to strengthening the administrative set up of Panchayati Raj bodies.

### **Rajasthan**

4.38 In spite of the fact that the new Act has assigned a number of functions to the PRIs, necessary administrative support is yet to be provided to them. The Zilla Parishads continue to function with the erstwhile skeleton staff. At the Panchayat Samiti level, the staff under the BDO continue to maintain a separate identity. Other sectoral staff is yet to be transferred to the Panchayat Samiti from their parent departments. Gram Panchayats and Panchayat Samitis are involved in a limited way in the implementation of development programmes. The District Planning Committee (DPC) headed by the chairperson of the Zilla Parishad is yet to be constituted. The new Act assigns a number of activities to be performed by the different tiers of PRI. But the functions these bodies are actually performing are far less than their designated subjects. In fact, there is hardly any change from their old pattern of functional devolution.

### **Uttar Pradesh**

4.39 The Zilla Parishads have hardly any role in developmental activities. The different departmental heads in the district function independently. Although the Chief Development Officer (CDO) is the Chief Executive Officer (CEO) of the Z. P., he does not have adequate control over developmental activities in the district. Nevertheless, he coordinates the activities of various departments. The District Magistrate is the chairman of (a) the District Planning Committee; (b) the District Rural Development Agency (DRDA)

### **West Bengal**

4.40 In West Bengal certain funds have been earmarked for specific schemes to be implemented by the PRIs. Besides untied funds are also provided. For the district development plans, the District Planning Councils, headed by the chairperson of the Zilla Parishad (ZP), consolidates the plan based on the outlay of the various departments of the State Government. The chairperson of the ZP also heads the DRDA. The District Collector functions as the Chief Executive Officer of the ZP, while the various district level departmental officers are part of the different Standing Committee of ZP. A kind of hierarchy exists among the different tiers of PRIs with the higher level supervising and coordinating the activities of the lower level. Regular concurrent audit of PRIs by a separate audit machinery is a special feature of the West Bengal system. Also unique is the institution of District Councils, which are bodies headed by the leader of the opposition in the Zilla Parishad, with functions similar to the Public Accounts Committee of Parliament.

4.41 On June 3-4, 1999 a conference of State Secretaries of Rural Development, Panchayati Raj and Rural Housing was held in New Delhi. In this meeting, the status of devolution of powers and responsibilities to the PR Institutions in various States was discussed, which is as follows:



4.42 Article 243 (G), among other things, envisages devolution of powers and functions related to the 29 subjects enumerated in the Eleventh Schedule. The State Governments are required to place the functions of 29 Departments including the officials staffing them under the control of the Panchayats. Accordingly, the Government of Madhya Pradesh has transferred 22 departments with full control over finances and officials. The Government of Kerala has transferred Agriculture, Health, Veterinary and Primary Education Departments to the Panchayats. About 40,590 staff and moveable and immovable property have also been transferred to the Panchayats. The staff so transferred is under the control of the Panchayats. The Government of Kerala, however, continues to pay the salaries of the staff. The Government of Uttar Pradesh has also taken some initiatives in the recent past, full details of which are yet to be received. However, most other States have not transferred control to the Panchayats of even village level workers.

### **Finances of Panchayati Raj Institutions**

4.43 As per Article 243-H of the Constitution, State Legislatures have been empowered to enact laws;

- (i) to authorise Panchayat to levy, collect and appropriate some taxes, duties, tolls and fees;
- (ii) to assign to the Panchayat, some taxes, duties tolls levied and collected by the State Government;
- (iii) to provide for making grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (iv) to provide for constitution of such funds for Panchayats for crediting all money received by or on behalf of the Panchayats and also the withdrawal of such money therefrom.
- (v) Article 243-I of the Constitution provides for constitution of a State Finance Commission to review the financial position of Panchayats and to make recommendations to the Governor regarding the principles governing the major issues mentioned in Article 243-H.

4.44 According to a Note prepared for the Meeting of the Consultative Committee of the Parliament attached to the Ministry of Rural Areas & Employment held on July 24, 1998 State Finance Commissions (SFCs) of Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal have submitted their reports to the respective State Governments. The States of Assam, Karnataka, Kerala, Madhya Pradesh, Punjab, Rajasthan, Tamil Nadu, Tripura and West Bengal have accepted most of the recommendations of the SFCs. Gujarat, Andaman & Nicobar Islands, Dadra & Nagar Haveli and Daman & Diu have received Interim Reports of the SFC on which the concerned State/UT Governments have yet to take action. As per the latest information, the SFCs of Orissa and Goa have also submitted their reports to the Government of these States.

## **Representation of SCs and STs Members at different tiers of the Panchayats**

4.45 Article 243 D of the Constitution provides for reservation for SCs and STs in all tiers of the PRS as members and chairpersons in proportion to their population. As a result, a large number of persons belonging to these groups have been elected as members at different tiers of the PRS. **ANNEXURE 4.III** presents the Statewise and tierwise representation of SCs and STs. It may be seen there from that 343792 (SC) and 240178 (ST) persons were elected as members of Gram Panchayats all over the country. At the intermediate level 18867 (SC) and 8442 (ST) were elected as members and 1904 (SC) and 1247 (ST) were elected as member of Zilla Panchayats.

4.46 It may be mentioned here that due to non-availability of data on the total number of General, SCs and STs members as well as chairpersons of these groups, a comparative analysis of their representation could not be attempted. However, as a result of operationalization of the 73<sup>rd</sup> Amendment to the Constitution, about 34 lakh persons have been elected as members and chairpersons at all the three tiers of the PRS across the country, according to the Agenda for the Chief Ministers' Conference on Panchayati Raj held on August 2, 1997. Assuming that 22½% of these persons are SCs & STs, their number is more than 7 lakhs. What is more, among the SCs/STs one third are women belonging to these Groups.

## **Training Of Panchayat Members And Functionaries**

4.47 In the wake of the 73<sup>rd</sup> Amendment, an estimated 34 lakh elected representatives came into PRIs as members or Chairpersons. Of them, an overwhelming majority consists of new entrants, particularly from the SCs and STs and from women as a direct result of the provision of reservation of seats for them. The Constitution has cast a heavy responsibility on the Panchayats to formulate, execute and monitor various programmes of economic development and social justice. The elected representatives will, therefore, be required to play a major role in developmental administration for which they need appropriate orientation and training. The success of the Panchayati Raj System will depend largely on the extent to which the system is able to respond to the expectations of the people. This, in turn, would depend on efforts made for building up capacities and capabilities of the elected representatives to effectively perform the functions assigned to them.

4.48 Under the new dispensation, the Panchayati Raj Institutions are required to play a central role in (a) preparation of plans for economic development and social justice and (b) implementation of these plans and schemes. Accordingly, the elected representatives will have to play a far more active and constructive role than what they have been doing in the past. To enable them to do so, the elected leadership will have to be provided with adequate knowledge and skills in the management of rural development activities. It is from this standpoint that a time bound programme of training and orientation of the local level leaders is considered a pre-requisite for the success of Panchayati Raj Institutions.

4.49 The Report of the Working Group on Decentralised Planning and Panchayati Raj for the 9<sup>th</sup> Plan (1997-2002) has observed that: "Training has all along been given a prime place in the strategy for overall growth and development of Panchayati Raj Institutions and a network of training institutions from the national level to Block and Village levels were established over the years. Initially, these institutions played a vital role in skill development of the staff associated with Panchayati Raj Institutions. But with the gradual



decline of PRIs, their importance and contribution also diminished over time. These institutions suffered, in almost all States, due to paucity of funds and absence of appropriate policy in respect of human resource development of Panchayati Raj personnel and absence of firm direction with regard to their utilisation. The result was that these institutions became dormant, having either skeleton staff or the staff drawn on deputation from non-academic departmental cadres of the State. Consequently, these institutions reduced their activities to the bare minimum with rather insignificant impact.”

4.50 The existing institutional set up comprises the National Institute of Rural Development, Hyderabad, which is an apex training institution in the field of rural development and the 23 State Institutes of Rural Development. At the lower levels, 110 Gram Sevak Training Centres and other Training Institutions organise programmes for the village-level functionaries associated with rural development and Panchayati Raj.

4.51 ANNEXURE 4.IV depicts State wise the total number of elected representatives, the number trained as well as the total number of officials involved in various areas of rural development and the number of them who have been trained upto 1997. It may be seen from this Annexure that the maximum number of elected representatives ( 84.96%) were trained in Haryana followed by Rajasthan ( 48.78%). The number of elected representatives trained in Uttar Pradesh was 1.03%. In some States like Goa no elected representative has been trained.

4.52 However, information is not available as to how many of those trained were SCs and STs. Given that there is a strong need for exposure of SCs, STs and women belonging to these groups to the provisions of Panchayati Raj System, it is very important that the training facilities for these persons be expanded and strengthened.

### **Political Empowerment of SCs and STs under Panchayati Raj: An Assessment**

4.53 Elections to the Panchayats were held in most of the States either in 1995 or in 1996. In these elections, a large number of SCs and STs including women belonging to these Groups were elected as members and chairpersons. Not much data and information are available to assess their performance in terms of the work they have performed and the problems they have encountered as elected representatives. However, whatever examples are available, indicate that, due to strong caste prejudice prevailing in rural areas, SCs and STs have been facing problems in performing their functions in the Panchayats. Examples from some of States given below bear this out.

#### **Madhya Pradesh**

4.54 In Madhya Pradesh, the Institute of Social Science has conducted a study on “Panchayat at work and what it means for the oppressed?” This study found that Draupadi Bai, a woman Panchayat member of Sarvota Village was stripped naked in front of Sarija Block Development Officer of Raigarh District on 9<sup>th</sup> Nov., 1995. Sarman Ahiwar an Upasarpach of Karki Village was tortured. Shri Muna Lal, Panchayat member of Barbathpur village of Raisen District had been beaten up.

4.55 Recently (The Hindu 21, June 1998) P. Sainath has written about two Dalit Sarpanchs of Phuter and Pipra Gram Panchayats of Tikamgarh District of Madhya Pradesh. In one case, Ms. Gundiyabai, Ahiwar, Sarpanch of Pipra Gram Panchayat was

not allowed to hoist the National Flag on August 15, 1998 by her Upasarpach and some others, all of them belonged to higher castes. These two Dalit Sarpanches wanted to develop their villages. But they were not allowed by the feudal leaders of the area. Perhaps due to the report of Sainath, the Chief Minister of M. P. directed the officials to ensure that Gundiyabai would unfurl the National Flag at the District headquarter on the Independence Day of 1999.

4.56 On the other hand the example of Sarpanch, Kesbai is worth mentioning because this Dalit Sarpanch waged a war against criminal elements in her village. She was not only able to win the support of villagers but of the district officials also ( Free Press, Indore 14.10.1994)

### **Uttar Pradesh**

4.57 In some cases, reservation for women has become a farce in the sense that in a village where the Presidentship of the Gram Panchayat was reserved for SC women, the former President of the Gram Panchayat who was a Brahmin married a Scheduled Caste woman and got her elected as the Chairperson ( Roma Devi 1996).

4.58 Nimala Devi, 32, is a Zilla Parishad member in Chandauli district of Uttar Pradesh. She won the last ZP elections with the highest number of votes in the State. Yet, she remains an untouchable to the upper strata of the society because she was born a Dalit. She explains her lot with rancour. "The victory would have been real if my supporters and co-workers had accepted the sweets I offered to them on my winning the elections. They didn't because I am a Dalit. It made me realise that even after all these years of political activism I continue to carry the 'untouchable' tag. What really hurts is that people come to me with their problems, seek my help, vote for me and yet consider me an untouchable." ( Panchayat Raj update, January 1999)

### **Rajasthan**

4.59 Recently, Ajmer Anchal Mahila Jan Adikar Samiti, Ajmer, Uthpedan Verodhi Mahila Jan Adikar Samiti, Lok, Bhilwada, Dalit Aadayan ,Sanghthan, Ajmer has brought out case studies of nine Dalit Sarpanches from Rajasthan. These case studies reveal that women Dalits have been tortured and insulted on the ground of their caste. No Confidence Motion were also brought against some of them in the Gram Panchayat on flimsy grounds. It is also found out that the rural elite ( higher castes) and the local bureaucracy worked together to make the political reservation to SCs and STs woman ineffective . But these women fought the struggle with courage and were also able to achieve some constructive work in their villages. Some of them indicated their desire to contest elections for Sarpanches next time also despite the harassment and discrimination they were being subjected to.

4.60 In another Study the Institute of Social Science also found out that worst victims of No Confidence Motions in Gram Panchayats were Dalit and OBC women Sarpanches. The allegation against the women chairpersons in most of cases were based on deep rooted caste prejudices. To quote " Some of the politically and economically dominant caste groups who had to give up control over the Panchayats to the OBC/Dalit women, adopted the medium of no-confidence motion to stage a come back to positions of power to protect their vested interests. To get the required number for a two-third majority is not a problem for them". ( Panchayati Raj Update, March 1998)



## **Haryana**

4.61 Susheela Kaushik's study of 20 SC/ST elected representative from 12 Blocks of Haryana reveals that although most of them were illiterate and poor, they found themselves more aware about Panchayats after getting elected as representatives of the Panchayats. These women although feeling a social distance between them and the general category members were becoming more and more articulate day by day due to the opportunity they got to express themselves under the new Panchayati Raj System.

## **Tamil Nadu**

4.62 On June 30, 1997 persons belonging to the upper castes brutally murdered 6 Dalit persons including the President and Vice-President of the Melavalvu village Panchayat of Melur Taluk of Madurai district in broad day light. The reason of the massacre was the fact that the upper castes were unable to face "encroachment" by Dalits on what they had traditionally considered their domains.

4.63 Such case studies and reports, although few in number and also pertaining only to some States, indicate that neither respect due to the office they hold in the PRIs nor the respect due to them as human beings is given to Dalits in the existing Panchayati Raj System. The elected representatives are almost without power if they belong to 'lower castes'. Officials who are supposed to help elected representatives in their functioning, either succumb to power politics at the local level or just absent themselves from the village concerned. Despite such deprivation, the positive aspect is that the Panchayats have provided an opportunity to the weaker sections to interact with the overall social system through the institution of decentralised governance which the PRIs constitute. Although Gram Sabhas or Gram Panchayats continue to be involved in manipulative politics to the detriment of SCs and STs, they have also provided a forum for Dalits to ventilate their grievances and to grapple with the socio-political problems of decentralised governance.

## **Provisions of the Panchayat ( Extension to the Scheduled Areas) Act, 1996.**

4.64 Article 243 M of the Constitution prohibits extension of the provision of the 73<sup>rd</sup> Constitutional Amendment Act 1992 to the Scheduled Areas referred in Article 244 Clause (1) and (2). But, Article 243 M 4 (b) empowers Parliament to make laws to extend the provisions of the Act to the Scheduled Areas, subject to certain conditions. In view of judicial verdicts that automatic extension of the 73<sup>rd</sup> Amendment Act to tribal areas is unconstitutional and due to demands made by tribal leaders, a need was felt for extending the provision of Part IX of the Constitution to the Scheduled Areas. A High Level Committee was constituted on June 10, 1994 under the chairmanship of Shri. D. S. Bhuria with the objective of recommending how the Scheduled Areas could be covered under the provision of the 73<sup>rd</sup> Amendment. The Bhuria Committee submitted its report on January 17, 1995. Its main recommendations were:

- (i) The Panchayat in Scheduled Area should aim at combating and preventing the exploitation of tribals and building up the political, economic and social strength of the tribal communities.
- (ii) Panchayats should have powers on the pattern of the District Councils in the Sixth Schedule. This includes power of legislation on the use of land, management of forests, use of water resource, inheritance of property,

co-operatives and social customs, regulation and control of money lendings and excise policy.

- (iii) The Gram Sabha should have the power to enforce customary rights on natural resources, responsible for safeguarding the rights of tribals. They should also execute small work of development and regulate manufacture, sale and consumption of intoxicants.
- (iv) Land in Scheduled Area should be acquired with the consent of the Gram Sabha and after making provisions for alternative livelihood for the families who would be displaced because of the acquisition of their land.
- (v) There should be an embargo on sale of tribal land and land should be transferable only to members of Scheduled Tribes, irrespective of whether the transferor is a member of the Scheduled Tribes or not.
- (vi) Gram Panchayats and the Intermediate Panchayats would, under such directions as may be given by the District Councils, prepare development plans and undertake execution of schemes for rural development.
- (vii) The role of the functionaries of departments like police, excise, forest should be minimal. Government servants posted in these areas should be under the control of the District Councils.
- (viii) The traditional tribal bodies should be recognised to enable them to continue to function. There should be no interference in cases under adjudication by tribal bodies.
- (ix) The police should take cognizance of complaints in respect of matters within the jurisdiction of the Gram Sabha only when the Gram Sabhas resolve for it. Professional law officers posted in these areas should be trained in the tribal customary laws.
- (x) Tribal Plan Funds and other funds under different schemes should be placed at the disposal of the Panchayats.
- (xi) Majority of Scheduled Tribes should be ensured in Panchayats. The Chairpersons of these bodies must be a person belonging to the Scheduled Tribes.
- (xii) For the purpose of self-governance, the Panchayats in the Scheduled Area should have powers on the pattern of the district council of the Sixth Schedule. Whenever Panchayats in the Scheduled Areas have to be dissolved in a particular set of circumstances, these can only be dissolved by the order of Governor of the State.

4.65 On the basis of above, it may be said that the overall emphasis of the Committee was on institutionalising participatory democracy at local level in consonance with the customary laws, social practise and traditional management of community resources.

4.66 Accepting the recommendations of the Committee, a Bill to amend Constitution was introduced in Parliament and passed on December 19, 1996. It subsequently got the President's assent on December 24, 1996 and has become part of the Constitution w.e.f that date. According to this Act (hereafter referred to as "the Extension Act") the 73<sup>rd</sup> Amendment has been extended to areas mentioned in clause (2) of Article 244 of the



Constitution. As per this Act, the existing provisions of the concerned State Panchayat Acts have to be amended by the State Legislatures within one year i.e. by December 24, 1997.

### **Distinctive features of the Act**

4.67 This Act (ANNEXURE 4.V) extends Panchayats Act to the tribal areas of eight States namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan and aims at enabling tribal communities to control over their own destiny and to preserve and conserve their traditional rights over natural resources. Following are some of the distinctive features of the Extension Act.

- (i) Any legislation on the Panchayats in Vth Scheduled Area shall be in consonance with the customary law, social and religious practices and traditional management practices of the community resources of its inhabitants.
- (ii) Powers vested in Gram Sabha for
  - (a) Ownership of Minor Forest Produce
  - (b) Approval of Development Plans
  - (c) Selection of beneficiaries under various programmes
  - (d) Be consulted on land acquisition
  - (e) Manage minor water bodies
  - (f) Control minor minerals
  - (g) Regulate/prohibit sale of intoxicants
  - (h) Prevent alienation of land and restore unlawfully alienated land of STs
  - (i) Manage Village Markets
  - (j) Control money lending to STs
  - (k) Control institutions and functionaries in all social sectors
  - (l) Give utilisation certificate of funds used for the Projects and Programmes of social and economic development etc. to the Village Panchayats.
- (iii) Reservation of seats for the Scheduled Tribes at all tiers of the PRS shall not be less than half of the total number of seats. Reservation for other communities indicated in Part IX of the Constitution shall be in proportion to the population of these communities.
- (iv) The Chairpersonship of all levels of the PRS shall be reserved for the STs.
- (v) In case the STs do not have representation at intermediate or district level Panchayats, the State Government shall nominate such unrepresented Scheduled Tribes, but such nomination should not exceed one-tenth of the total elected members of the Panchayats.
- (vi) State Legislatures, while devolving powers and authority to Panchayats to enable them to functions as institutions of self-government, should ensure



that the Panchayats at the higher level do not assume the powers and authority of any lower level Panchayats or the Gram Sabhas.

- (vii) The State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the arrangement in the Panchayats at district level. (Copy of the Act is enclosed at ANNEXURE 4.V)

### **Implementation of the Provisions of the Panchayats ( Extension to the Scheduled Areas ) Act, 1996**

4.68 Within a year of the Act coming into force on 24.12.96, the conformity legislations of the States were required to be amended. All the States covered by the Extension Act except Bihar have passed their legislations on the subject. Not much information is, however, available on the issues connected with the Extension Act having a bearing on the lives of STs in these 8 States. Not much literature is also available on the implementation of the Extension Act on the basis of which a detailed assessment could be carried out. Besides, confusion still prevails about operationalising various provisions of the Act e.g. those pertaining to Minor, Forest Produce etc., at grassroots level. However, available information reveals the following about the implementation of the Extension Act:

- (i) According to the Extension Act, "The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such project in the Scheduled Areas." But the Report based on the visit of a Team of the Council for Social Development to Rayagada and Bhubaneswar on 11-18 January 1999 revealed that the State Government of Orissa has acquired tribal land for an Alumina Project in Raygada district without even consulting the Gram Sabha let alone securing its agreement.

The extent to which some of the bureaucrats appreciate the needs and realities of the general population may be gauged from the following comments made by Sh. J. P. Vyas, Collector of Bastar on a proposal to set up a steel plant "There has never been any precedent of informing the people beforehand about their impending displacement. If the people were consulted they might refuse. And then where would the Government be? In any case, he argued, the people were ignorant and once the experts had decided where a project was going to be located, there was nothing more to be said ..... Mobility is a sign of progress, he said ....as to the demand for shares in the factory to be given to those displaced by it. This is a very wrong demand and totally alien to their culture. It will create possessiveness as tribals are very selfless people." (Savyasaachi, 1998)

- (ii) The preliminary results of a study undertaken by the Society for Participatory Research in Asia and its Network Collaborators in the Jharkhand area covering parts of West Bengal, Madhya Pradesh and Bihar States in order to compare the functioning of the Gram Sabha in Scheduled and Non- Scheduled Areas, indicates the following:

“ In the newly formed Gram Sabhas, the leadership has been taken by young and educated, and the elders have by and large been by-passed in these Gram Sabhas. The formation of the Gram Sabha has been through consensus and all the villagers have participated and contributed for the Pathalgadi (planting a stone with the powers of the Gram Sabha). The Gram Sabhas are also acting as pressure groups at the Block level to get benefits of development programmes. Meetings are held regularly and the minutes of the meetings are also kept in villages. However, there seems to be ambiguity regarding the power conferred under the Extension Act because the terms “Gram Sabhas” & “Pranchayats” have both been used at different places in the Act, thereby not giving clear direction to the State Legislatures.”

## **Problems of Implementation of the Extension Act**

4.69 A note prepared for a meeting of the Consultative Committee of Parliament attached to the Ministry of Rural Areas and Employment held on July 24, 1998 identified the following problems with both certain Central and State Laws .

- (a) Definition of Minor Forest Produce: The Indian Forest Act, 1927 defines timber as including within its definition, bamboo as well as cane. The Ministry of Environment and Forests, however, defines Minor Forest Produce to exclude timber. While doing so, they have adopted the definition of timber as given in the Indian Forest Act, 1927 according to which timber includes not only trees but also bamboo and cane. In most States, tribals have been traditionally depending on bamboo and cane for their livelihood. However, for the last many years, Forest Corporations and Forest Departments have prevented tribals from access to bamboo and cane while at the same time giving these to private industry at highly concessional price. In many cases, tribals have been driven to desperation on account of this policy of State Forest Departments. It is felt that the definition of timber in the 1927 Central Act is neither scientific nor equitable. It is a colonial definition and goes against the spirit of the provisions of the Extension Act.
- (b) There are also issues arising from the interpretation by the Ministry of Environment and Forests of the intention of Parliament in vesting of ownership of Minor Forest Produce in Gram Sabhas. The proposals made by the Ministry of Environment and Forests interpret the intention of Parliament as not of giving ownership to individuals but of making available to the Gram Sabhas, residual profits of State Forest Corporations/Federations. Thus, according to the Ministry of Environment and Forests, State Forest Corporations/Federations will continue to trade in Minor Forest Produce and if there is any surplus, that surplus will be given to the Gram Sabhas. The continued application of the Forest Produce Trade Nationalisation Acts of the States of Maharashtra and Gujarat contravene the provisions of the Extension Act under which the control over Minor Forest Produce is vested in Gram Sabha.

4.70 The Ministry of Rural Areas & Employment has already taken up these issues with the Ministry of Environment and Forests. The matter was also referred to the



Ministry of Law for advice. The Ministry of Law have advised that the definition adopted by the Ministry of Environment & Forests regarding Minor Forest Produce is not binding. The Ministry of Law have stated that the definition given in one statute is for effectuating the provisions of the statute and not for effectuating the provisions of another statute. They have also pointed out that it is dangerous to interpret one Act to travel beyond the same and apply definitions of other Acts, except those of the General Clauses Act, 1897. The Ministry of Law have also pointed out that the Indian Forest Act, 1927 does not define Minor Forest Produce explicitly. Under this law, there are mainly two components in the definition of "Forest Produce," namely, Timber and all produce other than timber. Further, the Extension Act nowhere says that the definition of the term 'Forest Produce' given in the India Forest Act, 1927 shall apply to the said Act.

4.71 In so far as interpretation of ownership is concerned, the Law Ministry has been unequivocal in its opinion that no Ministry can circumscribe or limit the scope of ownership vested in the Panchayats in the Extension Act.

4.72 The Conference of Secretaries of Rural Development and Panchayati Raj held on 3-4 June 1999, identified the following major issues in the implementation of the Extension Act.

- i. Whether all State Subject Laws have been amended to bring them in consonance with Extension Act.
- ii. Extension Act is not an additional law, but is in supersession of all existing laws on the subject. Whether this has been brought to the notice of all concerned.
- iii. Are the amended State laws in conformity with the Central Act.
- iv. What have the State Governments done to implement the legislation.
- v. Have the people in Schedule V Area been informed of the changes in the legislation.
- vi. Have they been made aware of their rights over natural resources.

4.73 In view of the above, it has become essential to urgently amend various Acts of the State and Central Governments which have a bearing on the Extension Act. A comprehensive review of various Acts and laws is needed to enable the tribals to be able to protect and preserve their traditional values, resources and environment.

## Recommendations

4.74 The 73<sup>rd</sup> Amendment to the Constitution and its Extension to the Vth Scheduled Areas is a watershed in decentralised governance, planning and development. Reservation to SCs and STs including women belonging to these Groups has enabled them to participate in execution and monitoring of plans for economic development and social justice. But to make SCs' and STs' participation in Panchayats more effective and assertive, following recommendations are made:

- (i) **Article 243 G of the Constitution empowers the State Legislatures to endow Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-governance and such law contains provisions for the devolution of powers and**



responsibility to Panchayats at appropriate level with respect to : (a) preparation of plans for economic development and social justice (b) implementation of such plans and schemes as may be entrusted to them, including those in relation to the matters listed in the Eleventh Schedule. This is the heart and soul of the entire scheme of decentralisation. Although the term "institution of self-government" is not used in the Act, the expression is well-understood. Only those institutions which fulfil three basic conditions viz (a) institutional existence, i.e., decisions are taken by the people's representatives, (b) institutional capacity, i.e., the institution is empowered to make rules independently and (c) financial viability, i.e., it is sufficiently empowered to raise financial resources to meet its responsibilities, can qualify for being called "institutions of self government." For this purpose there is need to define clearly functions at different tiers keeping in view the cardinal principle that what can be done at a particular level should be done at that level only. Hence, there is a need to evolve a separate list of functions for the Panchayat which may be termed the local list. For performing assigned functions effectively the Panchayats should also enjoy financial and administrative autonomy. In other words, they should have adequate financial resources at their disposal and required personnel for undertaking planning and implementation of development programmes.

- (ii) Gram Sabha presents direct democracy at grassroots level. It provides an opportunity to each and every member of Gram Panchayats to participate in preparing and monitoring the implementation of plans for economic development and social justice. It is generally found that people are not participating in Gram Sabha meetings due to lack of enthusiasm which is largely due to the powers actually vested with the Gram Sabha being inadequate and marginal. If the Gram Sabha meetings are to be viewed as a useful forum by the villagers, it would be necessary to vest in the Gram Sabha the power to sanction and disburse benefits in open meetings, to approve and sanction plans prepared by the Panchayat. Meetings of the Gram Sabha may be organised at such a time of the day when women and weaker sections are not busy either at home or in wage employment.
- (iii) As mentioned earlier, there are more than 7 lakh elected representatives from SCs and STs including women ( about 2.50 lakhs) belonging to these Groups. It is, therefore, necessary to impart requisite knowledge and skill about the management of Panchayat affairs to its members, particularly the weaker sections. Moreover, government officials dealing with programmes and subjects transferred to the PRIs also require sensitisation and reorientation. The Ministry of Rural Development, as a nodal Ministry at the Centre and the State Govts should formulate such training modules which should also include the constitutional safeguards provided to SCs and STs. In this connection, necessary training infrastructure should be created at National, State, District and Sub-District levels. Awareness

about constitutional safeguards particularly POA Act 1989 and PCR Act, 1955 is necessary to enable SCs and STs to protect themselves from atrocities from the higher castes. Besides, a multi-media approach consisting of the preparation of : (a) Attractively produced Self- learning print materials; (b) Audio and video programmes and (c) training programmes to the elected representatives of the Panchayats.

- (iv) To make the Provisions of Panchayats Act ( Extension to Scheduled Areas) Act -1996, more effective for development of the Scheduled Areas, Central and State Laws, like Forest Conservation Act, State Excise Act, Minor Minerals Act, Money Lenders Act, Land Acquisition Act etc., having bearing on the Extension Act should be suitably amended.
- (v) A comprehensive data base has to be developed on SCs, STs including women (both national and state levels) covering their number, socio-economic profile and their performance as members and chairpersons of the PRIs . On the basis of such database a comprehensive policy may be evolved for making their political reservation in decentralised governance more effective.
- (vi) Voluntary organisations and SCs and STs Associations should also come forward to support SC and ST elected representatives by conducting Training and Awareness Building camps, seminars, conferences and workshops etc. Central and State Governments should provide liberal grants to the NGOs and Association for this purpose.

# THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

(20<sup>TH</sup> April, 1993)

## An Act further to amend the Constitution of India

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

**1. Short title and commencement.**-(1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Insertion of new Part IX.**-After Part VIII of the Constitution, the following Part shall be inserted, namely:-

### PART IX THE PANCHAYATS

**243. Definitions.**- In this Part unless the context otherwise requires,-

- (a) "district" means a district in a State;
- (b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) "Panchayat" means an institution (by whatever name called ) of self-government constituted under Article 243-B, for the rural areas;
- (e) "Panchayat area" means the territorial area of a Panchayat;
- (f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

**243-A. Gram Sabha.**-A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

**243-B. Constitution of Panchayats.**-(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause(1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.



**243-C. Composition of Panchayats.**-(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats: Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation-

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the member of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within-

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of -

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide, and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

**243.D. Reservation of seats.**-(1) Seats shall be reserved for-

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of office of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

**243-E. Duration of Panchayats etc.**-(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

**243-F. Disqualifications for membership.**-(1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat-



(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned.

Provided that no persons shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

**243-G. Powers, authority and responsibilities of Panchyats.**-Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchyats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

**243-H. Powers to impose taxes by, and Funds of, the Panchayats.**-The Legislature of a State may, by law,-

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom

as may be specified in the law.

**243-I. Constitution of Finance Commission to review financial position.**-(1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;



(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

**243.J. Audit of accounts of Panchayats.-** The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

**243-K. Elections of the Panchayats.-** (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine;

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause(1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

**243-L. Application to Union Territories.-** The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union Territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

**243-M. Part not to apply to certain areas.**-(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause(1), and the tribal areas referred to in clause(2), of Article 244.

(2) Nothing in this Part shall apply to-

- (a) the State of Nagaland, Meghalaya and Mizoram;
- (b) the Hill Area in the State of Manipur for which District Council exist under any law for the time being in force.

(3) Nothing in this Part-

- (a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force.
- (b) Shall be constituted to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution,-

- (a) the Legislature of a State referred to in sub-clause(a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause(1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

- (b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause(1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

**243-N. Continuance of existing laws and Panchayats.**-Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-second Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

**243-O. Bar to interference by courts in electoral matters.**-Notwithstanding anything in this Constitution,-

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243-K, shall not be called in question in any court;
- (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State;

**3. Amendment of Article 280.**- In clause (3) of Article 280 of the Constitution, after sub-clause(b), the following sub-clause shall be inserted, namely:-

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;”

**4. Addition of Eleventh Schedule.**-After the Tenth Scheduled to the Constitution, the following Schedule shall be added, namely:-

#### **ELEVENTH SCHEDULE**

(Article 243-G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.



## Statewise Distribution of Dates of the New Conformity Acts

States and UTs	Date of the New Act
Andhra Pradesh	21-04-94
Arunchal Pradesh	18-04-94
Assam	02-04-94
Bihar	23-04-94
Goa	09-07-94
Gujarat	26-08-93
Haryana	22-04-94
Himachal Pradesh	23-04-94
Jammu & Kashmir	Part IX of the Constitution is not applicable to the State
Karnataka	30-04-93
Kerala	23-04-94
Madhya Oradesh	25-01-94
Maharashtra	22-04-94
Manipur	23-04-94
Meghalaya	Part IX of the Constitution is not applicable
Mizoram	
Nagaland	
Orissa	1-11-93 (ZP) & 1993 ( GP & PS)
Punjab	21-04-94
Rajasthan	23-04-94
Sikkim	11-10-93
Tamil Nadu	24-04-94
Tripura	07-11-93
Uttar Pradesh	22-04-94
West Bengal	22-04-94
Andaman & Nicobar Islands	23-04-94
Chandigarh	23-04-94
Dardra & Nagar Haveli	23-04-94
Delhi	Part IX of the Constitution being made applicable
Daman & Diu	23-04-94
Lakshadweep	23-04-94
Pondicherry	19-04-94

Source: Panchayati Raj Development Report 1995, Institute of Social Science, New Delhi. 1996 .

## Elected SC/ST Members at different level of the Panchayats

As on May 31, 1998

S. No.	States/ UTs	G. P. Members			P. S. Members			Z. P. Members			% of SC/ST Population	
		SC	ST	Total	SC	ST	Total	SC	ST	Total	SCs	STs
1.	Andhra Pradesh	38674	15304	53978	789	803	1592	128	66	194	15.93	6.31
2.	Arunchal Pradesh	-	5733	5733	-	1205	1205	-	77	77	0.47	63.66
3.	Assam	Election due									7.4	12.83
4.	Bihar	Election due									14.56	7.66
5.	Goa	-	-	-	-	-	-	-	-	-	2.08	7.66
6.	Gujarat	4739	9550	14289	279	561	840	57	114	171	7.41	14.92
7.	Haryana	11793	-	11793	519	-	519	64	0	64	19.75	-
8.	H. Pradesh	3824	672	4496	289	74	354	46	14	60	25.34	4.22
9.	J & K	-	-	-	-	-	-	-	-	-	8.3	-
10.	Karnataka	17918	7575	25993	601	169	770	165	47	212	16.38	4.22
11.	Kerala	1256	136	1392	179	17	196	30	4	34	9.92	1.1
12.	M. P.	64997	132638	197635	1345	2780	4125	143	267	410	14.54	23.37
13.	Maharashtra	40766	35150	75916	409	453	862	206	232	438	11.1	9.27
14.	Manipur	35	44	79	-	-	-	1	2	3	2.02	34.41
15.	Meghalaya										0.51	85.53
16.	Mizoram										0.1	94.75
17.	Nagaland										-	87.9
18.	Orissa	7394	11823	9217	478	809	1287	85	131	216	16.2	22.21
19.	Punjab	-	-	-	338	-	338	84	-	84	28.31	-
20.	Rajasthan	17902	15616	33518	943	804	1747	177	154	331	17.29	12.44
21.	Sikkim	40	298	338	-	-	-	6	40	46	5.93	22.36
22.	Tamil Nadu	18886	686	19572	1358	41	1399	137	3	140	19.18	1.03

73<sup>rd</sup> Constitution Amendment Not Applicable

23.	Tripura	1237	704	1941	48	26	74	15	7	22	16.36	30.95
24.	U. P.	101939	867	102806	9126	135	9261	389	7	396	21.04	0.21
25.	West Bengal	13644	3319	16963	2354	582	2936	200	50	250	23.62	5.6
26.	A & N Islands	-	-	-	-	-	-	-	-	-	-	9.54
27.	Chandigarh	-	-	-	-	-	-	-	-	-	16.51	-
28.	D & N Haveli	3	103	106	-	-	-	-	11	11	1.97	78.99
29.	Daman & Diu	1	17	18	-	-	-	1	3	4	3.83	11.54
30.	NCT of Delhi	-	-	-	-	-	-	-	-	-	19.05	-
31.	Lakshadweep	-	79	79	-	-	-	-	22	22	-	93.15
32.	Pondicherry	-	-	-	-	-	-	-	-	-	16.25	-
	Total	343792	240178	583980	18867	8442	27309	1904	1247	3151	India 16.73	7.95

Source: Panchayati Raj Update, Institute of Social Science, August 1998.



## Training Of Panchayats Functionaries

S.No.	Name of the State	Total Number of Elected Representatives	Number of elected representatives trained	%age of trained elected representatives to total elected representatives	Total No. of officials	No. of official trained	%age of trained officials to total officials	Remarks
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	222645	42.101	18.91	13060	1046	8.00	
2.	Assam	30372	-	-	6404	NA	-	
3.	Bihar	Nil	Nil	-	Nil	Nil	-	
4.	Goa	1411	Nil		Nil	Nil		Government has decided to impart extensive training to all the elected members in collaboration with the Goa University.
5.	Gujarat	141312	7702	5.45	13710		Nil	Training imparted, number is not given
6.	Himachal Pradesh	26022	5759	22.13	Not	1127	Nil	Lack of infrastructure and finance have been hampering the progress of training. State Govt. has requested the Centre for assistance in this regard.

7.	Jammu & Kashmir									Training of Panchayats functionaries shall be taken up after the elections.
8.	Karnataka	84886	25540	30.08						Training for the rest would start after getting financial assistance from the Centre.
9.	Kerala	14248	3305	23.20						Officials details are not given.
10.	Madhya Pradesh	4,84,394	45,000	9.29		37097	17488	47.14		
11.	Maharashtra	317460	45,000	14.18		NA	NA			State Govt. has approached to the Centre for getting Rs.119.75 Lakhs assistance for conducting training for elected persons
12.	Manipur	1783	78	4.37		Nil	Nil	-		
13.	Orissa	42452	Nil	-		Nil	Nil	-		State has prepared the action plan.
14.	Punjab	93280	3933	4.21		Nil	Nil	-		Still going on
15.	Rajasthan	119687	58393	48.78		8968	4064	45.32		Still going on
16.	Sikkim									Training and Workshops have been regularly holding

17	Tamil Nadu	Nil	13352	-	Nil	Nil	-	Training going on
18	Tripura	5687	488	8.58	566	470	83.04	Training going on
19	Uttar Pradesh	857757	8806	1.03	141060	715	0.50	A comprehensive programme of training have been finalised.
20	West Bengal	157964	76028	48.13	Nil	2915	36.52	Action Plan for 9 <sup>th</sup> Plan not prepared
21	Haryana	63049	53571	84.96	Nil	Nil	-	Training to Sarpanch, Up-Sarpanch will be imparted in August, 1997.
22	A&N Islands	810	162	20.0	115	42	36.52	Provision has been made in 9 <sup>th</sup> Plan for training
23	Chandigarh	126	Nil	-	11	Nil	-	Training will be imparted to Panchayats functionaries after the elections.
24	Pondicherry	Nil	Nil	-	100	All Supervisory level functionaries have been trained.	-	

Source: State-wise information on Panchayati Raj, Government of India, Department of Rural Development, August, 1997  
Note: Percentages in cols, 5 & 8 have been worked out



# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24<sup>th</sup> December, 1996/Pausa 3,1918(Saka)

The following Act of Parliament received the assent of the President on the 24<sup>th</sup> December, 1996 and hereby published for general information:-

## THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

No. 40 OF 1996

(24<sup>th</sup> December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in clause(1) of article 244 of the Constitution.
3. The provisions of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.
4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-
  - (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources.
  - (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs,
  - (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
  - (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
  - (e) every Gram Sabha shall-
    - (i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;

- (ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
- (f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause(e);
- (g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution:  
 Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;  
 Provided further that all seats of Chairpersons of Panchayats at all level shall be reserved for the Scheduled Tribes;
- (h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level;  
 Provided that such nomination shall not exceed one-tenth of the total members to be elected in the Panchayat;
- (i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;
- (j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;
- (k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;
- (l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction.
- (m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-
  - (i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
  - (ii) the ownership of minor forest produce;
  - (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;
  - (iv) the power to manage village markets by whatever name called;

- (v) the power to exercise control over money lending to the Scheduled Tribes;
  - (vi) the power to exercise control over institutions and functionaries in all social sectors;
  - (vii) the power to control over local plans and resources for such plans including tribal sub-plans;
  - (n) the State legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self – government shall contain safeguards to ensure that Panchayat at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;
  - (o) the State Legislature shall endeavor to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.
5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas immediately before the date on which this Act receives the assent of the President which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President:

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

**K.L. MOHANPURIA**  
**Secy. to the Govt. of India**



## CHAPTER V

### PROVISIONS AND ACCESS TO MINIMUM NEEDS

Human Resource Development is an important objective of the development planning of a Nation. An important pre-condition for Human Resource Development is an equitable access to the basic civic services to all sections of the society. However, the track record of India in making available basic necessities to a large section of its population consisting of Scheduled Castes and Scheduled Tribes continues to be extremely poor. It is unfortunate even after 50 years of Independence a large section of the Indian society continues to be deprived of the basic requirements of life such as potable water or adequate food. Various Human Development Reports of the United Nations Development Programme have documented the lack of basic services in the developing countries especially in the South Asian region. In the ranking of the nations on a human development index, the position of India is extremely low in the world. However, lack of equitable access to the basic civic services has been a major shortcoming in the development of the poorer sections of the society, especially the Scheduled Castes and the Scheduled Tribes.

5.2 In the present chapter we shall look at the progress made in meeting the basic needs, such as, Elementary Education, Health Care, Drinking Water, Housing, Roads, Sanitation, etc., to its citizens, with special reference to Scheduled Castes & Scheduled Tribes. The Minimum Needs Programme (MNP) was launched during the Fifth Five Year Plan with the objective of providing basic civic services to all the sections of the people. Initially the Programme comprised eight components, namely Elementary Education, Rural Health, Rural Water supply, Rural Electrification, Rural Roads, Rural Housing, Environmental Improvement of Urban Slums and Nutrition. Later, the Programme was widened with the inclusion of Adult Education, Rural Domestic Energy, Rural Sanitation and Public Distribution System. As the lack of access to the basic needs was more pronounced in the rural areas, the Minimum Needs Programme focused primarily on the rural areas for provision of these facilities.

5.3 Based on the experience gained in the implementation of the programme, the Programme was revamped during the Chief Ministers' Conference held in July, 1996 which was re-named as Basic Minimum Services (BMS) and it was resolved to ensure access to the basic civic services in a time bound manner. The Conference observed that it would be in the interest of rapid growth of the economy as well as for securing social justice for all its citizens, if time bound action plans were formulated to secure full coverage of the country with seven basic services by 2000 AD. Therefore, these basic services were to constitute the core of Social Sector Development Plan during the Ninth Five Year Plan. The seven basic services identified for priority attention are as following:

- i 100 per cent coverage of provision of **safe drinking water** in rural and urban areas;
- ii 100 per cent coverage of **primary health service** facilities in rural and urban areas;
- iii Universalisation of **primary education**;
- iv Provision of **Public Housing** Assistance to all shelterless poor families;

- v Extension of **Mid-day Meal Programme** in primary schools, to all rural blocks and urban slums and disadvantaged sections;
- vi Provision of **connectivity** to all unconnected villages and habitations; and
- vii Streamlining of the **Public Distribution System** with focus upon the poor.

5.4 In the succeeding paragraph we shall take stock of the progress made in the achievement of the individual components of providing basic services to the poor in the society and more especially with reference to satisfaction of these needs of the Scheduled Castes and the Scheduled Tribes.

## Drinking Water

5.5 Denial of access to the common water sources had been, and in many places, still continues to be a major source of discrimination against the Scheduled Caste people in India. To overcome the problem the Govt. of India has been making efforts since the inception of the planning process in the country to overcome this problem. However, as the progress made in this direction had been unsatisfactory, provision of drinking water was included in the Twenty Point Program to give due priority. Furthermore, a National Drinking Water Mission was launched in 1986 to deal with the problem of rural water supply in a time bound manner.

5.6 Existing norms for rural water supply is 40 liters of drinking water per capita per day (LPCD) and a public stand-post or a hand-pump for 250 persons. Further, the source of water supply should be within 1.6 km. horizontal distance in plains or 100 meters elevation distance in hills. For cattle in DDP areas, an additional 30 lpcd is recommended. The norm for urban water supply is 125 LPCD piped water supply with sewerage system, 70 LPCD without sewerage system and 40 LPCD in towns with spot sources of water supply.

5.7 Govt. of India provides assistance to the States under Accelerated Rural Water Supply Programmes (ARWSP) for providing drinking water. ARWSP guidelines provide that the States/UTs have to earmark a minimum 25 percent of outlay for Scheduled Castes and another 10 percent for Scheduled Tribes for taking up RWS schemes exclusively for Scheduled Castes and Scheduled Tribes. Diversion of funds to other sectors is not permitted. As per ARWSP guidelines, the first source of drinking water has to be provided in SC/ST localities and at the time of implementation of the schemes, coverage of SC/ST habitations has to be given first preference and the highest priority so as to ensure that they have easy access to water supply facilities. This earmarking in the programmes has been built in to ensure a maximum coverage of SC/ST habitations. In March 1990 Central Government released special assistance of Rs. 19.80 crores for coverage of 11000 SC/ST habitations in 9 States. As part of Dr. Ambedkar Centenary Programme, Government of India released further assistance of Rs. 56.70 crores during 1991-92, Rs. 2.234 crore during 1992-93 and Rs. 0.75 crore during 1993-94 to 24 States for coverage of 30000 SC/ST habitations with safe drinking water facilities.

5.8 The Planning Commission in the Ninth Five Year Plan document has stated that as on 1.4.97 there were 61,724 habitations without any safe source of drinking water, 3.78 lakh habitations, which were partially covered, and 1.5 lakh habitations with problems in the water quality, like excess fluoride, salinity and arsenic. According to the information given by the Rajiv Gandhi National Drinking Water Mission, out of the total number of 14.31 lakh habitations in the country, 56,269 habitations do not have any source of water as on 1.4.1998. In this connection we may also look at the total population that has been



provided with safe drinking water in the country so far. Rajiv Gandhi Drinking Water Mission has stated that the survey of status of water supply facilities in rural habitations undertaken and validated during 1991-94 revealed that with reference to the 1991, census 73% of rural population had been covered by 1.4.1994 and 92% coverage achieved as of 1.4.1998. Percentage coverage for SC and ST population as on 1.4.1998 were 89.46% and 94.71%, respectively. The updated State-wise coverage of population as on 1.4.98 on the basis of validated results of habitation survey as on 1.4.94 is given in **ANNEXURE 5.1**

5.9 The scarcity of water has been particularly pronounced in certain States like Rajasthan, Gujarat, Bihar and other drought prone areas. However, the information given at the **ANNEXURE 5.1** shows that 82 percent of the population of Rajasthan and 95 percent population of Gujarat and 102.26 percent population of the Bihar has been covered with safe drinking water by the end of the year 1997-98. Apparently, the figures present an exaggerated picture of the achievements of provision of safe drinking water in these states. In this connection, it may also be mentioned that often the hand-pumps are not working for want of proper maintenance and in many cases, sources of water supply, like wells/hand-pumps, dry up, but in the records these habitation/ population continue to be shown as covered with safe drinking water. Thus there is a need for fresh survey to identify the actual extent of the problem of provision of safe drinking water. At the same time the **ANNEXURE 5.1** also shows that in the case of Punjab only 67 percent of total population (and 63% SC population) has been provided with safe drinking water and in the case of Kerala the population covered with safe drinking water is as low as 48 percent and the coverage of SC population is around 50 percent and ST population is around 43 percent. Obviously states like Punjab and Kerala have not paid adequate attention to the provision of drinking water.

5.10 From its various field visits Commission is of the view that hand pumps offer a practical solution to the drinking water problem in the areas where ground water table is not too low. As the funds required for installation of a hand pump are not large such funds can be made available from the Constituency Development Funds of MLAs, MPs and the normal development Plan funds at the disposal of the District Collectors/Dy. Commissioners. Similarly, NGOs and Voluntary Organisations can also be provided some grant-in-aid and encouraged to contribute in the installation and maintenance of hand pumps. This is particularly important since the benefits of medium and large sized projects do not reach the poor SC and ST people. Further the maintenance of hand pumps is also relatively easy which the community itself can take up. Filtration and addition of Chlorine tablets can reduce the contamination of the water. P.H.Cs and C.H.Cs can also be involved to ensure safe quality of drinking water by regular testing, check up and preventive measures.

5.11 The problem of the Scheduled Castes and Scheduled Tribes does not come to an end with the provision of a common source of drinking water in a habitation. As mentioned earlier, one of the major forms of discrimination against Scheduled Caste has been the lack of access to these sources of safe drinking water. Women in particular have been facing the brunt of this problem in the rural areas. In a recent demonstration, the Dalit women highlighted their plight as under: -

“The gravest problem (faced by SC women) is that of both an absolute and relative scarcity of drinking water. At common water sources, Dalit women face humiliation, and are even deprived of water because upper castes assert their privilege in respect of drawing water. Unequal relations are compounded by the lack of equality in access to resources. The



inequality is reproduced when, in exchange for permission to draw water from a public source, dalit women are forced to perform various menial tasks for upper caste women. The everyday act of collecting water invites many abuses and jibes. Many speakers complained of how they were made to beg for water, and after they were given permission to draw it, were made to scrub the hand pump clean." (Economy and Political Weekly -Feb 6, 1999)

5.12 It has been brought to the notice of the Commission that in Gajula Mandyam village, District Thrupathi of Andhra Pradesh which is inhabited by Harijan. A non-SC persons has bored well deeper than the existing bore-well in the Harijan Basti. Due to deeper bore-well and its energization and proximity, the bore-well of Harijan Basti has dried up resulting in the problem of scarcity of drinking water to the people of Harijan Basti. The Commission feels that there is an urgent need to stop all forms of oppression and exploitation of SCs and STs. In order to ensure equitable access to drinking water, awareness programmes and solidarity groups are required. Panchayats have been strengthened with new powers, sources of funds, autonomy, reservation etc. They must play more useful roles to ensure human dignity for the SCs and STs. The relevant provisions of Protection of Civil Rights Act and SC and ST (Prevention of Atrocities) Act must be utilized to prevent all humiliations, intimidations, dispossession etc.

5.13 Therefore, any plan or programme for social justice, which fails to deliver adequate supply of drinking water to all sections of the society, especially the SCs and STs, would remain inadequate and incomplete.

## **Education**

5.14 Basic minimum services in respect of education include universalisation of Primary education. However, many other issues relating to school education are also equally important for the SCs and STs which include adult education, continued education and distance learning. The Directive Principles of State Policy in the Constitution envisage that the State shall endeavor to provide free and compulsory education for children up to 14 years of age. The Constitutional directive has been spelt out unequivocally and emphatically in the National Policy on Education (NPE), 1986 and its Programmes of Action (POA), 1992. The Policy envisages provision of free and compulsory education of satisfactory quality to all children up to the age of 14 years, before the commencement of the twenty-first century. For achievement of these policy objectives universalisation has been accepted as the national goal and the target for the Ninth Five Year Plan have been fixed under three broad parameters-Universal Access, Universal Retention and Universal Achievement. It would be appropriate to reproduce these targets from the Annual Report 1997-98 of the Ministry of HRD, Deptt. of Education.

### **Universal Access**

- (i) Universal enrollment of all children, including girls, disabled children and children belonging to Scheduled Castes (SCs) and Scheduled Tribes (STs) in primary classes and provision of upper primary education for them.
- (ii) Provision of Non-Formal Education (NFE) for school drop-outs, working children and girls who cannot attend formal schools.
- (iii) Provision of early childhood care and education to children of 3-6 years of age.

### Universal Retention

- (i) Reduction of drop-out rates between Classes I to IV and VI to VIII from the existing rate of 36.3 per cent and 56.5 per cent to 20 per cent and 40 per cent, respectively.

### Universal Achievement

- (i) Expansion of Minimum Levels of Learning (MLL) to all primary schools and extension of this concept to the upper primary stage.
- (ii) Substantial improvement in school infrastructure, teacher education and in quantity and quality of teaching-learning material.
- (iii) Promotion and extension of national curricular framework at the elementary stage which envisages a common core with adequate flexibility to relate it to the environment and the needs and interests of the learners.

5.15 Department of Education has further reported that the Govt. has approved, in principle, a proposal to make elementary education a fundamental right. Accordingly, the Constitution (Eighty-third Amendment) Bill, 1997 was introduced in Rajya Sabha on 28<sup>th</sup> July 1997. The salient features of the Bill are as under:

- (i) Provision of free and compulsory education to all children of the age of 6-14 years by the State institutions maintained through public money.
- (ii) The competent legislature shall make the law for enforcement of right to free and compulsory education within one year from the commencement of the Constitution (Eighty-third Amendment) Act, 1997.
- (iii) A fundamental duty of a parent or guardian to provide opportunities for education to a child of the age group 6-14 years.

5.16 Having stated the broad objectives of the education policy we may look at the status with regard to the access, retention and achievement of Scheduled Castes and Scheduled Tribes in the field of education. Enrollment of children at primary and middle level is an important indicator with regard to access of the children to school education.

5.17 Following table presents the gross enrolment ratio in respect of SC, ST and General population for the year 1995-96.

**GROSS ENROLMENT RATIOS**

	<b>Class (I-V)</b>	<b>Class (VI-VIII)</b>
SC	111.91	61.33
ST	113.03	50.04
General	104.3	67.6

5.18 From the above table it may be seen that at the primary level the proportion of enrollment of Scheduled Caste children is almost as good as that of the general population. However, the sharp decline of the enrollment ratio at the middle level suggests that either the information of enrollment at the primary level is not correct or the rate of drop outs at the primary stage is so large that it is a cause of acute concern. However, the All India average in respect of enrollment of the children at the primary level does not reflect the variations at the regional levels. For example in the case of Bihar the enrollment of SC, ST and general category children are as low as 78.8, 77.4, 75.1 percent respectively. In the case of Rajasthan the enrollment ratio in the general category children are 103.4



where as in the case of SC/ST these are significantly lower at 85.5 and 86.84 percent, respectively. The State-wise details of the enrollment ratios in classes 1 to 5 and 6 to 8 of SC/ST and general students in 1995-96 are given at **ANNEXURE-5.II**. From the Annexure it may also be observed that in the case of Madhya Pradesh only 77.18 percent of the ST children are able to enroll themselves to the school education even at the primary level whereas in the case of general category and SC children, almost 100 percent are able to get themselves so enrolled. There is an urgent necessity to set-up more primary schools to ensure easier access to children. More incentives are needed for children and parents to continue primary education. Residential schools can to a large extent solve the problems of ST children.

5.19 However these high enrollment ratios cannot be taken on their face value. Public Report on Basic Education in India (PROBE) after a study in the states of Rajasthan, Madhya Pradesh, and Bihar in 1998 have found that the Gross enrollment Rates present a grossly exaggerated picture in respect of enrollments. The inflated data in respect of enrollments are a handicap in that they prevent the drawing of meaningful conclusions in respect of access of the children to school education. A very significant portion of the children who get themselves enrolled at primary level fail to continue their studies even up to the middle classes i.e. classes 6 to 8. The problem of school dropout has been discussed later in this chapter.

5.20 We may also look at the availability of the primary and upper primary schools in the country. Information in this respect is presented in the following table -

#### **HABITATIONS WITH PRIMARY AND UPPER PRIMARY SCHOOLS 1991**

Category	Habitation Size					Total
	>5000	2000-5000	1000-2000	500-1000	<500	
<b>No. of habitations</b>						
All habitations	7119	52928	125046	213059	662460	1060612
SC habitations	231	2712	9287	21752	86535	120517
ST habitations	152	1672	8026	26383	158500	194733
<b>Schools within habitations</b>						
Primary	6853 (96.26)	49524 (93.57)	110430 (88.31)	158391 (74.34)	202853 (30.62)	528051 (49.79)
Upper Primary	6089 (85.53)	34244 (64.70)	47130 (37.69)	33312 (15.63)	26365 (3.98)	147140 (13.87)
<b>Schools within SC habitations</b>						
Primary	213 (92.20)	2481 (91.48)	7758 (83.54)	14462 (66.48)	19715 (22.78)	44629 (37.03)
Upper Primary	155 (67.10)	1262 (46.53)	2234 (24.05)	2064 (9.49)	2129 (2.46)	7849 (6.51)
<b>Schools within ST habitations</b>						
Primary	148 (97.37)	1578 (94.38)	7402 (92.22)	22616 (85.72)	57765 (36.44)	89509 (45.96)
Upper Primary	121 (79.60)	1152 (68.90)	3460 (43.11)	4969 (18.83)	5591 (3.53)	15293 (7.85)

**Source:** Sixth All India Educational Survey undertaken in 1995 by NCERT published in 1998.

**Note:** Figures in brackets indicate percentages.

5.21 The data presented in the table shows that as far as availability of schooling facilities within the habitations is concerned, the habitations predominantly populated by



Scheduled Castes and Scheduled Tribes continue to be at a relatively disadvantaged position. The relative deprivation is evidently more in the case of location of upper primary schools. Total number of primary schools within SC habitations is 44629 while it is 89509 within ST habitations. In terms of percentage whereas 49% of all the habitations have a primary school, only 37% of SC habitations and about 46% of ST habitations have such a school. A comparison of SC/ST habitations with total habitation in terms of availabilities of upper primary school shows that 6.51% of SC habitations and 7.9% of ST habitation have an upper primary school against the 14% coverage of all the habitation with upper primary schools. It is perpetuation of this type of relative discrimination in the areas of concentration of Scheduled Castes and Scheduled Tribes that forms the basis of all other types of deprivations. The availability of upper primary schools must be increased in all SC/ST habitations. As a first step it must be increased to catch up with the general population level. Education is one of the most important priority sectors which needs additional investment. An improvement in the level of education through additional investments can reduce the expenditure on prisons, security forces and police forces etc. The neglect of education results in increased expenditure on these items to contain the unrest and violence arising out of poverty and inequities among the different sections of the society.

5.22 In this connection it may also be mentioned that lack of access to education is not confined to physical distance or non-availability of the school for the SC children. Access to education is denied to them even after setting up of a school in a village. Findings of 'The Probe Team' in this regard are very revealing.

"First, what needs to be considered is not just physical distance but also 'social distance', taking into account various barriers that may prevent a willing child from reaching the local school. In many areas, for instance, villages are divided into separate hamlets, and children from one hamlet may be reluctant or unable to go to school in another hamlet, e.g. due to caste tensions. Only half of all hamlets in rural India have a primary schools, as and in states like Uttar Pradesh the proportion of such hamlets is as low as 30 percent. For girls, restricted freedom of movement further enhances the problem of social distance."

5.23 During the period 1999 the Commission visited a number of States and UTs such as Rajasthan, Madhya Pradesh, Bihar and Pondicherry and reviewed inter alia the facilities in pre and post-matric hostels. It found that hostels for SC & ST students were inadequate in many States and that even where they exist many of them lack proper facilities for the inmates. The Commission has observed that:

- (i) Arrangement of food to children is poor in terms of quality as well as quantity. At some of the places there was not arrangement for providing any food to the students till lunch.
- (ii) Maintenance of buildings is not satisfactory. Some of the buildings were not white washed and in some others electrical fittings were not in working order. In some building to sewerage was found choked.
- (iii) Amount sanctioned per student for meals, dress and other daily needs was inadequate. Moreover scholarships were not being disbursed in time. All

scholarships, fellowships, internships, allowances, etc., of all SC and ST students must be increased to keep up with price rise\ inflation.

5.24 Based on these observations, the Commission recommends that in view of rising prices, Central and State Govts should take steps to enhance the amount of scholarship to provide for meals, dress and daily needs both at pre-matric and post-matric levels. State Govts. Should ensure that the scholarship is disbursed to the students in time. The Commission further recommends that proper facilities like electricity, water, sanitation, proper bedding, and good food should be made available to the residents of SC/ST hostels so that the students are able to concentrate on their studies and the real purpose of setting up of SC/ST hostels is met. Central and State Governments may also provide LPG connections to SC/ST hostels instead of their many fuel wood.

5.25 So far as retention of SC/ST children as compared to the other children is concerned the position about dropout rates is given at **ANNEXURE-5.III** for SCs and **ANNEXURE-5.IV** for STs. The Annexure brings out that there is a very high drop out rate at primary, middle and secondary level in the case of Scheduled Castes as well Scheduled Tribes such high. High drop out rate in the case of Scheduled Castes and Scheduled Tribes should also be considered in the background of social discrimination against SC/STs in the Schools.

5.26 In this regard the Public Report on Basic Education in India brings out the prejudices faced by poor SC children in the schools. "One common example of social prejudice in the classroom is the disparaging attitude of upper-caste teachers towards dalit children. This can take various forms, such as telling dalit children that they are 'stupid', making them feel inferior, using them for menial chores, and giving them liberal physical punishment. Harassment from upper-caste pupils is another common experience of dalit children. Class-based discrimination follows similar patterns. In one school, the investigator noted that new textbooks had been distributed to children from affluent families, while poor children were given old textbooks recycled from previous years. Aside from affecting classroom interaction, social prejudices and discrimination also stand in the way of a cooperative rapport between parents and teachers.

5.27 The problem is not confined to rural areas, and it is disturbing to find that caste prejudices die hard even in a 'modern' setting. A recent study highlights continuing caste discrimination in the heart of Delhi, where some teachers go so far as to criticize the accessibility of government schools to dalit children. As one of them bluntly put it "Scheduled-caste bacchon ko padha ke kya faida hai, unko band baja sikha do... bas utna hi thik hai. (What is the point of teaching scheduled-caste children? Let them learn how to beat drums, that's good enough).

\* \* \*Aside from being the victims of explicit discrimination, underprivileged children also suffer from the fact that teachers tend to concentrate their efforts on the higher grades (e.g. classes 4 and 5 in a primary school), as well as on the children whom they consider to have more potential. These favoured pupils, more often than not, come from families that are better able to provide a learning environment at home."

5.28 Discrimination inside the class -room and also low income of the family forces the SC/ST student to drop-out of the school at very early stage. In the poorer families very often the opportunity cost of continuing the study by a child is estimated in terms of loss of wages that he could have earned as a child labour in a bangle factory in Firozabad or in a crackers manufacturing factory in Sivakasi. At other places his or her worth may be evaluated in terms of the assistance he can provide in the family's traditional occupation



or as a worker in a hotel or some house. The Mid-Day Meal Schemes that provide additional food supplements for boys and girls in schools reduce the drop out rates. In order to provide larger coverage under Mid-Day Meal Schemes in more schools, additional investments in Mid-Day Meal Schemes are vital. Continuity of the scheme can result in regular attendance of boys and girls.

5.29 Very often the children of the seasonal migrant workers or the labourers at constructions sites have to drop out due to frequent migration of their parents. Transit hostels – cum-schools offer a solution to the problem of drop out which take place due to the migration of the parents. The Commission has observed that the Andhra Pradesh Residential Schools Society has performed remarkably well to impart education to the Scheduled Tribes and Scheduled Castes children. Other States should also take a leaf out of the AP Residential Schools Society's experience.

5.30 The trend of male, female and total level of literacy among total population and Scheduled Castes and Scheduled Tribes in the country from 1961 Census and onwards is given at ANNEXURE-5.V which is summarized below :-

#### LITERACY TREND FROM 1961 TO 1991

Year	Total			Scheduled Castes			Scheduled Tribes		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
1961	34.44	12.95	24.02	16.96	3.29	10.27	13.83	3.16	8.54
1971	39.45	18.72	29.46	22.36	6.44	14.67	17.63	4.85	11.39
1981	46.90	29.85	43.67	31.12	10.93	21.38	24.52	8.05	16.35
1991	64.13	39.29	52.21	49.91	23.76	37.41	40.65	18.19	29.60

5.31 It can be seen from the table that there has been a steady increase in the Literacy levels both males and females among Scheduled Castes and Scheduled Tribes since 1961. The literacy level of both male and females segments of the Scheduled Castes/Scheduled Tribes population has witnessed an increase.

5.32 However, it may be mentioned that despite growth of literacy rate of SC/ST the gap in the literacy rate of SC/ST and the total population has not narrowed down significantly. In fact in the case of female the gap in the literacy rate of the total population and both SC/ST families have increased. The gap in literacy rate for SC/ST male and female population is given in the following table: -

#### GAP IN LITERACY RATE FOR SC/ST

Year	Scheduled Caste			Scheduled Tribe		
	Male	Female	Total	Male	Female	Total
1961	17.48	9.66	13.75	20.61	9.79	15.48
1971	17.09	12.28	14.79	21.82	13.87	18.07
1981	14.38	18.9	22.29	20.98	21.80	27.32
1991	14.22	15.53	14.80	23.48	21.10	22.61

From the trends of the literacy rate given in above Table it may be seen that female literacy rate for the total population was 12.95% in 1961. In the case of Scheduled Castes



female the literacy rate was 3.29%. Thus there was a gap of 9.66 percentage points in the female literacy between Scheduled Castes and total population. In Table 3 the gap in literacy has been similarly worked out for male, female and total SCs and STs population during the period 1961 to 1991. It may be seen from this Table that the gap in literacy in the case of Scheduled Castes women was 9.66% in 1961 which increased to 18.9% in 1981 and is still 15.53% in 1991. The Table also brings out that gap in literacy rate in the case of Scheduled Tribe female as compared to the total population has widened from 9.79% in 1961 to 21.10% in 1991. Similarly there is an increase in the gap of male literacy for Scheduled Tribes during the period 1961 to 1991.

5.33 The position in regard to female literacy is particularly an area of great concern as a large number of districts in the country still have less than 10% literacy rate in the case of Scheduled Tribe females. Because of the very ancient customs and traditions of the Indian society girls and women are not generally encouraged in education and employment. These very orthodox practices prevent enlightenment and reduce incomes of families. Awareness programmes, additional incentives for girls and women in education and employment, social reforms etc. are crucial to bring girls and women at par with males. Empowerments of women, reservation for women, additional facilities for women like hostels, transient accommodation etc. are urgently needed to ensure faster economic development. In the literacy promotion campaign emphasis should be given to educate women because a literate mother can better comprehend the elements of safe motherhood and childcare beyond traditional practices. It is important in this context to identify the problems in the way of education of the SC and ST female. These two groups have one of the worst literacy rates in the society. The agencies responsible for taking up the literacy campaign should take special care to reach the SC/ST women.

5.34 Public Report On Basic Education in India (PROBE), after a study of the situation in the State of Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, in 1998 has observed that the schooling system itself does not give equal treatment to different sections of population. Discrimination against under privileged groups is endemic, in several forms. Explaining these forms the PROBE study has made following observations. "First, a system of multiple tracks has developed, whereby different types of schooling opportunities are accessible to different sections of the population. One aspect of this is the basic dualism between government schools and private schools. Private schools tend to be better managed, more expensive, and oriented to privileged families. In some villages (e.g. Kota Shivpratap Singh in Mirzapur, UP), a peculiar form of social apartheid has developed, whereby most dalit children go to the government school while most high-caste children attend private schools. Another aspect of this multiple-track pattern is the dualism between 'formal' and 'informal' schooling facilities. The latter, consisting of various low-cost schooling arrangements, tend to be concentrated in deprived areas. While these facilities can be a valuable supplement to formal schools in these areas (e.g. to provide some instruction to drop-out children), they often end up as second-rate substitutes for real schools.

5.35 Second, there are differentiated facilities even within the government schooling system. The infrastructure of a government school (e.g. number of teachers, quality of building, range of teaching aids) tends to be far better in privileged areas than in deprived villages. In Madhya Pradesh, for instance, the proportion of schools with a pucca building ranges from 88 per cent in Indore (a prosperous district) to 2 per cent in Bastar (a

tribal district). Even in Delhi, the quality of government schools varies a great deal over short distances, depending on the social composition of the neighborhood.

5.36 Third, even within the same school, children of different social backgrounds often received unequal treatment. This includes some blatant forms of discrimination, which are supposed to belong to history. We found a few schools, for instance, where dalit children had to sit separately from other children (e.g. in village Dubarkalan, Mirzapur), or where children of some castes sat on benches while others sat on the floor. We also found villages with two adjacent government schools, used by different castes. Far more widespread than these cases of blatant discrimination, however, are subtle forms of unequal treatment in the classroom."

5.37 The Government is providing number of incentives to improve the attendance of SC & ST students to the school education. Some of the important programmes being implemented by the Union Ministry of Social Justice & Empowerment include:

- i Centrally sponsored scheme of post matric scholarship to students belonging to SCs & STs.
- ii Centrally sponsored scheme of pre matric scholarship to the children of those engaged in unclean occupations.
- iii Centrally sponsored scheme of special educational development programme for Scheduled Castes girls belonging to very low literacy level.
- iv Centrally sponsored scheme of girls hostels for scheduled castes.
- v Centrally sponsored scheme of boys hostels for Scheduled Castes.
- vi Books banks for Scheduled Castes & Scheduled Tribes students.
- vii Girls hostel for Scheduled Tribe.
- viii Boys hostel for Scheduled Tribe
- ix Ashram School in tribal sub-plan area
- x Educational complex for Scheduled Tribe girls in low literacy pockets.
- xi Residential schools for Scheduled Tribe Boys and Girls for giving them access to quality education.

5.38 As a result of these programmes there has been a visible improvement in the literacy level and enrolment as well as retention of the SC/ST students in schools. However, although a large number of schemes are being implemented for improvements of the education of SCs and STs yet the results are not commensurate with the investments made for this purpose. The practical working of many schemes is thoroughly pathetic and wretched. Corruption, red tape and bureaucratic insensitivity make life extremely miserable for all the SC and ST students. Supervision, review and follow-up are lacking. To improve the functioning of these programmes the procedures must be streamlined in consultation with the student bodies. The Ministry of Social Justice and Empowerment has been making budget provision since 1997-98 for a scheme viz. Kasturba Gandhi swatantra vidyalaya Scheme for the welfare of the girl students belonging to weaker section of the society. It is unfortunate that the scheme has not still taken off so far despite the fact that the budget provision for this scheme is being made for some years. The Ministry should take immediate steps to implement this scheme.

5.39 Similar to these incentives programmes, the State Government's are also implementing their own programmes, some of which extends to all sections of the society. The Commission during its visits to the States has been informed that some of the State Governments are implementing schemes to identify the talented Scheduled Caste and



Scheduled Tribes students for giving them monetary incentives. The Commission appreciates such initiatives and urges upon all the States to devise invocative schemes for providing education among the talented SC and ST students. Government of Himachal Pradesh has proposed implementation of one such scheme, viz "Dr. Ambedkar Medhavi Chhatravriti Yojana" wherein every year 1000 SC students will be given Rs. 10,000/- per annum irrespective of the income of the parents. Field visits by the PROBE team has found that in the matter of incentives such as book banks some times there have been discrimination against the Scheduled Castes. They have observed that the students belonging to the under privileged classes were given second hand books whereas the students from the upper caste were given new books.

5.40 As has been pointed out earlier an important issue relating to education of the SC and ST relates to the vocationalisation of the education. For this purpose the State Govts. may consider getting admission for the SC/ST candidates in the private technical and professional institutions of higher education and subsidize their entire fees in such institutions in addition to the usual scholarships being given to the students of similar classes in Govt. institutions.

5.41 It may be seen from the ANNEXURE-5.VI that the representation of Scheduled Castes and more specifically Scheduled Tribes is low in science, technical and commerce courses in classes XI & XII. In this regard we may also consider the position in respect of SC & ST teachers in the schools. Representation of the SC & ST teachers at primary, middle & secondary level in rural and urban areas is given in the following table:

#### TEACHERS POSITION IN SCHOOLS

		All Communities	SC	ST
i)	<b>Primary</b>			
	Rural	1275218	1592488 (12.49%)	114933 (9.01%)
	Urban	348161	24592 (7.06%)	9213 (2.65%)
	Total	1623379	183840 (11.32%)	124146 (7.65%)
ii)	<b>Upper Primary</b>			
	Rural	790271	78063 (9.88%)	61921 (7.84%)
	Urban	33946	23151 (6.82%)	10805 (3.18%)
	Total	1129747	101214 (8.96%)	72726 (6.44%)
iii)	<b>Secondary</b>			
	Rural	532328	38073 (7.15%)	21794 (4.09%)
	Urban	297077	15535 (5.23%)	7839 (2.64%)
	Total	829405	53608 (6.46%)	29633 (3.57%)
iv)	<b>Higher Secondary</b>			
	Rural	247584	18802 (7.59%)	8013 (3.24%)
	Urban	367440	19726 (5.37%)	6552 (1.78%)
	Total	615024	38531 (6.26%)	14565 (2.37%)
v)	<b>Total</b>			
	Rural	2845401	294186 (10.34%)	206661 (7.26%)
	Urban	1352154	83007 (6.14%)	34409 (2.54%)
	Total	4197555	377193 (8.99%)	241070 (5.74%)

Source: Sixth All India Educational Survey

Note: Figures in brackets indicates percentages

5.42 The table shows that the SC Teachers comprise 9% of the total teachers in the schools whereas the ST Teachers comprise only 5.7%. The table also brings out that the



representation of both SC & ST teachers is particularly low in the urban areas and at higher classes in both rural as well as urban areas.

## Health Care

5.43 The norms for the health care provide for setting up of a sub-center for a population varying between 3000-5000 depending upon terrain and location; a Primary Health Center (PHC) for a population between 20000-30000 and a Community Health Center (CHC) for every four PHCs. Keeping in view the far flung areas, forest land, hills and remote villages, where most of the tribal habitations are concentrated, the population coverage norms have been relaxed to one Primary Health Center for every 20,000 population and one Sub-Center for every 3,000 population in hilly/tribal areas as against one PHC for 30,000 population and one Sub-Center for 5,000 population in general rural areas. The States have been advised to set up at least 15% of the Sub-Centers in SC Bastis or Villages having 20% or more Scheduled Castes population and 7.5% of their annual targets in tribal areas. The State Government have been advised to give further relaxation for setting up Sub-Center/Primary Health Center in the case of tribal hamlets and Scheduled Castes Basties which are 5 kms away from the existing Health and Family Welfare delivery point. Based on these resume requirements of various types of health institution have been marked out. In accordance with these national norms the requirement are sub-centers 1,34,108; PHCs 22,349 and CHCs 5,587. As against these requirements there are 1,32,730 sub-centers, 21,854 PHCs and 2,424 CHCs as of 30.6.96. Under the minimum needs programme, 20,972 Sub-Centers, 3,336 Primary Health Centers and 470 Community Health Centers have been established in tribal areas besides 1,122 Allopathic Dispensaries, 120 Allopathic Hospitals, 78 Allopathic Mobile Clinics, 1,106 Ayurvedic Dispensaries, 24 Ayurvedic Hospitals, 251 Homoeopathic Dispensaries, 28 Homeopathic Hospitals, 42 Unani Dispensaries, 7 Siddha Dispensaries functioning in the tribal areas in the country. Ministry of Health and Family Welfare has also worked out the required number of sub Centers, PHCs and CHCs which are 25488, 3985 and 846 respectively. Thus, 82.7 percent sub-Centers, 83.7 percent PHCs and 55.5 percent CHCs of their required number have been set-up in the tribal areas upto June, 1998.

5.44 Similarly 16,845 Sub-Centers, 5,987 Primary Health Centers and 373 Community Health Centers have been established in SC Bastis/Villages having 20% or more Scheduled Caste population, besides 980 Allopathic Dispensaries, 1,042 Ayurvedic Dispensaries, 480 Homoeopathic Dispensaries, 68 Unani/Siddha Dispensaries, functioning in the SC concentrated areas in the country.

5.45 Figures given above indicate setting up of a large network of health infrastructure in the country including tribal areas and SC Bastis.

5.46 However, the functioning of these sub -Center , PHCs and CHCs show that in a very large number of these PHCs and CHCs there are no doctors and medicines. As a result many of these institutions exist only on papers. This is specially the position in the case of remote and hilly tribal areas. In response to a questionnaire to the Commission Govt. of Madhya Pradesh informed in September, 1997 that in 279 T.D. blocks doctors were not available. In sub-Health Centres of tribal areas 971 posts of female health workers and 907 posts of male health workers were lying vacant because of non-availability of SC/ST candidates as per the required qualification. During the visit of the Chairman of the Commission to Jagdalpur, Madhya Pradesh it was informed that 122 posts of doctors were laying vacant in the District .

5.47 In the remote areas lack of medicines is a major problem and as a result in many PHCs and sub-Centers where medical and para-medical staff have been actually posted they are not able to function effectively. Private practice by doctors posted in these Govt. hospitals in remote rural areas poses another set of problems. Press reports bring out that poor patients visiting Government hospitals have to pay fee to the doctors for getting treatment in the remote areas. These reports also point towards diversion of the stocks of medicines from Government hospitals to private practice of the doctors employed in these health Centres. Failure of the public health system in the rural and tribal areas have encouraged quacks and fake doctors in many such places. In this connection the Commission recommends that the State Govts. should take effective steps for posting of doctors and para-medical staff in the tribal areas which may consist of the provision of necessary infrastructure such as quarters etc and incentives in the form of additional allowances. At the same time there is a need for strict supervision of the functioning of the medical institutions in the remote areas.

5.48 Health and Family Welfare, Ministry has set up National Illness Assistance Fund to provide financial assistance to the vulnerable sections of society, which include SC & ST population, to enable them to go in for expensive treatment in case of major illness. The State Govt./UTs may forward their applications to the Ministry of Health and Family Welfare for considering financial assistance under this Fund. The individual cases for grant of necessary financial assistance in deserving cases would be considered in the State/U.T. where such funds have been set up and all such cases where the assistance required is in excess of Rs. 1.5 lakh in a single case the applications could be forwarded for consideration by the Management Committee of National Illness Assistance Fund. To promote contribution to fund the subscription towards fund are exempt for payment of income tax. Details of the States/UTs where the funds have been set up and grant-in-aid is released so far are given under:

**1996-97**

	<b>Name of the State/UT</b>	<b>Amount Released</b>
1.	Karnataka	Rs.5 crores
2.	Madhya Pradesh	Rs.5 crores
3.	Tripura	Rs.5 crores
4.	NCT of Delhi	R.50 lakhs

**1997-98**

1.	Andhra Pradesh	Rs.5 crores
2.	Tamil Nadu	Rs.5 crores
3.	Himachal Pradesh	Rs.25 lakhs
4.	Jammu & Kashmir	Rs.20 lakhs
5.	NCT of Delhi (2 <sup>nd</sup> installment)	Rs.25 lakh

**1998-99**

1.	West Bengal	Rs.50 lakhs
2.	Maharashtra	Rs.2 crores

5.49 Primary Health Care has not been well planned and organized in the urban slum areas. Therefore, in the Chief Ministers' Conference it was emphasized that due care should be given to the Primary Health Care Services in the urban areas also. This is especially important in view of the large migration of rural population to the urban areas.



## Housing

5.50 According to 1991 census, there are 3.41 million rural households who are shelterless. Apart from this, about 10.31 million households live in unserviceable katcha houses. Therefore, the total housing shortage is about 13.72 million. It should be pointed out that this shortage covers both the poor and the non-poor households. In addition it has been estimated that another 10.75 million houses would be required between 1991-2002 AD on account of an average annual growth of 0.89 million people without shelter. Thus around 24.5 million houses would have to be constructed by 2002 AD. It is estimated that 6.8 million houses would have already been constructed under various housing schemes of both the Center and the States. Therefore, the total housing shortage would be approximately 17.67 million. Of this 10.3 million houses would require up gradation and 7.36 million units would have to be newly constructed.

5.51 The Govt. of India is implementing Indira Aawas Yojna since 1985-86 to provide dwelling units free of costs to the members of SCs & STs and freed bonded labourers living below the poverty line in rural areas. This is 100% subsidized centrally sponsored programme with the resources being shared between the central and the states on 80:20 basis. The funds allotted to the States/UTs under the scheme are distributed to the districts in proportion to the SC/ST population in the district. Admissible construction assistance per house under this scheme is Rs. 20,000 in plain areas and Rs. 22,000 in Hilly or difficult areas. The beneficiaries for Indira Aawas Yojna house have to be identified by the concerned Gram Sabhas from the list of eligible Households. Approval of Panchyat Samiti is not required. Indira Aawas Yojna is implemented through District Rural Development Agencies specifically set up in each district of the country for implementation of the Rural Development Programme or through Zila Parishad. At the field level the block development machinery has been entrusted with the responsibility for implementing the programme at the village level. The Gram Sabha is responsible for selection of beneficiaries. Construction of Sanitary Latrines and the fuel efficient Chullah form integral part of houses constructed under Indira Aawas Yojna. Financial and physical performance under Indira Aawas Yojna during 1997-98 is given at ANNEXURES-5.VII & 5.VIII. It may be seen from the ANNEXURE-5.VIII that about 90% of the target has been achieved in respect of construction of houses and further that out of the target of 7.18 lac houses. 4.62 lac of houses were earmarked for the SCs & STs beneficiaries which forms 64% of the total houses. It may be observed that in Arunachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Uttar Pradesh, West Bengal, Andaman & Nicobar Island, Dadar & Nagar Haveli, Daman & Diu and Lakshadweep, the utilisation has been around 50%, or even less, of the available resources. The utilisation has also not been satisfactory (i.e. less than 80%) in the States of Andhra Pradesh, Bihar, Gujrat, Haryana, Himachal Pradesh, Manipur, Orissa, Pondicherry & Goa. The shortfall in achievement of the financial and physical targets indicate that there is need for better monitoring of this programme by the states.

5.52 The Govt. of India has proposed to launch a credit-cum-subsidy scheme as a sub-scheme of the Indira Aawas Yojna to target the group of people which are above the poverty line. Benefits in this case would be limited to the families having income upto twice the income level of families below the poverty line. The subsidy under this scheme will be restricted to 50% of Indira Aawas Yojana assistance. Similarly, the loan amount will also be restricted to the amount of 50% of the Indira Aawas Yojana limit. The lending needs component will be operationalized through the priority sector window of the



Commercial banks. Initially 3.5 lakh houses have been proposed to be constructed annually under the scheme. This appears to be a good proposal to help the poor people who are just above the poverty line. SC and ST beneficiary should be given adequate coverage under the sub-scheme.

5.53 The Ministry of Rural Areas & Employment have proposed to set up a Rural Housing and Development Corporation to meet the financing requirements of housing in the rural areas. The Ministry has found that HUDCO was directing 15% of its total housing resources to the rural areas and similarly the outreach of the other institution involved in the financing of housing was very limited in rural areas. Therefore, the Ministry has decided to set up a separate corporation for financing the rural housing. However, the budgetary support of equity of Rs.50 crores appears to be too small in the face of the housing shortage in rural areas. It is suggested that separate funds should be earmarked for the SC & ST population for the rural areas by the Rural, Housing & Development Corporation.

5.54 To provide convergence to technology habitat and energy related issues the Ministry has proposed to set up a National Mission for Rural Housing. The proposed National Mission for Rural Housing is expected to go a long way in ensuring induction of Science & Technology inputs into rural housing for the poor within a pre determined time frame. A provision of Rs. 1 Crore has been proposed for setting up the National Mission for Rural Housing.

5.55 Thus, the Ministry is taking initiative to overcome the problem of housing in the rural areas. However, it is observed that in many cases the houses constructed under Indira Aavas Yojna Scheme are not of a good quality and therefore there is a need for evaluation of the programme, specially keeping in view the fact that massive investment has been made under this programme. Construction of houses must be dovetailed with employment assurance schemes. This will have a spread effect on industries allied with construction (cement, wood, transport etc.).

5.56 The residential areas or localities in which Scheduled Caste people reside are characterized by the most unhygienic conditions in that area. The situation in the case of cities is much worse where due to high prices of the houses the migrant SC/ST are unable to purchase houses in the planned areas of the cities. Population concentrations lead to plagues, mass diseases, filth, violence, crimes etc. In order to improve the quality of life and for slum clearance the construction of barracks and common facilities, cheap housing and satellite cities etc. must be properly planned and executed as per the master plans. Without urban planning and creation of zones (residential, commercial, parking, recreation etc.), the life in cities will continue to be totally chaotic. It is also important that HUDCO, Housing Development and Finance Corporation and other agencies involved in the lending of credit for housing reduce their interest charges to make the required credit accessible to SCs and STs.

## **Rural Roads**

5.57 Development of an efficient road network is a pre-condition for overall development of any area. Under the Minimum Needs Programme connectivity of all villages was a long term objective. At the same time it was envisaged that the villages with population of 1500 and above and villages with population ranging between 1000 to 1500 would be connected by all weather roads by the end of the Eighth Five Year Plan.

Planning Commission has estimated that all weather roads would have connected 85% of such villages by the end of the Eighth Plan. However, the Ninth Plan target is to ensure that 85% of the village population are connected by all weather roads. As much as 75% of the villages with population of 500 to 1000 should be covered on priority. In the hill areas and also in tribal, coastal, riverine and desert areas 100% of the villages with population 500 should be covered. Planning Commission has also found that more than 40% of Indian villages are yet to be linked by all weather roads. A study by the Planning Commission has revealed that there is a strong correlation between rural connectivity and poverty and therefore good and bad roads lead to wide disparity in the living conditions of the rural population.

5.58 One of the major reasons for lack of social services like health, education etc. and economic integration of the tribal areas with towns and cities have been the lack of roads in the remote tribal areas. Lack of adequate provision for maintenance of the roads by the State Government has also been lamented by the various Finance Commission in their reports. These inadequate financial provisions lead to poor quality of roads and maintenance of roads in tribal and remote areas is specifically affected as a consequence thereof.

5.59 Keeping in view the significance of roads in the tribal areas the Commission recommends that the State Governments should prepare Master Plans for development of road network in the tribal areas and SC concentrated habitations and ensure connectivity of all villages by the year 2002 as envisaged by the Planning Commission in the Ninth Five Year Plan. The involvement of Town Area Committees, Panchayats, Municipalities, Regulated Markets etc. is necessary to achieve all the targets. Voluntary Organisations and Community-based Organisations could mobilize the people (Shramdan, contributions, professional advice etc.) in setting up an efficient road network. Repairs and maintenance also could be done with Panchayat cess, taxes, charges etc.

## **Nutrition**

5.60 Increase in the agricultural production in the country has improved the per capita availability of food grains from 394.9 grams per day in 1951 to 512.1 grams per day in 1997. Keeping in view the fact that during this period population has increased from 36 crores to around 100 crores, the achievement in respect of availability of food grains is significant. As a result of these achievements the country has been able to overcome the problem of famines and has witnessed improvement in the health and nutritional status of the people which is reflected in improvement in health indicators like Infant Mortality Rate and life expectancy at birth etc.

5.61 However, overall increase in the agricultural production and the availability of food grains has not resulted in equity in food consumption among all sections and regions of the country. The Public Distribution System has been revamped so as to focus on the poorer sections of the society. The problem of malnutrition is more serious in the case of children and women. Therefore, the programme of Integrated Child Development Services Scheme (ICDS) was started in 1975 as a direct intervention to make up the nutritional deficiency of children and women, especially belonging to the poorer sections of the society. The target group receiving food supplementation under ICDS is children between the age of 6 months to 6 years and pregnant and lactating mothers. Efforts are made to provide 300 calories and 10 grams of proteins per child, 500 calories and 15 to 20 grams proteins for pregnant/nursing women and 600 calories and 20 grams of proteins to



severely malnourished children as food supplements. The initial focus was on tribal, drought-prone areas and blocks with a significant proportion of scheduled caste population. Over the last two decades the ICDS coverage has progressively increased in the country. As of 1996, there are 4,200 ICDS blocks with 5,92,571 anganwadis in the country; the number of beneficiaries rose from 5.7 million children and 1.2 million mothers in 1985 to 18.5 children and 3.7 million mothers in 1996. Position of I.C.D.S projects as on 31.3.98 is given at **ANNEXURE-5.IX**

5.62 Nutrition Foundation of India (NFI) and National Institute of Public Co-operation and Child Development (NIPCCD) had conducted evaluation of ICDS. Data from the evaluation studies conducted by NIPCCD indicates that there was a reduction in severe Chronic Energy Deficiency in ICDS areas from 15.3% during 1976-78 to 8.7% during 1986-90. The nutritional status of children in ICDS areas was found to be better than that of children in non-ICDS areas. While 25 percent of nursing mothers in ICDS areas introduced semi-solid supplements to their breast fed infants at 6 months, only 19 percent did so in non-ICDS areas. These evaluations have shown the gains in terms of improvement in nutritional status from the ICDS programme.

5.63 The Planning Commission has reported that one of the factors responsible for poor performance of the programme is the lack of funds from the State for providing food supplements on a regular basis. The Commission feels that this is an excellent programme however, the present budget allocations is not adequate. The funds are barely enough to purchase the ingredients for meals but not for cooking, purchase of wood, fuel, utensils, hiring cooks, storage of ingredients and so on. The reason for inadequate budget provision by the State Govts. appears to be the fact that the programme's outreach is too large for the State Govt.'s to meet the requirement of the funds to support the programme. Therefore, it would be appropriate to focus only on vulnerable sections of the society and tribal and other regions which are affected by malnutrition. The States would be able to effectively monitor a targeted programme and as a result the quality of the services under the programme would improve. The field visits to ICDS Centers show that the Anganwadi workers who are the key persons to implement the programme are not fully trained in the field of nutrition and growth monitoring. Moreover, the food items to be distributed under the programme are not regularly available at these centers. It has also been noticed that the children belonging to the Scheduled Castes communities are often discriminated against and are not allowed to sit along with the children belonging to other families. Thus, effectively the programme fails to cater to the needs of those people for which it is needed the most. The Commission feels that more investments are need in ICDS. If effectively implemented the scheme can supplement nutrition to the nursing, mothers and children at a critical stage of the requirements for such nutrition which can have a positive effect on mortality, life expectancy, performance in schools, improvement of health and prevention of diseases etc.

5.64 An another programme of Nutritional Support in the schools was launched on 15th August, 1995 known as the Mid-day Meals Scheme on nation-wide scale. In addition to improving the nutritional status of students in primary classes the programme also aims to act as an incentive for universalisation of primary enrolment, retention and attendance. The programmes of Mid-day Meals was extended to cover all the children studying in primary classes in the Government, local body and government aided schools in all the 5440 blocks under 507 districts of the country including urban areas. The total numbers of beneficiaries are estimated to be 9.11 crore in nearly 5.41-lakh primary schools in the



country during the period under report. Since the mid day meals scheme and additional food supplements for boys and girls in schools reduced the drop out rates adequate additional investments are vital for effective implementation of the mid day meals programme.

5.65 PROBE team has found that a very positive impact of the Mid-day Meals Schemes has been the social integration of the children belonging to the different castes of the society. As a result some of the parents belonging to castes other than SCs have reported to object to the implementation of this programme in the school. The Commission recommends that this programme, in view of its impact in terms of social integration, should be strengthened and expended.

### **Public Distribution System**

5.66 Enhancement in agricultural production by itself does not improve the access of poor person to the food. As Dr. Amritya Sen has noted that famines in parts of Africa and Asia have occurred even during periods of normal harvest. Lack of purchasing power by the poor people has been responsible for the food insecurity of the poor. Public Distribution System is the most important initiative of the Government of India to ensure food security to the poor people in the country. The programme was started initially in the sixties to maintain buffer stocks of the food-grains to meet the demand in the lean period of production. The PDS till recently has been a general entitlement scheme to all the consumers without any target. The increases in the minimum support prices effected over the years led to corresponding increase in the consumer prices in the PDS which adversely affected economic access of the poor to the PDS food-grains. Thus, in a system with access to all i.e. rich and poor alike, PDS subsidises reaches the rich in procurement of food while the poor had to be satisfied with an inadequate quantity of the food grains. The Planning Commission has reported that one fall-out of the universal PDS has been that the States with highest incidence of poverty e.g. Orissa, Bihar, Madhya Pradesh and Uttar Pradesh are the ones whose per capita PDS off-take has been the lowest.

5.67 From 1.6.1997 Government decided to have a Targeted Public Distribution System (TPDS). Under TPDS a of 10 kgs of food-grains per family per month is being issued at subsidised rates to the States on the basis of the number of families living below the poverty line (BPL). The non-BPL families are entitled to food grains on the same pattern as the existing PDS. In this connection, it may be mentioned that a Working Group on National Policy on Public Distribution System (PDS) set up by the Planning Commission in August, 1995 had recommended in its report that 20 kgs. of food-grains should be made available to below the poverty line (BPL) house-holds by the Govt. The reduction in the quantity of the food-grains to be issued to the BPL households to 10 kgs. per family per month from the recommendation of the working group of 20 kgs. is a substantial reduction in the food-grains quantity to be made available to the poor house-holds. If the family size is taken of an average of 5 members the availability of foodgrains works out to 2 Kgs. of foodgrains per family member per month. This quantity of foodgrain is completely inadequate to take care of the food requirement of the poor people. The Commission recommends the PDS should focus on the poorest section particularly those belonging to Scheduled Castes and Scheduled Tribes. FCI has sufficient food grains. At present, rice and wheat are being exported. Therefore, it is possible to give at least 20 kgs. of food-grains to each SC and ST family every month, as recommended by the Planning Commission.

5.68 Leakages have very often been alleged in the PDS. A very large number of ration cards issued under the Public Distribution System are not genuine. At least 30% to 40% of the supplies meant for PDS end up on the black market. As long as these loopholes persist, SCs and STs will suffer. Black marketing and racketeering must be prevented to ensure adequate supplies to SCs and STs. The press reports have also pointed out to the poor quality of the foodgrains being supplied at the ration shops and frequent non-availability of foodgrains which require adequate supervision of the Fair Price Shops. It would be appropriate if Pachayati Raj Institution are involved in the supervision of Fair Price Shops and also in identification of persons below the poverty line for entitlement of subsidised grains.

## **Sanitation**

5.69 The concept of sanitation earlier limited to disposal of human excreta has been widened which includes liquid and solid waste disposal and hygiene i.e. personal, domestic as well as environmental hygiene. In this connection it may be stated that Provision of sewerage and drainage facilities in the urban areas and also in the rural areas has not received adequate attention in the development plans so far. As a result there has been degradation of the environment with serious health impact from the water-borne and vector-borne infections. The rapid industrialization of the country has further contaminated the rivers and other sources of drinking water with chemical wastes leading to severe health hazards. The poorer sections of the people specially the Scheduled Castes and Scheduled tribes have been the worst sufferers of the pollution of rivers and other water sources as these people very often live in the outskirts in rural and urban areas with poor drainage facilities and depend on these water bodies for meeting their requirements of drinking water.

5.70 Centrally Sponsored Scheme of urban low cost sanitation for liberation of scavengers was an important scheme of the Eighth Plan for urban sanitation. The scheme aims at conversion of dry latrines in urban areas of the country numbering around 50 lakh units into low cost pour flush sanitary latrines and 100% liberation of scavengers on "whole town" coverage basis. In the Ninth five Year document it has been reported that up to 31<sup>st</sup> March 1997, 760 schemes were sanctioned in 1155 towns to construct 14.52 lakh new units and convert 90.25 lakhs dry latrines into low cost pour flush latrines for the individual house holds and 3463 community latrines. In terms of the actual work done 6.95 lakh units were completed up to Eighth Plan period out of 33.77 lakh units sanctioned. Thus it is seen that the achievement of only 20.6% is way behind the target set for urban sanitation. It is further reported by the Govt. that in an evaluation of the scheme it was found that relatively better off families took away a substantial number of the pour flush latrines. Moreover, the recommended technology was unsuitable in some places and adequate funds were not provided to the programme.

5.71 Ganga Action Plan is another Centrally Sponsored Scheme implemented by the Union Ministry of Environment and Forests to improve the sanitation facilities in 25 class-I cities along with the river Ganga in the States of Uttar Pradesh, Bihar and West Bengal.

5.72 In the case of rural areas it is estimated that the population coverage by sanitary latrines has increased from 11% to about 16% during Eighth Five Year Plan. Thus 1% rural population has been provided by sanitary latrines per annum during the Eighth Five Year Plan. At this slow rate it would take a very long period of time to cover rural population with proper sanitation facilities. Therefore, it is suggested that the Government



should accord high priority to the programmes of rural sanitation with active involvement of the NGOs and Panchayats.

5.73 Based on the recommendations of the National Seminar on Rural Sanitation held in September, 1992 the Govt. reviewed its programme on Rural Sanitation i.e. Central Rural Sanitation Programme (CRSP) for the 8<sup>th</sup> Five Year Plan. The revised programme envisaged acceleration of coverage of rural population specially the households below poverty line with sanitation facilities; to generate a need for sanitation through awareness creation and health education involving voluntary organisation and Panchayati Raj Institutions, to eradicate manual scavenging by converting all existing dry latrines in rural areas into low cost sanitary latrines and to encourage, appropriate technology, and to provide drinking water and toilet facilities in all schools in rural areas.

5.74 It is proposed in the programme to support construction of individual household latrines by persons below poverty line in a cluster of 20 or more in a village. The unit cost of construction should be limited to Rs. 2,500 of which 80 per cent could be paid as subsidy to the selected beneficiaries below the poverty line. Out of the total annual funds the minimum of 25 per cent are to be earmarked for paying subsidy to the individual households for Scheduled Castes and another 10 per cent for Scheduled Tribes below the poverty line where the percentage of SC/ST population to total population below poverty line is less than 20 per cent. Where the SC/ST population below poverty line is more than 20 per cent of the total population below the poverty line, earmarking should be enhanced at least to match the percentage of SC/ST population. In the case of beneficiaries belonging to SC/ST and other categories additional funds can be channelised from JRY for subsidizing construction of additional number of individual sanitary latrines.

5.75 Up to 10 per cent of the annual funds can be utilized to provide public latrines in selected villages where the Panchayats, Charitable Trusts/NGOs offer to construct and maintain village complexes exclusively for the use of women.

5.76 UNICEF have demonstrated the validity of the concept of sanitary marts by implementing the scheme through voluntary organisation like Ramakrishna Mission in Midnapur district, West Bengal. Rural Sanitary Marts are out lets dealing with materials required for construction of latrines and other sanitary facilities. UNICEF provides assistance of Rs. 50,000 for each mart with turnover of Rs. 2.00 lakh per annum. The managerial subsidy is provided upto Rs. 18,000 per annum for a period of two years. One times assistance up to Rs. 12,000 is provided for publicity. Central Govt. provides assistance for setting up of the Rural Sanitary Marts where UNICEF assistance of Rs.50, 000 is not available.

5.77 States are also assisted to develop model villages under integrated rural sanitation programme covering facilities like sanitary, latrines conversion of dry latrines, garbage pits, soakage pits, drains, pavement of lanes, sanitary latrines in anganwadi schools, panchayat ghars, health centers, smokeless chullahs, cleanliness of ponds, tanks, clean surroundings around stand posts, hand pumps etc. The Ministry of Rural Areas and Employment have reported that so far the State Government of Andhra Pradesh, Bihar, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Uttar Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal have taken up model villages scheme.



5.78 State-wise details of the physical progress in respect of construction of sanitary latrines is given at ANNEXURE-5.X It may be seen that in the year 1997, 1999 achievements is about 49 per cent of the target at all India level. The statement in respect of financial progress under the Rural Sanitary Programme shows that 66 per cent of the total available funds of Rs.112.72 crores in the 1997-98 were spent. The expenditure on SC/ST as percentage to total expenditure was only 28.70%. Since this Programme aims to benefit the people below the poverty line the expenditure on SC/ST should be suitably enhanced.

5.79 Additional investments in sewerage, drainage, waste disposal, sanitary latrines etc. will improve the pitiable lot of scavengers. This must be the most important objective of all sanitation schemes-actual liberation of scavengers. The budget outlays are not adequate to achieve the targets. Even SC and ST beneficiaries are not able to realize all the benefits. For the components of SCs and STs, expenditures must be enhanced now.

### Recommendations

5.80 The Commission makes the following recommendations in respect of the various components covered under the Minimum Needs Programme:

- i Availability of schooling facilities in SC bastis and tribal areas, particularly with regard to Upper Primary Schools and above, is poor, leading to higher drop out rates among children of these communities. The reasons for high drop out rate should be found out to set the problem right. The availability of schooling facilities in the SC basti and tribal areas need to be brought, at least, at par with the schooling facilities for children of other communities.
- ii The children of SC and ST communities have access to only Government run schools, which have very poor academic and infrastructure standards. Special attention should be given to improve the standard in such schools.
- iii To give access to the deserving and talented SC and ST children to quality education a network of residential schools should be set up which should be run on public school model. Residential/transit hostels should be set up in the tribal areas and tribal children should be accommodated in these transit hostels for a period 3 to 4 months when their parents move away in search of livelihood. Quality of food, sanitation and upkeep of school/hostel buildings for the SC/ST children should be improved.
- iv All scholarship, fellowships, internships, allowances, etc. to SC/ST students should be suitably enhanced and its increase linked to the changes in the price.
- v Mid-day-meal scheme has helped in decreasing the dropout rates among children of SCs and STs. The scope of the programme should be enhanced and its implementation streamlined.
- vi Government has been earmarking Rs. 250 crores since 1997-98 under Kasturba Gandhi Swantantra Vidyalaya Scheme for improving female

literacy among the weaker sections. This scheme should be operationalised without further delay.

- vii Passage of the Constitution (83<sup>rd</sup> Amendment) Bill, 1997, making elementary education a Fundamental Right, may be expedited.
- viii A Central Scheme for sponsoring deserving SC/ST children in the existing public schools may be taken up urgently. Reputed NGOs should be supported for educating children belonging to SCs and STs in providing quality education at par with public schools.
- ix To give better health coverage to SCs/STs, the existing norms for Sub-Centres and PHC'S in SC basties, urban slums and tribal areas may be suitably revised.
- x In the tribal areas most of the health institutions remain without qualified personnel. The State Government should formulate clear policies for allocating medical and para-medical personnel through a system of package of incentives. Additional costs on account of such incentives should be borne from the grants under Article 275 (1) of the Constitution. The State Government may concerned setting up separate cadre of medical and para medical personnel for the tribal areas. Adequate incentive should be provided for those who volunteer to serve in the tribal areas.
- xi To improve the effectiveness and outreach of the health programme the existing indigenous systems of health care in the tribal areas should be suitably integrated with the modern system of medicine through training and orientation programmes.
- xii To give better access to the allocations work Indira Avas Yojana, a separate component may be provided for SCs and STs to meet their housing requirements. Utilization of funds under this Scheme has not been fully satisfactory in many of the States, which needs to be improved.
- xiii Credit-cum-subsidy scheme under Indira Avas Yojana needs to be targeted more specifically to SC/ST beneficiaries. The existing limit of assistance of Rs 20,000/- in plain areas and Rs. 22,000/- in hilly or difficult area is too small. It should be raised so that suitable house could be built to accommodate the members of a family. The Commission suggests that at least Rs.30,000/- per house assistance should be provided, instead of Rs. 20,000/- due to price escalation in building materials.
- xiv Equity base of Rural Housing and Development Corporation is inadequate and needs to be strengthened. Housing for eligible SC/ST beneficiaries should form special focus of this Corporation.
- xv Inaccessibility is the main problem in effective implementation of development programmes in the tribal areas. Therefore, very high priority needs to be given for laying road network in the tribal areas and also providing facilities.
- xvi Most of the States are finding it difficult to mobilise resources for meeting their share of the cost of ICDS and to further expand their



programme. The SCs and STs being the most vulnerable sections of the society and the incidence of mal-nutrition being higher among them, this programme should be more specifically focused on them.

- xvii Aganwadi workers should be more intensively trained in the field of nutrition and growth monitoring.
- xviii Instances of practice of untouchability in implementation of ICDS programme has come to the notice of the Commission. The concerned officials should be made aware of the provision of Protection of Civil Rights, Act 1955 and for its effective implementation.
- xix The existing scale of 10 kgs of foodgrains per family per month needs to be enhanced keeping in view the recommendations of the Working Group on National Policy on Public Distribution System set up by the Planning Commission in 1995. The PDS should focus on the poorer sections, particularly those belonging to the Scheduled Castes and the Scheduled Tribes.
- xx Panchayat Raj Institution may be involved in supervising the functioning of Fair Price Shops in the rural areas and also in identification of persons below the poverty line. There is already a provision for issuing a card to those living Below the Poverty Line (BPL). These cards should also mention the caste.
- xxi The large number of ration cards are not genuine and large quantities of supplies meant for public distribution system end up in the black market. As long as these loopholes persist, members of SC and STs will continue to suffer. Black marketing and racketeering must be prevented to ensure adequate supplies to SCs and STs.
- xxii The ration shops allotted to SC and ST persons should be run by them and Government should provide all necessary support to ensure that these shops are not run by others in the name of SCs and STs.
- xxiii Even after 50 years of Independence, the system of carrying night-soil on head is continuing in some parts of the country. Additional investments in sewerage, drainage, waste disposal, sanitary latrines, etc. should be made to liberate the scavengers from the practice of carrying night-soil in a time-bound manner.
- xxiv Implementation of the Centrally Sponsored Scheme of urban low cost sanitation for liberation of scavengers has not been satisfactory. This programme needs to be properly coordinated between the Ministry of Urban Development and Ministry of Social Justice and Empowerment and more effectively implemented.
- xxv Programme of sanitary latrines in the rural areas has been given very low priority. This programme should be given higher priority and increased financial allocation and implemented in close coordination with NGO's and local bodies.
- xxvi Utilisation of funds under Rural Sanitary Programme was only 66% in 1997-98. The expenditure under this programme should be stepped up.



## COVERAGE OF POPULATION UNDER RURAL WATER SUPPLY PROGRAMME AS ON 1-4-1998

S.No	State/UT	Rural population as per 1991 Census				Total coverage up to 1997-98				Percentage coverage up to 1997-98			
		Total	General	SC	ST	Total	General	SC	ST	Total	Gen	SC	ST
1	Andhra Pr.	486,209	359,82	87,586	38,803	484,948	361,966	81,712	41,27	99,74	100.6	93.29	106.36
2	Arun. Pr.	7,539	2,328	0,029	5,182	7,401	1,395	0,018	5,988	98.17	59.94	60.38	115.55
3	Assam	199,265	157,191	14,301	27,773	144,675	116,732	10,519	17,424	72.6	74.26	73.55	62.74
4	Bihar	750,215	574,307	114,371	61,537	767,177	571,972	118,485	76,72	102,26	99.59	103.6	124.67
5	Goa	6,9	6,772	0,127	0,001	6,702	6,604	0,098	0	97.13	97.52	77.30	0,00
6	Gujarat	270,635	195,009	18,994	56,632	258,121	189,995	17,609	50,518	95.38	97.43	92.71	89.20
7	Haryana	124,089	97,336	26,753	0	158,55	126,051	32,499	0	127.77	129.5	121.48	0
8	Himachal Pr.	47,217	32,815	12,273	2,129	40,618	29,685	9,098	1,835	86.02	90.46	74.13	86.19
9	J & K	58,79	53,55	5,24	0	47,801	42,515	5,286	0	81.31	79.39	100.88	0
10	Karnataka	310,694	237,947	56,452	16,295	345,047	266,845	59,218	18,984	111.06	112.14	104.9	116.5
11	Kerala	214,182	187,565	23,519	3,098	103,451	90,21	11,882	1,359	48.3	48.1	50.52	43.86
12	Madhya Pradesh	508,423	286,672	75,224	146,527	524,504	298,76	74,739	151,00	103.16	104.22	99.36	103.06
13	Maharashtra	583,956	364,378	55,52	64,058	552,628	444,627	45,459	62,542	114.19	122.02	81.88	97.63
14	Manipur	13,315	7,349	0,177	5,789	11,49	7,537	0,112	3,841	86.29	102.56	63.42	66.35
15	Meghalaya	14,447	1,276	0,05	13,121	13,282	1,334	0,021	11,927	91.94	104.52	42.67	90.9
16	Mizoram	3,718	0,132	0,005	3,581	2,803	0,017	0,002	2,784	75.39	13.24	30.41	77.74
17	Nagaland	10,013	0,682	0	9,331	6,181	0,139	0	6,042	61.73	20.38	0	64.75
18	Orissa	274,248	161,756	45,787	66,705	230,959	134,494	33,868	52,597	80.57	83.15	73.97	78.85
19	Punjab	142,887	97,263	45,624	0	96,235	67,17	29,065	0	67.37	69.06	63.71	0
20	Rajasthan	339,389	226,159	61,025	52,205	280,696	188,496	48,113	44,087	82.71	83.35	78.84	84.45
21	Sikkim	3,695	2,647	0,213	0,835	3,15	2,239	0,178	0,733	85.25	84.57	83.8	87.78
22	Tamil Nadu	367,814	278,482	84,28	5,052	292,152	225,87	63,058	3,224	79.43	81.11	74.82	63.82
23	Tripura	23,355	11,165	3,797	8,393	24,13	11,907	4,491	7,732	103.32	106.65	118.28	92.12
24	Uttar Pradesh	1115,064	854,12	258,234	2,71	1004,127	752,218	250,486	1,423	90.05	88.07	97	52.51
25	West Bengal	493,704	321,526	136,054	36,124	404,51	263,684	110,529	30,297	81.93	82.01	81.24	83.87
26	A & N Island	2,057	1,794	0	0,263	2,188	1,859	0	0,329	106.37	103.61	0	125.17
27	Dadra & Nagar Haveli	1,268	0,187	0,022	1,059	1,343	0,187	0,024	1,132	105.91	100	109.09	106.89
28	Dam. & Diu	0,54	0,424	0,024	0,092	0,601	0,485	0,024	0,092	111.3	114.39	100	100
29	Delhi	9,49	7,413	2,077	0	8,25	6,444	1,806	0	86.93	86.93	86.95	0
30	Lakshadweep	0,226	0,011	0	0,215	0,467	0,031	0	0,436	206.64	281.82	0	202.79
31	Pondicherry	2,908	2,131	0,777	0	4,42	3,234	1,186	0	151.99	151.76	152.64	0
32	Chandigarh	0,662	0,521	0,141	0	0,662	0,521	0,141	0	100	100	100	0
Total		6286,914	4530,728	1128,676	627,51	5819,269	4215,223	1009,726	594,32	92.56	93.04	89.46	94.71

Note:- 1. The population coverage is based on the survey data and progress achieved during 1994-98 as reported by the States/UTs

2. The population coverage for D &amp; N Haveli, Daman &amp; Diu, Pondicherry and Chandigarh are based upon reports received as survey results for these are not available

3. Coverage of more than 100% in some cases is due to growth in population after 1991 Census.

# ANNEXURE 5.II

## Enrolment ratio in classes I-V and VIII of SC, ST, General students during 1995-96

S. No	State/UT	Class(I-V)1995-96			Class (VI-VIII) 1995-96		
		SC	ST	General	SC	ST	General
1	Andhra Pradesh	131.4	122.96	94.9	55.08	34.6	47.7
2	Arunachal Pradesh	26.2	116.26	110	17	48.9	53.3
3	Assam	248.5	184.18	128.8	176.16	104.7	79.1
4	Bihar	77.8	77.4	75.1	26.62	28.34	35.3
5	Goa	40.4	12.38	95.1	62.79	16.1	89.6
6	Gujarat	182.9	140.91	81.1	97.32	55.3	71.6
7	Haryana	107		85.6	57.36		64.2
8	Himachal Pradesh	45.4	101.09	110.8	76.8	66.4	101.8
9	J & K	90.6		81.2	70.34		60.5
10	Karnataka	148.5	149.52	127.4	70.4	65	92.6
11	Kerala	105	121.32	96.9	116.46	100.4	103.3
12	Madhya Pradesh	112.2	77.18	101.4	59.19	31.4	68.4
13	Maharashtra	263.3	129.71	122.9	159.53	56.5	85
14	Manipur	165	125.38	96.4	92.86	67.9	66.4
15	Meghalaya		111.86	114.4		47.2	48.6
16	Mizoram		125.02	118.1		71	67.4
17	Nagaland		151.62	127.3		61.7	51.9
18	Orissa	123.7	89.64	95.6	57.29	32.9	56.2
19	Punjab	132.4		91.5	72.65		69.7
20	Rajasthan	85.5	86.84	103.4	50.93	51.7	56.9
21	Sikkim	108.4	100.35	40.6	47	43.4	50.7
22	Tamil Nadu	165.6	132.15	152.6	98.34	66	109.1
23	Tripura	145.7	143.95	123.5	65.01	50.9	62
24	Uttar Pradesh	68.8	82.54	89.1	35.7	41	54.7
25	West Bengal	123.5	123.09	125.5	70.59	76.8	97.2
26	A&N Islands		48.47	72.9		42.3	71.1
27	Chandigarh	87.3		38.2	68.83		35.6
28	Dadra & Nagar Haveli	79.6	116.02	112.7	96	44.9	50.6
29	Daman & Diu			90.8			83.7
30	Delhi	87		72.1	70.83		69.3
31	Lakshadweep		136.14	125.3		104	96.6
32	Pondicherry	154.4		124.5	157.03		111.3
	<b>India</b>	<b>11.91</b>	<b>113.03</b>	<b>104.30</b>	<b>61.33</b>	<b>50.04</b>	<b>67.60</b>

## Drop-out rates of Scheduled Castes-1990-91

S. No.	State/UT	Drop-out rate at Primary stage			Drop-out rate at Middle stage			Drop-out rate at Secondary stage		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	Andhra Pr.	62.41	67.76	64.72	79.39	86.89	82.63	84	88.63	86
2	Arun. Pr.									
3	Assam	48.85	56.8	52.27	65.9	65.18	65.58	63.38	61.09	62.42
4	Bihar	67.53	72.52	68.94	83.63	88.63	84.97	88.12	93.015	89.39
5	Goa	53.67	51.72	52.81	68.07	73.3	70.42	78.06	84.49	81.07
6	Gujarat	23.05	44.17	32.46	52.35	70.37	60.5	65.19	79.26	71.29
7	Haryana	30.62	41.65	36.01	52.31	70.65	59.64	73.04	86.86	78.12
8	Him. Pr.	39.1	40	39.5	42.04	50.33	45.64	62.85	74.3	67.78
9	J & K	24.5	25.3	24.86	34.67	28.43	32.33	77.68	81.63	79.09
10	Karnataka	48.78	57.11	52.54	61.93	80.03	70.99	70.31	81.34	75.03
11	Kerala	2.91	5.04	3.94	9.92	7.83	8.91	54.01	47.93	51.05
12	Madhya Pr.	33.44	53.08	41.17	58.87	78.44	65.62	51.87	85.28	61.58
13	Maha	35.3	48.92	41.73	52.17	68.43	59.66	65.85	79.4	71.96
14	Manipur	79.8	82.87	81.33	84.29	85.96	85.14	81.31	82.07	81.7
15	Meghalaya	20.86	15	17.96	69.59	71.81	70.62	18.52	43.08	30.57
16	Mizoram									
17	Nagaland									
18	Orissa	57.42	57.32	57.36	74	81.24	76.75	78.48	86.47	81.54
19	Punjab	36.43	41.53	38.72	60.9	69.35	64.66	75.82	83.66	79.34
20	Rajasthan	63.22	71.07	66.02	72.12	85.46	74.99	79.97	81.82	82.07
21	Sikkim	96.91	67.86	94.76	86.72	85.85	86.33	91.99	90.93	91.51
22	Tamil Nadu	23.14	29.57	26.16	49.03	50.83	19.85	73.39	82.33	77.32
23	Tripura	56.92	61.63	59.1	72.06	79.14	75.38	85.39	89.58	87.29
24	Uttar Pr.	30.7	57.41	40.06	59	69.88	61.76	68.22	84.58	72.2
25	West Bengal	59.3	63.71	61.03	74.66	84.92	79.26	88.15	89.83	88.81
26	A&N Islands									
27	Chandigarh	16.33	36.39	25.02	99.58	24.12	60.97	25.49	17.97	21.9
28	Dadra & Nagar Haveli	45.9	52.94	49.61	16.67	10.34	5.63	44.9	34.15	40
29	Daman & Diu									
30	Delhi	50.8	55.17	52.82	44.96	53.33	48.81	58.98	73.39	65.36
31	Lakshadweep									
32	Pondicherry					25.49	14.23	74.3	83.38	77.65
	India	46.27	53.86	49.35	64.34	73.24	7.77	74.3	83.38	77.65



## ANNEXURE 5.IV

## Drop-out rates of Scheduled Tribes-1990-91

S. No.	State/UT	Drop-out rate at Primary stage			Drop-out rate at Middle stage			Drop-out rate at Secondary stage		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	Andhra Pr.	66.65	71.95	68.64	85.6	90.92	87.57	90.1	93.3	91.29
2	Arun. Pr.	62.21	58.19	60.71	77.67	77.81	77.72	80.32	87.44	82.93
3	Assam	65.13	67.1	66	72.15	74.95	73.34	72.11	75.76	73.66
4	Bihar	70.96	71.8	71.26	85.12	86.81	85.71	90.72	92.37	90.99
5	Goa									
6	Gujarat	53.98	66.05	59.39	75.35	83.26	78.66	84.59	88.9	86.39
7	Haryana									
8	Him. Pr.	37.4	35.76	36.74	38.51	51.88	43.75	61.94	65.96	63.39
9	J & K									
10	Karnataka	55.24	78.71	56.71	41.46	54.17	54.17	66.45	74.56	69.89
11	Kerala	9.26	17.22	13.16	34.82	35.31	35.31	68.25	64.11	66.3
12	Madhya Pr.	31	52.27	38.59	67.52	75.98	75.98	81.61	91.79	85.66
13	Maha	56.24	63.88	59.48	70.86	74.84	74.84	80.62	88.19	83.71
14	Manipur	77.96	78.8	78.34	84.76	85.25	85.25	85.13	87.18	85.94
15	Meghalaya	68	67.95	67.98	78.95	81.87	81.87	71.5	70.96	71.25
16	Mizoram	57.91	58.37	58.13	76.75	55.31	55.31	45.08	42.29	44.03
17	Nagaland	45.83	49.23	47.47	61.93	60.09	60.09	75.04	73.56	74.42
18	Orissa	78.03	74.14	76.81	84.39	84.94	84.94	86.84	91.86	88.56
19	Punjab									
20	Rajasthan	73.01	84.2	75.92	76.83	79.6	79.6	79.8	91.67	81.61
21	Sikkim	68.22	54.97	62.81	81.6	78.1	78.1	88.09	85.97	87.18
22	Tamil Nadu	37.82	50.55	43.71	51.48	51.24	51.24	62.83	71.4	66.4
23	Tripura	70.78	73.72	72.03	84.23	85.34	85.34	91.01	94.3	92.37
24	Uttar Pr.	15.81	64.42	37.31	47.61	55.47	55.47	44.41	77.85	54.06
25	West Bengal	62.47	69.68	65.07	81.97	84.2	84.2	92.22	92.42	92.28
26	A&N Islands	7.67	17.1	12.09	35.54	33.2	33.2	64.8	64.21	64.54
27	Chandigarh									
28	D&N Haveli	35.79	63.57	48.36	62.31	67.26	67.26	89.19	91	87.09
29	Dam. & Diu									
30	Delhi									
31	Lakshadweep		10	7.64	29.66	37.07	37.07	69.69	78.12	73.72
32	Pondicherry									
	India	60.28	66.14	62.52	75.67	82.19	78.57	78.57	83.34	87.71

## Literacy Rates 1991

S.No.	State/UT	Total			Secheduled Castes			Scheduled Tribes		
		Person	Male	Female	Person	Male	Female	Person	Male	Female
1	Andhra Pradesh	44.09	55.13	32.72	31.59	41.88	20.92	17.16	25.25	8.68
2	Arun. Pradesh	41.59	51.45	29.69	57.27	66.25	41.42	34.45	44	24.94
3	Assam	52.89	61.87	43.03	53.94	63.88	42.99	49.16	58.93	38.98
4	Bihar	38.48	52.49	228.89	19.49	30.64	7.07	26.78	38.4	14.75
5	Goa	75.51	83.64	67.09	58.73	69.55	47.51	42.91	54.43	29.01
6	Gujarat	61.29	73.13	48.64	61.07	75.47	45.54	36.45	48.25	24.2
7	Haryana	55.85	69.1	40.47	39.22	52.06	24.15			
8	Himachal Pradesh	63.86	75.36	52.17	53.2	64.98	41.02	47.09	62.74	31.18
9	J&K	-	-	-	-	-	-	-	-	-
10	Karnataka	56.04	67.26	44.34	38.06	49.69	25.95	36.01	47.95	23.57
11	Kerala	89.81	93.62	86.17	79.66	85.22	74.31	57.22	63.38	51.07
12	Madhya Pradesh	44.2	58.42	28.85	35.08	50.51	18.11	21.54	32.16	10.73
13	Maharashtra	64.87	76.56	52.32	56.46	70.45	41.59	36.79	49.09	24.03
14	Manipur	59.89	71.63	47.6	56.44	65.28	47.41	53.63	62.39	44.48
15	Meghalaya	49.1	53.12	44.85	44.27	54.56	31.19	46.71	49.78	43.63
16	Mizoram	82.27	85.61	78.6	77.92	77.54	81.25	82.71	86.66	78.7
17	Nagaland	61.65	67.62	54.75				60.59	66.27	54.51
18	Orissa	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.21
19	Punjab	58.51	65.66	50.41	41.09	49.82	31.03			
20	Rajasthan	38.55	54.99	20.44	26.29	42.38	8.31	19.44	33.29	4.42
21	Sikkim	56.94	65.74	46.69	51.03	58.69	42.77	59.01	66.8	50.37
22	Tamilnadu	62.66	73.75	51.33	46.74	58.36	34.89	27.89	35.25	20.23
23	Tripura	60.44	70.58	49.65	56.66	67.25	45.45	40.37	52.88	27.34
24	Uttar Pradesh	41.6	55.73	25.31	26.85	40.8	10.69	35.7	49.95	19.86
25	West Bengal	57.7	67.81	46.56	42.21	54.55	28.87	27.78	40.07	14.98
26	A&N Island	73.02	78.99	65.46				56.62	64.16	48.74
27	Chandigarh	77.81	82.04	72.34	55.44	64.74	43.54			
28	D&N Haveli	40.71	53.56	26.98	77.64	88.03	66.61	28.21	40.75	15.94
29	Daman & Diu	71.2	82.66	59.4	79.18	91.85	67.62	52.91	63.58	41.49
30	Delhi	75.29	82.01	66.99	57.6	68.77	43.82			
31	Lakshadweep	81.78	90.18	72.89				80.58	89.5	71.72
32	Pondicher	74.74	83.68	65.63	56.26	66.1	46.28			
	India	52.21	64.13	39.29	37.41	49.91	23.76	29.6	40.65	18.19

Source: Census of India 1991 Final Population Total (paper 2 of 1992)  
Census was not held in J&K

# ANNEXURE 5.VI

Course wise Enrolment in Classes XI & XII Attached to Degree Colleges

Type of Course	No. of degree Colleges Offering the Courses	Class XI						Class XII					
		All communities		SCs		STs		All communities		SCs		All communities	
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Art Humanities & Social Science	2582	329091	215577	51128	25003	33204	20118	330752	207402	51948	23652	30343	17232
Science	1869	223954	105104	23661	10383	8580	3274	220113	102192	22360	9326	8022	3381
Commerce	1611	129835	57460	14785	5493	6048	1442	120352	53773	13243	4875	5914	1322
Technical	25	2120	486	235	86	116	17	2181	581	208	58	110	8
Agriculture	277	11631	3253	1201	354	520	198	8934	2648	995	246	382	169
Any other	65	2375	865	331	95	74	18	2277	822	309	120	69	18
Total	2986	699006	382745	91345	41414	48542	25067	684609	367418	89063	38280	44840	22130

Source: 6th All India Educational Survey Vol. V



## ANNEXURE 5.VII

## Indira Awaas Yojana-Financial Performance During 1997-98

(Rs. in Lakhs)

Name of the States	O.B.as on 1.4.97 Tentative	Central Allocation	Releases made so far			Availability (Col. 2+6)	Total Expenditure	% of utilisation	Reporting month
			Centre	State	Total				
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	6424.43	8970.34	9603.38	2400.85	12004.23	18428.66	11524.94	62.54	Feb.98
Arunachal Pradesh	201.74	80.71	103.21	25.8	129.01	330.75	166	50.19	Feb.98
Assam	1366.52	2052.83	2931.07	732.77	3663.84	5030.36	2917.77	58	Feb.98
Bihar	3441.83	17597.09	15130.72	3782.68	18913.4	22355.23	17498.76	78.28	Feb.98
Goa	100.59	87.63	51.46	12.87	64.33	164.91	88.47	53.65	Mar.98
Gujarat	0	3292.97	3424.02	856.01	4280.03	4280.03	2907.01	67.92	Feb.98
Haryana	0	790.96	58.55	189.64	948.19	948.19	589.38	62.16	Feb.98
Himachal Pradesh	19.67	276.72	467.78	116.95	584.73	604.4	452.05	74.79	Mar.98
Jammu & Kashmir	721.97	562.66	607.12	151.78	758.9	1480.87	584.22	39.45	Jan.98
Karnataka	2072.92	6024.43	5820.36	1455.09	7275.45	9348.37	9206.4	98.48	Mar.98
Kerala	822.89	2191.85	2148.56	537.14	2685.7	3008.59	2975.78	98.91	Mar.98
Madhya Pradesh	5536.51	11368.58	11695.62	2923.71	14619.53	20156.04	10084.22	50.03	Jan.98
Maharashtra	0	9779.75	9966.74	2492.19	12460.93	12460.93	16856.98	135.28	Mar.98
Manipur	285.78	103.77	56.69	14.17	70.86	356.64	229.78	64.43	Mar.98
Meghalaya	0	121.07	46.73	11.68	58.41	58.41	54.04	92.51	Feb.98
Mizoram	0	50.73	54.47	13.62	68.09	68.09	66.54	97.72	Mar.98
Nagaland	344.14	129.14	435.83	108.96	544.79	888.93	1933	217.45	Feb.98
Orissa	2373.47	7277.74	7443.57	1860.89	9304.46	11677.93	6178.58	52.91	Feb.98
Punjab	377.75	562.65	478.32	119.58	597.9	975.65	829.9	85.06	Mar.98
Rajasthan	2129.72	4723.84	3888.4	972.1	4860.5	6990.22	5842.8	83.59	Mar.98
Sikkim	0	47.27	41.21	10.3	51.51	51.51	51.13	99.26	Feb.98
Tamil Nadu	1012.6	8110.2	8708.09	2177.02	10885.11	11897.71	20881.44	175.51	Mar.98
Tripura	0	134.9	144.84	36.21	181.05	181.05	266.55	147.22	Mar.98
Uttar Pradesh	4900.16	21863.19	22995.15	5748.79	28743.94	33644.1	16869.07	50.14	Feb.98
West Bengal	5458.65	8039.78	4547.01	1136.75	5683.76	11142.42	5350.71	48.02	Jan.98
A & N Islands	0	47.27	47.27	0	47.27	47.27	20.28	42.9	Mar.98
D & N Haveli	19.54	25.37	11.63	0	11.63	31.17	14.16	45.48	Mar.98
Daman & Diu	8.27	14.99	7.49	0	7.49	15.76	7.7	48.86	Mar.98
Lakshadweep	28.05	24.21	0	0	0	28.05	12.52	44.63	Mar.98
Pondicherry	76.29	47.27	93.85	0	93.85	170.14	120.27	70.69	Feb.98
Total	37223.48	115300	111711.14	27887.73	139598.87	176822.34	134580.4	76.11	

Source:- Annual Report 1997-98 Ministry of Rural Area Empowerment.

## Indira Awaas Yojana-Physical Performance During 1997-98

(Rs. in Lakhs)

Name of the States	Target	Houses Constructed				Achievement		% of Achievement to completion	Reporting month
		SC	ST	SC+ST	Others	Total Houses Constructed	Houses in progress		
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	56065	41288	13409	54697	33614	88311	32354	157.52	Feb.98
Arunachal Pradesh	459	0	291	291	0	291	679	63.4	Feb.98
Assam	18455	2642	4267	6909	3661	10570	5923	57.27	Feb.98
Bihar	109982	44370	21364	65734	20006	85740	39841	77.96	Feb.98
Goa	548	0	0	49	463	512	1499	93.43	Mar.98
Gujarat	20581	2688	10688	13376	4478	17854	12553	88.75	Feb.98
Haryana	4943	2149	0	2149	893	3042	702	61.54	Feb.98
Himachal Pradesh	1572	976	210	1186	657	1843	355	117.24	Mar.98
Jammu & Kashmir	3197	0	0		4306	4306	9815	134.69	Jan.98
Karnataka	37653	23326	5870	29196	14326	43522	19651	115.59	Mar.98
Kerala	12454	7122	926	8048	4786	12834	11917	103.05	Mar.98
Madhya Pradesh	71054	17135	26708	43843	21761	65604	72964	92.33	Jan.98
Maharashtra	61123	19591	18873	38464	22245	60709	19546	99.32	Mar.98
Manipur	590	117	772	889	207	1096	610	185.76	Mar.98
Meghalaya	688	0	305	305	0	305	54	44.33	Feb.98
Mizoram	288	0	302	302	0	302	0	104.86	Mar.98
Nagaland	734	0	1933	1933	0	1933	369	263.35	Feb.98
Orissa	45486	13877	15326	29203	6631	35834	27195	78.78	Feb.98
Punjab	3517	3052	0	3052	183	3235	1282	91.98	Mar.98
Rajasthan	29524	13885	10487	24372	10316	34688	22814	117.49	Mar.98
Sikkim	269	59	193	252	196	448	369	166.54	Feb.98
Tamil Nadu	50689	43190	1887	45077	10753	55830	37994	110.14	Mar.98
Tripura	766	550	1115	1665	0	1665	63	217.36	Mar.98
Uttar Pradesh	36645	70537	783	71320	9638	80958	15153	59.25	Feb.98
West Bengal	50249	15098	4714	19812	9678	29490	13693	58.69	Jan.98
A & N Islands	236	0	2	2	4	6	203	2.54	Mar.98
D & N Haveli	127	0	100	100	0	100	21	78.74	Mar.98
Daman & Diu	75	5	29	34	4	38	19	50.67	Mar.98
Lakshadweep	121	0	60	60	0	60	108	49.59	Mar.98
Pondicherry	235	165	0	165	34	199	539	84.32	Feb.98
Total	718326	321822	140614	462485	178840	641325	348285	89.28	

Source:- Annual Report 1997-98 Ministry of Rural Area Empowerment.

# ANNEXURE 5.IX

## Integrated Child Development Services (ICDS) State-wise, Nature-wise Sanctioned Projects as on 31.3.1998

S. No.	State/UT	Number of ICDS Project			
		Rural	Tribal	Urban	Total
1	Andhra Pradesh	301	29	33	363
2	Arunachal Pr.	12	39		51(3)
3	Assam	198	23	3	224(5)
4	Bihar	494	93	11	598
5	Goa	11			11
6	Gujarat	181	34	12	227(4)
7	Haryana	109		5	114
8	Himachal Pradesh	67	8		75
9	J&K	123	3	2	128
10	Karnataka	166	7	12	185
11	Kerala	153	1	10	164
12	Madhya Pradesh	329	130	27	486
13	Maharashtra	249	50	27	326
14	Manipur	13	18	1	32
15	Meghalaya	1	29		30
16	Mizoram	1	19	1	21
17	Nagaland	25	26	2	53(2)
18	Orissa	186	126	12	324
19	Punjab	118		5	123
20	Rajasthan	220	30	20	270
21	Sikkim	4		1	5
22	Tamilnadu	384	2	48	434
23	Tripura	13	5	5	23
24	Uttar Pradesh	905	11	19	935
25	West Bengal	298	46	22	366
26	A&N Island	3		26	29
27	Chandigarh	3		2	5
28	D&N Haveli	2	2	1	5(1)
29	Daman & Diu			3	3
30	Delhi		1		1
31	Lakshadweep	2			2
32	Pondicherry		1		1(1)
	Total	4571	733	310	5614(16)

Figures in brackets ( ) indicate number of twin blocks covered under ICDS Scheme  
Source: Annual Report 1997-98 of the Deptt. of Women and Child Development



# ANNEXURE 5.X

## Rural Sanitation Programme (CRSP+MNP)-Physical Progress during 1997-98

S. No.	State/UT	Month	Construction of Sanitary Latrines				Achievment as % of Annual Targets
			Annual Target	No. of sanitary constructed			
				Total Latrines	SC	ST	
1	Andhra Pradesh	3/98	238700	136552	20576	8330	57.21
2	Arunachal Pradesh	3/98	462	216	0	216	46.75
3	Assam	3/98	6000	1961	220	454	32.68
4	Bihar	2/98	59772	1033	196	144	1.73
5	Goa	2/98	11000	4005	24	0	36.41
6	Gujarat	2/98	65000	16000	2253	502	24.62
7	Harayana	2/98	555000	35228	4505	0	63.47
8	Himachal Pradesh	3/98	49672	16455	7104	1315	33.13
9	J & K	1/98	34068	1613	108	540	4.73
10	Karnataka	2/98	278032	87486	21640	8838	31.47
11	Kerala	3/98	27548	26424	5301	512	95.92
12	Madhya Pradesh	1/98	42757	20388	3028	2251	47.66
13	Maharashtra	12/97	80526	104962	17851	7599	130.35
14	Manipur	11/97	5611	777	0	254	13.85
15	Meghalaya	3/98	2082	1910	0	1910	91.74
16	Mizoram	9/97	917	0	0	0	0
17	Nagaland	11/97	2465	0	0	0	0
18	Orissa	11/98	46822	4715	616	173	10.07
19	Punjab	3/98	13527	10326	4836	0	76.34
20	Rajasthan		29466				
21	Sikkim	1/98	1466	1084	141	272	73.94
22	Tamil Nadu	2/98	48700	40475	8002	0	83.11
23	Tripura	12/97	3179	1316	321	752	41.4
24	Uttar Pradesh	2/98	19000	118375	56820	1184	62.3
25	West Bengal	2/98	12000	113377	25049	4693	94.48
26	A&N Islands	3/98	29100	1962	0	1510	6.74
27	Chandigarh		2097				
28	D&N Haveli	3/98	524	31	2	24	5.92
29	Daman & Diu	3/98	524	105	18	63	20.04
30	Delhi		1573				18.52
31	Lakshadweep	2/98	216	40	0	40	85
32	Pondicherry	3/98	420	357	21	0	4.94
33	CAPART	2/97	52431	2590	0	0	
	Total		1500157	749763	178632	41576	49.98

Source: Annual Report 1997-98 Ministry of Rural Areas and Employment.

## CHAPTER VI

### POVERTY ALLEVIATION AND EMPLOYMENT AND INCOME GENERATION

Persons belonging to Scheduled Castes or Scheduled Tribes have been identified as a distinct group of population because of the extremely low income from their traditional occupations or the lack of development of the areas in which certain groups of tribals reside. Backwardness of these persons is not only in relation to the other sections of the society but even in absolute terms the income levels of these persons have been so low as to enable them to live a dignified life. The low social status of the Scheduled Castes, resulting into untouchability is mainly due to the low incomes associated with these occupations. Starvation deaths taking place even after 50 years of independence is a pointer to the quality of life of a sizeable tribal section of our society. Disease, hunger and illiteracy continue to haunt the Scheduled Caste and the Scheduled Tribe. The proportion of the Scheduled Castes and Scheduled Tribes among the total poor in the country has always been higher than their ratio in the total population

6.2 The period of last 50 years have witnessed great scientific and economic advancement of the country. The country has made impressive developments in the fields of Agriculture, food production, Space, Communications, Medicines and so on. However, the entire South Asian region continues to be most backward place in the World. The largest number of poor in the world live in this region. India being the largest country in the South Asian region and has the biggest number of poor in this region. According to the Planning Commission's estimate the number of poor in the country is around 32 crores. As has been mentioned above the persons belonging to the Scheduled Castes and Scheduled Tribes form a significant proportion of the total poor in the country. Therefore, analysis of poverty and poverty alleviation programmes is important for an analysis of the economic development of the SCs and STs.

6.3 In this chapter we shall consider issues relating to poverty especially among the Scheduled Castes and Scheduled Tribes and programmes being implemented by the Government for poverty alleviation and providing employment and income generating opportunities to the Scheduled Caste and Scheduled Tribe population in the country. We shall also discuss briefly the strategy being implemented by the Government for economic upliftment of the Scheduled Castes and Scheduled Tribes and the implications of changing the economic policies on the welfare and development of Scheduled Castes and Scheduled Tribes.

6.4 According to 1991 Census, the SCs and STs numbered 1382.23 lakhs and 677.58 lakhs respectively, representing 16.37% and 8.08%, respectively, of the total population of the country (excluding the State of Jammu and Kashmir). In 1981, the Scheduled Caste and the Scheduled Tribes constituted 15.47 percent and 7.85 percent, respectively, of the total population. The decennial growth rate of

the Scheduled Caste (30.04%) and Scheduled Tribe (26.00%) population during 1981-91 has been higher than that of the total population (23.79%). The rural urban ratio as per 1991 census was 74:26 for total population, 81: 19 for the Scheduled Castes and 93: 7 in the case of Scheduled Tribes. State wise details of SC/ST population are given at ANNEXURE-6.1

6.5 To examine the extent of poverty amongst Scheduled Castes and Scheduled Tribes indicators like the number and proportion of Scheduled Caste and Scheduled Tribe persons below the poverty line, per capita private consumption, occupational structure of SC/ST, and ownership of land by the SC/ST may be considered. The Planning Commission has been estimating the incidence of poverty at the national and State levels to formulate appropriate growth strategies. For the Ninth Plan, Planning Commission has developed quantitative index of poverty on the basis of the recommendation of the Expert Group on Estimation of Proportion and Number of Poor. The Expert Group recommended computation of State-wise poverty estimates on the basis of State-specific poverty lines and National Sample Survey (NSS) consumption expenditure without any adjustment for the discrepancy between the CSO and NSS estimates of private consumption. The estimates of incidence of poverty in terms of the poverty ratios and the number of poor at national level as worked-out by the Planning Commission are presented below: -

Percentage and Number of Poor						
Year	Poverty ratio			No. of poor (in million)		
	Rural	Urban	Combined	Rural	Urban	Combined
1973-74	56.4	49.0	54.9	261.3	60.0	321.3
1977-78	53.1	45.2	51.3	264.3	64.6	328.9
1983	45.7	40.8	44.5	252.0	70.9	322.9
1987-88	39.1	38.2	38.9	231.9	75.2	307.1
1993-94	37.3	32.4	36.0	244.0	76.3	320.3
Note: The estimates are based on the methodology recommended by the Expert Group on Estimation of Proportion and Number of Poor as adopted by the Planning Commission.						

**Source:** Ninth Five Year Plan 1997-2002 Volume-I.

6.6 It may be seen from the above table that the absolute number of the poor people in the country has remained stagnant at around 32 crores during the past 20 years i.e. for the period between 1973 -74 to 1993-94. The percentage of the poor persons has however, declined from 54% in 1973-74 to 36% in 1993-94. The details of the people below the poverty line belonging to the Scheduled Caste and Schedule Tribe community are given in the following table: -



Year/category of Social Group	Proportion of poor households in the category to the total households in that category		Proportion of a household category in all poor households		Proportion of a household category in all non-poor households	
	Rural	Urban	Rural	Urban	Rural	Urban
1	2	3	4	5	6	7
<b>I) 1987-88</b>						
ST	59.92	44.69	14.62	5.67	7.96	3.25
SC	55.22	47.07	24.72	17.63	16.30	9.17
Others	39.45	28.82	60.65	76.70	75.74	87.59
All India	44.86	31.62	100	100	100	100
<b>II) 1993-94</b>						
ST	50.07	35.67	14.40	4.43	8.98	2.94
SC	49.04	42.35	28.24	21.65	18.34	19.84
Others	32.96	23.98	56.74	73.87	72.14	86.10
All India	38.46	26.89	100	100	100	100

*Source: Counting the Poor - Deptt. of Statistics, Govt. of India.*

6.7 Column Numbers 2 and 3 in the above table give the proportion of the poor households in a particular category as a percentage of the total households in that category in Rural and Urban areas. In 1987-88, 59.92 per cent of Scheduled Tribe households, 55.22 per cent of Scheduled Caste households and 39.45 per cent of households belonging to categories other than Scheduled Castes and Scheduled Tribes were poor in rural areas. Thus, the poverty was much higher amongst the Scheduled Tribes and Scheduled Castes than among other categories in rural areas. It may be seen that during 1993-94 there was an over all decline in poverty amongst all social groups. However, high incidence of poverty amongst STs and SCs continued during 1993-94 also as compared to the rest of the population. From Column number 4 it may be observed that of all the poor households, STs accounted for 14.62 per cent in 1987-88. This percentage fell negligibly to 14.4 percent in 1993-94. In the total population, the poor among the SC households formed 24.72 per cent in 1987-88. However, they constituted a large proportion (28.24 per cent) of poor households in 1993-94. This column also shows that households other than Scheduled Castes and Scheduled Tribes witnessed a perceptible improvement in the matter of alleviation of poverty between 1987-88 to 1993-94 in the rural areas. It is a matter of concern that the poverty alleviation programmes have not been as effective in the case of Scheduled Caste and Scheduled Tribe beneficiaries as they have been in the case of other sections of the population.

6.8 Position in respect of urban areas also presents an almost identical picture. In the urban areas also the proportion of SCs among the total number of poor has increased from 17.63 per cent in 1987-88 to 21.65 per cent in 1993-94. Increase in the proportion of SCs among the total poor indicates lack of proper linkages and coordination in planning and implementation of poverty alleviation programmes. The Planning Commission has not

been able to provide inter-sectoral linkages among all the programmes benefiting the member of SC and STs. The organised sector have also not generated enough employment opportunities to meet the needs of growing population. The only solution lies in providing opportunities for self employment for which the Government should formulate suitable schemes and make adequate budgetary provisions. **The Ministries of Rural Areas and Employment and Urban Affairs and Employment are requested to make detailed studies to assess as to why the poverty alleviation programmes are not making the desired dent on the poverty in the case of Scheduled Castes and Scheduled Tribes.**

6.9 Information in respect of average per capita expenditure for STs, SCs and other categories is given in the following table :

	Average Per Capita		Expenditure of Poor Households	
	Rural		Urban	
	1987-88	1993-94	1987-88	1993-94
ST	87.83	92.97	116.79	123.23
SC	92.94	96.02	118.06	121.47
Others	98.10	100.59	122.16	126.08
All India	95.46	98.37	121.22	125.00

*Source: Counting the poor Sarvekshana Analytical Report No.1, Department of Statistics, Govt. of India.*

6.10 Scheduled Tribe households have the lowest average per capita expenditure among the poor households followed by Scheduled Castes households and others categories. In 1993-94, there is an increase in the average per capita expenditure of all categories of poor persons, but Scheduled Tribes and Scheduled Castes continue to remain the poorest segment among the poor people in the country.

6.11 The high proportion of the poor in the country, is an out-come of the lack of employment opportunities in the rural as well as urban areas. In the case of rural areas there is high incidence of under employment and disguised unemployment whereas in the case of urban areas there is a major problem of educated unemployment. Although the problem of unemployment exists among all sections of society, the Scheduled Castes and Scheduled Tribes are particularly vulnerable to these problems due to their poor economic condition.

6.12 Occupational profile of the Scheduled Castes and Scheduled Tribes reveals that their dependence on agriculture- based activities is still quite high. If we look at the occupational structure of the SCs and STs since 1961 we find that diversification of the SCs and STs in non agriculture based activities has been marginal. 49% of the Scheduled Caste population and 32.69% of the Scheduled Tribe main workers are still engaged as agricultural labourers according to the 1991 census a main worker is defined as a person whose main activities is participation in any economically productive work by his physical or mental activities and who has worked for 183 days or more . The agricultural labourers have no job security and the wages paid are the lowest . Their incomes are also dependent on the productivity of agriculture and so there are regional variations in the wages paid to this class. **It is suggested that agricultural labourers should be catagorised as skilled**

workers as the job performed by these workers require a certain degree of skill regarding cultivation methods. Similarly, another category of the Scheduled Caste workers are the cleaners who should also be recognised as skilled workers keeping in view the fact that the jobs performed by these workers cannot be undertaken by any other segment of the population. Such a recognition would provide them the dignity of work which is long over due to such class of workers.

6.13 The details of classification of workers during 1961, 1971, 1981 and 1991 census are given in the following table:

**Occupational classification of main workers from 1961 to 1991 Census  
among SC/ST and General population**

(in percentage)

Year	General	SC	ST
<b>1. Cultivators</b>			
1961	52.78	37.76	68.18
1971	43.38	27.87	57.56
1981	41.53	28.17	54.43
1991	39.74	25.44	54.50
<b>2. Agriculture Labour</b>			
1961	16.71	34.48	19.71
1971	26.32	51.74	33.04
1981	25.16	48.22	32.67
1991	19.66	49.06	32.69
<b>3. Household Industry</b>			
1961	6.38	6.56	2.47
1971	3.55	3.33	1.03
1981	3.99	3.31	1.42
1991	2.56	2.41	1.04
<b>4. Other Workers</b>			
1961	24.13	21.20	9.64
1971	26.75	17.06	8.37
1981	28.32	20.30	11.84
1991	38.04	23.08	11.76

6.14 Another indicator of the economic inequity in the society is the distribution of land especially in view of the fact that possession of land gives security and status in the rural areas. Information about number of operational holdings and area operated by Scheduled Castes and Scheduled Tribes and non-SCs and STs and average size of holding among these groups as per Agriculture Census 1980-81 and 1985-86 is presented in the following table:



**No. of operational holdings and area operated in India by various Social Groups in 1980-81 and 1985-86.**

Social Group	Number of Holdings (in Lakhs)		Area Operated (in lakh hec.)		Average land holding (in Hect.)	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Scheduled Castes	100.52 (11.3)	120.41 (12.4)	115.22 (7.0)	126.39 (7.7)	1.15	1.05
Scheduled Tribes	68.54 (7.7)	76.48 (7.9)	167.04 (10.2)	172.34 (10.5)	2.44	2.25
Others	719.77 (81.00)	774.66 (79.7)	1355.71 (82.8)	1346.89 (81.8)	1.88	1.74
All Social Groups	888.83 (100.00)	971.55 (100.00)	1637.97 (100.0)	1645.62 (100.0)	1.84	1.69

6.15 It may be seen from the details of area operated that Scheduled Castes accounted for 7.7%, the Scheduled Tribes 10.5% and other castes 81.1% of the area operated in the year 1985-86. It may be mentioned that area operated does not imply the area owned also. Not only do the Scheduled Castes have the smallest percentage of area operated but the average size of holdings by the Scheduled Castes is also the smallest indicating that there is heavy dependence of the Scheduled Caste population on the small size of land area in their possession. Average land holding among all groups had decreased from 1.84 hectares in 1980-81 to 1.69 hectares in 1985-86 due to increasing pressure on land on account of growing population in the country. It may also be mentioned that a major cause of atrocities on the Scheduled Castes and Scheduled Tribes relates to land disputes.

6.16 The ceiling laws, Zamindari Abolition Acts, Tenancy Acts, etc. have failed in providing enough land to the SCs and STs. There are too many loopholes and the enforcement of these laws has not been effective. **There is an urgent need to take a fresh look on the land reform legislation in the country. Implementation of these laws and Acts must be rigorous and stringent punishment should be prescribed for the erring officials. Poor SC and ST farmers need protection of the police force to retain their meager land holdings. Every poor SC and ST farmer must be provided with a complete package of agricultural inputs, including training and extension to make his cultivation successful and self-sustaining.**

6.17 Having looked at the status of economic development of SCs and STs, we may now discuss briefly the main programmes of poverty alleviation in the country. To tackle the problem of unemployment and poverty in rural areas, the Govt. of India is implementing a number of programmes through the Ministry of Rural Areas and Employment. Some of the programmes aimed at providing employment in the rural areas are as follows :-

**I. Wage Employment Programmes**

- i Jawahar Rojgar Yojana re-structured as Jawahar Gram Samardhi Yojana.
- ii Employment Assurance Scheme

## **II. Self Employment Programmes**

- iii Integrated Rural Development Programme
- iv Training of Rural Youth for self-employment
- v Development of Women and Children in the Rural Areas.
- vi Supply of Improved Toolkits to Rural Artisans.
- vii Ganga Kalyan Yojana.

6.18 The self employment programmes have been restructured as Swarna Jayanti Gram Swarozgar Yojana since 1.4.1999.

6.19 To tackle the problem of unemployment in the urban areas the important programmes of the Govt. of India includes Nehru Rojgar Yojana and Swarna Jayanti Shahari Rojgar Yojana.

### **Wage Employment Programme**

6.20 Keeping in view the seasonal nature of employment in the agriculture sector, low wage rates and lack of alternative employment opportunities in the rural areas a short term strategy of alleviation of poverty has been the provision of wage employment in these areas. Jawahar Rojgar Yojana and Employment Assurance Scheme are the main programmes being implemented by the Govt. of India to provide such wage employment.

6.21 Jawahar Rojgar Yojana (JRY) was started in April, 1989 by merging the on-going National Rural Employment Programme (NREP) and Rural Landless Employment Guarantee Programme (RLEGP). The main objective of Jawahar Rojgar Yojana was generation of additional gainful employment for the unemployed and underemployed persons in rural areas. The target group under JRY was the people living below the poverty line in rural areas. Under this programme 22.5% of funds had to be spent on individual beneficiaries belonging to Scheduled Castes and Scheduled Tribes. The expenditure under the programme was shared between the Center and the States in the ratio of 80:20. The allocation of funds from the State Headquarters to the districts was on the index of backwardness formulated on the basis of equal weightage to the proportion of rural Scheduled Castes/Scheduled Tribes population in a district to the total rural Scheduled Caste/Scheduled Tribe population in the State and the inverse of per capita production of agricultural workers in that district.

6.22 Since inception i.e. 1989-90 to 1997-98 a total amount of Rs.27,649 crores have been utilised under JRY to generate 70003 lakh mandays of employment. Total funds available for the Yojana during 1997-98 were Rs. 2872 crores against which the utilization was Rs. 2452 crores (i.e. 83%). The State-wise details of employment generated and financial expenditure are given in **ANNEXURE-6.II and 6. III.**



6.23 Thus, it may be seen that a substantial investment has been made for providing employment opportunities in rural areas since 1989-90. However, continuing high incidence of poverty and unemployment in the rural areas point to the fact that there have been inadequacies in the implementation of this programme. The field visits reveal that in many places wages are not paid in accordance with the minimum wages prescribed under the Act and female workers are paid less wages as compared to their male counterparts.

6.24 Recently Jawahar Rojgar Yojana has been restructured and has been renamed as Jawahar Gram Samiridhi Yojana. In the Jawahar Rojgar Yojana overriding priority was creation of wage employment and an effort was also made to see that in the process of creating employment, durable assets were created in the villages. In the restructured programme viz. Jawahar Gram Samiridhi Yojana, which has come into effect from 1.4.99, priority would be given to development of rural infrastructure at the village level to be implemented by the Village Panchayats; and creation of employment would be a secondary objective. The Village Panchayats will have complete authority for preparation of Annual Action Plans and their implementation including the power to execute works with the approval of the Gram Sabha. To safeguard the interests of the weaker sections of the society, the programme provides that 22.5% of the annual allocation shall be earmarked for Scheduled Castes and Scheduled Tribes individual beneficiary schemes. The wage employment under the programme shall be given to the people below the poverty line. The cost sharing between the Central and the States would be in the ratio of 75 : 25 as compared to 80 : 20 under JRY. The Central assistance under this programme would be allocated to the States/UTs on the basis of proportion of rural poor in a State to the total rural poor in the country as per the poverty estimates prepared by the Planning Commission. At the district level the allocation of the funds will be made on the basis of an index of backwardness formulated on the basis of equal weightage to the proportion of rural SC/ST population in a district to total SC/ST population in the State and inverse of per capita production of agricultural workers in that district. For the purpose of allocation of funds to the village Panchayats, 60% of the resources earmarked for village Panchayats will be distributed on the basis of adjusted SC/ST population and 40% on the basis of adjusted total population. The programme provides that while creating rural infra-structure the wage material ratio of earlier programme of Jawahar Rojgar Yojana of 60:40 may be suitably relaxed so as to enable Gram Sabha to build infrastructure according to the felt needs of the village. Since the restructured programme emphasises on creation of assets as compared to employment generation and provides flexibility in the wage-material ratio, there is likely to be slow down of employment generation under this programme. The increased share of State Government is also likely to hamper the implementation of the programme.

### **Employment Assurance Scheme**

6.25 Employment Assurance Scheme was introduced w.e.f. 2.10.1993 in the selected 1778 blocks of 261 districts in the country. At present this scheme has been universalized and is being implemented in all the 5448 rural blocks.



of the country. Primary objective of the Employment Assurance Scheme is to provide gainful employment during the agricultural lean season in manual work to all adults in rural areas who are in need and are desirous of work but can not find it. The Ministry of Rural Areas and Employment in its Annual Report 1998-99 has stated that it is a demand driven scheme with no fixed earmarking of annual funds for any district or block. The expenditure under the scheme is shared by the Central and the State on 80:20 basis. Maximum of two adults per family are provided assurance of up to 100 days of employment. The desirous workers have to get themselves registered with Village Level Workers at Gram Panchayats and are issued a family card. When about 10 workers register, new projects can be started by the Block Level Officers for providing employment. As per the criteria for distribution of funds under EAS, the Central share of each installments to the Blocks is Rs.40 lakhs in the case of 'A' category Blocks, Rs. 30 lakhs for 'B' category Blocks and Rs. 20 lakhs in the case of 'C' category Blocks. The respective State share is Rs. 10 lakhs, Rs.7.5 lakhs and Rs.5 lakhs for the A,B & C category of Blocks. The classification of Blocks in A, B & C categories was made on the basis of criteria of backwardness and the size of the population. During 1998-99 the Central allocation of EAS was Rs.1990 crores. Against this the Ministry of Rural Areas and Employment made releases to the States and UTs to the tune of Rs. 1564.21 crores up to November, 1998. The total availability of funds of the States/UTs was Rs. 2816.93 crores which included State/UTs share of Rs. 391.05 crores and opening balance of Rs. 861.67 crores. In the following table year-wise financial and physical performance under EAS has been given :

(Rs. in crores)					
S.No.	Year	Total funds Available	Funds Utilised	Percentage Utilisation	Man-days generated (in lakh man-days)
1.	1993-94	548.77	183.75	33.48	494.74
2.	1994-95	1775.27	123.45	69.59	2739.56
3.	1995-96	2671.45	1720.61	64.41	3465.27
4.	1996-97	3383.34	2160.41	63.85	4030.02
5.	1997-98	3425.32	2904.97	84.81	4717.74
	<b>Subtotal</b>	11804.15	7093.19	60.10	15447.33
6.	1998-99 (upto Nov.1998)	2816.93	1571.97	55.80	2376.14
<b>Grand total</b>		14621.08	8665.16	59.26	17823.47

*Source: Annual Report 1998-99 of Ministry of Rural Area and Employment.*

6.26 The Ministry of Rural Areas and Employment has further reported that a total of Rs. 4.12 crore persons have been registered under EAS in various States/UTs since inception of the scheme. State-wise details of physical and financial performance under EAS are given at ANNEXURES-6.IV AND 6.V.

6.27 National Commission for SCs and STs assessed the implementation of the programme with reference to some of the tribal areas of Madhya Pradesh.

6.28 It was brought to the notice of the Commission that in some tribal blocks in Madhya Pradesh people had registered themselves for employment under this scheme but the district/block administration was unable to provide any work or employment to the people. The tribals who had registered themselves but were unable to get work resorted to protest in the form of Jhandha Hazri i.e. they would collect at some place near the Block Headquarter or Gram Panchayats and mark their attendance and raise a flag at the place of their gathering. Some of the tribals went on fast also at these places. To inquire into the matter the Commission convened a meeting of the Secretary, Ministry of Rural Areas and Employment, Chief Secretary, Govt. of Madhya Pradesh, Secretary, Ministry of Social Justice and Empowerment and representatives of Ministry of Finance and Planning Commission. Shri B.D. Sharma, ex-Commissioner for Scheduled Castes and Scheduled Tribes also participated as special invitee in the meeting. During the course of the discussion it was observed by the Chief Secretary of Madhya Pradesh that there are 38 lakh people registered for employment under EAS in the State for which Rs.90 crores were required per year. However, the actual availability of funds during 1999-2000 was only Rs.57 crores of which expenditure of Rs. 20.72 crores has been made leaving an unspent balance of Rs.36.53 crores. He further stated that the State Govt. had utilised more than 80% of the EAS funds given by the Govt. of India since 1993 and during 1997-98 and 1998-99, the performance under the scheme has been 118% and 119%, respectively, against the total releases. However, the targets set for providing employment could not be achieved as the Central Govt. did not release second installment in respect of 34 blocks in 1997-98 and 22 block in 1998-99. The third installment has not been released either in 1997-98 or in 1998-99. It was also stated that w.e.f. 1.4.99 the matching share of the Central and the State Government has been changed from 80 : 20 to 75 : 25 leading to a strain of the State resources. The Secretary, Ministry of Rural Areas and Employment clarified that the main objective of EAS is to provide supplementary employment during the agricultural lean season and not on a regular basis. During the course of discussion the Commission was also informed that the restructuring of the scheme was under consideration so as to make this scheme an allocation based scheme from its present characteristic of a demand driven scheme. The Commission also noted during the discussions that in Raipur district of Madhya Pradesh, 1156 labourers were employed on 122 EAS works in June, 1999. In addition 83 works, other than EAS related works, were also in progress in which the number of labourers employed was 610. However, the number of labourers demanding works were as high as 37190. Thus there is a wide gap in the demand of employment and availability of employment opportunities. The State Govt. was of the view that due to paucity of funds it has not been possible to provide employment to such a large number.

6.29 It was observed by the Commission that on the one hand there are large amounts of unspent balances lying at the disposal of the State Governments, as pointed out by the Union Ministry of Rural Areas and Employment, and on the other the State Govts are finding it difficult to provide employment to the persons desirous of work in the backward tribal areas of the country due to paucity of funds. It is apparent that there is a lack of coordination in the implementation of this scheme between the Central and the State Govts. and the various agencies engaged in the implementation of the programme. It was



further observed that in the Nagari Block of Raipur District, the tribals were resorting to the protest in the form of Jhanda Haziri and at the same time Nagari block has an unspent balance of Rs. 20 lakhs as on 1.4.1998. Obviously the implementation of E.A.S. at the block level was also not very efficient. **The Commission recommends that the Ministry may review its criteria for allocation of funds among the block to ensure that areas which are in greater need of funds get higher allocation. It should also see whether some of the blocks have larger unspent balances while other blocks were in greater need of allocation due to higher demand of employment under this programme. Tribal and backward areas which has very limited scope for alternative employment and where the productivity of agricultural is low, should be made higher allocation as they are in greater need of funds to create employment under this programme.** Under Article 275 (1), of the Constitution grants-in-aids should be suitably enhanced to meet the expenditure of developmental schemes in the tribal areas.

6.30 As the name of the scheme suggests, it gives an assurance of providing employment for 100 days during the agricultural lean season. However, in actual practice it was observed by the Commission that the coverage under this programme is extremely small as out of around 37,000 job-seekers it could cover only a small fraction of around 3% i.e. 1156 labourers in Raipur district of Madhya Pradesh. It may be re-called that initially this programme was started in the rural areas of 1778 blocks in which the revamped public distribution system was in operation which included drought prone areas, desert areas, tribal areas and hilly areas. The programme was initiated to strengthen the purchasing power of the poor so as to enable them to access Revamped P.D.S. in an effective manner. The Commission feels that in case the coverage of unemployed under this programmes in these blocks is as small as 3% of the job seekers it can hardly provide enough income to enhance the purchasing power of the poor in these blocks for effective implementation of the revamped public distribution system in the backward tribal areas. The programme of EAS also suffers from other problems relating to its implementation such as under payment of wages, discrimination in the wages of male and female workers and improper maintenance of muster-roles. **The Commission feels while re-structuring the EAS the Government should ensure that the interests of Scheduled Castes and Scheduled Tribes are not adversely affected. Increase in the share of the State Govts. from 20% to 25% under this programme is likely to affect its implementation as the States may feel a strain on their resources in providing the matching share under this programme.**

### **Self-Employment Programmes**

6.31 Integrated Rural Development Programme (IRDP) is one of the earliest programmes initiated with a view to make a direct attack on poverty. The main objective of programme has been providing income generating assets and self-employment opportunities for the rural poor. Assistance under IRDP is given to a target group of rural poor belonging to families below poverty line, in the form of subsidy by the Govt. and term credit by the financial institution. IRDP is financed on a 50:50 cost sharing basis by the Centre and the States. It is provided that 50% of the benefits under the programme should flow to Scheduled Castes and Scheduled Tribes. SC/ST beneficiaries and physical handicapped persons can be provided subsidy up to 50% of the project cost. During 1997-98 total allocation for the programme was Rs. 1133.51 crores against which Rs. 1109.54



crores have been utilised. A credit target of Rs. 2700 crores was fixed for the programme of which Rs. 1996.64 crores were mobilized during the year 1997-98. A total of more than 17.07 lakh families have been covered during the year 1997-98 out of which SC/ST accounted for 46.40%. It has been reported by the Ministry of Rural Areas and Employment that during the year 1998-99 a total of 7.82 lakh families were covered up to November, 1998 of which SC/ST accounted for 45%. State-wise details of the coverage of SC/ST beneficiaries are given at ANNEXURE-6.VI for the year 1997-98. It was observed that the share of the SC/ST beneficiaries under the programme has been declining since 1993-94. SC/ST beneficiaries formed more than 50% of the total beneficiaries under this programme in 1993-94. Their representation has decreased to 44.88% by the Year 1998-99. **This is a matter of concern and Ministry of Rural Areas and Employment should pay special attention to check the declining trend of the share of SC/ST beneficiaries in IRDP keeping in view the fact that scheduled Castes and Scheduled Tribes are the poorest among the poor people in the country.** The declining proportion of SC/ST in the IRDP from the year 1992-93 to 1998-99 is given in the following table:

Year	Total beneficiaries (lakh families)	SC/ST beneficiaries (lakh families)	Percentage of SC/ST
1992-93	20.69	10.64	51.41
1993-94	25.39	13.46	53.03
1994-95	22.15	11.03	49.80
1995-96	20.89	10.14	48.52
1996-97	19.24	8.91	46.31
1997-98	17.06	7.92	46.41
1998-99	7.81*	3.50	44.86

\* Up to November, 1998.

*Source: Annual Report 1998-99 of Ministry of Rural Area and Employment.*

## Development of Women and Children in Rural Areas

6.32 The Scheme of Development of Women and Children in Rural Areas (DWCRA) was launched as a special scheme of IRDP during the year 1982-83 in 50 districts. It was subsequently expanded to cover all the districts in the country by 1994-95. The DWCRA has exclusive focus on economic empowerment of women and provides all the inputs such as working capital, credit, training, employment, management skills etc. by considering women as critical to development. The basic unit in DWCRA is a group of 10-15 poor women who come together to generate income opportunities. DWCRA is being implemented by the District Rural Development Agencies. To create greater awareness among the village communities and to enable them to demand social services provided by the State in a better manner Community Based Convergent is being implemented in a component of DWCRA in 298 districts of the country. DWCRA has another component with regard to child care activities of DWCRA women. Since 1997-98, it is provided that 50% of the women is a group should belong to SC/ST. During the Eighth Five Year Plan 22.68 lakh women benefited under the programme and a total of 1.41 lakh groups

had been formed in this plan period. During the years 1997-98 and 1998-99 another 6.95 lakh women have benefited under this programme.

6.33 The Scheme for supply of Improved Toolkits to Rural Artisans (SITRA) was started as a sub scheme of IRDP in 1992 with the objective of enabling the rural artisans below poverty line to enhance the quality of their products, increase their production and income and ensure a better working of life with the use of improved tools. 90% of the cost of the toolkits is a subsidy from Govt. of India and 10% is to be contributed by the beneficiary and there is no State share. Average cost of toolkits provided under SITRA shows that out of 131884 beneficiaries covered under the programme only 11273 (8.54%) belong to SC and 4360 (3.3%) belong to ST. Thus the coverage of SC/ST under this programme is unsatisfactory.

### **Training of Rural Youth for Self-Employment**

6.34 Started as a Centrally sponsored scheme in 1979, TRYSEM aimed at providing basic technical and entrepreneurial skills to the rural youth from families below the poverty line to enable them to take up self employment in the fields of agriculture and allied sectors, industries, services and business activities and also in taking up wage employment. The rural youth in the age group of 18-35 receive training under this scheme. The trainees are paid stipend varying from Rs. 200 to Rs. 500 per month during the training. To enable the participants to take up employment there is a provision of Rs.800 as an allowance for purchase of toolkits by the trainees. During the Eighth Five Year period total releases by the Centre and the State Governments were Rs.353.94 crores and 15.17 lakhs youth were trained during this period. A number of SC/ST trained are given in the following table:

Period	No. of Youth trained	SC/ST
1992-93	275993	116464
1993-94	303821	145298
1994-95	281874	126978
1995-96	291450	133930
1996-97	364377	17350
1997-98	251387	118369
1998-99*	66016	40073

\*Up to November, 1998

*Source: Annual Report 1998-99 of Ministry of Rural Area and Employment.*

6.35 It may be seen from the table that the number of SC/ST youth trained under TRYSEM has been less than desired level of 50% under this programme. It has been observed that the linkage between TRYSEM and IRDP has so far been weak. The fourth round of Concurrent Evaluation of IRDP has revealed that only 3.88% of IRDP beneficiaries received training under TRYSEM. The Quick Evaluation of TRYSEM



indicate that of the total number of beneficiaries who got training under TRYSEM, roughly 53.76% trained youth did not apply for assistance under IRDP and of the remaining youth only about 50% were given assistance under IRDP. Ministry of Rural Areas and Employment has reported that out of 66016 youth trained under TRYSEM during 1998-99 up to November, 1998, 12988 (19.67%) trained youth were engaged in self-employment and 11175 (16.93%) trained youth were absorbed in the wage employment.

### **Swarnajayanti Gram Swarozgar Yojana**

6.36 It was felt that the multiplicity of programmes being viewed as separate programmes in themselves resulted in lack of proper social intermediation, absence of desired linkages among these programmes, inter se and the implementation being more concerned with achieving individual programme targets rather than focussing on the substantive issue of sustainable income generation. To rectify the situation, the Government has decided to restructure the self-employment programmes and has launched from 1.4.99 a new programme known as **"Swarnajayanti Gram Swarozgar Yojana"(SGSY)**. This is a holistic programme covering all aspects of self-employment such as organization of the poor into self-help groups, training, credit, technology, infrastructure and marketing. SGSY will be funded by the Centre and the States in the ratio of 75:25. With the coming into force of SGSY, the earlier programmes of IRDP, TRYSEM, DWCRA, SITRA, GKY and MWS are no longer in operation. The unspent balances, as on 1.4.99, under these programmes will be pooled under the head SGSY and utilised as per the new guidelines. The objective of SGSY will be to bring the assisted poor families above the poverty line in three years by providing them income-generating assets through a mix of bank credit and Government subsidy. It is further envisaged under SGSY that subject to availability of funds, the effort will be to cover 30% of the poor families in each block during the next five years. The assisted families to be known as Swarozgaris may be individuals or groups (Self-Help Groups). The emphasis in the programme would be on the group approach. Yojana aims at establishing a large number of micro-enterprises, for which 4-5 key activities will be identified for each block based on the resources, occupational skills of the people and availability of markets. Selection of key activities will be with the approval of the Panchayat Samitis at the Block level and the DRDA/Zila Parishad at the District level. SGSY will adopt a project approach for each key activity. Project reports will be prepared in respect of identified key activities by closely associating the banks and other financial institutions to avoid delays in sanctioning of loans. With regard to skill development the programme provides that those who have been sanctioned loans will be given necessary training through well designed training courses tailored to the needs of identified activities. DRDA will be allowed to set apart up to 10% of the SGSY allocation on training. Subsidy under SGSY will be uniform at 30% of the project cost, subject to a maximum of Rs. 7500. In respect of SCs/STs, however, the ceiling of subsidy would be 50% of the project cost, subject to a maximum of Rs. 10000. The ceiling of subsidy for Groups of Swarozgaris (SHGs) will be Rs. 1.25 lakh or 50% of the cost of the scheme. There is no monetary limit on subsidy for irrigation project. It is provided that Scheduled Castes and Scheduled Tribes will account for at least 50% of the Swarozgaris. The Gram Sabha will authenticate etc. the list of families below the poverty line identified in the BPL (below poverty line) census. Identification of individual families suitable for each key activity will be made through participatory



process. The programme also envisages that there would be a review of the proper infrastructure essential for success of the micro enterprises. This infrastructure may be either for production processing, quality testing, storage or marketing. Funds available for providing infrastructure support under SGSY are primarily to bridge small gaps in infrastructure and not for creation of all together non-existent infrastructure. Funds to the tune of 20% (25% in the case of North-Eastern State) will be provided to meet expenditure on creation of infra-structure. Programme envisages better co-ordination with the banks to meet the credit needs, marketing support and skill upgradation. To ensure better co-ordination block level SGSY Committee and district level SGSY Committees shall be convened. Similarly, Committee have been envisaged at the State and Central level also. **The guidelines of the SGSY has not clearly stated if there would be any representation to the SCs or STs in these Committees. As stated above the programme has laid emphasis on a group approach. It is suggested that the implementation agencies should ensure that adequate representation is given to the SC & ST beneficiaries in these groups.**

## Urban Poverty

6.37 The ratio of urbanisation in 1951 was 17% which increased to 25.7% in 1991. Planning Commission's Technical Group on Urban Perspective and Policies has projected urban population at 31% of the total population in 1996-97 and 38% in 2000. Urban growth is a result of natural increase in population, net migration from rural areas to urban areas and reclassification of towns. Increasing urbanization has led to growing gap between demands and supply of basic services in these areas. A significant proportion of the urban population continue to live in the slum areas and below the poverty line.

6.38 Planning Commission's estimates of poverty have shown a decline in the percentage of urban poor from 38% in 1987-88 to 32.36% in 1993-94. The total number of urban poor has been estimated as 7.63 crore in 1993-94.

6.39 Urban poverty leads to proliferation of slums and bastees, increasing pressure on civic services and increasing educational deprivation and health contingencies as well as increasing casualization of labour and the growth of informal sector. The Ninth Plan has recognized alleviation of urban poverty and unemployment as a major objective of the Housing and Urban Development Sector. The urban poverty alleviation programmes which were in operation during the Eighth Plan are as following :

## Nehru Rozgar Yojana (NRY)

6.40 NRY was launched at the end of Seventh Five Year Plan with the objective of providing employment to the urban unemployed and underemployed poor. NRY consisted of three schemes namely (1) the Scheme of the Micro Enterprises (SUME) (2) the Scheme of Urban Wage Employment (SUWE) and (3) the Scheme of Housing and Shelter Upgradation (SHASU). During the Eighth Five Year Plan 9.10 lakh beneficiaries were assisted to set up Micro Enterprises and 2.50 lakh persons were trained/under going training under NRY and 4.80 lakh dwelling units were taken up for upgradation under SHASU. 458.70 lakh mandays of work was generated under SUWE and 232 lakh mandays of work was generated under SHASU during the Eighth Five Year Plan.

## **Urban Basic Services for the Poor (UBSP)**

6.41 The UBSP programme was implemented as a Centrally Sponsored Scheme during the Eighth Five Year Plan with the objective of effective achievement of the social sector goals viz. community organization, mobilization and empowerment, and convergence through sustainable support system. It was targeted to cover 70 lakh urban poor beneficiaries in 500 towns during the Eighth Five Year Plan period. As on 31.3.1997 353 towns and 4993 slum pockets have been selected for coverage and 75 lakh beneficiaries have been covered.

## **Prime Minister's Integrated Urban Poverty Eradication Programme (PMIUPEP)**

6.42 The programme was launched in 1995, recognizing the seriousness and complexity of urban poverty problems specially in the small towns where the situation is more grave due to lack of resources for planning their environment and development. It was a Rs.800 crore scheme approved for the period up to the year 2000. Programme was applicable to all Class II urban agglomerations with a population ranging between 50,000 and 1 lakh. The Planning Commission has observed in its Ninth Five Year Plan document that although urban poverty is no less severe than rural poverty, the priority accorded to alleviation of urban poverty is low as the end perception is that urban poverty is a transfer of rural poverty into urban areas. They have noted that urban poverty alleviation programmes are highly fragmented and have overlapping objectives and strategies and have not been integrated properly with sectoral development and area development programmes.

6.43 A Committee was set up under Professor S R Hashim to review and rationalize the Centrally Sponsored Schemes for Urban poverty alleviation. The Committee recommended that the self-employment component of NRY and PMIUPEP should be combined into a single programme for all the urban areas all over the country. Urban wage employment components as well as the physical infrastructure development component under NRY and PMIUPEP should be merged and be made applicable to all the urban areas with a population less than 5 lakh as a separate scheme.

## **Swarna Jayanti Shahari Rozgar Yojana (SJSRY)**

6.44 In pursuance of the recommendations of Hashim Committee a restructured programme for removal of urban poverty viz. Swarna Jayanti Shahari Rozgar Yojana (SJSRY) has been launched which has two sub-schemes namely: (i) Urban self - Employment Programme and (ii) Urban Wage Employment Programme. The shelter upgradation components of NRY and PMIUPEP has been merged with National Slum Development Programme. As a result w.e.f. 1.12.1997 NRY, PMIUPEP and UBSP have been phased out. SJSRY seeks to provide gainful employment to the urban unemployed or under-employed poor by encouraging the setting up of self-employment ventures or provision of wage employment.

6.45 Many times the benefits meant for the SC\ ST people under various development programmes are cornered by other persons. **It is recommended that all the SC/STs beneficiaries of all welfare programmes should be given identity cards all over the country.**



## Special Component Plan for SCs

6.46 The strategy of Special Component Plan for development of Scheduled Castes was adopted during the Sixth Five Year Plan. The strategy was adopted to ensure adequate flow of financial outlays from the State and Central Govt. Plans in proportion to the Scheduled Caste population to the Schemes and programmes for the development of the Scheduled Caste. Efforts of the State Governments are supplemented by Special Central Assistance for SCP by the Govt. of India.

6.47 During the period under report 24 States/UTs viz; Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Chandigarh, Delhi and Pondicherry formulated Special Component Plans for the development of the Scheduled Caste Population in these States. State-wise details of the outlays provided by these States during the period 1994-95 to 1997-98 have been given at **ANNEXURE-6.VII**.

6.48 Scheduled Caste population in the Country has increased from 15.75% in 1981 to 16.48% in 1991. However, the flow of outlay to the Special Component Plan was 7.67% in Sixth Five Year Plan and 8.31% in the Seventh Five Year Plan. It has increased to 11.03% during the Eighth Five Year Plan but still continues to be considerably lower than SC population of 16.48% in the year 1991. Flow of outlay to Special Component Plan for SCs as compared to the State Plan outlay for Sixth Plan onwards are given in the following table :

### Flow of funds under SCP

(Rs. in Crores)

Period	Total State Plan Outlay	SCP Outlay	%age of SCP Outlay to State Plan Outlay	SCP Expenditure	%age of SCP Expen. to SCP Allocation
6 <sup>th</sup> Plan	47149.90	3614.66	7.67	2958.89	81.86
7 <sup>th</sup> Plan	89413.89	7431.31	8.31	6916.92	93.08
8 <sup>th</sup> Plan	203129.47	22420.33	11.03	18088.90	80.68
1997-98	62395.42	7026.92	11.26		

6.49 The table brings out that there has been significant improvement in quantification of the outlay for Special Component Plan for Scheduled Castes since the Sixth Five Year Plan. The proportion of SCP outlay to the total State Plan outlay has increased from 7.67 percent in Sixth Plan to 11.26 percent in 1997-98. However, it is still considerably lower than the Scheduled Caste population percentage of 16.48%. The utilization of SCP outlay was only 80.68 percent. Thus it is observed that on the one hand outlay provided for SCP is less than the SC population proportion on the other at the utilization stage there is further erosion in the SCP funds. **The Commission recommends that out lay for special component plan for SCs must be increased in proportion to SC population without notional quantification and it should be effectively monitored keeping in view the suggestions made by the Ministry of Social Justice and Empowerment as mentioned in para 6.51 below. It has been pointed out in the C&AG Report , that in 9 State funds for SCs and STs programmes have been diverted. This is a serious matter and**



**preventive steps must be taken to ensure that funds for the SC and STs are not diverted to any other programme.**

6.50 It is also seen that outlay provided for large projects is also apportioned to SCP. It is true that such large project are likely to benefit all sections of the society including Scheduled Castes and Scheduled Tribes, however, the outlay for only such schemes should be quantified under SCP which directly benefit the Scheduled Caste population. The State Governments should avoid notional quantification of outlays under SCP.

6.51 To ensure adequate flow of funds to the Special Component Plan following suggestions have been made to the State Govt by the Ministry of Social Justice and Empowerment.

- i. State/UTs should earmark outlays to the Special Component Plan in Proportion to the State's SC population.
- ii. Social Welfare Department/or the Department concerned with SCs and STs welfare should be made nodal agency for formulation and implementation of SCP.
- iii. The funds earmarked for SCP should be placed at the disposal of the nodal department concerned with SC welfare and development and department should re-allocate these funds to the sectoral departments.
- iv. Separate budget head/sub-head should be opened for the budget of the SCP.
- v. Monitoring Committees should be constituted at the State, District and Block levels which would regularly review the implementation of the schemes as well as utilization of the outlays.
- vi. These Monitoring Committees should have Members of Parliament and State Legislative Assembly from the district or Block level, well-known SC/ST social workers, the NGOs working for the welfare of Scheduled Castes and also the representatives from Panchayati Raj Institutions as members.
- vii. The District/Block level Monitoring Committee may be made responsible for identifying the developmental needs of the SCs in the areas falling under the jurisdiction of concerned District/Block and to suggest suitable schemes for their development. Such process should be completed well in time and reported to the nodal Department for SCP and the nodal departments should formulate appropriate schemes in consultation with sectoral Departments. Keeping in view these suggestions for welfare and development of the Scheduled Caste.
- viii. The nodal department should take steps to evaluate the impact of the various programmes on development of SC/STs. This department should also ensure dissemination of information to the agencies involved in the development of the persons belonging to Scheduled Castes and also maintain records with regard to the creation of assets under SCP.

## Special Component Plan of Central Ministries

6.52 Central Ministries and Departments are also required to prepare schemes and programmes for the development of the Scheduled Castes similar to the Special Component Plans prepared by State Governments. The Ninth Five Year Plan has noted in the draft documents that the situation at the Central level in respect of the Special Component Plan was not found to be very encouraging as the ear marking of the funds was done to by only 13 Ministries/departments viz; Labour, Education, Science & Technology, Textile, Petroleum and Natural Gas, Women and Child Department, Health and Family Welfare, Commerce, Fertilizers, Rural Areas and Employment, Non-Conventional Energy Sources and Cooperation. **The National Commission for Scheduled Castes and Scheduled Tribes recommends that all the Ministries should prepare suitable schemes for the development of Scheduled Castes within their spheres and implement SCPs under their respective sectors. The Central Ministries should also open separate Budget Heads/Sub-Heads for Special Component Plan as advised by the Ministry of Social Justice and Empowerment. The Ministries are also requested to include a small write-up on the implementation of SCP in their Annual Reports.**

## Special Central Assistance for SCP

6.53 Special Central Assistance for Special Component Plan is a supplement to the efforts of the State Govts. for speedy economic development of the Scheduled Caste population. The SCA is provided to improve the productivity and income of the Scheduled Caste keeping in view the occupational patterns of the Scheduled Castes in different areas. As the occupational patterns are likely to vary from State to State and from region to region in the same State, this assistance is also utilized on the activities by the States in a variety of programmes.

6.54 Broad guidelines as prepared by the Ministry of Social Justice and Empowerment for the utilization of Special Central Assistance are as following:

6.55 States/UTs have been given full flexibility in utilising SCA subject to the condition that it should be used in conjunction with SCP on family oriented income generating economic development programmes/schemes and for infrastructural development programmes in the villages having 50% or more of SC population.

- i 15% of the total SCA released to the States/UTs, will be utilised by the State Government/UT Administrations exclusively on viable income-generating economic development schemes/programmes for SC women.
- ii 5% of the total SCA released to the States/UTs will be utilised by them exclusively for the economic development of disabled persons among SCs.
- iii 3% of the total SCA released to the States/UTs will be utilised by the States/UTs for supervision, monitoring and evaluation of economic development schemes implemented with the support of SCA funds.

6.56 The details of the Central Assistance provided by the Govt. of India during the year 1994-95 to 1998-99 are given in the following table :



(Rs.in Crores)

Period	Released	Utilised	% Utilised
Sixth Five Year Plan	600.00	568.11	94.68
Seventh Five Year Plan	876.00	861.91	98.39
Eighth Five Year Plan	1344.77	1350.58	100.43
1997-98	308.27	310.96	100.87
1998-99	218.62	113.09 (upto Sept. 1998)	51.72

6.57 State/UT-wise details of the amount utilised during the year 1994-95 to 1998-99 of Special Assistance for Special Component Plan are given at ANNEXURE-6.VIII.

6.58 Ministry of Social Justice and Empowerment which is the nodal Ministry for release of Special Central Assistance for Special Component Plan has observed that the utilization of SCA by the States/UTs is satisfactory. However, the Commission has found that there was undue delay by the States/UTs in releasing funds to the implementing agencies which resulted in funds lying unspent at the end of financial year. Lack of proper action plan for implementation of the schemes; leakage of benefit of schemes meant for SCs to Non-SCs; sanction of funds for schemes without ascertaining their viability and accumulation of unspent balance of funds for considerably long period with the implementing agencies/department decelerates the process of economic development of the Scheduled Castes. The State Govt. have also been pointing out to the Commission during its visits to the States that there are delays in the release of funds by the Govt. of India. **There is a need for effective monitoring of the utilization of the funds allocated under SCA by the State Govts. to ensure that laxity on the part of implementing agencies does not hinder the progress of the Scheduled Castes.**

### Assistance to Scheduled Castes Development Corporations (SCDCs)

6.59 In March, 1979, the Central Govt. initiated a Centrally sponsored scheme of assistance to State Governments for participating in equity of the Scheduled Castes Development Corporation (SCDCs) in the ratio of 49:51. At present, SCDCs are functioning in 25 States/UTs, including 9 SCDCs which are common to SCs and STs. The SCDCs have been acting as guarantors and promoters for credit support and providing missing inputs by way of margin money loans and subsidy to the target group. During 1996-97 and 1998-99 a share capital assistance to the tune of Rs. 30 crore and Rs.45 crore, respectively, was provided by the Central Government which was fully utilized by the SCDCs. The SCDCs experience difficulties in arranging bank finances. The share of banks is unduly delayed and is inadequate in some of the cases. The Ministry of Social Justice and Empowerment has modified the criteria for release of Central Share to the SCDCs from 1998-99 and it has laid down following conditions for release of Central Share in Equity to SCDCs i) minimum recovery rate of loans disbursed should be 60% in a financial year, ii) minimum utilization of Central Share should be 75% in a financial year iii) prior release of State Share to SCDC and iv) SCDCs should be able to raise additional resources from financial institutions including banks. **The criteria seems to be a very tough as in some of the cases the State Governments may find it difficult to first release their share. This would particularly affect those States which are**



financially weak. Similarly SCDCs have already reported about the difficulties they are facing in release of the Bank credit to the beneficiaries. Such SCDCs cannot be expected to raise additional resources from the Banks. Therefore, this criteria areas should be suitably relaxed.

### **National SCs and STs Finance and Development Corporation (NSFDC)**

6.60 The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) was established on 8<sup>th</sup> February, 1989 as a non-profit making Government Company under Section 25 of the Companies Act, 1956. The authorised share capital of NSFDC has been enhanced from Rs. 300 crores to Rs. 1000 crores during 1998-99. The paid up capital of the Corporation is Rs.342.43 crores. The assistance by NSFDC is provided to the various State SCDCs and other channelising agencies for implementing technically feasible and financially viable schemes. The target group of the NSFDC is the people belonging to SC/ST communities whose annual income is below double the poverty line criteria i.e. Rs.22,000 per annum and Rs. 23,700 per annum in urban areas. It finances projects up to Rs. 30 lakhs. **Income ceiling of double the poverty line criteria seems unrealistic. As it is extremely unlikely that persons in that category will come up with projects costing Rs. 30 lakhs. Therefore, the amount of annual income ceiling needs to be suitably enhanced.** During 1997-98 the Corporation disbursed an amount of Rs.93.89 crores and its cumulative disbursements have gone up to Rs.486.57 crores as on 30<sup>th</sup> November, 1998. The recovery of loans by NSFDC from its channelising agencies is satisfactory at around 87%, though the recovery from the beneficiaries is reported to be poor.

### **Tribal Sub-Plan**

6.61 Since the Fifth Five Year Plan Govt. of India has adopted a separate strategy for the development of the areas predominantly inhabited by the Scheduled Tribes known as the Tribal Sub-Plan. Tribal Sub-Plan is in operation in 18 States viz; Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal and two Union Territories, namely Andaman and Nicobar Islands and Daman & Diu. 194 integrated Tribal Development Projects, 252 Modified Area Development Approach (MADA) Pockets and 79 ST Clusters have been formed for the development of the Scheduled Tribes. 75 Primitive Tribal Groups (PTGs) have been identified in 15 States/UTs for their development through micro projects. Special Central Assistance also is given by the Ministry of Social Justice and Empowerment for the Tribal Sub-Plan to the State and UT Administrations to fill up the gap in the outlay. During 1997-98 Rs. 339.61 crores were released as Special Central Assistance for the TSP. Grants are also provided under first proviso to Article 275(1) of the Constitution to 18 Tribal Sub-Plan and 4 tribal majority States to meet the costs of such projects for tribal development as may be undertaken by the State Government for raising the level of administration of the scheduled areas therein. Details regarding Tribal Sub-Plan and other issues relating to tribal development have been discussed in separate chapter viz. **"Main Issues in Tribal Development"** in this Report.

## Implications of Liberalisation and Privatisation of Economy on Employment Opportunities for SCs and STs

6.62 One of the thrust area in the economic reforms programmes of the Government of India has been the greater involvement of the private sector by opening various sectors of the economy so far monopolized by the public sector to the private sector. Economic Survey, 1998-99 states that "Coal and lignite and mineral oils were dereserved from exclusive public sector production" (page 7 para 20). The Indian Electricity Act 1910 and Electricity (Supply) Act, 1948 have been amended to provide for private investment in power transmission. Power production has already been opened to the private sector. The Government have taken steps to open up the insurance sector. Besides opening up the sectors so far reserved for public sector to private enterprises, another step of the Government of India in the direction of privatization is its commitment to the privatization of the public sector enterprises. It reiterates its commitment regarding public enterprise policy in the Economic Survey 1998-99, as following "To underscore the Government's commitment to privatization, the Budget (Union Budget 1998-99) also indicated that in the majority of cases, the Government share-holding in public Sector Enterprises will be brought down to twenty six percent. As regards progress about privatization, the survey brings out that, "The Disinvestment Commission has so far submitted eight reports covering forty-three PSUs. In its last report submitted in August, 1998 the Commission has made specific recommendations for Air India Ltd. and Central Electronics Ltd. suggesting strategic sale for the former and deferment of dis-investment in the latter. Ten more PSUs have been referred to the Commission in November, 1998."

6.63 As a result of such privatization most of the employment opportunities in the coming years are likely to emerge in the private sector. The following table presents the growth rate of employment in organized private and public sectors from 1972 onwards:

**Growth Rate Of Employment In The Organised Sector**

Period	Growth rate of overall employment	Growth rate of employment in the organised sector		
		Public	Private	Total
1972-73 to 1977-78	2.75	-	-	2.45
1977-78 to 1983	2.36	2.99	1.41	2.48
1983 to 1987-88	1.77	2.17	0.43	1.38
1987-88 to 1993-94	2.37	1.00	1.18	1.05

*Source: Economic Survey 1998-99.*

6.64 Position in respect of growth of employment in the private and public sector during the recent years is presented in the following table :



### Growth Rates Of Employment In Organized Sector (Per Cent)

Year	Public Sector	Private Sector	Total organized
1991	1.52	1.24	1.44
1992	0.80	2.21	1.21
1993	0.60	0.06	0.44
1994	0.62	0.01	0.73
1995	0.11	1.63	0.55
1996	(-) 0.19	5.62	1.51
1997	0.67	2.04	1.09

6.65 These tables show that employment opportunities in the public sector were growing at the rate of 2.99% per annum during 1977-78 to 1983 as compared to 1.41% in the private sector. The rate of growth of employment decreased in the public sector to 2.17% during 1983 to 1987-88 and have come down to less than 1% in the nineties. The growth rate of employment fell in the private sector also during 1980's in line with the public sector. However, during the nineties, specially during 1995, 1996 and 1997, the rate of growth of employment in private sector is considerably higher than that of the public sector. These trends indicate that in future most of the employment opportunities are likely to emerge in the private sector in which there is no reservation policy for Scheduled Castes and Scheduled Tribes at present. **Keeping in view these trends of the emerging employment opportunities the Government of India should consider extending the social obligation, cast upon the public section enterprises, of providing reservation in jobs to SCs and STs to the private sector also.** Further, the Commission had suggested in its last report that the Government should make an in-depth study of its economic reforms programmes and prepare policies so as to upgrade the skills of Scheduled Castes and Scheduled Tribes for their absorption in the private sector.

6.66 As the reservation policy is not applicable at present to private sector there is an immediate need to provide vocational training to Scheduled Castes and Scheduled Tribes to enhance their skills so as to enable them to compete in private market for jobs. The draft Ninth Five Year Plan document states that there are 3083 Industrial Training Institutes in the public and private sector with an intake capacity of 4.74 lakh trainees. Another about 2.59 lakh trainees get training under the Trade Apprentice Schemes. Within the public sector the State Governments operate the ITIs and the Central Government trains the instructors at the Advanced Training Institutes and has a few ITIs for women. The Directorate General of Employment and Training (DGE&T) in the Union Ministry of Labour, Co-ordinates the activities among the Center and the States. It may be seen that as compared to students passing out from the schools (or drop outs) the intake capacity of 4.74 lakh trainees is inadequate to absorb them. Moreover, very few ITIs have been set up in the tribal areas and wherever these have been set up in these areas they lack adequate training infrastructure. Very often there is shortage of experienced staff in these areas. The training imparted by these ITIs is also not in conformity with the needs of these areas. **The courses of these ITIs should be so structured so as to up grade the skills of the Scheduled Tribes to make their products competitive in the market besides providing them training in the areas which offer large employment opportunities.**



Statement showing the total population, Scheduled Caste population and Scheduled Tribe population with percentage in the total population in 1981 and 1991 Census

S. No.	State/UT	Total		Scheduled Castes			Scheduled Tribes		
		1981	1991	1981	%	1991	1981	%	1991
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
STATES									
1.	Andhra Pradesh	5,35,49,673	6,65,08,008	79,61,730	14.87	1,05,92,066	15.93	31,76,001	5.93
2.	Assam	6,31,839	8,64,558	2,919	0.46	4,052	0.47	4,41,167	69.82
3.	Bihar	1,98,96,843	2,24,14,322	12,41,526	6.24	16,59,412	7.40	21,85,845	10.99
4.	Goa	6,99,14,734	8,63,74,465	1,01,42,368	14.51	1,25,71,700	14.55	58,10,867	8.31
5.	Gujarat	10,86,730	11,69,793	23,432	2.16	24,364	2.08	10,721	0.99
6.	Haryana	3,40,85,799	4,13,09,582	24,38,297	7.15	30,60,358	7.41	48,48,586	14.22
7.	Himachal Pradesh	1,29,22,618	1,64,63,648	24,64,012	19.07	32,50,933	19.75	-	-
8.	Jammu & Kashmir	42,80,818	51,70,877	10,53,958	24.62	13,10,296	25.34	1,97,263	4.61
9.	Karnataka	59,87,389	77,18,700	4,97,363	8.31	6,41,200	8.31	-	-
10.	Kerala	3,71,35,714	4,49,77,201	55,95,353	15.07	73,69,279	16.38	18,25,203	4.91
11.	Madhya Pradesh	2,54,53,680	2,90,98,518	25,49,382	10.02	28,86,522	9.92	2,61,475	1.03
12.	Maharashtra	5,21,78,844	6,61,81,170	73,58,533	14.10	96,26,679	14.55	1,19,87,03	22.97
13.	Manipur	6,27,84,171	7,89,37,187	44,79,763	7.14	87,57,842	11.09	57,72,038	9.19
14.	Mizoram	14,20,953	18,37,149	17,753	1.25	37,105	2.02	3,87,977	27.30
15.	Nagaland	13,35,819	17,74,778	5,492	0.41	9,072	0.51	10,76,345	80.58
16.	Odisha	4,93,757	6,89,756	135	0.03	691	0.10	4,61,907	93.55
17.	Punjab	7,74,930	12,09,546	-	-	-	-	6,50,885	83.99
18.	Rajasthan	2,63,70,271	3,16,59,736	38,65,543	14.66	51,29,314	16.20	59,15,067	22.43
19.	Sikkim	1,67,88,915	2,02,81,969	45,11,703	26.87	57,42,528	28.31	-	-
20.	Tamil Nadu	3,42,61,862	4,40,05,990	58,38,879	17.04	76,07,820	17.29	41,73,124	12.21
21.	Tripura	3,16,385	4,06,457	18,281	5.87	24,084	5.93	73,623	23.27
22.	Uttar Pradesh	4,84,08,077	5,58,58,946	88,81,295	18.35	1,07,12,266	19.18	5,20,226	1.07
23.	West Bengal	20,53,058	27,57,205	3,10,384	15.12	4,51,116	16.36	5,83,920	28.44
24.	Andhra Pradesh	11,08,62,013	13,91,12,287	2,34,53,339	21.16	2,92,76,455	21.05	2,32,705	0.21
25.	Chandigarh	5,45,80,647	6,80,77,965	1,20,00,768	21.99	1,60,80,611	23.62	30,70,672	5.63
UNION TERRITORIES									
1.	A & N Islands	1,88,741	80,661	-	-	-	-	22,361	11.85
2.	Chandigarh	4,51,610	6,42,015	63,621	14.09	1,05,977	16.51	-	-
3.	Dadra & Nagar Haveli	1,03,676	1,38,477	2,041	1.97	2,730	1.97	81,714	78.82
4.	Daman & Diu	-	1,01,586	-	-	3,89	3.83	-	-
5.	Delhi	62,20,406	94,20,644	11,21,643	18.03	17,94,836	19.05	-	-
6.	Lakshadweep	40,249	51,707	-	-	-	-	37,760	93.82
7.	Pondicherry	6,04,471	8,07,785	96,636	15.99	1,31,278	16.25	-	-
	INDIA	68,51,84,692	84,63,02,688	10,59,96,149	15.47	13,82,23,277	16.33	5,38,14,48	7.85
								6,77,58,38	8.08

Source: Census of India 1991

**Physical Performance Under JRY During 1998-99  
(Progress upto November'98)**

(In Lakh Mandays)

S.No.	States/UTs.	Month Code	Annual Target (tentative)	Achievement	% Achievement	SC	ST	SC/ST	Others	Women	Landless
1	Andhra Pradesh	10	254.01	131.16	41.34	39.02	16.48	55.50	75.66	44.86	95.67
2	Arunachal Pr.	10	7.97	0.62	7.78	0.00	0.62	0.62	0.00	0.00	0
3	Assam	11	144.36	50.00	34.64	9.31	17.40	26.71	23.29	5.43	13.81
4	Bihar	10	688.11	299.11	43.47	125.25	54.23	179.48	119.63	77.75	188.55
5	Goa	11	3.32	1.21	36.45	0.00	0.00	0.00	1.21	0.52	0
6	Gujarat	11	53.34	36.63	68.67	5.51	15.51	21.02	15.61	7.23	11.06
7	Haryana	10	30.49	9.35	30.67	5.57	0.00	5.57	3.78	1.87	9.09
8	Himachal Pradesh	11	17.00	7.05	41.47	3.08	0.58	3.66	3.39	0.34	0.01
9	J&K	11	27.50	9.56	34.76	0.00	0.00	0.00	9.55	0.00	0
10	Karnataka	11	188.82	133.77	70.85	37.2	15.93	53.13	80.64	36.80	44.16
11	Kerala	11	69.77	19.08	27.35	5.41	0.76	6.17	12.91	6.45	2.73
12	Madhya Pradesh	11	325.80	176.77	54.26	42.45	68.48	110.93	65.84	60.63	61.59
13	Maharashtra	11	541.22	203.55	37.61	53.84	48.61	102.45	101.10	69.29	75.24
14	Manipur	10	6.92	0.50	7.15	0.02	0.38	0.45	0.10	0.04	0



15	Meghalaya	7	10.22	9.18	89.82	0.57	4.02	4.59	0.00	0.00	0
16	Mizoram	11	1.84	1.10	59.78	0.00	1.10	1.10	0.00	0.39	0
17	Nagaland	11	9.82	9.37	95.42	0.00	937.00	9.37	0.00	2.64	0
18	Orissa	11	317.94	158.57	49.87	47.46	57.26	104.72	53.85	48.07	36.04
19	Punjab	11	15.46	8.50	54.98	6.25	0.00	6.25	2.25	0.17	6.2
20	Rajasthan	11	149.43	80.67	53.99	29.52	22.70	52.22	28.45	26.72	9.78
21	Sikkim	11	2.29	2.51	109.61	0.57	1.05	1.62	0.89	0.80	0.08
22	Tamilnadu	10	230.42	173.96	75.50	85.23	3.88	89.11	84.85	66.78	130.17
23	Tripura	11	18.02	14.11	78.30	3.58	7.05	10.63	3.48	4.22	4.98
24	Uttar Pradesh	10	626.32	304.38	48.60	153	2.93	155.93	148.45	57.62	62.63
25	West Bengal	10	220.83	61.31	27.76	24.52	8.23	32.75	28.56	14.95	38.48
26	A&N Islands	11	1.30	0.15	0.01	0.00	0.07	0.07	0.08	0.03	0.06
27	D&N Haveli	11	1.11	0.19	17.12	0.00	0.19	0.19	0.00	0.13	0.00
28	Daman & Diu	11	0.57	0.40	24.56	0.00	0.02	0.02	0.10	0.00	0.00
29	Lakshadweep	11	1.12	0.30	26.79	0.30	0.00	0.30	0.00	0.11	0.00
30	Pondicherry	9	1.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total		3966.57	1902.80	47.97	677.66	356.85	1034.51	863.67	533.84	790.33

## Statement Showing Financial Progress Under Jawahar Rozar Yojana During 1998-99

(Progress up to November, 98)

S. No.	States/UTs.	Month Code	Balance as on 1.4.98	Allocation		Release		Total Funds Available	Funds Utilised	% Utilisation
				Centre	State	Total	Centre (Nov.)	State	Total	
1	Andhra Pradesh	10	2893.9	11703.94	2925.99	14629.93	7022.36	1755.59	8777.95	8364.24
2	Arunachal Pr.	10	86.68	257.32	64.33	321.65	129.68	32.42	162.10	73.16
3	Assam	11	1145.81	6686.18	1671.55	8357.73	4011.71	1002.93	5014.64	2735.23
4	Bihar	10	13323.2	38340.77	9585.19	47925.96	23004.46	5751.12	28755.58	20847.84
5	Goa	11	24.58	172.2	43.05	215.25	103.32	25.83	129.15	122.32
6	Gujarat	11	1076.56	4405.58	1101.4	5506.98	2756.73	689.18	3445.91	3180.05
7	Haryana	10	213.86	2591.88	647.97	3239.85	1555.13	388.78	1943.91	1215.92
8	Himachal Pradesh	11	189.25	1091.54	272.89	1364.43	710.02	177.51	887.53	577.82
9	J&K	11	386.41	1350.93	337.73	1688.66	856.15	214.04	1070.19	805.66
10	Karnataka	11	2748.83	8838.13	2209.53	11047.66	5434	1358.5	6792.5	6398.97
11	Kerala	11	1308.26	3965.64	991.41	4957.05	2536.58	634.15	3170.73	1801.13
12	Madhya Pradesh	11	3753.71	19433.93	4858.48	24292.41	1207.04	2915.09	15122.13	12539.15
13	Maharashtra	11	2156.99	17470.82	4367.71	21838.53	10482.27	2620.57	13102.84	10518.12
14	Manipur	10	37.24	448.24	112.06	560.3	155.56	38.89	194.45	37.82
15	Meghalaya	7	162.15	502.19	125.55	627.74	301.75	75.44	377.19	79.70
16	Mizoram	11	4.82	116.21	29.05	145.26	116.1	29.03	145.13	82.70
17	Nagaland	11	6.97	344.48	86.12	430.6	206.69	51.67	258.36	290.92
18	Orissa	11	2870.78	13386.9	3346.73	16733.63	8216.81	2054.2	10271.01	8050.64
19	Punjab	11	200.06	1259.63	314.91	1574.54	851.45	212.86	1064.31	920.78



20	Rajasthan	11	427.52	67110.09	1677.77	8388.86	4039.82	1009.96	5049.78	5477.30	5146.64	93.96
21	Sikkim	11	21.76	128.66	32.17	160.83	77.2	19.30	96.50	118.26	169.8	143.58
22	Tamilnadu	10	1045.98	10348.85	2587.21	12936.06	10348.85	2587.21	12936.06	13982.04	9363.68	66.97
23	Tripura	11	9.95	809.31	202.33	1011.64	807.68	201.92	1009.6	1019.55	824.32	80.85
24	Uttar Pradesh	10	8494.04	42194.35	10548.59	52742.94	35723.74	8930.94	44654.68	53148.72	24597.01	46.28
25	West Bengal	10	4964.52	14867.8	3719.22	18596.09	7957.84	1989.46	9947.3	14911.82	5553.43	37.24
26	A&N Islands	11	61.26	117.89	0.00	117.89	31.44	0.00	31.44	92.70	20.7	22.33
27	D&N Haveli	11	7.67	77.81	0.00	77.81	46.69	0.00	46.69	54.36	10.43	19.19
28	Daman & Diu	11	3.67	37.7	0.00	37.7	10.06	0.00	10.06	13.76	2.06	15.00
29	Lakshadweep	11	14.1	59.1	0.00	59.1	35.46	0.00	35.46	49.56	21.13	42.64
30	Pondicherry	9	7.72	115.42	0.00	115.42	82.14	0.00	82.14	89.86	19.74	21.97
	Total		47630.21	207843.56	51858.91	259702.47	139818.73	34766.57	174585.3	222215.51	124371.11	55.97

ANNEXURE 6.IV

Physical Performance Under Employment Assurance Scheme During 1998-99  
(Upto November-98)

(Lakh Mandays)

S.No.	States/UT	Month Code	Mandays Generated						No. of Works	
			SC	ST	Other	Total	Women	Landless	Completed	in Progress
1	Andhra Pradesh	10	78.99	40.07	94.34	213.4	66.89	66.24	12745	16082
2	Arunachal Pradesh	10	0.00	12.68	0.00	12.68	4.23	0	269.00	611
3	Assam	10	14.24	20.24	44.60	79.08	4.99	26.03	1974	2605
4	Bihar	11	98.37	35.48	98.51	232.36	62.43	141.17	6829	15209
5	Goa	11	0.00	0.00	2.2	2.20	0.94	0.00	75.00	179.00
6	Gujarat	11	8.42	11.30	23.32	43.04	12.41	21.11	1206	3327
7	Haryana	10	4.43	0.00	3.47	7.9	1.75	7.77	569	960
8	Himachal Pradesh	11	9.97	1.35	9.47	20.79	1.07	0.02	3261	4818
9	J&K	11	NR	NR	NR	55.81	NR	NR	10072	19187
10	Karnataka	11	41.97	17.87	99.96	159.8	45.37	63.86	11569	10055
11	Kerala	11	12.07	1.68	24.20	37.95	14.2	3.92	1827	2384
12	Madhya Pradesh	10	57.19	96.96	83.92	238.07	76.88	72.03	7542	15135
13	Maharashtra	11	30.6	37.93	61.19	129.72	43.81	45.5	4094	13382
14	Manipur	10	0.10	4.96	0.42	5.48	1.43	1.6	450	250
15	Meghalaya	7	0.00	3.01	0.00	3.01	0.79	0.72	166.00	119.00
16	Mizoram	10	0.00	16.82	0.00	16.82	5.80	0.00	1338.00	35.00
17	Nagaland	8	0.00	24.92	0.00	24.92	3.05	0.00	126.00	72.00



18	Orissa	11	59.16	63.00	64.51	186.67	44.27	56.60	7017.00	13108.00
19	Punjab	11	5.38	0.00	2.58	7.96	0.34	3.19	376.00	365.00
20	Rajasthan	11	44.19	38.98	54.32	137.49	52.16	18.32	3682.00	8275.00
21	Sikkim	11	1.27	1.63	1.18	4.08	1.22	0.20	151.00	200.00
22	Tamilnadu	11	136.51	11.43	156.70	304.64	111.65	248.78	13279.00	14460.00
23	Tripura	11	8.58	17.09	8.51	34.18	10.25	4.25	NR	NR
24	Uttar Pradesh	11	176.18	2.89	192.69	371.71	62.66	61.90	1304.00	942.00
25	West Bengal	10	15.88	7.32	21.20	44.40	10.30	28.38	3629.00	2079.00
26	A&N Islands	11	0.00	0.03	0.28	0.31	0.04	0.08	7.00	23.00
27	D&N Haveli	11	0.00	0.13	0.00	0.13	0.09	0.00	0.00	14.00
28	Daman & Diu	10	0.00	0.01	0.02	0.03	0.02	0.00	0.00	0.00
29	Lakshadweep	11	0.00	1.32	0.00	1.32	0.41	0.00	9.00	12.00
30	Pondicherry	10	0.14	0.00	0.05	0.19	0.01	0.00	3.00	47.00
Total			803.64	469.05	1047.64	2376.4	639.46	871.77	93569	143935

NR-Not Reported

J&K has not shown SC/ST employment generation separately

## ANNEXURE 6.V

**Financial Performance Under Employment Assurance Scheme During 1998-99**  
**(Progress up to November, 1998)**

S. No.	State/UT	Month Code	Unspent Funds as on 1-4-98	Centre Release as on 30.11.98	State Matching Share	Total (C+S)	Total Available funds	Expenditure	% Exp. to Total Availability
1	Andhra Pradesh	10	5663.03	16660.00	4165.00	20825.00	26488.03	14082.86	53.17
2	Arunachal Pr.	10	823.27	1070	267.5	1337.5	2160.77	792.9	36.7
3	Assam	10	4262.15	2488	622	3110	7372.15	4512.37	61.21
4	Bihar	11	13527.41	12686	3171.5	15857.5	29384.91	16019.92	54.52
5	Goa	11	36.48	180	45	225	216.48	197.38	75.49
6	Gujarat	11	3687.16	1760	440	2200	5887.16	389.29	66.17
7	Haryana	10	3105.97	440	110	550	655.97	1304.74	35.69
8	Himachal Pradesh	11	1778.27	1240	310	1550	3328.27	1811.05	54.41
9	J&K	11	592.5	4760	1190	5950	6542.5	4352.09	66.52
10	Karnataka	11	2592.03	8720	2180	10900	13492.03	7500.74	55.59
11	Kerala	11	2528.23	3051	762.75	3813.75	6341.98	3521.21	55.52
12	Madhya Pradesh	10	7033.29	18153	4538.25	22691.25	29724.54	17384.09	58.48
13	Maharashtra	11	4146.45	5920.87	1480.22	7401.09	11547.54	6397.84	55.4
14	Manipur	10	582.42	370	92.5	462.5	1044.92	333.31	13.9
15	Meghalaya	7	251.75	150	37.5	187.5	49.25	124.17	28.27
16	Mizoram	10	106.66	800	200	1000	1107.66	952.96	86.03
17	Nagaland	8	8.75	1980	495	2475	248.75	1047.69	42.18
18	Orissa	11	3294.81	10522	2630.5	13152.5	16447.31	9441.09	57.4
19	Punjab	11	2234.89	320	80	400	2634.89	1231.8	46.75
20	Rajasthan	11	4992.85	7105	1776.25	8881.25	13874.1	9186.93	66.22
21	Sikkim	11	29.9	220	55	275	304.9	296.24	97.16
22	Tamilnadu	11	755.58	18720	4680	23400	24155.98	16244.97	67.25
23	Tripura	11	201.08	1440	360	1800	2001.08	1994.52	99.67
24	Uttar Pradesh	11	17089.02	1564.83	7891.21	39456.04	56545.06	30470.91	53.89
25	West Bengal	10	6541.81	6100	1525	7625	14166.81	3993.73	28.19
26	A&N Islands	11	75.87	0	0	0	75.87	17.39	22.92
27	D&N Haveli	11	9.73	0	0	0	9.73	9.47	97.33
28	Daman & Diu	10	2.17	0	0	0	2.17	1.38	63.59
29	Lakshadweep	11	100.15	0	0	0	100.15	66.9	66.8
30	Pondicherry	10	112.29	0	0	0	112.29	11.18	9.96
	<b>Total</b>		<b>86166.97</b>	<b>156420.7</b>	<b>9105.18</b>	<b>195525.88</b>	<b>281692.85</b>	<b>157197.01</b>	<b>55.80</b>



## Physical &amp; Financial Progress under IRDP during 1997-98 (March,98)-Provisional

S. No	State/UT	Till month	COVERAGE OF FAMILIES			COVERAGE OF DISADVANTAGED GROUPS							
			Number			Number				Percentage			
			Old Families	New Families	Total	SC	ST	Women	Handicap	SC	ST	Women	Handicap
1	Andhra Pradesh	3		162117	162117	59303	14248	59455	1881	36.58	8.79	36.67	1.16
2	Arunachal Pr.	3	3336	9463	12799		12799	5480		0	100	42.82	0
3	Assam	3	59	39526	39585	5915	10035	9154	135	14.94	25.35	23.12	0.34
4	Bihar	3	2762	194087	196849	57452	32258	32403	114	29.19	16.39	16.46	0.06
5	Goa	3	15	882	897	11		596		1.23	0	66.44	0
6	Gujarat	3		41822	41822	6795	11093	15519	266	16.25	26.52	37.11	0.64
7	Haryana	3	167	10686	10853	5243		4611	288	48.31	0	42.49	2.65
8	Himachal Pradesh	3	636	4912	5548	2215	588	2242		39.92	10.6	40.41	0
9	J&K	3		13643	13643	199(7)	150(7)	207	-7	1.46	1.1	1.52	0
10	Karnataka	3	5381	89307	94688	30412	7157	35239	832	32.12	7.56	37.22	0.88
11	Kerala	3		44191	44191	14460	1096	22050	786	32.72	2.48	49.9	1.78
12	Madhya Pradesh	3	1036	137774	138810	26424	44094	28107	106	19.04	1.77	20.25	0.08
13	Maharashtra	3	3646	143994	147640	33150	236.06	61154	189	22.45	15.99	41.42	0.13

14	Manipur	3		4258	4258	44	2635	1198	16	1.03	61.88	28.14	0.38
15	Meghalaya	3		5167	5167	8	5159	2306		0.15	99.85	44.63	0
16	Mizoram	3		2876	2876		2876	1088	26	0	100	37.83	0
17	Nagaland	3	116	3317	3433	0	3433	1201	13	0	100	34.98	0.38
18	Orissa	3	73	75270	75343	17979	18934	25902	150	23.86	25.13	34.38	0.2
19	Punjab	3		6107	6107	3164		2429	120	51.81	0	39.77	1.96
20	Rajasthan	3		60819	60819	17291	11938	23484	110	28.43	1963	38.61	0.18
21	Sikkim	3	54	1738	1792	145	759	648		8.09	42.35	36.16	0
22	Tamilnadu	3		180696	180696	84288	3009	76811	3505	46.65	1.67	42.51	1.94
23	Tripura	3		11668	11668	1980	4041	3371	13	16.97	34.63	28.89	0.11
24	Uttar Pradesh	3	311	350835	351146	178259	2421	136192	782	50.76	0.69	38.79	0.22
25	West Bengal	3	16	91717	91733	29735	4606	34173	399	32.41	5.02	37.25	0.43
26	A&N Islands	3	44	584	628		115	123		0	18.31	19.59	0
27	D&N Haveli	3		179	179	1	174	20		0.56	97.21	11.17	0
28	Daman & Diu	3	30	158	188	18	68	74		9.57	36.17	39.36	0
29	Lakshadweep	3		27	27		27	14	1	0	100	51.85	3.7
30	Pondicherry	3		1107	1107	360		644	32	32.52	0	58.18	2.89
	Total		17682	1688927	1706609	574851	217319	585895	9765	33.68	12.73	34.33	0.57

## ANNEXURE 6.VII

## STATE/UT WISE OUTLAY AND EXPENDITURE UNDER THE SPECIAL COMPONENT PLAN DURING THE PERIOD 1994-95 TO 1997-98

S. No.	State/UT	1994-95			1995-96			1996-97			1997-98		
		Total Plan Outlay	SCP Outlay	SCP Expr.	Total Plan Outlay	SCP Outlay	SCP Expr.	Total Plan Outlay	SCP Outlay	SCP Expr.	Total Plan Outlay	SCP Outlay	SCP Expr.
1	Andhra Pr.	2130	284.82	216.97	3159	314.9	266.65	2724	300.57	267.46	3585.05	339.72	111.05
2	Assam	978.83	73.33	62.14	1326.4	98.2	79.18	1183.74	78.49	78.49	1192.97	88.63	88.63
3	Bihar	900	166.69	152.23	2500	470.91	110.34	2143.91	260.3	144.17	2200	354.79	N.A
4	Goa	182	4.25	2.59	210	2.86	2.65	191.76	3.24	2.68	230	2.19	1.99
5	Gujarat	2240	78.87	74.13	2240.82	97.16	86.96	2844.46	101.42	94.43	4500	171.52	N.A
6	Haryana	1025.5	142.56	136.1	1250	186.37	148.22	1375	177.21	148.1	1576.04	202.65	165.63
7	Himachal Pr.	666.32	77.86	67.05	750	90.25	94.37	900	109.29	104.26	1008	121.11	126.63
8	J & K	950	54.83	49.26	1165	95.99	70	1150	74.74	70	1550	155.4	84.93
9	Karnataka	2800	303.81	289.21	3575	338.79	315.38	436	391.1	259.43	4545.01	385.1	308.82
10	Kerala	1260	126.62	99.15	1550	142.0	153.77	2207.27	209.65	196.03	2855	310.23	306.69
11	Madhya Pr.	2754	310.78	231.87	2900	283.16	231.66	3144.8	339.38	328.91	3656	307.3	198.07
12	Maharashtra	4400	390.28	335.9	6069	550	550	7783.63	541.95	459.49	8325	600	361.69
13	Manipur	214.5	4.35	2.04	300	8.91	0	350	3.84	2.2	410	4.13	0.23
14	Orissa	1950	148	160.06	1650	178.57	166.58	2205.5	244.01	231.43	2810	282.04	N.A
15	Punjab	1450	200.07	87.42	1560	227.68	90.5	1850	205	75.59	2100.01	210	134.59
16	Rajasthan	2450	389.85	363.24	3200	486.67	450.56	3200	487.12	462.75	3500	660.01	607.42
17	Sikkim	135	8.4	1.66	192	7.15	6.3	194	4.22	4.2	200	4.22	N.A
18	TamilNadu	2750.75	523.06	443.19	3200	618.25	483.3	3719.05	652.39	416.90	4052.6	752.23	224.35



19	Tripura	290	25.99	25.99	350	37.12	25.99	346.91	32.53	32.53	437	40.58	41.97
20	Uttar Pradesh	4763	492.24	482.49	5702	809.28	538.66	7075	1420	930.02	7080	1484	1082.55
21	West Bengal	1706	174.35	232.49	2207.30	278.14	124.44	3080.94	146.85	115.17	3922.87	300.38	204.91
22	Chandigarh	80	11.12	11.12	100	2.47	2.47	105.34	5.9	4.97	116.87	10.21	8.31
23	Delhi	1560	140.31	84.44	1720	149.8	109.45	2090	185.22	164.21	2325.00	205.01	95.16
24	Pondichery	135	21.94	20.8	175.52	28.52	23.79	175.52	32.58	30.95	218	35.47	N.A
	TOTAL	37771.5	4154.38	3631.54	47142.04	5503.15	4131.22	54400.83	6007	4623.81	62395.42	7026.92	4153.12

# ANNEXURE 6.VIII

## STATE/UT WISE SPECIAL CENTRAL ASSISTANCE TO SEPCIAL COMONENT PLAN RELEASED/UTILISED DURING THE PERIOD 1994-95 TO 1998-99

S. No.	State/UT	1994-95		1995-96		1996-97		1997-98		1998-99 up to Sep. 98	
		Released	Utilised	Released	Utilised	Released	Utilised	Released	Utilised	Released	Utilised
1	Andhra Pradesh	3255.36	3228.51	3425.41	3323.13	2915.22	3510.00	2680.13	2680.13	2419.64	1092.54
2	Assam	273.34	228.00	222.65	206.09	163.52	191.99	142.18	112.20	224.56	179.32
3	Bihar	0.00	744.24	0.00	1581.21	2678.61	2200.00	2808.20	4939.40	1911.01	1256.36
4	Goa	956.68	686.31	278.90	631.74	278.90	664.58	1659.99	1659.99	371.40	81.55
5	Gujarat	3.95	2.36	2.09	2.91	2.09	2.04	3.83	1.16	2.72	1.79
6	Haryana	538.05	480.99	623.00	491.78	520.00	572.51	546.41	644.69	672.49	66.56
7	Himachal Pradesh	195.72	385.22	193.63	224.38	180.29	244.80	256.91	271.44	164.44	134.61
8	Jammu & Kashmir	100.00	74.73	83.77	127.64	95.23	38.74	73.87	105.98	81.41	53.53
9	Karnataka	1873.76	1850.76	2350.09	2220.05	1884.01	1968.79	1389.35	1434.61	1608.65	604.34
10	Kerala	508.81	554.66	492.73	443.13	404.93	458.90	645.94	576.05	368.06	5.14
11	Madhya Pradesh	2097.57	2586.70	2425.33	2102.70	1910.93	1419.18	1945.24	1465.66	1277.33	717.96
12	Maharashtra	1575.08	1673.86	1745.47	1598.00	1448.87	1505.90	1922.45	1643.61	1020.17	435.55
13	Manipur	6.09	6.08	5.90	5.22	5.11	5.78	6.58	6.58	8.43	0.00
14	Orissa	1332.84	1575.66	1311.82	1215.76	1265.07	1354.52	1925.47	698.54	698.54	698.54
15	Punjab	1626.72	839.29	571.68	670.94	883.28	610.47	0.00	887.82	668.22	412.81
16	Rajasthan	887.37	3602.00	1828.26	2311.73	1619.91	1757.37	2279.81	2308.28	1753.95	658.91
17	Sikkim	4.22	4.02	3.57	3.72	3.39	3.39	4.44	4.44	2.94	1.20

18	Tamil Nadu	2655.66	2193.12	2803.55	2655.66	2271.54	1186.10	1756.90	1766.97	2322.27	872.42
19	Tripura	100.97	100.97	72.26	63.88	72.54	80.70	106.28	106.54	102.99	38.68
20	Uttar Pradesh	6297.51	5373.84	5839.03	6040.60	5920.49	6025.24	7646.66	5572.47	3932.06	3932.06
21	West Bengal	2813.37	2813.37	2955.22	2955.50	2752.50	2742.85	2848.78	2848.78	2016.19	0.00
22	Chandigarh	17.40	18.60	14.86	17.88	16.23	18.22	18.16	18.16	18.20	10.44
23	Delhi	244.42	130.17	231.16	151.52	190.42	190.42	135.43	90.40	201.71	47.28
24	Pondichery	19.31	24.99	19.62	26.68	17.46	19.64	23.99	25.74	15.58	6.72
	TOTAL	27384.92	29178.45	27500.00	29071.85	27500.00	26772.13	30827.00	31096.57	21862.96	11308.31



## CHAPTER VII

### SERVICE SAFEGUARDS

#### Introduction

Article 16(4), 16(4A), 320(4) and 335 of the Constitution of India provide for Service Safeguards for the Scheduled Castes and Scheduled Tribes in the country. The framers of the Constitution considered it necessary to have specific provision for providing a share to the backward classes in the governance and administration of the country as well as to overcome socio-economic and educational deprivation and discrimination suffered by them for centuries. Accordingly, Govt. of India has issued administrative orders from time to time, providing for reservations and certain concessions to SC and ST communities in direct recruitment and promotion in services under the government and the Public Sector Undertakings. For monitoring the operation of the Constitutional Safeguards provision was made for an independent constitutional authority and the institution of a Special Officer for SCs & STs under Article 338 of the Constitution was created, which over a period of time developed into the National Commission for SCs/STs.

7.2 Implementation of constitutional safeguards in services is done by the Union Department of Personnel and Training through executive orders issued by them from time to time. In 1997, five orders issued by the DOPT significantly diluted the reservation policy and some of the major benefits available to SCs and STs under the reservation policy were withdrawn. This, in effect, set in motion the reversal of the policy. It is unfortunate that the National Commission for SCs and STs was not consulted by the DOPT while issuing some of these orders, though it is mandatory under Article 338 (9) of the Constitution. Many of the orders issued in this regard have not been able to protect the interests of SCs/STs, as envisaged under the Constitution, due to absence of a clear and uniform legislation on the subject. There is also no clear-cut provision for penalizing the officers responsible for committing errors of omission and commission in implementing the reservation policy which hampers its effective implementation.

#### Present Status

7.3 representation of SCs/STs in various Departments and PSEs of Govt. of India and Public Sector Banks have not yet reached the prescribed level of reservation i.e. 15% for Scheduled Castes and 7.5% for the Scheduled Tribes. Details of representation of Scheduled Castes and Scheduled Tribes in Central Govt. Departments, Central Public Sector Enterprises and Public Sector Banks are given below:-

##### 1 Central Govt Departments:

The information regarding representation of SCs & STs in Services of Central Ministries/Departments as on 1.1.96 & 1.1.97 has been furnished by the Department of Personal and Training vide its letter number 360/1/99-Estt (Res.) dated 3.12.99 which is given in the following tables: -

**INFORMATION AVAIBALE AS ON 1.12.99**  
**REPRESENTATION OF SCs/STs IN CENTRAL GOVERNMENT SERVICES**  
**FOR THE YEAR (AS ON 1.1.96)**

Group	Total	SC	%	ST	%
A.	57096	6437	11.27	1926	3.37
B.	97176	11560	11.90	2570	2.64
C.	2227006	342525	15.38	125783	5.63
D. (Excluding Sweepers)	973861	207143	21.27	58888	6.05
Sweepers	192777	77221	40.06	14014	7.27
Total (Excluding Sweepers)	3355139	567665	16.92	189167	5.64
Total (Including Sweepers)	3547916	644886	18.18	2.3181	5.73

Note: This information excludes information from 3 Ministries/Departments.

Source: Department of Personnel & Training

**INFORMATION AVAIBALE AS ON 1.12.99**  
**REPRESENTATION OF SCs/STs IN CENTRAL GOVERNMENT SERVICES**  
**FOR THE YEAR (AS ON 1.1.97)**

Group	Total	SC	%	ST	%
A.	60067	6135	10.21	1840	3.06
B.	94111	11649	12.38	2840	3.02
C.	1959477	314995	16.08	122903	6.27
D. (Excluding Sweepers)	818748	176368	21.54	54931	6.71
Sweepers	1551137	61149	39.42	12812	8.26
Total (Excluding Sweepers)	2932403	509147	17.36	182514	6.22
Total (Including Sweepers)	3087540	570296	18.47	195326	6.33

Note: This information excludes information from 7 Ministries/Departments.

Source: Department of Personnel & Training

The above table shows that the representation of Scheduled Castes in Groups 'A' and 'B' has not yet reached the prescribed level of 15% in the Central Government services. In Groups 'C' & 'D' the percentage of reservation of the Scheduled Castes has exceeded 15%, however, in the case of Scheduled Tribes, the percentage in all Groups is below 7.5%. It is a matter of serious concern that even in Group 'C' & 'D' the prescribed percentage of 7.5 % for Scheduled Tribes is yet to be reached. **The Commission recommends that short-term as well as long-terms measures need to be taken up for increasing the representation of SCs and STs in services.**

## **II Central Public Sector Enterprises:-**

Information received from the Department of Public Enterprises about representation of SCs and STs in services in the PSEs as on 1.1.97 is given in the following table:



**Position In Central PSES as on 1.1.97**

Group	Total No. of Employees	No. of SCs	%age of SC	No. of STs	%age of ST
Group A	2,04,756	18,830	9.19	5,111	2.50
Group B	1,64,897	17,142	10.40	6,108	3.70
Group C	11,53,161	2,18,880	18.98	99,437	8.62
Group D (Excluding Safai Karamcharis)	4,73,972	1,07,176	22.61	51,261	10.82
Total	19,96,786	3,62,028	18.13	1,61,917	8.11
Safai Karamcharis	25,134	20,101	79.98	779	3.09
<b>Grand Total</b>	<b>20,21,920</b>	<b>3,82,129</b>	<b>18.89</b>	<b>1,62,696</b>	<b>8.05</b>

It is evident from the above table that there is substantial shortfall of SCs and STs personnel in Groups A and B services in the Central Public Sector Enterprises. This is the position of reservation in services on overall basis. If further analyzed on post-wise basis the percentage of representation is far below the requirement in higher posts.

### III Public Sector Banks

**Position in Public Sector Banks as on 31-12-1997**

	Total Strength	No. of SC	%age of SC	No. of ST	%age of ST
Officers	2,52,072	29,956	11.88	10,098	4.1
Clerk	4,65,780	69,902	15.01	22,416	4.81
Sub Staff (Excluding Safai Karamcharis)	1,83,061	42,567	23.25	11,275	6.16
Safai Karamcharis	43,509	22,864	52.55	2,449	5.63

It may be seen from the above table that the representation of SCs in public sector banks is still lagging behind in the officers category and that of Scheduled Tribes in all the categories of officers, clerks and subordinate staff. **The National Commission for SCs and STs has been making recommendations in its various reports that special efforts need to be made to make up this shortfall by taking steps such as special training and coaching for SCs and STs, passing of central legislation to enforce reservation in Govt. Services and PSEs, banks, universities, grant-in-aid bodies etc.**

### **Functions of the Commission vis-à-vis service safeguards provided for SCs/STs**

7.4 Clause 5 (b) of Article 338 of the Constitution provides that the National Commission for SCs/STs shall inquire into specific complaints with respect to the deprivation of rights and safeguards provided to the SCs and STs. While investigating



any matter or inquiring into any complaint, the Commission shall have the powers of a civil court trying a suit under clause (8) of Article 338. Based on a Supreme Court judgment in the case of Indian Overseas Bank versus SC/ST Officers of the Bank, the DOPT issued orders vide their OM. No. 36036/2/97-Estt.(Res) dated 1.1.98 to all the Ministries/Departments stating that the National Commission for SCs and STs does not have the power to grant injunctions, temporary or permanent, nor does it have power to direct the with-holding of the operation of any order issued by the Govt. It further stated that the Departments must consider the recommendations of the Commission in the light of the policies laid down by DOPT. The OM of DOPT was considered in one of the meetings of the Commission and it was decided to clarify the position by addressing a letter to the Secretary, DOPT with endorsement to all the Ministries concerned. The DOPT has taken objection to the commission's letter and has stated that the directions issued by the Commission are contrary to the Supreme Court and that the Commission could issue only findings for appropriate remedial action, and not directions. DOPT have further issued instructions to all the Ministries/Departments to ignore such of the instructions of the Commission which purport to amend/withhold or keep in abeyance instructions issued by the DOPT.

7.5 During the year under report i.e. April,97 to March,1998, more than 4900 complaints were received in the Commission on which action was initiated at the Commission's Headquarter in Delhi and its 16 State Offices. Out of these action on around 900 cases has been completed during the year. In this connection, it is clarified that findings issued by the Commission are with regard to the violation of safeguards provided in the Constitution and other relevant rules. The Commission takes up policy issues with DOPT, and no instructions have been issued to withhold any Govt. orders. The letters sent by the Commission to different Ministries/Depts. are also not in conflict with the Supreme Court orders.

### **Highlights of The Special Report**

7.6 The Commission, for the first time, used the option provided in the Constitution for submission of a Special Report to the President on an important issue which against the basic foundation of reservation policy, envisaged in the Constitution. The benefits that were being enjoyed by the Sch. Castes and Sch. Tribes people for decades have been grossly diluted by the action of the Govt. Before invoking this provision, the Commission had exhausted all available channels of consultations with the Department of Personnel & Training. The Commission had also taken up the matter with the Hon'ble Prime Minister requesting him to intervene to stop the reversal of reservation policy which had been set in motion by issue of OM's dated 30.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 by the DOPT.

7.7 The OM dated 30-1-97 resulted in down grading seniority of SC/ST officers who were promoted in pursuance of reservation in promotion. The OM dated 2.7.97 changed the system of maintenance of rosters from vacancy based to post-based, without ensuring prescribed reservation level as laid down by the Supreme Court, thus affecting promotional avenues of SCs/STs. The OM dated 22.7.97 withdrew various relaxations in recruitment and promotion provided to SCs/STs. The OM dated 13.8.97-restricted promotion of SCs/STs to the lowest rung of Group, 'A' which is contrary to the spirit of the 77<sup>th</sup> Constitutional Amendment. The O.M. dated 29-8-97 discontinued special

recruitment drive which was the only means of expeditious filling up of backlog vacancies meant for SCs/STs.

7.8 These official Memoranda severally and adversely affect the service conditions of SCs/STs and their future in services. Hence, the Commission strongly feels that the order dated 30-1-97 should be withdrawn, order dated 22-9-97 and 29-8-97 be struck down, the order dated 2.7.97 be reviewed /revised and the order dated 13-8-97 modified to extend the reservation for SCs/STs to all classes of posts and services under the State in the spirit of 77<sup>th</sup> Constitutional Amendment. The Supreme Court judgment places a precondition on fulfilling the percentage in respective posts before shifting from vacancy based to post based roster system, but the DOPT has issued the O.M. in haste. The OMs have resulted in seriously affecting the employment opportunities of SC/ST candidates. The special recruitment drives have been discontinued. The order now clubs the backlog and current vacancies together. Till now, the practice was to treat backlog and current vacancies separately, permitting up to 50% of the vacancies to be filled by SC/ST candidates to increase their intake in services. It is apprehended that the new policy would not only reduce SC/ST intake substantially but may also leave a large number of unfilled vacancies.

### **Reservation Act**

7.9 Implementation of the Constitutional safeguards in services is done through executive orders issued by the concerned Ministry (presently the DPT). Many of these orders are later adopted as such or mutates-mutandis by other Ministries/Depts., PSEs, Banks Universities etc. In this contexts, the Ministry of Social Justice & Empowerment has prepared a Draft Bill on the subject called "Sch. Castes & Sch. Tribes (Reservation of Appointments or Posts and of Seats in Educational Institution Bill 1996". The Commission has already sent its comments on the Bill. However, the Bill is yet to see the light of the day. There is an urgent need to get this Bill made into Law and to strictly enforce reservations in Govt. services, PSEs, Banks Universities and other educational institutions of the Central and State Govts.

### **Redressal Of Grievances Of The SC/ST Associations**

7.10 The SC/ST employees have formed registered Associations/Organisations in a large number of Public Sector Enterprises/Bank etc. to safeguard their interests. However, the purpose of forming such Associations will not be served if they are not given an opportunity of being heard by the concerned management. The SC/ST Associations have been pressing for recognition of these bodies. In this connection, the Banking Division, Department of Economic Affairs have already issued instructions on 15-9-89, 20-2-95, and 24-5-96 for giving regular hearing to the Associations formed by the SC/ST employees in the Banks and Financial Institutions. It is felt that providing a forum to these Associations to discuss the general as well as individual grievances of the SC/ST employees would go a long way in redressal of their grievances and will generate a congenial atmosphere for smooth functioning of the offices and organizations.



7.11 In this regard, the National Commission for SC/ST has urged upon all the Govt. Depts. and Public Sector Enterprises to provide following minimum facilities to the SC/ST employees Associations.

- (i) Quarterly/Periodical meetings at Headquarters and Regional/Project/Field/Zonal level offices with the SC/ST Association may be organized to discuss the individual grievances of the SC/ST employees as also for discussing the general issues pertaining to the service conditions of the employees belonging to these communities.
- (ii) Minutes of these meetings may be recorded and follow up action on the decisions taken. The Associations may be informed about the action taken on the minutes by the Management.
- (iii) The Management/Department may also consider providing appropriate office space, telephone and other facilities for the effective functioning of these Associations at various levels, such as Hqrs. Regional/Project/Zonal/Field etc.

7.12 This Commission had taken up the matter with the Secretary, Deptt. of Public Enterprises and Joint Secretary (Insurance) Deptt. of Economic Affairs in February, 1998 to provided minimum facilities to the SC/ST Employees Welfare Associations. However the response from them was not positively. The Commission again recommends that SC/ST Associations should not be considered as denominations formed on the caste lines in view of the fact that Constitution of India has recognised them for special efforts for their upliftment. **The National Commission for Scheduled Caste and Scheduled Tribes again recommends that certain minimum facilities for their effective functioning should be provided to the SC/ST Employees Welfare Association.**

### **Appointment of Liaison Officers in the States**

7.13 In order to discharge its Constitutional duties, the Commission both directly and through its State Offices has to correspond with various Ministries/Departments of the Union/State Govts. for monitoring the implementation of Constitutional safeguards and development schemes envisaged for the benefit of SCs and STs. The State offices have brought to the notice of this Commission that in some cases they are not getting the required information/material on a timely basis from the State Govt. for analysis and onward transmission to Hqrs. Moreover, it becomes difficult for the State Officers to contact various departments of the state Govt. for supplying/ furnishing information relating development of SCs/STs. **It was, therefore, felt that it would be better if the State Govts. constitute SC/ST Development Liaison Cells within the States with the responsibility of coordinating with all the Departments of the State Govt. for implementing the development schemes as also to provide the required information to the Commission and its State Offices.** Towards this end the Commission addressed a circular letter to the Chief Secretaries of all State Govts/UT Adms on 15.11.98 requesting them to set up a SC/ST Development Liaison Cell in their respective States which may be headed by a senior Officer.



## **Dereservation**

7.14 As pointed out in the Fourth Annual Report of the Commission dereservation is not permissible in direct recruitment to services/posts in any group, except in the case of such Group A posts which cannot be allowed to remain vacant in public interest. In such cases the proposals are to be examined by the Commission in the first instance and if agreed, to the same will go to a Committee of three Secretaries D/o Personnel, M/o Social Justice & Empowerment and the Administrative Ministry concerned. The recommendation of the Committee of Secretaries will go to the Union Minister in the DOPT for a decision. As for promotion, there is no ban on dereservation of reserved posts. According to the procedure laid down by the Govt., whenever vacancies reserved for SCs/STs in promotion quota cannot be filled up by the relevant category candidates, these are required to be carried forward to subsequent three recruitment years. But before carrying them forward, a system has been devised according to which it is necessary to seek prior approval of the competent authority with explanation about the steps taken for appointment against the reserved vacancies. In the case of promotions where SC/ST candidates are either not available in the feeder grade or they are not eligible for promotion, the powers of dereservation of reserved vacancies have been delegated to various Ministries/Departments of the Govt. at the level of Joint Secretary. However, in all these cases proposals for dereservation are required to be sent to the DOPT with endorsement to the National Commission for SCs/STs.

7.15 As per the procedure being presently followed in the Commission, after an interim reply is sent to the concerned Ministry/Deptt. The proposals are analysed and examined thoroughly, and many a time, the officers of the Ministry/Department are called for discussion/clarification at the level of Director/Joint Secretary. The Commission has taken a decision that where there is a separate quota for direct recruitment and promotions, there will be no dereservation in the case of promotion, but the reserved posts will be diverted to direct recruitment to be filled up by SC/ST in accordance with the DOPT OM No AB 14017/30/89-Estt/R.R dated 10-7-90. Where the authority desires to keep the reserved posts vacant, no dereservation will be involved. **In order to ensure that dereservation is resorted to only as a last recourse the D/o Personnel and Training should re-examine the entire issue and provide for direct recruitment of Sch. Caste & Sch. Tribes where the post meant for them cannot be filled by promotion. The re-examination would require amendment of rules in many cases. It is felt that the following measures may be taken to ensure that the reserved posts even under promotional categories are filled only by SC/ST persons and such posts may be thrown open to others only under certain compelling circumstances.**

- i) Various Ministries/Departments may be asked to amend their Recruitment Rules to ensure that an element of direct recruitment is introduced at all levels except in certain specific cases where it is not possible to induct direct recruits.
- ii) Where the Recruitment Rules provide for promotions, failing which by deputation and failing both by direct recruitment, the authorities must exhaust other avenues i.e. deputation and direct recruitment before approaching for dereservation.

- iii) Even though there is no reservation in posts filled up on the basis of deputation/transfer, the administrative authorities may be advised to fill up reserved SC/ST posts from other Ministries/Depts having experience in the same field, in case suitable candidates are not available for promotion in the feeder grade and there is no element of direct recruitment.
- iv) Where the Recruitment Rules provide for 100% promotion, and it is not possible for the authority to introduce the element of direct recruitment therein, filling up of an equal number of posts at the lower level through direct recruitment may be ensured.
- v) In case of posts to be partly filled by promotion and partly by direct recruitment, the authorities shall in no case be allowed to divert the promotion quota to direct recruitment. It may also be ensured that adequate no of SCs/STs are available in the feeder grades. Where the Recruitment Rules in such cases are violated, dereservation should not be permitted.
- vi) Where SC/ST candidates are available in the feeder grade but are not eligible for promotion, such of SC/ST candidates who are likely to become eligible during the pendency of the panel, should be included in the panel against reserved posts and promoted after they become eligible for promotion. Till then the authorities can make ad-hoc arrangements if necessary keeping in view the exigencies of work.
- vii) In the case of Scientific/Technical posts in the safety categories in the Railways, Defence Para-Military Organisations and other Organisation having similar requirement, the Commission may agree to the proposal.
- viii) The proforma for dereservation also needs to be modified to include information about the element of direct recruitment, reasons for non-availability of SC/ST candidates etc. DOPT has since revised the proforma for dereservation by adding columns like; sanctioned posts, posts filled up, prescribed percentage of reservation, posts to be filled up as per prescribed percentage, shortfall if any, representation of SC/ST as on 2.7.97 how vacancies which are now proposed to be filled up have arisen viz. whether by retirement or promotion of SC/ST or general candidates; and post based roster as on 2.7.97 with changes, if any. The Commission has written to the various Ministries/Departments to send proposals for dereservations in the revised format, if not already sent.

## Promotions

7.16 The new Article 16 (4A) enables the State to make provisions for reservations in the matter of promotion to any class or classes of posts in services under the State in



favour of the SCs/STs, which in the opinion of the State, are not adequately represented in services under the State. Keeping in view the 77th Amendment of the Constitution, it was expected that reservation in promotion would be extended to other levels and classes of posts, including those above the lowest rung of Group A Services, up to which the present policy of reservation in promotion is restricted. It may be reiterated that even after 50 years of Independence, the representation of SCs/STs in services is not as per the prescribed levels, especially in Groups A and B. By withdrawing the concessions and facilities the promotional avenues of the SC/ST employees have been further reduced. No provision has been made by the DoPT for filling up of vacancies that are now going to remain vacant on account of non-availability of suitable persons.

7.17 In the first report of the Commission for the year 1992-93, the Commission had raised the issue relating to imbalance between the percentage of reservation for SCs/STs at the time of direct recruitment to Group C and D posts filled on local basis and at the time of promotions to these posts which are based on national level percentage. It was recommended that the percentage of reservation for SCs/STs in promotion to groups C and D posts filled up on local basis should be revised so as to correspond with the local percentage fixed for direct recruitment. Since the imbalance in percentage of reservation was adversely affecting the interests of SCs/STs, the Commission had to take up the matter with the DoPT to revise the same. While seeking clarification it was mentioned that while in the case of North Eastern States ST population is about 45%, by implementation of 200 point promotional roster 7.5% reservation will be applicable, whereas the same reservation percentage is applicable in the Southern part of the country where ST population is just 1%. Similar position prevails in the case of the SC population also. This leads to an anomalous situation in implementation of reservation provisions in promotion. The Department of Personnel & Training have informed that they have already sent their comments to the M/o Social Justice and Empowerment on 4.1.95. In respect of recommendation No. 5.23, which pertained to revision of percentage of reservation provided for SC/ST to promotions in Group C and D posts so as to correspond with the local regional percentage provided for them at the stage of direct recruitment, an SLP on this issue was pending before the Supreme Court at that time. The Supreme Court, while delivering the judgement on 8-5-96 on the said SLP, upheld the Government's policy of fixing the uniform percentage of reservation to promotions for the SCs and STs.

### **False Caste Certificates**

7.18 The problem of false caste certificate is a growing menace. The National Commission for SCs and STs has been and continues to be greatly concerned about the problem. The Commission has been drawing the attention of the concerned authorities to this problem both through recommendations made in the Annual Reports as well as by addressing concerned authorities at various levels. The Commission feels that the issue has not been given the attention it deserves and many false caste certificate holders are taking undue advantage of the system, thereby depriving the genuine SCs/STs of their legitimate rights. The Govt. of India has been issuing instructions from time to time regarding the precautions that need to be taken at the time of issue of SC/ST certificates and the action to be taken in cases where the certificates are found to be false. Instructions have also been issued for taking not only disciplinary departmental action against employees who have secured employment on the basis of false caste certificates



but also for taking penal action against them under the relevant provisions of the IPC. The Supreme Court in Civil Appeal No. 5854/94 of Kumari Madhuri Patil and others V/s Additional Commissioner, Tribal Development, Govt. of Maharashtra and others, has laid down a detailed procedure for the purpose, which has been reiterated in Civil Appeal No. 4545/95 in the case of Director of Tribal Welfare, Govt. of Andhra Pradesh Vs/ Lavati Giri and others.

7.19 The Commission addressed letters to the Chief Secretaries of all the States and Administrators of UTs in March, 1999 to ascertain the procedure being followed in their respective States/UT on the issuance, verification and cancellation of SC/ST certificates and for initiating disciplinary and penal action against the false certificate holders. The Commission also wanted to know whether the concerned States Govt./UT Admn. has framed any specific Act/Rules or issued any executive instructions/directions in his regard. The State Govts. were also requested to inform the present status of surveillance on the issuance, verification and cancellation of SC/ST certificates, the number of cases of false caste certificates detected during the last three years, and the disciplinary/penal action taken by the concerned authorities in such cases. In this connection, the following information has been received from the various States/UTs.

### **Andhra Pradesh**

7.20 There is an Act to regulate the issue of Community certificates relating to persons belonging to SC/ST and BCs and matters connected therewith, which came into force on 8<sup>th</sup> September, 1993. Rules in this regard, known as Andhra Pradesh SC/ST and BCs - Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, came into force w.e.f. 16<sup>th</sup> May, 1997. The Act provides that benefits secured on the basis of false community certificate shall be withdrawn forthwith. Any authority performing the functions of the Competent Authority under this Act, which intentionally issues a false community certificate, shall on conviction, be punishable with rigorous imprisonment for a term which shall not be less than six months and may extend up to two years and also be punished with fine which shall not be less than one thousand rupees and may extend upto five thousand rupees. Information regarding number of cases of false certificates detected in the past and penal action taken by the authorities in such cases has however not been furnished by the State Government to the Commission.

### **Assam**

7.21 The caste certificates for the SC persons are issued by the Revenue Authorities in the State, taking help of their field staff as well as various SC organizations for verification. In the case of the ST persons, the Community Certificates are issued by the Revenue Authorities as well as the All Assam Tribal Sangha and Members of Parliament and Legislative Assembly. This position would change soon in accordance with the judgement of the Supreme Court which has specified that only revenue authorities may be empowered to issue community certificates. It has, however, been observed that because of the involvement of Social Organisations of SC and ST people in the matter of identification of bonafide persons, the problem of false certificates has been reduced to a large extent. The cases of false certificates, whenever reported, are inquired into by the Revenue Officers and action is taken as the situation demands. Information regarding

the number of false caste certificates issued and the action taken in such cases is not normally collected in the State.

### **Andaman & Nicobar Administration**

7.22 Guidelines issued by the Govt. of India for issue of SC and ST certificates are being followed by the concerned authorities empowered to issue such certificates. No false certificate is reported to have been detected in this UT so far and, therefore, there is no question of any disciplinary/penal action in such cases.

### **Kerala**

7.23 Kerala is the first State to have implemented the guidelines of the Hon'ble Supreme Court in 1994. Subsequently, the State Legislature passed the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996, relying upon the general guidelines contained in the above judgement. The Scrutiny Committee set up by the State has detected 175 individual bogus SC/ST claim cases. Other than the action proposed in Madhuri Patil's case, in all such cases, the bogus SC/ST status claimants are being prosecuted. Financial benefits, if any availed of by them are recovered and action is taken against other members of the family enjoying the benefits of SC/ST. Correction of caste entries in public record has been initiated and disciplinary action against the concerned revenue authority is being ordered in all such individual cases detected by the Scrutiny Committee.

7.24 Writ petitions are being filed challenging the action of the Revenue Authorities in rejecting applications for SC/ST certificates, which remain pending for years together after issuing interim/stay order, which tantamount to grant of relief claimed in the writ. After 4 or 5 years, when the case comes up for final hearing, the petitioner pleads fait accompli, etc., and in majority of the cases the petition itself becomes anfractuous. Various High Courts have been adopting varying stands in such cases and the Supreme Court directions against grant of interim orders and for speedy disposal of the cases are often not followed. Such misplaced leniency and delaying tactics often negate of effects of the Scrutiny Committee to curb the menace of bogus SC/ST claims. Many such cases are brought to the Supreme Court which adds to the delay.

7.25 Interventions by the courts at all stages and deliberate delaying tactics by the defaulters are the major hurdles faced by the Govt. in rooting out the social evil. This being an issue of vital importance in protecting the interests of members of SC/ST Communities, it has been suggested by the State Govt. that the National Commission may engage senior advocates in the Supreme Court exclusively to handle such bogus SC/ST claims being brought forth by the State Government.

### **Madhya Pradesh**

7.26 Govt. of MP have been issuing instructions for protection of rights and interests of SCs/STs from time to time. In September, 1997, a Committee was set up under the chairmanship of Principal Secretary, Sch. Castes & Sch. Tribes Welfare/Development to enquire into community certificate issued to SCs and STs. In Feb., 1999 District level Committees were set up under the chairmanship of all the District Collectors for checking entry of SC/ST into Govt. services on the basis of false caste certificates. The S.P. of the District has been nominated as one of the members of this committee.



Information regarding cases of false certificates detected during the last three years and action taken in such cases has not been furnished by the State Govt.

## **Manipur**

7.27 The State Government follows the Government of India's guidelines in the matter of issuing Tribal Certificates. The Deputy Commissioners/Distt. Magistrates of the District in Manipur are the issuing authority. Before issue of the Tribe and caste certificates, Deputy Commissioner causes verification through the SDMs and Revenue Officers within the District and on their recommendation, the caste/Tribe certificates are issued.

7.28 In case the Caste or Tribe Certificates issued by the Deputy Commissioners/District Magistrate are challenged by anyone, the Deputy Commissioners are asked to re-verify and if the Deputy Commissioner certifies that the Caste/Tribe certificates issued by them are genuine, the complaints are not entertained. In other words, the Deputy Commissioners are the final authority for issuing Caste/Tribe certificates. Further, the false caste certificate holders, if detected, are taken care of and booked under the relevant sections of Indian Penal Code.

## **Maharashtra**

7.29 Government of Maharashtra has streamlined the procedure for issue of caste certificate to Sch. Castes persons after the Supreme Court judgement in case of Kumari Madhuri patil and others V/s Additional Commissioner, Tribal Development, Government of Maharashtra and others. Detailed instructions have been issued to Collectors/Dy Collectors in the State vide Government Resolution No. CBC 1096/CR-48/BCW-5 dated 3.6.96. The features and contents of the Government Resolution are as follows:

- (i) Caste Certificate should be issued by Revenue Deputy Collector or Collector only.
- (ii) In the case of persons who have migrated to Maharashtra State after 10.8.50, the certificate should be issued by the competent authority in the State of origin of his father, etc.

7.30 As per the directions of the Supreme Court, Government of Maharashtra has set up Six Scrutiny Committees for examining validity of caste certificates in the case of Sch. Caste persons. These committees are assisted by a Vigilance Cell manned by a Deputy Supdt. of Police and eight police sub-Inspectors. The doubtful cases are handled by the Vigilance Cell. If the certificate is not found valid then it is sent to the concerned Collector/District Magistrate for cancellation and also to initiate immediate action as per provisions of IPC. Instructions have been issued to all concerned vide Government resolution No. CBC 1084/74932(283) BCW-5 dated 5-12-85, and are reiterated from time to time.

7.31 Apart from this, the State Government are taking due precautions to see that candidates seeking admission to professional courses have valid certificates, duly verified by the respective Scrutiny Committee. By adopting this procedure the number of cases seeking admission by false caste certificate holders has declined.



7.32 Similarly, Maharashtra Public Service Commission also insists on valid certificate before recommending candidate of reserved category for appointment in Government services.

- 7.33 As the penal action is to be initiated by concerned Collector, the exact information regarding cases detected during the last three years and also penal action taken is not readily available. However, it is stated that the Government of Maharashtra has set up a Vigilance Cell and also issued instructions for penal and departmental action against candidates and officers who have obtained/issued false caste certificate.

### **Mizoram**

7.34 Issue of Sch. Castes and Sch. Tribes certificates is being done by the first class Magistrates in the State. A prescribed application form has also been devised wherein verification is done either by the concerned village council President/Administrative Officer/Block Development Officer or Gazetted Officer and Staff of the office of the Deputy Commissioner of appropriate rank. A register is also maintained for all such sch. Caste and Sch Tribes certificates issued by the First Class Magistrates. No false certificate has been detected.

### **Nagaland**

- 7.35 It has come to the notice of the Govt that DCs and ADCs are issuing indigenous inhabitant certificates to outsiders, adopted sons and daughters without even verifying the authenticity and identity of such persons. The State Government has now decided that henceforth only the Dy. Commissioner will be authorized to issue indigenous inhabitant certificates. If any Deputy Commissioner issues such certificate without referring it to the Govt. as per the extant standing order, he will face disciplinary action for non-compliance of Govt order and negligence of duty. Whenever any such application is received, necessary enquiry should be conducted and the enquiry report should be placed before the Dy. Commissioner for claim of issuing indigenous inhabitant certificate before it is brought to the notice of the Government with all facts, for permission.

### **Orissa**

- 7.36 The procedure laid down by the Hon'ble Supreme Court of India in Civil Appeal No. 5854/94 of Kumari Madhuri Patil V/s Addl. Commissioner, Tribal Development, Government of Maharashtra and others, for issuance, verification and cancellation of social status certificate of SC/ST persons, is now under active consideration of the Government of Orissa. Besides the State Government have framed rules namely, The Orissa Caste Certificate ( for SC/ST) Rules 1980 and the said rules are in-force wherein instructions and guidelines have been indicated for issuance, verification and cancellation of SC/ST certificates. Three cases of false caste certificates have been detected. The State Government have directed the concerned authorities to terminate the services of the concerned employees as per Rule 8(3) of the Orissa Caste Certificate ( for SCs/STs ) Rules 1980 by observing the required formalities.

## **Punjab**

7.37 False Caste Certificates detected at any stage are examined and inquired into by a District level officer or by some designated officer of the Directorate of Welfare of Sch. Caste and Backward Classes. The caste certificates in the State are being issued by the SDM after thorough verification in each case. Whenever any false certificate is detected, the concerned officer who had issued the certificate is approached to cancel the same and concerned educational institutions where such students having false certificates would have got admission or the authorities in whose office such candidates would have got employment are urged to take immediate necessary action against the culprits and to register a case against them. No such case has been detected during the year 1997-98 and 1998-99.

## **Tripura**

7.38 A cell has been established at the Directorate level to monitor and coordinate with all concerned for detection and cancellation of false SC certificate and for further action against these false claimants. In the last three years 19 (Nineteen) false caste certificates have been cancelled and punishment has been imposed on one Government employee. Action by way of disciplinary proceeding is pending against 10 (Ten) Officers/employees.

## **Tamil Nadu**

7.39 A State Committee and the District Committees have been set up to scrutinize the Community Certificates issued by the authorized revenue officers. Cases of Sch. Tribes, Community certificates issued at the District level are verified by District Collector every year almost on 100% basis. The Committees look into cases on a random basis to determine whether caste certificates are issued in the prescribed format, whether the signatures of the officers are genuine and whether the correct community certificate is issued. Enquiries are also conducted by the Revenue Divisional Officers. The District Committees are required to verify at least 100 cases every year. The State Committee also scrutinizes the Sch. Tribe certificates issued by the various Revenue Divisional Officers and the certificates issued by the District Collector.

7.40 The District Committee and the State Committee also monitor the criminal proceedings instituted against the persons who issued false certificate/obtained false certificate.

## **Uttar Pradesh**

7.41 Directions have been issued to the concerned District Magistrates to issue caste certificates to the applicants desirous of obtaining SC & ST Certificates, after proper verification. In view of the detailed procedure laid down by the Hon'ble Supreme Court of India in Civil Appeal No. 5854/94 of Kunari, Madhuri Patil and others Vs Additional Commissioner, Tribal Development, Govt. of Maharashtra, a Scrutiny Committee has been constituted under the Chairmanship of Principal Secretary, Social Welfare, Government of UP for issue of Caste Certificates after necessary investigation is carried out as outlined in the Department of Personnel, Govt of UP order No 22/16/92 A-2/1996 IC-3 dated 5<sup>th</sup> Jan. 1996. Moreover, a Vigilance Cell has also been constituted in the

Ministry of Social Welfare and Backward Classes for looking into complaints of false certificate.

### shadweep

The Deputy Collector/Sub Divisional Officer in charge of each sub Division is functioning as Executive Magistrate. The Executive Magistrate of the respective island, after due enquiry, issues the caste certificate in respect of inhabitants of the Islands under their jurisdiction. The caste certificate in respect of children born in the wed-lock of parents belonging to different Islands are issued after strict verification by both the Executive Magistrates. The Amin (Village Officer) helps them in conducting local verification. The UT Administration has not framed any Act or Rules in this regard. No case of issue of false certificate has been detected so far in this Union Territory and hence question of cancellation of the caste certificate does not arise.

7.43 The Union of India and the State Government have prescribed the procedure has entrusted duty and responsibility to Revenue Officers of Gazetted Cadre to issue social status certificate, after due verification. The Commission is of the view that only revenue authorities may be empowered to issue community certificates. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. The appointing authority should cancel the admission/appointment at the earliest possible by taking effective action expeditiously. The Commission also recommends that the Bill on regulation and issuance of community certificates may be placed before the Parliament at an early date.

### Modalities finalized by the Govt of India for deciding claims for inclusion/exclusion and other modification notifications required in the lists of SCs/STs

7.44 The M/o Social Justice & Empowerment (erstwhile M/o Welfare) had requested in December, 1996 the Commission's comments on the draft modalities for deciding claims for inclusion/exclusion and other modifications required in the Presidential Orders specifying SCs/STs. The Commission considered the same and sent its comments to the Ministry in May, 1997 recommending that the Govt. should evolve a proper methodology/ mechanism to verify the claims for inclusion/exclusion of communities in the SC/ST lists and there after the Commission should be consulted at the final stage.

7.45 The modalities finalized by the Govt. for deciding claims for inclusion/exclusion in the list of SCs/STs have since been received in the Commission on 14.7.99. The important points highlighted in the modalities are:

- (i) Only cases recommended by both the State Govts. and the Registrar General of India (in their most recent reports) would be referred to the National Commission for SCs/STs for their opinion. These would be forwarded to the Commission individually or in batches.



- (ii) The National Commission while examining these cases, should associate organisation/Institutions/individuals in the fields of anthropology, ethnography and other social sciences. The Commission may also consider holding public hearings in areas relevant to the claims under examination. The Commission would also be requested to give priority to cases in which the courts have given directives regarding decisions within a stipulated time period.
- (iii) Those cases with which the State Govts. And the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice & Empowerment.
- (iv) Claims for inclusion/exclusion or other modifications which neither the RGI nor the concerned State Govts. have supported would not be referred to the Commission. These would be rejected at the level of the Ministry for Social Justice & Empowerment.
- (v) In the case of claims recommended by the concerned State Governments, but not agreed to by the RGI, the State Government would be asked to review or further justify their recommendations in the light of the RGI's comments, before taking up again with RGI
- (vi) Claims recommended suo-moto by the Commission would be referred to RGI and the State Government.
- (vii) Proposal for amending legislation would be processed by the M/o Social Justice & Empowerment for approval of the Cabinet in all cases in which the Commission, RGI as well as the State Government have favored modification.

## **Some of the Cases relating to Service Safeguards dealt with in the Commission**

### **I Relaxation of 5 % marks in direct recruitment.**

An SC candidate represented to this Commission in December, 1994 alleging that Gurunanak Dev University, Amritsar was not allowing 5% relaxation in marks at graduate level for appointment to the post of lecturer, although this relaxation was permitted under the guidelines issued by the University Grants Commission. The applicant had applied for the post of Lecturer (Hindi), but she was not called for interview by the University and was informed that the requirement of 50% marks prescribed by UGC was not relaxable and that the marks (47.25%) obtained by her at graduation level did not come to the prescribed percentage (50%) even after allowing concession of 5% meant for SC/ST candidates.

The matter was taken up by the Commission with the University who informed that condition of 50% at graduation level has been prescribed by the Government of Punjab vide their notification dated 31.12.1990 and they would grant relaxation in marks if the

Govt. of Punjab takes a decision in this regard. The matter was further probed by the Commission and it was found that based on the recommendation of UGC, the Punjab University, Chandigarh had issued an order on 16.11.1995 granting relaxation of 5% marks to SC/ST candidates. This order lay down that candidates belonging to SC/ST, who have obtained at least 45% marks at graduation level or in the subject of Honors might be considered to possess 'Good Academic Record.' When intervened by the Govt. of Punjab, the Guru Nanak Dev University informed that the candidate had secured 47.25% marks in B.A and for granting the relaxation of 5% marks 2.36% marks can be added to the marks obtained by the candidate. This figure of 2.36% was worked out as 5% of 47.25% , the marks obtained by the candidate in B.A. Thus according to Guru Nanak Dev University the total comes to 49.61% (47.25 + 2.36), which was still less than 50%. In this way the Guru Nanak Dev University did not consider the candidate as eligible. The petitioner had obtained 47.25% in her graduation and by adding 5% it should be treated as 52.25% and not 49.61%, as calculated by Guru Nanak Dev University. Therefore, the candidate should have been treated as eligible for the post of Lecturer by giving the relaxation.

After protracted correspondence exchanged between this Commission and Guru Nanak Dev University as well as Govt. of Punjab in the Education Deptt., the Commission issued findings in June, 1997 to the Registrar, Guru Nanak Dev University Amritsar to consider candidature of the applicant for the post of lecturer after granting relaxation of 5% marks. Even after pressing the case with the Registrar, of the Guru Nanak Dev University demi- officially, no fruitful result has come out. The case highlights the extent to which the officials working in the University can go to deprive SCs and STs of their due shares in the teaching posts.

## **II Harassment of SC in Acceptance of Caste Certificate**

A petitioner, belonging to Scheduled Caste who was working as, Despatch Rider/Messenger in Medical Council of India, represented to the Commission against termination of his services. The case was examined in the Commission and it was noticed that the post of Despatch Rider/Messenger in the pay scale of Rs. 750-940 (pre-revised) was published in the various daily newspapers for which the petitioner had also applied. An interview was held on 5&6, April 1997 and he was selected. The Secretary of Medical Council of India stated that the petitioner was given appointment on ad-hoc basis as he did not produce the SC certificate. His services were terminated after 89 days as he failed to submit the caste certificate. The petitioner claimed that he had produced his SC certificate on 17-7-97. The Commission, after detailed examination of the documents, found that the petitioner was allowed to join duty and was allowed to work till the second week of October, 1997. From perusal of the appointment letter no condition about ad-hoc nature of appointment could be observed. The petitioner was in possession of SC certificate. Hence, the Medical Council of India was clearly at fault in issuing temporary appointment order for 89 days to the petitioner while his selection was for a permanent post.

The Commission issued findings on 18-3-1998 stating that the Petitioner be given permanent appointment to the post of Dispatch Rider/Messenger, from the date of termination of his service without any delay, with all the consequential benefits. The Medical Council of India did not agree to the recommendation and no appointment was issued. The Commission has noted with concern that despite its intervention, Medical Council of India has failed to render justice to the petitioner.



### III Non-maintenance of Reservation Roster

National Commission for SCs/STs received a complaint from the Karamachari Dalit Sangh alleging that reservation policy has not been followed fully by the organization. The Commission decided to investigate the matter and interviewed the senior officers of the Super Bazar and of the Ministry of Consumer Affairs. The status of maintenance of rosters and implementation of reservation policy in Super Bazar was investigated by the Commission and it was found that the organization had not maintained and followed rosters for various categories of posts and had failed to implement the Reservation policy for SCs and STs in recruitment and departmental promotions. No Liaison Officer had been appointed in the Super Bazar as is prescribed in DOP&T's instructions. On the intervention of the Commission the management of Super Bazar agreed to maintain the rosters and assured that they would implement the Reservation policy in totality. The case brings out the fact that despite clear instructions of the Government of India, certain organizations still do not follow the reservation policy for SCs and STs in letter and spirit.

### IV Delay in Appointment

A petitioner belonging to District North 24 Paraganas, West Bengal represented to the Commission regarding delay in his appointment as Sorting Assistant in Calcutta Airport Sorting Division in Deptt. of Posts against the vacancies of 1982 (Second half). The Commission took up the matter with the Deptt. of Posts and summoned officers of the Dept. for discussion in the matter. From the submissions of the Department, it was observed that the petitioner was selected as an outside candidate for Reserved Training Pool in 1983 against outsider quota vacancies of 1982 (Second Half). He had passed his SSC examination in 1972 from the Board of Intermediate and Secondary Education, Dhaka, Bangladesh. Therefore, the Postal Deptt sent copies of marksheet and Admit-card of SSC Examination, Dhaka of 7 selected candidates including the petitioner, to the High Commissioner of India in Bangladesh at Dhaka in December 1983 for verification before giving the petitioner the letter of appointment. The Commission found that the Postal Deptt had not received the verification report in respect of the petitioner till January 1999. It was seen from the records that Postal Deptt. had sent reminders in March 1988, May 1988, and March 1989. Thereafter, the Deptt. did not make any correspondence with the High Commissioner of India at Dhaka for getting the verification reports of the seven candidates. During the discussions the representative of the Deptt. of Posts agreed that the Deptt. should have undertaken the correspondence with the High Commissioner of India in Dhaka, through the Ministry of External Affairs, Govt. of India to get the desired information without delay. The Commission observed that there was delay of about 15 years in getting the verification report from the Bangladesh Government. The petitioner had been made to suffer without any fault on his part. In these circumstances, the Commission recommended to the Deptt. of Posts to offer appointment to the petitioner. The Deptt. of Posts has informed that it had issued appointment letter to the petitioner.

### V Promotion

Shri M.B. Bajulge, Scheduled Tribe, Assistant Engineer (Civil) in City & Industrial Development Corporation of Maharashtra Limited (CIDCO) Mumbai brought to the notice of this Commission that his Corporation, had filled up all the four vacancies of Assistant Engineers in the reserved category, from the promotion quota. As per Board's



Resolution No.5565 dated 31.1.92, ratio of recruitment should have been 75% by promotion and 25% by Internal Direct Recruitment. The Commission observed that as per this ratio 3 posts should have been filled up by way of promotion and one by Internal Direct Recruitment. The Commission felt that this action of CIDCO had resulted in injustice to the petitioner who was a degree holder in Civil Engineering and was also the senior most among the Scheduled Tribe candidates at the time of promotion and eligible for the post of AE & AEE in IDR quota.

During the course of investigation, the Commission found that at the time of promotions in 1995, two posts, which were to be filled up through Internal Direct Recruitment, had actually been filled up from promotion quota, adversely affecting the interests of the candidates aspiring for promotion through IDR quota. It was also revealed that CIDCO had a backlog of 3 vacancies for STs. If they had given 2 vacancies to IDR the carried forward ST points could have been operated and the petitioner could have got promotion in the year 1995. On the intervention of the Commission the management of CIDCO agreed to consider the promotion of the petitioner w.e.f. October 1995 with financial benefits from the date of joining.

## **VI Promotion**

Two Income Tax Inspectors, one belonging to SC and the other to ST community, represented to the National Commission for SCs/STs in August, 1997 that they had been ignored for promotions while their juniors had been considered by the DPC. The Commission took up the case with the Chief Commissioner of Income Tax, Rajasthan, Jaipur. On persuasion of the Commission, the Office of the Chief Commissioner of Income Tax, Jaipur informed on 27.1.1998 that a review DPC had been held on 19.1.98 and both the petitioners were promoted to the cadre of Income Tax Officers on 20.1.1998 and they had been given deemed seniority from 6.6.1997 i.e. from the date of last DPC.

## **VII Appointment**

A few instances have come to the notice of this Commission where certain instructions contained in DOP&T's O.M. No. 36012/6/88-Estt.(SCT) dated 25.4.1989 and UGC's Circular No.1-18/89 (SCT) dated 7.10.1992 have been violated by various colleges of the University of Delhi. This O. M. bans de-reservation of vacancies in direct recruitment to ensure that posts reserved for SCs & STs are filled up only by such candidates. UGC's circular dated 7.10.1992 also reiterates that under no circumstances, unfilled reserved vacancies in teaching and non-teaching categories should be filled up by the general candidates. The unfilled vacancies, thus carried forward, will remain unfilled till the candidates belonging to SC & ST who possess the minimum qualification prescribed by the UGC fill these posts.

A Scheduled Caste lady represented to this Commission that Shri Ram College of Commerce, University of Delhi had released an advertisement for filling up two posts of lecturers in Economics. One of the posts was reserved for Scheduled Caste candidates. The representationist had also applied for the reserved post. She was called for interview along with other eligible candidates. She alleged in her representation that instead of asking questions on the subject i.e. Economics, Selection Committee discussed matters relating to her caste. She alleged that without testing her knowledge of subject and ability in teaching, the college authorities, on the recommendation of selection

committee rejected her candidature and decided to re-advertise the post for the reason that none of the reserved candidate had been found suitable for the post. A general candidate was given ad-hoc appointment against the reserved post. The Commission took up the matter with the college authorities. The Principal of the college appeared before the Commission and submitted that two SC candidates had appeared before the selection committee but could not answer even elementary questions on the subject and were out of touch with the subject, hence were not found suitable for the post of lecturer in Economics. Details of qualification and experience of the candidates appointed against these posts were obtained and it was found that they were Ph.D degree holders in the subject but without any teaching experience, whereas both the SC candidates who had applied for the reserved posts were M.Phil, Ph.D, with teaching experience as additional qualification. On the basis of examination of papers and submissions made by the petitioner and college authorities the Commission issued its findings, advising the college authorities to review the case and consider offering appointment to the SC candidate. In response to the findings of this Commission, college authorities have filed a CWP No. 6298/98 in the High Court of Delhi and the matter is under consideration in the Court at present.

### **VIII Maintenance of rosters in Delhi University Colleges**

An association of employees of Delhi University made a representation-dated 22.11.95 to this Commission alleging violation of reservation policy in filling up of the post of Professional Assistant (Library) in Maitrey College, Chanakya Puri, and New Delhi. The post in question was filled by an unreserved candidate.

The scrutiny of the records showed that the college had not been maintaining any reservation rosters for SC/ST either for Direct Recruitment or Promotion. It was seen that the post of Professional Assistant (Library) was filled up on several occasions during 1974 to 1995 and every time an unreserved candidate was appointed.

The Principal of the College has failed to comply with the University of Delhi's instructions as well as DOP&T O.M. No. 36011/5/75-Estt. (SCT) dated 3.8.1975 and O. M. No. 36022/20/76-Estt.(SCT) dated 8.9.1976 which stress the need for strict observance of orders and proper maintenance of rosters for giving effect to reservations for SCs/STs. Accordingly, Commission directed that the appointment of general candidate in the reserved vacancy was unjustified and according to the rosters the post should have been offered to the reserved category candidate. The Principal of the College was asked to take steps to cancel the appointment of unreserved candidate and re-advertise the post exclusively for SC/ST candidate. The College authorities have challenged findings of the Commission by filing a case in the High Court of Delhi.

### **IX Harassment of an SC lady working in the I & B**

A UDC working in the Intelligence Bureau represented to the Commission that there has been discrimination against her on caste consideration while transferring her from Delhi to Jaipur. On enquiry, Intelligence Bureau reported that she was suspected to be involved in certain activities prejudicial to the functioning of a sensitive organisation like Intelligence Bureau and there was no discrimination against her as she was transferred from Headquarters to Jaipur only on administrative grounds.



During the enquiry the Commission was informed that the petitioner was transferred due to the involvement of a friend of her brother in an espionage case. It was brought to the notice of the Commission that the brother of the petitioner, working in Defense Ministry had a friend who had some contact in the Pakistan Embassy. The Commission observed that there was no direct evidence against petitioner but she had been linked up in the case due to suspicion against her brother. When the Commission desired to know the action taken against the brother of the petitioner it was informed that verbal request had been made to Delhi Police, but there was no proper record maintained in IB. The Delhi Police also confirmed during the discussions that there was no written reference received.

In view of the above observation, Commission was unable to agree with the IB for linking petitioner with the activities of her estranged brother against whom also no action had been initiated. The petitioner had been subjected to discrimination and harassment by the department earlier also. The incident of involvement of her brother came handy to the department to further harass the petitioner by transferring her out of Delhi.

For the foregoing reasons, Commission found no justification in the transfer of the petitioner from the Headquarters. Hence, the department was directed to withdraw the transfer order. The Intelligence Bureau informed the Commission vide their letter No.7/Est/CI/76(479)-2766 dated 16.10.98 that the UDC has been transferred back from Jaipur to IB Hqrs. New Delhi.



## CHAPTER VIII

### CRIMES AND ATROCITIES ON SCHEDULED CASTES & SCHEDULED TRIBES

From ancient times the Hindu society has been divided into several castes and more than four hundred castes are today listed as Scheduled Castes and are treated as untouchables. It is believed that the caste system was originally evolved to meet the needs of the society and was based not on birth but on work. But in course of time, this spirit was forgotten and the caste system degenerated and a large segment of population came to be treated as outcasts and untouchables on consideration of their birth. A person born to the outcasts has to suffer all kinds of indignities, deprivations and precautions and indignities in silence, accepting it as their fate.

8.2 As a result of sustained efforts of several social reformers and increased awareness about the lack of any rational basis for discrimination on caste consideration, the leaders of outcasts started asserting for getting a just and rightful place for these communities in the society. This assertion and the realisation of unjust social order among some of the enlightened leaders of caste Hindus led to signing of Poona Pact in 1932, whereby it was agreed to give equitable representation to the depressed classes in the governance and to take other measures for ameliorating their socio-economic condition. The Poona Pact, thus became the basis for subsequent legislation and other measures for initiating social integration and other measures for initiating social integration of the Depressed Classes.

#### Constitutional and Legislative Framework

8.3 The Constitution seeks to secure for all its citizen, among other things, social justice, equality of status and opportunity and assure dignity of the individual. With a view to achieve these objectives, certain specific provisions have been made in the Constitution.

8.4 Article 15(2) guarantees that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subjected to disability, liability, restriction or condition with regard to:

- access to shops, public restaurants, hotels and places of public entertainment, or
- the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partially out of State funds or dedicated to the use of general public.

8.5 Article 17 says that "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

8.6 Article 25(2)(b) provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus. This provision is relevant as some sects of Hindus claim that only members of the concerned sects have a right to enter their temples. This is used as an excuse to deny access to Scheduled Castes to their temples. For the purpose of this provision, the term Hindu includes, Sikhs, Jains and Buddhists.

8.7 With a view to give statutory basis to the social safeguards provided in the Constitution, Special Laws have been enacted for giving protection to the Scheduled Castes and Scheduled Tribes from the practice of Untouchability and atrocities, indignities and persecution they were traditionally subjected to.

### **The Protection of Civil Rights Act, 1955**

8.8 The Untouchability (offences) Act was passed in 1955. This Act was comprehensively revised in 1976 and renamed as Protection of Civil Rights Act, 1955. Under the revised Act, the practice of Untouchability in various overt and covert forms was made a cognisable and non-compoundable offence and stricter punishments were provided for offences committed under the Act.

8.9 Section 15 (1) of PCR Act, 1955 casts responsibility on the State Government to take such measures as may be necessary for ensuring that the rights arising from abolition of "Untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of "Untouchability". The Act provide for setting up of special courts, legal aid, appointment of officers for initiating or exercising supervision over prosecutors and setting up of committees at appropriate levels to assist the State Governments in formulating suitable measures and in their effective implementation.

### **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

8.10 Despite enactment of PCR Act, 1955, which primarily dealt with offences relating to practice of Untouchability, the atrocities on the Scheduled Castes and Scheduled Tribes continued. They continued to be subjected to most inhuman prosecutions, such as forcing persons of these communities to drink or eat human excreta, parading them naked in public places, dumping carcasses or other obnoxious matters in their premises, polluting their drinking water sources, subjecting their woman to various sorts of indignities, implicating them in false cases, etc. It was, therefore, considered necessary to enact a more comprehensive law providing for stricter punishments. To meet this requirement, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, was enacted in 1989. In this Act, for the first time, atrocity on SCs/STs was defined and it specifies the atrocities which are liable for punishment under the Act. The offences under the SCs & STs (POA) Act., 1989 carry higher punishments as compared to corresponding provision under the Indian Penal Code.

8.11 Rules under SCs and STs (POA) Act. were notified in 1995. These Rules lay down detailed procedure and other measures to be taken by the State Government for effective implementation of the provision of the Act. Rules also provide for different scales of compensation and rehabilitation package to the victims of atrocities.

### **Role of the Central Government**

8.12 Under both these Acts, the Ministry of Social Justice and Empowerment is required to take necessary steps to co-ordinate measures by the State Government and to place on the Table of both the Houses of the Parliament, each year, a report on the measures taken by itself and by the State/UT Government in pursuance of the provisions of these Acts.



8.13 The Ministry operates Centrally Sponsored Scheme, under which financial assistance is provided to the State/UT Governments in the ratio of 50:50 (100% to UTs), over and above the committed liability to be born by the State/UT Governments, for various measures taken for effective implementation of the Acts and the Rules. Such measures may include strengthening of the administration, enforcement and Judicial machinery, publicity and relief and rehabilitation. **The year wise position of sanction of Central Assistance is as follows:**

(Rs. in crores)

Year	Amount of Central Assistance
1995-96	15.37
1996-97	12.50
1997-98	16.47
1998-99	15.50

8.14 The State/UT-wise details of Central Assistance released by the Ministry of Social Justice and Empowerment under the scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during 1998-99 is given below.

**Table 8.1**

STATE/UT-WISE DETAILS OF CENTRAL ASSISTANCE RELEASED UNDER THE CENTRALLY SPONSORED SCHEME FOR IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHTS ACT, 1955 AND THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 DURING 1998-99.

(Rs. in Lakhs)

S.No.	State/UT	Amount
1.	Andhra Pradesh	294.68
2.	Bihar	50.00
3.	Goa	0.57
4.	Gujarat	50.00
5.	Haryana	21.70
6.	Himachal Pradesh	1.81
7.	Karnataka	136.68
8.	Kerala	2.00
9.	Madhya Pradesh	682.06
10.	Maharashtra	50.00
11.	Orissa	3.60
12.	Punjab	20.64
13.	Rajasthan	50.00
14.	Sikkim	0.25
15.	Tamil Nadu	100.00
16.	Uttar Pradesh	50.00
17.	Andaman & Nicobar Islands	0.09
18.	Dadra & Nagar Haveli	15.90
19.	Delhi	1.40
20.	Pondicherry	18.60
<b>TOTAL</b>		<b>1550.00</b>

Source: Ministry of Social Justice & Empowerment.



8.15 The amount of Central Assistance has been more or less stagnant in the last 4 years. This gives an indication that due care is not being taken by the State Government in improving the criminal justice system relating to implementation of these Acts. From the reviews undertaken by the Commission and reports received from the Commission's State Offices, the Commission is of the view that there is considerable scope for improving infrastructure and other facilities at various levels as well as for payment of timely and adequate economic relief to the victims of atrocities.

8.16 The Central Government is required to place a report, every year, in both the house of the Parliament on the measures taken for implementation of these Acts. So far only 14 reports have been submitted covering the period up to 1993. No report has been placed in the Parliament thereafter. It is the most important instrument in the scheme of dispensing Justice to the victims of the atrocities. **The Central Government should therefore ensure that reports are obtained from the State/UT's in time to place the consolidated Annual Report in the Parliament.**

### **Review of cases under IPC, PCR Act and SCs & STs (POA) Act, 1989.**

8.17 The State/UT-wise and Category wise number of crimes committed on members of Scheduled Castes and Scheduled Tribes from 1994 to 1998 are given at ANNEXURE 8.1 TO 8.X. An abstract data relating to the number of cases (category wise) of atrocities on SCs & STs registered during 1994 to 1998 is given below in TABLE 8.2 AND 8.3 respectively. This data include all cases of atrocities on SCs and STs registered under various sections of IPC, PCR Act, 1955, SC & ST (POA) Act, 1989 and any other relevant Act.

**Table 8.2**  
**Atrocities committed on Scheduled Castes**

S.No.	Nature of crimes	No. of cases of crimes during				
		1994	1995	1996	1997	1998
1.	Murder	546 (1.61%)	571 (1.73%)	543 (1.73%)	513 (1.84%)	517 (2.01%)
2.	Grievous hurt	4542 (13.40%)	4544 (13.77%)	4585 (14.58%)	3860 (13.81%)	3898 (15.12%)
3.	Rape	992 (2.93%)	873 (2.64%)	949 (3.02%)	1037 (3.71%)	931 (3.61%)
4.	Arson	533 (1.57%)	500 (1.52%)	464 (1.48%)	389 (1.39%)	346 (1.34%)
5.	Other Offences	27295 (80.50%)	26509 (80.34%)	24899 (79.20%)	22145 (79.25%)	20085 (77.92%)
<b>Total</b>		<b>33908 (100%)</b>	<b>32997 (100%)</b>	<b>31440 (100%)</b>	<b>27944 (100%)</b>	<b>25777 (100%)</b>

**Table 8.3**  
**Atrocities committed on Scheduled Tribes**

S.No.	Nature of crimes	No. of cases of crimes during				
		1994	1995	1996	1997	1998
1.	Murder	105 (2.09%)	75 (1.36%)	94 (1.89%)	95 (2.05%)	66 (1.49%)
2.	Grievous hurt	699 (13.93%)	688 (12.51%)	694 (13.95%)	706 (15.20%)	654 (14.72%)
3.	Rape	385 (7.67%)	369 (6.71%)	314 (6.31%)	315 (6.78%)	353 (7.95%)
4.	Arson	36 (0.72%)	40 (0.73%)	51 (1.03%)	29 (0.62%)	38 (0.86%)
5.	Other Offences	3794 (75.59%)	4326 (78.68%)	3820 (76.81%)	3499 (75.34%)	3332 (74.99%)
<b>Total</b>		<b>5019</b> <b>(100%)</b>	<b>5498</b> <b>(100%)</b>	<b>4973</b> <b>(100%)</b>	<b>4644</b> <b>(100%)</b>	<b>4443</b> <b>(100%)</b>

8.18 It may be noticed from the above table that the incidents of crimes against SCs and STs in the country are continuously decreasing from 1994 to 1998. The total number of crimes committed against SCs was 33908 during 1994 whereas, it was 25777 during 1998. Similarly, the total no of crimes committed against STs was 5019 during 1994, whereas, it was 4443 during 1998. The table also shows that the extent of crimes and atrocities on Scheduled Castes persons is much higher than those on Scheduled Tribes persons. The cases of atrocities on Scheduled Castes is about 6 to 7 times more than STs, though the population of Scheduled Castes in the country is only twice that of Scheduled Tribes. The criteria for identifying a community as a Scheduled Caste is their social, educational and economic backwardness arising out of practice of Untouchability. This clearly shows that the practice of Untouchability and caste hatred is still prevalent in our society.

8.19 It is also observed from the above tables that the cases of atrocities on SC and ST under other offences, which also include offences under PCR Act 1955 and SC & ST (POA) Act, 1989 constitutes about 79-80% of the total number of cases of atrocities against SCs and 74% - 78% against STs from 1994 to 1998, whereas heinous crimes like rape and murder accounted for 3.61% and 2.01%, respectively, against SCs during 1998, and 7.95% and 1.49% against STs during the same period. A significant phenomenon noticed about crimes against STs is that the Scheduled Tribes women are more vulnerable as the rape cases are more as compared to other offences like murder, arson, grievous hurt, etc.

8.20 The State/UT-wise total number of cases of atrocities on Scheduled Caste and Scheduled Tribes during 1994 to 1998 is given in ANNEXURE 8.XI. The statements reveals that Uttar Pradesh (6511), Rajasthan (5586) and Madhya Pradesh (4051) have highest incidence of crimes against Scheduled Castes. These three States constitute 62.64% of the total cases of atrocities on Scheduled Castes in the country during 1998. These three States had highest number of cases against SCs in the previous years also. The other States which have more than 500 cases of atrocities on SCs are Andhra Pradesh



(1813), Bihar (785), Gujarat (1884), Karnataka (1148), Kerala (768), Maharashtra (683), Orissa (703), Tamil Nadu (1562) and Haryana(159) . The remaining States and UTs have no case or very negligible incidence of atrocities on SCs.

8.21 Similarly, incidence of atrocities on STs were highest in Madhya Pradesh (1547) followed by Rajasthan (1132) during 1998. States like Andhra Pradesh (359), Bihar (144), Gujarat (406) Kerela (138), Maharashtra (153), Orissa (282) and Uttar Pradesh (110) Karnataka (71), Sikkim (33) and Tamil Nadu (31) have also reported the incidence of atrocities against STs. Other States/UTs have either no or negligible cases of atrocities against STs. It may also be observed that the incidence of crimes against Scheduled Tribes are increasing in Andhra Pradesh, Gujarat, and Orissa. **The Govt. of these States may take effective steps to check and control atrocities on members of STs by non-STs people.**

8.22 For better analysis, the overall situation relating to atrocities on SCs and STs prevailing in each State/UT has been examined on a common scale viz. population of Scheduled Castes/Scheduled Tribes in respective State/UT. Information relating to total number of cases and cases per lakh of SCs and STs population in different States/UTs during 1998 is given in **TABLE 8.4 AND TABLE 8.5** respectively.

**TABLE 8.4**

S.No.	State/UT	SC Population (Census 1991)	Cases of atrocities 1998	Cases per lakh of SC Popn. per year	Rank
1.	Andhra Pradesh	105.92	1813	17.12	VI
2.	Bihar	125.72	785	6.24	XII
3.	Gujarat	30.6	1884	61.57	II
4.	Haryana	32.51	159	4.9	XIII
5.	Himachal Pradesh	13.50	59	4.4	XIV
6.	Jammu & Kashmir	6.41	17	2.65	XVII
7.	Karnataka	73.69	1148	15.58	VII
8.	Kerala	28.86	786	27.23	IV
9.	Madhya Pradesh	96.27	4051	42.08	III
10.	Maharashtra	87.58	683	7.8	X
11.	Orissa	51.29	703	13.71	IX
12.	Punjab	57.43	23	0.4	XVII
13.	Rajasthan	76.08	5585	73.41	I
14.	Sikkim	0.24	2	8.3	IX
15.	Tamil Nadu	107.35	1562	14.58	VIII
16.	Uttar Pradesh	292.76	6511	22.24	V
17.	Delhi	17.95	11	0.61	XIV
18.	Pondicherry	1.37	10	7.30	XI



**TABLE 8.5**

S.No.	State/UT	ST Population (Census 1991)	Cases of atrocities 1998	Cases per lakh of ST Popn. per year	Rank
1.	Andhra Pradesh	41.99	359	8.55	VI
2.	Bihar	66.17	144	2.17	XI
3.	Gujarat	61.22	406	6.63	VII
4.	Karnataka	19.16	71	3.71	X
5.	Kerala	3.21	138	43	I
6.	Madhya Pradesh	153.99	1547	10.05	V
7.	Maharashtra	73.18	153	2.09	XII
8.	Orissa	70.32	282	4.01	IX
9.	Rajasthan	54.75	1132	20.68	IV
10.	Sikkim	0.91	33	36.26	III
11.	Tamil Nadu	5.74	31	5.4	VIII
12.	Uttar Pradesh	2.88	110	38.19	II

8.23 While correlating the crimes on SCs with the population of SCs in different States/UTs, Rajasthan ranks on the top with 73 cases per lakh of SC population during 1998, Gujarat ranks II with 62 cases per lakh and Madhya Pradesh ranks III with 42 cases followed by Kerala (27), Uttar Pradesh (22 cases), Andhra Pradesh (17) cases per lakh of SC population.

8.24 Similarly in correlation of crimes against STs with the population of STs in different States during 1998, Kerala ranks on the top with 43 cases per lakh of ST population, Uttar Pradesh ranks II with 38 cases and Sikkim ranks III with 36 cases, followed by Rajasthan with 21 cases, Madhya Pradesh with 10 cases per lakh of ST population per year.

### **Investigation, Prosecution and Monitoring Machinery and the Special Courts set up in the States under the Act.**

8.25 In order to ensure speedy trial of atrocity cases registered under the PCR Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. There is a provision for setting up of Special Courts for trial of offences under these Acts. The offences covered under the SC & ST (POA) Act, 1989 are more serious than those covered under PCR Act and the punishment under SCs & STs (POA) Act, 1989 are also higher than punishments for offences under the PCR Act. Section 14 and 15 of SCs & STs (POA) Act provide for setting up of Special Courts and appointment of Public Prosecutor.

**Section 14.** *"For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a court of Sessions to be a special court to try offences under this Act".*

*Section 15 "For every Special Court, the State Government shall, by notification in the Official Gazette specify a public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that court".*

8.26 As per information available to the Commission the position of State-wise setting up of exclusive Special Courts, specified Special Courts is given below.

### **Andhra Pradesh**

8.27 The implementation of provisions of SC/ST (POA) Act is looked after by PCR cell. The relief and rehabilitation is looked after by the Department of Social Welfare, nodal officer being Commissioner Social Welfare. The norms of relief and rehabilitation as prescribed under the Govt. of India Rules are being followed. Though the cases are being monitored at higher level but there is need to monitor the maintenance of data, creation of awareness and taking prompt action. There is an urgent need for a time bound Plan of action on identification of atrocity prone areas and intensive monitoring. Every quarter State level Vigilance and Monitoring Committee, under the Chairmanship of Chief Minister should meet and review the cases.

8.28 There are three exclusive Special Sessions Courts at Chittoor, Guntur and Hyderabad and specified Special Court in all other districts. Twentythree Special Mobile Courts have also been sanctioned by the Government of Andhra Pradesh.

### **Assam**

8.29 All the Session Courts of plains Districts and all the Courts of Deputy Commissioners of Hill Districts have been notified as Special Courts under SCs & STs (POA) Act, 1989.

### **Bihar**

8.30 In spite of various legislative and executive measures taken by the central and State Govt. the Scheduled Castes and Scheduled Tribes are increasingly being subjected to atrocities/harassment. The reasons for atrocity against these vulnerable Castes/Communities are mainly land disputes and feudal bent of mind of landlord communities/castes. A large proportion of SC/ST population are agricultural labourers, who work in the fields of landlords. Demand by the SCs and STs that they be paid the minimum wages prescribed by the Govt. often result in atrocities against SC/ST workers by the landlords by way of dispossession of their lands, homesteads, burning of their houses and in some physical assault and murder. Home Deptt. has set up a cell at the Police Headquarter. Such cells have been established at Divisional, District, Sub-Divisional and Block levels, but are ineffective as these are not adequately staffed and equipped. The enquires have revealed that political situation is responsible for creating "Senas" and these "Senas" owe allegiance to higher as well as lower castes. These Senas are involved in killing en-masse, the people belonging to warring castes/communities. The State police has proved ineffective to control these crimes. The Commission is of the view that the State Govt. of Bihar should take immediate and effective steps/measures for holding regular meeting of the POA Implementation Committee and other Committees,

strengthening and operationalising the SC/ST Police Stations; cells and special courts in sensitive areas. There is need for removal of shortcomings and impediments coming in the way of disposal of atrocity cases. Though designated special courts are functioning in all the districts but the same is tardy and ineffective.

## **Goa**

8.31 Two designated Special Courts at Panaji and Margo for North Goa and South Goa, respectively, are functioning.

## **Gujarat**

8.32 The review and monitoring of atrocities and PCR cases is being done by the vigilance committees at district level and Secretary, Social Welfare Deptt. at the State level. There is a High power Committee headed by the Chief Minister of the State to review the cases.

8.33 Three exclusive Special Courts at Ahmedabad(Rural), Palanpur and Kutch District has been set up. In other districts, Sessions Courts have been specified as Special Courts. The proposal to establish seven more exclusive Special Courts are under active consideration.

## **Haryana**

8.34 All the District Courts have been designated as Special Courts. No exclusive Special Courts has been set-up in view of very low pendency of cases under PCR and SC & ST (POA) Act.

## **Himachal Pradesh**

8.35 District and Sessions Courts in 9 Districts - Shimla, Mandi, Sirmour, Solan, Hamirpur, Kangra, Una, Chamba and Bilaspur have been designated as Special Courts.

## **Jammu & Kashmir**

8.36 Since SCs & STs (POA) Act is not applicable in the State, no Special Court has been established.

## **Karnataka**

8.37 Besides six exclusive Special Courts at Bijapur, Kolar, Raichur, Mysore, Belgaum and Gulberga, District and Sessions Courts in all other districts have been specified as Special Courts. The pendency is large which needs additional strengthening to improve the disposal of atrocity cases both under the POA Act, 1989 and PCR Act, 1955. There is a separate CRE cell headed by Additional DG and supported by I.G. and other Officers.



## **Kerala**

8.38 Specified Special Courts in 14 districts of the State viz., Trivandrum, Quilon, Pathanamthitta, Alleppey, Kottayam, Thodupuzha, Ernakulam, Trichur, Palghat, Kozhikhode, Telhchery, Manjeri Kapetta and Kasargode are functioning.

## **Madhya Pradesh**

8.39 So far 25 exclusive Special Courts have been set up. The District and Sessions Courts have been designated as specified Special Courts in the remaining 20 districts. The provision for setting up of Special Courts in 10 District have been done in the budget for the year 1999-2000.

## **Maharashtra**

8.40 The civil rights enforcement machinery in the State is headed by the IGP, PCR at Mumbai State Police Headquarters.

8.41 Courts of District and Sessions Judge in each district have been notified as Special Court. The Mumbai City Civil Court and the Court of Sessions for Greater Mumbai have been notified as Special Court for the district of Greater Mumbai.

## **Manipur**

8.42 District and Sessions Courts of East and West Manipur Districts have been designated as Special Courts. The State is free from incidence of Untouchability or crimes relating to practice of Untouchability.

## **Meghalaya**

8.43 Special Courts have been specified in all the Districts for trying offences under the SC & ST (POA) Act, 1989.

## **Mizoram**

8.44 One Special Court has been established under the Act for the entire State.

## **Orissa**

8.45 The courts of 13 District and Sessions Judges and ten Additional Sessions Judges have been designated as Special Courts.

## **Punjab**

8.46 In each district the Court of senior-most Additional Sessions Judge has been designated as Special Court.

## **Rajasthan**

8.47 The Home Deptt. Govt. of Rajasthan has Constituted a High level Committee under clauses 16 and 17 of the SCs & STs (POA) Rules, 1995. The State Govt. is providing monetary relief to the Scheduled Caste and Scheduled Tribe victims under the

SCs & STs (POA) Act, 1989 as per rate fixed by the Social Welfare Department, on the recommendations of the Vigilance Committee, but all the victims are not being given monetary relief in the State.

8.48 Special Courts have been set up for speedy trial of cases under the SCs/STs (POA) Act in the Districts of Jaipur, Udaipur, Ajmer, Kota, Bikaner, Pali, Alwar, Dausa, Jhalawar, Sawai Madhopur, Baran, Tonk, Chittorgarh, Jaisalmer (Jodhpur ), Nagaur and Sri Ganganagar.

### **Sikkim**

8.49 Cases of atrocities are negligible in the State, District Collectors/Police Officers have been directed to look into complaints of harassment and atrocities on priority basis.

8.50 The District & Sessions Court (E&N) has been designated as the Special Court.

### **Tamil Nadu**

8.51 The awareness of POA Act, 1989 among public as well as the implementing machinery is very poor, particularly in the rural areas. The conviction rate both under POA Act and PCR Act ranges merely between 5 to 10 percent. The State Govt. should take corrective measures.

8.52 Four Special Courts at Tiruchirapalli, Thanjavur, Madurai, Tirunelveli for 16 District have been set up and in 10 Districts Principal Sessions Courts have been designated as Special Courts.

### **Tripura**

8.53 Courts of Sessions Judge have been designated as Special Court in three districts of West Tripura, North Tripura and South Tripura.

### **Uttar Pradesh**

8.54 The Commission has observed that disposal of cases by the police and Courts is very slow. The State Govt. is providing monetary relief to the atrocity victims as per the scales prescribed by the Central Govt. and have issued guidelines to the implementing authorities under the Social Welfare Department.

8.55 All District and Sessions Courts have been designated as Special Courts for speedy disposal of cases.

### **West Bengal**

8.56 The atrocity cases on SCs and STs are negligible, however, all District and Sessions Courts have been designated as Special Courts.

## **Andaman & Nicobar Islands**

8.57 The District and Sessions Judge, Andaman & Nicobar Island Port Blair is designated as Special Court.

## **Chandigarh**

8.58 The Sessions Court has been designated as the Special Court.

## **Dadra & Nagar Haveli**

8.59 The Session Court at Silvassa has been designated as the Special Court.

## **Daman & Diu**

8.60 The Sessions Court has been designated as the Special Court.

## **Delhi**

8.61 For trial of cases under PCR Act, 1955 and SC & ST (POA) Act, 1989, Delhi Govt. have designated two Courts of Addl. Sessions Judges as the Special Courts. The Court of Chief Metropolitan Magistrate, Appellate Court of Metropolitan Magistrates and 12 Courts of Metropolitan Magistrate are functioning as Special Courts under PCR Act, 1955.

## **Lakshadweep and Minicoy**

8.62 The Sessions Courts, Kozhikhode in Kerela State has been designated as the Special Court.

## **Pondicherry**

8.63 The Chief Judicial Magistrate, Pondicherry, SDJM, Karaikal and the First Class Judicial Magistrate, Yanam have been designated as the Special Courts.

8.64 No information is available about setting-up of Special Courts from Arunachal Pradesh, and Nagaland, which being tribal States with a very small SC population have practically no incidents of atrocities.

## **Selected Cases of Atrocities brought to the notice and follow up action taken**

8.65 During the year 1997 and 1998 the Commission investigated a number of atrocities cases. The Commission also gave recommendations in the cases where mass killing took place. Some of the cases investigated and recommendation given are as follows:



**I Complaint of forcible land grabbing of Sh. Jayapal Singh S/o Sh. Bhagwat (SC) resident of Village Rasoolpur Garhi, P.O. Mirapur, District Muzaffarnagar, Uttar Pradesh**

8.66 Shri Jayapal Singh (SC) R/o Village - Rasoolpur Garhi, P.O. Meerapur, District - Muzaffarnagar filed a complaint before the Commission that his land which he got under the Govt. land Distribution Scheme in 1972 was grabbed forcibly by the Village - Pradhan Sh. Rajman and his brother alongwith standing wheat crop. The accused threatened to kill the complainant.

8.67 The Commission immediately took up the matter with the Superintendent of Police, Muzaffarnagar for action and to send a report to the Commission as the complainant belonged to S.C. community Jatav.

8.68 The Superintendent of Police, Muzaffarnagar investigated the matter and reported back that though the complaint was made by Sh. Jaya Pal Singh about the land grabbing but the complainant and the accused had settled the dispute amicably. The accused returned the land and had also settled the issue of harvesting of the crop between them. The issue was resolved and the complainant was informed.

**II Physical assault etc. on Sh. Ram Kumar (SC), R/o Village Jalim Kheda, P.S. Achalgarh, District Unnao by non-SC persons.**

8.69 Shri Ram Kumar (SC) R/o Village Jalim Kheda, P.S. Achalganj, District - Unnao vide his complaint dated 29.1.98 stated that Ram Babu, Ram Bharose and others beat him mercilessly when he intervened to protect a mentally retarded person who was being thrashed by the said persons. The Complainant also stated that the police did not register the case.

8.70 The Commission took up the case with the S.P., Unnao to send a report on the incident. In compliance the matter was pursued by the police. As per report, a FIR was registered at the P.S. Achalganj vide no. 191/98 u/s 323/504 IPC and 3(1) (x) of the SC & ST (POA) Act, 1989 against the accused Ram Babu and others. All the accused were arrested and sent to Jail. The case was referred to court of law for further action.

**III Physical assault and teasing of a S.C. lady under P.S. Sohna of District Gurgaon, Haryana**

8.71 Shri Kani Ram, Village - Gangoli, Tehsil - Nuh, District Gurgaon (Haryana) complained to the Commission that Atri s/o Om Prakash and Kalu s/o Toti tried to molest and beat the daughter of the complainant Rekha on 11.6.98. The Commission, taking a serious view of the case referred the matter to S.P., Gurgaon. The case was registered at P.S. Sohna under IPC 323, 506, 34 and accused were arrested who later on released on bail. The accused belonged to Gadariya caste. The report of S.P., Gurgaon was scrutinised by the Commission and found out that the version of S.P. was incorrect. Gadariya caste is specified in backward class list of Haryana and not Scheduled Caste list as reported by S.P., Gurgaon. This fact was confirmed by S.C. and B.C. Welfare Department. Keeping in view, the non-seriousness and ineffective action on the fact of the police and non-invocation of the provisions of the SC & ST (POA) Act, 1989, the S.P., Gurgaon was summoned to appear personally before the Commission. The S.P. concerned appeared before the Commission on 26.8.98 and again verbally stated that this is a minor case and

Gadariya caste is also more or less on the same level as that of SCs. The Statement of the S.P. appeared to be biased. The complainant had further represented that he and his family members are being falsely implicated to force them to withdraw the case. The case was referred to the D.I.G. Police, Gurgaon Range, Haryana bringing to his notice the carelessness shown by police and the fact of misinforming a constitutional body, the SC/ST Commission. The loopholes found in the case handled by police have been pointed out i.e. non-invocation of the relevant section of the SC & ST (POA) Act, 1989, mis-reporting the backward caste as Scheduled Caste and implication of victims by registering false case against them in league with the offending party. The case is being still pursued.

#### **IV Abduction case of a SC girl of Faridabad District, Haryana**

8.72 Sh. Itwari S/o Sh. Mangat Singh R/o Kaboolpur Bangar, Ballabgarh vide his complaint dated 28.5.98 complained to the National Commission for SC/ST that his daughter Saroj was allegedly kidnapped by non-SC person of the village named Rampal (Gujar). The matter was taken up with the S.P., Faridabad and pursued vigorously. The police was activated by registering a case at Ballabgarh u/s 362, 366, 506 and 376 of I.P.C. The abducted girl was traced and handed over to the parents. The accused was arrested and sent to jail. The police authorities were further asked to follow-up the case of compensation in accordance with the SC & ST (POA) Act, 1989 and Rules thereto. The District welfare Officer, Faridabad has recommended the case of compensation as per the SC & ST (POA) Act, 1989 and arrangements are being made to provide compensation to the tune of Rs. 50,000/- to the victim.

#### **V Murder case of a Scheduled Caste youth of Village Depal, P.S. Hansi, District Hissar (Haryana)**

8.73 The case was taken up on the basis of a News-item "Parivar Main Mattam aur Gaon Main Khamoshi" in the "Navbharat Times" dated 2.5.1998. It was published in the said daily on 28.4.98 that a Scheduled Caste youth named Anil s/o Sh. Mahabir Singh Balmiki, aged 21 years, resident of Village - Depal, P.S. Hansi, District - Hissar was allegedly murdered by Dhoop Singh, Satyavan and Kapoor Singh and Dalbir Singh. The culprits used conventional weapons to kill, like gandasa, kulhadi etc. The Commission immediately took up the case with the Deputy Commissioner and Superintendent of Police, Hissar to take action as per IPC and relevant sections of SC & ST (POA) Act, 1989. The relevant copies of records were called for from the police like FIR, caste status of the victim and the accused, post-mortem report of deceased etc. The case was pursued effectively. All the culprits behind the murder were arrested and sent to jail. The Deputy Commissioner, Hissar has directed the concerned authorities to arrange compensation to the dependants of the deceased in accordance with SC & ST (POA) Rules, 1995, at the earliest.

#### **VI Assault case of Sh. Ramesh Singh Sehrawat S/o Sh. Raghubir Singh, R/o Islampur, District Gurgaon, Haryana Complaint made by Mrs. Beena Sehrawat W/o the victim**

8.74 Smt. Beena Rani W/o Sh. Ramesh Singh, resident of Islampur, District - Gurgaon, Haryana, vide her complaint dated 19.3.98, complained to the Commission that her husband was kidnapped, grievously beaten by Sarpanch Sh. Rohtash Singh of the same village, who belongs to Jat community. The incident of beating took place on 10.3.98 near



Gurgaon. The Victim Sh. Ramesh Singh is a Development officer in State Bank of India, Kapashera, Delhi. The arms of the victim were fractured due to beating. The victim was found in unconscious state and treated at a Hospital in Gurgaon and they reported the matter to police. FIR was lodged on 10.3.98 u/s 394/364/325 IPC by P.S. Sadar Gurgaon. The complainant alleged that the culprits were being favoured by the concerned police officials and have not taken required action.

8.75 The matter was taken up with the Deputy Commissioner and Supdt. of Police, Gurgaon to take action as per provisions of SC/ST (POA) Act, 1989. The complainant and the victim visited the Commission twice and explained the severity of the offence and threat to their lives. They pleaded for security as the opponents were threatening them with dire consequences even threats to kill.

8.76 The complainant again gave petitions on 21.4.98 and 19.5.98 alleging that the culprit Sarpanch Rohtash Singh embezzled panchayat funds. The police is protecting the accused and has been let out bail. The other accused Anoop Singh has not been arrested. The Inspector is in league with the accused and has soft corner and is putting pressure for a compromise.

8.77 The D.C. Gurgaon was issued summons to appear before the Commission on 12.5.98 to clarify the position. The Deputy Commissioner came to the Commission and submitted his reply vide letter dated 15.5.98. He pointed out that there was old rivalry between both the parties and they have been making complaints against each other from time to time. The complainant's wife is the chairperson of Block Samiti.

8.78 The Finance Commissioner & Secretary, Home Deptt. Govt. of Haryana furnished a report in which he informed that both the parties are political rivals and involved in show-down to each other. Sh. Rohtash Singh's allegation of divesting of Rs. 8000/- , Watch, Gold ring was registered in case no. 307 dated 10.3.98 u/s 364/325 IPC in P.S. Sadar, Gurgaon and the accused was arrested. The orders have been issued to arrest the remaining accused. The provisions of the SC/ST (POA) Act, 1989 which were not invoked earlier has been emphasised and the matter is still being pursued with the Haryana Police.

## **VII Harassment of SC person at Village Gulkani, District Jind (Haryana)**

8.79 Shri Hawa Singh and other villagers of Village - Gulkani, District - Jind (Haryana) represented to this Commission that he and his brother Balbir were illegally confined in the House of Sarpanch and mercilessly beaten by Sarpanch and other six persons on 14.9.97. Besides, Hawa Singh was also implicated in a false case of liquor with the help of local police. Commission summoned Deputy Commissioner and Supdt. of Police, Jind to enquire into the same. It was proved that Sh. Hawa Singh was kept illegally confined by the Sarpanch and his party on the night of 14.9.97 and the complainant was implicated in a false case and was also beaten up by the Sarpanch and his henchmen. As per the medical report of the doctor, injuries were inflicted to Hawa Singh, while he was kept in the residence of the Sarpanch. The victim was forced to wear 'Ghaghari' and paraded in the village with garland of shoes by the police. A case u/s 323/324/325/190/342/347/364/452/500/506/511 of IPC and u/s 7 of PCR Act was registered against accused persons and the policemen.



8.80 The Commission recommended to the District Admn. that monetary relief should be provided to the victim and disciplinary action should be taken against the policemen.

**VIII Dalit Boy resident of Dhanada Village, Taluka Dhandhuka, District Ahmedabad, Gujarat, blinded.**

8.81 The incident of the blinding of a Dalit boy appeared in the News-item published in "The Times of India" dated 18.6.98. The National Commission for SC & ST immediately took up the case with the District Collector, Ahmedabad and also pursued the issue through State Office of the Commission at Ahmedabad. The incident occurred at Dhandhuka Village. The victim was watching T.V. alongwith other children of the village at a shop of a Panwala named Sh. Bhikhabhai Chikabhai Koli Patel. The victim Sanjay, a Scheduled Caste, got injured when the shop-owner (Panwala) threw lime-paste on the children in a fit of anger who were creating disturbance. The boy went to his house weeping and narrated the whole incident. The victim was taken to Viranagar Missionary Eye Hospital the next day by the victim's grandfather. The treatment did not prove helpful and the victim was taken to Civil Hospital, Ahmedabad and ultimately to another private Hospital for special treatment. Unfortunately due to severity of the injury the victim lost sight-in one eye. Grandfather of the victim took up the case by lodging a complaint at Barwala Police Station in Ahmedabad. A case was registered by the police under IPC and SC/ST (POA) Act, 1989. The accused was arrested. The District Welfare officer while pursuing the case sanctioned an amount of Rs. 50,000/- as compensation to the victim, out of which Rs.20,000/- as an first instalment has been paid.

**XI Complaint of Shri Devmuni Baitha R/o Village Mudilla, District West Champaran, Bihar.**

8.82 Shri Devanand Baitha @ Devmuni Baitha R/o Mudila, P.S. Choutrava, District - West Champaran complained to the Commission that he was not allowed to complete the construction of his house by Sh. Bhushan Chaubey, his son and other non-Scheduled Castes. The complainant was harassed, terrorised and made to flee from the native village. The complainant was asked to part with 8-10 ft. of his land for public passage.

8.83 As per directions of the Chairman, the matter was taken up with the District Magistrate, West Champaran for a detailed report. As there was no response from the concerned authority, the D.M. was summoned to appear before the Commission in Delhi alongwith relevant documents concerning the case on 15.7.98. The D.M. did not appear on the stipulated date and another summon was issued for his appearance on 1.9.98. Though the D.M. did not appear but talked on phone and sent a report of investigation into the alleged complaint conducted through the Superintendent of Police and Sub-Divisional Magistrate.

8.84 It was found that the Baitha family (complainant) had no legal right on the disputed land. However, it came to light that the complainants were tenants of Bhupendra Choube and others. The tenants were living in a thatched hut on Govt. land and these complainants also occupied the land belonging to Chaube family. Sh. Bhushan Chaube filed a case in the court. In the meanwhile, the complainant approached the National Commission for SC/ST. The complaint was found baseless on the basis of report received from the D.M. The District Administration, however, ordered the police to take care of the situation so that the concerned parties desist from further clash.

**X Murder case of Smt. Shakino Devi W/o Sh. Ramesh Chand, Village Kathiyara, P.S. Jawalamukhi, District Kangra, Himachal Pradesh**

8.85 The case was taken up on the basis of a news-report published in "The Daily Tribune", Chandigarh dated 14.9.98 and the request of Shri Balak Ram, Ex-MP from H.P. about the murder of a Scheduled Caste lady, Smt. Shakino Devi W/o Sh. Ramesh Chand, resident of Kathiyala Village, P.S. Jawalamukhi, District - Kangra, Himachal Pradesh. The issue was taken up with the Superintendent of Police, District - Kangra for immediate follow-up action with the instructions that relevant sections of IPC and the SC & ST (POA) Act, 1989 and Rules 1995 thereto may be invoked.

8.86 The Superintendent of Police, District Kangra in compliance to the instructions pursued the case and an FIR No. 103/98 dated 1.7.98 u/s 302/147/149 of IPC and sections 3 (2) (5) of the SC and ST (POA) Act, 1989 was registered under P.S. Jawalamukhi. The deceased Shakino Devi W/o Shri Ramesh Chand was an Anganwari helper at a village school. There was a land dispute between the victim and Rajputs of the Village. The women of both the parties used to quarrel frequently. The incident of murder occurred on 30.6.98 when the victim returned from the Anganwari school to her village. The dead body was found with burnt clothes etc. The complainant i.e. husband of the victim had alleged that Om Raj S/o Harbans Singh, Kaka Ram S/o Mansha Ram, Jeevna Devi W/o Om Raj, Ranjit Singh S/o Harbans Singh and Kamla Devi W/o Ranjit Singh were involved in the murder case who were non-SCs. The police acted in accordance with the Act/Rules and got the Post-mortum and forensic tests etc. done. As per investigations seven persons were arrested, the case was referred to the Court. Action was taken as per SC/ST (POA) Act, 1989 and 1995 Rules thereto. A compensation of Rs. 1,50,000/- was paid to the family members of the deceased.

**XI Beating and harassment of SC youth at Village Naksoda, District Dholpur (Rajasthan)**

8.87 A News item published in "The Hindustan Times" dated 28.4.98 with a caption "When cruelty showed its ugliest face in Rajasthan man reined like wild animal". A Scheduled Caste grocer was paraded with his nose pierced and a cord put through as a sort of reins in Naksoda village of Dholpur for refusing to sell bidis on credit to Gujjar boys. The matter was taken up with Superintendent of Police, Dholpur for detailed report. The State Office, Jaipur of the Commission made a spot enquiry in the case and it was reported that some Gujjar boys visited Shri Rameshwar (victim) in his shop and his refusal to sell certain items to them on loan till the old loan in repaid, resulted in altercations. On 25.4.98, five non-SC persons caught hold of Shri Rameshwar and assaulted him and put a rope in his nostril. They confined him in a house.

8.88 A case No. 123/98 u/s 365,147,323,326 of IPC and 3 (1) (3), 3 (2) (5) of SC/ST (POA) Act, 1989 was registered. On the basis of medical report it is proved that the nose of the victim was pierced and a cord put through it. All accused were arrested and case was filed in the Court. Further the Commission have also written to the concerned authorities to provide relief/ Rehabilitation to the victim under SC/ST (POA) Rules, 1995.



## **XII Sexual molestation/assault of Tribal Girls in Bastar District of Madhya Pradesh**

8.89 The Dailies "The Tribune" and "Navbharat Times" carried a news-item in their 8.10.98 publications that 4 tribal girls were raped in Madhya Pradesh. The Commission took up the case suo-moto with the Collector, Bastar, Madhya Pradesh- keeping in view the gravity of the incident. The State office of the National Commission for SC/ST at Bhopal was also activated to pursue the case effectively. The incident occurred on 1.10.98 when a number of village girls belonging to various castes/communities were returning to their native village Chapka from another village fair. The culprits belonged to different castes/communities i.e. SC/ST/OBC. The victims were also from STs and OBCs. It was revealed through the police report that out of 4 victimised girls, 3 belonged to STs and one to OBCs. After registering a FIR No130/98 u/s 376 (4) 34 IPC at P.S. Bhanpuri, medical examination was got done. In addition the relevant sections of SC & ST (POA) Act, 1989 were invoked and action taken under POA Rules 1995. The culprits were arrested and sent to jail.

8.90 The victims i.e. three ST girls were sanctioned compensation of Rs. 50,000/- each by the State Govt., out of which an amount of Rs. 25,000/- each has already been released. The case was further referred to Court of Law for decision.

## **XIII Massacre of Tribals in Purnea District of Bihar**

8.91 The national dailies 'The Hindu', 'Nav Bharat Times' 'Hindustan', 'Jansatta' dated the 15<sup>th</sup> December, 1998 published the news of burning alive of seven Santhal Tribals, and torching their houses by non-tribal land lords in the villages Nikhrel, Chandabari Tola and Koyla Tola under Police Station Dagarua in District Purnea, Bihar. The Commission immediately flashed wireless message to the Home Secretary, Director General of Police, Govt. of Bihar, District Collector and Superintendent of Police, Purnea calling for action taken report for nabbing the culprits and providing financial assistance to the survivors of the massacre.

8.92 The incident was so shocking that the Chairman of the National Commission for SCs & STs, Shri Dileep Singh Bhuria and Shri Kameshwar Paswan, Vice Chairman of the Commission visited Bihar from 20<sup>th</sup> to 22<sup>nd</sup> December 1998, immediately after their taking charge, to make a first hand assessment of the case and related problems. They visited the spot of the tragedy and met the officers of the District Administration. The incident was discussed with the Governor, Chief Minister, concerned Ministers, and concerned senior officers of the State Government. The cause of this inhuman carnage was a dispute pertaining to land title. The tribals, who had been cultivating the land as Shikmi Bathaidars, regarded it AS their own land. On the other hand claims to ownership of the land were being made by landlords who perhaps had their names recorded in the land record but had not actually been cultivating the land. As a consequence, many of the actual tillers, who belonged to poor tribal communities, had not got ownership titles to the land. The basic policy of land reforms aims to give land to the tiller. In this case, perhaps more than in any other case, amendments were warranted in land related laws so that the tenancy rights accrued to the tillers without their having to go through a complex process of filing claims and fighting court disputes for which they lacked the capacity and wherewithal. The officers from the Head Quarter at New Delhi and State office of the



Commission at Patna also visited the spot and prepared a report. In addition the District Magistrate and Superintendent of Police Purnea were activated to take the case vigorously and submit a report to the Commission which was also received. The findings of the enquiry report of the Commission revealed some lacunae while dealing WITH the case by the State Administration such as not strict adherence to the provisions of the SC & ST (POA) Act, 1989 and SC & ST (POA) Rules, 1995 in respect of providing relief to the tribal victims. It was also pointed out that all the culprits should have been apprehended as only 8 accused were arrested out of 14 named. The administration was asked to provide educational facilities to the affected school going children. A need to open a primary school in the tribal village was stressed.

8.93 The Commission strongly recommended to the State Government to look into the legal position and take up necessary amendments to land related laws urgently so that the tiller and the Shikmi Bathaidars get their due rights. This is absolutely essential and urgent if such incidents of inhuman carnage are to be avoided in future. The need was highlighted for setting up special/exclusive courts so that cases pertaining to SCs & STs covered by the SCs & STs (POA) Act, 1989 be dealt with and disposed off expeditiously. It was stressed that not only the criminals are booked under Law, but the affected persons are also quickly provided adequate relief and rehabilitation as provided under the SC & ST (POA) Rules 1995.

8.94 The Commission studied in depth land related dispute in Bihar. The Commission is of the view that the long term solution lies in speeding up the development process as. On investigation of cause of incident in Purnea it has been found that in Purnea and similar other areas in Bihar, the process of development has by-passed the rural poor, especially SCs & STs. The facilities of roads, housing, drinking water, medical care, education are quite inadequate. There is a need to prepare long term development plans which are implemented effectively with the co-operation and participation of the tribals themselves. The Commission decided to study tenancy system in Bihar and submit Special report to the President containing measures for avoiding recurrence of such incidents in future.

#### **XIV Killings of Scheduled Castes in Village Narainpur, P.S. Shakurabad, District Jehanabad, Bihar**

8.95 The National dailies dated the 12<sup>th</sup> February, 1999 published the news of killings of twelve Scheduled Castes in village Narainpur under P.S. Shakurabad, District Jehanabad, Bihar. The news report attributed the cause of massacre to caste based clashes between upper caste landlords and landless scheduled castes. The killers considered the SC villagers as supporters of leftist militant groups. The National Commission for SCs & STs flashed wireless messages to the Chief Secretary, Home Secretary, Principal Secretary, Social Welfare, Director General of Police, Bihar and the District Magistrate and Superintendent of Police, Jehanabad, requesting the authorities to furnish a factual report on the incident. A high level team comprising of Chairman, Vice-Chairman and senior officers of the Commission visited the site of carnage where 11 Scheduled Caste persons were done to death by non-tribal attackers belonging to land lord communities.

8.96 This carnage took place during the night of 10 - 11 February, 1999 in Narainpur village, P.S. Shakurabad, District Jehanabad. In this gruesome murderous attack 11 scheduled castes persons were mercilessly killed, out of which 6 were males and 5

females. Seven persons were injured. The place of occurrence of the incident was 12 kilometres away from the district Head quarter of Jehanabad. The high level team visited the site of the crime on 17/18-2-99 and met the relatives of the deceased and injured people. Senior State Government officers namely Chief Secretary, D.G(P) and others were asked to keep a vigil on such heinous acts so that such incidents do not recur.

8.97 During the course of the visit, it was found that the violence affected place lacked proper approach roads which caused delay in approaching the victims by the police and other officials. There was lack of drinking water, basic educational facilities and sources of income amongst rural poor. It was also noted that the police was ignorant about the provisions of the SC/ST (POA) Act, 1989 and they failed to apply relevant sections of IPC even. The application of Section 3(2) (V) of SC & ST (POA) Act, 1989, which is mandatory, were not applied.

8.98 After on the spot visit and meeting with higher authorities of the State Government, the Commission suggested certain measures for development of SC people of the area to avoid repetition of such incidents in future.

### **Suggestions**

8.99 During the course of talks with the affected families it was noticed that they do not have sufficient land to sustain them and as such they work as labourers with the land lords and in turn get 2 kg rice as wage or some land lords give 5-10 katta of land for wages. The State Government should ensure minimum wages for agriculture sector.

8.100 The landless poor SCs and STs should be provided land by making purchases through the State Finance & Development Corporation from the land owners who wish to sell the land voluntarily. The land provided should be atleast 2 Bighas and pattas and ownership rights should be provided.

8.101 The tillers especially SCs and STs under the Bataidar System should be given ownership rights under Bihar Tenancy Act. It should also be ensured that they are not troubled in future.

8.102 The Development works, such as provision of schools, roads, electricity drinking water construction of houses etc. should be undertaken.

8.103 The atrocity affected families/persons should be provided financial assistance in accordance with the SC & ST (POA) Rules, 1995 and ration for 3 months.

8.104 Residential Schools should be opened in the SC and ST population dominated villages for the Children of these target groups. These Schools should be maintained in a befitting manner.

8.105 At least one member from the family who lost the earning member should be given a govt. job/work.

8.106 The family member(s) should be provided Govt. Job/work who lost their earning member or victims who lost their limbs.



8.107 Out of the 13 named culprits only 3 were arrested. All should be arrested soon and case proceeded with in a court of law.

8.108 The enquiry should be conducted by an officer, at least, of the rank of Deputy Superintendent of Police.

8.109 Violence/Terrorist prone district should be identified and Special Courts set up under the provisions of the SCs & STs (POA) Act, 1989 and all atrocity cases pertaining to SCs and STs should be disposed of expeditiously.

8.110 Since 1978 elections to the local bodies like village Panchayat, Municipalities have not been conducted in the State of Bihar and as such there is lack of proper representation/leadership. The development activity has stopped and it is the need of the hour that elections are held as per law and representation accorded to all the classes of people to inculcate leadership spirit at village level.

8.111 State level and District level Intelligence Collection Centres should be set up so that information is available for taking necessary avert such carnages.

8.112 During the course of the visit the State run Rajkiya Kalyan Chhatravas Mahendroo, Patna was also inspected and found that the building housing the same was in a dilapidated condition. Toilets and bathrooms were in bad shape. Drinking water facility was erratic. Post Matric Scholarships were not paid for the past two years. No newspapers/journals are provided. For the last so many months no warden was posted which was a serious lapse. It was suggested that all the facilities should be provided in all the residential schools.

8.113 Chairman of the Commission vide his letter dated 24.2.99 informed the Prime Minister about the incidents which took place in Shankarbigha and Narainpur in the District of Jehanabad, Bihar. The measures to be adopted were also highlighted, which included undertaking land reforms and provision of basic needs like drinking water, minimum wages, restoration of democratic grass root level bodies without further delay, provision of security to the hapless poor Scheduled Castes and Scheduled Tribes.

## **XV Atrocity on Scheduled Castes Students in the University College of Medical Sciences, Delhi.**

8.114 Based on Press Reports which appeared in the News paper and also on receiving representation from SC students in University College of Medical Sciences, Delhi about the incidents of atrocities on them in the college/Hostels campus of UCMS and G.T.B. Hospital, Delhi on the night of February, 22/23, 1999, the Chairman of the Commission ordered on-the-spot enquiry of the incident where 12 SC students were beaten by non-SC students and insulted publicly. A resident doctor of GTB hospital was also beaten and insulted who was on emergency duty.

8.115 The Vice-Chairman Shri Kameswar Paswan and Shri Ajit Singh, Assistant Director visited the spot of the incident at G.T.B. Hospital premises of University College of Medical Sciences at Dilshad Garden and hostels. They met victim SC/ST students and the Principal of U.C.M.S, other Professors and related persons. The team also held a meeting with Additional Deputy Commissioner of Police, North-East, A.C.P. & S.H.O. of concerned Police Station, Dilshad Garden and called for a detailed report of the incident.



8.116 On hearing the views of above persons the Commission suggested the concerned police officials and Principal of the college to take action against accused and give relief/protection to SC/ST students. The police registered the case after lapse of ten days of incident when the Commission's team visited and only PCR Act 1955 was included. The Vice-Chairman asked police officials to include the relevant sections of the SCs/STs (POA) Act 1989 and take immediate action against accused and rehabilitation of SC victims. On the intervention of the Commission the police has registered five cases against the general category students.

8.117 The Commission has sent on-the-Spot Enquiry Report to the Vice Chancellor and Chairman of Governing Body of University College of Medical Sciences. In the meanwhile the Governing Body of the University Collage of Medical Sciences has set up one man Enquiry Committee headed by a former Delhi High Court Judge. The Commission's Recommendations have not been carried out so far and the case is held up due to procedural formalities. The victim SC students have failed to get the justice due to delaying tactics of the Governing Body of University College of Medical Sciences. At last a compromise between SC students and non-SC students was said to have been arrived at. The cases are stated to be pending for consideration in the Court. The Commission is pursuing the case with Vice-Chancellor of Delhi University and Chairman Governing body of the college.

### **Recommendations**

8.118 On the basis of analysis of data at the micro level and the issues dealt within the Commission general observations and recommendations apart from case/cases specific recommendations are as under:

- i Training programme may be conducted by every State Government for police personnel to sensitise them regarding implementation of the provisions of SCs & STs (POA) Act, 1989 and the PCR Act 1955 either through its Police Training Institutions or otherwise.
- ii The Central Government should ensure that report on the measures taken for implementation of the SCs & STs (POA) Act, 1989 and PCR Act 1955 are obtained from the States/UTs in time to place the consolidated annual report in the Parliament every year as per provisions contained in these Acts. The State Government, where atrocities on SCs & STs are rampant may take effective steps to check and control atrocities on members of SCs & STs by non-SC/ST people.
- iii A person who has been convicted under the provisions of SCs & STs (POA) Act, 1989 should not be permitted to seek election at any level.
- iv An Awareness Programme should be conducted through Non-governmental Organisations about the provisions of SCs & STs (POA) Act, 1989, PCR Act 1955 and the economic relief to be provided to the victims of atrocities as per scale laid down in the SCs & STs (POA) Rules, 1995. The Government should consider organising Seminars of the NGOs for eliciting their help in Awareness Programme.

- v The provisions of SCs & STs (POA) Act, 1989 relating to punitive and protective measures and the economic relief to be provided to the victims of atrocities should be given wide publicity.
- vi Various studies conducted so far by Institutions on implementation of provisions of the SCs & STs (POA) Act, 1989 and Rules 1995 therefrom has revealed that FIR are not registered in time, the investigations are not completed within 30 days by the competent police authorities and the challans are not filed in the Special Courts within the stipulated time. The Commission recommends that the time schedule should be adhered.

### **The special studies conducted by the National Commission for SCs & STs on the implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**

8.119 In the Fortieth Year of the Republic of India on 16<sup>th</sup> August, 1989 the Parliament passed, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. Under the provisions of the Act the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 was notified on 31<sup>st</sup> March, 1995.

8.120 The effectiveness of the Act, specially a social legislation, depends upon the continuous study and monitoring of its implementation. The National Commission for Scheduled Castes and Scheduled Tribes set up for monitoring the implementation of constitutional safeguards for the welfare of Scheduled Castes and Scheduled Tribes, has decided to undertake a study on the status of implementation of this Act and Rules thereto in the State of Uttar Pradesh and Madhya Pradesh.

8.121 The objective of this study was to find out the nature of atrocities committed on the members of the Scheduled Castes and the Scheduled Tribes; the status of cognizance taken by police administration; punitive and preventive measures taken as per the Act and the Rules; the process of setting up the Special Courts; working procedure evolved by these courts; causative factors responsible for high rate of acquittal and the status of implementation of mandatory provisions of the Act and the Rules at the State and district level.

8.122 The status of implementation of the provisions of the Act was studied in eight districts of Uttar Pradesh and in three districts of Madhya Pradesh. Registration, investigation and rehabilitation part of the act was covered under the study in Uttar Pradesh and the prosecution part of the Act, i.e., functioning of the Special Court was covered in the study in the State of Madhya Pradesh.

8.123 The Commission has decided to submit Special Report to the President of India based on these studies. However, the observations, findings and recommendations in brief are as follows:



## Uttar Pradesh

8.124 As per 1991 census the total population of Uttar Pradesh was 1391 lakhs. The population of SCs in the State was 293 lakhs and that of ST's was 3.00 lakhs. The percentage of literacy among SCs was 26.85% and among ST.35.7%

8.125 The State of Uttar Pradesh comprises of 83 Revenue Districts and 6 Railway Sections for the purpose of criminal justice administration. Keeping in view, the resources available and time constraint with the Commission, it was decided to select 10% of the total number of districts for in depth study. The stratified random sampling methodology was adopted for selection of 10% districts. All the districts have been stratified into 5 strata taking into account the number of atrocity cases registered in the districts. The districts of Azamgarh, Rai Bareilly, Jalaun, Etah, Aligarh, Unnao, Kanpur Nagar and Udham Singh Nagar have been selected for detailed study. These districts also represent east, west, north and south and central parts of the State.

8.126 An analysis of 1311 cases of atrocities reveals following nature of atrocities committed on members of Scheduled Castes and Scheduled Tribes:

- i. 1023 (78.03%) cases are related to intentional insult or intimidation with intent to publically humiliate the members of Scheduled Castes and Scheduled Tribes.
- ii. 140 (10.68%) cases are related to offences against the persons or property punishable with imprisonment for a term of 10 years or more under the Indian Penal Code. These offences are committed on caste grounds.
- iii. 69(5.26%) cases are related to assaults or use of force to women belonging to Scheduled Caste or Scheduled Tribe with intent to dishonor or outrage their modesty.
- iv. 42(3.20%) cases are related to the sexual exploitation of Scheduled Caste and Scheduled Tribe women.
- v. 7 (0.53%) cases are related to wrongful occupation or cultivation of the land belonging to the members of Scheduled Castes and Scheduled Tribes.
- vi. 7(0.53%) atrocity cases are related to mischief by fire with the intention to damage the property belonging to the members of Scheduled Castes or Scheduled Tribes.
- vii. 7(0.53%) cases are related to mischief by any explosive substance intending to cause destruction of the place of worship or place of human dwelling belonging to the members of Scheduled Castes or Scheduled Tribes.
- viii. 4 (0.31%) of the atrocity cases are related to dumping excreta, waste matter, obnoxious substance, etc. in the premises of the members of Scheduled Castes or Scheduled Tribes.
- ix. 4(0.31%) cases are related to force the members of Scheduled Castes or Scheduled Tribes to do 'begar' or other similar forms of forced or bonded labour.



- x. 3(0.23%) atrocity cases are related to wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises.
- xi. 3(0.23%) cases are related to force a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence.
- xii. 1(0.08%) atrocity case is related to parade a Scheduled Caste person with painted face.
- xiii. 1(0.08%) atrocity case is related to removal of evidence, which was in favour of a member of a Scheduled Caste.

8.127 Registration of a criminal case starts with the writing of First Information Report (FIR) at the police station. The time factor has a vital role in the context of lodging of an FIR. Inordinate delay may prove detrimental for investigation and prosecution. 61.15% atrocity cases were registered within 24 hours, 14.29% within two days, 9.52% within five days, 7.52% within 15 days, 2.76% within 30 days and 4.76% after lapse of a period of 30 days of occurrence of the incident of atrocity. The reason for late registration of FIR stated to be refusal by the officer in charge of the police station in lodging the FIR. As a result the victim has to approach the appropriate higher authority for necessary orders under Rules.

8.128 The moment an FIR is registered, the process of investigation starts. The data collected from 399 atrocity cases reveals that in 78.95% cases the investigating officer reached the spot of incident within 24 hours. In 11.78% cases the investigating officer reached within 48 hours whereas in 4.26%, 2.01%, 1.75% and 1.25% atrocity cases the investigating officers reached the spot of incident within five days, 15 days, 30 days and more than 30 days, respectively. The reason for delay in the visit of the investigating officer is stated to be delay in registration and also due to the administrative reasons and law and order problem in the circle, which often comprises of more than one police station.

8.129 Arrest of the accused is one of the basic ingredients of the investigation. An analysis of 772 accused involve in 399 cases reveals that only 26.43% of accused were arrested whereas 72.15% of accused surrendered in the court. 1.42% of the accused remained absconding.

8.130 Out of 399 cases of atrocity, the chargesheet was submitted in 312 cases and in 87 cases final report has been submitted before the court. In 62.18% cases the chargesheets have been submitted within 30 days whereas in 19.56% cases it has been submitted within two months. In 14.74% cases chargesheets have been submitted within six months and in 2.24% cases the investigating officers have taken one year in submission of chargesheets.

8.131 Compensation to the victims, as a matter of right, has been incorporated as a mandatory provision in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules 1995. The time factor is very important in payment of compensation. Out of 399 cases, compensation has not been paid to the victims of atrocities in as many as 247 (61.90%) cases. In 1.01% case it was paid within one month whereas in 1.25% cases within two months. In 14.04% cases compensation was paid within six months and in 21.80% cases within one year. It shows that only in 1.01% of the

cases of the mandatory provision of payment of compensation was complied with by the State authorities.

8.132 It is mandatory for the State Government to provide legal aid, travelling and maintenance expenses to witnesses including the victims of atrocities during investigation and trial of offences, economic and social rehabilitation of the victims of atrocities, appointment of officers for initiating or exercising supervision over prosecution, setting up of committees at appropriate levels, to make periodic survey of the working of the provisions of this Act, identification of atrocities prone areas for taking preventive measures. Except half-hearted implementation of economic and social rehabilitation, the State has not implemented any of the mandatory provisions so far.

8.133 Keeping in view above status of implementation of Act 1989 & Rules 1995 the Commission makes the following recommendations:

- i **In case the office-incharge of concerned police station does not register FIR on the basis of complaint but the FIR is registered at the instance of Superintendent of Police or Special Enquiry Cell or Hon'ble Court and the chargesheet is submitted before the court, appropriate action under the Act or departmental action as the case may be, should be taken against the officer incharge of police station for not registering the case in time.**
- ii **The case of atrocity should be investigated by an experienced Dy. Superintendent of Police, even if, he is not having territorial jurisdiction for normal day-to-day work.**
- iii **The Dy. Superintendent of Police (Investigating Officer) should complete the investigation and submit chargesheet/final report within 30 days to Court under intimation to District Superintendent of Police.**
- iv **The Special Public Prosecutors should be paid the fee on a high scale than the panel advocates as provided in the Rules 1995.**
- v **Necessary arrangements for providing travelling and maintenance expenses, reimbursement of the payment of medicines, special medical consultation fee, blood transfusion, etc. should immediately be made to the victims of atrocity.**
- vi **In all cases of atrocities, immediate relief, rehabilitation and compensation should be provided keeping in view the mandate of the Parliament.**
- vii **The State Government should implement the mandatory provisions relating to exercising supervision over prosecution, setting up of committees, periodic survey for better implementation of the provisions of act, identification of atrocity prone areas, precautionary and preventive measures, setting up of awareness centres and organisation of workshop, involvement of non-governmental organizations, etc.**
- viii **The Special Enquiry Cell set up under the provision of Rule 8 of the Rules 1995 should be given special powers to register the FIR,**



investigate and submit chargesheet/final report before the Special Court. The cell should be provided atleast primary requirements like sufficient stationery, typewriter, telephone and vehicles, etc.

- ix. The State Government should prepare contingency plan as required under Rule 15 to check atrocity on the members of Scheduled Castes and Scheduled Tribes.
- x. State Government should invariably provide regular and effective training to the Police Officers, Special Public Prosecutors and the District Administration.

## **Madhya Pradesh**

8.134 The State of Madhya Pradesh comprises 45 districts with total population of 662 lakhs as per 1991 census. The population of SCs was 96 lakhs and that of STs-154 lakhs. The percentage of literacy among SCs was 35.08% and among STs 21.54%, as compared to total literacy of 44.20% in the State. The State Government have set up exclusive Special Courts in 25 districts. Rest of the districts have specified Special Courts.

8.135 The analysis of the Sample of 82 judgements delivered by judges of Special Courts has shown that in 13.41% cases the Courts have taken more than two years to deliver the judgements. In 60% cases the courts have delivered judgement within one year. But the position of pendency of cases differ from one court to another. The disposal of cases by Dhar Special Court has been more than satisfactory. During the year 1996, the Court disposed off 56.14% cases but in 1997, the rate of disposal rose to 83.33%. In 1998 this percentage declined to 55.49% and upto June, 1999 the Court has disposed off about 55% cases. Overall on an average the Dhar Special Court disposed off 32 cases per month during 1996 and 30 cases per month in 1997. But this average reduced to 9 cases per month in 1998 and in the first six months of the 1999, disposal rate was 12 cases per month. The rate of disposal of atrocity cases by Sehore Special Court has been quite low. During 1997, only 20.54% cases could be disposed off. During 1998 and first six months of 1999, 34.64% and 12.78% cases respectively could be disposed off. In Bhopal specified Special Court, the atrocity cases have been less in number. The rate of disposal in the year 1997 was 38.70% and in 1998, it was 45.11%. During the first six months of 1999, the rate of disposal has been 42.55%.

8.136 The overall reasons for high pendency of the cases have been as under:

- i. Absence of investigating police officers almost in 60% cases.
- ii. In 70% cases the witnesses did not appear in the court on scheduled day and time, forcing the court to issue summons several times.
- iii. In 30% to 40% cases the accused and victims did not appear.
- iv. In 10% cases the arguments took substantial length of time; and
- v. Frequent dates given by the Courts in about 2% cases.

8.137 The percentage of acquittal of accused have been 95.12%. The Court-wise information collected during the study reveals that:



- i. The rate of acquittal of the accused during the years 1996, 1997, 1998 and upto 30<sup>th</sup> June, 1999 in respect of Dhar Special Court have been 61.21%, 97.84%, 89.62% and 65.27% respectively.
- ii. In respect of Sehore Special Court acquittal during the period 1997, 1998 and upto 30<sup>th</sup> June, 1999 was 95.41%, 96.08% and 95.84% respectively.
- iii. In respect of Specified Court at Bhopal, the rate of acquittal for the year 1997 has been 91.67% and for the Calendar years 1998 and upto June, 1999, it has been 90% and 2.5% respectively.
- iv. The data compiled for 33 Special Courts (22 exclusive Special Courts and 11 Specified Courts) of the State with a view to ascertaining the overall rate of acquittal of accused in SC/ST atrocity cases shows that the rate of acquittal has been 67%, the rate of conviction has been 20%, about 11% cases have been filed, 0.69% have been discharged. In 2.26% cases the accused have appealed in the higher Court and in 0.25% cases a revision has been sought by the accused.

8.138. **The reasons for acquittal** in the opinion of the learned judges and the factors mainly responsible for the acquittal of the accused have been as follows:

- i. Delay in lodging FIR;
- ii. Lodging False FIR due to enmity;
- iii. False reports, contradictions in the statements of the complainants and the witnesses, no proper scrutiny of the cases done by the Prosecution before putting the Challan in the Court;
- iv. Witnesses and complainants become hostile;
- v. The accused and the victims compromise sometimes outside the Court and sometimes inside the court; and
- vi. Prosecution unable to prove the charges.

8.139 It has been found during the Study that the Advocates who have been enlisted in the panel constituted by the District Magistrates to work as Special Public Prosecutor in the Special Courts are mostly those pleaders/advocates who have no practice and are of low repute. The reason is the meager amount of remuneration of Rs.150/- paid for rendering the service for a day. Besides, the Special Public Prosecutors have not been provided any facility, like a place to sit, furniture, etc. The Deputy Directors, Prosecution do not call the Special Public Prosecutor in the scheduled meetings and listen to their problems. Even the learned Judges have opined that these Special Public Prosecutors are low paid and are frustrated due to lack of facilities. They find themselves unable to devote much time to prepare the cases. It is surprising that even a copy of the judgements in the cases in which the accused are acquitted is not made available to the Special Public Prosecutors in time to review the judgements. The office of the Director, Prosecution and the Collector of the District also do not have clear understanding with regard to the appointment of the Special Public Prosecutor. It has also been observed that the appointment of the Special Public Prosecutor is influenced on political consideration.

8.140 The Public Prosecutor responsible for presenting and pleading the atrocity cases in the Special Courts is to be chosen from the panel of experienced and knowledgeable lawyers, having good understanding of human behaviour and capacity to prosecute the cases sincerely and effectively. But these factors are not being taken into account. Besides, the Challans before filing in the Court are not properly scrutinized. Generally the police Officers of the rank of Dy. Superintendent of Police (DSP) do not investigate or inspect the spot of incident themselves in each and every case.

8.141 The Monitoring at the State level by the State Vigilance & Monitoring Committee and at the district level by the District Vigilance & Monitoring Committees have not been effective. As the State level meetings of the State Vigilance & Monitoring Committee has not been conducted for the last two years, no pressure could be exerted by the nodal department on the District Vigilance and Monitoring Committees to make them effective and action oriented. Though the meetings of the District Vigilance & Monitoring Committee of Dhar, Sehore and Bhopal have been conducted periodically, but it has been found that:

- i. The meetings have not been attended regularly by the District Superintendent of Police and non-official members;
- ii. The negligence/ignorance and delays in performing the assigned duties by the Police/Revenue Officials have been the reasons for not providing timely relief & benefits to SC/ST victims,
- iii. The copy of the Minutes of the District Vigilance & Monitoring Committee has not been directly sent to the Special judges of the respective courts as per Rules.
- iv. The instructions given in the District Vigilance & Monitoring committee have not been followed up effectively, with the result the desired improvement in the performance of investigation and prosecution could not be achieved.

8.142 The following recommendations are made for implementation by the State Government.

- i **For better performance of the Special Courts, and to improve the rate of conviction, as per the Rule, the Chief Justice of M.P. High Court should depute a Justice of the High Court to review the working of the Special Courts and Judgements delivered by these Courts, atleast once in a year. The judicial review would ultimately highlight all those legal and administrative aspects/facts responsible for acquittal of accused, weak prosecution and the quality of judgements.**
- ii **The Special Courts should issue timely summons taking the assistance of the police administration to ensure that parties attend the court in time.**
- iii **The Office of the Director, Prosecution should be strengthened for effective supervision of prosecution in accordance with Rule 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.**



- iv The institution of Special Public Prosecutor should be strengthened. The problems and constraints of Special Public Prosecutors should be redressed. The remuneration/fees of the Special prosecutors should be suitably enhanced to attract experienced, disciplined, committed and knowledgeable advocates. The panel of advocates should be prepared as per the rules and communicated to the Special Judge. Another step to strengthen and make the prosecution capable of discharging the job will be to appoint Asstt Public Prosecutors(APP) as the Special Public Prosecutor to deal with the atrocity cases in the Special Courts.
- v Responsibility should be fixed on District Superintendent of Police and Director Prosecution if the accused is acquitted on the ground that relevant section of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and that of IPC have not been included in Challan filed in the court.
- vi The State level Vigilance & Monitoring Committee should hold the meetings of the committee atleast twice in a year and give strict guidelines to the District Vigilance & Monitoring Committee to galvanise the machinery responsible for the implementation of the Act and the Rules.
- vii The FIR lodged in the Police Station under the Act should be recorded with due care. Because when FIR is put up in the Court giving all necessary details, so as to expedite the process of prosecution and improve the rate of convictions.

## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes During 1994

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	16	307	36	10	0	1	5	238	307	282	1202
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	21	224	48	8	3	5	40	7	104	329	789
5.	Goa	0	0	0	0	0	0	0	1	1	0	2
6.	Gujarat	15	255	29	14	5	22	19	58	694	825	1936
7.	Haryana	7	22	10	9	0	0	1	1	0	16	66
8.	Himachal Pradesh	1	12	2	2	0	0	0	21	12	32	82
9.	Jammu & Kashmir	0	1	2	0	0	0	0	0	0	11	14
10.	Karnataka	7	6	8	0	0	0	2	483	78	373	957
11.	Kerala	7	186	30	2	0	5	3	15	284	125	657
12.	Madhya Pradesh	84	696	254	28	4	19	48	62	341	2209	3745
13.	Maharashtra	20	161	67	11	7	11	24	398	275	501	1475
14.	Manipur	0	2	0	0	0	0	0	0	0	0	2
15.	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	1	0	0	0	0	0	0	0	0	1
18.	Orissa	14	100	27	9	0	4	10	12	161	160	497
19.	Punjab	2	2	2	3	0	0	0	0	0	0	9
20.	Rajasthan	25	333	100	13	1	7	32	49	2486	1751	4797
21.	Sikkim	0	0	0	0	0	0	0	0	0	21	21
22.	Tamil Nadu	8	990	5	6	0	0	2	232	117	89	1449
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	319	1229	370	136	58	185	346	137	10076	3310	16166
25.	West Bengal	0	0	1	0	0	0	0	0	0	0	1
	<b>Total ( States)</b>	<b>546</b>	<b>4527</b>	<b>991</b>	<b>251</b>	<b>78</b>	<b>259</b>	<b>532</b>	<b>1714</b>	<b>14936</b>	<b>10034</b>	<b>33868</b>



[illegible]

Source: National Crime Record Bureau, New Delhi

# ANNEXURE-8.II

## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Tribes During 1994

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	3	33	22	4	0	0	0	10	42	79	193
2.	Arunachal Pradesh	0	2	0	0	0	0	0	0	0	0	2
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	2	41	11	1	3	2	1	1	6	35	103
5.	Goa	0	0	0	0	0	0	0	0	0	0	0
6.	Gujarat	35	88	29	6	0	1	3	4	67	197	430
7.	Haryana	0	1	0	0	0	0	0	0	0	0	1
8.	Himachal Pradesh	0	0	1	0	0	0	0	0	0	0	1
9.	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0
10.	Karnataka	5	9	2	0	1	0	0	14	16	20	67
11.	Kerala	1	40	12	0	0	0	1	2	55	37	148
12.	Madhya Pradesh	25	212	221	38	0	1	17	1	237	1022	1774
13.	Maharashtra	12	67	39	12	2	0	1	14	105	194	446
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	1	0	0	0	0	0	0	0	0	1
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	2	15	9	1	1	2	2	4	93	54	183
19.	Punjab	0	0	0	0	0	0	0	0	0	1	1
20.	Rajasthan	16	51	36	2	0	2	10	0	625	654	1396
21.	Sikkim	2	1	0	0	0	0	0	0	0	19	22
22.	Tamil Nadu	0	120	0	0	0	0	0	13	6	5	144
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	2	18	1	0	1	0	1	0	58	16	97
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
Total ( States)		105	699	383	64	8	8	36	63	1310	2333	5009



[illegible]

Source: National Crime Record Bureau, New Delhi

## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes During 1995

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	25	516	64	22	0	3	12	265	519	338	1764
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	18	226	13	21	17	17	16	4	170	245	747
5.	Goa	0	0	0	0	0	0	0	1	3	0	4
6.	Gujarat	27	216	15	8	1	13	20	97	680	647	1724
7.	Haryana	8	24	10	2	0	0	1	1	4	32	82
8.	Himachal Pradesh	0	6	8	1	0	0	0	11	23	33	82
9.	Jammu & Kashmir	0	0	0	1	0	0	0	0	0	24	25
10.	Karnataka	13	34	13	1	0	2	0	342	478	288	1171
11.	Kerala	5	232	32	2	0	0	5	10	312	98	696
12.	Madhya Pradesh	86	681	224	37	0	11	35	68	460	2377	3979
13.	Maharashtra	18	292	62	18	5	5	22	359	343	498	1622
14.	Manipur	1	0	0	0	0	0	0	0	0	0	1
15.	Meghalaya	0	1	1	0	0	0	0	0	0	0	2
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	8	78	8	1	0	4	0	7	136	87	329
19.	Punjab	1	5	1	1	0	0	0	0	0	0	8
20.	Rajasthan	35	303	94	6	0	15	44	6	2568	2126	5197
21.	Sikkim	1	5	0	1	0	0	0	0	1	25	33
22.	Tamil Nadu	29	858	6	5	3	1	6	211	108	66	1293
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	296	1067	321	149	44	147	339	121	8117	3604	14205
25.	West Bengal	0	0	1	0	0	0	0	0	0	0	1
	<b>Total ( States)</b>	<b>571</b>	<b>4544</b>	<b>873</b>	<b>276</b>	<b>70</b>	<b>218</b>	<b>500</b>	<b>1503</b>	<b>13922</b>	<b>10488</b>	<b>32964</b>





## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Tribes During 1995

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	4	42	14	3	0	0	0	7	42	53	165
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	2	2
3.	Assam	0	0	0	0	0	0	3	3	0	0	0
4.	Bihar	5	45	14	13	15	14	3	3	15	105	232
5.	Goa	0	0	0	0	0	0	0	0	0	0	0
6.	Gujarat	14	94	26	13	1	1	4	0	77	256	486
7.	Haryana	0	0	0	0	0	0	0	0	0	0	0
8.	Himachal Pradesh	0	1	0	2	0	0	0	0	0	2	5
9.	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	8	8
10.	Karnataka	3	25	3	0	0	0	0	14	22	29	96
11.	Kerala	0	50	13	0	0	1	1	2	80	38	185
12.	Madhya Pradesh	18	203	211	25	0	4	11	5	139	1074	1690
13.	Maharashtra	16	88	34	10	2	2	4	23	109	217	505
14.	Manipur	0	0	1	1	0	0	0	0	0	0	2
15.	Meghalaya	1	0	0	0	0	0	1	0	0	0	2
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	1	39	7	4	0	3	2	0	63	24	143
19.	Punjab	0	1	1	0	0	0	0	0	1	1	4
20.	Rajasthan	10	71	43	3	0	1	8	4	848	796	1784
21.	Sikkim	1	7	0	0	0	1	1	0	0	30	40
22.	Tamil Nadu	1	21	0	0	0	0	0	11	3	4	40
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	1	1	1	0	0	0	5	2	79	16	105
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total (States)</b>	<b>75</b>	<b>688</b>	<b>368</b>	<b>74</b>	<b>18</b>	<b>27</b>	<b>40</b>	<b>71</b>	<b>1478</b>	<b>2655</b>	<b>5494</b>



## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes During 1996

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	21	318	50	10	1	1	6	279	504	439	1629
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	19	276	27	26	35	14	23	0	137	253	810
5.	Goa	0	0	0	0	0	0	0	0	1	0	1
6.	Gujarat	22	206	15	15	5	10	14	129	573	775	1764
7.	Haryana	5	8	11	7	0	2	0	3	2	25	63
8.	Himachal Pradesh	0	3	11	0	0	0	0	8	24	20	66
9.	Jammu & Kashmir	1	3	0	1	0	0	0	0	0	12	17
10.	Karnataka	8	35	6	0	0	0	4	211	811	14	1089
11.	Kerala	6	186	29	2	0	1	3	10	298	105	640
12.	Madhya Pradesh	50	687	271	20	0	10	33	65	430	2509	4075
13.	Maharashtra	12	145	48	12	3	7	5	345	365	410	1352
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	4	106	8	2	3	8	1	0	153	201	486
19.	Punjab	2	3	3	2	0	0	0	0	0	2	12
20.	Rajasthan	47	184	127	11	0	7	62	7	951	5227	6623
21.	Sikkim	1	4	0	0	0	1	0	0	0	8	14
22.	Tamil Nadu	15	1361	19	7	0	5	21	227	110	47	1812
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	330	1060	324	166	43	147	292	120	5252	3229	10963
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total ( States)</b>	<b>543</b>	<b>4585</b>	<b>949</b>	<b>281</b>	<b>90</b>	<b>213</b>	<b>464</b>	<b>1404</b>	<b>9611</b>	<b>13276</b>	<b>31416</b>





## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Tribes During 1996

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	5	51	13	1	0	0	1	5	76	100	252
2.	Arunachal Pradesh	2	0	0	2	0	1	0	0	0	0	5
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	12	21	12	17	25	7	6	0	36	54	190
5.	Goa	0	0	0	0	0	0	0	0	0	0	0
6.	Gujarat	12	59	15	1	4	2	1	1	44	230	369
7.	Haryana	0	0	0	0	0	0	0	1	0	0	1
8.	Himachal Pradesh	0	0	1	0	0	0	0	0	0	2	3
9.	Jammu & Kashmir	0	2	0	0	0	0	1	0	0	3	6
10.	Karnataka	6	89	4	2	0	0	3	17	30	29	180
11.	Kerala	3	25	11	0	0	0	1	1	74	7	122
12.	Madhya Pradesh	20	169	166	15	1	4	10	8	103	970	1466
13.	Maharashtra	7	61	34	6	0	1	0	14	61	153	337
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	0	0	0	0	0	0	0	0	1	1
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	1	62	7	2	1	3	0	1	56	46	179
19.	Punjab	0	0	1	0	0	0	0	0	0	0	1
20.	Rajasthan	19	60	41	1	0	1	8	0	176	1087	1393
21.	Sikkim	0	8	1	0	0	0	1	0	0	36	46
22.	Tamil Nadu	0	54	0	0	0	0	0	21	6	4	85
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	7	33	8	3	1	2	19	3	91	169	336
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total ( States )</b>	<b>94</b>	<b>694</b>	<b>314</b>	<b>50</b>	<b>32</b>	<b>21</b>	<b>51</b>	<b>72</b>	<b>753</b>	<b>2891</b>	<b>4972</b>





## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes During 1997

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	5	51	13	1	0	0	1	5	76	100	252
2.	Arunachal Pradesh	2	0	0	2	0	1	0	0	0	0	5
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	12	21	12	17	25	7	6	0	36	54	190
5.	Goa	0	0	0	0	0	0	0	0	0	0	0
6.	Gujarat	12	59	15	1	4	2	1	1	44	230	369
7.	Haryana	0	0	0	0	0	0	0	1	0	0	1
8.	Himachal Pradesh	0	0	1	0	0	0	0	0	0	2	3
9.	Jammu & Kashmir	0	2	0	0	0	0	1	0	0	3	6
10.	Karnataka	6	89	4	2	0	0	3	17	30	29	180
11.	Kerala	3	25	11	0	0	0	1	1	74	7	122
12.	Madhya Pradesh	20	169	166	15	1	4	10	8	103	970	1466
13.	Maharashtra	7	61	34	6	0	1	0	14	61	153	337
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	0	0	0	0	0	0	0	0	1	1
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	1	62	7	2	1	3	0	1	56	46	179
19.	Punjab	0	0	1	0	0	0	0	0	0	0	1
20.	Rajasthan	19	60	41	1	0	1	8	0	176	1087	1393
21.	Sikkim	0	8	1	0	0	0	1	0	0	36	46
22.	Tamil Nadu	0	54	0	0	0	0	0	21	6	4	85
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	7	33	8	3	1	2	19	3	91	169	336
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total ( States)</b>	<b>94</b>	<b>694</b>	<b>314</b>	<b>50</b>	<b>32</b>	<b>21</b>	<b>51</b>	<b>72</b>	<b>753</b>	<b>2891</b>	<b>4972</b>

[illegible]

*Source: National Crime Record Bureau, New Delhi*

## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Tribes During 1997

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	11	99	15	4	0	0	0	6	58	43	236
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	6	21	4	4	0	0	1	0	98	24	158
5.	Goa	0	0	0	0	0	0	0	0	0	0	0
6.	Gujarat	9	57	19	9	0	2	1	0	49	238	384
7.	Haryana	0	2	1	0	0	0	0	0	0	2	5
8.	Himachal Pradesh	0	0	0	0	0	0	0	0	1	0	1
9.	Jammu & Kashmir	0	4	2	0	0	0	0	0	0	5	11
10.	Karnataka	5	34	1	0	0	0	0	3	11	24	78
11.	Kerala	6	34	22	1	0	1	2	3	46	24	139
12.	Madhya Pradesh	27	161	180	11	0	1	15	5	64	936	1400
13.	Maharashtra	3	13	16	5	1	0	0	11	44	96	189
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	1	4	0	0	1	0	0	0	0	7	13
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	4	64	10	3	0	2	1	6	76	72	238
19.	Punjab	0	0	0	0	0	0	0	0	0	0	0
20.	Rajasthan	9	55	41	1	0	1	7	0	146	1185	1445
21.	Sikkim	0	7	0	0	1	0	0	0	0	23	31
22.	Tamil Nadu	8	134	2	3	0	0	0	54	18	8	227
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	6	17	1	0	0	1	1	0	31	29	86
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	Total (States)	95	706	314	41	3	8	28	88	642	2716	4641





## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes During 1998

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	37	463	55	8	0	0	5	172	565	508	1813
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	12	253	23	3	3	1	12	12	269	197	785
5.	Goa	0	0	0	0	0	0	0	0	2	0	2
6.	Gujarat	21	243	20	18	4	32	11	27	595	913	1884
7.	Haryana	6	51	24	12	2	13	0	0	18	33	159
8.	Himachal Pradesh	1	3	7	1	0	0	0	2	19	26	59
9.	Jammu & Kashmir	0	7	0	0	0	0	0	0	0	10	17
10.	Karnataka	11	31	10	1	1	0	24	128	902	40	1148
11.	Kerala	4	248	80	3	0	1	11	2	297	122	768
12.	Madhya Pradesh	67	680	269	41	1	25	32	15	401	2520	4051
13.	Maharashtra	7	86	37	7	6	5	11	191	141	192	683
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	6	181	21	4	2	5	4	5	227	248	703
19.	Punjab	7	1	4	2	0	0	0	1	6	2	23
20.	Rajasthan	49	218	138	9	0	2	63	0	958	4149	5586
21.	Sikkim	0	1	1	0	0	0	0	0	0	0	2
22.	Tamil Nadu	30	650	4	5	0	0	23	165	300	385	1562
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	259	782	238	139	30	66	150	6	2737	2104	6511
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total ( States )</b>	<b>517</b>	<b>3898</b>	<b>931</b>	<b>253</b>	<b>49</b>	<b>150</b>	<b>346</b>	<b>726</b>	<b>7437</b>	<b>11449</b>	<b>25756</b>





## State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Tribes During 1998

S.No.	State/UT	Murder	Hurt	Rape	Kidnap- ping & Abduction	Dacoity	Robbery	Arson	PCR Act Cases	SC & ST (POA) Act Cases	Other Offences	Total
1.	Andhra Pradesh	1	172	34	9	3	6	3	9	64	58	359
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0	0
4.	Bihar	2	21	4	1	0	0	1	0	73	42	144
5.	Goa	0	0	0	0	0	0	0	0	1	0	1
6.	Gujarat	9	54	28	7	1	0	0	0	55	252	406
7.	Haryana	0	16	0	2	0	5	0	0	2	3	28
8.	Himachal Pradesh	0	0	0	0	0	0	0	0	1	0	1
9.	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0
10.	Karnataka	4	9	1	0	0	0	0	0	35	22	71
11.	Kerala	1	52	21	1	0	0	1	0	25	37	138
12.	Madhya Pradesh	23	144	215	31	1	2	13	5	85	1028	1547
13.	Maharashtra	4	12	11	3	0	0	1	17	31	74	153
14.	Manipur	0	0	0	0	0	0	0	0	0	0	0
15.	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
16.	Mizoram	0	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0	0	0
18.	Orissa	1	83	6	2	0	1	0	2	91	96	282
19.	Punjab	0	1	0	0	0	0	0	0	0	1	2
20.	Rajasthan	15	53	28	2	0	1	12	0	213	808	1132
21.	Sikkim	2	10	0	1	0	0	2	0	1	17	33
22.	Tamil Nadu	2	7	1	0	0	0	0	14	7	0	31
23.	Tripura	0	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	2	20	4	1	0	0	5	0	40	38	110
25.	West Bengal	0	0	0	0	0	0	0	0	0	0	0
	<b>Total ( States)</b>	<b>66</b>	<b>654</b>	<b>353</b>	<b>60</b>	<b>5</b>	<b>15</b>	<b>38</b>	<b>47</b>	<b>724</b>	<b>2476</b>	<b>4438</b>



**State/UT And Category-Wise Incidence Of Crimes Committed Against Scheduled Castes & Scheduled Tribes During 1994 To 1998**

S.No.	State/UT	S C H E D U L E D C A S T E S					S C H E D U L E D T R I B E S				
		1994	1995	1996	1997	1998	1994	1995	1996	1997	1998
1.	Andhra Pradesh	1202	1764	1629	1880	1813	193	165	252	236	359
2.	Arunachal Pradesh	0	0	0	0	0	2	2	5	0	0
3.	Assam	0	0	0	0	0	0	0	0	0	0
4.	Bihar	789	747	810	710	785	103	232	190	158	144
5.	Goa	2	4	1	2	2	0	0	0	0	1
6.	Gujarat	1936	1724	1764	1831	1884	430	486	369	384	406
7.	Haryana	66	82	63	93	159	1	0	1	5	28
8.	Himachal Pradesh	82	82	66	61	59	1	5	3	1	1
9.	Jammu & Kashmir	14	25	17	8	17	0	8	6	11	0
10.	Karnataka	957	1171	1089	1227	1148	67	96	180	78	71
11.	Kerala	657	696	640	755	768	148	185	122	139	138
12.	Madhya Pradesh	3745	3979	4075	4269	4051	1774	1690	1466	1400	1547
13.	Maharashtra	1475	1622	1352	831	683	446	505	337	189	153
14.	Manipur	2	1	0	0	0	0	2	0	0	0
15.	Meghalaya	0	2	0	0	0	1	2	1	13	0
16.	Mizoram	0	0	0	0	0	0	0	0	0	0
17.	Nagaland	1	0	0	0	0	0	0	0	0	0
18.	Orissa	497	329	486	678	703	183	143	179	238	282
19.	Punjab	9	8	12	11	23	1	4	1	0	2
20.	Rajasthan	4797	5197	6623	5624	5586	1396	1784	1393	1445	1132
21.	Sikkim	21	33	14	18	2	22	40	46	31	33
22.	Tamil Nadu	1449	1293	1812	1403	1562	144	40	85	227	31
23.	Tripura	0	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	16166	14205	10963	8500	6511	97	105	336	86	110
25.	West Bengal	1	0	0	0	0	0	0	0	0	0
	<b>Total ( States )</b>	<b>33868</b>	<b>32964</b>	<b>31416</b>	<b>27901</b>	<b>25756</b>	<b>5009</b>	<b>5494</b>	<b>4972</b>	<b>4641</b>	<b>4438</b>



[illegible]

## CHAPTER IX

### MAIN ISSUES IN TRIBAL DEVELOPMENT

#### Background

9.1 The tribals are believed to be the original inhabitants of India. Due to series of invasions by alien communities and relentless pressure from more powerful neighboring communities, they were driven to forests, hills and other inhospitable regions. In their isolated existence, these communities developed their own distinct culture, traditions, languages and administrative structure. While some of them are settled cultivators, many others continued to depend on shifting cultivation, hunting, food gathering etc. In Government of India Act of 1935, most of the areas inhabited by the tribals were declared as Excluded or partially Excluded Areas. After independence such areas were renamed as Scheduled Areas and included in Schedule V and Schedule VI. The essential characteristics for recognition as a Scheduled Tribe are primitive traits, geographical isolation, distinctive culture, shyness of contact with outsiders and economic backwardness.

9.2 As per 1991 census, the population of Scheduled Tribes was 6.77 crores, representing 8.05 percent of country's population. This 8% of the population inhabit more than 20% of the geographical area of the country, which contains about 70% of country's total natural resources. While the Scheduled Tribes are spread throughout the country, their main concentration is in the Central India in the States of Gujarat, Maharashtra, Rajasthan, Madhya Pradesh, Andhra Pradesh, Bihar and Orissa, where more than 82% of the country's tribal population is concentrated. Another pocket of tribal concentration is North-Eastern region where 12% of the country's tribal population lives. The remaining tribal communities are concentrated in the areas adjoining Nilgiri Hills in the South and in the North-Western Himalayan region.

9.3 The tribal communities represent diverse, ethnic, religious and linguistic groups. There is no uniformity in their levels of development, while in Mizoram they are close to 100% literacy, the Jarawas and Shompers in Andaman and Nicobar Islands are still living in the state of nature. However the common feature among all the tribal communities is their strong cultural traditions, kinship, remoteness of their habitats, lack of infrastructure facilities and low level of technological advancement.

#### Important Constitutional and Legal Provision Relating to Scheduled Tribes

9.4 Recognising the constraints imposed by their peculiar cultural and geographical environment, the framers of the Constitution made specific provisions for their protection from exploitation and special measures for their accelerated socio-economic development. Some of the important Constitutional provisions relating to the Scheduled Areas and the Scheduled Tribes are discussed in the succeeding paragraphs.

9.5 The procedure for declaring a community as a Scheduled Tribe has been provided in Article 342 of the Constitution. In terms of the provision of Article 342 (1), the President has issued various Orders notifying certain communities as

Scheduled Tribes in relation to the concerned States/Union Territories. However, the powers to decide inclusion in and exclusion from the notified list of Scheduled Tribes is vested in the Parliament under Article 342(2) of the Constitution and the Parliament alone is competent to take a decision in this respect.

9.6 The Fifth Schedule of the Constitution contains provisions relating to the administration and control of the Scheduled Areas and Scheduled Tribes. There are eight States having Scheduled Areas, viz., Andhra Pradesh, Bihar, Gujrat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The Governors of these States have been bestowed with special powers and responsibilities. The Governors of these States are required to submit annual reports to the President on the administration of Scheduled Areas and Scheduled Tribes. These States are also required to constitute Tribes Advisory Council, which must be consulted on all the policy matters relating to welfare and development of the Scheduled Tribes. Tamil Nadu and West Bengal, which though do not have Scheduled Areas, have also made provision for constituting Tribal Advisory Councils. The Governors of these eight States have the powers to make regulations for the peace and good government of the Scheduled Area, particularly for the following purposes:

- (a) to prohibit and restrict the transfer of land among the members of the Scheduled Tribes in such areas,
- (b) to regulate the allotment of land to members of the Scheduled Tribes in such areas,
- (c) to regulate the carrying on of business as money lenders to the Scheduled Tribes in such areas.

9.7 The Sixth Schedule of the Constitution relates to the administration of the Tribal Areas in the States of Assam (North Cachar Hills and Karbi Anglong Districts) Meghalaya, Mizoram and Tripura (Autonomous Hill Council). This Schedule provides for Autonomous District Councils and Autonomous Regional Councils for the administration of these areas, which have had a long tradition of local management systems. These Autonomous Councils not only administer various development programmes but also have powers to make laws on a variety of subjects.

9.8 Under the Sixth Schedule of the Constitution, wide-ranging powers have been vested in the Regional and District Council to promote self-governance of such areas in accordance with the customs and traditions of the respective tribal communities. They have powers to make rules for constitution of District and Regional Councils, promotion of subordinate local councils or Boards and on all matters relating to the transaction of business pertaining to the administration of the district or the region. They can make laws on matters relating to land, management of any forest not being a reserved forest, use of any water course for irrigation, regulation of practice of shifting cultivation, social customs, marriage and divorce, and matters relating to village or town administration, including village or town police and public health and sanitation. They may constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to the Scheduled Tribe within such area, with certain exceptions with regard to certain crimes under the IPC, attracting punishment of imprisonment for five years or more. The District and Regional Councils are also bestowed with powers to levy land



revenue, taxes on profession, trade etc., toll tax, besides many other forms of taxes and license fee on lease of land for the purpose of prospecting and extraction of minerals. There is also a provision for setting up a District or Regional Fund in such form as the Comptroller and Auditor General of India may prescribe.

9.9 Considering the extremely poor physical infrastructure, lack of adequate administrative infrastructure and means of communication and general economic backwardness of the Scheduled Areas and the Tribal areas, a specific provision has been made in the Constitution for meeting the special needs of such areas. Article 275 (1) of the Constitution provides for grant-in-aid to meet the capital and recurring costs of schemes undertaken for the economic development of Scheduled Areas and Scheduled Tribes, for promotion of their welfare and raising the level of administration of the Scheduled Areas to that of the administration of the rest of the areas of the State. Such schemes are to be approved by the Govt. of India and the grants will be paid out of the Consolidated Fund of India, which is not subject to budgetary constraints. There is similar provision of grant-in-aid from the Consolidated Fund of India for development of Tribal Areas and raising the level of administration in the areas and States covered under the Sixth Schedule of the Constitution.

9.10 With a view to give equitable share to the Scheduled Tribes in the governance, it was considered necessary to make certain specific provisions in the Constitution. Article 330 and 332 provide for reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Vidhan Sabhas, respectively. Article 334 originally laid down that the provision relating to reservation of seats for SCs and STs would cease to have effect on the expiration of a period of ten years. This Article has since been amended from time to time, extending the period by ten years on each occasion. Articles 243 D and 243 T provide for reservation of seats for the Scheduled Tribes in the Panchayats and Municipalities in proportion to their population in the Panchayat and the Municipality, as the case may be.

9.11 Article 16(4) empowers the State to make provision for reservations in appointments and posts in favour of any backward class of citizen, which, in the opinion of the State, is not adequately represented in the services under the State. Article 16(4A) enables the State to make provision for reservations in favour of Scheduled Castes and Scheduled Tribes in matters of promotion to any class or classes of posts in the services. At present reservation in promotions is restricted upto the first level of Group A services. Article 335 of the Constitution lays down that the claims of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in making appointments to services and posts in connection with the affairs of the Union or of a State, consistent with the maintenance of efficiency of administration.

9.12 Article 15(4) empowers the State to make special provision for the advancement of any socially and educationally backward class of citizens and to reserve seats for SCs and STs in educational institutions, including technical, engineering and medical colleges and in scientific and specialised courses. Article 29(1) has special significance for the Scheduled Tribes as it gives the right to the citizens to conserve their distinct language, script or culture. Most of the tribal communities have their own language or dialect. Article 350 A provides that "it shall be the endeavor of every State and of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority

groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities”.

9.13 In addition, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been enacted to give these communities protection from various forms of exploitation and to provide them relief in case they are subjected to discrimination and exploitation. Almost all the States have enacted Land Transfer Regulations imposing restrictions on transfer of tribal lands to non-tribals. Legislations have also been enacted to regulate money lending in tribal areas to protect them from exploitation by the non-tribals. The National Forest Policy and the Forest (Conservation) Act 1980 recognise the symbiotic relationship of tribals with the forests and seek to protect their interests in the forest areas. Under Article 338, a National Commission for Scheduled Castes and Scheduled Tribes has been set up to advise on the planning process of socio-economic development of Scheduled Castes and Scheduled Tribes, evaluate the progress of their development and monitor all matters relating to the safeguards provided for these communities under the Constitution or under any other law. Article 339 provides that executive power of the Union shall extend to giving of directions to a State as to drawing up and execution of schemes essential for the welfare of the Scheduled Tribes. This Article also provides that the President may at any time appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States.

### **Strategy and Programmes for Tribal Development**

9.14 As already mentioned, the main feature of strategy for tribal development has been to promote the participation of the Scheduled Tribes in planning and implementation of programmes for their development. The main areas of tribal concentration in the Central India were included in Schedule V of the Constitution and those in the North-East were included in Schedule VI. The special powers vested in the Governors of the States having Scheduled Areas and the requirement of annual report of the Governor's on the administration of Scheduled Areas and Scheduled Tribes alongwith the provision for constitution of Tribal Advisory Councils provide the framework for administration of Scheduled Areas covered under Schedule V. In Schedule VI, the Regional and District Autonomous Councils provide the basis for self-governance by the tribal communities. In furtherance of these objectives, Pt. Jawahar Lal Nehru, the first Prime Minister of India, had enunciated the five guiding principles for tribal development, which are:

- (a) Tribal people should develop along the line of their own genius and we should avoid imposing anything on them.
- (b) We should try to encourage in every possible way conservation and promotion of their own traditional arts and culture.
- (c) Tribal rights in land and forests should be respected.
- (d) We should try to train and build up a team of their own people to do the work of administration and development.
- (e) We should not over-administer these areas and work through their own social and cultural institutions.

9.15 During the British rule, the approach to the administration of tribal areas was marked by a desire to leave the tribal areas alone by designating such areas as excluded or



partially excluded areas. The reasons for such an approach obviously were the difficulties involved in governing the valiant and self-respecting groups of people living in remote and inaccessible regions without proper communication facilities. As a result, these tribal areas received least attention and were left to the whims and caprices of local zamindars and petty officials, who exploited the gullibility and simplicity of the tribal to the maximum extent. This naturally resulted in further alienation and isolation of tribal communities from the mainstream and exacerbated their socio-economic plight.

9.16 In pursuance of the safeguards and special responsibilities enshrined in the Constitution, the first systemic effort for the development of the tribal areas was initiated in 1955 in the form of creation of Special Multi-Purpose Tribal Development Blocks. Subsequently, a modified version of this program was adopted in the Second Five Year Plan and Tribal Development Blocks were created on a larger scale. During the Third Five Year Plan, this program was further expanded and all areas with more than 2/3<sup>rd</sup> tribal concentration were covered. There was, however, no separate allocation of funds for tribal development and it was assured that the benefit of general development programmes will reach the tribal communities also to enable their accelerated socio-economic development.

### **Tribal Sub Plan**

9.17 As the tribals who were relatively poorer, almost entirely illiterate, unaware of technological advancement and inhabiting inaccessible regions, could not get their due share in the general development programmes, it was considered necessary to evolve a new strategy for their socio-economic development. Thus the concept of Tribal Sub Plan was evolved and adopted during the Fifth Five Year Plan. The Tribal Sub Plan had twin objectives of accelerated socio-economic development of the tribals and their protection against various forms of exploitation. The Tribal Sub-Plans were expected to identify the resources from the sub-Plan areas, prepare a broad policy framework for the development of tribal areas and evolve a suitable administrative structure for its implementation. Those areas having more than 50% tribal concentration were identified and during the Fifth Plan 180 Integrated Tribal Development Projects were set up, covering 65% of the tribal population in 18 States/UTs. In the Sixth Five Year Plan, Modified Areas Development Approach (MADA) was also adopted to cover smaller areas of tribal concentration having population of at least 10,000 with more than 50% tribals. Still smaller areas, called Clusters having population of at least 5000, with ST concentration of 50% or more were identified during the Seventh Five Year Plan. So far 194 Integrated Tribal Development Projects, 259 MADA pockets and 82 clusters have been set up in the areas not covered by the Sixth Schedule of the Constitution, where Regional and District Autonomous Councils have been set up.

9.18 The funding for the Tribal Sub Plan was to come from the Annual Plans of the States and the Central Ministries, Special Central Assistance to the Tribal Sub Plan, grants under Article 275(1) of the Constitution and the institutional finances. The cornerstone of the Tribal Sub Plan strategy is that each State/UT should provide a percentage of their annual plan, which is not less than the percentage of tribal population of the States/UT, for the Tribal Sub Plan. Similarly, each of the Central Ministries are also required to earmark 8.08% of their annual plans for the tribal sub plan and take up projects, programmes and activities for the development of tribal communities, using these funds.



9.19 It has, however, been observed that though most of the State Governments have been earmarking funds for the TSP in proportion to the tribal population, in large number of cases, this earmarking is only notional. Actual utilisation is often far less than the allocations. Diversion of TSP funds for other sectors is quite common. With a view to ensure that the diversion of tribal development funds are minimised, the Ministry of Social Justice and Empowerment has been pursuing with the State Governments to adopt the Maharashtra pattern which provides for a single budget head for tribal development to be operated by the Secretary incharge of Tribal Development. Many of the States have now adopted the Maharashtra pattern either fully or in a slightly modified version. There are still many States/UTs who have to take concrete steps for ensuring that tribal development funds are not diverted to other sectors.

9.20 The position in respect of Central Ministries is much worse. None of the Ministries have yet started formulation of a separate Tribal Sub-Plan or specific schemes for their socio-economic development. Though some of the Ministries have attempted quantification of funds for tribal development, their efforts are still confined to issuing guidelines for providing adequate coverage to tribal beneficiaries, without proper mechanism for monitoring and ensuring the implementation of the guidelines. Some of the Ministries, like Health and Family Welfare, have relaxed the norms for providing health infrastructure in the tribal areas. Over all, at the level of Central Ministries, there is lack of sincere efforts to formulate a separate Tribal Sub Plan according to the guidelines issued by the Planning Commission.

### **Special Central Assistance to Tribal Sub Plan**

9.21 Ministry of Tribal Affairs provide adhoc grants to the States/UTs to fill in the gaps in their financial outlays for tribal development. This grant is to be utilised in conjunction with the sectoral allocations under the Tribal Sub Plan for specified purposes. The Special Central Assistance (SCA) is primarily meant for family oriented income generating schemes in the identified sectors, though a part of it can also be utilised for infrastructure development. The criteria for allocation of SCA to the States/UTs are the percentage of tribal population in the State/UT, level of their development, number of MADA pockets, Clusters and Primitive Tribal Groups, etc. The allocation under SCA to TSP having remained constant at Rs.330 crores for three years, from 1995-1996 to 1997-98, was increased to Rs. 380 crores during 1998-99. The State-wise release under SCA from 1992-93 to 1998-99 is at ANNEXURE 9.I.

9.22 Utilisation of grants released in the previous years is one of the essential condition for releasing fresh grants. SCA is released in 3-4 instalments, depending on the utilisation reports received from the States/UTs. In most of the Cases, utilisation reports from the States are not received in time. As a result there are delays in releases, leading to diversions or sometimes surrender due to non-utilisation. At the end of 1998-99, Bihar had unspent balance of more than Rs.100 crores under SCA and no grants could be released to the State during 1997-98 and 1998-99, depriving the poor tribal population of the State of this important source of funding. The Ministry of Tribal Affairs is under pressure to release full grants to the States/UTs, as otherwise, there is likelihood of reduction in the allocations in the subsequent years.

9.23 Keeping these aspects in view, the Commission recommends the following measures:

- (i) To avoid lapsing of funds and to ensure against its diversion to other sectors, a National Fund for Tribal Development may be set up and the unutilised funds under SCA and other tribal development schemes of the Central Ministries may be credited to this Fund, to be utilised for their development activities. The recommendation for setting up a National Fund for Tribal Development was originally given by Dhebar Commission in 1961, but has remained unimplemented.
- (ii) In view of the procedures involved, there are enormous delays before the funds are available to the implementing agencies for utilisation. Therefore, to cut short the delays, the Ministry of Tribal Affairs should release the SCA directly to the Integrated Tribal Development Projects, as is being done by the Ministry of Rural Development in case of DRDA funds. Only for meeting the requirements of scattered tribal population, not covered by the ITDPs, funds should be released to the concerned State/UT Governments.

### **Grants under Article 275(1) of the Constitution**

9.24 Recognising the difficulties involved in the development of Scheduled Areas and Tribal Areas, which are characterised by wide spread poverty, lack of infrastructure and communication facilities and inadequacy of administrative machinery, a special provision was made in the Constitution under Article 275 to meet the specific needs of tribal communities and of Scheduled Areas. Article 275 provides that grants-in-aid will be paid out of the Consolidated Fund of India for capital and recurring expenditure on development schemes undertaken by the States for the purpose of promoting the welfare of Scheduled Tribes or for raising the level of administration of the Scheduled Areas to that of the administration of the rest of the areas of the State.

9.25 Provision for grants under Article 275 (1) is outside the domestic budgetary support and is made by the Ministry of Finance to be released through the Ministry of Tribal Affairs. Besides making a token provision to meet the Constitutional obligation, no serious effort has ever been made to give effect to this important provision for welfare and development of tribal communities and Scheduled Areas. Since 1992-93, an annual provision of Rs.75 crores is being made and there has been no increase in the allocation from 1992-93 to 1998-99. There is a separate provision in the non-plan budget for tribal areas of Assam, which has been stagnating at Rs. 14 lakhs per annum since inception, with no increase in the last 50 years.

9.26 While allocation under this provision has been very low, its utilisation by the States has also been extremely poor and that too mostly for purposes other than those envisaged in the Constitution or in the guidelines. This position has been confirmed in a report submitted in 1997 by the Program Evaluation Organisation of the Planning Commission.

9.27 With a view to put the grants under this provision to better use, the then Ministry of Social Justice and Empowerment (now Ministry of Tribal Affairs) took a decision in 1997-98 to utilise a part of the grants under Article 275(1) for setting up 100 Residential Schools from classes 6 to 12 for tribal children. The objective of setting up these schools is to provide quality education to the tribal children to enable them to avail of the facility



of reservation in higher and professional educational courses as well as in higher levels of jobs in the Government and in various other fields both in public and private sectors. Under this scheme it has been decided to provide Rs.250 crores for 100 Residential Schools during the Ninth Five Year Plan. Recurring costs for these schools will also be met by the Union Government.

9.28 It has, however, come to the notice of the Commission that there has been lack of earnestness and sense of urgency in the implementation of this scheme. It is understood that most of the States are yet to formulate concrete proposals based on the guidelines issued by the Ministry and the funds released to them as advance still remains unutilised in most of the cases. Even where the proposals have been submitted, these do not fully conform to the specific objective for which this scheme has been evolved.

9.29 While reviewing the implementation of Employment Assurance Scheme in Madhya Pradesh, the Commission had examined the scope of utilisation of grants under Article 275(1) for supplementing the financial requirement under schemes like Employment Assurance Scheme, and had advised the Ministry of Finance, Planning Commission and the Ministry of Tribal Affairs to take certain urgent steps so as to see that this important provision for financial assistance to the Scheduled Areas and the Scheduled Tribes is made full use of.

9.30 The Commission makes the following recommendation with regard to the provision of grants under Article 275(1):

- i **The Ministry of Tribal Affairs may constitute an Expert Group to examine the scope and objective of Article 275(1) and to submit a comprehensive proposal, including mechanisms for formulating the schemes under this provision, their implementation, monitoring and evaluation.**
- ii **The Ministry of Tribal Affairs may take urgent action to coordinate with the concerned State/UT Governments for implementation of the Residential Schools scheme and ensure that the proposals are formulated and implemented keeping in view the guidelines and the objectives for which the scheme has been initiated.**

### **Tribal Cooperative Marketing Federation (TRIFED) and Tribal Development Cooperative Corporations (TDCCs)**

9.31 TRIFED was set up in 1987 under the then Ministry of Welfare (now Ministry of Tribal Affairs) with the prime objective of providing marketing assistance and remunerative prices to the Scheduled Tribes for their minor forest produce and surplus agricultural produce and to protect them from the exploitative practices of private traders and middleman. The authorised share capital of TRIFED is Rs.100 crores and the paid up capital had gone upto Rs.99.73 crores in 1998-99, out of which Government of India's share is Rs.99.50 crores and the balance Rs.23.00 lakhs has been contributed by the State TDCCs and other share holders. TRIFED undertakes procurement of Minor Forest Produce and surplus agricultural and horticultural produce through TDCC, FDC, LAMPS and other State level procurement agencies at pre-determined support prices and its marketing within and outside the country. The prices of MFPs and the agricultural produce are subject to fluctuations. For meeting contingencies of losses due to price



fluctuations and to ensure remunerative prices to the tribal farmers for their produce, the Ministry of Tribal Affairs has been giving financial assistance to TRIFED to set off part of such losses. Even though there was a provision of Rs.4 crores for this purpose in 1997-98, only Rs. One crore was released as TRIFED did not make sufficient procurement to make higher claims.

9.32 Performance of TRIFED in respect of procurement, domestic sales as well as exports during the years 1996-97 to 1998-99 was as follows:

Year	Procurement	Domestic Sales	Exports	Total Sales	Turnover
1996-97	96.76	110.14	22.44	132.58	229.34
1997-98	75.57	96.59	13.21	109.80	185.37
1998-99	33.12	35.31	10.87	46.18	69.30

9.33 It will be observed that the performance of TRIFED has been showing downward trend in all respects. It should review the functioning of various units and initiate corrective measures so as to play the important role of ensuring remunerative prices to the tribals for their produce. The present level of turnover is far too low and it needs to be significantly enhanced for playing a meaningful role. The paid up share capital for the Corporation has caught up with the authorised share capital. The TRIFED may, take urgent action to enhance the authorised share capital so that it can continue to get share capital contribution from the Government to increase its activities.

9.34 The Ministry of Tribal Affairs provides 100% grants to State TDCCs, Forest Development Corporations etc., for taking up procurement, processing, marketing etc. of Minor Forest Produce. Under this scheme grants can be utilised by the State for (i) strengthening the share capital base of TDCCs for increasing the volume of procurement of MFPs; (ii) construction of scientific warehouses; (iii) establishment of process industries for value addition to MFP items; and (iv) research and development activities by the Corporations. During the financial year 1997-98, an amount of Rs.8.23 crores was released to 8 States.

9.35 It is a well known fact that a large proportion of tribal population continues to be heavily dependent on collection of Minor Forest Produce to supplement their meagre income. As a result of various development measures taken, in certain pockets of tribal areas the production of agricultural and horticultural produce has started exceeding their consumption needs. Keeping in view these aspects it was considered necessary to organise marketing cooperatives at various levels to help the tribal farmers in getting remunerative prices for their produce. However, the functioning of the TDCCs and the LAMPS leaves much to be desired. Most of the TDCCs have not been able to utilise the grants available from the Central Government for enhancing their procurement operations. There is no organic linkage among the various levels of cooperative marketing structure and often they function at cross-purposes instead of complementing the procurement and marketing operations for giving maximum benefit to the tribals. Most of the grants released by the Ministry goes for payment of staff salaries. It is therefore necessary to take urgent measures for streamlining the functioning of the cooperative marketing

structure so as to see that they are able to significantly increase their operation and play their role of market intervention effectively.

### **Education Development Programmes**

9.36 As already mentioned, in spite of various measures taken for improving the educational facilities and literacy levels among the tribal communities, the rate of literacy among the tribals, particularly in the Central India, has been far from satisfactory. As a result they have not been able to take full advantage of various development programmes and benefit of reservations in the educational course and in services. To supplement the efforts of normal program of Education Departments in the Central and State Governments, certain specific programmes have been launched exclusively for the benefit of Scheduled Tribe communities.

9.37 Keeping in view the peculiar socio-cultural environment of the tribal communities, a centrally sponsored scheme of Ashram Schools was launched in 1990-91. The objective was to extend educational facilities in an environment which is conducive to learning by the tribal children. Under this scheme 50% of the cost of construction of school buildings, hostels, staff quarters etc., is provided by the Central Government. The balance 50% of the capital cost as well as the recurring expenditure is to be met by the concerned States from their own resources. Similarly, the Central Government provides 50% grant for construction of hostels for tribal boys and girls. In addition the Central Government provides post-matric scholarship to the tribal children for higher education, including for professional courses. There are also facilities for coaching, book banks etc. so as to see that the tribal children are enabled to get the benefit of higher education.

9.38 These facilities and special programmes have no doubt helped the tribal children in availing the educational facilities. But due to the Central assistance being limited to only 50%, most of the States, who find it difficult to provide the balance 50% from their own resources, have not been able to take the benefit of these schemes to the fullest extent. There are also inordinate delays in utilisation of funds in some cases, which renders them ineligible for seeking further grants. It is therefore desirable to have a fresh look at these three Centrally Sponsored Schemes of Ashram School, Boys Hostels and Girls Hostels. As the recurring expenditure is fully met by the concerned State Governments, the contribution of Central Government on capital works should be increased to at least 75% so that relatively poorer states are also able to avail of this facility.

### **Educational Complex in Low Literacy Pockets**

9.39 Originally when the scheme was launched, it was to cover districts having ST female literacy rate of less than 2%. Subsequently it was revised to cover the districts with ST female literacy rate of less than 10% as per 1991 census. There are 136 such districts spread over 11 States. In addition the scheme also covers certain Primitive tribal Groups who have very low female literacy rate. This scheme is implemented through the NGOs identified by the concerned State Governments. Under this scheme the State Govt. has to provide the land and the Ministry of Tribal Affairs has to meet the full cost of construction of school building, hostel, staff quarters as well as the recurring expenditure. Each school will have class I to V with provision for 30 students in each class. So far 89 educational complexes have been funded under this scheme. Even though the scheme has been in operation since 1993-94, its implementation has not been evaluated, which must



be done without further delay. The question of providing proper linkage after class V also needs to be looked into so that the children do not drop out after class V.

### **Vocational Training**

9.40 It was observed that incidence of unemployment among the tribal youth was on the increase and for want of sufficient employment opportunities, some of them, particularly in the North-East, had started indulging in extremist activities. Therefore, with the objective to develop the skills of tribal youth in order to gain employment/self-employment opportunities, this scheme was introduced in 1992-93. This scheme is fully funded by the Central Government and can be implemented through both the Government and non-government agencies. The scheme provides for setting up training centres for 100 persons, with hostel facilities for 50 of them. Since its inception, 133 vocational training centres have been funded under this scheme. But unfortunately, as in many other cases, the scheme has not been evaluated and the Ministry has little information on the functioning of these Centres and practically no information on the extent to which this scheme has enabled the tribal youth in getting employment and self-employment after going through this training course.

### **Assistance for Tribal Research and Training**

9.41 Many of the States have set up Tribal Research Institutes in the last 40-45 years. There are 14 such Institutes at present, which are involved in conducting research and evaluation studies, holding seminars and workshops on various subjects relevant to tribals, providing training and orientation courses to State Government officials and to give support to the State Governments in preparation of Tribal Sub Plans. Most of the Institutes are also having tribal museums for exhibition of tribal life and other artifacts. The Ministry provides 50% grants to the State for various activities of these Institutes. The Ministry also gives grants for Research Fellowships on 100% basis to students/scholars who are registered with a University for research programmes on tribal development. The rate of fellowships for doctoral and post-doctoral courses are Rs.2800/- and Rs.3200/- per month, respectively. In addition an annual contingency grant of Rs.10000/- is allowed. The Ministry also has provision for research and evaluation projects for which grants upto Rs.2.50 lakhs are sanctioned for each project to be completed in 8-12 months. This grant can be given to government and non-government institutions as well as the Universities for conducting research and evaluation studies. A provision of about Rs.50 lakhs is normally earmarked for this purpose every year.

### **Village Grain Bank Scheme**

9.42 Nutritional level among tribals, particularly the children, is generally very poor. With a view to prevent deaths of children in remote and backward tribal areas due to malnutrition during vulnerable season, a scheme of village Grain bank has been launched since 1996-97. Under this scheme grants towards purchase of grains at the rate of one quintal per family in the identified blocks, storage facility etc. is provided by the Ministry of Tribal Affairs through TRIFED. These banks are managed by the village committees and the members can borrow grains from the banks at the time of scarcity. Upto 1998-99, 515 such banks were set up in various identified tribal areas.



## Grants-in-Aid to Voluntary Organisations

9.43 There is an increasing realisation of the important role the Non-Government Organisation can play as an alternative delivery mechanism for welfare and development programmes for the tribal communities. There is a wide range of activities in which the NGO's are encouraged to participate. The main areas in which the NGOs have been participating include residential and non-residential schools, hostels, mobile medical dispensaries, computer training centres, awareness programmes etc. The grant is generally restricted to 90% of approved cost of the project. A summary of the releases made to the NGO's since 1993-94 is as follows:

(Rs. In Crores)		
Year	No. of NGOs Assisted	Amount Released
1993-94	66	4.03
1994-95	79	4.96
1995-96	86	5.30
1996-97	74	5.02
1997-98	113	7.00
1998-99	190	11.24

## Scheme for Development of Primitive Tribal Groups

9.44 75 Tribal communities, spread over 14 States and 1 UT, have been identified as Primitive Tribal Groups (PTGs), based on their pre-agricultural level of technology, low level of literacy and stagnant or decreasing population. The guidelines under the Tribal Sub Plan strategy provide for special measures for accelerated socio-economic development of the PTGs. Though there has been some improvement in the socio-economic status of the PTG's, still a large number of these communities have not benefitted from the development programmes to the desired extent. PTG's like Jarawas and Sentinalese in Andaman and Nicobar Islands are still living in the wild. It was, therefore, considered necessary to evolve an alternative strategy for bringing them in the mainstream. A special scheme was launched in 1998-99 by involving the ITDAs, TRIs and the NGO's in formulating comprehensive projects for their integrated development in a time bound manner and the entire funding will be from the Central Government. The amount of Rs. 4.94 crores was released in the first year of the operation of this scheme.

9.45 In addition, the development programmes of various Ministries, provide for coverage of tribal beneficiaries on preferential basis. Most of the Central Ministries are, however, not making separate allocation or setting targets separately for tribals and they are generally clubbed together with the Scheduled Castes. The Central Ministries should prepare separate Tribal Sub Plans and provide allocations and targets separately for the Scheduled Tribes.

## Tribal Policy

9.46 In the Forward to Verrier Elwins book on 'Philosophy for NEFA', the then prime Minister, Pt. Jawahar Lal Nehru had indicated certain principles which should form the basis for the development of Scheduled Tribes in India. These principles, which are commonly known as 'Tribal Panchsheel' stressed that tribal people should develop along

the lines of their own genius and nothing should be imposed from outside, tribal rights in land and forests should be respected; tribals should be encouraged in conservation and promotion of their own traditional acts and culture; work through their own social and cultural institutions; and train and build up a team of their own people to do the work of administration and development. These principles, though did not have the formal approval of the Government, yet coming as it did from the Prime Minister, gained acceptance as a framework for tribal development in the country. The Dhebar Commission also in its report submitted in 1961, expressed the view that welfare programmes for Scheduled Tribes should be in consonance and harmony with their culture, tradition and way of life so that development programmes are in tune with the tribal needs and aspirations.

9.47 Sharing of common resources in an equitable manner, which are often communally owned, is the basis for tribal society. In their simple philosophy these are gifts of nature to be enjoyed on a sustainable basis. The self-management system of tribal societies is based on the harmonious relationship with nature. The entire economy is based on self-sufficiency and each family has access to forests and other natural resources to meet its needs. Each family is capable of making a house for itself, growing its own grains and vegetables and in addition, supplement their livelihood through hunting and food-gathering. Many families are capable of weaving, pottery work etc., to ensure self-sufficiency of the village community. A deep sense of self-respect and pride are the important characteristics of a tribal community. Crime rates is extremely low and all disputes are resolved through the intervention of the community.

9.48 The tribal societies generally do not have castes and thus social evils based on caste system are unknown. Their women enjoy relatively higher degree of freedom. Elders are respected for their age. The code of conduct in tribal societies is very strict and sexual harassment or rape is practically unknown. The decision making process is generally through participation and consensus.

9.49 Understanding of the social, cultural and economic systems of tribal societies is essential for formulating a strategy for tribal development. It is also important to keep in view that tribal communities, spread over the length and breadth of the country, are a heterogeneous group, having diversity in social characteristics, religion, language and economic system, and therefore their development needs vary from region to region and even among different tribal communities in the same region. Most of the existing development programmes for these communities are extensions of general rural development or poverty alleviation programmes, which have limitations in their applicability and effectiveness because of the peculiar socio-cultural environment of the tribals.

9.50 Nehru's 'Tribal Panchasheel' is also rarely kept in view while formulating schemes and programmes for their development. Quite often the benefits to be given to the Scheduled Tribes are clubbed with those for the Scheduled Castes, without realising that their socio-economic situation is not similar and they inhabit different geographical locations. It is, therefore, necessary to formulate a comprehensive tribal policy which would lay the guidelines for their integration with the mainstream, preservation and promotion of their arts, crafts, and languages, their relationship with the forests, their institutions of self-management, their displacement and rehabilitation under projects, issues relating to land etc., so that their assimilation and development could be smooth and



painless at the same time preserving certain important aspects of their culture which would be useful for the mainstream societies as well.

### **Administration of Tribal Areas**

9.51 Provisions of Schedule V and Schedule VI provide the framework for administration in tribal areas. Tribal areas in 8 States have been covered under Schedule V and main features under this Schedule are Governor's role and responsibility in tribal administration. This Schedule also provides for constitution of Tribes Advisory Council which should be consulted on all important issues relating to protection and preservation of tribal culture, traditions, languages etc. and their development. Article 339 of the Constitution also gives powers to the Central Government to issue directions to the States/Uts on tribal development issues. According to the Business Rules all the Central Ministries have to play the nodal role in planning development of the Scheduled Tribes in their respective sectors. The Ministry of Tribal Affairs plays the coordinating role in respect of all the tribal development programmes, besides implementing certain specific schemes for their development.

9.52 For implementation of Tribal Sub Plan, a separate administrative structure in the form of Integrated Tribal Development Projects, was introduced in the Fifth Five Year Plan. To ensure larger coverage, the concept of MADA and Clusters was added in Sixth and Seventh Plan, respectively. There are at present 194 ITDPs, 259 MADA pockets and 82 clusters in operation. Andhra Pradesh and Orissa have opted for an Agency model by registering the ITDPs which are known as Integrated Tribal Development Agencies. The purpose behind adopting the concept of ITDPs was to follow a project approach in tribal development and to provide a simpler administrative structure with sufficient delegation of powers and responsibilities. These ITDP's are headed by Project Officers or Project Administrators who work under the overall supervision of Governing Bodies, which are presided over by the concerned District Collectors or the local Minister or the local MLA. The public representatives and senior officers of the concerned Departments are the members of the Governing Body. The ITDPs are expected to formulate Annual Plans and long term Perspective Plans and implement various programmes and schemes as contained in the Annual Plans. There are 18 States and 2 UTs where Tribal Sub Plan and ITDPs are in operation. In the Tribal majority States/Uts and in the areas covered under the Sixth Schedule, there are no Tribal Sub Plans or ITDPs.

9.53 Through the 73<sup>rd</sup> amendment to the Constitution the 3 tier Panchayat Raj System was introduced -- except in Schedule V and Schedule VI areas--and certain specific responsibilities have been entrusted to the various levels of Panchayat Raj Institutions. The Constitution was further amended and through Panchayat Raj (Extension to Scheduled Areas Amendment) Act, 1996, the Scheduled Areas in the 8 States have been brought within the purview of the Panchayat system, with certain modifications.

9.54 The Ministry of Rural Development have set up District Rural Development Agencies (DRDA) in each district for implementation of its programmes. The area of operation of a DRDA also covers the ITDP areas, for implementing similar beneficiary oriented programmes. The funding to the DRDAs is directly released from the Ministry of Rural Development but the Central Funding to the ITDPs is routed through the concerned State Governments.



9.55 The first Prime Minister had stressed that tribal areas should not be over-administered and the administrative structure in these areas should be simple. But as is evident, over the years, the administrative system has become more complex and many more agencies have been introduced who have often overlapping jurisdiction, without any satisfactory mechanism for coordinating their activities. The time has come to evaluate the role and functioning of these diverse agencies and to evolve an administrative structure for the tribal areas, which is simple, participatory and effective.

9.56 One of the most serious problems in the administration of the tribal areas is the reluctance on the part of the officers and the staff of various Departments to work in these areas. This can primarily be attributed to two reasons. Firstly generally such officers and staff are posted to the tribal areas who are not wanted elsewhere. Even the honest and hardworking staff consider posting to tribal areas as a punishment. Secondly, basic minimum facilities, such as housing, education and health infrastructure are very poor in the tribal areas. Therefore, there is a need to evolve a separate personnel policy for tribal areas keeping in view the specific problems and working environment so as to encourage posting of officers and staff, who are sincere, hardworking and sympathetic to tribal cause, through an appropriate system of incentives. Secondly, it is necessary to constitute separate district cadres for lower level functionaries, in which reservations to STs should be in proportion to their population in the district and not the State as a whole. That would enable more local ST candidates to work in the tribal areas and would improve availability of manpower and participation to local tribal communities in implementation of development programmes.

### **The Problem of Tribal Education**

9.57 Illiteracy and general ignorance of the world outside their traditional environment make the tribal population vulnerable to exploitation by minor government officials, money lenders, landlords and other agents of vested interests. Having been traditionally used to communication by word of mouth, they find references to documents and rules confusing and disconcerting. It is, therefore, obvious that ability to read and write is the first requirement to enable tribals to operate within an alien socio-economic environment. Education has been slow to reach the tribal communities for several reasons. Firstly, there had been no tradition of schools and formal education in the tribal societies until recently and they were unaware of the advantages of education. Secondly, a tribal child from a very early age starts assisting his parents in various household work and in activities having a bearing on the family's livelihood, and sending a child to the school is perceived as an economic loss to the family. Thirdly, the curriculum offered in the schools has usually nothing in common with their own socio-cultural environment and therefore they have difficulties in comprehending it. Besides, the instructions are often imparted in a language with which the tribals are not fully familiar.

9.58 The fact that the tribals live in small hamlets at considerable distance to each other with very poor communication facilities also does not help the cause of education of the tribal people. The low standard of teaching and poor quality of related facilities are also important factors for the continued educational backwardness of tribals. Most of the schools have thatched or poor quality of buildings. There are no quarters for the teaching staff and rented accommodation is not available in most of the tribal villages. The lack of minimum basic amenities discourages non-tribal teachers from taking up jobs in remote

tribal villages and among those posted in such villages the rate of absenteeism is generally very high.

9.59 Fifty years after independence, progress achieved in improving literacy among the tribals has been far from satisfactory. As against the general literacy percentage of 52.21% in 1991, the literacy rate among the tribals reached only 29.60%. The literacy rate among tribal females was less than 20% and there were 136 districts in the country where female literacy rate among tribals was less than 10%. The State of Rajasthan registered the lowest female literacy rate of less than 4%. Apart from the low level of literacy, the quality of education imparted in the tribal areas is indeed very poor. As a fall out of the poor standard of their education, the representation of Scheduled Tribes in the services continues to be much lower than the prescribed percentage of 7.5%. In Central Government services their representation was 2.89% in Group A, 2.68% in Group B, 5.69% in Group C and 6.48% in Group D, as on 1.1.1996. As regards Public Sector Undertakings, it was 2.27% in Group A and 3.52% in Group B, as on 1.1.1996. The concerned organisations have not been able to furnish the latest position.

9.60 Therefore, for the tribal education to be effective and meaningful, the realities of their social, cultural and economic environment have to be carefully integrated into the education policy for them. Apart from improving the accessibility of educational facilities, its content should be made more relevant to their needs. It is important that a system is evolved in which learning takes place in an atmosphere of understanding and empathy. The teachers must be familiar with their languages and the cultural milieu. There is also an urgent need to improve opportunities for quality education to these children.

9.61 With a view to improve accessibility of schooling facilities and quality education to the tribal children, the following specific measures are recommended:

- (i) Education in tribal areas is at present a divided responsibility; the Education Departments, Tribal Welfare Departments, Panchayat Raj Institutions and NGOs all playing a role. This system needs to be streamlined with a centralised coordinating mechanism to ensure proper monitoring of educational programmes for the tribals.
- (ii) Many of the tribal communities have their own languages/dialects, and often these are quite different from mainstream language in which education is imparted. It is therefore, necessary to develop teaching material in their own languages, at least for primary level, so that they are able to have better understanding of what is taught to them.
- (iii) The tribals live in small scattered habitations, which contributes to low standard of education and absenteeism among the teachers. Therefore, a sincere effort should be made to recruit the teachers mainly from the local tribal communities, if necessary by amending the relevant rules.
- (iv) For improving their access to quality education, there is a need to set up a network of residential schools with all the modern facilities. The Union Government and the State Governments should also formulate schemes for funding the education of poor and deserving tribal children in the existing Public Schools of repute. These measures will



enable them to benefit from the Governments policy of reservation in services in a much more effective and meaningful manner.

## Health and Nutrition in Tribal Areas

9.62 It is widely accepted and is also confirmed by various studies that malnutrition among tribal communities is widespread, though there are differences in degree in various regions. Abject poverty, illiteracy, environmental conditions, difficult terrain, traditional belief and customs and non-availability and non-utilisation of health services, all contribute to poor health and nutritional status of tribal communities. According to a study by the working Group set up by the Ministry of welfare in 1989, diseases like yaws, goitre, malaria and guinea-worm are endemic in most of the tribal areas. The food habits of most of the tribal communities are irregular. Being dependent upon natural sources, their diet is subject to seasonal variation, which is scarce during lean months. It is extremely difficult to make a reasonably acceptable assessment of nutritional conditions of the tribal people as it varies from season to season and day to day. Even if the harvest is good, the availability of food is not assured. Tribal people are generally not in the habit of storing food. *When they harvest the crop, they have to sell the bulk of it to pay off the loans.*

9.63 It must, however, be remembered that the tribal people, in the course of their isolated existence have developed alternative systems of medicines. They have a rich storehouse of knowledge of various herbs, plants, insects and animals which have medicinal value. They have also developed their own methods and practices for treatment of various ailments. These drugs and practices which have sustained the tribal communities for thousands of years, should be scientifically investigated and integrated with modern system of medicine to the extent possible.

9.64 The existing public health delivery system through CHCs, PHCs and Sub-Centres has not been able to serve the needs of the tribal communities to the desired extent, even though the Ministry of Health and Family Welfare has relaxed the population norms for setting up these facilities in the tribal areas. Due to illiteracy, ignorance and innate shyness of tribal communities, they have not been able to take full benefit of health services, even if it is available. The major problem, however, is availability of medical and para-medical staff willing to work in the tribal areas.

9.65 Therefore, a separate strategy for delivery of health services in the tribal areas needs to be evolved, which should take the following factors in view:

- (i) The tribal communities being scattered, the population criteria even by relaxed norms, will not be able to provide for adequate coverage of health facilities. Therefore in addition, distance of the PHC and the Sub-Centre should be an important consideration.
- (ii) Most of the posts of doctors remain vacant. It is, therefore, necessary to evolve policies so as to see that working in the tribal areas becomes attractive for the doctors. This problem is likely to persist even if special incentives are provided. It may be worthwhile to think in terms of a separate cadre of medical practitioners for such areas by suitably modifying



the curriculum, keeping in view the specific health needs and working conditions in the tribal areas.

- (iii) The para-medical and other lower staff should be drawn primarily from the local tribal communities by suitably amending the recruitment rules.
- (iv) The ICDS has a limited coverage in the tribal areas and the concept of mini-anganwadis does not fully meet their requirement. By splitting the budget of one anganwadi into 10 mini-anganwadis and reducing the honorarium of anganwadi worker to Rs.50 per moth; it is impossible to provide effective service. Therefore the mini-anganwadi program in the tribal areas needs to be revised so as to see that it is capable of functioning more effectively.

### **Tribes and Forests**

9.66 The symbiotic relationship between the forests and the tribals is well recognised. Their habitations are generally in close proximity of forests and they depend on them for building requirement, fuel, fodder and often also food in the form of wild fruits, tubers and game for hunting. It is because of this reason that the tribes are often referred to as 'Vanवासि'. Generally, forests and tribals have a close inter-relationship and their existence and development is mutually inter-dependent. The belief, rituals and traditions of tribal communities are intricately interwoven with forests and to other natural forces.

9.67 The demands of modern industries led to the commercial exploitation of forests and to regulate the extraction of timber and other produce large forest areas were designated as "reserved" and appropriated as Government property. The tribal communities were denied access to many of the forest produce on which they had been dependent for their necessities. Where tribals were allowed access to some of the forest produce, such as grass or dead wood for fuel, this was considered a 'concession' liable to be withdrawn any time. There have been several revolts in different tribal areas on the question of their rights in the forests. Several Committees and Commissions examined the issue of relationship between the forests and the tribals. The National Forest Policy Resolution 1988 recognised that the life of tribals living within and near the forests revolves around the forests and declared that the rights and concessions enjoyed by them should be fully protected and their domestic requirements of fuel, wood, fodder, minor forest produce and construction material should be the first charge on forest produce. Ultimately, based on Bhuria Committee Report, the Panchayats (Extension to the Scheduled Areas) Act was passed in 1996 and the ownership of minor forest produce has been vested in the Gram Sabha in the Scheduled Areas of eight States coming within the Fifth Schedule of the Constitution.

9.68 Despite the developments referred to in the previous paragraph, there are still several areas in which the National Forest Policy and the various enactments relating to conservation of forests and wild life continue to come in conflict with the bonafide needs of the tribal communities. The Prime Minister while addressing a conference of Members of Parliament belonging to the Scheduled Castes and the Scheduled Tribes on December 5, 1999 had given policy guidelines for amending the National Forest Policy and the relevant Acts so as to see that the interests of tribal communities are fully protected.

There is, therefore, an urgent need to carry out necessary amendments to the Policy and the Laws as directed by the Prime Minister.

9.69 Some of the specific cases in which the grievances of tribal communities have been brought to the notice of the Commission for intervention are discussed as follows:

#### **I. Regularisation of encroachments by the Tribals in forest areas in MP**

In July 1990, the Ministry of Environment and Forests, while according permission for regularisation of part of the encroached forest lands in Madhya Pradesh, had stipulated certain conditions before considering the regularisation of the remaining encroachments. While the Ministry was in the process of examining the proposal in respect of pre-1976 encroachers, the State Government came up with a further proposal for regularisation of all the encroachments upto 24.10.1980, the date on which the Forest (Conservation) Act came into force. The Commission has already held three meetings with the representatives of State Government, the Ministry of Environment and Forests and other concerned agencies to find an early solution to this long pending problem. It is understood that there are similar problems of regularisation of occupation of forest lands by the tribals in other States also, which need urgent attention of the Ministry of Environment and Forests.

#### **II. Rehabilitation of Tribals displaced under Kabini Reservoir, Bandipur Sanctuary and Nagarhole National Park in Karnataka**

The NGOs working in these areas in Karnataka brought to the notice of the Commission that the tribals displaced under these projects more than two decades ago have not yet been rehabilitated. The Commission immediately called a meeting with the Chief Secretary and other senior officers of Karnataka and the concerned NGOs to discuss the issue. On the intervention of the Commission the State Government have already earmarked funds for providing rehabilitation package to displaced tribal families and have initiated the process for taking necessary approval from the Ministry of Environment and Forests for denotifying the lands earmarked for rehabilitation. There are a large number of cases where the State Forest Departments have evicted tribals from the areas falling within Sanctuaries and National Parks without making adequate provision for their rehabilitation. The Ministry of Environment and Forests should take urgent necessary steps for rehabilitation of all the tribal families evicted from the forests under the various Sanctuaries and National Parks.

#### **III. Displacement of Tribals under certain Mineral Development Projects in Orissa**

The Orissa Adivasi Manch brought to the notice of the Commission that lands were being acquired for certain Mineral Development Projects in Orissa without the consent of the tribals and without providing for adequate rehabilitation package, as required under the provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996. The Commission also received a report of a team from the Council for Social Development on the manner in which land acquisition for these projects was going on. However, based on the report of the Council for Social Development and intervention of the Commission, the Chief Secretary issued instructions to the concerned officers of the State Govt. and the Utkal



Aluminium Industries Ltd., to have a fresh look into the rehabilitation package to see that it is acceptable to the displaced persons.

9.70 These few cases are discussed by way of illustration to emphasise the need for formulation of a National Policy on Rehabilitation of Displaced Persons. This Policy has been under consideration for almost a decade now and is yet to be finalised. In the meantime hundreds of thousands of families who have been displaced under various projects and many more who are continued to be displaced in the name of development have to suffer without adequate compensation and proper rehabilitation. The Commission, therefore, urges the Union Government to give due priority to the National Rehabilitation Policy and finalise it without further delay.

### **Tribals and Excise Policy**

9.71 Consumption of locally brewed alcoholic drinks on various social and religious occasions has been a part of the traditions of tribal life. However, as their economy started becoming monetised and they came in contact with the non-tribals, this weakness of the tribals was exploited through commercial vending of alcoholic drinks which resulted in cultural disorientation, indebtedness and over all impoverishment of tribal communities. Recognising this fact, the Ministry of Home Affairs, in 1975, issued the following guidelines for regulating the production and sale of alcoholic drinks in the tribal areas:

- (i) Commercial vending of alcoholic drinks should be discontinued in the tribal areas.
- (ii) Scheduled Tribes may be permitted to brew their traditional alcoholic beverages for consumption at home and on religious and social occasions.
- (iii) Attempts may be made to wean the Scheduled Tribes away from the habit of drinking alcoholic beverages and for this purpose, official and non-official voluntary organisations may be encouraged to work in the tribal areas.

9.72 While the State Governments have generally accepted these guidelines in principle, the reports from the various sources give a clear indication that implementation of these guidelines leave much to be desired. Most of the State Governments are allowing excise contractors to set up liquor shops in the tribal areas. In Karnataka location of liquor shops outside 100 meters of predominantly tribal area is permitted. In Rajasthan sale of country liquor/IMFL is permitted through a Public Sector Undertaking. In Sikkim there is no restriction on commercial vending of liquor in tribal areas. These instances clearly indicate that there is no serious effort to prohibit commercial vending of alcoholic drinks in tribal areas.

9.73 Although there are no authoritative studies on the extent of alcoholism in tribal areas and its ill-effects on their health, economy and social relationships, it is widely believed that excessive use of alcoholic beverages is one of the important factors hampering their socio-economic development. Therefore, there is an urgent need to strictly implement the excise policy in the tribal areas, particularly to put an immediate end to the commercial vending of alcoholic beverages in tribal areas. At the same time effective measures need to be taken through Government programmes, involvement of NGOs and local bodies to improve the awareness about the ill-effects of excessive drinking and to wean them away from this evil practice.



## **Commission for Scheduled Areas and Scheduled Tribes**

9.74 Recognising the constraints imposed by their peculiar socio-cultural and geographical environment, the framers of the Constitution considered it necessary to make specific provisions for the protection of Scheduled Tribes from exploitation and special measures for their accelerated socio-economic development. A provision was also made in the Constitution under Article 339 for setting up a Commission for Scheduled Areas and Scheduled Tribes after every 10 years to review the effectiveness of existing Development programmes and to propose suitable modification to the existing programmes or to suggest new strategy and programmes. Unlike the permanent Commission set up under Article 338, the Commission for Scheduled Areas and Scheduled Tribes under Article 339 will be for a short period of one or two years. So far only one Commission has been set up under this provision, which was in 1960 under the Chairmanship of Shri U.N. Dhebar. This Commission, after extensive tours of tribal areas and detailed analysis of tribal situation and their development needs, had submitted a comprehensive report, recommending, inter alia, a different strategy for the development of Scheduled Areas and Scheduled Tribes in the country. The report of the Dhebar Commission submitted in 1961 became the basis for evolving Tribal Sub Plan strategy for their development.

9.75 It was considered desirable to review the tribal development strategy as the existing programmes have not been able to have the desired impact on the socio-economic conditions of the Tribal communities. Therefore a proposal was moved to set up another Commission under Article 339. The Cabinet gave its approval in 1995 to set up the Commission with Headquarters at Ranchi. Subsequently, a revised proposal was also approved by the Cabinet for locating its Headquarters in Delhi. But for one reason or the other, implementation of this decision has been inordinately delayed. The Commission requests the Government to take urgent steps for setting up the Commission by ensuring that its Chairman and majority of members are drawn from tribal communities.

## **National Institute for Tribal Affairs**

9.76 In view of the enormous degree of socio-cultural diversity among the tribal communities and limited understanding of their traditions, languages and peculiarities of their socio-cultural environment, the State Governments were advised to set up Tribal Research Institute (TRI). So far 14 States have set up TRIs, which have been conducting studies on various aspects of tribal life, besides advising the State Governments in formulating the Tribal Sub Plans. These Institutes are partially funded by the Union Government and their programmes for research studies are finalised in closed coordination with the Ministry of Tribal Affairs.

9.77 Starting from Dhebar Commission in 1961, several Committees and Commission set up by the Government of India from time to time have been emphasising the need for setting up a national level research institute for tribal affairs. The Select Committee of Parliament on the Constitution ( Scheduled Tribes) Order (Amendment) Bill, 1996 indicated identification of tribals and their inclusion or exclusion from the Scheduled lists as one of the important functions of the proposed Institute. The Ministry of Social Justice & Empowerment (now Tribal Affairs) constituted an Expert Committee, under the Chairmanship of Dr. Bhupinder Singh, to formulate a proposal for setting up a National

Institute for Training and Research in Tribal Affairs. The Expert Committee submitted its report in September 1998, which discusses in detail the functioning of the Tribal Research Institutes and the need for coordinating their activities, objectives and functions of the proposed National Institute for Tribal Affairs, its organisational structure and various other aspects related to setting up the Institute.

9.78 This Report was accepted by the Ministry and a budget provision was also made for meeting its expenditure. But for almost two years now there has been no further progress. The Ministry of Tribal Affairs should immediately take necessary further steps to operationalise the functioning of this Institute to fulfil a long standing need for an Apex Institution for Tribal Research and Training.

### **Development of Primitive Tribal Groups**

9.79 Among the tribal communities also there are certain groups who have remained untouched by the progress of civilization. Dhebar Commission Report in 1961 had stressed the need for special consideration for the development of this most backward layer. The Shilu AO Team in 1969 also suggested that the States should select the really backward tribal communities that needed special attention. While formulating Tribal Sub Plan strategy it was decided that special programmes should be taken up for primitive groups and complete funding of the programmes by the Central Government was suggested. Based on the suggestions of these Committees and a workshop held in 1975, the criteria for the identification of primitive tribal groups was decided as: (a) pre-agricultural level of technology; (b) low level of literacy; and (c) stagnant or diminishing population. Based on these criteria 75 communities in 15 States were identified as Primitive Tribal Groups, and as a part of Tribal Sub Plan, guidelines were issued to the State Governments for taking special measures for their accelerated socio-economic development.

9.80 As a result of special measures taken for their development, some of these communities have reached a stage when they no longer need be designated as primitive groups. There are, however, still several communities who continue to have their isolated existence with limited contact and, in few cases, with no contact with the outside world. Most glaring examples of Primitive Tribal Groups are found in Andaman and Nicobar Islands. Sentinelese have still no contact with the outside world and continue to live in a state of nature. The condition of Jarawas is similar but there has been some successful attempts to establish contacts with them. Shompens are slightly better off but continue to have primitive existence. The Andaman and Nicobar Island Administration has been able to settle the Great Andamanese and Onger in colonies, but as a result of excessive patronage their normal tribal spirit has been killed and they have become totally dependent on Government doles for their existence. In the mainland also there are groups like Abhuy-Madia in Bastar, Bondos of Koraput, Katia-kondh of Phulbani and Juang of Keongher districts, who continue to have isolated and primitive existence.

9.81 The existence of Primitive Tribal Groups even in the 21<sup>st</sup> century and after 50 years of planned development is considered to be an anachronism. To expedite the process of their development as well as to save these groups from extinction, the Ministry of Tribal Affairs launched a new scheme in 1998-99, exclusively for the PTGs. Under this scheme the NGOs, ITDPs and TRIs are encouraged to formulate and implement comprehensive projects for their integrated development in a time bound manner. The Ministry had released Rs.4.94 crores under this scheme in 1998-99.



9.82 The Commission makes following recommendations with regard to the development of PTG's:

- i Keeping in view the level of development reached by each of the 75 PTG's, an exercise may be undertaken to revise the list of PTGs and only those communities should be continued in the list who truly deserve special attention in view of their very low level of economic development and who are facing extinction.
- ii Their development strategy should take into account their traditional life style and they should be enabled to improve their socio-economic condition without destroying their culture and traditions as has happened in the case of Great Andamanese and Onges in Andaman and Nicobar Islands.
- iii The new scheme for development of PTGs should be implemented with due care and with proper monitoring mechanism so that no community remains primitive in the next decade.



# ANNEXURE-9.1

## STATE-WISE RELEASE UNDER SCA TO TSP FROM 1992-93 TO 1998-99

S.No.	State/UT	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998- 99
1.	Andhra Pradesh	1529.34	1539.22	1947.10	2140.32	2287.52	2581.54	2728.47
2.	Assam	1077.61	1087.57	1112.67	1545.19	127.71	1460.00	2069.56
3.	Bihar	3175.25	3497.39	1748.70	274.22	336.4		0.00
4.	Gujarat	1855.84	2234.77	2491.56	3060.26	2642.95	2632.77	3689.70
5.	Himachal Pr.	403.39	755.03	450.57	541.62	622.44	521.89	689.44
6.	J & K	296.14	518.6	550.63	756.64	681.54	521.89	739.22
7.	Karnataka	327.42	439.76	409.03	659.99	569.5	500.00	686.64
8.	Kerala	207.23	167.25	126.3	181.2	153.71	196.12	408.17
9.	Madhya Pradesh	6785.01	8117.65	7535.72	9579.66	7695.71	9207.83	9476.17
10.	Maharashtra	1815.21	2234.35	2196.34	2930.82	3160.78	3400.89	3532.21
11.	Manipur	383.41	417.12	432.81	574.53	653.22	950.00	779.52
12.	Orissa	3378.03	3603.23	3956.55	4958.1	4411.44	5576.21	5911.86
13.	Rajasthan	1679.46	2664.68	2202.79	2819.4	2467.3	2341.13	3475.72
14.	Sikkim	60.93	73.67	75.1	100.19	138.41	60.00	60.00
15.	Tamil Nadu	270.72	214.05	256.88	274.44	238.81	243.71	295.91
16.	Tripura	414.94	372.37	480.01	564.97	594.48	885.00	977.77
17.	Uttar Pradesh	58.4	69.22	70.41	104.08	90.39	112.91	57.54
18.	West Bengal	1171.67	1319.06	335.83	1763.21	1558.07	1600.39	2222.10
19.	A & N Islands	86.13	77.22	85.5	112.21	95.18	118.00	133.90
20.	Daman & Diu	23.87	28.29	35.5	59.31	49.82	50.75	65.10
	Total	25000.00	29430.50	26500.00	33000.36	28575.38	32961.03	37999.00

## EXECUTIVE SUMMARY

- |             |  |
|-------------|--|
| Chapter I   | ➤ Introduction to National Commission for Scheduled Castes and Scheduled Tribes – its setting up, duties and responsibilities entrusted to it under the Constitution of India  |
| Chapter II  | ➤ Outline of various issues discussed in the report.   |
| Chapter III | ➤ Various provisions of Constitution relating to safeguards for SC/ST communities; protective and anti-exploitative legislations; and other important legal provisions dealing with SC/ST matters discussed.   |
| Chapter IV  | <p>➤ The full impact of decentralised governance through the 73<sup>rd</sup> Amendment to the Constitution and its extension to Scheduled Areas through the Panchayats (Extension to Scheduled Areas) Act, 1996 and reserved seats for SCs and STs, including women belonging to these groups, in all three tiers of the Panchayati Raj needs to be evaluated.</p> <p>➤ Capacity building through training and orientation courses for the representatives from SC/ST communities is required.</p> <p>➤ Conducive environment for power sharing between the traditional dominant group and SC/ST representatives needs to be ensured.</p>  |
| Chapter V   | <p>➤ Minimum facilities like drinking water, education, health and sanitation, housing, roads need to be provided in SC/ST habitations.</p> <p>➤ Public Distribution System should be strengthened to focus on nutrition in backward SC/ST concentrated area.</p> <p>➤ Special efforts should be made to ensure availability of teachers in schools and doctors, nurses and other medical staff in Primary Health Centres and sub-centres.</p> <p>➤ It is essential to ensure full utilisation of outlays provided for these basic minimum facilities.</p>   |
| Chapter VI  | ➤ Nearly 50% of the total SC/ST household are estimated to be below poverty line and even among the poor section of the society, they are the poorest segments as reflected by the lower per capita expenditure of SCs and STs as compared to other sections of poor people. In rural areas, most of them are either agricultural labour or small cultivators. Efforts for providing them wage employment through various schemes have slowed down due to reduction in the amount of Central share, delay in release of instalments by Central Govt. and non-utilisation of full funds. The requisite coverage of SC/ST beneficiaries as per guidelines in these schemes is also not being adhered to. Both State Governments and Central Ministries are allocating less funds under SCP/TSP along with rampant diversions. There is a need for increasing outlays under SCP and TSP, strengthening of monitoring mechanism and full utilisation of funds allocated. |
| Chapter VII | ➤ The representation of SC/ST is still to reach the prescribed levels in the Central Govt. Departments and PSEs. The Department of Personnel and Training issued Office Memoranda on 31.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 which had the effect of reversing the reservation policy. There is a need for an Act by the Parliament to provide reservations to the SCs/STs in educational institutions and the services.   |

- Associations of SCs/STs are required to be involved in the redressal of grievances of the SC/ST employees.
  - The problem of false caste certificate is a growing menace. Greater vigilance is required on the part of the authorities issuing the SC/ST certificate and the employers to check this problem.
- Chapter VIII
- Increasing awareness among SCs and STs about their rights has also led to increased violence against them. The protective measures provided through the Protection of Civil Rights Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and setting up of Special Courts have not been able to have the desired impact. Two studies done on implementation of POA Act in UP and working of Special Courts in M.P. by the Commission substantiate this conclusion. Solution lies in creating awareness about these protective measures in the Police administration and general public and strict monitoring of punitive and protective measures as well as economic relief for the victims.
- Chapter IX
- The Tribal Sub Plan strategy and its implementation in most of the States is inadequate and notional. It is, therefore, necessary to formulate a comprehensive tribal development policy keeping in view their peculiar socio-cultural environment.
  - There is a need to evolve a separate personnel policy for the tribal areas so as to encourage posting of officers and staff, who are sincere, hardworking and sympathetic to tribal cause, through an appropriate system of incentives.
  - The personnel policy should be so devised as to ensure that the important lower level functionaries, such as teachers, para-medical staff, forest and police staff, are drawn from the local tribal communities, by relaxing the norms, if necessary.
  - Land laws should be implemented sincerely so as to protect them from alienation of lands.
  - The forest laws should be suitably amended to ensure their legitimate and traditional rights in the forests.
  - There is a need to implement the excise policy effectively and to initiate measures for weaning them away from excessive use of alcoholic beverages.
- Chapter X
- Recommendations have been made for improving the effectiveness of various programmes and the functioning of the concerned implementing agencies. It is imperative that urgent action is taken by the executive machinery for its implementation so as to realise the dream of an egalitarian society of our Constitution makers.