

# FOR SCHEDULED CASTES AND SCHEDULED TRIBES



THIRD REPORT 1994-95 & 1995-96

VOLUME I



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Dt. February 2, 1998.

Respected Rashtrapati Ji,

I have the honour to present the Third Report of the National Commission for Scheduled Castes and Scheduled Tribes for the years 1994-95 and 1995-96. As this Commission took over only in October 1995 it is presenting a combined report for both the years.

Under Article 338 of the Constitution (as amended by the Sixty-Fifth Amendment) the National Commission for Scheduled Castes and Scheduled Tribes has been entrusted with a wide range of responsibilities regarding the welfare and development of the Scheduled Castes and Scheduled Tribes. Apart from functioning as a watch-dog arrangement and looking into the working of the Constitutional Safeguards, the Commission has to actively participate in the planning process and is to be consulted by the Central and State Governments on all major policy issues relating to Scheduled Castes and Scheduled Tribes.

The Commission has not only taken up individual grievances relating to service safeguards, development matters and atrocities against Scheduled Castes and Scheduled Tribes but has also tried to improve the in-built mechanism and systems that exists for the welfare of SCs and STs. These include the machinery of the Liaison Officers in the Central Ministries and Public Sector Enterprises and the SCs & STs Cell in the various offices. The Commission has impressed upon the Central Ministries/PSEs and the State Governments to allocate the due share of funds including Special Component Plan and Tribal Sub-Plan and to prepare such type of schemes which are relevant to the Scheduled Castes and Scheduled Tribes. The Commission has started reviewing the welfare measures in the States by holding State level review meetings with the State Governments and to see for itself the working of the safeguards at the field level.

It is indeed a privilege for the Commission to present this Report in two Volumes; Volume-I pertaining mainly to Central Government., Ministries and Public Sector Enterprises and Volume II comprising of State and Union Territory Chapters. Volume-I of the present report covers issues relating to education, economic development, special measures for tribal development, service safeguards, incidence of false certificates, crimes and atrocities against SCs and STs etc. Volume-II has chapters on States and UTs and includes observations made by the Commission during its review meetings held with the State/UT Governments of Haryana, Punjab, Chandigarh, Himachal Pradesh, NCT of Delhi, Karnataka, Tamil Nadu, Kerala, West Bengal, Maharashtra, Madhya Pradesh and Rajasthan.

While suggestions/recommendations have been given in each chapter and a summary of recommendations has also been given, it would be relevant to mention that the following issues need urgent and specific attention of the Central and State Governments:

(i) Adequate allocation of funds under Special Component Plan and Tribal Sub-Plan, as per the population percentage of the SCs and

STs and proper utilisaton thereof, as per planning commission quidelines.

(ii) Extending reservation in Group 'A' Posts in pursuance of the 77th Amendment of the Constitution by which Article 16(4A) has been added and to ensure adequate representation of SCs and STs in top posts.

(iii) Activising the built-in mechanism of SC/ST Cells and offices of Liaison Officers for redressal of grievances of SCs and STs.

(iv) Reducing the incidence of false caste certificates by periodical review and penal action.

(v) Increasing the vigilance at all levels especially in the functioning of the police regarding crimes against the SCs and STs and taking steps to clear the large number of accumulated cases which in effect deny the required justice.

A 'look back' which depicts, where SC / STs stand-after 50 years of working of

safeguards is added as "Retrospect".

I had mentioned in the Second Report that the Commission would extend its activities and take steps which will help in effective discharge of its Constitutional duties. To this end the Commission has been able to start a computer system at Headquarters, though required staff is yet to be made available. The Commission could only establish a small Economic Cell as staff for the full-fledged Unit has not been made available. Efforts are being made to establish a free legal aid cell at the State Headquarters.

I am constrained to report that efforts of the Commission to revive the staff which was abolished in 1992, for no fault of the Commission, have not borne fruit so far. In the absence of adequate staff, the Commission is greatly handicapped in

discharging its Constitutional obligations.

As we enter the Fiftieth Year of our Independence and look forward to the beginning of the twenty first century we stand pledged to our commitments for the welfare of the weaker and downtrodden sections of the society. The Commission will continue to strive for their betterment by activising the Government agencies and by bringing to the notice of all concerned the shortfalls in the various programmes and the need for improvement and redressal that is urgently required.

With regards,

Yours sincerely

(H. Hanumanthappa)

Shri. K.R. Narayanan President of India, New Delhi

### **RETROSPECT**

Even after 50 years When our national leaders and constitutional makers were occupied with the thoughts of making the new born India a better place to live in, of securing economic and social justice for the various people subjected to centuries of exploitation, of removing poverty, illiteracy, squalor, hunger and disease, they were very clear that all this is impossible without ensuring special treatment for the deprived. However, it is clear that all the gains of development have not reached the intended class and have been usurped by the better off in many cases. Each and every act of development that the Commission has reviewed for judging the condition of SCs/STs shows that their position today in rural India and urban slums has not improved substantially even after fifty years.

"Will" is missing

The very will to give priority to the upliftment of SCs/STs in the National Agenda is missing. The approach and methodology adopted by these public bodies does not match the urgency with which these issues need to be tackled.

Inadequate allocation

The responsibility for slower pace of development of SCs/STs is the way the planning process has been handled by the Planning Commission and various agencies. The Commission is surprised to note non-adherence to the clear guidelines issued during the formulation of Sixth Plan in setting apart allocations in proportion to SC/ST population. All Union Ministries should have set apart for the year 1995-96 Rs. 19365 crores under Special Component Plan and Tribal Sub-Plan. Against this, actual allocation as made by a few Ministries only is Rs. 1884 crores. The picture that emerges in all the States is no better. During VIIIth Five Year Plan period, all the States together should have set apart Rs. 44361 crores under SCP and TSP, out of the total State Plan outlay of Rs. 181735 crores. However, in actuality, only Rs. 38221 crores had been allocated. If allocation of resources for their development is not taken care of, how can we expect them to come at par with the rest of the society. Further, what is allocated is also not spent fully or utilised properly.

**Diversion** 

There is lack of concern for the development of SCs/STs and funds allocated have been diverted to other sections, ignoring the basic needs of these classes. These diversions further weaken the focus on the development of SCs and STs and there is an urgent need of a mechanism to ensure strict vigil against such diversions. Projects conceived for the development of SCs/STs are starved of funds, denying them the due benefits.

Tardy

While cutting the Plan size the axe often falls on the programmes of these sections. The ignorance of intended beneficiaries and the difficult and inaccessible areas have further added to the poor quality of implementation. The rehabilitation packages for the Tribal people whose lands are taken over for projects are neither practical nor implemented properly, thereby adding to their miseries.

Land

Land is the prime asset which determines the social and economic status of a family and is the basis for taking up other developmental activities like animal husbandry, poultry, industries, etc. Although SCs/STs constitute about 25% of the population, total land holding by them is meagre and marginal. A review of various State Governments by the Commission has brought out the fact that States do not have even basic data to show as to how effective the implementation of land reforms has been. Land ceiling laws have not been enforced, SCs/STs are not accorded priority in the land allotment, lands illegally alienated to non-SCs/STs are not restored to original allottees and wherever Government has taken action also, cases have been filed in the courts by vested interests and are lingering on for years defeating the very spirit of these enactments.

Disparity in distribution

Ownership of other productive assets is also unequally distributed to the disadvantage of SCs/STs. The share of SCs/STs in the ownership of factories, processing units, shops, buildings, vehicles etc. is negligible. They are merely exploited and poor wage-workers in these "temples of modern India". No concrete efforts have been made by various State agencies to redistribute these assets in favour of under-privileged or to promote new units by SCs/STs. Under Prime Minister's Rozgar Yojana, the average project cost for SCs/STs comes to around Rs.20,000/-only whereas the approved project ceiling is Rs. One lakh. In the absence of adequate finances, the SCs/STs entrepreneurs lose the available opportunity and the units run into sickness.

Tribes

The Scheduled Tribes continue to be mired in poverty and illiteracy and their representation in services is far below the prescribed limit in any category. Deaths due to malnutrition and starvation are being reported from tribal areas. Tribals succumb to Malaria, T.B., Worm-infection and other water-borne diseases. Tribal areas have not been provided with social and economic infrastructure like schools, dispensaries, banks, roads, electricity etc. Public Distribution system has not been functioning effectively in tribal areas. 75 tribal groups have been categorised as primitive for whose development accelerated efforts are required. Exploitation of poor tribals at the hands of money leaders and traders continue unabated due to non-availability of institutional finances. There have been conflicting reports about the incidence of bondage in tribal areas.

Segregation

Economic development of tribal areas in North-East remains poor. The absence of proper communication, infrastructure and consequential poor economic development has created a feeling of neglect and segregation in the minds of tribal youth. This is a cause for emergence of militancy in these areas, which has added to the woes of the local tribals. This grim situation is a result of lack of understanding of ground realities in the tribal areas. Their problems being different from those of other regions, special result oriented programmes are needed to ensure sustainable development in the region.

Reservation in Services

The data pertaining to representation in services also indicates that while SCs/STs are engaged in lower category jobs such sweepers, peons, clerks, no sincere efforts have been made by the Govt. to ensure full quota for SCs/STs in the top posts even after 50 years of Independence. Near 'Nil' representation in Universities and teaching profession exhibits the apathy towards these classes even after 50 years of Independence. On one hand, the quota of reservation is not being fulfilled and on the other hand, the existing privileges and concessions available to SC/ST employees are being withdrawn by the Govt. In fact the matter

is so serious with such wide repercussions that Commission has decided to present a Special Report to the President of India on Deptt. of Personnel & Training O.Ms. dated 30.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 which:

(a) reverts the promoted SC candidate;

(b) Shifts vacancy based roster to post- based ignoring Court direction;

(c) takes away the relaxations and concessions;

(d) does not fall in line with the Constitutional amendment; and

(e) discarding Special Recruitment Drives

Apathy

That sympathy is becoming an apathy for SCs/STs would be clear from various cases handled by the Commission recently. When two widows with similar educational qualifications applied for compassionate appointment to one PSE, it chose to offer a clerk's job to the general category widow and a peon's job to the SC lady. This discrimination was set right with the intervention of the Commission. There is a tendency to post SC/ST employees to far off places or in insignificant posts which lowers their morale and creates an inferiority complex. The officers tend to misinterpret the rules and provisions to the disadvantage of SC/ST employees. No checks and balances are available in the system to counter this "mental reservation" and SC/ST employees have nobody to look up to, in the event of miscarriage of justice.

Legal Hassles

Whenever the interest of SC/ST employees clash with those of general employees, the general unions approach the court. Even the managements also support the general unions either by not fighting the case or by supporting in the guise of defending their action. It is the poor SC/ST officials who in the absence of proper legal assistance suffer the lot. There are number of instances where the Court's rulings in favour of SCs/STs are not acted upon inspite of contempt proceedings whereas judgements against SC/ST are acted upon with haste. The Commission has recommended to the Government to have special arrangements on the lines of 'CAT' to try the cases on Reservation taking them out of the jurisdiction of the general Courts.

Subversion of Institutional arrangements

The institution of Liaison Officers (LOs), which was meant to protect the interests of SC/ST employees has been undermined because of hostility of senior management, non-involvement of LOs in policy and decision making process like change of Recruitment Rules, promotion policy etc. The Commission has held interactions with LOs on a Zonal basis at Delhi, Bombay, Calcutta and Bangalore and has attempted to strengthen the institution of LOs by offering them necessary protection and security of tenure and their involvement in important policy matters concerning SC/ST employees.

Partnership in Governance The political will and determination on the part of policy makers and planners is necessary for the success of this endeavour. The share of SCs & STs in the governance of the country is abysmally low when we look into the representation in Governors, Ministers, Judges, Secretaries. Same is the story when we see percentage of SCs/STs manning important posts like District Collectors, Chief Secretaries to Govt., DGPs, Members of Planning Commission etc. Unless proper share is ensured for SCs/STs in all the important bodies of the State, the Commission is afraid that the voice of these people will not be heard effectively.

# Poor educational facilities

Government has come out with many schemes to provide scholarships, hostel facilities, book banks etc., to make education attractive to the SCs/STs. However, the total allotment to this field and the implementation of the schemes is not upto the mark. The scholarship paid to SC/ST students ranges from Rs. 10 per month to Rs. 250 per month, which is totally inadequate to meet the basic minimum requirement of the students. The hostel facilities are inadequate to cater to the requirements of all the SC/ST children.

### Prevalence of Untouchability

Although Article 17 has abolished "untouchability" and its practice in any form forbidden, untouchability is prevalent in various forms in the country.

- (a) The SC bridegrooms are not permitted to ride a mare in villages;
- (b) SCs cannot even sit on their own charpoys, when persons of other castes pass by;
- (c) SCs are not being permitted to draw water from the common wells and in some cases, even from hand-pumps;
- (d) In Orissa, an SC Bank Officer visited the temple alongwith his wife on festival day and was humiliated and fined to the extent of Rs. 1 lakh which was later reduced to Rs.10,000/-;
- (e) In Tamilnadu, the locals refused to tolerate even naming of a bus after an SC leader;
- (f) Innocent SC girls are even blinded, if they take water from a common source in Govt. run schools;
- (g) In many tea-shops and Dhabas, separate crockery & cutlery is used for serving the SCs;
- (h) Barbers are refusing to cut the hair of SCs;
- (i) Even Indira Awas and Ambedkar Awas schemes segregate them further since separate colonies are built for Scheduled Castes;
- (j) Tamilnadu runs 1231 "Adi-Dravidar" separate schools charging the expenditure to Special Component Plan by denying other developmental activities.

### Caste clashes

Such instances are numerous and reflect the deep seeded prejudices still dwelling in the hearts of the vested interests. This tendency has alienated the Dalits and has the potential of turning this hatred into militancy and fissiparous tendencies. In fact, the warning signals are already very clear in the form of frequent caste clashes, erupting in the States like UP, Bihar, Tamil Nadu. Whenever Dalits have tried to organise themselves or assert their rights, there has been a backlash from the feudal lords resulting in mass killings of Dalits, gang rapes, looting and arsoning etc. of Harijan basties etc.

### **Protection**

Not a day passes when a major incident of atrocity on Dalits in the country does not take place and brutal and cold blooded means are employed by perpetrators of crimes. Recently, the Commission has directed all District Magistrates and Superintendents of Police to send a report within 24 hours of incident of atrocity to the Commission through NICNET, to ensure apprehension of the accused, medical relief and rehabilitation to the victims and remedial measures taken up by administration to prevent recurrence of such crimes. Commission recently held a Conference of Home Secretaries and Director Generals of all States to deliberate on these issues. The Commission notes that Special exclusive Courts envisaged under Prevention of Atrocities Act, 1989 have

not been established so far, disposal of cases is tardy, the witnesses belonging to Scheduled Castes are being discarded as interested parties and other witnesses are turning hostile. The conviction rate is very poor, defeating the very purpose of the Act.

## False Caste cases

Another disturbing feature that has come to the notice of the Commission is incidence of false caste certificate cases. Unscrupulous elements have made use of legal loopholes, prevalence of phonetically similar sounding caste names and lax administration to obtain false caste certificates thus cornering benefits and facilities meant for the poor SCs/STs. Commission has already agreed to the model legislation proposed by the Govt. in this regard. Commission has initiated enquiries into complaints of more than 1000 false caste certificate cases received by it and has ensured dismissal from service and criminal action against more than 100 employees so far. Maximum cases are being reported from the States of Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra.

# Mandatory consultation

Article 338(9) of the Constitution makes it mandatory for the Union and States to consult Commission in all major policy matters pertaining to SCs/STs welfare. This is an important function of the Commission whereby it can offer its expert advice to the Government in the best interests of the SCs/STs. However, there have been instances of various Governments not following this Constitutional directive in letter and spirit and taking unilateral decisions. Recently, Andhra Government has issued an order categorising Scheduled Castes into four groups without consulting the Commission. Hon'ble High Court of Andhra struck down this order on grounds of non-consultation with the Commission, and efforts should be made by Governments to involve Commission in planning, policy decision of vital importance to SCs/STs.

### **Constraints**

The Commission is hampered by lack of staff and required budget. Commission decided to have an Economic Cell, Legal Cell, Computer Cell and Public Relations Cell to enhance its efficiency and effectiveness and open offices in all the States to function as its "eyes and ears". Commission has not been able to do so for want of posts and adequate budget not being sanctioned by the Government.

### Support

Through the analysis and recommendations contained in both the volumes of this Report, the Commission seeks to enable the Parliamentarians and State Legislators to discuss specific issues pertaining to SC/ST welfare. We do hope that the efforts of the Commission in securing justice and rightful share for the under privileged sections of the society will receive full support.

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### CHAPTER I

### INTRODUCTION

The need for providing safeguards for Scheduled Castes/Scheduled Tribes was duly felt by the framers of the Indian Constitution. Special provisions were made to promote the social, educational, economic and service interests of these two weakest of the weaker sections of the society and guidelines issued for implementation of these safeguards. Mere provision of safeguards and issue of guidelines are not enough to ensure that the desired benefits reach the target group. In order to ensure that the provisions made for the Scheduled Castes/Scheduled Tribes are implemented in right earnest, the Constitution provided for appointment of a Special Officer under Article 338 (1) 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 such safeguards.

- 1.2 The office of the Special Officer, subsequently designated as Commissioner for Scheduled Castes and Scheduled Tribes, came into being on 18.11.1950. By 1965 Seventeen regional field offices had been set up in different States to oversee the working of the various safeguards.
- 1.3 The organisation of the Commissioner for Scheduled Castes and Scheduled Tribes was weakened by the decision of the Government of India in June 1967 to take away all the 17 field offices, which functioned as "eyes and ears" of the Commissioner, and regrouping them into five Zonal Offices of Backward Classes Welfare and putting them under the control of a newly created post of Director General, Backward Classes Welfare under the Union Department of Social Welfare. This step was detrimental to the interests of the Scheduled Castes and Scheduled Tribes as the Commissioner was not left with any independent agency to collect reliable information and for assessment of the problems of these disadvantaged groups and the developmental programmes undertaken for them.
- 1.4 In order to oversee the implementation of various safeguards provided for Scheduled Castes and Scheduled Tribes the Government decided to set up a multi-member Commission also vide Ministry of Home Affairs Resolution No.13013/9/77-SCT(1) dated 21.7.1978. The first Commission was set up in August , 1978 with Shri Bhola Paswan Shastri as Chairman and four Members. The field offices of the erstwhile Commissioner for Scheduled Caste and Scheduled Tribe were put under the control of this Commission .
- 1.5 The functions of the multi-Member Commission setup in 1978 were modified vide Ministry of Welfare's Resolution No.BC-13015/12/86-SCD VI dated 1-9-87, and the Commission was renamed as the National Commission for Scheduled Caste and Scheduled Tribes. It was set up as a national level advisory body to advise on broad issues on policy and levels of development of Scheduled Castes and Scheduled Tribes.
- 1.6 The statutory National Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as the Commission) came into being consequent upon passing of the Constitution (Sixty-eighth Amendment) Bill, 1990. The Constitution (Sixty-fifth Amendment) Act, 1990 was notified on 8.6.1990 and the Rules were notified on 3-11- 90. The first Commission under the 65th Constitutional Amendment was constituted on 12-3-92 with Shri Ram Dhan as Chairman, replacing the Commissioner for Scheduled Castes and Scheduled Tribes and the Commission set up under the Resolution of 1987.
- 1.7 The present Commission was constituted in October, 1995 and its composition is as follows:
  - 1. Shri H.Hanumanthappa, MP(Rajya Sabha), Chairperson
  - 2. Smt Omem Moyong Deori , Vice-Chairperson

- 3. Shri Narsingh Baitha, Member
- 4. Ven. Lama Lobzang, Member
- 5. Shri Naresh Chandra Chaturvedi, Member.
- 6. Shri B. Yadaiah, Member
- 7. Shri Anand Mohan Biswas, Member
- 1.8 The Chairperson is of the rank of Union Cabinet Minister and Vice -Chairperson has the status of the Minister of State.

### Functions and Duties of the National Commission

- 1.9 The functions and duties of the Commission have been laid down in clauses (5), (6), (7), (8) and (9) of the amended Article 338 of the Constitution which are reproduced below:
- (5) It shall be the duty of the Commission-
  - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force under any order of the Government and to evaluate the working of such safeguards;
  - (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
  - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any States;
  - (d) to present to the President, annually and at such other times as the Commission may deem fit, report upon the working of those safeguards;
  - (e) to make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled tribes; and
  - (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6) The President shall cause ail such reports to be laid before each house of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non -acceptance, if any ,of any of such recommendations.
- (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

- (8) The Commission shall ,while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-
  - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office;
  - (e) issuing commissions for the examination of witnesses and documents;
  - (f) any other matter which the President may by rule, determine;
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.
- 1.10 The Commission is required to present to the President annually a report on the working of various safeguards provided for Scheduled Castes/ Scheduled Tribes under the Constitution. In doing so, the Commission seeks the help of States/UTs for obtaining the requisite information regarding Scheduled Castes/Scheduled Tribes welfare and development with details of their achievements/shortfalls. The field offices interact with their respective States /UT Administration for compilation of such information and transmit those for preparation of Annual Reports.
- 1.11 For the first time, the Commission has decided, keeping in view the variety and nature of problems in different States/UTs, to include State Chapters in the Report as Second Volume, so that the State Chapters can be discussed in their respective Legislatures as required under the Constitution.

### Organisation set-up of the field offices\*:

- 1.12 Presently there are 16 field offices under the Commission located in different States and Union Territories. The location and jurisdiction of these offices and designation of the officers heading these offices is given in <u>Annexure -1.I</u>
- 1.13 The field offices of the Commission work as "eyes and ears" of the Commission. They keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Castes/Scheduled Tribes in the respective States/UTs under their jurisdiction and keep the Commission Headquarters informed about the developments regularly. Policy decisions taken by any State Government/UT Administration adversely affecting the interests of the Scheduled Castes/Scheduled Tribes are brought to the notice of the Commission for taking up with the concerned authorities for rectification. The field officers are to liaise with State/UT Administration for taking up evaluation and other studies to assess the working of various development programmes implemented for the Scheduled Castes/Scheduled Tribes and their impact in ameliorating the socio-economic conditions of the target group. The findings of the studies are brought to the notice of the concerned Government for taking remedial measures and the main observations are highlighted in the Commission's Annual Report.
- 1.14 The field offices play a key role in guiding the State Governments in planning process, particularly while preparing Special Component Plan and Tribal Sub-Plan documents. They are required to interact with the State/UTs Administration and guide them to ensure that the interests of the Scheduled Castes/ Scheduled Tribes are not undermined in formulation of plans and policies. The salient features of the State Plan documents and issues promoting/affecting the interests of the Scheduled
  - \* These Offices have since been renamed as 'State Offices'.

Castes/Scheduled Tribes are received in the Commission from the field offices for enabling the Headquarters office to have meaningful participation in State Plan discussions in the Planning Commission and the Central Ministries. The field offices also monitor the utilisation of funds earmarked for Scheduled Castes/ Scheduled Tribes and diversion of funds from SCP and TSP, if any.

1.15 Each of the field offices send a quarterly Report to the Commission on the activities done by them highlighting major issues relating to welfare of Scheduled Castes/Scheduled Tribes in the State. These reports contain useful information about the current development in the States and enable the Commission to have an overall view of happenings at the national level and taking up urgent issues without delay.

### Approach and Methodology adopted by the Commission

- 1.16 Keeping in view its constitutional obligation and the issues that are now critical, after almost half a century of Independence, for the overall development and mainstreaming of the Scheduled Castes and Scheduled Tribes, the present Commission, constituted in the October '95 has adopted a more vigorous and pro-active approach in its functioning. The meetings of the Commission are held regularly on a monthly basis and the implementation of decisions taken is monitored closely.
- 1.17 In order to monitor and evaluate the impact of development schemes, the Commission has decided to interact with the State/UT Governments more actively by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits. The Commission feels that as a result of these visits and meetings, the States/UT Governments will be made more aware of the genuine problems of the Scheduled Castes and Scheduled Tribes and would take the initiative in working out remedial measures and adopting appropriate and relevant strategies.
- 1.18 The Commission, through its own Headquarters Office and field Offices, has also conducted field level inquiries and studies. This process has been given a renewed vigour with a view to ensure prompt relief, especially in matters relating to crimes and atrocities on Scheduled Castes and Scheduled Tribes and the grant of development benefits.
- 1.19 The procedure for investigating into complaints ,especially with reference to violation of service safeguards, is also being streamlined to ensure prompt and speedy disposal of cases and relief in genuine cases. By calling officers in the Commission with all relevant records, many long pending cases are being decided in one or two sittings. The Commission has also not hesitated to use its power to issue summons to those officers, who fail to respond in a reasonable time frame to the queries and responses sought for by the Commission.
- 1.20 The Commission realises that it is only through proper planning and implementation of appropriate schemes for development that the Scheduled Castes and Scheduled Tribes can come up to the general level of development and reach their full potential. The Commission has thus made a beginning by actively associating itself and participating in the planing process at the National and State levels. Regular communication is being maintained with the Planning Commission, Ministry of Welfare (nodal Ministry for Scheduled Castes and Scheduled Tribes) and the State/UT Governments. The Annual Plans of the Ministries/State/UT Governments are being analysed in the Commission to this end with the support of its field offices.
- 1.21 Under the amended Article 338, it has been provided that the Union and State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes. The Commission has impressed upon all concerned that this provision should be strictly enforced; as a result of which many Bills and other Policy matters affecting SCs and STs are now being received in the Commission. The Commission would like to reiterate the obligatory nature of this provision and the Ministry of Welfare should ensure that there are no omissions in this regard.

- 1.22 While submitting the Second Annual Report to the President, the Commission had mentioned about activities and steps it would take to discharge its obligations more effectively. The Commission is pleased to report that a Computer system has been setup, though regular staff has yet to be made available. Efforts are being made to get the in-house staff trained with the help of NIC. An Economic Cell, though not adequately staffed, has been setup to evaluate and monitor development schemes and oversee the planning process. Work relating to the bringing out a concise handbook on reservation policy has since been completed and the same printed. In its findings in the inquiries taken up by the Commission, it has sought to fix responsibility on those who violate the Government policies and safeguards. Separately, the Commission has also suggested the need for a comprehensive Central Legislation in this regard.
- 1.23 Efforts are being made to compile relevant judgements of the Courts regarding reservation policy and other safeguards, and to establish legal Aid Cells at all State Head Quarters.
- Though the Commission has been making sincere efforts to discharge its Constitutional duties and obligations through its office at the Headquarters at Delhi and various field offices, yet it has not been able to take up all the issues in depth for want of adequate staff and allotment of funds. Detailed proposals for creation of staff at Headquarters and field offices have been sent to the Ministry of Welfare in this regard where they are pending for final decision. The Commission has brought this problem to the notice of the Government in its earlier Reports and through regular correspondence.

### ANNEXURE-1.1 (Ref. Para. 1.12)

S.No	Location	Designation of Head of office	Jurisdiction
1.	Agartala	Asstt. Director	Tripura
2.	Ahmedabad	Director	Gujarat, Dadra & Nagar Haveli
3.	Bangalore	Director	Karnataka
4.	Bhopal	Director	Madhya Pradesh
5.	Bhubaneswar	Director	Orišsa
6.	Calcutta	Dy. Director	West Bengal, Sikkim, A&N Islands
7.	Chandigarh	Director	Punjab,Haryana, Chandigarh, J&K and Himachal pradesh
8.	Guwahati	Director	Assam, Manipur, Arunachal- pradesh & Nagaland
9.	Hyderabad	Dy. Director	Andhra pradesh
10.	Jaipur	Asstt. Director	Rajasthan
11.	Lucknow	Director	Uttar pradesh
12.	Madras	Director	Tamil Nadu & Pondicherry
13.	Patna	Asstt. Director	Bihar
14.	Pune	Director	Maharashtra,Goa,Daman&Diu
15.	Shillong	Asstt. Director	Meghalaya & Mizoram
16.	Thiruvananthapuram	Asstt. Director	Kerala & Lakshadweep

### **CHAPTER II**

### CONSTITUTIONAL SAFEGUARDS AND PROTECTIVE MEASURES

The founding fathers of our Constitution desired to secure justice, social, economic and political for all citizens. They realized that the inequitable forces embedded in the socio-economic system and also political organizations, had resulted in deprivation and disadvantages for the poor and the weaker sections of the society. They, therefore, considered it necessary to provide specific safeguards in the Constitution for the Scheduled Castes and Scheduled Tribes , who, due to tradition and a combination of circumstances, were the most deprived, weak and vulnerable amongst the various sections of society . The various safeguards and protective measures sought to ensure for them all round development and freedom from exploitation and social injustice so that they could form part of the mainstream of the society.

### Constitutional Safeguards:

- 2.2 The preamble to the Constitution of India provides for securing to all the citizens, social, economic and political justice and equality of status and opportunity. The Directive Principles as contained in Article 46 of the Constitution provide that "the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". To facilitate the implementation of the above Directive Principles, the Constitution of India provides for a number of safeguards for the Scheduled Castes and Scheduled Tribes. These safeguards can broadly be grouped into five categories as mentioned below:
  - (i) Social safeguards,
  - (ii) Economic safeguards,
  - (iii) Educational & Cultural safeguards,
  - (iv) Political safeguards and
  - (v) Service safeguards

### Social Safeguards:

- 2.3 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.
- 2.4 There are two important legislations relating to this article viz., the Protection of Civil Rights Act, 1955, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
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- 2.6 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. This article is significant for SCs & STs too as a substantial portion, if not the majority, of child labour engaged in hazardous employments belong to SCs & STs.

2.7 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 used to claim that members belonging to Scheduled Castes had no right to enter the temples.

### **Economic Safeguards:**

- 2.8 The provision of Articles 46, 23 and 24 mentioned above also form part of the economic safeguards. The specific safeguards for the Scheduled Tribes are mentioned below:
- 2.9 Article 244 According to 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.
- 2.10 According to clause (2), the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.
- 2.11 Article 275 (1) provides that "there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a 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 the 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."
- 2.12 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.
- 2.13 **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. (In addition Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory TACs.) The Governors of these eight States have the power to make regulations for the peace and good governance of any Scheduled Areas, particularly for the following purposes:
  - (a) to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such areas,
  - (b) to regulate the allotment of land to members of the Scheduled Tribes in such area,
  - (c) to regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such areas.
- 2.14 **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 Councils and Autonomous Regional Councils 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 or town administration including village or town police and public health and sanitation, inheritance or property, marriage and divorce and social customs.

### **Education and Cultural Safeguards:**

2.15 Article 15(4) empowers the State to make any 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 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/Seminomadic Communities.

- 2.16 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 all the Scheduled Tribes. Santhals have a script of their own viz., Olchiki.
- 2.17 Article 350 A "It shall be the endeavour 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." 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.

### Political Safeguards:

- 2.18 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.
- 2.19 Article 330 provides for reservation of seats for SCs & STs in the Lok Sabha.
- 2.20 Article 332 provides for reservation of seats for SCs & STs in the State Vidhan Sabhas (Legislative Assemblies).
- 2.21 Article 334 originally laid down that the provision relating to the reservation of seats for SCs & STs in the Lok Sabha and the State Vidhan Sabhas (and the representation of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination) would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution. This article has since been amended four times, extending the said period by ten years on each occasion. This provision is now to expire in January 2000.
- 2.22 Article 371 A contains special provisions with respect to Nagaland.
- 2.23 Article 371 B contains special provisions with respect to Assam.
- 2.24 Article 371 C contains special provisions with respect to Manipur.
- 2.25 Article 371 F contains special provisions with respect to Sikkim.
- 2.26 Article 371 G contains special provisions with respect to Mizoram.
- 2.27 Article 371 H contains special provisions with respect to Arunachal Pradesh.

### Services Safeguards:

2.28 Article 16(4) empowers the State to make "any provision for the reservation of 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".

- 2.29 Article 16(4A) The Supreme Court in their judgement dated 16-11-92 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 on promotion may continue for a period of five years i.e., up to 15-11-97.
- 2.30 The Government of India, however, considered it necessary to continue the existing dispensation of providing 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:
- "(4 A): Nothing in this article shall prevent the State from making any provision for reservation in matters 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".
- 2.31 Article 335 "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."
- 2.32 Article 320 (4) provides that consultation with the UPSC or any State Public Service Commission shall not be required as respects the manner in which any provision under Article16(4) may be made or the manner in which effect may be given to the provisions of Article 335.
- 2.33 Some of the State Governments like Assam, Orissa and West Bengal have enacted legislations providing for punishment for the offenders of the rule of reservation in services of the State Government. However, these provisions are not being enforced strictly. Hardly any case has come to the notice of the Commission where punishment has been awarded.
- 2.34 The policy of Reservation in Government of India and in most States is enforced through executive instructions since 1950. The Commission has observed that there is slackness in implementation as there is no clear cut accountability. Hence it would be worthwhile if these executive instructions are backed by Central legislation.

### Protective and Anti-exploitative measures:

2.35 The inequitable forces working in the social and economic systems in the country became instrumental for exploitative practices in the society. Hence it was thought necessary to provide safeguards in the educational, economic, political and other fields so that fruits of development could be shared by all the segments of society irrespective of castes and creeds. Some Constitutional provisions were made into Acts which were passed at different times by the Centre and the State Governments. In the respective chapters of education, economic development, Atrocities and Services Safeguards, these special Acts and their impact on the socio-economic growth during the preceeding years have been discussed in detail. Since land development happens to be the State subject so various Acts and Laws have been passed by the various State Governments to protect the interest of the Scheduled Castes and Scheduled Tribes. The list of the Acts/regulations relating to land passed by the State Governments have been given in Annexure 2.I. Various policies and programmes on land, forests, excise policy, money lending, bonded labour, rehabilitation of displaced SCs/STs have been framed by the States/Central government. Highlights of some of the measures for protection of these people are given below:

### Land Alienation

- 2.36 The process of alienation of the lands of SCs & STs to non-SCs & STs has been going on for decades, but has accelerated after Independence. In the present situation, the main reasons for alienation of lands of Scheduled Castes and Scheduled Tribes appear to be:
  - (i) Marginal lands having low agricultural productivity compounded by inadequacy of physical and financial inputs and technical know-how.
  - (ii) Inadequacies and delays in the legal process to check encroachments and fraudulent transfers.
  - (iii) Complexities in restoring land even after favourable Court verdicts.
  - (iv) Pressure on land transfer/acquisition for public projects in the field of irrigation, industries, mining, housing, etc.
  - (v) Lack of comprehensive and up-to-date land records.
- 2.37 The mere existence of laws/regulations intended to check land alienation are not sufficient deterrents in themselves. Given their existing level of awareness and lack of capacity to engage in litigation, the SCs and STs are unable to effectively seek protection under the laws. Hence it is important to take effective steps to check this process. Some of the suggestions in this regards are:
  - (i) A machinery needs to be set up to detect cases of alienation of lands and set the law in motion.
  - (ii) There is a need to simplify legal procedure and the laws and cut proceedings in terms of both time and money and provide for full legal aid wherever possible.
  - (iii) The survey, settlement and updating of land records should be expedited and firm proof of ownership placed in the hands of SCs & STs land holders.
  - (iv) The registration of transfers of land should be subject to clearance under the relevant Act or regulations.
  - (v) Deterrent punishment needs to be meted out to those non-SCs & STs who continue to be in the possession of SCs & STs land despite orders of ejectment.
- 2.38 There is no doubt that all these steps would be effective only if the State Governments give adequate attention to the question of land alienation in particular and land reforms in general. The Commission is of the view that the thrust given to land reforms in 70s has gradually subsided. It has come to notice that a substantial number of cases are pending in Courts in different States for a long time and due to delay in disposal the SCs & STs are not getting physical and legal possession of land. In a number of cases Pattas of ownership/tenancy rights have not been given after land allotment. These issues and legal battles over land have also become a cause for crimes and atrocities on the SCs & STs, a situation which is of growing concern.
- 2.39 The Kerala Tribes (Restriction on Transfer of Land and Restoration of Alienation Lands) Act 1975 came into effect retrospectively from 1960. The rules were framed in 1986 w.e.f. 01-01-1982. Thereafter 8647 cases have been instituted in the State, but lands could be recouped only in a few cases.
- 2.40 Under the proposed amendments settlers who acquired more than one hectare of land are given option to avoid eviction by paying an amount to be fixed by the government. The affected tribals are to be compensated by allotting proportionate alternative land and financial assistance. The Commission is

strongly of the view that such an amendment will defeat the very purpose and objective for which the Act was promulgated. The tribals will lose their land, face dislocation and even greater hardships in the process. On the other hand action should be taken to restore the land to the STs and settlers should be given the equal area of land and the compensation.

### Excise Policy in Tribal Areas:

- 2.41 The Government is concerned about the damage caused to the STs economy by commercial vending of liquor, resulting in impoverishment of Scheduled Tribe families. Recognising the seriousness of situation, the Ministry of Social Welfare had issued the following guidelines in 1975 on excise policy in the ST areas:
  - (i) Commercial vending of alcoholic beverages should be discontinued in ST 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 STs 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 ST areas.
- 2.42 In the light of above, following suggestions are made:
  - (1) The existing guidelines should be strictly enforced.
  - (2) In Scheduled Areas, entry of excise contractors should be completely banned.
  - (3) In ST areas, if the majority of the population of a village is opposed to commercial liquor shops, such shops should not be established.

### **Money Lending:**

- 2.43 The problem of indebtedness among the SCs & STs population is serious. It is a symptom of economic malaise. At the household level, it is indicative of poverty, of an imbalance between income and minimum consumption requirements as well as lack of resources for carrying on gainful activity. Some of the reasons of indebtedness among SCs & STs are:
  - (1) Abject poverty.
  - (2) Lack of awareness about sources of institutional finance and existing legal protection.
  - (3) Complicated lending procedures of banks/ co-operatives and attitudes of Government/ bank officials.
  - (4) Lack of supply of essential commodities and agricultural inputs at fair prices. Non-payment of fair prices for forest and agricultural products.
  - (5) Lack of employment opportunities.
- 2.44 Though most States have enacted laws to regulate the business of money lending and given debt relief, the enforcement of these protective laws is weak. Further, the powers vested in the Government under the Fifth Schedule to the Constitution have not been used to prevent exploitation by money lenders. In the light of above, following suggestions are made:
  - (i) Stricture enforcements of existing Acts/Regulations on money lending and debt relief.

- (ii) Present loaning/financial systems under IRDP etc. do not take care of consumption needs. Thus loans for productive purposes should include consumption credit to take care of the social and economic requirements of the weaker sections of the society of which more than the majority belong to SCs & STs.
- (iii) In order to suitably and effectively replace the money-lenders, credit must be available at the doorsteps of SCs & STs. NGOs, who have inherent advantages of flexibility may be invoked in disburstment of credit, as has been done in the case of Rashtriya Mahila Kosh.

### Rehabilitation of displaced Scheduled Castes and Scheduled Tribes:

- 2.45 As per information available, out of the 16.94 lakhs persons displaced by 110 projects studied, above 70% of them displaced are SCs & STs . The number of displaced SCs & STs are however, likely to be much more than this , if we take into account the total number of development projects executed so far. The rehabilitation of the displaced SCs & STs is a serious problem which has not received due attention. Some States like Madhya Pradesh and Maharashtra have made Acts/regulations for rehabilitation of displaced persons. However, in the absence of a national policy for rehabilitation of displaced SCs & STs ,the rehabilitation measures have been far from adequate. Various guidelines have, no doubt, been issued from time to time, including by the Bureau of Public Enterprises regarding rehabilitation of the displaced persons including SCs & STs . But these are not enough to solve a problem of this proportion.
- 2.46 Hence, a comprehensive National Policy ,which will provide for complete socio-economic rehabilitation of displaced persons including SCs & STs is very much required. At the very least, the policy must aim at ensuring a better living standard to the displaced families at the relocation sites. However, it would be even more desirable to take steps to make the persons whose lands are acquired for public projects to be full and active partners in the projects.
- 2.47 In the chapters that follow, the Commission has analysed the existing situation regarding the implementation of safeguards and protective measures in the various sectors. Observations, suggestions and recommendations have been given at appropriate places for required changes in the legal framework and improvements in administration, policies and procedures.
- It would suffice to mention here, that despite forty years of planned developments and substantial improvements in the socio-economic conditions of SCs & STs, much more active steps are required to be taken, especially in the field of literacy, education and overall economic development and checking of exploitation. The present situation warrants the continuation of these safeguards in the social, cultural, education, economic, political, services and employment sectors. At the same time there is a need to constantly monitor and evaluate the impact of development schemes on SCs & STs so that the poorest amongst the poor also benefit from this.
- 2.49 The Commission has been concerned a great deal about the inclusion/exclusion of communities in the SC/ST lists and the resultant flow of statutory and non-statutory benefits. The founding fathers of the Constitution adopted well-accepted criterion for defining communities as SCs or STs. Accordingly the lists were notified under Presidential orders in 1950. Subsequently changes have been made in these lists whereby communities have been added and area restrictions removed. Many of these changes have led to certain communities gaining entry into the SC & ST lists, who do not suffer from the disabilities and deprivations which were basic consideration for inclusion in the Schedules.

### IN TSP STATES

S.No	State	Legislation in force	Main features
1	A.P.	The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 as amended	The Act applies to Scheduled Tribes in Scheduled Areas only.  Protection to be extended to Scheduled Tribes living outside Scheduled Areas
2	Bihar	<ul><li>(a) Chota Nagpur Tenancy Act. 1908</li><li>(b) Santhal Pargana Tenancy (Supplementary Provisions) Act. 1949.</li><li>(C) Bihar Scheduled Areas Regulation, 1969.</li></ul>	These Acts apply to Scheduled Tribes in the State. Chota Nagpur Tenancy Act applies to North & South Chotanagpur Divisions. The Second Act applies to districts of Santhal Pargana Division. The Third Act applies to all Scheduled areas in the State.
3 .	Assam	Assam Land Revenue Regulations 1886 amended in 1981.	The Chapter X of the Regulation create Tribal Belts & Blocks.  Transfer exchange and lease of land in these blocks & belts is restricted in the interest of tribals.
4	Gujarat	The Bombay Land Revenue (Gujarat Second Amendment Act, 1980).	Prohibits transfer of tribal land and provides for restoration.
. 5	H.P.	The Himachal Pradesh Transfer of Land Regulation Act, 1969.	The Act prohibits transfer of land from tribals to non tribals.
6	Karn.	The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of transfer of Certain Lands) Act, 1978	The Act covers only land assigned by the Govt. should extend to cover all lands held by the STs.
7	Kerala	The Kerala Scheduled Tribes (Regulation of Transfer of Land and Restoration of Alienated Lands) Act, 1959	The Act has been made applicable from 1st June, 1982 only by a notification brought in January, 1986
8	M.P.	The Madhya Pradesh Land Rev. Code 1959.     Madhya Pradesh Land Distribution     Regulation Act, 1964	The Section 153 of the code protects Scheduled Tribes against alienation of land. In the Scheduled Areas of Madhya Bharat region, the 1964 Act is in force.
9	Manipur	The Manipur Land Revenue and Land Reforms Act, 1960	Under Section 158 of the Act, no land belonging to STs can be transferred to non-STs without permission of Dy. Commissione. The Act, however, does not apply to hill areas and as such hill area tribals are not covered
10	Mah.	<ol> <li>The Maharashtra Land Revenue Code 1966</li> <li>as amended in 1974.</li> <li>The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.</li> </ol>	The period of application by tribals for restoranon of illegally alienated land under these laws in only 3 years. This period expired in 1977. Though suo-moto provisions for filing cases by revenue officers exists under the lays, the State Govt. has been requested to permit STs themselves to apply even beyond the limited period of 3 years
	Orissa	<ul> <li>(a) The Orissa Scheduled Areas Transfer of immovable property (By ST) Regulation, 1956.</li> <li>(b) The Orissa Land Reforms Act, 1960 as amended</li> </ul>	Prohibits transfer of S.T land in Scheduled Area. Prohibits transfer of land of Scheduled Tribes living outside Scheduled Areas.
12	Raj.	(a) The Rajasthan Tenancy Act,1955 (b) The Rajasthan Land Revenue Act, 1956	The Act of 1955 prohibits transfer of land of STs. by way of sale, gift, mortgage, subletting, exchange etc.  State Govt. is proposing to amend Section 91 of this Act to authorise Tehsilder to suo-moto proceed against trespassers into ST land.
13	Sikkim	Revenue Order No.1 of 1977.	The Revenue Order of 1977 is in force. The sikkim Agricultural land ceiling and Reforms Act, 1977 in Chapter 7 provides

			This Chapter has not yet been brought into force.
14	T.N.	Standing Orders of the Revenue Board-BSO, 15-40	The BSO 15-40 apply only to Malayali and Sholage tribes of Tamil Nadu. They prohibit transfer of land assigned to these tribes without approval of Divisional Commissioner. The State has no legislation prohibiting transfer of ST land as yit. The draft bill has been prepared and is under process.
15	Tripura	Tripura Land Revenue and Land Reforms Act,1960 as amended.	Section 187 of the Act prohibits transfer of ST land to others without permission of the Collector. Transfer after 1.1.1969 only however, are covered under restoration provisions by an amendment.
16	U.P.	U.P. Land laws (Amendment) Act, 1982 amending U.P. Jamindari Abolition and Land Reforms Act, '1950.	The amending Act has never been applied being locked up in a writ case in All ahabad High Court (Swarn singh Vs. State Govt.) since 23.9.1981. State Govt. has been reqested to move the court for vacation fo stay order
17	W.B.	West Bengal Land Reforms Act, 1955 as amended.	Chapter 11-A of the Act prohibits alienation of tribal land and provides for the restoration.

for restriction on alienation of lands by Scheduled Tribes.

### **CHAPTER II**

### CONSTITUTIONAL SAFEGUARDS AND PROTECTIVE MEASURES

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- 2.9 Article 244 According to 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.
- 2.10 According to clause (2), the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.
- 2.11 Article 275 (1) provides that "there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a 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 the 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."
- 2.12 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.
- 2.13 **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. (In addition Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory TACs.) The Governors of these eight States have the power to make regulations for the peace and good governance of any Scheduled Areas, particularly for the following purposes:
  - (a) to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such areas,
  - (b) to regulate the allotment of land to members of the Scheduled Tribes in such area,
  - (c) to regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such areas.
- 2.14 **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 Councils and Autonomous Regional Councils 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 or town administration including village or town police and public health and sanitation, inheritance or property, marriage and divorce and social customs.

### **Education and Cultural Safeguards:**

2.15 Article 15(4) empowers the State to make any 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 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/Seminomadic Communities.

- 2.16 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 all the Scheduled Tribes. Santhals have a script of their own viz., Olchiki.
- 2.17 Article 350 A "It shall be the endeavour 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." 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.

### Political Safeguards:

- 2.18 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.
- 2.19 Article 330 provides for reservation of seats for SCs & STs in the Lok Sabha.
- 2.20 Article 332 provides for reservation of seats for SCs & STs in the State Vidhan Sabhas (Legislative Assemblies).
- 2.21 Article 334 originally laid down that the provision relating to the reservation of seats for SCs & STs in the Lok Sabha and the State Vidhan Sabhas (and the representation of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination) would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution. This article has since been amended four times, extending the said period by ten years on each occasion. This provision is now to expire in January 2000.
- 2.22 Article 371 A contains special provisions with respect to Nagaland.
- 2.23 Article 371 B contains special provisions with respect to Assam.
- 2.24 Article 371 C contains special provisions with respect to Manipur.
- 2.25 Article 371 F contains special provisions with respect to Sikkim.
- 2.26 Article 371 G contains special provisions with respect to Mizoram.
- 2.27 Article 371 H contains special provisions with respect to Arunachal Pradesh.

### Services Safeguards:

2.28 Article 16(4) empowers the State to make "any provision for the reservation of 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".

- 2.29 Article 16(4A) The Supreme Court in their judgement dated 16-11-92 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 on promotion may continue for a period of five years i.e., up to 15-11-97.
- 2.30 The Government of India, however, considered it necessary to continue the existing dispensation of providing 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:
- "(4 A): Nothing in this article shall prevent the State from making any provision for reservation in matters 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".
- 2.31 Article 335 "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."
- 2.32 Article 320 (4) provides that consultation with the UPSC or any State Public Service Commission shall not be required as respects the manner in which any provision under Article16(4) may be made or the manner in which effect may be given to the provisions of Article 335.
- 2.33 Some of the State Governments like Assam, Orissa and West Bengal have enacted legislations providing for punishment for the offenders of the rule of reservation in services of the State Government. However, these provisions are not being enforced strictly. Hardly any case has come to the notice of the Commission where punishment has been awarded.
- 2.34 The policy of Reservation in Government of India and in most States is enforced through executive instructions since 1950. The Commission has observed that there is slackness in implementation as there is no clear cut accountability. Hence it would be worthwhile if these executive instructions are backed by Central legislation.

### Protective and Anti-exploitative measures:

2.35 The inequitable forces working in the social and economic systems in the country became instrumental for exploitative practices in the society. Hence it was thought necessary to provide safeguards in the educational, economic, political and other fields so that fruits of development could be shared by all the segments of society irrespective of castes and creeds. Some Constitutional provisions were made into Acts which were passed at different times by the Centre and the State Governments. In the respective chapters of education, economic development, Atrocities and Services Safeguards, these special Acts and their impact on the socio-economic growth during the preceeding years have been discussed in detail. Since land development happens to be the State subject so various Acts and Laws have been passed by the various State Governments to protect the interest of the Scheduled Castes and Scheduled Tribes. The list of the Acts/regulations relating to land passed by the State Governments have been given in Annexure 2.I. Various policies and programmes on land, forests, excise policy, money lending, bonded labour, rehabilitation of displaced SCs/STs have been framed by the States/Central government. Highlights of some of the measures for protection of these people are given below:

### Land Alienation

- 2.36 The process of alienation of the lands of SCs & STs to non-SCs & STs has been going on for decades, but has accelerated after Independence. In the present situation, the main reasons for alienation of lands of Scheduled Castes and Scheduled Tribes appear to be:
  - (i) Marginal lands having low agricultural productivity compounded by inadequacy of physical and financial inputs and technical know-how.
  - (ii) Inadequacies and delays in the legal process to check encroachments and fraudulent transfers.
  - (iii) Complexities in restoring land even after favourable Court verdicts.
  - (iv) Pressure on land transfer/acquisition for public projects in the field of irrigation, industries, mining, housing, etc.
  - (v) Lack of comprehensive and up-to-date land records.
- 2.37 The mere existence of laws/regulations intended to check land alienation are not sufficient deterrents in themselves. Given their existing level of awareness and lack of capacity to engage in litigation, the SCs and STs are unable to effectively seek protection under the laws. Hence it is important to take effective steps to check this process. Some of the suggestions in this regards are:
  - (i) A machinery needs to be set up to detect cases of alienation of lands and set the law in motion.
  - (ii) There is a need to simplify legal procedure and the laws and cut proceedings in terms of both time and money and provide for full legal aid wherever possible.
  - (iii) The survey, settlement and updating of land records should be expedited and firm proof of ownership placed in the hands of SCs & STs land holders.
  - (iv) The registration of transfers of land should be subject to clearance under the relevant Act or regulations.
  - (v) Deterrent punishment needs to be meted out to those non-SCs & STs who continue to be in the possession of SCs & STs land despite orders of ejectment.
- 2.38 There is no doubt that all these steps would be effective only if the State Governments give adequate attention to the question of land alienation in particular and land reforms in general. The Commission is of the view that the thrust given to land reforms in 70s has gradually subsided. It has come to notice that a substantial number of cases are pending in Courts in different States for a long time and due to delay in disposal the SCs & STs are not getting physical and legal possession of land. In a number of cases Pattas of ownership/tenancy rights have not been given after land allotment. These issues and legal battles over land have also become a cause for crimes and atrocities on the SCs & STs, a situation which is of growing concern.
- 2.39 The Kerala Tribes (Restriction on Transfer of Land and Restoration of Alienation Lands) Act 1975 came into effect retrospectively from 1960. The rules were framed in 1986 w.e.f. 01-01-1982. Thereafter 8647 cases have been instituted in the State, but lands could be recouped only in a few cases.
- 2.40 Under the proposed amendments settlers who acquired more than one hectare of land are given option to avoid eviction by paying an amount to be fixed by the government. The affected tribals are to be compensated by allotting proportionate alternative land and financial assistance. The Commission is

strongly of the view that such an amendment will defeat the very purpose and objective for which the Act was promulgated. The tribals will lose their land, face dislocation and even greater hardships in the process. On the other hand action should be taken to restore the land to the STs and settlers should be given the equal area of land and the compensation.

### Excise Policy in Tribal Areas:

- 2.41 The Government is concerned about the damage caused to the STs economy by commercial vending of liquor, resulting in impoverishment of Scheduled Tribe families. Recognising the seriousness of situation, the Ministry of Social Welfare had issued the following guidelines in 1975 on excise policy in the ST areas:
  - (i) Commercial vending of alcoholic beverages should be discontinued in ST 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 STs 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 ST areas.
- 2.42 In the light of above, following suggestions are made:
  - (1) The existing guidelines should be strictly enforced.
  - (2) In Scheduled Areas, entry of excise contractors should be completely banned.
  - (3) In ST areas, if the majority of the population of a village is opposed to commercial liquor shops, such shops should not be established.

### **Money Lending:**

- 2.43 The problem of indebtedness among the SCs & STs population is serious. It is a symptom of economic malaise. At the household level, it is indicative of poverty, of an imbalance between income and minimum consumption requirements as well as lack of resources for carrying on gainful activity. Some of the reasons of indebtedness among SCs & STs are:
  - (1) Abject poverty.
  - (2) Lack of awareness about sources of institutional finance and existing legal protection.
  - (3) Complicated lending procedures of banks/ co-operatives and attitudes of Government/ bank officials.
  - (4) Lack of supply of essential commodities and agricultural inputs at fair prices. Non-payment of fair prices for forest and agricultural products.
  - (5) Lack of employment opportunities.
- 2.44 Though most States have enacted laws to regulate the business of money lending and given debt relief, the enforcement of these protective laws is weak. Further, the powers vested in the Government under the Fifth Schedule to the Constitution have not been used to prevent exploitation by money lenders. In the light of above, following suggestions are made:
  - (i) Stricture enforcements of existing Acts/Regulations on money lending and debt relief.

- (ii) Present loaning/financial systems under IRDP etc. do not take care of consumption needs. Thus loans for productive purposes should include consumption credit to take care of the social and economic requirements of the weaker sections of the society of which more than the majority belong to SCs & STs.
- (iii) In order to suitably and effectively replace the money-lenders, credit must be available at the doorsteps of SCs & STs. NGOs, who have inherent advantages of flexibility may be invoked in disburstment of credit, as has been done in the case of Rashtriya Mahila Kosh.

### Rehabilitation of displaced Scheduled Castes and Scheduled Tribes:

- 2.45 As per information available, out of the 16.94 lakhs persons displaced by 110 projects studied, above 70% of them displaced are SCs & STs . The number of displaced SCs & STs are however, likely to be much more than this , if we take into account the total number of development projects executed so far. The rehabilitation of the displaced SCs & STs is a serious problem which has not received due attention. Some States like Madhya Pradesh and Maharashtra have made Acts/regulations for rehabilitation of displaced persons. However, in the absence of a national policy for rehabilitation of displaced SCs & STs ,the rehabilitation measures have been far from adequate. Various guidelines have, no doubt, been issued from time to time, including by the Bureau of Public Enterprises regarding rehabilitation of the displaced persons including SCs & STs . But these are not enough to solve a problem of this proportion.
- 2.46 Hence, a comprehensive National Policy ,which will provide for complete socio-economic rehabilitation of displaced persons including SCs & STs is very much required. At the very least, the policy must aim at ensuring a better living standard to the displaced families at the relocation sites. However, it would be even more desirable to take steps to make the persons whose lands are acquired for public projects to be full and active partners in the projects.
- 2.47 In the chapters that follow, the Commission has analysed the existing situation regarding the implementation of safeguards and protective measures in the various sectors. Observations, suggestions and recommendations have been given at appropriate places for required changes in the legal framework and improvements in administration, policies and procedures.
- It would suffice to mention here, that despite forty years of planned developments and substantial improvements in the socio-economic conditions of SCs & STs, much more active steps are required to be taken, especially in the field of literacy, education and overall economic development and checking of exploitation. The present situation warrants the continuation of these safeguards in the social, cultural, education, economic, political, services and employment sectors. At the same time there is a need to constantly monitor and evaluate the impact of development schemes on SCs & STs so that the poorest amongst the poor also benefit from this.
- 2.49 The Commission has been concerned a great deal about the inclusion/exclusion of communities in the SC/ST lists and the resultant flow of statutory and non-statutory benefits. The founding fathers of the Constitution adopted well-accepted criterion for defining communities as SCs or STs. Accordingly the lists were notified under Presidential orders in 1950. Subsequently changes have been made in these lists whereby communities have been added and area restrictions removed. Many of these changes have led to certain communities gaining entry into the SC & ST lists, who do not suffer from the disabilities and deprivations which were basic consideration for inclusion in the Schedules.

### IN TSP STATES

S.No	State	Legislation in force	Main features
1	A.P.	The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 as amended	The Act applies to Scheduled Tribes in Scheduled Areas only.  Protection to be extended to Scheduled Tribes living outside Scheduled Areas
2	Bihar	<ul><li>(a) Chota Nagpur Tenancy Act. 1908</li><li>(b) Santhal Pargana Tenancy (Supplementary Provisions) Act. 1949.</li><li>(C) Bihar Scheduled Areas Regulation, 1969.</li></ul>	These Acts apply to Scheduled Tribes in the State. Chota Nagpur Tenancy Act applies to North & South Chotanagpur Divisions. The Second Act applies to districts of Santhal Pargana Division. The Third Act applies to all Scheduled areas in the State.
3 .	Assam	Assam Land Revenue Regulations 1886 amended in 1981.	The Chapter X of the Regulation create Tribal Belts & Blocks.  Transfer exchange and lease of land in these blocks & belts is restricted in the interest of tribals.
4	Gujarat	The Bombay Land Revenue (Gujarat Second Amendment Act, 1980).	Prohibits transfer of tribal land and provides for restoration.
. 5	H.P.	The Himachal Pradesh Transfer of Land Regulation Act, 1969.	The Act prohibits transfer of land from tribals to non tribals.
6	Karn.	The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of transfer of Certain Lands) Act, 1978	The Act covers only land assigned by the Govt. should extend to cover all lands held by the STs.
7	Kerala	The Kerala Scheduled Tribes (Regulation of Transfer of Land and Restoration of Alienated Lands) Act, 1959	The Act has been made applicable from 1st June, 1982 only by a notification brought in January, 1986
8	M.P.	The Madhya Pradesh Land Rev. Code 1959.     Madhya Pradesh Land Distribution     Regulation Act, 1964	The Section 153 of the code protects Scheduled Tribes against alienation of land. In the Scheduled Areas of Madhya Bharat region, the 1964 Act is in force.
9	Manipur	The Manipur Land Revenue and Land Reforms Act, 1960	Under Section 158 of the Act, no land belonging to STs can be transferred to non-STs without permission of Dy. Commissione. The Act, however, does not apply to hill areas and as such hill area tribals are not covered
10	Mah.	<ol> <li>The Maharashtra Land Revenue Code 1966</li> <li>as amended in 1974.</li> <li>The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.</li> </ol>	The period of application by tribals for restoranon of illegally alienated land under these laws in only 3 years. This period expired in 1977. Though suo-moto provisions for filing cases by revenue officers exists under the lays, the State Govt. has been requested to permit STs themselves to apply even beyond the limited period of 3 years
	Orissa	<ul> <li>(a) The Orissa Scheduled Areas Transfer of immovable property (By ST) Regulation, 1956.</li> <li>(b) The Orissa Land Reforms Act, 1960 as amended</li> </ul>	Prohibits transfer of S.T land in Scheduled Area. Prohibits transfer of land of Scheduled Tribes living outside Scheduled Areas.
12	Raj.	(a) The Rajasthan Tenancy Act,1955 (b) The Rajasthan Land Revenue Act, 1956	The Act of 1955 prohibits transfer of land of STs. by way of sale, gift, mortgage, subletting, exchange etc.  State Govt. is proposing to amend Section 91 of this Act to authorise Tehsilder to suo-moto proceed against trespassers into ST land.
13	Sikkim	Revenue Order No.1 of 1977.	The Revenue Order of 1977 is in force. The sikkim Agricultural land ceiling and Reforms Act, 1977 in Chapter 7 provides

			This Chapter has not yet been brought into force.
14	T.N.	Standing Orders of the Revenue Board-BSO, 15-40	The BSO 15-40 apply only to Malayali and Sholage tribes of Tamil Nadu. They prohibit transfer of land assigned to these tribes without approval of Divisional Commissioner. The State has no legislation prohibiting transfer of ST land as yit. The draft bill has been prepared and is under process.
15	Tripura	Tripura Land Revenue and Land Reforms Act,1960 as amended.	Section 187 of the Act prohibits transfer of ST land to others without permission of the Collector. Transfer after 1.1.1969 only however, are covered under restoration provisions by an amendment.
16	U.P.	U.P. Land laws (Amendment) Act, 1982 amending U.P. Jamindari Abolition and Land Reforms Act, '1950.	The amending Act has never been applied being locked up in a writ case in All ahabad High Court (Swarn singh Vs. State Govt.) since 23.9.1981. State Govt. has been reqested to move the court for vacation fo stay order
17	W.B.	West Bengal Land Reforms Act, 1955 as amended.	Chapter 11-A of the Act prohibits alienation of tribal land and provides for the restoration.

for restriction on alienation of lands by Scheduled Tribes.

### **CHAPTER III**

### EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

Education is an important input for human resource development and has special significance for the Scheduled Castes and Scheduled Tribes. It not only improves prospects for economic development out also promotes self-confidence and helps in building up capacity to meet the challenges that the changing socio-economic scenario poses. Economic exploitation and social oppression of SCs/STs has been going on traditionally over the centuries. On account of illiteracy, ignorance and other socio-economic factors of a traditional society, the SCs/STs have been subjected to economic exploitation and social oppression by middlemen, traders, money lenders of higher castes. The importance of education in mitigating social and economic disadvantages is well established. Education is considered to be the most powerful tool of social change, a means for creating a social order founded on the values of freedom, social justice and egalitarianism.

- 3.2 Although programmes to encourage education among SC/ST date back to the period prior to Independence, these efforts continued by making special provisions in the Constitution after Independence. Article 46 of the Directive Principle 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 the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". To fulfil these Constitutional Directives efforts have been made by the Government to improve educational standards of SCs/STs by extending educational facilities by providing scholarships, stipends, textbooks stationary, uniforms, mid-day meals and hostel facilities.
- 3.3 Though it is a fact that literacy rates among SCs and STs have shown improvement, the decadal rate of growth in literacy is very slow as compared to the literacy rate of the general population as is apparent from the data given below:

### Educational Profile of SC and ST at a glance

### Literacy rate

Year	SC	ST	Non-SC/ST
1961	10.27	8.54	27.91
1971	14.67	11.30	33.80
1981	21.38	16.35	41.30
1991	37.41	29.60	57.69

It is clear from the figures given above that literacy rate has increased by 5.89% in the decades 1961-1971, 7.50% during 1971-1981 and 16.39% during 1981-1991 Census for the general population. In the case of SCs/STs, the literacy rate has risen by 4.40% for SCs and 2.76% for STs in the decades 1961-1971 and 6.71% for SCs and 5.05% for STs for the period 1971-1981. Similarly for the decades 1981-1991 increase in literacy was 16.03% for SCs and 13.25% for STs.

3.4 The drop-out rates amongst SCs/STs and non-SC/ST population for the period 1980-81 and 1988-89 are given below for primary, middle and secondary education.

Drop - out Rates for SCs / STs and all Communities

Year	Drop-out rates for SCs		Drop-out rates for STs			Drop-out rates for all Communities			
	Primary	Middle	Secondary	Primary	Middle	Secondary	Primary	Middle	Secondary
					i.		<del></del>	-	
1980-81	60.16	76.84	86.91	75.66	86.71	91.18	58.70	<b>72</b> .70	82.46
1989-90	49.03	67.62	79.42	63.81	79.35	86.28	48.08	64.09	74.46

From the figures it is very clear that drop-out rates for SCs/STs and specially for STs are comparatively high as compared to all communities figures

- 3.5 The basic data and educational profile of SC/ST mentioned above reveals that inspite of all the Constitutional provisions and efforts put in the successive Plan periods, it appears that SC/ST have still to go a long way to come up to the general level in the field of education. Although growth of literacy among SC/ST has been increasing steadily but the gap in the literacy rates between SC/ST on the one hand and non-SC/ST population has also been increasing, coordinated efforts, therefore, would have to be continued to identify the causes and weaknesses of different programmes which come in the way of their educational development. Special measures to improve the literacy and educational level should be taken up through a time bound programme with quality inputs which would help in improving standards at an accelerated pace so that the gaps can be bridged in the next 5 to 10 years.
- 3.6 It has been observed that educational development in India is not uniform in all states. Imbalances exist not only amongst the backward or advanced States but also between the males and females, one region and another within the states. Beside regional imbalances, differences in the level of education exist among communities. A much greater thrust is, therefore, necessary in the coming years, to achieve the goal of universalisation of elementary education and to bridge the educational gaps between areas, sexes, and communities. In order to do away with these imbalances the States should launch a time bound programme putting more resources into the programmes and also by fixing the targets. There is urgent need for mass awakening by bringing the urban intelligentia close to the rural masses, removing the constraints arising from semi-feudal agrarian society and semi-feudal power structure making the learning process and methodology functional to life. In this regard all forms of media and communication systems available in the country should be utilised for reaching out to, and educating the target groups in the remotest region.

### **FEMALE LITERACY**

3.7 The National Policy on Education(NPE) and Programme of Action (POA) commit the entire educational system to work for women's equality and empowerment. The modified NPE, 1986 and its POA give high priority to the education of women, being a factor of the equity package. Education is a major factor in developing and thereby optimising the contribution of this large segment of society towards socio-economic development. Inspite of the fact that there are Constitutional provisions and several measures have been adopted in the successive five year plans, the level of literacy among women in general and particularly among SC/ST women is deplorably low. The pace of development cannot be sustained if it bypasses women who not only comprise half of the population but provide the catalytic force for bringing about social change. There is an urgent need to critically review and assess performance so far and to ask ourselves some probing questions such as what are we trying to achieve through education? To what extent have we achieved the goals that we had set for ourselves more than

five decades back? Where have we failed and why? In the context of education of the SC/ST girl child it is observed that she is doubly disadvantaged firstly because of being a 'Girl' and secondly belonging to the deprived sections of society. The gender bias operating against girl students is something reflected in the curriculum, text ,material and in the class rooms as well. The woes of SC/ST girl children are many as they are severely disadvantaged due to social, economic and political reasons. In order to achieve educational development amongst SC/ST females, social and economic disparities working against them would have to be mitigated/removed and intensive and integrated educational development programmes have to be launched to bring them into the mainstream of life at par with the rest of the population. The level of female literacy as reported in the Census figures for 1991 is mentioned below:

Female literacy a	s per	1991 Census
General	-	39.29
SCs	-	23.76
STs	_	18.19

- 3.8 The above figures amply indicate that there is a wide disparity in literacy level between the general female population and that of SC/ST female population. In the <u>Annexure-3.I</u> the comparative literacy figures of different States/UT Administrations have been given. If we analyse these figures we come to the conclusion that States like Andhra Pradesh, Bihar, Madhya Pradesh, Orissa and Rajasthan have not even achieved the level of SC/ST female literacy of the country as a whole. Uttar Pradesh is lagging behind the national literacy level so far as SC women are concerned; West Bengal and Union Territory of Dadra & Nagar Haveli are lagging behind the all India tribal female literacy rate.
- 3.9 The low level of literacy among SC/ST women is a cause of grave concern and is largely responsible for their marginalisation in socio-economic fields. Concerned efforts have to be made to introduce female literacy programmes both formal and non-formal. More Ashram Schools in the case of tribal girls and residential schools in case of SC girl would have to be established. The school atmosphere should be made more conducive for education and learning by introducing new methods and innovating schemes both for children and the teachers. In this way by proper planning and selection of committed teachers with special focus on target group more SC/ST girls can be attracted to the school. Besides, it is important that suitable and adequate school support systems are introduced at work places, villages, etc., so that children do not have to forego education to provide help to mothers and enable them to earn for the family. Primary and middle schools in villages should have a creche and after school care facilities. Services of older girls and women of the village can be utilized for the purpose.

### **Enrolment**

3.10 Enrolment of SC/ST students at pre-primary and primary levels is the most important indicator which would determine the future educational development of these deprived group of the society. The Ministry of Human Resource Development Planning, Monitoring & Statistic Division (SC & ST) bring out related educational statistics which give enrolment ratio and other statistics for SC/ST. Gross enrolment ratio at primary and middle level of education is the most crucial. It is defined as the percentage ratio of enrolment in classes I-V and VI-VIII to the estimated child population in the age groups 6-11 years and 11-14 years respectively. The comparative picture of enrolment ratio in respect of SC/ST and others in the primary and middle stages and drop-out rates among SC, ST and others for the years 1988-89 is given in the table below:

Gross enro	lment ratio	o and d	rop-out rate
------------	-------------	---------	--------------

		GIODS	CIM CAIR	no latero ama			
years SC			5	ST	Gener	al	
•	Primary	Middle	Prima	ry Middle	Primary	Middle	
Gross en	rolment rat	io	-				
1994-95	110.36	59.8	4 109.	50 47.46	104.00	67.20	
Drop-out	t ratio						
1989-90	49.03	67.62	63.81	79.35	48.08	64.09	

- The above table indicates that the enrolment ratio of SCs, STs and general population were 110.36, 109.50 and 104.00 respectively at primary level during 1994-95. Against these enrolment ratios, the drop-out rates were 49.03, 63.81 and 48.08 for SCs/STs and general population respectively at primary level during 1989-90. But at middle classes level drop-out rate of SCs and STs were more than the enrolment ratio for SCs and STs. The variation in enrolment of SC/ST among different States and also within different castes and tribes in each State is very high as is reflected in the information for the years 1994-95 given at Annexure-3.II and Annexure-3.III respectively. An analysis of the figures made available by the Ministry of Human Resource Development for the year 1993-94 reveals wide variation in the enrolment for different courses as well. The enrolment of SC in various courses from pre-primary to Technical, Industrial, Arts and Crafts Schools, BE/BSc. Engineering Courses except at primary stage is far less than their population proportion. Similarly in case of STs their enrolment is encouraging at Pre-primary level which is 19.09% but in other technical and non-technical courses the representation is far less than their population proportion. The enrolment proportion of females both for SC/ST is far below than that of the males. The details of enrolment in different courses may be seen at Annexure-3.IV If we compare the budget provisions made for education of SC/ST with their enrolment ratio in different courses we find that progress has not been in consonance with the investment. figures for total expenditure on educational development of SC/ST alone in the country are not available, an analysis of flow of funds in respect of Post-matric Scholarship Scheme reveals that Central assistance on this scheme alone has increased from 35.00 crores in 1991-92 to Rs.144.86 crores in 1995-96. This amount is in addition to the committed expenditure being incurred by the States/UTs concerned. The reasons for tardy enrolment need to be analysed and the strategy for educational development may be changed by providing special emphsis on vocationalization of education after secondary level so that more employment opportunities/self-employment opportunities may be available for these segments of the society. As we are progressing towards the liberalization of the economy more employment opportunities would be available for the vocationally trained people. The Ministry of Welfare and the Ministry of Human Resource Development should work in that direction.
- 3.12 There has been substantial increase in the enrolment of children belonging to SC/ST at all stages particularly in the primary stage. At the primary stage the SC enrolment has increased from 1.1 crore in 1980-81 to 1.74 crores in1992-93. Similarly, ST enrolment at primary stage has increased from 46.60 lakhs in 1980-81 to 83.64 lakhs in 1992-93. Article 45 of the Constitution enjoines upon the State the responsibility to provide free and compulsory education to all children upto the age of 14 years. In pursuance of the Constitutional directives, a number of measures have been taken up by the Department of Education at the Centre and in the States. All State Governments have abolished tution fees in Government Schools at least upto primary level. In most of the States, education is also free in the Schools run by local bodies and private aided schools. Most of the States provide assistance to students belonging to SC/ST communities for meeting other cost of education such as text books, uniforms, transport, etc.
- 3.13 Inspite of various schemes and social initiatives taken, participation of SCs/STs continues to be lower as one moves up in educational ladder. This is evident from the figures. The state-wise drop-out rates of SC/ST are given at Annexure -3.V and 3.VI. The drop-out rate is alarming at the primary, middle and secondary stage in respect of SC/ST children in almost all the States. After 50 years of Independence and investments of millions of rupees in education, the slowing and persisting gap between targets set and achievements necessitate critical evaluation of the programmes and policies so far followed. Soul searching exercises and indepth examination on the part of Ministries, Institutions, Voluntary groups and SC/ST associations engaged in educational development for these They should evaluate the cause for tardy progress and indicate specific people are essential. deficiencies in the working of plethora of schemes initiated by the Central and state Governments. The State Government should activate their existing machinery and ensure that important schemes like operation Blackboard, Non-formal Education, District Primary Education Programme (DPEP) and other schemes which are in operation are fully utilised and integrated. There is an urgent need to evaluate the working of non-official organisations working at national and State levels which are getting grants from the Ministry of Welfare, the Ministry of Human Resource Development and other sources, for the

educational development of SC/ST from primary to secondary levels to make them accountable and target oriented.

- 3.14 The Ministries should get this evaluation done preferably by some reputed national level independent institutions so that the deficiencies in the working of these organisations may be highlighted and the Ministries may be in a position to know as to what extent the non-official efforts on the part of the Centre or State have contributed in the educational development of the SCs/STs. Beside the schemes, incentives, educational infrastructural development being provided by the Centre and the State Governments to improve the educational level of SC/ST at primary, middle and secondary levels, the most important and active agent to bring about educational development from primary to secondary level is the 'Teacher' who is the most neglected entity in the overall educational hierarchy. To bring about any perceptible change in education at primary and other levels we have to improve the quality of teaching, professional ability of the teacher and raise the status of the teaching community. Because of inaccessible and inhospitable conditions of schools located in tribal areas and Scheduled Castes Basties, it is all the more important to improve the status of the teachers working in these schools so that qualified and dedicated teachers are attracted to serve. In view of the socio-economic and environmental disadvantages that SC/ST children have suffered and continue to suffer and on account of the fact that they lack the family and social/community supports available to other children from urban area and those belonging to higher castes and educated families, the standard and quality of teachers posted to these institutions assumes great significance. There should be no compromise in the matter of selection of teachers so far as quality and professional ability is concerned. Adequate/special training should be imparted to teachers assigned to these schools to ensure that they are dedicated, committed and well qualified. Teachers should also be made accountable for the performance of students and a system of rewards and punishments introduced. The improvement in their status and working conditions would directly help in improving the overall educated level of SC/ST in the respective areas.
- 3.15 The ministry of Welfare implements the following Central and Centrally Sponsored Schemes for educational development for SCs/STs through State Government/UT Administrations (mostly on matching basis)
  - (i) Pre-matric scholarships for children of those engaged in unclean occupations.
  - (ii) Post-matric scholarships for SC/ST students(100%)
  - (iii) Book Banks for SC/ST students.
  - (iv) Scheme of girls hostel for SCs/STs,
  - (v) Scheme of girls hostel for SCs/STs
  - (vi) Boys hostel for SCs/STs
  - (vii) Ashram schools in TSP areas
  - (viii) National overseas Scholarship for SCs/STs (100%)
  - (ix) Coaching and allied scheme
- 3.16 The details of the scheme are well known and readily available, hence they are not being repeated. Hence, on examination of these schemes following observations are made in respect of each of the above scheme.
  - (1) **Pre-matric scholarships:** There are certain inherent defects in the scheme. Hence, the response of State Governments has been unsatisfactory. Probably that many families

engaged in unclean occupations are not aware of this scheme. It should be given wide publicity and parents engaged in unclean occupations should be motivated to send their children to schools and get the full benefit of the scheme. The State Governments have already been asked to make use of the survey conducted under the National Scheme of Liberation and Rehabilitation of Scavengers for identification of such families.

- (2) Post-matric scholarships: Under the scheme the level of expenditure reached in last year of each five year plan stands committee to the States/UTs and is borne by them from out of their own non-plan funds. States are facing difficulties. Govt. of India and State Governments may find out ways to sort out these issues. The disbursement of scholarships to all eligible students is not timely. There has been a substantial increase in wages and a large number of students from non-affluent backgrounds who earlier had been eligible can no longer pursue further education due to low scholarship rates. The Ministry should also consider the desirability of inclusion of new courses like Business Management, Fashion Designing and such other courses in the scheme.
- (3) **Book-banks:** The deficiencies of the scheme are due to (I) inadequate and late receipt of proposals from many States (ii) non-provision of 50% share by the State (iii) non-inclusion of many eligible institutions/students in proposals from States and (iv) restricted scope of the scheme. Scheme should be reviewed and amended suitably.
- (4) Scheme of upgrading of merit of SCs/STs: The scheme not show any satisfactory progress so far. Only a few States availed of the grant under the scheme. The reasons for slow progress may be attributed to the fact that the honorarium to the teachers and experts are not adequate-like-wise the rates of grant to meet the cost on books, stationery and fees, boarding charges and pocket money are also not adequate. While these need to be improved, the teachers and their performance has got to be regularly assessed on the basis of results.
- (5) Scheme of hostels for boys and girls: The deficiencies of the scheme are due to (i) late receipt of proposals from States resulting in delayed released and utilisation of Central Assistance (ii) slow progress of the construction (iii) non-provision of full matching share by the States (iv) non-availing of Central Assistance by UTs and (v) poor maintenance of hostels. Hostel facilities for higher education particularly for girls are very limited. These facilities need to be enhanced in urban areas and cities to enable girls to pursue higher education and vocational training in a safe and protected environment conducive to learning.
- (6) Coaching and allied scheme: It is noticed that some of the State Government/UT Administrations have not set up any pre-examination training centres in their respective States/UTs so far, under the scheme, and in some other States/UTs, there are no institutes that provide coaching to SC/ST students for all the three broad categories, viz., Central Civil Services, Medical/Engineering Services and other services including State Civil Services. Further, it has also been noticed that the performance of some of the existing centres has not been satisfactory in terms of the number of candidates finally selected for appointment. It is, therefore, felt that the performance of these centres should be regularly monitored and corrective measures taken.
- (7) National overseas scholarship for SCs/STs: The response of the scheme is encouraging as more than 300 applicants usually apply for the award. Only 30 awards are offered. With the increasing level of education among SCs and STs Govt. may increase the number. or awards and give wider publicity.
- (8) Ashram schools in tribal Sub-plan areas: The deficiencies of the scheme are (in detailed plan estimate, building plans approved by competent authorities are not submitted by the State Government/UT Administrations (ii) matching contribution is not provided in

the budgets of the States and (iii) actual time frame for undertaking the constructions work and completion of Ashram School is not indicated (iv) it is also not specified that Ashram School will be established in low literacy pockets and primitive tribal concentration areas. The commission is of the view that it would be more useful if the present Centrally Sponsored Scheme of Ashram Schools in TSP areas is converted to Central Sector Scheme with 100 per cent assistance to the State Governments. Ashram Schools are more conducive for the primary and middle level education of tribal people who live in inaccessible areas. The 100 per cent funding from the Central Government would go a long way in improving the literacy level amongst them.

3.17 In addition to Central/Centrally sponsored schemes, State Government also implement various educational schemes out of State funds exclusively. It was observed that State/UT Administration have to take adequate steps to check the drop-outs in schools and colleges by providing scholarships and incentives to the SC/ST students including hostels and coaching on the one hand and improving the strength of institutions, qualification and commitment of teachers on the other. Only if adequate number of educated youth are available, the vacancies in posts reserved for them can be fully filled and the potential for employment/self-employment in the private sector fully exploited.

Findings of the synthesis report of tribal education based on intensive study of education undertaken by NCERT in August 1993 under the District Primary Education Programme.

- 3.18 The study was conducted in the DPEP districts in seven States, viz., Assam, Karnataka, Kerala Madhya Pradesh, Maharashtra, Orissa and Tamil Nadu. The study was carried out in two districts in each of the states. The main findings of the study are given below:
  - 1. The study recommends that Ashram Schools should be provided in all the tribal villages of these States.
  - 2. It was recommended that DPEP Projects in the districts should look at all the available developmental programme for linkage with education and for effective co-ordination amongst various agencies.
  - 3. The survey reveals that States like Assam and Madhya Pradesh need to strengthen their pre-service training programme. At the same time in service training need to be streamlined in all States specially in Madhya Pradesh, Maharashtra and Orissa.
  - 4. The data from **Orissa** is baffling because although a large number of the teachers live in the villages, learners attendance is still the poorest in the villages. Most teachers ascribe poor attendance to economic reasons including household duties and working on the farm that the children are required to do. Low parent motivation is also indicated as significant reasons for children not attending the schools. Unsafe school buildings are listed as one of the reasons in Madhya Pradesh for low attendance.
  - 5. The study reveals that tribal girls have special problems different from those faced by tribal boys. The most prominent problem listed by a large number of teachers related to the inability of girls in attending schools regularly is on account of household chores duties. Lack of interest on part of the parents in sending girls to school was another problem listed by the teachers. In **Karnataka** some teachers felt that girls themselves were not interested in learning. In **Assam** and **Orissa** some teachers felt that the economic opportunity cost of girl education was a dissuading factor.
  - 6. The survey has emphasised that literacy and formal education among the the tribal adults all over the country needs to be examined carefully Success of programmes for universal primary education is correlatable with parent education.

- 7. The report indicates that the formation of village education committee is an essential ingredient for universalisation of primary education. This aspects needs to be looked at very carefully in all the States, the existing situation in **Maharashtra** needs to be studied for replicability in other States.
- 8. The Synthesis Survey indicates that in a country with diverse lingual settings no single language fulfils the demands of communicative functions. All the tribes seem to be torn between the tribal mother tongue and the regional State language although there is a provision for education in the primary school through the mother longue of the learners. But the study reveals that many tribal communities prefer to opt for the regional standard language as the medium of instruction in the primary school. At the same time there are language identity shifts, in some tribal communities seeking political identity through linguistic identity.
- 9. The Survey reports from the various States can at least be seen as sample studies since the data had been collected from a very limited number of villages in the tribal areas. There is a need for carrying out quick surveys and research studies in order to get more findings as well as to acquire a better understanding of the educational needs of these tribal communities. Changes necessary in, the curriculum mode and methodology of teaching the additional incentives & inputs should be made urgently to ensure optimum gain for the SCs/STs.

### Admission of SCs/STs in higher education including technical education in various universities.

- 3.19 In order to fulfil the Constitutional obligation the policy of reservation is being followed by the Government of India for imparting higher education to SC/ST. With a view to meet this requirement the UGC which is an apex body for higher education and the Ministry of Human Resource Development have been brining to the notice of universities, Central universities, IITs, other technical institutions, colleges and State Government the reservation policy to be adopted by them. For central Universities the reservation is to the extent of 15% for SCs and 7.1/2% for STs. In respect of State universities, these reservation have to be according to the percentage of SC/ST population of the respective States/UTs. Beside this, there is a provision of concession of 5% of marks for SC/ST candidates in the minimum percentage of marks required for the courses concerned. Guidelines are also there for reservation for SC/ST in student hostels, staff quarters, scholarships, etc. According to available information Special Cell have been constituted in 98 universities with a view to monitor the implementation of reservation policies for admission of students and recruitment at various levels. The grants for these Cells are available on 100 per cent basis for supervisory and supporting staff. The UGC have also been providing financial assistance to SC/ST candidates for teacher fellowship.
- 3.20 The UGC has recently introduced a scheme entitled 'Remedial Coaching for SCs/STs in Universities and Colleges'. The main purpose of this scheme is to (a) improve the academic skills and linguistic proficiency of the students in various subjects and (b) to raise the level of comprehension of students in such subjects where qualitative techniques and laboratory work are involved, so that the necessary guidelines and training provided under the programme may enable the students to come upto the level necessary for pursuing higher studies efficiently. During 1994-95, the UGC accepted proposals from 102 colleges and 7 universities for remedial coaching. During 1995-96, 101 proposal from colleges and 6 proposals from universities were accepted. This is a very useful scheme and all the colleges and universities should take advantage of this scheme to improve the standards and skills of SC/ST students in various technical and non-technical university level courses. A monitoring committee under the chairmanship of Secretary of UGC has also been set up to review from time to time the implementation of reservation policy in the Central universities. The representatives of the Ministry of Welfare and the Ministry of Human Resource Development are members of this monitoring committee. In order to implement reservation policy in the State universities, the UGC organises

regional meetings of Registrars/Representatives of the universities where SC/ST Cells are in operation. The meetings of the East Zone, South Zone and West Zone have already taken place.

3.21 Inspite of all the provision mentioned above, the representation of SCs/STs in different courses in universities is much below the desired level. This is evident—from the data reported—in the previous two reports of the National Commission for SC & ST for the year 1992-93 and 1993-94. Information in respect of Central universities for the year 1994-95 may be seen at Annexure-3.VII. The available information reveals that out of 12 Central universities only Banaras Hindu University, Hyderabad University and Pondicherry University have got the SC representation of 15.2. 15.8 and 15.3 per cent respectively and other universities do not have representation in proportion to the population. Similarly in case of STs, the representation ranges from 0.8% to 6.1%. The position in respect of NEHU is different as it specifically caters to the needs of tribal students of the region. Information regarding students admitted in various programmes/courses through—Entrance Test from 1991 to 1995 was collected and tabulated. The data is given below:

year	Total	SC	ST	Total No.of SC/ST	%age of SC/ST
1991-92	13581	402	842	1244	9.16
1992-93	21093	1681	816	2497	11.84
1993-94	22676	1481	589	2070	9.13
1994-95	25564	1552	554	2106	8.24

The UGC, the Ministry of Human Resource Development and the State Governments should periodically review the causes of poor intake of SC/ST in various courses and initiate steps to improve the competitive skills for ensuring adequate representation.

3.22 In order to look at the actual representation of SC/ST in Arts, Science, Commerce, Education, Engineering and Technology, Medicine, Law and other courses, the National Commission for SC/ST has issued a proforma on 29-8-95 to all the universities/deemed universities and national level institutions to furnish the data of the actual representation of SCs/STs in the above mentioned courses during 1993-94 and 1994-95. Information in respect of only 34 university for 1993-94 and 23 universities for 1994-95 was received in the commission. This information was compiled and tabulated and details of which are given at Annexure-3.VIII and Annexure-3.IX. The data shows that the representation

ST students in Science, Engineering, Commerce, Vet.Science and Agriculture is poor. As stated in the previous report, Govt. must ensure that primary, middle and secondary level education is provided to all SCs/STs and their intake at college level goes up. Promising students among ST/SC should be picked up at pre-secondary and secondary levels and be given intensive coaching both remedial and special with a view to removing their social and educational deficiencies and facilitating their admission to professional courses. The Centrally Sponsored Scheme of upgradation of merit of SC/ST students should be fully exploited in this regard. The drop-out and wastage of SC/ST students at primary and secondary levels of education also needs to be checked. Each State Government should also provide adequate funds for the Ninth Plan. It would not be out of place to mention here that considering the importance of education which plays an important role in the formation of any society and particularly in the context SC/ST segment of the society the National Commission for SC & ST entrusted the study of problem of enrolment, retention and drop-out among SC/ST students in the primary and middle level

of education to its 16 regional offices in August 1994. Thirteen regional offices have completed these studies, the data has been tabulated and details of these studies and the remaining studies are being completed.

#### Recommendations

3.23 In order to remedy the above situation, following recommendations are made with regard to the education sector:

#### Primary education:

- 1. The Ministry of Human Resource Development, Department of Education in co-ordination with the Ministry of Welfare should frame a ten year perspective plan for ensuring achievement of educational standards for SCs/STs at par with the general population. Free and compulsory education for all SCs/STs in 5-14 years age group should be provided. Similar perspective plans should be drawn up by states/UTs.
- 2. The linkages between schools, anganwadis and health care programmes and facilities should be established. Anganwadis, if located next to the schools can function as creche and also after-care centre for school going children. Such a support system will enable women to leave siblings and school going children while going to work themselves. It will help enrolment and also reduce the incidence of drop-out.
- 3. The curriculum for school children in rural and semi-urban areas and particularly for SCs/STs should not only cater to the academic needs, but also the general needs. Teachers upto High School level must ensure that a period is kept for general awareness and general knowledge so that the students can keep abreast with changing scenario taking place around them and be in a position to actively associate as equals with students from other schools, categories and places.
- 4. All the provisions of the National Policy on Education in the Chapter on Education of SCs/STs should be implemented by the Ministry of Human Resource Development, Department of Education during the Ninth Five Year Plan period. These provisions are as follows:
  - (i) Primary schools should be opened on priority in the tribal areas to provide facility in each village. The construction of school buildings should be undertaken on a priority basis from the normal funds for education, as well as under the Jawahar Rozgar Yojana, Tribal Welfare Schemes, etc.
  - (ii) The socio-cultural milieu of the STs has its distinctive characteristics including their own spoken languages. While there is need to develop the tribal language, it needs to be ensured that education is imparted in the State official language which would enable them to communicate effectively on a regional/national basis and also help them in giving services.
  - (iii) Residential Schools (middle and above levels) including Ashram Schools should be provided at block levels and hostels should be established in urban towns and cities where facilities for higher and professional education are available. Adult literacy classes should also preferably be started in these schools for better interaction with the parents.
  - (iv) Incentive scheme may be formulated for the SC/STs keeping in view their special needs and life-styles. In order to help SC/ST parents to send children to school, social support

system at school and work and other places need to be provided by way of creches, after care centres for school going children, etc.

#### Higher and technical education

- (v) Scholarships for higher education for technical professional and para-professional courses should be provided.
- (vi) NGOs are starting specialised courses. Where no reservation is provided besides fees being prohibitive SC/ST students should be helped to get admission into these courses and become experts.
- 5. It is well known that the language plays an important part in acquiring knowledge. It holds the key to higher vistas of learning and exposure. It is, therefore, essential that the medium of instruction of SC/ST children should be in regional, national or international language. While the local language and specially tribal languages with wide application need to be developed but the teaching should enable SC/ST boys and girls to acquire knowledge both from the vast expanses of print, visual and other media. However, in order to facilitate learning for SCs/STs at the pre-primary and primary levels, teachers with knowledge of local dialect should be engaged so that communication with the tribal children is easier and smooth. The teachers should also be trained for health care aspects so that immediate help when required may be available. This would help them to compete with the other students at the higher stages of learning.
- 6. Special remedial courses and other programmes to remove psycho-social impediments should be provided to improve their performance in various courses. Courses should not only cater to educational needs but also supplement the general awareness and educational aspects provided by family, social support system and environment to the others, i.e. general categories.
- 7. Anganwadis, non-formal and Adult Education Centre should be opened on a priority basis in areas predominantly inhabited by the SCs/STs to ensure availability of minimum facilities for all round development and access to knowledge.
- 8. Areas based planning approach should be followed in order to ensure that no tribal habitation/SC concentrated areas is left without schools, school buildings, teachers and the minimum facilities should be provided under Operation Blackboard by the end of Ninth Five Year Plan. For this Micro-planning should be done by the District Education Officers in collaboration with Project Officers of ITDs in ITDP areas District SC Welfare officers and in collaboration with District Welfare Officers in non-ITDP areas (with a tribal population.)
- 9. Educational mapping of all TSP/Tribal Majority areas should be done within a year in order to provide proper places for future educational planning for STs.

#### **Non-formal Education**

- 10. In selecting districts under the National Literacy Mission for the total literacy campaign, all districts/blocks having more than 50% tribal population as well as SC/ST population be taken up on priority basis. These districts/blocks should be covered under TLCs within the next two years. TLC should be reoriented.
- 11. All national level surveys undertaken by the Ministry of Human Resources Development, Department of Education, through NIC should contain segments to monitor the relevant

position of SCs and STs separately in comparison with the general population so that imbalances can be corrected and gaps reduced.

12. All SC and ST villages/hamlets with 30 or more children in the age group of 6-11 years which do not have schools should be identified and primary schools opened in such villages/hamlets during the next five years. In the meantime children should be sent to Ashram Schools/Hostels.

#### Residential schools

- 13. As Residential Schools have proved their utility. Residential Schools and Schools should be established at the rate of atleast one in each block.
- 14. Many schools in tribal areas have no teacher. Trained teacher do not go to tribal areas. Both accommodation and language is the problem. Hence attempts should be made to recruit local teachers for schools in SC and tribal areas They may be trained specially to teach in these schools.
- 15. Strong linkages should be established between the SC/ST communities and schools through parent-teachers association, Village Education Committees, etc., to mobilise SC/ST communities to take greater advantage of educational facilities provided by the Government. Study tours for SC/ST students may also be encouraged so that awareness of what is happening around may be created amongst them.
- 16. The academic calander in tribal areas should be modified according to local needs. Flexi timings for schools should be allowed.
- 17. The traditional tribal and panchayati raj village upwards institutions should be utilised and made responsible for encouraging and ensuring that all SCs/STs undergo formal education.

#### Educational and vocational training

18. Education for STs should be practical and relevant to their local circumstances. Greater amphasis should be given to Vocational Training and skill development simultaneously from 10+12 standard onwards to open up further job opportunities for STs. For this, areas based approach would be necessary so that existing job opportunities as well as future potential jobs could be identified and skills imparted to the students in vocations that provide employment opportunities.

#### Curricula in schools

- 19. The curricula in the schools should cover not only the traditional subjects but also agriculture, horticultural, soil and water conservation, forestry and agro-forestry and use of bio-fertilisers, etc. This would also preferably be taken up after completion of 10+2 level. Besides curriculum (academic) general knowledge, culture, newspaper reports, news, etc., should be covered at all levels. These subjects are of direct relevant to the tribal environment.
- 20. Quality education should be the objective. Special coaching for students should be arranged within the schools and the hostels. The present scheme of special coaching should be further expanded.

- 21. Monetary and non-monetary incentives may be given to teacher serving in TSP areas. Residential quarters should be provided to all teachers serving in TPS areas.
- 22. MHRD, DOE should ensure priority coverage of ITDP Areas/MADAs/PTGs and clusters in its mid-day meal programme.

#### Educational complex in low literacy areas

- 23. Ministry of Welfare's scheme for Educational Complexes in low literacy areas for STs should not be confined only to NGOs. Where suitable NGOs are not available, State Government through their Departments of Education/Welfare, ITDAs should be allowed to run these complexes.
- 24. Proper integration of Ashram Schools/Residential Schools etc., with the State Education Department should be ensured.
- 25. Special attention should be paid to the educational needs of Primitive Tribal Group (PTGs) shifting cultivators, forest village, migrant ST labourers and nomadic tribes. Wherever necessary mobile schools should be provided educational facilities to the children of these group as well as to uneducated adults.
- 26. Environment building in the tribal areas should be adopted to located situation. Traditional tribal festivals and fairs and weekly markets should be utilised for environment building. Youth organisations like Ghotula and Dhumkurias and educated tribal youths should be associated and made to participate in street plays, processions, etc. Traditional tribal leaders like Majhis, Mukhias, Village Medicinemen, Pujari (initiator of religious ceremony) and especially tribal women activists should also be associated in environment building.

#### Anganwadis/Balwadis/schools

27. Building for primary schools in tribal and SC areas should be so designed that along with the primary schools, the Anganwadis/Balwadis could also function in the same buildings. Timings of Anganwadis/Balwadis should be fixed in a manner that the siblings can be looked after by the Anganwadis/Balwadis while the school children attend school, school children can also be cared for until parents return from work. Adult literacy classes may also preferably be run in these schools.

#### **Girls Education**

- 28. For improving the enrolment of girls, incentives for girls education may be introduced by State Government by providing facilities for care of both the siblings and schools going children until the evening.
- 29. The SC/ST women work as daily labourer to supplement family income. Thus they constitute major labour force in the country. They hardly find time to look after the education of their children. The time factor stands as a barrier. In view of the above it is necessary to provide bicycle to SC/ST women for their easy mobility and to enable them to drop the children at the educational institutions and to bring them house after school is over, travel conveniently to their work-site.
- 30. In the educational institutions the atmosphere may be made conducive for the participation of the parents of the SC/ST children by organising functions, exhibitions, etc., thus the linkage can be established. Further the students may be allowed to participate in the development programmes in the area during summer vacations/holidays so that they can earn

and learn. This would also instill a sense of awareness in them about the various developmental programmes implemented for them. Emphasis may be laid for imparting vocational training in technical education, training in Agricultural, Horticultural etc., to the students in the school after the class hour that they would be able to earn their livelihood in future. Voluntary services of the retired teachers of the area, senior students of the nearby schools may be availed of for extra coaching of the students. This will also help for linkage of SC/ST students with general population.

31. School dress and educational materials should be given free of cost to the girls studying in primary and middle classes.

#### Training-cum -production centres

32. Training-cum-production Centres (TCPCs) could be started where the SC/tribal boys and girls could be given training in rural crafts. After the training is over, groups of tribals could be given further production work on job order to be given by the State Corporations. These should be integrated with higher secondary schools.

#### Non-Governmental organisations & education for SCs/STs

33. Non-Governmental organisations should be encouraged to set up schools and hostels in SC/tribal areas. Some of the existing government schools in SC/tribal areas could be handed over to reputed NGOs with unimpeachable credentials to run them with Government funds on an experimental basis as has been done in Gujarat.

ANNEXURE- 3.1 (Ref. para 3.8)

### **LITERACY RATES - 1991**

State/Union Territory	G	eneral		Sc	heduled	Castes	S	chedule	d Tribes
	Person	Male	Female	Person	Male	Female	Person	Male	Female
Andhra Pradesh	44.09	55.13	32.72	31.59	41.88	20.92	17.16	25.25	8.68
Arunanchal pradesh	41.59	51.45	29.69	57.27	66.25	41.42	34.45	44.00	24.94
Assam	52.89	61.87	43.03	53.94	63.88	42.99	49.16	58.93	38.98
Bihar	38.48	52.49	22.89	19.49	30.64	7.07	26.78	38.40	14.75
Goa.	75.51	83.64	67.09	58.73	69.55	47.51	42.91	54.43	29.01
Gujarat	61.29	73.13	48.64	61.07	75.47	45.54	36,45	48.25	24.20
Haryana	55.85	69.10	40.47	39.22	52.06	24.15	-	-	•
Himachal Pradesh	63.86	75.36	52.17	53.20	64.98	41.02	47.09	62.74	31.18
Jammu & Kashmir		-	-	-		. •	-	-	
Karanataka	56.04	67.26	44.34	38.06	49.69	25.95	36.01	47.95	23.57
Kerala	89.81	93.62	86.17	79.66	85.22	74.31	57,22	63.38	51.07
Madhya Pradesh	44.20	58.42	28.85	35.08	50.51	18.11	21.54	32.16	10.73
Maharashtra	64.87	76.56	52.32	56.46	70.45	41.59	36.79	49.09	24.03
Manipur	59.89	71.63	47.60	56.44	65.28	47.41	53.63	62.39	44.48
Meghalaya	49.10	53.12	44.85	44.27	54.56	31.19	46.71	49.78	43.63
Mizoram	82.27	85.61	78.60	77.92	77.54	81.25	82.71	86.66	78.70
Nagaland	61.65	67.62	54.75				60.59	66.27	54.5°
Orissa	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.2
Punjab	58.51	65.66	50.41	41.09	49.82	31.03	-	-	
Rajasthan	38.55	54.99	20.44	26.29	42.38	8.31	19.44	33.29	4.4
Sikkim	56.94	65.74	46.69	51.03	58.69	42.77	59.01	66.80	50.3
Tamil Nadu	62.66	73.75	51.33	46.74	58.36	34.89	27.89	35.25	20.2
Tripura	60.44	70.58	49.65	56.66	67.25	45.45	40.37	52.88	27.3
Uttar Pradesh	41.60	55.73	25.31	26.85	40.80	. 10.69	35.70	49,95	19.8
West Bengal	57.70	67.81	46.56	42.21	54.55	28.87	27.78	40.07	14.9
A & N Islands	73.02	78.99	65.46	-	•	-	56.62	64.16	48.7
Chandigarh	77.81	82.04	72.34	55.44	64.74	43.54	-	. •	
D & N Haveli	40.71	53.56	26.98	77.64	88.03	66.61	28.21	40.75	15.9
Daman & diu	71.20	82.66	59.40	79.18	91.85	67.62	52.91	63.58	41.4
Delhi	75.29	82.01	66.99	\$7.60	68.77	43.82			7
Lakshadweep	81.78	90.18			•		80.58	89.50	71:7
Pondicherry	74.74	83.68	65.63	56.26	66.10	46.28	. •	<b>.</b> .	.1+
INDIA	52.21	64.13	39.29	37.41	49.91	23.76	29.60	40.65	18.1

Sources :- Census of India 1991 Final Population Total (Paper 2 of 1992)

Census was not held in J & K

### ENROLMENT RATIO OF STUDENTS BELONGING TO SCHEDULED CASTE - 1994-95

STATE/UNION TERRITORY	CLAS	SES I-V (6-11 YE	ARS)	CLASSES	VI-VIII (11-1	4 YEARS)
	BOYS	GIRLS.	TOTAL	BOYS	GIRLS	TOTAL
<b>, 1</b>	<b>' 2</b>	3	4	5	6	7
		<u> </u>				<del></del>
Andhra Pradesh	146.13	120.26	133.39	65.41	38.96	52.35
Arunanchal pradesh	40.15	26.77	33.39	28.20	14.76	21.54
Assam	225.36	210.25	217.99	161.41	139.85	150.91
Bihar	102.09	44.78	73.98	37.08	11.26	24.38
Goa	109.44	97.47/	103.44	74.73	53.78	64.18
Gujarat	203.22	166.9/2	185.43	119.04	75.00	97.48
Haryana	121.22	112. <u>/</u> 48	117.05	62.01	40.13	51.61
Himachai Pradesh	136.18	114/.34	125.22	101.15	68,42	84.74
Jammu & Kashmir	111.12	84.45	98.06	87.00	63.52	75.57
Karanataka	144.74	12/4.56	134.91	71.54	49.00	60.55
Kerala	108.04	106.86	107.46	114.71	113.76	114.24
Madhya Pradesh	118.73	86.74	103.32	88.18	26.59	58.52
Maharashtra	312.64	272.77	292.86	183.59	134.59	159.90
Manipur	127.03	130.27	128.57		90.16	91.83
Meghalaya	289.09	230.91	260.03		150.00	182.65
Mizoram	0.00	0.00	0.00		0,00	0.00
Nagaland	0.00	0.00	0.00			0.00
Orissa	160.31	108.68	135.31		52.37	69.10
Punjab	151.38	132.01	142.04		56.70	66.22
Rajasthan	106.49	37.85	73.08		15.31	42.17
Sikkim	126.23	113.57	119.97		45.26	45.87
Tamil Nadu	155.95	141.39	148.84		86.83	99.40
Tripura	165.75	141.28	153.59		71.73	84.32
Uttar Pradesh	85.58	39.85	63.82		15.35	34.90
West Bengal	136.16	122.71	129.59		73.13	74.79
A & N Islands	0.00	0.00	0.00		0.00	0.00
Chandigarh	118.34	104,79	111.88		76.61	79.82
D & N Havell	98.45	88.56	93.74		73.22	76.01
Daman & diu	0.00	0.00	0.00		0.00	0.00
Delhi	99.68	97.80	98.81		75.83	77.79
Lakshadweep	0.00	0.00	0.00		0.00	0.00
Pondicherry	178.76	186.23	182.46		1,58.68	157.09
INDIA	127.22	92.55	110.36	74,40	44.44	59.84

SOURCE: Selected educational statistics Ministry of Human Resource
Development (Department of Education) Flanning, Monitoring & statistics Division - New Delhi -1995

### ENROLMENT RATIO OF STUDENTS BELONGING TO SCHEDULED TRIBE - 1994-95

S.	STATE/UT	CLASSES	I-V (6-11 Y	EARS) C	LASSES V	I-VIII (11-14	YEARS)
Nø		BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
_1_	2	3	4	5	6	7	
_	<b>.</b>						
1	Andhra Pradesh	145.16	95.84	120.88	45.29	16.56	31.10
2	Arunanchal pradesh	138.00	105.32	121.49	57.29	40.60	49.02
3	Assam	172.26	150.45	161.63	98.79	80.15	89.7
4	Bihar	100.17	63.48	82.17	36.88	18.52	27.8
5	Goa	12.49	8.50	10.49	14.79	6.39	10.50
6	Gujarat	163.95	121.42	143.11	66.98	41.43	54.4
7	<sub>.</sub> Haryana	0.00	0.00	0.00	0.00	0.00	0.0
8	Himachal Pradesh	124.71	95.09	109.85	95.56	52.01	73.7
9	Jammu & Kashmir	0.00	0.00	0.00	0.00	0.00	0.0
10	7,100	144.12	118.37	131.58	67.85	46.80	57.5
11	Kerala	116.09	116.73	116.41	95.41	90.02	92.7
12	Madhya Pradesh	91.02	58.04	75.13	42.40	14.59	27.0
13	Maharashtra	161.32	129.12	145.34	68.61	44.16	56.7
14	Manipur	. 129.02	121.85	125.62	75.44	63.14	69.4
15	Meghalaya	83.14	77.69	80.42	37.98	34.7	36.3
16		142.73	137.20	140.06	115.62	106.65	111.2
17	Nagaland	113.26	103.67	108.54	69.51	64.24	66.9
18		129.48	66.83	99.14	52.57	25.31	39.3
19	Punjab	0.00	0.00	0.00	0.00	23.31	0.0
20	•	106.60	37.81	73.12	65.55	15.52	41.2
21	Sikkim	113.85	98.81	106.41	50.01	47.59	
22		129.75	107.10	118.70	75.36		48.8
23		169.30	107.10	147.60	95.88	54.00 50.76	64.9
24		96.40	61.57	79.82	56.36	22.61	73.9
25		129.37	128.68	129.14	87.52	75.21	40.3
26		63.37	52.76	57.82	53.80	75.21 47.17	81.4 50.5
27		0.00	0.00	0.00	0.00	0.00	
28		134.80	93.78	115.27	56.53		0.0
29	Daman & Diu	0.00	0.00	0.00		30.34	43.9
30		0.00	0.00	0.00	0.00	0.00	0.0
31	Lakshadweep	0.00 173.74	0.00 145.70	0.00 159.72	0.00	0.00	0.0
3/1 32					144.13	109.65	127.4
JZ	Pondicherry	0.00	0.00	0.00	0.00	0.00	0.0
<del></del>	<del></del>		<del></del>	.//	·	/	
	INDIA	127.80	90.17	109.50	60.32	34.47	47.76

SOURCE: Selected Educational Statistics, Ministry of Human Resources Development (Department of Education) Planning, Monitoring & Statistics Division N.D-95

#### **ENROLEMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES AT VARIOUS STAGES DURING 1993-94**

S.	STAGES		Scheduled C	astes	Schedu	led Tribes	
No	·	Boys	Girls	Total	Boys	Girls	Tota
1	Pre-Primary	105347	86324	191671	195036	175415	37045 <sup>-</sup>
	•	(9.95)	(8.16)	(9.88)	(18.43)	(18.87)	(19.09
2	Primary	10411738	7169052	17580790	5153555	3441127	8594682
		(16.85)	(15.45)	(16.25)	(8.34)	(7.42)	(7.94
3	Middle	3565766	2014291	5580057	1424274	769760	219403
		(14.73)	(12.83)	(13.98)	(5.88)	(4.90)	(5.50
4	High School	1402370	611154	2013524	496905	240005	73691
		(13.78)	(10.91)	(12.77)	(4.88)	(4.28)	(4.69
5	Hr.Sec/Inter/10+2,etc.	578871	215219	794090	185557	74885	26044
	,	(11.36)	(8.71)	(10.50)	(3.64)	(3.03)	(3.44
6	B.A.(HON.)	141936	52147	194083	57218	26267	8348
. '		(12.22)	(6.88)	(10.01)	(4.93)	(3.45)	(4.34
7	B.Com./(HON.)	47019	13878	60897	11181	3157	1433
		(6.29)	(5.00)	(5.94)	(1.50)	(1.14)	(1.40
8	B.Sc./(HON.)	41267		58331	8180	2579	1075
	•	(7.65)	(6.47)	(7.26)	(1.52)	(0.98)	(1.34
9	B.Ed/B.T.	6567	`2789	9356	2144	806	295
		(11.62)	(6.13)	(9.18)	(3.79)	(1.77)	(2.89
10	B.E./B.Sc(Engg.)	14580	2373	16953	3783	336	411
	,	(6.08)	(7.89)	(6.28)	(1.58)	(1.12)	(1.5
11	M.B.B.S	4422	2726	`7148	1438	`127 <b>2</b>	27
,		(7.90)	(8.46)	(8.10)	(2.57)	(3.95)	(3.0
12	M.A.	20895	4813	25708	`4399	1620	601
•	•	(15.70)	(5.46)	(12.06)	(3.31)	(1.84)	(2.8
13	M.Com.	` 540Ó		6472	`1259	203	146
	/	(9.13)	(6.36)	(8.51)	(2.13)	(1.21)	(1.9
14	M.Sc.	`2956	` 997	<b>`395</b> 3	664	<b>` 25</b> 1	91
		(5.91)	(3.93)	(5.24)	(1.33)	(0.99)	(1.0
15	M.Phil/Ph.D.	963	251	1214	188	93	28
		(4.67)	(2.48)	(3.95)	(0.91)		(0.9
16	Teachers Training Institute	`8449	7241	1569Ó	6372	`4195	1050
_		(13.63)	(10.61)	(12.05)	(10.28)	(6.15)	(8,1
17	Polytechnic Institutes	29213	4832	34045	8864	1065	992
		(10.47)	(10.02)	(10.41)	(3.18)	(2.21)	(3.0
18	Tech. Indus., Arts &	48576	7544	56120	15760	2309	1800
	Crafts Schools	(10.48)	(11.89)	(10.65)	(3.40)	(3.64)	(3.4

Note: The figure in brackets indicate the percentage of enrolment of SC/ST to the corresponding total enrolment. These are to be compared with SC/ST population percentage of 16.33 and 8.01 respectively.

### ANNEXURE 3-\

### DROP OUT RATES OF SCHEDULED CASTES-1989-90.

S.	PRIMAR	Y STAGE		MIDDL	E STAGE		SECOND	ARY STAG	€ .
NO.	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
STATES/UTS	<del></del>								
1 Andhra Pradesh	60.53	65.83	62.8	77.41	85.44	80.85	84.17	80.74	86.15
2、Arunachal Pradesh		•		•	, -	•	•		
3 Assam	46.88	55.89	50.80	64.91	63.47	64.30	62.54	82.02	62.33
4 Bihar	67.69	73.50	69.33	83.37	89.79	85.04	87.98	94.20	89.50
5 Goa	39.27	32.06	36.02	55.52	65.68	60.28	79.26	85.57	82.27
6 Gujarat	24,95	45.55	14.13	50.40	70.34	59.11	66.50	79.78	72.21
7 Haryana	33.90	43.18	38.00	59.19	75.3 <b>6</b>	65.71	84.64	80.72	69.83
8 Himachai Pradesh	36.29	36.50	36.19	12.57	41.88	36.44	67.02	76.81	71.12
9 Jammu & Kashmir	39.27	30.39	35.84	50.11	52.73	51.10	77.88	82.32	79.52
10 Karanataka	51.05	59.59	54.90	62.11	73.77	67.08	73.63	84.60	78.45
11 Kerala	0.00	1.78	0.50	19.04	15.60	≥ 17.37	54.47	47.76	51.20
12 Madhya Pradesh	36.31	52.37	42.41	62.34	79.40	67.78	75.11	86.91	78.48
13 Maharashtra	38.54	51.58	44.60	52.90	69.77	60.54	67.91	81.16	73.82
14 Manipur	79.86	82.21	81.03	84.89	86.07	85.48	82.14	82.69	82.42
15 Meghalaya	33.13	41.88	37.46	27,86	51.85	39.64	34.62	66.39	50.00
16 Mizoram		•			•	-			· ·
17 Nagaland			•	-		-	•	•	·. •
18 Orissa	55.16	59.22	56.77	75.97	83.19	78.76	77.86	86.42	81,22
19 Punjab	36.53	41.59	38.79	63.36	70.56	66.52	78.88	85.96	- 82,12
20 Rajasthan	60.42	74.37	63.89	69.53	83.53	72.18	80.82	92.39	82.96
21 Sikkim	70.00	67.85	69.04	84.96	83.67	84.37	91.62	93,60	92.51
22 Tamil Nadu	22.56	29.68	25.92	51.04	53.14	51.97	74.75	82.69	78.31
23 Tripura	58.21	63.09	60.47	75.87	81.84	78.60	86.88	90.20	88.39
24 Uttar Predesh	32.89	51.69	38.86	57.92	69.52	60.87	66,97	84.97	71.57
25 West Bengal	58.54	66.71	61.92	74.18	84.88	79.02	89.74	90.12	89.88
26 A & N Islands	•	•			•		•		
27 Chandigarh	0.00	0.00	0.00	0.00	0:00	0.00	27.17	14.23	21.03
28 D & N Haveli	18.60	36.96	28.09	0.00	0.00	0.00	45.28	70,27	55.56
29 Daman & Diu	,5.00	-	-		7,50	•	70.20	, , , , , ,	
30 Delhi	33.74	35.74	34.83	47.68	58.61	52.79	54.06	74.25	63.71
31 Lakshadweep		40.14		•		02,75	54.50	17.20	, 00.7
32 Pondicherry	0.00	0.00	0.00	0.00	11.96	5.45	69.92	75.32	72.42
INDIA	45.93	53.74	49.03	64.29	73.10	67.62	76.61	84.20	79.42

SOURCE: Educational Development of Scheduled Castes and Scheduled Tribes, status and Programme, ministry of human Resorce Development, Department of Education, New Delhi.

### **DROP OUT RATES OF SCHEDULED TRIBES 1989-90**

S. NO.	STATES/UTs	PRI	MARY STAC	E //	MIDDLE	STAGE		SCONE	DARY STAC	ξĒ
NO.		BOYS	GIRLS	TOTAL	BOYS	ĠIRLS	TOTAL	BOYS	GIRLS	TOTAL
1	Andhra Pradesh	65.24	70.54	67.22	84.16	89.92	86.28	89.59	92.95	90.84
2	Arunanchal pradesh	63,47	59.43	61.98	78.52	77.90	78.30	83.97	88.10	81.06
3	Assam	65.15	65.87	65.46	71.78	75.67	73.44	70.80	75.82	72.93
4	Bihar	70.78	70.93	70.83	85.67	87.57	86.33	90.89	92.72	91.51
5	Goa	28.99	19.80	24.72	63.50	71.88	67.36	73.58	87.32	79.57
6	Gujarat	54.93	66.62	59.48	76.17	82.62	78.88	85.34	89.14	86.90
7	Haryana	•	00.02	00.40	70.17	02.02	70.00	65.54	89.14	00.90
8	Himachal Pradesh	30.59	34,53	32.23	36.58	45.89	40.03	67.9 <b>3</b>	70:41	68.79
9	Jammu & Kashmir	-	-	32.20	30.30	45.09	40.03	67.93	70.41	00.78
10	Karanataka	47.97	50.69	49.13	56.82	66.68	61.09	70.70	77.00	74.46
11	Kerala	18.88	15.88	17.44	36.02	35.30	35.68	72.70 70.14	77.23 65.86	
12	Madhya Pradesh	48.38	60.36	52.82	75.57	85.14	78.61	70.14 83.74		67.12 86.14
13	Maharashtra	56.99	68.52	61.07	73.14	82.44	76.98	81.56	91.81 89.50	
14	Manipur	77.54	78.43	77.95	84.76	85.79	76.96 85.23.	85.44		84.74
15	Meghalaya	40.07	55.34	47.24	72.78	72.98			87.24	86.26
16	Mizoram	49.56	49.20	47.24	61.99	72.98 59.78	72.87 60.92	91.47	93.14	92.28
17	Nagaland	34.75	43.54	49.39 39.00	70.71	64.85		52.47	52.63	62.5
18	Orissa	77,66	78.66	77.98	84.33	86.92	68.15	75.97	73.87	75.10
19	Punjab	77.00	70.00	77.90	04.33	66.92	85.26	87.49	92.84	89.38
20	Rajasthan	69.76	83.15	73.08	74.74	-	-			
21	Sikkim	62.87			74.74	90.17	77.65	84.93	94.30	86.45
22	Tamil Nadu		50.46	57.73	71.26	65.41	68.70	85.52	86.81	86.07
		38.35	49.10	43.29	57.65	66.11	61.31	57.52	60.30	58.60
23	Tripura Uttar Pradesh	71.97	76.53	73.91	85.55	88.19	86.64	. 90.47	93.24	91.50
24		17.22	59.64	34.11	47.73	74.11	55.59	33.49	78.84	46.3
25		64.45	69.96	66.38	81.42	88.50	83.87	92.51	92.88	92.6
26		5.71	19.77	12.36	49.44	47.88	48.73	55.23	62.58	58.5
27	Chandigarh			·	<u>.</u>	-		-	-	
28	D & N Havell	37.97	64.90	50.34	68.29	77.04	71.75	84.32	89.28	86.4
29	Daman & diu	•		•	•		-	-	<i>.</i> •	
30	Delhi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	Lakshadweep	0.00	0.00	0.00	41.03	50.62	45.53	75,15	81.85	78.34
32	Pondicherry	•	•	•	• .	` -		•	-	
	INDIA	61.86	66,98	63.81	77,42	82.67	79.35	84.83	88.90	86.28

SOURCE : Educational Development of Scheduled Castes and Scheduled Tribes Status and Programme Ministry of Human Resource Development, Department of Education,

#### ANNEXURE 3.VII (Ref. para 3.21)

# STATEMENT SHOWING THE REPRESENTATION OF SCHEDULED CASTES & SCHEDULED TRIBES IN ADMISSION TO VARIOUS COURSES IN THE CENTRAL UNIVERSITIES: 1994-95.

	Name of the	Total No		%age	No. of ST	%-to-	No. of	%age	No. of stu	udents	applied.	
	University	Students admitted	Students admitted	to Total	Students admitted	TOŢAL	SC/ST Students admitted	to Total	sc	ST	SC&ST	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Aligarh Muslim University			Not A	vailable -							
2	Assam University	280	23	8.2	! 4	1.4	27	9.6	56	5	61	
3	Banaras Hindu University	5243	796	15.2	59	1.1	858	16.3	NA	NA	NA	AS ON 1-1-94
4	Delhi University			Not A	vailable -				•			
5	Hyderabad University	881	139	15.8	33	3.7	7 172	19.5	, / 1668	181	1849	
6	Indira Gandhi Open University			Not A	vailable -				,			
7	Jamia Millia Islamia University	6428	380	5.9	89	1.4	469	7.3	NA	NA	NA ·	1992-93
8	Jawahrlal Nehru University	1230	151	12.3	75	6.4	226	18.4	1803	1145	2948	
9	North Eastern Hill University	2961	25	5 0.8	2237	75.5	5 2262	2 76.4	NA NA	NA	NA	The figure includes all
10	Pondicherry University	516	79	15.3	3 4	.0.8	8	3 16.1	690	33	. 723	the students previously
11	Tezpur University	-	-	-	-	-	-		-	-	-	and newly enrolled to
12	Visva-Bharati University	-	-	-		-	-	′ -	<u>.</u> .	-	-	PG M.Phil & Ph.D etc.con titute college:
		17,539	1,593	9.1	2,501	14.3	4,094	23.3	4,217	1,364	5,581	

Note: General Percentage of reservation to be followed by Central Universities in respect of SC and ST in admission : Scheduled Caste :15% Scheduled Tribe : 7.5%

Source: UGC letter No. 1-4/96 SCT, dated 1.7.96

# INFORMATION REGARDING REPRESENTATION OF SC/ST IN GRADUATE/POST GRADUATE COURSES IN DIFFERENT UNIVERSITIES DURING 1993-94

1. Name of the University: Sri Satya Sai Instt. of Hr. Learning, Praanthamlayam Anantpur (A.P)

S.NC	). Subject	Total No. of seats	General	SC	%	ST %
1	Art	59	59			
2	Science			•	-	- ,-
-		202	202	3	1.5	
3	Commerce	75	75	_	_	:
4	Education	18	18			- " -
5	Others	26		-	-	~ -
6	Professional		26	-	~	91
J	FIOIGSSIULIAI	10	10	-		,
						•

2. Name of the University : Shri Padmavathi Mahila Vish Vidyalaya, Tirupathi (A.P)

.NO. Subject	Total No. of seats	General	SC	%	ST	%
<ul><li>1 Art</li><li>2 Science</li><li>3 Education</li><li>4 Law</li><li>5 Others</li></ul>	137 129 86 34 97	75 86 40 26 71	16 12 15 -	11.7 9.3 17.4 -	1 3 -	0.7 0.8 3.5

3. Name of the University : University of Hyderabad. (A.P)

S.NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Art	514	408	94	18.3	12	2.3
2 Science	287	236	48	16.7	3	1.05
3 Engg. & Tech.	50	39	8	16	3	6

### 4. Name of the University : Assam Agricultural University , Jorhat (Assam)

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%	
1	Science	. 79	54	5	6.3	16	20.2	
2	Agricultural	324	260	11	3.4	42	13	
3	Vet.Science	205	127	8	3.9	69	33.6	

### 5. Name of the University: All India Instt. of Medical Science, New Delhi.

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Science	111	83	18	16.2	6	5.4
2	Medicine	50	38	7	14	4	8
						1	

### 6. Name of the University: Gujarat University (Gujarat)

S.NO	. Subject	Total No.	General	SC	%	ST	%
		of seats					
1	Art(Grad.)	66351	50183	9278	14	6890	10.4
	P.Ġ ´	4940	3907	770	15.6	263	5.3
2	Science	15360	14810	481	301	69	0.4
_		1504	1439	53	3.3	12	8.0
3	Commerce	45244	41790	2628	5.8	826	1.8
		2163	1946	191	8.8	26	1.2
4	Education	1669	1363	194	11.6	112	6.7
-T	Eddodion	157	142	11	7	4	2.5
5	Medicine	395	328	35	8.9	32	8.1
	Wicaronio	176	168	5	2.8	3 🔭	9
6	Law	8024	6947	960	12	117	1.4
·	Eun	124	99	25	20.1	-	-
7	Others	576	549	22	3.8	5	0.9
'	Outers ,	70	70			-	

### 7. Name of the University: Bhavangar University (Gujarat)

S	.NO	. Subject	Total No. of seats	General	SC	%	ST	%
X.	1	Art	6282	6282	762	12.1	27	0.4
	2	Science	1191	1191	46	3.9	-	. <b>-</b>
	3	Commerce	3264	3264	138	4.2	68	2.1
	4	Education	147	147	· 11	7.5	15	10.2
	5	Engg. & Tech.	232	232	4	1.7	-	. <del>-</del>
	6	Agricultural	206	206	13	6.3	17	8.2
	7	Law	564	564	21	3.7	3	0.5

### 8. Name of the University: Kurukshetra University (Haryana)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%
1	Art	33123	30451	<del>-</del>	8.06		0.01
2	Science	5064	4959	-	2.07	-	· <del>-</del>
3	Commerce	7075	6790	-	4.02	-	<del>-</del>
4	Education	1791	1590	-	10.6		-
5	Engg. & Tech.	418	338	16.5	-	2.39	-
6	Medicine	51	41	19.6	-	-	-
7	Law	107	79	25.23	-	0.93	. <b>-</b>
8	Others	63	: 63		<u>-</u> .		

### 9. Maharishi Dayanand University, Rohtak (Haryana)

S.NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Art	1435	1121	135	9.4	-	-
2 Science	345	236	22	6.3	-	<b>-</b> .
3 Commerce	120	86	14	11.7	-	· -
4 Education	55	47	10	18.1		-
5 Law	270	245	56	20.7	<b>-</b>	-

### 10. H.P. Krishi Vishwa Vidyalaya Palampur (Himachal Pradesh)

S.NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Science	46	27	2	10.9	2	4.3
	76	64	11	14.5	3	3.9
3 Vet.Science	43	27	5	11.6	3	4.6
2 Agriculture	76 43	64 27	11 5		3	

### 11. Himachal Pradesh University, Shimla (Himachal Pradesh)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	% • 
1	Art	26559		2466	9.2	770	2.9
2	Science	12488	-	686	5.5	318	2.5
3	Engg. & Tech.	478	-	85	17.8	25	5,2
4	Medicine	346		47	13.6	21	6
5	Others	3435	-	216	6.3	67	1.9 `
6	Professional	270	- '	50	18.5	5	1.8

### 12. University of Mysore (Karnataka)

Total No. of seats	General	SC	%	ST	%
10695	•	2609	24.4	287	2.7
3969	_	424			1.4
1863					
496	_			23	1.6
	_	_		1	1.4
2832	_ ·	359	12.7		1.7 1.6
	of seats  10695 3969 1863 496 2743	of seats  10695 - 3969 - 1863 - 496 - 2743 -	of seats  10695 - 2609 3969 - 424 1863 - 203 496 - 46 2743 - 318	of seats  10695 - 2609 24.4 3969 - 424 10.7 1863 - 203 10.9 496 - 46 9.3 2743 - 318 11.6	of seats  10695 - 2609 24.4 287 3969 - 424 10.7 54 1863 - 203 10.9 29 496 - 46 9.3 7 2743 - 318 11.6 47

# 13. Name of the University: Gulbarga University, Gulbarga.(Karnataka)

S.NO. Subject	Total No. of seats	General	SC	%	ST	%	
<ol> <li>Art</li> <li>Science</li> <li>Engg. &amp; Tech.</li> <li>Others</li> <li>Professional</li> </ol>	663 530 4 175 49	- - - -	137 36 - 34 17	20.6 6.8 - 14.4 34.6	33 10 - 9 2	5 1.9 - 5.2 4.1	

# 14. Name of the University : Mononmaniyan Sundarner University, Tirunveali (T.N)

NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Art	5920	5098	822	13.9		
2 Science	7498	6781	717	9.6	_	
3 Commerce	2654	2388	273	10.3	~	_
4 Education	600	511	89	14.8	_	_
5 Engg. & Tech.	718	632	86	12	_	_
6 Others	545	525	20	3.7	_	_
7 Professional	166	139	27	16.3	_	<u>-</u> .

15. Name of the University: Mahatma Gandhi University, Kottayam, (Kerala)

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%	
1	Art (G) (P.G)	8394	6758	1441	17.1	194	2.3	
		952	836	107	11.2	9	0.9	
2	Science	20267	17718	2395	11.8	154	0.8	
		849	752	88	10.4	9	1.1	
3	Commerce	6522	5504	951	14.6	67	1	
		264	241	18	6.8	5	1.9	
4	Education	1351	1223	119	8.8	9	0.7	
5	Engg. Tech.	363	354	6	1.7	3	8.0	
6	Medicine	127	119	5	3.9	3	2.4	
7	Law	195	181	12	6.1	2	1	
_8_	Others	. 49	41.	7	14.3	1	2	

### 16. Name of the University: Cochin University of Science & Tech. (Kerala)

S.NC	). Subject	Total No. of seats	General	SC	%	ST	%
1	Art	42	35	5	11.9	-1	-
2	Science	201	175	10	5	3	1.5
3	Commerce	-	-			· _	_
4	Engg. & Tech.	186	110	7	3.7	1	0.5
5	Law	40	30	1	2.5		~
6	Professional	175	110	5	2.9	/1	0.6

### 17. University of Bombay, Bombay(Maharashtra)

S.NC	). Subject	Total No.	General	SC	%	ST	%	
		of seats	* - 1					
1	Art(Grad)	14926	10932	1133	7.60	249	1.7	
	P.G.	3895	1536	117	3.00	. 8	0.2	
2	Science(G)	11777	9736	625	5.30	46	0.4	
	P.G.	287	241	8	2.80	2	0.7	
3	Commerce(G)	35354	31190	2358	6.70	227	0.6	
	P.G.	240	231	. 2	0.80	_	-	•
4	Education (G)	1151	761	110	9.50	. 18	1.6	
	P.G.	221	148	14	6.30	3	1.4	
5	Engg. & Tech.(G)	1651	1432	115	7.00	25	1.5	
	P.G.	13	10	_	-		_	
6	Medicine(G)	393	238	45	11.40	7	1.8	
7	Law(G)	7006	3820	412	5.90	20	0.3	
	P.G.	519	478	35	6.80	1	0.2	•
8	Other(G)	109	81	14	12.80	1	0.8	
	P.G.	906	728	7.	0.80	1	0.1	

### 18. Name of University: Yashwant Rao Chauhan open University, Nasik. (Maharshtra)

S.NO. Subject	Total No. of seats	General	\$C	%	ST	%
1 Art	78	66	5	6.4	3	3.8
2 Science	131	117	5	3.8	2	1.5
- 3 Commerce	6	6	, ,	-	• .	-
4 Education	2246	1619	372	16.5	. 71	3.1
5. Professional	183	150	13	7.1	3	1.6

### 19. Name of University: Shivaji University, Kohlapur (Maharashtra)

S.NO	Subject	Total No. of seats	General	\$C	%	ST	%
1	Art	400	256	74	18.5	. 2	0.5
2	Science	490	310	65	13.3	2	0.4
3	Commerce	60	43	6	10	. <b>-</b>	-
4	Education	30	17	7	23.3	-	-
5	Professional	99	, 61	18	18	1	1

# 20. Name of University: Smt. Nathibai Damodar Tharksey Women University, Bombay (Maharashtra)

S.NO	. Subject	Total No.	General	SC	%	ST	%
		of seats				Action to the second	
1	Art	9001	8567	790	8.8	193	2.1
2	Science	2510	2316	<b>3</b> 0	1.2	35	1.4
3	Commerce	5058	3997	291	5.8	93	1.8
4	Education	565	458	61	10.8	38	6.7
5	Others	76	72	3	3.9	1	1.3
÷. 5	Professional	340	323	25	7.3	1	0.3
7	Non -Professional	52	49	3	5.8	-	<b>-</b>

### 21. Name of the University: Mahatma Phule Krishi Visha Vidyalaya, Rahuri (Maharashtra)

3,140.	Subject	Total No. of seats	General	SC	%	ST	% 	
	Science	20	10	3	15	1	- 5	1.
2	Engg. & Tech.	50	- 25	6	12	4	8	
3	Agriculture	508	254	67	13	36	7	
4	Vet.Science	32	15	. 5	16	2	6	/

### 22. Name of the University: Tata Institute of Social Science, Bombay (Maharashtra)

S.NO. Subject	Total No. of seats	General	SC	%	ST	%	
1 Professional	220	172	27	12.2	12	5.4	

### 23. Name of the University : Nagpur University, Nagpur. (Maharashtra)

s.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	49585	32485	-	28.3	-	6.44
2	Science	12753	9393	-	21.46	-	4.88
3	Commerce	19994	14271	-	19.6.	-	9.2
4	Education	6052	5160	-	9.56	· 🕳	5.17
5	Engg. & Tech.	3515	3126	-	9.78	_	1.22
6	Medicine	156	131	-	12.18	-	3.84
7	Law	1102	964	-	9.71	<del>-</del>	2.81
8	Others	3693	2790	•	21.33	-	3.11

### 24. Name of the University: Dr. B.R Ambedkar Tech University, Lonare Distt. Raigarh Maharashtra

S.NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Engg. & Tech.	150	98	11	7.3	-	- -

### 25. Name of the University: Dr. B.R. Ambedkar Tech. University, Marathwada, Aurnagabad (Maharashtra)

S.NO.	Subject	Total No. of seats	General	sc	%	.ST	%
1	Art	3139	1034	487	15	18	0.6
2	Science	825	484	134	16	16	1.9
3	Commerce	715	436	43	6	8	1.1
4	Others	180	26	21	11.7	-	- 1
5	Others	100	. 81	18	18	-	-
	•						

#### 26. Name of University: I.I.T Bombay(Maharashtra)

S.NC	). Subject	Total No. of seats	General	SC	%	SŢ	%	
1	Science	200	/150		-	-	_	
2	Engg. & Tech.	744	560	52	6	4	0.5	
A.								

### 27. Name of the University: Jawahar Lal Nehru Krishi Visha Vidalaya Jabalpur,(M.P)

.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Engg. & Tech.	40.00	40.00	<del>-</del>	.=	-	•
2	Agriculture	340.00	285.00	26.00	7.60	29.00	8.5
3	Vet.Science	120.00	99.00	13.00	10.80	8.00	6.7

### 28. Name of the University: Dev Ahaliyabai Vishwa Vidyalaya, Indore (M.P)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%
1	Art	7464	6338	652	8.7	474	6.3
2	Science	5899	5457	312	5.3	130	2.2
3	Commerce	4219	4071	139	3.3	9	0.2
4	Education	77	66	8	10.4	3	3.9
5	Engg. & Tech.	1426	913	123	8.6	390	27.3
6	Medicine	140	106	17	12.1	17	12.1
7	Law	477	459	11	2.3	7	1.5
8	Professional	66	55	11	16.7	- '	

### 29. Name of the University: Guru Ghasiram University, Bilaspur(M.P)

S.NO	. Subject		rotal No. of seats	General	SC	% 	ST	% 
1	Art	and the second s	9986	6565	794	· 7.9	1736	17.3
2	Commerce		3148	2694	190	6	380	12
3	Education		1830	1198	108	5.9	<b>2</b> 65	14.5
4	Others		273	211	15	8.5	26	9.5

### 30. Name of the University: Bharampur University(Orissa)

.NC	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	300	245	37	12.3	18	. 6
2	Science	161	136	21	13	4	2.5
- 3	Commerce	32	28	2	6.3	2	6.3
4	Law	24	22	1	4.1	1	4.1
5	Professional	143	123	14	9.8	4	2.8

### 31. Name of the University: Utkal University, Bhubneawar(Orissa)

S.NO	. Subject			Total No. of seats	General	SC	%	ST	%
1	Art	:	j	35680	31720	2854	8.4	1082	3.2
2	Science	>	٠.	2366	5094	763	12	509	8
3	Commerce			3632	2997	435	12	290	8
4	Engg.&Tech.			430	376	36	8.4	18	4.2
5	Medicine			330	282	30	9.1	18	5.4
6	Law			3200	2907	385	12	250	7.8

### 32. Name of the University: Vanasthali Vidyapeet, Vanasthali. (Rajasthan)

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%	
1	Art	414	387	8	1.9	19	4.6	
2	Science	349	342	6	1.7	. 1	0.2	
3	Engg.&Tech.	106	93	. 3	2.8	1 -	0.9	
4	Others	200	192	5	2.5	3	1.5	
. 5	Professional	16	15	1	6.3	<b>-</b> .	-	

### 33. Name of the University: I.I.T, (Madras)

S.NO	. Subject	Total No.	General	SC	%	ST	%
		of seats					
- 1	Science	75	80	2	2.7	<del>-</del> .	
_ 2	Engg.&Tech.	657	534	59	9	9	1.4

### 34. Name of University:Post Graduate Institue of Medical Science,Chandigrah.

S.NO. Subject	Total No. of seats	General	SC	%	ST	%
1 Medicine	190	124	31	16.3		_

# INFORMATION REGARDING REPRESENTATION OF SC/ST IN GRADUATE COURSES IN DIFFERENT UNIVERSITIES DURING 1994-95

1. Name of the University: Sri Satya Sai Institute of Hr.Learning.

S.NC	). Subject	Total No. of seats	General	SC	%	ST	%
1	Art	22	22	1	4.5		_
2	Science	182	182	3	1.6	-	· ·
. 3	Commerce	116	116			~	<u>-</u>
4	Education	19	19	-	_	-	
5	Others	38	38	-	<b>.</b> .	_	<u>-</u>
6	Professional	7	7	_	_		<b>-</b>

2. Name of the University: University of Hyderabad, Hyderabad, (A.P)

S.No	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	825	425	85	16.09	18	3.4
2	Science	298	242	46	15.43	19	3.35
3	Engg.&Tech.	55	42	8	14.54	5	9.09

3. Name of University: Smt. Padmavati Mahila Vidyalaya, Tirupati. (A.P)

	Subject	Total No.	General	SC	%	ST	%
S.NC	•	of seats	Conorai			<b>0</b> ,	70
1	Art	140	82	21	15	-	
2	Science	126	81	12	9.52	1	0.79
3	Education	84	38	15	17.8	1	1.19
4	Law ·	59	38	2	3.38	1	1.69
5	Others	109	73	7	6.42	-	_

4. Name of University: A.I.I.M.S., New Delhi.

S.No. Subject	Total No. of seats	General	SC	%	ST	%	
1 Science	151	118	24	15.9	9	6	

### 5. Name of the University: Bhawnagar University, Bhawnagar, (Gujarat)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%
·							
1	Art	6711	5958	503	7.5	250	3.7
2	Science	1309	1233	72	5.5	4	0.3
3	Commerce	3384	2901	339	10	144	4.2
4	Education	197	168	13	6.6	16	8.1
5	Engg. & Tech.	200	171	10	5	20	10.1
6	Agriculture	45	32	4	8.9	10	22.2
7	Law	650	592	35	5.4	16	2.5

### 6. Name of University: Aaharaja Sayajiro University, Baroda, (Gujarat).

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	3792	-	214	5.64	135	3.56
2	Science	1344	-	43	3.2	7	0.52
3	Commerce	12144	-	438	3.6	80	0.65
4	Education	358	-	28	7.82	45	12.56
5	Engg. & Tech.	646	-	42	6.5	26	4.02
6	Medicine	139	-	10	7.19	21	15.1
7	Law	1378	-	81	5.87	5	0.36
8	Professional	722		19	2.63	5	0.69

### 7. Name of the University: Maharishi Dayanand University, Rohtak.

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	1443	961	131	9.08	-	-
2	Science	480	309	25	5.2	-	
3	Commerce	100	73	16	16	<b>-</b> .	-
4	Education	55	46	7	12.9	. <b>-</b>	<del></del>
5	Law	270	226	46	17.03	-	-

### 8. Name of the University:University of mysore,(Karnataka)

Total No.	General	SC	%	ST	%	
of seats			· .	:		
592	-	212	35.8	18	3.	
12026	-	2610	21.7	232	1.9	
560	-	92	16.7	20	3.6	
3601	•	382	10.6	39	1.1	
242	· <b>-</b>	7	2.9	-	-	
1782	-	204	11.4	32	1.8	
16	-	1	6.3	-	<u>. ,                                   </u>	
500	-	58	. 11.8;	12	2.4	
432	-	96	22.2	15	3.5	,
2702	-	204	7.5	52	1.9	
75	-	12	16	1	1.3	
2852	-	334	11.7	48	1.7	
	of seats 592 12026 560 3601 242 1782 16 500 432 2702 75	of seats  592 - 12026 - 560 - 3601 - 242 - 1782 - 16 - 500 - 432 - 2702 - 75 -	of seats         2         -         212           12026         -         2610         -         2610           560         -         92         3601         -         382           242         -         7         7         1782         -         204         -         1         500         -         58         432         -         96         2702         -         204         75         -         12	of seats         592         -         212         35.8           12026         -         2610         21.7           560         -         92         16.7           3601         -         382         10.6           242         -         7         2.9           1782         -         204         11.4           16         -         1         6.3           500         -         58         11.8           432         -         96         22.2           2702         -         204         7.5           75         -         12         16	of seats         592         -         212         35.8         18           12026         -         2610         21.7         232           560         -         92         16.7         20           3601         -         382         10.6         39           242         -         7         2.9         -           1782         -         204         11.4         32           16         -         1         6.3         -           500         -         58         11.8         12           432         -         96         22.2         15           2702         -         204         7.5         52           75         -         12         16         1	of seats         592         -         212         35.8         18         3           12026         -         2610         21.7         232         1.9           560         -         92         16.7         20         3.6           3601         -         382         10.6         39         1.1           242         -         7         2.9         -         -           1782         -         204         11.4         32         1.8           16         -         1         6.3         -         -           500         -         58         11.8         12         2.4           432         -         96         22.2         15         3.5           2702         -         204         7.5         52         1.9

### 9. Name of the University :Gulbarga University,Gulbarga,(Karnataka)

S.NO	. Subject	Total No.	General	SC	%	ST	%
		of seats					·
1	Art	2058	-	99	4.81	15	0.72
2	Science	1024		15	1.46	. 4	0.39
3	Commerce	336	-	- 11	2.86	2	0.59
4	Education	16	· -	3	18.75	1	6.25
5	Law	8	-	-	-	-	<u>.</u>
6	Professional	121	-	15	12.39	2	1.65

### 10. Name of the University: Mamonmaniyan Sundernar University, Tirunvaly

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	6107	5001	1106	18.1		<del>-</del>
2	Science	7832	6245	1587	20.2		_
3	Commerce	2732	2362	370	13.5		<del>-</del>
4	Education	881	830	51	5.8	-	<del>-</del>
5	Professional	171	158	13	· -	_	<u> </u>

11. Name of the University: Cochin University of Science & Tech., Cochine(Kerala)

			Cochin (Keraia)					
. Subject	Total No. of seats	General	SC	%	ST	%		
Art	65	26	6	902	÷			
Science	191	162	9	407	·	-		
Commerce	6	6	-	-	-	-		
Law	40	23	2	5	-	-		
Others	150	39	1	0.7	1	0.7		
	Science Commerce Law	Art 65 Science 191 Commerce 6 Law 40	of seats           Art         65         26           Science         191         162           Commerce         6         6           Law         40         23	Subject         Total No. of seats         General of seats         SC           Art         65         26         6           Science         191         162         9           Commerce         6         6         -           Law         40         23         2	Subject         Total No. of seats         General         SC         % of seats           Art         65         26         6         902           Science         191         162         9         407           Commerce         6         6         -         -         -           Law         40         23         2         5	Subject         Total No. of seats         General of seats         SC         %         ST           Art         65         26         6         902         -           Science         191         162         9         407         -           Commerce         6         6         -         -         -         -           Law         40         23         2         5         -	Subject         Total No. of seats         General         SC         %         ST         %           Art         65         26         6         902         -         -           Science         191         162         9         407         -         -           Commerce         6         6         -         -         -         -         -           Law         40         23         2         5         -         -         -	

### 12. Name of University: Mahatama Gandhi University, Kottayau, (Kerala.)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%	
1	Art	7971	6433	1445	18.12	93	1.16	_
2	Science	20146	17930	2093	10.38	123	0.61	
3	Commerce	4285	3338	881	20.56	66	1.54	
4	Education	1376	1241	127	9.22	8	0.58	
5	Engg. & Tech.	340	317	20	5.88	3	0.88	
6	Medical	130	120	6	4.61	4	3.87	
7	Law	180	171	8	4.44	1	0.55	
8	Others	55	46	9	16.36	-	~	

### 13. Name of the University: University of Bombay(Maharashtra)

S.NO.	Subject	Total No.	General	SC	%	ST	%
	•	of seats					
1	Art(G)	20536	15605	2249	11	368	1.8
2	(P.G)	3912	1629	. 138	3.5	2	0.1
3	Science	13034	11041	713	5.5	91	0.7
		286	220	22	7.7	3	1
4	Commerce	39017	34399	2431	6.2	388	• 1
		240	225	1	0.4	-	-
5	Education	1309	792	134	10.2	27	2.1 .
		227	124	14	6.1	1	0.4
6	Engg. & Tech.	2415	1911	193	8	77	3.2
		13	10		. <b>-</b>	· -	-
7	Medicine	369	190	55	14.9	12	3.2
	•	228	86	1 .	0.4	-	-
8	Law	7056	3873	387	5.5	25	0.3
		511	474	36	7	1	0.2 🧸
9	Others	108	92	. 2	1.8	1	0.9
10	Professional	518	498	2	0.4	-	-

### 14. Name of the University: Yashwant Rao Chanhau Mah. Open Univ. ., Nasik, (Maharashtra)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%
1	Art Science	104 122	89 105	11 3	10.6 2.4	1	1 1.6
3	Commerce	21	18	1.	4.8	_	
4 👡	Education	2675	1918	410	15.3	106	4
5	Others	86	57	13	15.1	,6	7
	•		4.45				

### 15. Name of the University: Shivaji University University, Kholarpur, (Maharshtra)

S.NO	. Subject	Total No.	General	SC	%	ST	%
		of seats			<del></del>	<del></del>	
1	Art	338	238	85	25.1		· <u>-</u>
2	Science	496	263	75	15.1	2	0.4
3	Commerce	53	46	6	11.3	-	-
4	Education	38	22	7	18.4	-	-
5	Professional	101	65	15	14.8	-	-

### 16. Name of the University: Nagpur University, Nagpur, (Maharashtra)

s.NO.	Subject	Total No. of seats	General	SC	%	ST	%
1	Art	54120	35167	<u>-</u>	28.1	· ·	6.91
2	Science	12370	9274	-	20.08	-	4.95
3	Commerce	18753	13521	- 1	17.5	-	10.38
4	Education	9960	7988		13.5		6.7
5	Engg. & Tech.	3255	2805	•	12.4	-	1.35
6	Medicine	909	785		10.8	-	2.7
7	Law	4099	<b>3</b> 061	-	22.2	-	3.1
8	Others	152	122	-	13.8	-	5.9
9	Professional	900	798	-	6.5	·	4.7

### 17. Name of University: Dr.B.R Ambedkar Marathawada University, Aurangarbad, (Maharshtra)

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	1035	•	548	52.9	16	1.54
2	Science	637	•	148	22.52	18	2.73
3	Commerce	418	_	. 34	8.13	14	3.34
4	Education	36	-	11	30.55	3	8.33
5	Law	29	-	. 8	27.9	<u>.</u>	-
6	Other	76	_	23	38.26	1	1.31

### 18. Name of the University: Guru Ghasidas University, Bilaspur(M.P.)

S.NO.	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	8058	5351	695	8.6	1782	22.1
2	Science	3325	2337	194	5.8	276	8.3
3	Education	1518	1018	78	5.1	169	11.1
4	Others	272	212	15	5.5	30	11_

### 19. Name of the University: Bharampur University, Bharamupur,(Orissa)

NO ·	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	303	245	41	13.5	9	3
2	Science	163	143	19	11.7	-	-
3	Education	32	27	2	6.3	, <b>-</b>	-
4	Law	25	24	1	4	-	-
5	Professional	147	124	20	13.6	3	2
6	Non-professional	670	563 <sup>(</sup>	83	12.4	13	1.9

### 20. Name of the University: Utakal University, Bhubaneshwar(Orissa)

S.NO	. Subject	Total No. of seats	General	SC	%	ST	%
1	Art	1083	.: 833	170	15.7	80	7.3
2	Science	263	207	41	<b>15</b> .6	15	5.7
3	Commerce	37	26	7	18.9	4	10.8 🔪
4	Professional	228	221	5	2.2	2	0.9

### 21. Name of the University: I.I.T, Madras, (Tamil Nadu).

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%	
1 2	Science Engg. & Tech.	75 657	81 510	1 70	1.3 10.6	- 17	2.6	

# 22. Name of the University: Dayalbagh Education Institute, Agra(U.P)

S.NO.	Subject	Total No. of seats	General	SC	%	ST	%
1	Art (G)	200	219	18		<b></b>	-
2	(P.G)	140	31	-		-	-
3	Science	100	86	19	19	-	1
0	Colonico	50	29	-	-	-	
4	Commerce	60	57	10	16.7	-	-
**	Commerce	20	4	1	5	-	- - - - - 1
5	Education	300	232	52	17.3	3	1
Э	Education	20	17.	5	25	-	- - - - - 1 - - -
	Enga & Toch	60	. 37	10	16.7	-	- - - - - 1 - - -
6	Engg. & Tech.	20	18	. 1	5	-	
-	Othor	30	24	4	13.3	-	1
7	Other	. 30	27	3	10	-	
0	Professional	150	89	23	15.3	-	-
8	Professional	40	35	-	-		

# 23. Name of the University: Visva Bharti Shanti Niketan (West Bengal)

S.NO. Subject	Total No. of seats	General	SC	% 	ST	%
<ul> <li>1 Art</li> <li>2 Science</li> <li>3 Education</li> <li>4 Agricultural</li> <li>5 Others</li> <li>6 Professional</li> </ul>	458 239 125 46 93 150	380 209 108 36 71 131	66 28 16 9 13	14.4 11.7 12.8 19.5 14	12 2 1 1 9	2.6 0.8 0.8 2.1 9.7 2.7

### **CHAPTER IV**

### ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

The preamble to the Constitution of India solemnly resolved in 1950 to secure social, economic and political justice for its citizens and equality of status and opportunity. Further, under Section 39 of the Directive Principles of State policy it is stated that, "The State shall in particular direct its policy towards securing

- (a) that the citizens, men and women equally have the right to an adequate means of livelihood.
- (b) that ownership and control of material resources of the community are so distributed as best to sub serve the common good, and
- (c) that the operation of economic system does not result in concentration of wealth and means of production to the common detriment"
- 4.2 These principles further guide the state to provide equal conditions of work, right to work, living wages for all workers and protection of workers especially children. In the context of above objectives of State policy we shall discuss in this chapter the economic status of the Scheduled Castes and Scheduled Tribes, constituting almost one fourth of our total population and who continue to be economically, educationally and socially the most backward group even after four decades of planned development.
- According to 1991 Census, the SCs and STs numbered 1382.23 lakhs and 677.58 lakhs and represented 16.37% and 8.08% respectively of the total population of the country (excluding the State of Jammu & Kashmir). In 1981, the Scheduled Castes and the Scheduled Tribes constituted 15.47% and 7.85% of the total population respectively. The decennial growth rate of the Scheduled Castes (30.04%) and Scheduled Tribes (26.00%) population during 1981-91 has been higher than that of total population (23.79%). According to 1991 Census, sex-ratio (number of females per 1000 of males) amongst the SCs and STs and the rest of population was 922, 972 and 923 respectively. State-wise details of SC/ST population are given at Annexure-4.I.
- 4.4 The percentage of SC and ST people below the poverty line are much larger than those in the rest of the society. The data collected from NSSO Surveys made during 1977-78, 1983-84 and 1987-88 in this regard are reproduced below:

TABLE - 1
Percentage of SC/ST and all population below poverty-line during 1977-78 to 1987-88

Y	ear	ŠC	ST	All population
	77-78	56.30	68.10	48.30
	983-84	50.10	57.20	37.40
19	987-88	41.50	49.90	29.90

- 4.5 These estimates show that there has been significant reduction in the incidence of poverty since 1977-78 among all sections of society including Scheduled Castes and Scheduled tribes. Since, no data in respect of SCs and STs is available for the year 1993-94 it is not possible to know exactly how many persons belonging to SCs/STs are below poverty line. Hence data for 1987-88 have been indicated in the above table. NSSO should collect data on a regular basis so that plans can be prepared based on current/recent data.
- 4.6 The occupational classification of main workers in different Census periods reveals that majority of the SC/ST population depend on agriculture. The details of classification of workers in 1961, 1971, 1981 and 1991 Census are given below:

TABLE - 2
Occupational classification of main workers from 1961 to 1991 Census among SC/ST and General Population

		(in percentage)			
Year	General	SC	ST		
	CULT	IVATORS			
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		
·			· · · · · · · · · · · · · · · · · · ·		
	AGRIC	CULTURAL LABOU	R		
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		
	ног	JSEHOLD INDUSTE	RY		
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		
		THER WORKERS	•		
1961	24.13	21.20	9.64		
1971	26.75	17.06	8.37		
1981	29.32	20.30	11.84		
1991	38.04	23.08	11.76		

<sup>4.7</sup> It may be observed from these figures that nearly half (49.06%) of the SC and one-third (32.69%) of the ST main workers are engaged as agricultural labourers in 1991. The number of agricultural labourers increased sharply during 1961-71, i.e., the early period of green revolution. Thereafter, percentage of agricultural labourers declined amongst general population from 26.32% in

1971 to 19.66% in 1991. However, there was only marginal decline in the proportion of agricultural labourers in case of SC/ST main-workers during the same period. Agricultural labour is characterised by seasonal and low-wage employment with high dependence on monsoon. In the context of SC and ST development, the problems faced by agricultural labourers deserve immediate attention as they form one of the most neglected class of rural economy.

- 4.8 Occupational classification of the main workers also shows that the number of 'Other Workers' has witnessed an increase in all sections of the main-workers though the increase in general population has been much sharper than that of SC and ST population. These occupations include industry and service sectors. Keeping in view the fact that Indian economy is undergoing structural changes in which secondary and tertiary sectors, are growing at a faster rate than Primary sector, employment opportunities would occur in future in these sectors of the economy. In this context, it may also be mentioned that in the recent past the Government of India has initiated several steps for economic reforms. Some of the important policy changes in this direction include increased role of private sector in the economy. A number of sectors have been opened to the private participation including Multi National Corporations. Measures have been taken by the Government to reduce the number of employees in the Public Sector Enterprises so as to check their losses. The economic restructuring programme also includes reduction in the budget deficits by enforcing strict economy measures including restraint in recruitment of Government staff. These steps are likely to reduce the employment opportunities for the educated Scheduled Castes and Scheduled Tribes. Therefore, Ministry of Labour should undertake a comprehensive survey to study the impact of economic reforms on the job opportunities, particularly to the Scheduled Castes and Scheduled Tribes. To provide gainful employment to SC/ST population their education and training should be given high priority for their absorption in the emerging areas of the economy. Necessary changes have to be made in the existing pattern of general education to make it more vocational and technical oriented.
- 4.9 The position of those SCs and STs who have land holdings and the manner in which they are placed have been brought out by the Agricultural Census of 1985-86. According to the Agricultural Census 1985-86, the SC holdings represented only 12.4% of the total holdings in the country. The corresponding figure for STs was 7.9%. During the period 1980-81 and 1985-86, the number of holdings in case of SCs increased by 19.08% and in respect of STs by 11.6%. However, the area operated upon by SCs and STs increased by 9.7% and 3.2% respectively. The following table indicates the number of operational holdings and the area operated upon in the country by Social groups during 1980-81 and 1985-86. The data for Agricultural Census of 1991-92 has not been released so far. Hence, operational holdings and area operated by SCs and STs in 1980-81 and 1985-86 are given in the Table-3.

TABLE 3

Number of operational holdings and area operated

Social	Number	r of holdings	Area Op	erated	
Group	(000	numbers)	( <u>000 h</u>	ectare)_	
	1980-81	1985-86	1980-81	1985-86	
SÇs	10052	12041	11522	12639	
	(11.3)	(12.4)	(7.0)	(7.7)	
STs	6854	7648	16704	17234	
	(7.7)	(7.9)	(10.2)	(10.5)	
Others	71977	77466	135571	134689	
	(81.0)	(79.7)	(82.8)	(81.8)	
All	88883	97155	163797	164562	
	(100.00)	(100.00)	(100.00)	(100.00)	÷

(Figures in the brackets are percentages.)

Source: All India Report on Agricultural Census, 1985-86. This is the latest available data on the subject.

4.10 The Annual Report 1994-95 of the Department of Agriculture & Co-operation brings out details about the differences in availability of irrigation facilities on the farms of SC/ST and other sections of the society during in 1980-81 and 1985-86. The Report indicates that the proportion of irrigated area was lowest for Scheduled Tribes holdings (8.6% in 1980-81, and 9.8% in 1985-86) followed by Scheduled Castes holdings (22.9% in 1980-81 and 26.6% in 1985-86). This proportion in the case of other holdings was 29.4% in 1980-81 and 32.1% in 1985-86. Similar trend was observed in intensity of cropping which was lowest for ST holdings, (1.123 in 1985-86), followed by SC holdings (1.236 in 1985-86), and highest 1.265 in the case of other social group holdings. Details of percentage of irrigated area and cropping intensity by size of holdings may be seen in the following table:

TABLE 4

Percentage of Irrigated Area to Net Sown Area and Cropping Intensity for All Social Groups in India by Major Size Classes In 1980-81

and 1985-86

S.	Major Size Class	Schedule	d Castes	(Croppi	e of Irrigated Area ng Intensity) iled Tribes 1985-86	0	thers 1985-86	All Socia 1980-81	l Groups 1985-86
No.	Class	1700-01	1703 00		· · · · · · · · · · · · · · · · · · ·	1			
ì	Marginal	36.7 (1.347)	41.5 (1.308)	12.5 (1.211).	14.4 (1.187)	43.0 (1.348)	45.5 (1.463)	40.2 (1.338)	42.8 (1.431)
2	Small	26.2 (1.264)	28.9 (1.249)	10.7 (1.181)	11.0 (1.115)	36.1 (1.254)	37.9 (1.328)	32.7 (1.248)	34.3 (1.299)
3	Semi-medium	21.2	23.4	9.3 (1.126)	10.2 (1.122)	32.7	34.2 (1.287)	29.3 (1.251)	30.7 (1.262)
4	Medium	(1.229)	(1.215) 28.3	7.5	8.0 (1.121)	26.9 (1.229)	24.2 (1.207)	24.4 (1.211)	26.1 (1.195)
5	Large	(1.150) 7.5	(1.100)	(1.105) 5.9	6.9	ì7.7	20.4 (1.142)	16.3	18.8
	All Size Classes	(1.073) 22.9 (1.227)	(1.083) 26.6 (1.236)	(1.071) 8.6 (1.131)	(1.096) 9.8 (1.123)	(1.131) 29.4 (1.233)	32.1 (1.265)	26.9 (1.223)	29.4 (1.249)

Source :- Annual Report 1995-96 Department of Agriculture & Co-operation

4.11 It may be seen from the above table that the gap in availability of irrigation facilities between SC and 'Others' social groups is less in the case of marginal farm size and widens with increase in the size of farm. In the case of the Scheduled Tribes' holding while this gap is fairly large in all farm sizes it increases with decrease in farm size. Lack of irrigation facilities especially on ST holdings suggest that in Tribal Sub-Plan priority to minor irrigation should be enhanced in allocation of resources. Many of the tribal areas are well endowed with water resources which can be tapped by making appropriate small irrigation structures for these areas.

### **Development Measures**

4.12 In the context of welfare and development of SCs and STs three measures have been adopted by the Government viz. (i) protective measures under the Constitution of India and various enactment, (ii) positive discrimination in education and employment and (iii) development measures by operation of different schemes, projects and programmes. The constitutional provisions and safeguards in service and education to the Scheduled Castes and Scheduled Tribes are discussed separately in this Report. In this chapter, attention is sought to be focused on the economic development measures. Since the beginning of the planning era in the country, removal of poverty and unemployment and growth with equity have been the declared objectives of our five year plans. In the case of SCs/STs in the First Plan, emphasis was laid on increasing educational facilities; the Second Plan accorded priority to socioeconomic development; the Third Plan focused attention on providing institutional services such as schools, housing, hospitals, etc., and the Fourth Plan aimed at consolidation, improvement and expansion of services. The Fifth Plan witnessed the adoption of a new policy in the context of welfare and development of STs commonly known as Tribal Sub-Plan (TSP) strategy. In the Sixth Plan, the concept of Special Component Plan (SCP) was introduced for the development of SCs. In the Seventh Plan, specific schemes for the welfare and development of SCs and STs were implemented The Eighth Plan,

apart from according priorities in the areas of planning, administration, flow of benefits to target groups, highlighted the need for complete eradication of sub-human practice of manual scavenging. In the subsequent paragraphs, we shall briefly describe the important development measures taken by the Government for upliftment of SCs and STs.

#### Tribal Sub-Plan

- 4.13 The Tribal Sub-Plan strategy was adopted during the Fifth Five Year Plan and comprised of identification of tribal majority development blocks, earmarking of funds under various sectoral programmes for these identified areas along-with mobilisation of institutional finance and creation of administrative structure for these areas. Although primarily conceived of as area based approach the sub plan includes beneficiary oriented programmes also. The Tribal Sub-Plan strategy continued during 1994-95 as also 1995-96 in the States/UTs of Andhra Pradesh, Assam, Bihar, Gujarat, Jammu & Kashmir, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tamil Nadu, Sikkim, Tripura, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands and Daman and Diu. On the basis of the concentration of ST population in a particular area, 194 Integrated Tribal Development Projects, 252 Modified Area Development Approach Pockets and 78 clusters have been identified and set up. In addition to this, 75 primitive tribal groups have also been identified. The State/UT wise details of the above can be seen in the Annexure-4.II
- 4.14 The policy of earmarking separate funds for the welfare and development of STs had paid rich dividends in the sense that more financial resources are now being made available for financing the TSP. The size of TSP has been consistently increasing. It has risen from a mere Rs.751.33 crores in the Fifth Plan to the plan outlay of Rs.3061.23 crores in the Annual Plan 1994-95 and to Rs.3867.07 crores in 1995-96. The flow of funds under TSP during the Fifth Plan onwards can be seen in the following table:

TABLE - 5
Flow of funds to TSP from State Plans
(Rs. in Crores)

	e .		
Plan period	State Plan outlay	Flow to TSP	% Flow
Fifth Plan	17692.88	751.33	4.25
Sixth Plan	42390.60	3718.56	8.77
Seventh Plan	73952.90	7076.81	9.57
Annual Plans			
1990-91	20918.64	2011.97	9.62
1991-92	24337.93	2503.62	10.27
Eighth Plan			
1992-93	24811.55	3019.73	12.17
1993-94	30375.90	2887.83	9.51
1994-95	34501.05	3061.23	8.87
1995-96	40549.26	3867.07	9.54

Source: Annual Report 1995-96, Ministry of Welfare.

4.15 It is evident from the above table that since the Fifth Plan and till the first year of the Eighth Plan, the quantum of funds under TSP has shown an increasing trend. However, in the year 1993-94 not only did the quantum of funds under TSP decrease over the previous year, but the flow of funds from State Plan in terms of percentage also registered a decline. In 1994-95, the quantum of funds under TSP increased to Rs.3061.23 crores from Rs. 2887.83 crores in 1993-94. However, in terms of percentage flow from the State Plan, the same further declined from 9.51% in 1993-94 to 8.87% in 1994-95. During

the period 1995-96, the outlay earmarked under TSP has increased compared to previous year, the flow of funds also registered an increase over 1994-95 in terms of percentage.

- 4.16 The State/UT wise flow of funds from State Plan outlays to TSP during the years 1993-94, 1994-95 and 1995-96 may be seen in <u>Annexure-4.III</u>.
- 4.17 The outlays provided by the States to TSP show that during 1994-95 and 1995-96 the flow of funds to TSP from State Plans have been 8.87% and 9.54% respectively as against 8.08% ST population in the country. However, there were a large number of States in 1994-95, such as Andhra Pradesh, Assam, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Sikkim, Tripura, West Bengal and Union Territory of Daman and Diu where the flow of funds to TSP from State Plan, in terms of percentage has been less than the proportion of ST population of these States. In the subsequent year also, i.e., 1995-96, the situation in this regard has not shown sufficient improvement in most of these States. As a matter of fact in many of these States such as Assam, Sikkim, Tripura, Uttar Pradesh, West Bengal and Union Territory of Daman and Diu percentage flow of funds for State Plan to TSP has witnessed a decrease compared to that in the previous year. The Commission has taken a note of this decrease with concern and it reiterates its earlier view point that the level of achievement in a particular year should not be allowed to decline in the subsequent year and the State Government/Union Territory Administration should step up investments under TSP.
- 4.18 During the course of working of TSP strategy during the Fifth, Sixth, Seventh and Eighth Plan periods certain lacunae and shortcomings have come to notice. It has been observed that quantification of funds for TPS has become a ritualistic exercise .Earmarking is done and quantification is being shown in respect of programmes and schemes which have little or no relevance for the STs. Besides, the quantified funds are not made available for implementing the schemes.
- 4.19 In the implementation of Tribal Sub-Plan, emphasis has been laid on individual family approach, with a view to poverty amelioration among Scheduled Tribes. But the gap in the levels of development between the tribal areas and other areas has not narrowed down to any appreciable extent, as is apparent from Appendix 4.I. Differences between States are even more pronounced and call for concerted steps to ameliorate the disadvantageous conditions in which ST population continues to be placed. There is a need for reconsideration of the priorities in the Tribal Sub-Plan. Since these areas lack in basic infrastructural facilities such as roads, water supply, educational institutions, despite the investments through TSP, due priority should be given to these sectors for development of infrastructure, elimination of exploitation and spread of education to bring the areas and STs at par with the other regions and population. Allocation made for infrastructural development by concerned Departments for roads, bridges, electrification etc. need to be quantified and spent for reducing the differences in terms of facilities in the tribal and non-tribal areas. Besides, it is also necessary to review the strategies for allocation on the basis of population percentage of Scheduled Tribes in the State. Proportionate allocation will not be adequate to bridge the gaps. Hence, allocation should be made for ensuring accelerated rate of growth on the basis of physical assessment of local/regional needs.
- 4.20 The Special Central Assistance (SCA) to TSP of the States/UTs implementing the State plan is linked to the Government of India strategy for the socio-economic development of ST people. The main objective of providing this grant to States and UTs is to give additional thrust to the developmental programmes which can help increase the productivity and thereby income of the ST people. The State/UT wise release of SCA to TSP during 1992-93, 1993-94, 1994-95 and 1995-96 may be seen in Annexure-4.IV.
- 4.21 The release of SCA to States/UTs show that the quantum of assistance under SCA over the years has been increasing and has emerged as an important source of finance for the implementation of TSPs of the States. The States/UTs should utilise the funds available under SCA in a manner that will make the schemes more viable and effective in the terms of productivity and generation of income. It was observed from the release of SCA to the States that the utilisation of amount of Special Central Assistance in Bihar has decreased sharply from the levels of Rs.31.75 crores and Rs.34.97 crores in

1992-93 and 1993-94 respectively to Rs.17.48 crores in 1994-95 and further to a low of Rs.2.74 crores in 1995-96. Similarly, release of SCA to Kerala has also gone down over the period of 1992-93 to 1995-96. The attitude of the States in not claiming SCA and spending for the benefit of ST people is a matter of serious concern. This does not speak well of the Governments who are supposed to pay special attention in case of ST population.

### Grant under Article 275(1) of the Constitution

- 4.22 In order to promote the welfare of STs and for raising the level of administration of the Scheduled Areas grants are given to the States under Articles 275(1) of the Constitution of India to meet the cost of the developmental schemes that are being taken up by the States. During the period 1994-95 and 1995-96, an amount of Rs.7500.00 lakhs has been released under the Ist proviso to Article 275(1) of Constitution in each of these years. The Ministry of Welfare is actively monitoring the utilisation of funds made available to the States under SCA and Article 275(1) of the Constitution. The State wise releases of funds during 1993-94, 1994-95 and 1995-96 may be seen in Annexure-4.V. It has come to the notice of the Commission that the grants drawn are not properly utilised. So far, no adequate evaluation or monitoring of utilisation of grants provided under Article 275(1) seems to have been done. There is need to conduct inspections by Ministry of Welfare about the utilisation of TSP and SCA funds.
- 4.23 During the period of reporting, the Chennai field office of the Commission had evaluated horticulture programmes in five ITDP's funded out of TSP funds in Tamilnadu. Field Office at Shimla had also conducted an evaluation study regarding the administrative structure in Tribai Sub Plan areas. The main findings of these two studies are brought out as under:
- 4.24 A study on the implementation of the horticulture scheme in ITDP areas in Tamil Nadu was undertaken by the Commission's field office located at Madras. The study was conducted in five ITDPs of four districts and 50 beneficiaries were interviewed. The scheme aims at helping the ST persons in raising individual orchards on one acre land with 100% subsidy, providing training in horticulture, arranging tours for beneficiaries, supplying plant protection equipment and helping tribals to adopt modern methods of horticulture techniques in raising joint orchards. The study found that thirty six out of fifty beneficiaries were happy with the yield they were getting. Others also expressed satisfaction in so far as returns were concerned and were of the view that the yield from the scheme was comparatively more than those from other land based programmes. Some of the areas which require attention of the authorities include selection of the families, as it was found that 25% of the informants received benefits from the scheme more than once and many beneficiaries received the assistance in the dry/winter months during which they experienced difficulties in growing of saplings due to inadequate water supply. It was also found that the beneficiaries under the individual orchard scheme were given full ownership of the orchard after two years. However, after that no further assistance like providing fertilizers, pesticides, etc., was provided and no follow-up action was taken to monitor the maintenance of the orchards.
- 4.25 Another study was conducted by the Commission's Shimla office in ITDP, Kinnaur. The study has made some useful observations in regard to some problems which need to be attended to on priority basis. It was found that the project officer, who was considered to be the key figure in formulation, implementation, supervision and co-ordination has been given charge of a number of Departments. Because of his multiple responsibilities, the administration, supervision and follow-up action concerning the ITDP were suffering. It was found that while the pesticides were being made available by the Horticulture Department through the block development office, the insecticides were being distributed through co-operative societies. Unfortunately, these societies lacked trained technical staff as a result of which the farmers faced difficulties in getting services relating to application of pesticides/insecticides. The people of the area also expressed difficulty in receiving timely supply of seeds resulting in delay in taking up sowing operations and consequently affecting the yield. It was also found that co-ordination among technical heads and the administration at different levels left much to be desired. Since the working period in the district was limited to four toor five months, the lapses on the part of the officials, if any, was likely to go unnoticed. It was observed that the problem of deforestation was gradually gaining ground in Kinnaur and needed to be taken care of on a priority basis. The other observation

gaining ground in Kinnaur and needed to be taken care of on a priority basis. The other observation made was that the loans taken by the beneficiaries had not been properly utilised and there was considerable scope to educate the people of the area before grounding of the scheme of various departments. Although the agro-climatic condition of the area was favourable for the plantation of fruit crops, lack of proper inputs in time as well as marketing facilities in remote areas considerably reduced the profitability under the scheme. It was noticed that well to do people exploited the poor and purchased goods at cheaper rates and earned huge profits.

- 4.26 The above studies and other analysis reveal that though the TSP strategies have yielded results, these are not commensurate with both the expectations and the investments made so far. This has been chiefly on account of the lack of clear guidelines and tardy implementation of the programmes. Field review of the implementation of Tribal Sub Plan in various States suggest that there is a need for coordination among the different agencies involved, greater emphasis on training of STs to raise their income levels and timely supply of inputs.
- 4.27 A study in the manner of utilisation of S.C.A. to T.S.P. revealed that there has been creation of additional assets in beneficiary house-holds in the form of house, land, animals, furniture and durable household goods such as cycles, watches and transistors, etc. With the increased income there has been change in the consumption as well as cultural practices and increase in awareness about health, education, sanitation, etc. among the tribal people.

### Special Component Plan for Scheduled Castes

- 4.28 The strategy of Special Component Plan (SCP), in the context of development of SCs was adopted during the Sixth Plan. The strategy envisaged provision of outlays from the State and Central Plan in proportion to the SC population, for schemes and programmes under different Heads of Development which are of direct relevance to the development of Scheduled Castes. These efforts of the State Government are supplemented by Special Central Assistance by the Government of India. Another important component of the strategy was mobilisation of institutional finance for bankable projects in which Scheduled Castes Development Corporation were to play a catalytic role.
- During the year 1994-95 as also 1995-96, twenty four States/UTs viz., Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Chandigarh, Delhi and Pondicherry formulated their SCPs. In order to ensure that no diversion of funds under SCP takes place, the State Governments have been requested to open separate budget heads/sub-heads of account for these funds. The Ministry of Welfare has been urging the States/UTs that notional quantification under the various schemes which do not benefit the SCs should be eliminated and that the States/UTs should provide outlays under SCP in proportion to the SC population of the States/UTs. In the context of SC development, the major thrust should be in sectors like agriculture and allied activities, rural development, health, minor irrigation, village and cottage industries, housing and education: as these sectors provide a unique opportunity to the planners to quantify the benefits likely to accrue to the target group.
- 4.30 One of the significant gains since the adoption of SCP strategy is that it has ensured allocation of funds and flow of funds to be utilised exclusively for the development of SCs. It has also contributed towards increasing the size of SCP in terms of financial outlay. The outlay and expenditure from the

States Plan under SCP during the Sixth, Seventh and Annual Plans of 1990-91 to 1995-96 were as follows:

TABLE - 6
Outlays and expenditure under SCP from State Plan

(Rs. in Crores)

Plan Perio			, ,	Actual	% of Col.5	% of Col.5
	outlay	outla	y to Col.2	Exp.	to Col.2	to Col,3
1.	2.	3.	4.	5.	6.	7.
VI Plan	47149.89	3614.66	7.66	2978.70	6.32	82.41
VII Plan	89322.89	7385.42	8.27	6916.62	7.74	93.65
Annual Pl	<u>lans</u>					
1990-91	23255.49	2377.82	10.23	2105.83	9.07	88.56
1991-92	28041.04	3066.37	10.93	2936.45	10.47	95.76
VIII Plans						
1992-93	30684.47	3090.36	10.07	2892.89	9.43	93.61
1993-94	32728.54	3487.89	10.65	2933.98	8.96	84.12
1994-95	36842.12	4059.45	11.02	3466.94	9.41	85.40
1995-96	46958.01	5913.86	12.59	N	ot Available	

- 4.31 The Ministry of Welfare has been repeatedly impressing upon the States/UTs to increase their SCP outlays at least in proportion to their SC population. However, as against 16.48% (1991) SC population in the country, the outlay, under SCP during 1994-95 and 1995-96 works out to only 11.02% and 12.59% respectively of State Plan outlay. From the table above, it may seen that while the outlays under SCP has been increasing over the years, the actual utilisation of the SCP funds which reached a level of more than 95% in 1991-92 has come down considerably in the subsequent years. This downward trend in utilisation of outlays needs to be arrested. The Commission also feels that it is not only the flow of funds to SCP from the State Plan outlays which should be atleast proportionate to the SC population, but the actual expenditure under the plan has to be brought up to the same level. Merely earmarking of funds under SCP will have very limited impact unless the States/UTs implementing the schemes under SCP step-up investment in the areas benefiting the target groups. State wise outlays under SCP during 1993-94, 1994-95 and 1995-96 may be seen in Annexure-4.VI.
- 4.32 An analysis of the State/UT-wise SCP outlays indicate that in a large number of States which include Andhra Pradesh, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh, West Bengal, Delhi and Chandigarh, the provision under SCP has been less than the proportion of SC population during the period 1995-96. During the Annual Plan 1994-95 also most of these States, excluding Kerala, had earmarked funds under SCP less than the proportion of their SC population. The Commission also notes with concern that during 1995-96 in case of a large number of States such as Andhra Pradesh, Assam, Goa, Karnataka, Kerala, Rajasthan, Chandigarh and Delhi the flow of funds to SCP from State Plans in terms of percentage, has been less in 1995-96 as compared to corresponding flow in 1994-95.
- 4.33 The details about expenditure under SCP as given in <u>Annexure 4.VI</u> reveal that out of 24 States and UTs as many as 16 could not spend the amount earmarked under the plan during 1994-95. The

Commission urges the State Governments and UTs which have not been able to fully utilise the outlays to continuously monitor progress of implementation of Special Component Plan.

- 4.34 National Commission has held meetings with some of the States/UTs to review their development programmes. The Commission has found that in some of the states outlays provided to large projects such as power, roads, etc. are shown under SCP in the SC population ratio. Such notional quantification of outlays defeats the purpose of SCP strategy and therefore, the State Governments should include in SCP only those programmes/schemes which are directly relevant for the development of these sections of people.
- 4.35 The Commission also observed that some of the State Governments had laid such hard conditions of eligibility for availing of the benefits by the target groups, that even very poor persons sometimes remain, outside the purview of these schemes. The Commission feels that the <u>State Governments should undertake review of income ceiling and other stipulations from time to time so as to make these programmes accessible to the target groups.</u>
- 4.36 The Commission has also found in its review meetings that the monitoring of the Special Component Plan was not adequate and needs improvement.

### Special Central Assistance for SCP

- 4.37 The Special Central Assistance (SCA) for SCP is one the most important instruments of funding operated by the Ministry of Welfare, Government of India in the context of economic development of SC people. The SCA is utilised to give an added thrust to the developmental programmes undertaken by the State Governments in order to plug the gaps and vital missing inputs in family oriented income generating schemes. The SCA released to 24 States/UTs during 1994-95 and 1995-96 may be seen at Annexure-4.VII.
- 4.38 The allocation of SCA is decided on the basis of the norms such as SC population in the State/UT, relative backwardness of the State/UT, percentage of SC families covered by composite economic development programmes in the plan, percentage of SCP to the annual State Plan as compared to the percentage of SC population in the State, the programmes for specifically vulnerable groups and also the implementation of SCP during the previous year. The Ministry of Welfare has decided that the release of SCA to the States/UTs would be linked to the utilisation of SCP funds by them during the previous year. It would be more appropriate if the Ministry considers providing additional SCA as an incentive to the States which perform better in utilisation of Special Central Assistance during the year.

### **Role of Central Ministries**

- 4.39 The Centre, having a Special Constitutional responsibility towards Scheduled Castes and Scheduled Tribes, the role of the Central Ministries assumes significance. The Planning Commission has asked the Central Ministries and Departments to have a clear idea of the problems of Scheduled Tribes and Scheduled Castes relating to their concerned sectors and adopt the ongoing programmes where ever necessary, in consultation with the State Governments keeping in view the requirements of the Scheduled Tribes and Scheduled Castes. The full implication of special responsibility of the Central Ministries for quantification of funds in respect of different schemes for SCs and STs have to be worked out clearly. They should determine the possible supplementation which should reasonably be expected from their plans for key programmes.
- 4.40 The TSPs and SCPs of some Central Ministries during 1994-95 and 1995-96 as reported in the Annual Report 1995-96 of the Ministry of Welfare are described in the following paragraphs.

### TSP's of Central Ministries/Departments

- 4.41 A number of Central Ministries/Departments are also formulating TSP in respect of their Departments. During 1994-95, out of 67 only a few Central Ministries/Departments have quantified funds under TSP. The list of Central Ministries/Departments are given in the <u>Appendix-4.II.</u>
- 4.42 Flow of funds from Central Ministries to TSP during the year 1994-95 may be seen in the following table:

TABLE - 7
Flow of funds to TSP from Central Ministries

		(Rs in	crores)
Ministry/Department	Outlay	Flow to T.S.P.	% flow
Ministry of Industry	373.19	76.11	20.40
Ministry of Rural Areas & Development	9300.00	, +	under IRDP to on SCs/STs
Ministry of Science and Technology	205.62	0.50	0.24
Ministry of Textiles Department of Telecommunication	557.50 5865.00	7.88 200.00	1.41 3.4

Source: Annual Report 1994-95, Ministry of Welfare

4.43 It may be seen that only a small number of Central Ministries/Departments have so far earmarked funds under TSP. The Commission is of the view that all the Central Ministries/Departments should formulate TSP programmes and allocate funds in proportion to population. The Commission further recommends that the Central Ministries in their Annual Reports, in addition to giving information about the representation of SCs and STs in posts and services, should also give an account of the programmes/schemes undertaken by them for the welfare and development of SCs and STs along with an appraisal of physical and financial achievement during the period.

### Special Component Plan of Central Ministries/Departments

- 4.44 A number of Central Ministries/Departments have formulated SCPs during 1994-95 as also 1995-96. The Commission is of the view that all the Central Ministries should have a SCP component in their plans and the funds earmarked under that component should be atleast in proportion to the SC population of the country. During the years 1994-95 and 1995-96 the share of SCP in major programme of various Central Ministries may be seen in <u>Annexure 4.VIII.</u>
- 4.45 <u>Annexure 4.VIII</u> brings out that only 14 Central Ministries/Departments out of 67 Ministries/Departments have quantified funds for allocation under SCP. It may also be observed that the funds allocated by many of the Central Ministries to the SCP are not proportionate to the SC population in the country. The Commission urges all the Central Ministries to identify appropriate schemes which

are of relevance to the development of Scheduled Castes and prepare their Special Component Plans.

The Central Ministries should also show in their Annual Reports separately the amount earmarked for SCP and its utilisation, achievements of physical targets and a description of major schemes implemented by these Ministries for the welfare and development of people belonging to SC communities.

4.46 In the Central Ministries, the Ministry of Rural Areas and Employment has been implementing various poverty alleviation programmes which include schemes for providing wage employment and self employment, drinking water and shelter to the poor in rural areas. The wage employment programmes have been restructured into Jawahar Rozgar Yojna (JRY), Employment Assurance Scheme (EAS), Indira Awas Yojna (IAY) and Million Wells Scheme (MWS). Intensive JRY was merged with EAS. Some of the important poverty alleviation programmes which benefit the SCs and STs are discussed in the following paragraphs:

### **Integrated Rural Development Programme**

- 4.47 The strategy of rural development adopted since the Sixth Five Year Plan focused on the Integrated Rural Development Programme (IRDP). Under the programme, the target group includes the SCs, STs, small and marginal farmers, agricultural labourers, rural artisans and those who are living below the poverty line. At present, for the purpose of inclusion in the target group a family whose annual income from all sources is less than Rs.11,000 has been considered to be below the poverty line. It has also been stipulated that in the identified target groups, at least 50% of the assisted families should be from SC and ST category, considering the fact that most of the rural poor belong to these two categories. Further, to encourage women's participation it has been decided that atleast 40% of those assisted should be women.
- 4.48 Under the programme, assistance is extended for any economic activity which is bankable and subsidy is provided under the schemes varying from 25% for small farmers, to 33-1/3% for marginal farmers, agricultural labourers and rural artisans and 50% for SCs, STs and physically handicapped persons. In case of SCs, STs and handicapped persons, the ceiling on subsidy is Rs.6000 and for others it is Rs.4000 in non-DPAP and non-DDP areas and Rs.5000 in DPAP/DDP areas.
- 4.49 During the year 1994-95, the target was to assist 21.15 lakh families and the achievement (Provisional) was 22.14 lakh families representing 104.69% of the target. Out of the total assisted families, the SCs and STs together constituted 49.47% and women beneficiaries accounted for 33.71%. The scheme is implemented by DRDAs. The beneficiaries are selected by the Block Development Officers through Gram Sabhas and recommended to Banks for assistance through DRDAs. The information regarding the number of applications received, amount disbursed are not available. The table below indicates the performance during 1994-95:

<u>TABLE - 8</u> Performance during 1994-95 (Provisional)

Item	Target	Achievement 1994-95	%age achievement
Physical (in lakh nos.)			
Total families assisted	21.15	22.14	104.69
SC/ST families assisted	50%	11.02	49.77
Women beneficiaries assisted	40%	7.46%	33.71
Financial (Rs. in crore)			
Total allocation	1098.22	1020.25	92.90
Central allocation	550.00	546.10	99.29
Credit	1757.15	1450.19	82.53

- 4.50 It is observed that a number of steps have been taken to step up investment per family under the programme. The adoption of family credit plan under which multiple assests can be given to more than one member of the family is a step in the right direction. Simultaneously, the collateral free limit has now been uniformly raised to Rs.25,000. The Commission is also of the view that the family credit plan concept should be extended to cover all the districts in the country especially those having significant proportion of SC and ST population. The Commission is also of the opinion that the success of the programme will depend as much on the level of investment per family as on the extent to which linkages are developed in relation to the assests being created under the programme.
- 4.51 During the period 1995-96, instead of setting physical targets as per present practice, the States have been allocated credit targets in order to bring about qualitative improvement in the programme. The Ministry of Rural Areas and Employment has decided from the year 1995-96 to assess the performance under IRDP on the basis of credit disbursement and per capita investment instead of achievement of the physical targets as was done earlier. For the year 1995-96 the credit target fixed was Rs.1930 crores and the provisional data released by the Ministry reveals that out of 20.51 lakh families assisted the number of SC/ST families was 9.92 lakhs representing 48.39% of the total families assisted. The woman beneficiaries assisted under the programme accounted for 32.95%. The Commission expects that the target of 50% coverage of SC/ST families should be achieved in the subsequent years as the bulk of rural poor belong to these groups. Table below indicates the performance during 1995-96.

<u>TABLE- 9</u> Performance under IRDP during 1995-96 (Provisional)

Target	Achievement 1995-96	Percentage achievement
	. —	
not fixed	20.51	
50%	9.92	48.39
sted 40%	6.76	32.95
1097.21	1051.61	95.84
549.50	514.22	93.58
1930.00	1666.53	86.35
	not fixed 50% sted 40% 1097.21 549.50	1995-96  not fixed 20.51 50% 9.92 sted 40% 6.76  1097.21 1051.61 549.50 514.22

<sup>4.52</sup> The state-wise details relating to physical progress under IRDP during 1994-95 and 1995-96 are given at the Annexure-4-IX. Regarding the implementation of scheme, it is revealed that the pattern of subsidy is 25% for small farmers, 33 1/3% for marginal farmers, agricultural labourers and rural artisans and 50% for SC/ST beneficiaries. The ceiling of subsidy is Rs.6000/- for SCs/STs. But, good deal of unhappiness is there among the SCs/STs due to problem faced by them in getting the amounts of loans and subsidy from the Banks. The scheme envisages creation of assets with insufficient funds and sometimes the marketing arrangements are not made to give proper remuneration of the output. Other linkages like training, working capital finance, raw material, fodder, etc. are also not carefully planned before making advances under the programme. Because of these weaknesses, the programme has not been able to give the desired results in poverty alleviation. Micro level reviews have shown that sometime loan and subsidy are sanctioned and thereafter subsidy is distributed. The loan amount is transferred to the individual's savings account and from that the loan amount is repaid. No assets are bought and there is no improvement in the status of the individuals except that he gets some portion of the subsidy. Hence, it is necessary to study the impact of the scheme on SCs and STs to know how many of the beneficiaries have actually crossed the poverty line.

#### **Institutional Finance for IRDP**

- 4.53 During the period 1994-95 credit amounting to Rs. 1450.19 crores was mobilised by the financial institutions and the same increased to Rs. 1666.53 crores in 1995-96. Maximum credit was mobilised by the Commercial Banks followed by Co-operative Banks and regional rural banks.
- 4.54 The cash disbursement scheme has been introduced in the year 1987 to provide more freedom to the beneficiaries with regard to purchase of quality assets as also to minimise leakage. Reserve Bank of India and the Ministry of Rural Areas and Employment have issued guidelines to DRDAs to identify 50% blocks of each district for implementation of the scheme. At present about 48% of the blocks have been covered.
- 4.55 The scheme of risk fund for consumption credit assumes significance in the context of keeping the assets of beneficiaries intact. The experience shows that at the time of birth, death, sickness etc. there is a tendency on the part of the beneficiaries to sell their assets. If loans are made available to them to meet expenditure on such occasions the urge to dispose off their assets could be arrested considerably. Under the scheme people belonging to the weaker section can get a loan upto Rs.1000 from banks. The commission recommends that the present ceiling of Rs.1000 should be enhanced to Rs.5000 especially for the beneficiaries belonging to SCs and STs as by and large most of them have a very poor economic base and low rate of savings. The commission recommends that micro level surveys should be taken up to assess the genuine credit and consumption needs of the families below the poverty line and IRDP and the credit schemes sanctioned after ensuring proper backward and forward linkages.

### Training of Rural Youth for self-employment

- 4.56 The Training of Rural Youth for Self-Employment (TRYSEM) is a component of IRDP under which the rural youth in the age group of 18 to 35 years coming from families below the poverty line are trained in various skills so that they may eventually take up self-employment or wage employment in some economic venture. As in the case of IRDP, the coverage of SC and ST categories should be atleast 50% of the total youth trained and the women's representation should be atleast to the extent of 40%. During the period of training, stipends are paid to the trainees. The stipend rates, honorarium and other allowances had been increased in June 1994.
- During the Annual Plans 1994-95 and 1995-96, 2,81, 874 and 2,67,482 youths were trained under TRYSEM. This included 1,26,978 and 1,25,187 number of SC/ST youth during these two years respectively. According to the Annual Report 1995-96 of the Ministry of Rural Areas and Employment out of the trained youth 1,31,431 (46.62%) in 1994-95 and 1,27,498 (47.66%) in 1995-96 got employment. These figures show that more than half of the youth failed to get employment after their training. An important reason for such a high rate of failure is the lack of proper linkages relating to finance and marketing arrangements under the programme. As a result sometime the same youth is trained in more than one vocation. For improvement in the utility of the scheme, it is suggested that production-cum-training centres should be set-up, so as to enhance the opportunities for employment to youth trained under this scheme. There should also be a constant review of the market to study the extent to which activities for which training is being imparted can generate self-employment. The programme for training should have a direct linkage with job requirements.
- 4.58 During the period 1995-96, the target was to train 3,50,496 youth, the available figure indicate that 2,67,482 youth (provisional) have been trained. In regard to SCs and STs, out of the total youth trained 1,25,187 were from these categories which accounted for 46.8%. The Commission is of the view that since each and every youth trained under TRYSEM is a potential IRDP beneficiary and now that the concept of family credit plan is in operation, the SCDCs functioning in various States/UTs could play a major role in the matter of coverage to SC and ST youth trained under the TRYSEM by establishing closer links with the training institutes.

### Wage Employment Programme

- 4.59 The Jawahar Rozgar Yojana (JRY) is one of the most important programme of wage employment in the rural sector currently in operation in the country. Under this programme additional employment opportunities are created for rural poor and, simultaneously, it aims at creating community assests which are beneficial to the rural poor. The programme is a Centrally Sponsored Scheme and the expenditure is shared between the Centre and States in the ratio of 80:20
- 4.60 Since 1993-94, JRY is being implemented in three streams. The <u>first</u> comprise of general works under the programme and its two sub-schemes namely Indira Awas Yojana (IAY) and Million Wells Scheme (MWS). The <u>second</u> stream also known as intensified JRY is in operation in 120 identified backward districts with additional allocation. Under the <u>third</u> stream special and innovative projects are undertaken. The Ministry of Rural Areas and Employment have restructured JRY in 1995-96 on the basis of feedback received from the state Governments and the Project Directors. It has been decided to continue the JRY first and third streams on the existing lines. However, the IAY and MWS will, henceforth, be implemented as separate schemes and not as a part of JRY first stream. In regard to second stream it has now been decided to merge with the Employment Assurance Scheme.
- 4.61 Since the introduction of the JRY in 1989-90 till 1994-95 the target was to generate 5132.21 million mandays and the actual employment generated was of order of 5027.95 million mandays representing 97.97% achievement. The scheduled Castes and Scheduled Tribes had a share of 37.35% and 18.25% respectively in the total employment generated during the period. In the subsequent year i.e. 1995-96, the target was to generate 804.28 million mandays and actual generation was 795.59 million mandays (98.92%). The SCs and STs accounted for 38% and 18% respectively of the total employment generated. The figures relating to achievement of the schemes in terms of employment generation lack credibility as the inspections at village level show that such records were not maintained by the Panchayats.

### **Million Wells Scheme**

4.62 Under the Million Wells Schemes open irrigation wells, irrigation tanks and harvesting structures are provided to the beneficiaries. A provision for land development has also been made under the scheme. This scheme, which was earlier restricted to only SC and ST small and marginal farmers and freed bonded labourers living below the poverty line, has been extended to cover non-SCs and STs also provided that the benefits to them should not exceed more than one-third of the budget allocation. During the period 1994-95, a total of 1,58,780 wells were constructed with an expenditure of Rs.776.18 crores. In the subsequent year 1,42,462 wells were constructed at an expenditure of Rs523.15 crores. State-wise details of the wells constructed under the scheme are given at Annexure 4-X. Inspection of the scheme at the field level show that there are many deficiencies in its implementation. The wells constructed under the scheme fail where the sub-soil water is very deep. For better utility of the scheme it should be modified to include borewells also. The Ministry should undertake periodical review of the wells constructed under the scheme to ensure that irrigation benefits are not cornered by the large farmers in the villages.

### Indira Awas Yojana

4.63 The Indira Awas Yojana aims at providing free of cost dwelling units to SCs and STs and freed-bonded labourers in rural areas. From 1993-94 the scheme has been extended to cover non-SCs/STs living below the poverty line, however, the expenditure on them should not exceed 4% of the total allocation under JRY. During the period 1995-96 the Central Government decided to construct one million houses under the scheme for which an allocation of Rs.1,368.34 crores (including state share) was made. It was observed that the allotment of houses is done in the name of the female member of the household or is allotted in the joint name of the husband and wife. During the period 1994-95 and 1995-

96 the number of houses constructed was 3,90,482 and 8,52,431 respectively. State-wise details of the houses constructed under the scheme are given at <u>Annexure-4XI</u>.

### **Employment Assurance Scheme**

- 4.64 The Employment Assurance Scheme (EAS) is in operation in the rural areas of the country since October,1993. Under the scheme 100 days of assured employment is provided to the rural poor who are in need of employment. Initially the scheme was implemented in 1,778 blocks of 261 districts and as mentioned earlier since January, 1996 the intensive JRY has been merged with EAS as a result of which 3,197 blocks are covered in the country presently.
- 4.65 The Commission notes that the scheme is open to all rural poor between the age group of over 18 to below 60 and its primary objective is to provide gainful employment during the lean agricultural seasons. The Commission took note of the fact that regular inspection of works has been provided for under the scheme. Considering the fact that a significant proportion of SC and ST workers are agricultural labourers and have no assured employment through out the year there is a possibility of their exploitation by the contractors, middlemen etc. In this context, in addition to regular inspection of works the extent to which SCs and STs are being provided assured employment also need to be regularly monitored. During the year 1993-94 the States generated 49.97 million mandays which increased to 283.96 million mandays in 1994-95 and 333.87 million mandays in 1995-96.
- 4.66 <u>Field inspection of the wage employment programme showed that there were many deficiencies in the implementation of these programmes such as:</u>
  - (1) Accounts of the beneficiaries and the employment provided to them in terms of hours of work are not maintained properly in may States
  - (2) Records of assets created under these programme are not kept properly which lead to misappropriation of funds at the local level.
  - (3) Minimum wages are not actually paid in some of the State to the workers. In other cases poor quality foodgrains are distributed to the beneficiaries.
  - (4) As part of the payment for the work may be made in foodgrains. Sometimes these foodgrains are actually not given to the worker.
  - (5) At the village level the list of the persons identified as eligible beneficiaries under the programmes are not maintained.
  - (6) Contrary to the guidelines, in many cases works are executed through the contractors.
  - (7) Construction of primary school buildings is allowed subject to certain conditions. The work of primary school buildings should be allowed more liberally.

### **Land Reforms**

4.67 Land reforms in our country are very important in the context of economic development of the rural poor. An egalitarian agrarian structure not only helps development of agriculture, but also improves the socio-economic condition of the people. In the context of tribal development the transfer of tribal land to non-tribals, legally or illegally has been engaging the attention of the Central as well as

State Government and many States having sizeable tribal population have enacted laws regulating the transfer of tribal lands. The following statement shows the area of tribal land alienated and restored.

TABLE 10

Statement showing Area of Tribal Land Alienated and Restored.

(As on July' 95)

Area in Acres

	rea Alienate lo. of cases		Area Resto No.of cases		Period of Reporting
1	2	3	4	5	6
Andhra Pradesh	n 64781	271789	22481	93833	6/95
Assam	2023	5174	NA	448	4/94
Bihar	84232	102326	50150	43324	3/94
Gujarat	37080	13285	37669	7322	6/95
Karnataka	42252	128482	21834	67862	9/95
Madhya Pradesh	54139	62528	1707	48398	6/94
Maharashtra	45634	NR	20824	105497	6/94
Orissa	125052	NR	43577	5757	5 9/94
Rajasthan	360	1423	NR	NR	9/95
Γripura	25434	22938	3 6610	540	50 3/94

Source: Ministry of Rural Areas and Employment Annual Report 1995-96.

4.68 The Commission is of the view that the State Govt. may undertake periodical drives to detect cases of tribal land alienation and regularly monitor the cases which are being tried in the Courts of Law. The establishment of Special Courts to try the cases of tribal land alienation may also be considered by the State Government for speedy restoration of such lands. The implementation of the Centrally Sponsored Scheme of strengthening of Revenue Administration and updating of land records need to be effectively monitored; because once the land records are updated many of the evils that have entered into the system will be checked to a great extent.

### Implementation of land Ceiling Laws

- 4.69 The cumulative achievement under the implementation of Land Ceiling Laws upto the quarter ending December,95 indicates that 74,86,818 acres of area has been declared surplus and out of which 65,60,765 acres have been taken possession of representing more than 87% of the declared surplus area. In regard to area distribution, it is observed that out of 51,79,595 acres distributed so far the share of SCs and STs was 17,91,854 and 7,25,228 acres respectively which represented 34.59% and 14.00% of the total area distributed. Out of the total 50,51,496 beneficiaries, the SCs and STs number 18,17,322 and 1,17,089 respectively accounting for 35.98% and 14.19%. The above figures clearly indicate that the per capita area distributed works out to 0.98 acres in regard to non-SCs/STs. Considering the fact that the SCs and STs constitute bulk of the rural poor efforts should be made to ensure equitable distribution of land.
- 4.70 The Commission notes with concern that the total area involved under litigation has been 10.97 lakh acres and that higher acreage of land under litigation have been reported from the States of Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal in which the proportion of SC and ST population is quite high.
- 4.71 The commission urges that the State Government/UT Administration should take all necessary legal administrative action to speedily dispose of these cases and distribute the available land to SCs and STs.
- 4.72 The State-wise position in regard to achievement under the implementation of land ceiling laws for the quarter ending December, 95 may be seen in <u>Annexure-4.XII</u>.

### Role of Institutional Finance

- 4.73 The efforts for economic development of the Scheduled Castes and Scheduled Tribes are being made in a concerted manner by providing facilities for income generation activities. The role of the financial institutions in this context is very vital in each area of activity which is being pursued by the Scheduled Castes and Scheduled Tribes. As a majority of SCs and STs are engaged in the agricultural sectors as labourers and cultivators, the availability of finance for inputs is crucial for increasing their productivity and production. It is of vital importance also for value addition in the produce of those SCs & STs who are engaged in off-farm activities, etc.. While the Government is providing subsidy through various schemes and programmes subsidy for self-employment and income generation schemes in various sectors, the financial institutions have to provide credit. Their role, therefore, in providing timely and adequate credit facilities has an important bearing on the progress and implementation of the schemes being implemented by various Central Ministries, State Govts. and public sector corporations.
- 4.74 The Institutions catering to the credit requirement of SCs and STs are: National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC), Scheduled Caste Development Corporation (SCDC), Public Sector Banks, Co-operative Societies and Regional Rural Banks. These Institutions have greatly reduced the dependence of the weaker sections of the society on the private money lenders and are providing yeoman's service in saving them from exploitation. To make an assessment of the services rendered by these Institutions. The Reserve Bank of India should conduct a survey of indebtedness of the weaker sections of the society particularly SC and ST and ascertain the share of the institutional credit vis-a -vis the private money lenders. Such a survey should study the bottlenecks in the availability of credit to SCs and STs in the different regions of the country and also suggest measures take up steps to remove them.

### **Public Sector Banks**

4.75 As stated above the budgetary funding alone is not adequate to bring about desired economic upliftment of SCs and STs. Therefore, the institutional finance has to play a major role for their

economic development. The provisional data available in regard to priority sector lending reveals that at the end of March,1995 the total number of borrower accounts in priority sector lending of all the twenty Public Sector Banks was 361.73 lakhs out of which accounts held by SCs and STs were 99.15 lakhs (representing 27.4%). The total amount outstanding was Rs.61794.43 crores of which the share of SCs and STs was Rs.5428.44 crores which accounted for only 8.78%. Thus under the priority sector lending the flow of funds from the public sector banks is much less in case of SC/ST communities as compared to other section of the population. The statistics published by the RBI in its bulletins relating to priority sector lending give details about the amount outstanding at the end of the financial year. However, it would be more useful if these bulletins provide information on the loans sanctioned and disbursed during the year to the weaker sections of the society to make an assessment of the working of the public sector Banks' advances to the priority sectors. The table below gives the details of Public Sector Banks' advances to priority sector:

TABLE-11
Public Sector Banks Advances to priority sector
(As on last Friday of March, 1995)

	riority ector		er of Bor nts (in la		Amo	ount Outsta (in crores)	nding
		Total	SC/ST	' %age	Total	SC/ST	%age
	1	2	3	4	5	6	7
1.	Direct Agriculture	207.10	55.84	26.96	20812.47	2693.98	12.94
2.	Indirect Agriculture	5.95	1.90	31.93	2700.46	116.26	4.30
3.	Small Scale Industries	32.25	9.15	28.37	25842.80	764.19	2.95
4.	(a) of which Cottage, kha & vill.Art, T Industry etc.	di iny	2.29	20.50	7733.98	174.93	2.26
5.	Other priorit Sector		32.26	27.70	12438.70	1854.01	14.90

Note: Provisional Data

Source: Banking Division, Ministry of Finance.

4.76 The Sector-wise figures reveal that the priority sector loans outstanding against SCs and STs under agriculture were Rs.2810.24 crores for 57.74 lakhs accounts which means that as on March,1995 each SC or ST account had a liability of only Rs.4867.06 as against that of Rs.13330 for others (including SC and ST). Per capita liability of the SC and ST account holders show that amounts advanced to these sections of society are inadequate to cater fully the credit requirements of the SC/ST cultivators. Therefore, Reserve Bank of India should take steps to augment per capita investment to the weaker sections of the society.

4.77 The priority sector loans outstanding against SCs and STs under small scale industry were Rs.764.19 crores for 9.15 lakh accounts and the per capita amount outstanding works out to Rs 8351.80 against Rs1.08 lakhs in case of all account holders including SCs/STs. The figures suggest that while other sections of the population have comparatively larger industries and were assisted to a greater extent

by the banks, the SCs and STs are owners of small units that do not require much capital. The commission feels that the banks must exhibit more enthusiasm in regard to their SC and ST lending programmes and the Government should undertake intensive and extensive technical education and training programmes for skill formation and entreprenureship development amongst the SCs and STs, so that persons from these communities can also set-up their own SSI units.

4.78 To encourage entrepreneurship among the poor educated youth the Prime Minister's Rozgar Yojana (PMRY) has been under implementation since 2<sup>nd</sup> October 1993. Under this scheme financial assistance upto Rs 1 Lakin is provided without collateral security with a subsidy of 15% of the project/venture cost, subject to a maximum subsidy of Rs.7500. The scheme is aimed at providing self-employment opportunities to both rural and urban educated unemployed youth within 18-35 years of age with family income not exceeding Rs 24000 per annum. Under the scheme, there is 22.5% reservation for SC/ST and 27% for other backward classes. The State Governments/UT Administration are operating this scheme through the District Industries Centres. For the Annual Plan 1995-96 target and achievement under the Yojana are as under:

TABLE 12

		(No. of	beneficiaries)
	Target	Sanctions	Disbursements
Total	2,20,000	2,99,118	1,82,149
SC/ST	-	26,652	
		(8.91%)	

- It may be observed from these figures that there has been inadequate representation to the SC/ST beneficiaries in the sanctions although total sanctions have exceeded the target. The Commission feels that the Departments should prepare suitable projects for financing under the scheme and the banks should monitor the performance of their rural and other branches to see as to why despite guidelines and relaxations the cases of SCs/STs forwarded by Government Departments are not being sanctioned.
- Under the differential rate of interest schemes, the total number of accounts at the end of March, 95 was 22.99 lakhs with an outstanding amount of Rs.701.84 crores. The SCs and STs accounts were 11.56 lakhs with an outstanding amount of Rs.42079 crores and the percentage of advances to SCs/STs under DRI accounted for 59.96.
- The Commission is of the view that even though the performance of the public sector banks has improved over the years, there is scope for further improvement in their lending policy towards weaker section of the population especially for the SCs and STs. In the lending programme of the Public Sector Banks it is found that these banks provide capital loans to the borrowers and the balance money for commencement of the project is left to be arranged by the borrowers. However, many a time the poor SC/ST entreprenures find it difficult to arrange the working capital required for grounding of these projects. As a result the assets purchased by the individuals out of high cost borrowed funds become a burden and the units become sick and have to be sold to repay the debt burden. Therefore, the Banks should invariably dovetail into lending programme, the working capital requirement also at the time of advancement of capital loan.

## National Scheduled Castes and Scheduled Tribes Finance and Development Corporation

4.82 The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) was set-up in February 1989 as a Government Company and since then has emerged as an important financial institution in the context of economic development of SCs and STs. The Corporation

extends concessional finance to SCs and STs and its funds are channelled through the State level SC / ST Corporations and other channelising agencies. The NSFDC has sanctioned loans for various schemes in sectors such as agriculture, horticulture, minor irrigation, animal husbandry, small industries, handlooms, transport and services. The cumulative disbursements have been to the tune of Rs.291.28 crores as on 31.3.96. The Corporation has sanctioned a total of 1054 schemes costing Rs.831.30 crores which will benefit as many as 2,11,677 beneficiaries. NSFDC'S investment per beneficiary which was Rs.12,000 as on as 31.3.94 increased to Rs.15,000 as on 31.3.95 (increase of 25%) thus, indicating the increasing involvement of the Corporation in the matter of financing schemes for the development of SCs and STs.

4.83 The State/UT wise details of the number of beneficiaries assisted under the schemes in which the NSFDC played a major role in financing may be seen in the following table;

TABLE 13 Beneficiaries assisted by NSFDC

(As on 31-3-95) State/UT Number of beneficiaries SC ST **TOTAL** 2 3 1. A&N Islands 18 18 2. Andhra Pradesh 7620 21619 29239 3. Assam 4094 722 4816 4. Bihar 5329 1903 7232 5. Chandigarh 284 284 6. Delhi 1368 1368 7. Gujarat 3193 905 4098 8. Goa 44 44 9. Haryana 1120 1120 10.Himachal Pradesh 416 174 590 11.Jammu & Kashmir 431 109 540 12.Karnataka 9785 2464 12249 13.Kerala 2591 802 3393 14. Madhya Pradesh 6560 7999 14559 15.Maharashtra 5036 812 5848 16.Manipur 8 487 495 17.Mizoram 1200 1200 18.Meghalaya 25 25 19.Nagaland 674 674 20.Orissa 2059 2714 4773 21.Pondicherry 96 96 22.Punjab 2288 2288 23.Rajasthan 3325 362 3687 24. Tamil Nadu 25.Tripura 227 272 499 26.Uttar Pradesh 17234 2290. 19524 27. West Bengal 374 68 4612 28. Arunachal Pradesh 7 7 Grant 250 250 500 Total 158851 26676

Note: After sanction some of the scheme were dropped from implementation.

Source: National Scheduled Castes/Scheduled Tribes Finance and Development Corporation

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- The Corporation has issued fresh guidelines effective from October1,1995 with regard to its lending policy and the Commission feels that this would help immensely in promoting the economic development of SCs & STs. Under its new financing programme, seed capital assistance is given to the entrepreneurs to avail of term loan facilities from State financial institutions. It is significant in the context of SCs and STs, as they often fail to arrange their share of equity stipulated by the term lending institutions. Under the term loan assistance, projects costing upto Rs 30 lakhs are considered and for projects costing up to 1 lakh each, the minimum promoters' contributions percentages of project is not insisted upon. The corporation now also provides working capital loan. In addition to these, the Corporation also extends bridge loan, grants for skill and entrepreneurial development programmes and conducts training programmes for officers of the channelising agencies.
- The Commission feels that with the adoption of the new lending policy by the corporation, 4.85 which is more liberal and flexible in the nature, the financial crunch faced by the SC and ST entrepreneurs and State level Corporations will be eased to a great extent. The State level Corporations which often find it difficult to tie-up financial arrangement with the banks, will considerably benefit from the new lending policy and will be in a much better position to get their schemes of the grant. The Commission notes that the funds mobilised in each year by NSFDC is nationally allocated to channelising agencies in the States in proportion to the SC and ST population of the State represented by them and it is expected that the channelising agencies will fully utilise the same for the betterment of the target groups. The State Governments should ensure that allocations to the State SCDCs are properly utilised by formulating suitable projects and keeping in view the felt needs of the local areas. National SC/ST Finance and Development Corporation should incorporate a detailed note in its Annual Reports with regards to sanctions, disbursements, recovery of loans and the type of projects financed/refinanced by it during the years. Since NSFDC is the apex body for channelling the development programmes for SC/ST, the Commission feels that the central Government should consider providing bank status to this Corporation so as to augment its resource base and expand the horizon of its operations in the field of SC/ST upliftment.
- 4.86 From the Annual Reports of the All India Financial Institution, viz., Industrial Development Bank of India (IDBI), Industrial Finance Corporation of India Ltd.(IFCI), Small Industries Development Bank of India (SIDBI), Export Import Bank of India(IRBI), National Housing Bank(NHB) and National Bank of Agriculture and Rural Development(NABARD), it was observed that an assessment of their operations in the form of direct/indirect advances to SC/ST beneficiaries or enterprenures has not been given. The commission urges these Financial Institutions to include in their Annual Reports appraisal of the schemes and total advances made by them for the benefit of SCs/STs.

# National Scheme of Liberation and Rehabilitation of Scavengers and their dependants:

The National Scheme was launched in March, 1992 to eliminate the sub-human practice of manual removal of nightsoil as head load by the end of the Eighth Five Year Plan. Identification, training and thereafter rehabilitation of scavengers in alternative occupations are the three distinct operational component under the scheme. The SCDCs functioning in various States/UTs are the nodal agencies for the implementation of the scheme at the ground level. The National Commission for Safai Karmacharis has been set-up to specifically look into the interests of Safai Karmacharis. The commission has since been functioning actively as a watch-dog agency for the welfare and development of the Safai Karmacharis. This Commission is expected to closely supervise and monitor the implementation of the National Scheme of Liberation and Rehabilitation of Scavengers and their dependants. The national Commission for SC/ST support the steps being taken by them to deal with the problem.

## **Scheduled Castes Development Corporation**

4.88 The Scheduled Caste Development Corporations (SCDCs) have been set-up in 19 States and four Union Territories with a view to mobilising financial resources for schemes to be implemented for

the economic development of SC persons living below the poverty line. The States and UTs in which such Corporations are functioning include Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, West Bengal, Uttar Pradesh, Chandigarh, Delhi, Pondichery, Daman, & Diu and Dadra & Nagar Haveli. The objective of setting up of such Corporations is to mobilise institutional credit at concessional rates of interest. These Corporations mainly take up employment oriented schemes in the sectors of agriculture and allied activities, minor irrigation, trades and services, transport, skill development and self-employment. The Government of India participates in the share capital of these Corporations to the extent of 49% as against 51% by the States.

- During the year 1992-93, 1993-94 and 1994-95 these Corporations have assisted 5.35 lakhs, 7.54 lakhs and 5.83 lakhs SC families respectively in the country. In Haryana State the Haryana Harijan Kalyan Nigam assisted 11,999 SC families and disbursed Rs1277.47 lakhs with Rs.163.77 lakhs as direct loan, Rs.486.47 lakhs as subsidy, Rs154.83 lakhs as margin money and Rs472.40 lakhs as bank loan during the year 1994-95. The sector wise break-up of the assisted families indicates that 6268 SC families were assisted under agriculture and allied sector, 1155 under industrial sector, 2998 in the trade and business sector and 1578 under the professional and self-employment sector. Some of the important schemes implemented by the Nigam during 1994-95 include schemes for purchase of photostat machine, purchase of auto rickshaw, Dr. Ambedkar Beopar Yojana, Chemists shop, purchase of light commercial vehicles and organising training for SC candidates in various trades. In view of the fact that Haryana is emerging as an attractive destination for industrial activity, the Nigam should lay emphasis on training of the SC people, so as to enable them to avail the employment opportunities in the large industrial sector and their ancillary units.
- 4.90 The field offices of National Commission for SCs and STs have undertaken evaluation of some schemes implemented by States' S.C.D. Corporations. Findings of these evaluation studies are brought out as under:
- 4.91 The Punjab Scheduled Castes Land Development and Finance Corporation is providing loan to SC persons at concessional rates under its various schemes which include direct lending, financing of transport vehicles, commercial dairy farming units, bank tie-up schemes, funding of economic ventures and commercial activities for self-employment. The commission's field office located at Chandigarh undertook a sample study of the purchase of agricultural land scheme in the two districts of Punjab namely, Ropar and Patiala. It was found that in all the cases the beneficiaries were able to improve their earnings. Their level of improvement was directly related to the size of the land holding, quality of land, availability of irrigation facilities and importantly, the efforts put in by the individual beneficiary. It was noticed that under the scheme, there is no income limit prescribed for the selection of the beneficiaries and that the total land including the land to be purchased should be within the ceiling limit fixed by the Government. It is recommended that the Corporation should lay down an income or land holding limit to eliminate the possibility of affluent SC persons cornering the benefits under the scheme. In some cases it was noticed that the beneficiary is unaware of the details of his loan. In such a situation, the Corporation may consider issuing a passbook to the beneficiaries indicating details such as size of land holding, khasra number, location, amount of loan received, interest rate, repayments made, instalments due etc.
- 4.92 A study of Individual Entrepreneur Scheme (IES) of the <u>Tamil Nadu Adi Dravidar Housing and Development</u> Corporation (TAHDCO) was conducted by the Madras field office of the Commission. The study was under taken in five districts, viz., Chengalpattu, MGR, Salem, South Arcot and Trichy and 50 entrepreneurs (10 from each district) were contacted. The scheme is being implemented by the Corporation since 1990-91 and encourages the entrepreneurs belonging to SCs to take up income generating economic ventures which are technically feasible, commercially profitable and economically viable. Schemes such as running of lorries, mini buses, auto rickshaws, tourist taxies, mini dairy units, poultry units, xerox units, garment units, chappal making units, clinics, nursing homes, etc., are being implemented. Most of the beneficiaries contacted opined that Individual Enterpreneur scheme was a good scheme and expressed their satisfaction. It was found that a majority of the entrepreneurs were

able to create assets within three months after the sanction of loans by the banks. It was also noted that a majority of the beneficiaries were regularly repaying their bank loans while repayment of loan towards margin money sanctioned by TAHDCO was not satisfactory. In some cases, delay in implementation of the scheme was reported due to delay in getting loans from the banks as the banks were reportedly insisting on collateral security from the beneficiaries for sanction of loan. In some cases, sanction of loan by the bank in instalments affected the smooth functioning of the scheme.

- The Scheme of construction of shops implemented by the <u>Himachal Pradesh Scheduled Castes/Scheduled Tribes Development Corporation was studied by the Commission's field office at Shimla.</u> The study was conducted in Bilaspur and Dharamshala. The study team found that the scheme was not very popular among the SCs and STs as a majority of them had no land near the market or road side. Those who owned such land were required to prepare a number of documents before applying for loan. In the process, a lot of time, energy and money was involved. It was also found that the beneficiaries were reluctant to take loans because they had to mortgage the land in favour of the corporation and in the case of poor persons, the landlords were not willing to stand surety. It was further found that the district Corporation officials took their own time to scrutinise the documents and forward the same to their head office at Solan. The beneficiary had to pursue the case at both ends, i.e. district as also head office of the Corporation.
- The Commission's field office at Lucknow undertook a study in the district of Meerut and Deoria of the State, regarding 'Loan and Small Business Scheme' financed by the <u>U.P. Scheduled Castes/Scheduled Tribes Development Corporation</u>. It was found that there was a lack of coordination between the Corporation and the banks and a majority of the beneficiaries reported difficulties in getting loan from the Corporation and Banks. A significant proportion of the beneficiaries also had to spend money from their own sources for getting the schemes sanctioned.

# Tribal Co-operative Marketing Development Federation of India Ltd.(TRIFED):

4.95 A significant proportion of the population living in the forest areas constitute tribal communities and are engaged in collection of minor forest produce for their subsistance. Since these tribals are by and large simple, isolated and mostly illiterate, they are often exploited by the unscrupulous private traders. In order to ensure them a remunerative price for the minor forest produce, as also surplus agricultural produce that they produce and collect, the TRIFED was established in the year 1987. Since its establishment, the TRIFED had played a significant role in the context of improving the economic conditions of the STs. The activities of TRIFED have also been expanding over the years. The Federation had a turn over of Rs205.91 crores during 1994-95 registering an increase of about 91% over the previous year. During the period 1995-96, it is expected to give a turn over of Rs.274.00 crores. Annexure-4XIII presents the prices paid to tribals/growers before and after the TRIFEDs intervention. It can be seen from Annexure-4XIII that the intervention by the TRIFED has greatly benefited the tribals in the matter of prices offered to them for minor forest produce and surplus agricultural produce.

#### Recommendations:

- 4.96 Recommendations have been incorporated under the specific heads wherever necessary in this chapter. Separate recommendations for Scheduled Tribes have been made in the chapter on "Welfare and Development of Scheduled Tribes". Hence, only some of the important recommendations are brought out as under:
  - (i) The allocation of financial outlays commensurate with the SC/ST population proportion at the Central and State level, have not been adequate to bridge the gaps

- in development between SC/ST and other section of the society. Therefore, adequate financial resources should be allocated for development of these communities in keeping with the need in each sector to bring them at par with other communities in a time bound manner.
- While quantifying funds under any scheme as part of the SCP and TSP the welfare schemes for SC/ST people should be looked into carefully. Keeping in view the likely flow of physical benefits to the people belonging to these communities, inclusion of the schemes under SCP and TSP which are not relevant for SC/ST people present a distorted picture of the quantum of effort undertaken by the State Governments/UT Administrations. In this context SC & TD Departments of the State should be closely involved in planning and implementation of these schemes.
- (iii) Action plan should be prepared by the State Governments and UT Adms. for socio-economic development of Primitive Tribal Groups.
- (iv) The States and UTs should release SCA and other Central funds to ITDAs / ITDPs and implementing agencies within one month of receipt from the Government of India.
- (v) Inter-sectoral priority should be determined on the basis of specific requirements of the region and relevance of programmes.
- (vi) All the Central Ministries should identify schemes and thereafter quantify resources for SCs and STs development and welfare. They may also adopt the budgetary mechanism of reflecting the share for SC and ST separately. The Ministries / Departments may determine and clearly indicate the possible supplementation which they expect to make to the States from their plans for key programmes.
- (vii) The availability of differential rate of interest finance for SC and ST people needs to be augmented and RBI should monitor the lending operations of the banks to ensure that the prospective borrowers get the loans expeditiously.
- (viii) The effort of financial institution should be quantified separately in respect of each of three sections, i.e., SCs, STs and other weaker sections.
- (ix) Financial discipline should be followed vigorously. Departmental as well as audited statements of accounts should be prepared regularly and punctually, if necessary, specific staff should be appointed for the purpose.
- (x) The working of S.C.D.C., Tribal Development and marketing Corporations may be evaluated by the independent agencies to know performance of these institutions at the field level. These Corporations should be given the status of Commercial Banks.
- (xi) Penal interest charged by the NSFDC for delay in utilisation of the funds of the State SC/ST Corporations may be reduced.
- (xii) While granting loan under employment generating schemes which lead to creation of assets, the joint application by both husband and wife and consequent upon joint ownership of the assets should be encouraged.

(xiii) In the States/UTs where there are either no blocks with more than 50% SC populations or the number is less, the SCA should be used by considering village/cluster of villages as a unit on the pattern of Modified Area Development Approach (MADA) in TSP.

# The level of development between ST population in Tribal Areas and General Population in other areas in different fields

### Education.

Comparison of literacy rate between ST and Non-SC/ST population during four census periods.

Year	Non-SC/ST	S.T	Difference
1961	27.86	8.53	19.33
1971	31.80	11.30	20.50
1981	41.22	16.35	24.87
1991	57.69	29.60	28.09

The table indicates that the literacy rate of ST population is increasing in every census period. The literacy rates of ST in 1961 was 8.53 but it has increased to 29.60% in 1991 census. But the gaps between literacy rates of STs and Non-SC/ST population is increasing since 1961 census. When the gap of literacy between ST literacy and Non-SC/ST population 19.33% in 1961 census it has increased to 28.09% in 1991 census.

### **Poverty**

Comparison of persons below poverty line between ST and non - scheduled population, as per NSSO Survey.

Year	Sch. Tribes	All population
1977-78	68.10	49.20
1983-84	57.20	48.30
1987-88		37.40
1987-88	49.90	29.9

### Occupational classification of main workers

### Cultivator

Year	General	Sch.Tribes
1961	52.18	68.18
1971	43.38	57.56
1981	41.53	54.43
1991	39.74	54.50

### Agriculture Labour

Year	General	Sch. Tribes
1961	16.71	19.71
1971	26.32	33.04
1981	26.16	32.67
1991	19.66	32.69

## **Household Industry**

1061	6.38	2.47	
1961 1971	3.55	1.03	
1971	3.99	1.42	
1991	2.56	1.04	

### Other Worker

24.13	9.64	
	8.64	
	11.84	
<del>-</del> :		
30.04		
	24.13 26.32 29.32 38.04	26.32 8.64 29.32 11.84

# Distribution of average holdings.

## (in hectare)

Major size	S	T	Others		
classes	1980-81	1985-86	1980-81	1985-86	
(a) Marginal (below hectare)	0.48	0.39	0.39	0.39	
(b) Small (below 1&2 hectare)	1.43	1.43	2.79	1.44	
(c) Semi medium (between 2&4 hectare)	2.74	2.73	2.79	2.43	
(d) Medium (between 4 & 10 hectare)	5.98	5.95	6.03	5.97	
(e) Large (10 hectare and above)	15.88	15.65	15.65	17.43	
All size classes	2.44	2.88	1.88	1.74	

## Employment generated.

### (Employment in lakh mandays)

Name of	<u>Emr</u>			
programme and year	Target	Achievement	Achievemen for STs.	
NREP				
1985-86	2280.00	3164.14	505.93	
1000 00	3486.00	(138.78%) 3756.10	(16%)	
1988-89 3486.00		(109.61%)	NA	
RLEGP				
1985-86	2057.32	2475.76 (120.34%)	413.48	
(17%)				
1988-89	2604.19	2628.40	NA	
<u>JRY</u>		(100.93%)		
1989-90	·	8613	1477	
			(17%)	
1995-96	<b></b>	5696	1043	
<u>JRY+EAS</u>	i		(18.3%)	
1993-94		10,018	1881	
	•		(19%)	
1995-96		8,651	1875	
(22%)			·····	

# Physical achievement under rural water supply on tribal area during 1985-86, 1988-89 and as on 1.4.96.

(in lakh)

Year	Total popula- tion covered.	ST population Covered.
1985-86	165.27	21.85 (13.22%)
1988-89	230.23	21.21 (9.21%)
As on 1.4.96 (provisional)	5100.80	532.47(84.85%)

### LIST OF CENTRAL MINISTRIES / DEPARTMENTS

- Department of Agriculture & Co-operation, Krishi Bhawan, New Delhi - 110 001
- Department of Animal Husbandary and Dairying, Krishi Bhawan New Delhi - 110 001
- Department of Agricultural Research and Education ,
   Ministry of Agriculture,
   Krishi Bhawan,
   New Delhi 110 001.
- Department of Atomic Energy, Anushakti Bhawan,
   C.S.M. Marg
   Bombay 400 039.
- Department of Chemical and Petrochemicals, Ministry of Chemicals and Fertilizers, Shastri Bhawan New Delhi - 110 001
- Department of Fertilizers, Ministry of Chemicals and Fertilizers Shastri Bhawan New Delhi - 110 001.
- Department of Civil Aviation,
   Ministry of Civil Aviation and Tourism,
   Sardar Patel Bhawan
   New Delhi-110 001.
- Department of Tourism,
   Ministry of Civil Aviation and Tourism,
   Transport Bhawan,
   New Delhi-110 001
- Ministry of Civil Supplies,
   Consumers' Affairs and Public Distribution,
   Krishi Bhawan
   New Delhi-110 001

- 10. Ministry of Coal, Shastri Bhawan, New Delhi-110 001
- 11. Ministry of Commerce, Udyog Bhawan, New Delhi-110 001
- 12. Department of Supply, Ministry of commerce, Nirman Bhawan, New Delhi-110 001
- Department of Telecommunications, Sanchar Bhawan, New <u>Delhi-110 001</u>
- 14. Department of Posts,
  Dak Bhawan, Sansad Marg
  New Delhi-110 001
- 15 Department of Defence, Ministry of Defence, South Block New Delhi-110 0011.
- Department of Defence Research and Development, Ministry of Defence, Sena Bhawan, New Delhi-110 0011.
- 17. Department of Electronic,Electronic Niketan6, CGO Complex,New Delhi-110 003.
- Ministry of Environment and Forests, Paryavaran Bhawan CGO Complex, New Delhi-110 003.
- Ministry of External Affairs, South Block, New Delhi-110 0011
- 20. Department of Economic Affairs, Ministry of Finance, North Block, New Delhi-110 001

- 21. Department of Expenditure, Ministry of Finance, North Block New Delhi-110 001
- 22. Department of Revenue,
  Ministry of Finance,
  North Block
  New Delhi-110 001
- 23. Ministry of Food, Krishi Bhawan New Delhi- 110001
- 24. Ministry of Food Processing Industries, Panchsheel Bhawan , Khel Gaon Marg New Delhi-110 049.
- 25. Department of Health,
  Ministry of Health and Family Welfare,
  Nirman Bhawan
  New Delhi-110 001
- 26. Department of Family Welfare, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110 001
- 27. Ministry of Home Affairs, North Block, New Delhi-110 001
- 28. Department of Official Language, Ministry of Home Affairs, Loknayak Bhawan New Delhi-110 003
- 29. Department of Culture,
  Ministry of Human Resource Development,
  Shastri Bhawan
  New Delhi- 110001
- 30. Department of Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110 001

- 31. Department of Youth Affairs and Sports,
  Ministry of Human Resource Development,
  Shastri Bhawan,
  New Delhi-110 001
- 32. Department of Women and Child Development,
  Ministry of Human Resource Development,
  Shastri Bhawan,
  New Delhi-110 001
- Department of Industrial Development, Ministry of Industry, Udyog Bhawan, New Delhi-110 0011.
- 34. Department of Heavy Industry, Ministry of Industry, Udyog Bhawan, New Delhi-110 0011.
- 35.Department of Small Scale Industries & Agro & Rural Industries, Ministry of Industry,
  Nirman Bhawan, 7th Floor, 'A' Wing,
  New Delhi-110 011
- Department of Public Enterprises, Ministry of Industry, Block No. 14, CGO Complex New Delhi-110 003.
- 37. Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi-110 001
- 38. Ministry of Labour, Sharam Shakti Bhawan, Rafi Marg, New Delhi-110 001
- 39. Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Shastri Bhawan, New Delhi-110 001
- 40. Legislative Department,
  Ministry of Law,
  Justice and Company Affairs,
  Shastri Bhawan,
  New Delhi-110 001

41. Department of Justice, Ministry of Law, Justice and Company Affairs, Shastri Bhawan, New Delhi-110 001

42. Department of Company Affairs,
Ministry of Law Justice and Company Affairs,
Shastri Bhawan,
5th Floor, 'A' Wing,
New Delhi-110 001

43. Ministry of Non-Conventional Energy Sources,
Block No. 14,
CGO Complex.
New Delhi-110 003.

44. Ministry of Mines, Udyog Bhawan, New Delhi-110011.

45. Department of Ocean Development, Mahasagar Bhawan, Block 9 &12, CGO Complex, New Delhi-110 003.

46. Ministry of Parliamentary Affairs, Parliament House,
New Delhi-110 001

47. Department of Personnel and Training, Ministry of Personnel,
Public Grievances & Pension,
North Block,
New Delhi-110 001

48. Department of Administrative Reforms & Public Grievances, Ministry of Personnel, Public Grievances & Pension, North Block New Delhi-110 001

 Department. of Pension and Pensioners Welfare, Ministry of Personnel, Public Grievances & Pensions, Loknayak Bhawan, New Delhi-110 003

- Ministry of Petroleum & Natural Gas, Shastri Bhawan, New Delhi-110 001.
- 51. Department of Statistics, Ministry of Planning & Programme Implementation, Sardar Patel Bhawan New Delhi-110 001
- 52. Department of Programme Implementation, Ministry of Planning & Programme Implementation, Sardar Patel Bhawan, New Delhi-110 001
- 53. Ministry of Power, Shram Shakti Bhawan, Rafi Marg New Delhi-110 001
- 54. Railway Board, Rail Bhawan, New Delhi-110 001
- 55. Ministry of Rural Development, Krishi Bhawan, New Delhi-110 001
- 56. Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi-110 016.
- 57. Department of Biotechnology, Ministry of Science & Technology, Block 2, CGO Complex, New Delhi-110 003.
- 58. Department of Scientific and Industrial Research, Technology Bhawan,. New Mehrauli Road, New Delhi-110 016.
- Department of Space,
   Loknayak Bhawan ( Floor III),
   New Delhi-110 003
- 60. Ministry of Steel, Udyog Bhawan, New Delhi-110 011.

- 61. Ministry of Surface Transport, Transport Bhawan, New Delhi-110 001
- 62. Ministry of Textiles, Udyog Bhawan, New Delhi-110 011.
- 63. Ministry of Urban Development, Nirman Bhawan, New Delhi-110 011
- 64. Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg New Delhi-110 001
- 65. Ministry of Welfare, Shastri Bhawan, New Delhi-110.001
- 66. Union Public Service Commission,
  Dholpur House,
  Shahjahan Road,
  New Delhi-110 011.
- 67. Comptroller & Auditor General of India 10, Bahadur Shah Zafar Marg, New Delhi-110 002.

# ANNEXURE 4.1 (Ref. para 4.3) STATEMENT SHOWING THE TOTAL POPULATION, SCHEDULED CASTE POPULATION AND SCHEDULED TRIBE POPULATION WITH THEIR IN THE TOTAL POPULATION IN 1981 AND 1991 CENSUS

	Total P	opulation		Sche	duled C	astes				Schedul	ed Tribes	
S. State No. /UT	1981	1991	Growth Rate	1981	%'	1991	·%	Growth Rate	1981	%	1991	%
1 2	3	4	Traic	5	6	7	8	9	10	11	12	13
1 A.P.	53,549,673	66,508,008	24.20	7,961,730	14.87	10,592,066	15.93	33.03	3176001	5.93	4199481	6.31
2 Ar.P.	631.839	864,558	36.83	2,919	0.46	4,052	0.47	38.81	441167	69.82	550351	63.66
3 Assam	19,896,843	22,414,322	12.65	1,241,526	6.24	1,659,412	7.4	33.65	2185845	10.99	2874441	12,82
4 Bihar	69,914,734	86,374,465	23.54	10,142,368	14.51	12,571,700	14.55	23.95	5810867	B.31	6616914	7.66
5 Goa	1,086,730	1,169.793	7.64	23,432	2.16	24,364	2.08	3.97	10721	0.99	376	0.03
6 Guj.	34,085,799	41.309,582	21.19	2,438,297	7.15	3,060,358	7.41	25.5	4848586	14.22	6161775	14.92
7 Har.	12,922.618	16,463,648	27.40	2,464,012	19.07	3,250,933	19.75	31.93	•		<u> </u>	<u>.</u>
8 H.P.	4,280,818	5,170,877	20.79	1,053,958	24.62	1,310,296	25.34	24.32	197263	4.61	218349	4.22
9 J&K.	5,987,389	7,718,700	28.92	497,363	8.31	641,200	8.31	28.91		•	N.A.	N.A
10 Kar.	37,135,714	44,977,201	21.12	5,595,353	15.07	7,369,279	16.38	31.7	1825203	4.91	1915691	4.26
11 Ker.	25,453,680	29,098,518	14.32	2,549,382	10.02	2,886,522	9.92	13.27	261475	1.03	320967	1.1
12 M.P.	52,178,844	66,181,170	26.84	7,358,533	14.1	9,626,679	14.55	30.82	11987031	22.97	15399034	23.27
13 Maha.	62,784,171	78,937,187	25.73	4,479,763	7.14	8,757,842	11.09	45.49	5772038	9.19	7318281	9.27
14 Man.	1,420,953	1,837,149	29.29	17,753	1.24	37,105	2.02	109	387977	27.3	632173	34.41
15 Megh.	1,335,819	1,774,778	32.86	5,492	0.41	9,072	0.51	65.18	1076345	80.58	1517927	85.53
16 Mizo.	493,757	689,756	39.70	135	0.03	691	0.1	411.85	461907	93.55	853565	94.75
/17 Naga.	774,930	1,209,546	56.08						650885	83.99	1060822	87.7
18 Orri.	26,370,271	31,659,736	20.06	3,965,543	14.66	5,129,314	16.2	32.69	5915067	22.43	7032214	22.21
19 Pun.	16,788,915	20,281,969	20.81	4,511,703	26.87	5,742,528	28.31	27.28				<u>.</u>
20 Raj.	34,261,862	44,005,990	28.44	5,838,879	17.04	7,607,820	19.29	30.29	4183124	12.21	5474881	12.44
21 Sikkim	316,385	406,457	28.47	18,281	5.78	24,084	5.93	31.74	73623	23.27	90901	22.96
22 T.N.	48,408,077	55,858,946	15.39	8.881,295	18.35	10,712,266	19.18	20.61	520226	1.07	574194	1.03
23 Tri.	2,053,058	2,757,205	. 34.30	310,384	15.12	451,116	16.36	45,34	583920	28.44	853345	30.95
24 U.P.	110,862,013	139,112,287	25.48	23,453,339	21.16	29,276,455	21.05	24.82	232705	0.21	287901	0.21
25 W.B.	54,580,647	68,077,965	24.73	12,000,768	21.99	16,080,611	23.62	33.99	3070672	5.63	3808707	5.59
26 A & N.I.	188,741	280,661	48.70	•		<u> </u>			22361	11.85	26770	9.54
27 Chand.	451,610	642,015	42.16	63,621	14.09	105,977	16.51	56.6			<u> </u>	<u> </u>
28 D & N.H.	103,676	138,477	33.57	2,041	1.97	2,730	1.97	33.7	81714	78.82	109380*	78.99
29 D.& diu		101,586				3,891	3.83	38.91	<u> </u>		11724	11.54
30 Delhi	6,220,406	9,420,644	51.45	1,121,643	18.03	1,794,836	19.05	60			·	<u> </u>
31 Laksh.	40,249	51,707	28.47						37760	93.82	40163	93.15
32 Pond.	604,471	807,785	33.64	96,636	15.99	131,278	16.25	35.8			<del></del>	
INDIA	685,184,692	846,302,688	3 23.51	105,996,149	15.47	138,864.477	16.37	30.04	53,814,483	7.85	67,758,327	8.08
										• "		

### NOTE:

- (1) In 1981 Census was not held in Assam.Population of SC/ST projected on growth rate of total general population,i.e.,36.05%
- (2) Source for 1991 figures Series 1, Paper 1 of 1993 Union Primary Census Abstract for SC & ST
- (3) In 1991 Census was not held in Jammu & Kashmir. Total population projected by RGT. Population of SC projected on growth rate of total general population, I.e., 28.92% Scheduleed Tribe figures for 1981 not available as STs were declared for the first time on 7-10-89
- (4) Arunachal Pradesh and Mizoram were Union Territories in 1981 Census but were States in 1991 Census.
- (5) Goa, Daman & Diu was a Union Territory in 1981 Census. In 1991 Census Goa was a State while Daman & Diu was a Union Territory. For 1981 Census separate figures for Daman & Diu are not available.
- (6) The percentage of ST in the country's population's in 1991 Census(Col 12) has been workded out after excluding the Projected Total population of J&K from the country's Total population since the ST population in J&K could not be projected.

ANNEXURE:-4.II (Ref. para 4.13)

# STATE/UT WISE POSITION OF ITDPs, MADAS, CLUSTERS AND PRIMITIVE TRIBAL GROUPS IN TSP AREAS

S.NO.	State/UT	ITDP/ITDA	MADA	CLUSTER	PTG
1	Andhra Pradesh		41	17	12
2	Assam	19	-	ŭ	-
3	Bihar	14	. 41	7	. 9
4	Gujarat	9	1	4 44	5
5	Himachal Pradesh	5	.2	, , . <del>-</del>	-
6	Karnataka	5	-	-	. 2
7	Kerala	7	-	-	5
. 8	Madhya Pradesh	49	39	. 8	7
9	Maharashtra	16	37	21	3
10	Manipur	5	-	•	1
11	Orissa	21	46	13	13
12	Rajasthan	5	44	11	. 1
13	Sikkim	4	•		
14	Tamil Nadu	9	-		. 6
15	Tripura	3	. =	. <u>-</u>	1
16	Uttar Pradesh	1	1	-	2
17	West Bengal	12	•	. 1	3
18	A&N Islands	. 1	-		5
19 ,	Daman & Diu	1	-	-	-
20	Jammu & Kashmir	-	· · · · · · · · · · · · · · · · · · ·	· -	
	Total	194	252	78	75

Source: Ministry Of Welfare

ANNEXURE 4.III (Ref. Para 4.16)

# STATE/UT WISE FLOW OF FUNDS FROM STATE PLAN TO TSP DURING 1993-94, 1994-95, 1995-96

			-							Rs in Cro	es)
	•	% age of _		1993-94			1994-95			1995-96	
S. No	State/UT	ST popn. 1991	State Plan	TSP	%	State Plan	TSP	%	State Plan	TSP	%
1	2	3	4	5	6	7	8	9	10	11	12
1	Andhra Pradesh	6.31	1851.00	86.45	4.67	2130	78.76	3.70	3159	125.88	3.98
2	Assam	12.82	580.00	102.95	17.74	978.83	109.75	11.21	1326.40	147	11.08
3	Bihar	7.66	2315.00	800.21	25.93	2310	597.02	25.85	2400	687.02	28.63
4	Gujarat	14.92	2137.00	217.77	10.19	2240	237.75	10.61	2610	308.76	11.83
5	Himachal Pradesh	4.22	550.00	49.50	9.00	650	58.50	9	<b>750</b>	67.50	9
6	Jammu Kashmir	-	880.00	49.92	5.67	950	87.87	9.25	1165	119.57	10.26
7	Karnataka	4.26	3025.00	39.94	1.32	3275	47.85	1.46	3575	67.68	1.89
8	Kerala	1.1	1000.00	19.37	1.94	1260	24.05	1.96	1550	24.32	1.57
9	Madhya Pradesh	23.27	2400.00	535.05	22.29	2750	627.72	22.83	2900	685.66	23.64
10	Maharashtra	9.27	3804.00	265.00	6.67	4400	330.00	7.50	5500	412.50	7.50
11	Manipur	34.41	235.00	100.73	42.84	240	85.72	35.72	300	119.86	39.95
12	Orissa	22.21	1450.00	423.86	/29.23	1950	348.40	17.87	1732	568.85	32.84
13	Rajasthan	12.44	1700.00	143.96	8.47	2450	187.12	7.64	3200	305.45	9.55
14	Sikkim	22.36	105.88	17.21	16.25	97.95	17.00	17.36	81.41	13.12	16.12
15	Tamil Nadu	1.03	2101.00	22.48	1.07	2750.01	28.33	1.03	3200	36.39	<b>1</b> .14
16	Tripura	30.95	310.00	111.77	36.05	290	88.75	30.6	329	93.84	28.5
17	Uttar Pradesh	0.21	4200.50	2.03	0.05	3842	2.60	0.07	4520	2.87	0.06
18	West Bengal	5.59	1550.00	75.33	4.86	1706	77.03	4.52	22.40	75.67	3.4
19	A & N Islands	9.54	156.00	22.60	14.44	205	24.19	11.80	15.52	2.33	<b>`</b> 15
20	Daman & Dłu	11.54	24.70	1.70	6.88	26.26	2.22	8.45	35.53	2.8	7.8
	Total	8 08	30375.90	2887.83	9.51	34501.05	3061.23	8.87	40549.26	3867.07	9.54

Source: Annual Report 1995-96 Ministry of Welfare

ANNEXURE- 4 IV (Ref. para 4.20)

### STATE/UT WISE FUNDS RELEASED DURING 1992-93, 1993-94, 1994-95 AND 1995-96 UNDER SPECIAL CENTRAL ASSISTANCE FOR TSP.

S.No	State/UT	1992-93	1993-94	1994-95	1995-96
1	2	3	4	5	6
1	Andhra Pradesh	1529.34	1593.22	1947.10	2140.32
2	Assam	1077.61	1087.57	1112.67	1545.19
3	Bihar	3175.25	3497.39	1748.70	274.22
4	Gujarat	1855.84	2234.77	2491.56	3060.26
5	Himachal Pradesh	403.39	755.03	450.57	541.62
6	Jammu & Kashmir	296.14	518.60	550.63	756.64
7	Karnataka	327.42	439.76	409.03	659.99
8	Kerala	207.23	167.25	126.30	181.20
9	Madhya Pradesh	6785.01	8117.65	7535.72	9579.66
10	Maharashtra	1815.21	2234.35	2196.34	2930.82
11	Manipur	383.41	417.12	432.81	574.53
12	Orissa \	3378.03	3603.23	3956.55	4958.10
13	Rajasthan	1679.46	2664.68	2202.79	2819.04
14	Sikkim	60.93	73.67	75.10	100.19
15	Tamil Nadu	270.72	214.05	256.88	274.44
16	Tripura	414.94	372.37	480.01	564.97
17	Utlar Pradesh	58.40	69.22	70.41	104.08
18	West Bengal	1171.67	1319.06	1335.83	1763.21
19	A & N Islands	86.13	77.22	85.50	112.21
20	Daman & Diu	23.87	28.29	35.50	59.31
······································	Total	25000.00	29484.50	27500.00	33000.00

Sources: Annual Report 1995-96 Ministry of Welfare.

ANNEXURE -4 V (Ref. para 4.22)

## STATEWISE GRANTS RELEASED UNDER IST PROVISO TO ARTICLE 275(1) OF THE CONSTITUTION .

	· · · · · · · · · · · · · · · · · · ·		(Rs	. in lakhs)
S.No	States/UTs	1993-94	1994-95	1995-96
1	2	3	4	. 5
1	Andhra Pradesh	437.25	460.50	460.50
2	Assam	301.50	315.00	315.00
3	Bihar	801.00	725.25	725.25
4 -	Guj <del>arat</del> -	668.25	675.00	675.00
5	Himachal Pradesh	27.00	24.00	24.00
6	Jammu & Kashmir	105.75	95.25	95.2 <del>5</del>
7	Karnataka	251.25	210.00	210.00
8	Kerala	36.00	35.25	35.25
9	Madhya Pradesh	1651.50	1687.50	1687.50
10	Maharashtra	795.00	801.75	801.75
11	Manipur	53.25	69.00	69.00
12	Orissa	815.25	771.00	771.00
13	Rajasthan	576.75	600.00	600.00
14	Sikkim	9.75	9.75	9.75
15.	Tamil Nadu	72.00	63.00	63.00
16	Tripura	80.25	93.75	93.75
17	Uttar Pradesh	32.25	31.50	31.50
18	West Bengal	423.00	417.75	417.75
19	Arunachal Pradesh	60.75	60.00	60.00
20	Meghalaya	148.50	166.50	166.50
21	Mizoram	63.75	72.00	72.00
22	Nagaland Total	90.00 7500.00	116.25 7500,00	116.25 7500.00

Source: Annual Report 1995-96, Ministry of Welfare.

#### ANNEXURE-4.VI (Ref. para 4.31)

## STATE /UT WISE OUTLAY AND EXPENDITURE UNDER SPECIAL COMPONENT PLAN DURING 1993-94,1994-95 AND 1995-96

										, in Crores
S.		% of SC _		1993-94			1994-95		1995-96	
No		pop.	State Plan	SCP	SCP	State Plan	SCP	SCP	StatePlan	SCP
	· · · · · · · · · · · · · · · · · · ·		outlay/	outlay	Expr.	outlay	outlay	Expr.	oullay	outlay
	2	3	.4	5	6	. 7	8	9	10	11
1	Andhra Pradesh	15.93	2075.55	207.65	215.00	2170.00	256.69	216.97	3159.00	314.90
2	Assam	7.4	956.16	63.84	49.50	978.83	73.33	N.A.	1326.40	98.20
3	Bihar	14.55	700.00	104.22	71.77	900.00	166.69	152.23	2500.00	470.91
4	Goa	2.08	170.00	2.20	1.65	182.00	4.25	2.59	210.00	2.86
-	Gujarat	7.41	2137.00	80.43	71.50	2240.00	78.87	74.13	2160.00	99.00
6	Haryana	19.75	920.00	125.33	99.35	1025.50	42.56	136.10	1250.00	186.37
7	Himachal Pradesh	25.34	550.00	68.75	58.42	650.00	77.86	67.05		90.25
8	Jammu &Kashmir	20.04	880.00	70.52	50.42	950.00	54.83	54.82	1165.00	90.23
9	Karnataka	16.38	3025.00	260.69	258.94	2800.00	303.81	289.21	3575.00	338.79
-	Kerala	9.92	1003.00	98.06	96.48	1260.00	126.62	134.98	1550.00	142.00
11	Madhya Pradesh	14.55	2400.00	310.78	218.27	2754.00	251.90	231.87	2900.00	283.16
	Maharashtra	11.09	3804.00	196.60	195.60	4400.00	390.28	335.90		550.00
13	Manipur	2.02	235.13	2.82	1.79	214.50	5.98	2.04	300.00	8.91
14	Orissa	16.2	1450.00	215.52	147.19	1450.00	148.02	160.05		178.57
15	Punjab	28.31	1250.00	195.17	90.30	1450.00	200.08	N.A.		636.54
16	Rajasthan	17.29	1700.00	274.35	273.23	2450.23	389.85	363.19		487.17
17	Sikkim	5.93	100.00	5.96	5.96	180.54	8.40	N.A.		7.15
18	Tamil Nadu	19.18	2101.00	353.61	335.28	2750.75	523.06	421.29		618.25
19	Tripura	16.36	208.00	38.74	29.80	290.00	25.99	25.99		37,12
	Uttar Pradesh	21.05	4250.00	456.91	333.20	4250.00	491,36	459.68		809.28
21	West Bengal	23.62	1550.00	221.10	229.54	1706.00	174.35	232.49		278.15
22	-	16.51	80.00	2.34	2.34	95.00	2,41	1.12		1.98
23		19.05	1075.00	95.75	81.60		140.31	84.44		149.79
	Pondicherry	16.25	108.00	17.55	16.33		21.95	20.80		28.52
∠→		10.23	100.00	17.55	10.33	1.55.00	(16.26)	20.00	110.02	(18.25)
	· · · · · · · · · · · · · · · · · · ·		<del> </del>			··	(			V: =:==/
	Total		32728.54	3487.89	2933.98	36842.12	4059.45	3466.94	46958.01	5913.86
							(11.02)			(12.59)

Note: Figures in the brackets are percentages from State Plan Outlay.

Source: Annual Report 1995-96, Ministry of Welfare.

## SPECIAL CENTRAL ASSISTANCE RELEASED DURING 1994-95 AND 1995-96 FOR SCP

			÷	(Rs, in Lakhs)
S.No	States/UTs	1994-95	Utilised	1995-96
	2 - 1 - 1 - 1 - 1	Released		Released
1	2	3	4	. 5
1	Andhra Pradesh	3255.36	3962.00	3425.41
2	Assam	273.34	163.49	222.65
3	Bihar	-	-	- · · · · · · -
4	Gujarat	956.68	489.98	278.90
5	Goa	3.95	2.36	2.09
6	Haryana	538.05	491.21	623.00
7	Himachal Pradesh	195.72	195.72	193.63
. 8	Jammu & Kashmir	100.00	74.73	83.77
9	Kerala	508.81	545.61	-
10	Karnataka	1873.76	1873.76	492.73
11	Madhya Pradesh	2097.57	2586.7	2425. <b>33</b>
12	Maharashtra	1575.89	1575.89	1745.47
113	Manipur	6.09	6.08	5.90
14	Orissa	1332.84	1332.84	1311.82
15	Punjab	1626.72	774.06	571.68
16	Rajasthan	886.37	675.54	1828.26
17	Sikkim	4.22	4.02	3.57
18	Tripura	100.97	100.97	72.26
19	Tamil Nadu	2655.66	2655.66	2803.55
20	Uttar Pradesh	6297.51	7756.34	5839.83
21	West Bengal	2813.37	2813.37	2955.22
22	Chandigarh	17.40	-	14.86
23	Delhi	244.42	244.42	231.16
24	Pondicherry	19.31	25.70	19.62
<del></del>	T <b>o</b> tal	27385.00	28350.45	27500.00

Source:Ministry of Welfare.

## FLOW OF FUND TO SCP OF CENTRAL MINISTRIES.

	Ministry/Deptt.	1994	-95	(Rs. in Lakhs) 1995-96		
S.No		Total	Flow to SCP	Total		
		outlay		Oullay	Flow to	
1	2	3	4	5	6	
1	Ministry of Labour	595.85	173.00	<u>_</u>	191.5	
2	Ministry of HRD	70514.00	10209.00	1056.20	172.13	
2	Dept. of Education			7555.25	172.13	
3	Ministry of Science &	8700.00	100.00	\ <u>-</u>	100.00	
	Technology (Dept. of		4	•	100.00	
4	Bio-Technology)					
4	Ministry of Industry	,				
	(Dept. of SSI&ARI)	•				
•	a. Coir Board	539.00	117.50	1152.55	261.82	
_	b. DC(SSI &ARI)	33980.00	5097.00	24473.00	3670.76	
5	Ministry of Textiles	8720.00	1918.40	10038.00	2208.36	
	(O/o the DC for				2200.50	
6	Handicrafts)					
U	Ministry of Petroleum					
	& Natural gas					
	a. IOC	449.39	96.14	251.17	116.07	
	b.Bharat Petroleum	72.00	32.00	86.00	38.00	
	c. Cochin Refineries	10.00	9.98	12.00	12.00	
	d. Gas Authority of		74.01	_	97.23	
	India				07.20	
	e. Hindustan	45.00	15.00	45.00	15.00	
	Petroleum		. 1		10.00	
	f. Bongaigaon	17.45	15.38		20.0 <del>0</del> -	
	Refineries &	•			20.00	
	Petrochemicals					
	g.Labrizol India Ltd.	5.00	2.3	2.50	2.50	
	h.Balmer Lawrie & Co.	8.40	2.83	10.40	10.40	
	I. IBP Co.Ltd.	5.00	3.10	7.73	5.00	
. 7	j ONGC	30.00	18.75	40.00	26.70	
<del>7</del> 8	Engineers India Ltd.	14.13	11.15	14.09	11.69	
U	Dept. of Women &	413.91	264.90	N.A.	N.A.	
9	Child Development					
9	Ministry of Health &	57800.00	3729.06	67000.00	4352.94	
10	Family Welfare			•	.002.01	
	Ministry of commerce	19410.00	759. <sup>[</sup> Q0;	4779.44	28.22	
11	Dept. of Fertilizer				20.22	
	NFL	0.07	1	• _		
	FACT	1.45	0.18			
12	Ministry of Rural Dev.		1		-	
1	IRDP	@	@			
•	JRY	<del>-</del>	3855.00	· - · · · · · · · · · · · · · · · · · ·	-	
40	ARWSP	89000.00	17040.00	- -	•	
13	Ministry of Non	2100.00	420-00	2200.00	440.00	
	Conventional Energy				44U.UU	
	Services					
14	Dept. of Agr. & Coop.	829.26	87.13	1231.30	*	
					146.30	

Separate Provision is not available for SCP under IRDP \*\*Figure for SCST separately not available

## PHYSICAL PROGRESS UNDER IRDP DURING 1994-95 AND 1995-96.

S. States/UTs No	_	40	994-95	overage of	Families.		400 00 P			
	Total	SC	94-95 %	ST	%	Total	sc 1	995-96(Pro		0/
1 2	3	4		6	70		9	<u>%</u> 10	ST 11	12
1 Andhra Pradesh	159208	59528	37.23	16225	10.15	122863	43594	35.48	12827	10.44
2 Arunachal Pradesh	18764	-	-	18764	100.00	14381	-	-	14381	100.00
3 Assam	62584	9452	15.10	15297	24.44	58547	9196	15.71	14248	24.34
4 Bihar	224736	73213	32.58	48713	21.68	265525	82045	30.90	47113	17.74
5 Goa	2192	22	1.00	-	-	2448	20	0.82	-	
6 Gujarat	72418	11504	15.89	25306	34.94	55686	9892	17.76	15188	27.27
7 Haryana	28285	13751	48.62	-	-	29771	14560	48.91	-	-
8 Himachal Pradesh	7355	2348	38.72	931	12.66	6750	2698	39.97	716	10.61
9 J&K	13545	2056	15.18	1633	12.06	13176	846	6.42	641	4.86
10 Karnataka	125810	38973	30.98	9430	7.50	119685	36157	30.21	9021	7.54
11 Kerala	46294	19443	46.03	1493	3.23	43357	17498	40.36	1262	2.91
12 M.P.	210829	47263	46.03	72236	34.30	210692	52025	24.09	69801	33.19
13 Maharashtra	196677	49533	25.18	33751	17.16	181597	43786	24.11	28205	15.53
14 Manipur	7658	122	1.59	5770	75.35	2774	19	0.68	1849	66.65
15 Meghalaya	6020	98	1.63	5922	78.37	4534	15	0.33	4519	99.67
16 Mizoram	3345	-	•	3345	100.00	5085	-	•	5085	100.00
17 Nagaland	1220	-	-	1220	100.00	211	-	•	211	100.00
18 Orissa	139837	36086	25.81	41591	27.74	120669	30814	25.54	35843	29.70
19 Punjab	22701	12002	52.87	-	-	11786	6287	53.34		-
20 Rajasthan	107799	38088	35.33	21087	19.56	92818	30326	32.67	18748	20.20
21 Sikkim	1281	78	6.09	529	41.30	2843	153	5.38	1090	38.34
22 Tamil Nadu	201221	91166	45.31	3763	1.87	150648	68252	45.31	2849	1.89
23 Tripura	21818	3751	17.19	7555	34.63	14657	2351	16.04	5327	36.34
24 U.P.	369725	188576	51.00	2971	0.80	355916	183165	51.46	3300	0.93
25 W.B.	159722	54738	34.27	10828	6.78	161724	55591	34.37	9804	6.00
26 A & N Islands	1126	323	28.69	323	28.67	591	-	-	-	-
27 D. N. H.	302	19	6.29	267	88.41	274	5	1.82	265	96.00
28 Daman & Diu	97	10	10.31	44	45.36	89	15	16.85	42	47.10
29 Laksadweep	100	•	-	100	100.00	18	-	-	18	100.00
30 Pondicherry	1221	527	43.16	<u> </u>	-	1563	549	35.12	40	2.50
INDIA	2214390	753170	34.01	349094	15.76	2050678	689859	33.64	302393	14.75

#### **MILLION WELLS SCHEME**

	-	1988-89 to 1994	4-95	1995-96 (Provisional)		
S.No.	States/UTs	Wells Constructed	Expenditure (Rs in Lakh)	Wells Constructed	Expenditure (Rs in Lakh)	
. 1	2	(Nos) 3	4	(Nos) 5	6	
<del></del>	Andhra Pradesh	73975	27575.94	10899	2608.25	
2	Arunachal Pradesh	154	92.74	130	71.46	
3	Assam	4880	4112.68	1865	666.70	
3 4		239991	46230,46	25476	5719.22	
4 5	Bihar Goa	209991 <b>51</b>	6.76	37	12.23	
5 <del>6</del>	Gujarat	36184	1 <del>13</del> 12. <del>66</del>	4107	1494.06	
7	Haryana	4680	1908.94	572	168.40	
8	Himachal Pradesh	337	1014.92	138	184.29	
9	Jammu & Kashmir	7454	1322.32	1395	172.50	
10	Karnataka	19418	16578.63	5236	3241.76	
11	Kerala	12551	4718.99	3468	1542.52	
12	Madhya Pradesh	157977	32296.10	35654	4766.3	
13	Maharashtra	41913	13950.35	9143	3485.6	
. 14	Manipur	1159	. 240.94	520	99.8	
15	Meghalaya	2423	282.80	732	42.1	
16	Mizoram	3169	376.14	362	34.	
17	Nagaland	3531	399.30	0		
18	Orissa	110222	16103.85	24263	4322.2	
19	Punjab	0	2.00	. 0		
20	Rajasthan	45507	11955.55	2457	825.7	
21	Sikkim	188	136.14	364	10	
22	Tamil Nadu	28406	18382.02	10899	4814.5	
23	Tripura	5524	580.63	2049	123.7	
24	Uttar Pradesh	20631	61873.11	518	11988.7	
25	West Bengal	37640	<b>25</b> 013.22	2147	5812.7	
26	A &N Islands	19	18.78	6	9.3	
27	Chandigarh	170	0.00	0		
28	D & N Haveli	0	66.78	24	7.8	
29	Daman & Diu	0	7.15	0		
30	Delhi	34	0.00	0		
31	Laksadweep	0	0.00	· 0		
32	Pondicherry	858188	46.01	1	0.1	
	Total	858188	296559.89	142462	52314.8	

## PERFORMANCE UNDER INDIRA AWAAS YOJONA

		1985-86 to		1995-96 (Pr	
,S.No.	States/UTs	Houses	Expenditure	Houses	Expenditure
		Constructed	(Rs. Lakhs)	Constructed	(Rs. Lakhs)
	= 9	(Nos.)		(Nos.)	
1	2	3	4	5	6
• 1	Andhra Pradesh	182207	21390.14	69086	6317.95
2	Arunachal Pradesh	1101	158.85	420	56.00
3	Assam	21600	2749.26	24871	3381.70
4	Bihar	309282	38264.14	114506-	19168.71
5	Goa	1372	90.65	967	31.51
6	Gujarat	53696	6406.07	31770	3669.26
7	Harayana	13396	1616.10	9024	1233.81
8 -	Himachal Pradesh	5558	717.78	1727	244.55
9 -	Jammu & Kashmir	6262	675.79	2900	374.84
10	Karnataka	69069	8208.99	37460	5812.80
11	Kerala	115760	18544.70	29368	4864.14
12	Madhya Pradesh	240296	18280.03	125757	11807.75
13	Maharashtra	120239	14873.88	66348	10606.35
14	Manipur	1495	166.73	784	141.18
15	Meghalaya	2630	299.83	207	30.01
16	Mizoram	2590	318.31	470	61.98
17	Nagaland	7229	1039.04	470	74.26
18	Orissa	83292	10642.62	51033	7494.88
19	Punjab	15685	3064.75	1121	96.50
20	Rajasthan	95705	9691.56	41756	4701.44
21	Sikkim	1214	165.43	1065	162.90
22	Tamil Nádu	305818	47267.58	56885	~14398.41
23	Tripura	5880	823.28	1348	144.77
24	Uttar Pradesh	290595	31054.88	159073	17039.77
25	West Bengal	97161	10952.83	23873	3465.27
26	A & N Islands	256	55.11	21	15.98
27		0	0	.0	C
28	D &N Haveli	519	75.89		
<del>29</del>		122	10.68	- 62	
30	Delhi	. 0	0.60	0	
31	Lakshadweep	. 0	0	10	
32	Pondicherry	638	88.03	36	
	Total	2050667	247693.53	852431	<u>115438.38</u>

Source: Annual Report 1995-96 Ministry of Rural Areas at and Employment

**ANNEXURE- 4 XII** (Ref. para 4.72)

## QUARTERLY PROGRESS (CUMULATIVE) ON IMPLEMENTATION OF LAND CEILING LAWS FOR THE QUARTER ENDING DEC, 1995.

			·						<u> </u>	
S.No.	States / UTs		iciaries	ST Benef		Other ber		Area decld.	Tota	
	4	Area	No.	Area	No.	Area		surplus but not		No. of cases
	2	3	4	5	6	7	8	distributed (5-7)	courts 10	in courts 11
	~					······································	<del>                                     </del>			
1	Andhra Pradesh	216034	215242	117210	80506	223917	217957	233079	153518	3647
2	Assam	45243	42933	58085	41422	395408	355422	113644	38461	NR
3	Bihar	178476	228516	39258	42291	84152	99945	186371	162390	2161
4	Gujarat	82841	14405	29080	12997	21357	3974	97894	83226	1396
- 5	Haryana	37580	11731	0	. 0	49429	15620	9401	6183	330
6	Himachal Pradesh	2305	2934	139	261	896	1205	279241	929	13
7	Jammu &Kashmir	0	0	0	0	450000	450000	5575	0	0
8	Karnataka	72587	18389.	3281	866	42883	11495	162028	141880	3930
9	Kerala	25182	62082	5163	7433	33908	75421	73439	38015	1683
10	Madhya Pradesh	49413	21528	73548	26997	62278	23606	153146	82500	1394
11	Maharashtra	161646	41925	97876	29195	301091	69462	169050	35478	681
12	Manipur	128	96	97	72	1457	1090	148	54	NR
13	Orissa	48764	45864	64244	49497	40351	38184	- 22832	12536	NR
14	Punjab	43804	11261	0	0	59412	16974	119372	25804	1106
15	Rajasthan	139342	28423	44008	10788	260001	38529	157239	71739	807
16	Tamil Nadu	62014	59052	234	180	97096	73622	31967	20670	293
17	Tripura	218	256	448	359	933	809	396	59	8
18	Uttar Pradesh	260062	226865	1346	766	122529	109146	171413	56217	NR
19	West Bengal	355 <b>273</b>	784499	184416	410138	414885	913900	316391	175780	NR
20	D &N Haveli	53	30	6795	3321	3	2	2555	149	) 5
21	Delhi	277	495	0	0	117	. 159	738	183	3 13
22	Pondicherry	621	797	0	0		562		1177	
	-Total	1791854	1817323	725228	. 71/089	2662513	2517084	2307223	1096943	3 17517

State Govt. of J&K has taken over possession of this land because State have no funds to pay for compensation.

Source: Ministry of Rural Areas and Employment.

## PRICES PAID TO TRIBALS/GROWERS BEFORE AND AFTER TRIBAL INTERVENTION

Commodity	1988-89		1993-94		1994-95	
	1	2	1	2	1	2
1	2	3	4	5	6	7
Minør forest						
Produce.						4000
Tamarind Seed	1960	2100	3350	3620	4025	4330
Tamarind	3950	4250	970	1043	8150	8770
r amarina	•					
deseeded					-	
Cashew	11500	12000 -	į.	-	30000	32000
Sal seed	-	1500 -		1500		1800
Còcoon per pc.	. 0.25	0.35	<i>&lt;</i> ੈ 0.8	0.8	-	1
Neem seed	-	-	<del>-</del>	-	1550	1650
Bantulsi seed	•	-	-	-	3000	3150
Chiranji soed	-	-	-		5800	6250
Lac	-		78000	78000	80000	80000
		4083.				
<u>Surplus</u> <u>Agricultural</u>						
Produce. Large Cardamom		-	48000	50000	50000	50000
Nigar seed	6800	7650	8000	8430	9000	9500
Mustard seed		-	8000	9600	9000	11700
Soyabeen	-		7000	9020	7000	10000

<sup>1.</sup>Prices before TRIFED's Intervention.

<sup>2.</sup>Prices paid by TRIFED

### **CHAPTER V**

### DEVELOPMENT AND WELFARE OF SCHEDULED TRIBES

## Demography, Population, Literacy and Poverty

The Scheduled Tribes are specified in accordance with Article 342 of the Constitution. The characteristics of ST communities are geographical isolation, distinctive culture, shyness of contact with others and general backwardness.

- 5.2 According to 1991 Census, the total population of STs in the country was 6.78 crores, comprising 8.08% of the total population of the country. Four States and two Union Territories i.e. Nagaland, Mizoram, Arunachal Pradesh and Meghalaya and Union Territories of Dadra and Nagar Haveli, Lakshadweep have a majority of ST population while States and Union Territories like Punjab, Haryana, Delhi, Chandigarh and Pondicherry have no specified ST population. Arunachal Pradesh, Tripura, West Bengal, Bihar, Orissa, Madhya Pradesh, Andhra Pradesh, Maharashtra, Rajasthan and Gujarat have about 80% of the total ST population in the country. Madhya Pradesh has the highest number of STs (153.99 lakhs) followed by Orissa (70.32 lakhs), Bihar (61.62 lakhs), Maharashtra (73.18 lakhs), Gujarat (61.62 lakhs), Rajasthan (54.75 lakhs), Andhra Pradesh (41.99 lakhs) and West Bengal (30.09 lakhs). State-wise ST population is given in Annexure 5.I:
- Geographical isolation and lack of infrastructure has been largely responsible for the deprivation of the Scheduled Tribes. The benefits from various developmental schemes and programmes of the market economy have not reached them. According to the 1991 census, the all-India literacy percentage of STs was 29.6, the male and female literacy percentage being 40.65 and 18.19 respectively. There are some States which have very low ST literacy, prominent among them being Andhra Pradesh (17.16%) and Rajasthan (19.44%) where the female literacy percentages are as low as 8.68% and 4.42% respectively. State-wise literacy percentage/rates are shown in Annexure-5.II The percentage of ST people living below the poverty-line in rural and urban areas, at 58.40 and 39.90 respectively, as per NSSO Survey (1983-84) was rather high. The position varies from State to State, the maximum rural ST percentage below poverty-line being in the States of Orissa (68.90%), Madhya Pradesh (67.10%), Bihar (64.90%). State-wise percentages of SCs, STs below poverty-line as available from 1983-84 NSSO survey are indicated in Annexure-5.III. The NSSO has not given separately State-wise figures for SCs/STs in its survey undertaken in 1987-88. However, as per NSSO, the percentages of STs and total population below poverty-line in 1987-88 were 49.90, and 29.90 % respectively. The survey undertaken by them in 1993-94 did not separately indicate SC/ST below poverty line.
- 5.4 The consolidated statement indicating the percentages of ST and total persons below poverty-line according to NSSO Surveys in 1977-78, 1983-84, and 1987-88 reveal the following position.

Year	Scheduled Tribes	All Population
1977-78	68.10	48.30
1983-84	57.20	37.40
1987-88	49.90	29.90

- In the field of Health, 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 Centre for every 20,000 population and one Sub-Centre for every 3,000 population in hilly/tribal areas as against one PHC for 30,000 population and one Sub-Centre for 5,000 population in general rural areas. The States have been advised to set up at least 15% of the Sub-centres in SC Basties or villages having 20% or more Scheduled Castes population and 7.5% of their annual targets in Tribal areas.
- 5.6 The State Govts. have been advised to give further relaxation for setting up Sub-Centre/Primary Health Centre in the case of tribal hamlets and Scheduled Castes Basties which are 5 Kms away from the available Health and Family Welfare delivery point.
- Under the Minimum Needs Programme, 20,044 Sub-Centres, 3,209 Primary Health Centres and 366 Community Health Centres 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 Homoeopathic Hospitals, 42 Unani dispensaries, 7 Siddha dispensaries functioning in the tribal areas in the country. Similarly, 16,841 Sub-Centres, 5,977 Primary Health Centres and 373 Community Health Centres have been established in SC Basties/villages having 20% or more Scheduled Castes population besides 986 Allopathic Dispensaries, 1,042 Ayurvedic dispensaries, 480 Homeopathic dispensaries, 68 Unani/Siddha dispensaries functioning in the SC concentration areas in the country. These health institutions are not adequate according to the requirement of SCs and STs in the country. The position of Sub-Centres, PHCs and CHCs in Tribal Areas as on 31.12.1995 is indicated in Annexure-5.III A
- 5.8 The levels of development of ST population in Tribal areas as compared with general population in different fields are indicated in the Statement at <u>Annexure-5.IV</u>
- 5.9 Aware of the status of low levels of development, the framers of the Constitution provided a comprehensive frame work for the socio-economic development of Scheduled Tribes. According to Article 46 of the Constitution, the State shall promote with special care educational and the economic interests of the weaker sections of the people and in particular of the SCs and the STs and shall protect them from social injustice and all forms of exploitation.

#### **Evolution of the Special Planning Process**

5.10 From the very beginning the need for evolving special strategies and programmes for administering the tribal areas and implementing the programme was felt. In accordance with the directives of the Second Five Year Plan 43 special multi-purpose blocks were established in some tribal areas of the country. The Renuka Ray Team (1959) laid stress on economic development, communications, health and education. Subsequently, Dhebar Commission (1961) defined the objective of development among tribals as advancement and integration of tribals. The ShiluAo Team (1969) emphasised that "the disabilities to which the tribals have been subjected over the centuries poverty, malnutrition, ill treatment, exploitation and worse-take time, to overcome", that the results achieved in the sphere of development had not been commensurate with expenditure and that a reasonable share of the benefits from the general development programmes should be apportioned for tribal development.

5.11 Notwithstanding these reports and efforts, the development programmes tended to be formulated in an adhoc manner without any long term perspective and were more in the nature of welfare schemes. The special programmes for STs were conceived as supplemental to total development effort under general sectors of development, but in practice these special programmes merely substituted the benefits available to STs under normal development schemes. This resulted in much lower investment for their development than envisaged. These approaches to tribal development did not get translated into definite programmes of action till the Fourth Plan period. Detailed comprehensive review of the tribal development programmes, was taken up on the eve of the Fifth Five Year Plan Period when the concept of Tribal Sub-Plan was evolved.

#### Tribal Sub-Plan Strategy

- 5.12 The Fifth Five Year Plan marked the beginning of integrated and intensive efforts towards tribal development by adopting the strategy of Tribal Sub-Plan (TSP). The objectives of the strategy in all these years have remained two fold viz:
  - (i) Socio-economic development of STs and
  - (ii) Protection of tribals against exploitation.
- 5.13 The TSP strategy has the following salient features:
  - (i) Identify the concentration of tribals and bring them into I.T.D.Ps.
  - (ii) Depending upon Natural resource, skills, aptitudes and needs prepare annual and five year plans.
  - (iii) Creation of different administrative structure, personnel policy by delegating financial and administrative powers.
  - (iv) Quantification of financial resources from out of the States and Central Plans supplemented by Special Central Assistance and Institutional finance.
  - (v) Preparation of appropriate schemes and programmes for pockets and clusters of tribal concentration and primitive tribal groups.
- 5.14 The Tribal Sub-Plan (TSP) strategy adopted during the Fifth Plan continued during Eighth Five Year Plan. On the basis of the concentration of ST population in a particular area, 194 Integrated Tribal Development Projects, 252 Modified Area Development Approach pockets and 78 clusters have been identified and set up. In addition to this, 75 primitive tribal groups have also been identified.
- 5.15 The policy of earmarking separate funds for the welfare and development of STs has paid rich dividends in the sense that more finances are made available for financing the projects. The size of TSP has been consistently increasing, and has risen from a mere Rs. 751.33 crores in the Fifth Plan to the plan outlay of Rs. 3061.23 crores in the annual plan of 1994-95 to Rs.

3867.07 crores in 1995-96. The flow of funds under TSP during the Fifth Plan onwards can be seen in the following table:

(Rs. in crores)

Plan Period	State Plan 2	Flow to TSP	%age Flow 4	
Fifth Plan	17692.88	751.33	4.25	
Sixth Plan	42390.60	3718.56	8.77	
Seventh Plan	73952.90	7076.81	9.57	
1990-91	20918.64	2011.97	9.62	
1991-92	24377.93	2503.62	10.27	
1992-93	24811.55	3019.73	12.17	
1993-94	30375.90	2887.83	9.51	
1994-95	34501.05	3061.23	8.87	
1995-96	40549.01	3867.07	9.54	

Source: Annual Report 1995-96, Ministry of Welfare

5.16 It is evident from the above statement that since the Fifth Plan and till the first year of the Eighth Plan, the quantum of funds under TSP has shown an increasing trend. However, in the year 1993-94 not only did the quantum of funds under TSP decrease over the previous year but the flow of funds from State Plan in terms of percentage also registered a decline. In the year 1994-95, the quantum of funds under TSP increased to Rs. 3061.23 crores from Rs. 2887.83 crores in 1993-94. However, in terms of percentage flow from the State Plan, the same further declined from 9.51% in 1993-94 to 8.87% in 1994-95. During the period 1995-96 it is seen that it is not only the outlay earmarked under TSP has increased compared to previous year, the flow of funds from State Plan has also registered an increase over 1994-95 in terms of percentage.

#### **Quantification of Funds by Central Ministries for Tribal Areas**

- 5.17 To spearhead adequate attention to tribal development, Planning Commission and Ministry of Welfare had issued guidelines to Central Ministries to take action on following lines;
  - (1) Formulate appropriate programmes;
  - (2) Adapt the on-going programmes suitably;
  - (3) Quantify funds for tribal areas from their budgets;
  - (4) Create separate tribal cell in each department/Ministry; and
  - (5) Adopt separate sub-heads under their respective major heads to reflect flow of funds to tribal areas.
- 5.18 However, the following shortcomings have been noticed in the formulation of TSPs of Central Ministries/Departments:
  - (1) Some Ministries/Departments do not consider TSP to be feasible or necessary in the area of their activities.
  - (2) Though TSPs have been formulated, the quantification of funds and physical targets is worked out purely on notional basis by applying a percentage to the overall outlays and physical targets/achievements e.g. Labour Ministry.

- (3) Though TSP is formulated and funds/targets quantified, these are not disaggregated State wise or year wise and consequently review of achievements is not possible.
- (4) No guidelines have been issued to States/UTs to ensure that an adequate share in the benefits arising from the activities of the Ministry/Department flow to the ST population and TSP areas.
- 5.19 During the year 1994-95 out of 67 Ministries/Deptts. (APPENDIX 5.I) only 6 Ministries namely Ministry of Labour, Deptt. Of Telecommunication, Ministry of Textiles, Ministry of Science & Technology, Ministry of Rural Development and Ministry of Industry have quantified funds for TSP.
- 5.20 The flow of funds from Central Ministries to TSP during the year 1994-95 may be seen in the following table:

•	(Rs. in crores)					
Ministry /Deptt.	Outlay	Flow to TSP	%age			
Ministry of Rural Development	9300.00	50% funds under RDP to be spent on SCs/STs				
Ministry of Science & Technology	205.62	0.50	0.24			
Ministry of Textiles	557.50	7.88	1.41			
Department of Telecommunication	5865.00	200.00	3.04			
Ministry of Labour	5.96	0.70	11.74			

5.21 It may be seen that very few Central Ministries/Departments have so far earmarked funds under TSP and these also have not taken the full allocation into consideration. It is necessary that TSP is formulated by all Ministries/Departments from the year 97-98, for ensuring accrual of benefits to the tribal population of the country. The Central Ministries should quantify funds State-wise, Scheme-wise and programme-wise and monitor implementation on regular basis. It is also suggested that the Central Ministries in their annual reports in addition to giving information about the representation of SCs and STs in posts and services, may also give an account of the programmes/schemes undertaken by them for the welfare and development of SCs and STs and physical as also financial achievements under them during the period.

#### **Special Central Assistance for TSP**

5.22 Along with the Tribal Sub-Plan strategy, the Special Central Assistance was instituted at the beginning of the Fifth Plan period. The Special Central Assistance was conceived as an additive and a catalyst for spurring financial investments by the State Governments and financial

institutions for area development and for special localised needs. The State-Wise releases of Special Central Assistance from 1992-93 is given at <u>Annexure 5.V</u> During 1992-93 to 1995-96, outlay has been as follows:

1992-93	Rs. 250.00 crores
1993-94	Rs. 294.85 crores
1994-95	Rs. 275.00 crores
1995-96	Rs. 330.00 crores

- 5.23 The Special Central Assistance of the Ministry of Welfare has, generally, been distributed among the States and Union Territories on the basis of a three-factor formula. States having larger Scheduled Tribe population spread over larger area and more backward than others, are entitled to a larger share of the Special Central Assistance. The distribution of SCA for Primitive Tribal Groups is also based on some formula as indicated in the Appendix 5.II.
- 5.24 Another factor that should be structured into the formula so that States with better achievement- performance quantitatively and qualitatively, should be able to attract more quantum of Central Assistance. However, in order to ensure accelerated growth for more backward areas and States, norms should be evolved to make larger flow of funds possible.

#### **Centrally Sponsored and Central Sector Schemes**

5.25 The Tribal sub-Plan strategy has been conceived to be comprehensive, subsuming all sources of finance, all sectors of development and all segments of population. The Ministry of Welfare also implements Central Schemes and Centrally Sponsored Schemes exclusively for SCs and STs like scholarship schemes, hostels for boys and girls etc. State-wise grants released to States/UTs by Ministry of Welfare for various schemes during the each year of the Eighth Plan is indicated at Annexures5.VI to 5.XI.

#### Institutional Finance

- 5.26 Institutional finance is an important ingredient in the entire beneficiary-oriented programme. Institutional finance has come to occupy an important position in the development process as it goes to increase the financial resources needed for development. While subsidy element is available from the Central and State funds, the loan component has to flow from financial institutions. In formulation of programmes, specific problems of each area and the target-group in terms of family should be clearly defined and schemes directly benefiting the individual tribal family given the highest priority. In the field of credit-cum-marketing, the part to be played by institutional finance is vital. Both production and consumption credit have come to occupy a pivotal position in the gamut of measures for the promotion of tribal economy.
- 5.27 Broadly speaking, there are three sources of institutional finance; co-operative sector, commercial banks and corporate sector. Among the three, the one which has been most closely connected with various schemes in the field of tribal development has been the co-operative sector. Perhaps, the main reason has been that co-operative have received specific attention in tribal areas since the Fifth Plan period with the establishment of more than 3,500 Large-sized

Multi-Purpose Co-operative Societies (LAMPS). One of the objectives of LAMPS has been to provide production and consumption credit at reasonable rates to tribals for (a) promotion of subsidy-cum-loan production schemes in the fields of agriculture, horticulture animal husbandry, irrigation, forestry, cottage and village industries and (b) liberating tribals from the clutches of money-lenders through supply of consumption credit. Things have been sought to make it easier for the tribal through linking of credit with marketing i.e. by recovery of instalments of loan against the agricultural and minor forest produce they sell to the LAMPS. LAMPS have been financed for the purpose by the District Central Co-operative banks linked to the State Cooperative banks. The presence of commercial banks in tribal areas has been rather scarce, and their activity has been confined to restricted jurisdiction around. The bank branches have been reported working under constraints of staff, accommodation, mobility, procedures, etc. Development culture has yet to fully permeate the commercial banking sector. Coordination between the State Developmental agencies and commercial banking authorities has not still acquired a reasonable level of effectiveness. The Tribal Sub-Plan documents of various States do not contain reference to the part played by the financial institutions. The reservation of tribals to go in for loans is understandable, as they have had experience of money-lender charging them exorbitant rate of interest. In fact, alienation of his land and even bondage can be traced back in many cases to a preceding phase of deep indebtedness. In some cases the experience of tribals even with the official lending agencies has not been happy. Some other reports indicate lack of The tribal finds himself burdened with loan much beyond his viability of the schemes. repayment capacity on account of the more or less static or insignificantly incrementing economy. The use of coercive methods for recovery drives the tribal away further. There is, thus, a general reluctance to get entangled in schemes involving loan element.

- 5.28 The implementation of the Tribal sub-Plan at the Central and State levels has brought to the fore several issues which call for serious consideration. The practice adopted is to allocate all investments/expenditures in projects and programmes taken up in tribal areas against TSP on the ground that they are likely to directly or indirectly affect the development of the area and its inhabitants. Some in-depth evaluation is required to identify investments which can be shown against the Tribal sub-Plan.
- 5.29 A State Plan budget can be divided into three groups of sectors. Infrastructure sectors, Direct Economic Benefiting Sectors and Social Service Sectors. In the group of infrastructure sectors, there are certain sectors like large and medium industries, mining, power, ports and harbours, which are capital-intensive, location specific and, provided other conditions are identical, do not discriminate the beneficiary-clientele in favour or against. The establishment of such projects in tribal areas cannot, ipso facto, be taken as generating benefit-flow only to tribals. These are major programmes for development of tribal areas and are relevant to the entire population. Consequently, any quantification from these sectors of the State Plan shown in a State's Tribal sub-Plan has to be accepted with circumspection.
- 5.30 The case of roads and bridges and road transport, whose beneficial effects may be real in the relatively advanced tribal areas but only apparent in the greater part of the tribal areas which are less developed. However, communication network is necessary for tribal areas to catalyse their economy and to provide the tribals with greater opportunities for development. Hence, while investments in national and State highways and major roads should go into the general pool, expenditure on link to feeder roads from and to the tribal villages and bridges connecting them to main roads should be provided through TSP.
- While major and medium industries can have direct impact on tribal area and tribal life provided that adequate measures to upgrade skills and train the tribals are taken, in so far as the major and medium irrigation projects are concerned, situation can differ. There are cases of major and medium irrigation projects (e.g. Mahi medium project in Rajasthan) whose headworks are located over land acquired from tribal owners but whose benefits may largely skirt tribals. Secondly there are certain other projects (e.g. Kolab major project in Orissa) whose

command lies inescapably in tribal area. While the minor irrigation project and in some cases medium projects may be shown under TSP, expenditure on large/major projects and medium project located in tribal areas should go into the general pool.

- 5.32 The sectors namely Land Reforms, Minor Irrigation, Soil and water conservation sector and co-operation perform a much closer supportive role for tribal economy.
- 5.33 Flow of financial resources from the State Plan to these sector is, therefore, to be welcomed for strengthening of tribal economy. They are examples of divisible sectors i.e. sectors from which quantified flow of funds from the State Plan is not only feasible but positively beneficial.

#### **Social Services Sectors**

- 5.34 While the tribal system of medicine should be encouraged and the indigenious expertise of tribals utilised, health services, both preventive and curative, need to be provided within easy reach to the tribals. To enable the benefits of modern science to reach remote interior tribal areas, mobile medical units are useful.
- 5.35 Training and orientation of tribals in each of these social as well as developmental sectors of activities falling within each needs to be recognised as a priority requirement. Located as they are in isolated places, the access to information and knowledge and the advanced technologies is almost non-existent. Central & State Govts., Public & Private sectors must take up training and orientation programmes to upgrade skills and transfer technologies to the tribal at regular intervals so that they are not deprived of the gains of modern technological advancement in various fields.

#### **Economic Sectors**

- 5.36 Result oriented programmes and schemes have become essential for socio-economic development of the tribal family and individual oriented schemes have to be formulated through consultation with the participant beneficiaries or their representatives. The mode of financing of schemes should be carefully formulated. Most of these comprises of subsidy-cum-loan, credit experts have to be involved; the schemes have to be bankable and viable. These requirements can be met if modules of each scheme are prepared in advance with clear input-output elements with flexibility permitted for local elements.
- Cottage Industries are the core sectors to raise the income-level of individual families. The bulk of these sectors are of primary nature. Schemes operated under each of these sectors aim at incremental income through capital, material and technological inputs calculated to raise productivity and production. Programmes need strong backward and forward linkages with various other sectors. Marketing is of immense importance for the surplus production in each of the five sectors. It is sought to be provided through LAMPS generally but these agencies are often ill equipped to handle it. The input supply-agencies also require adequately strong linkages. Credit supply, as one of the inputs, is of prime importance. These sectors call for micro-planning commencing at the Gram Panchayat level, funnelling upwards to block plan and ITDP project plan. The Integrated Rural Development Programme (IRDP) being target group oriented, also revolves around these sectors. The IRDP should be regarded as supplemental to the family-oriented schemes of TSP. District credit plans should be prepared antecedent to formulation of district development plans.
- 5.38 Adequate flow of financial resources from the State Plan into each of these sectors of the Tribal Sub-Plan is vital. It should not merely be proportionate to the total population of TSP area but should be assessed on the basis of physical need of the area and its people, with a view

to bring them at par with the neighbouring and more advanced regions. The concept of divisibility and indivisibility, therefore, needs to be looked at not only from the point of view of the inherent characteristic of a sector leading itself to apportionment between TSP and non-TSP areas, but also to its relevance in the short and long runs. Sectors under infrastructure group attract interest for the reason that while, on the one hand a major percentage of State Plan resources is tied up for them, on the other, the location-specificity of projects and their high financial requirement invest them with a degree of inflexibility. The capital-intensive nature of infrastructure sectors limits availability of funds for sectors which are, in the short run, more germane for a section of the population like Scheduled Tribes hovering around the poverty-line. Given the present level of technology and awareness of Scheduled Tribes as well as the exacting demands of modern sectors flow of benefits to Scheduled Tribes in the short-run may not accrue.

5.39 The Planning Commission has indicated that those investments whose benefit is not confined to any specific region should be deemed to constitute the non-divisible portion and the rest the divisible pool. They also added the rider that investment under non-divisible portion should also be reviewed to ensure accrual of benefits to the tribal region. While this concept may go as far as it can, the accrual concept is of greater validity and should be applied to the extent possible. In other words, the exercise of apportionment between TSP and non-TSP areas of outlay of a scheme or a programme should be based on its relevance.

#### Administrative Structure and Personnel Policies

- 5.40 Two important pre-requisites for effective implementation of programmes are appropriate type of administrative structure and the right personnel policies. Since adoption of the TSP approach for tribal development from the beginning of the Fifth Plan, massive physical and financial resources have been made available. But the charge is levelled that the benefits have not been reaching the target group. This has been attributed to want of adequate matching administrative machinery. For quick and effective implementation of tribal development programmes, a simple unified administrative structure is necessary. It has been thought that a single-line authority would make for comprehensibility, effectiveness and economy.
- 5.41 The ITDP plays the formulatory and supervisory role. The ITDP itself has become an integral part of the district administration, with the district collector having been appointed as Chairman of the ITDP committee and district-level technical officers as members. The need for horizontal and vertical coordination cannot be exaggerated. For the purpose, intermeshing of the vertical and horizontal hierarchical echelons is indispensable. Considering the simple tribal situation, vesting the concerned functionaries, particularly the project administrator of an ITDP, with both administrative and regulatory functions, especially under the Fifth Schedule, make him more effective. Though many States have placed the B.D.O. under the Project Administrator, some States have not done it so far; this might be done very early.
- 5.42 In some States, the block structure has been allowed to atrophy: it has to be revamped and streamlined to answer the growing needs; the Block, in the TSP scheme is the lowest unit of execution, and a part of the Integrated Tribal Development Project (ITDP) structure.
- 5.43 At the grass-root level, a multi-purpose functionary of V.L.W. type, more of a friend, philosopher and guide to tribals appears to be more suitable. He should be placed in charge of a limited number of families with whom he is able to maintain day-to-day contact. The V.A.W., existing alongside, could be the specialist complement. The two should form a part of the development block structure comprised of the B.D.O. and his extension colleagues.
- 5.44 The Gujarat State has declared the Project Administrator, as Head of Department and empowered him to record annual reports in respect of officers of all departments working in the ITDP area. This incidentally demands that the Project Administrators should be sufficiently senior. The measure has gone a long way in effecting cohesiveness between the project

administration and the district administration. Other States may consider adopting similar methodologies. The Project Administrators should be suitably assisted by subject matter, specialists. Gujarat and Maharashtra have been able to work out arrangements for involving Zila Parishads and allied bodies.

### **Budgetary Arrangements**

Governments and their utilisation for appropriate programmes in the TSP area. Since the process of earmarking commenced in the Fifth Plan Period, two methods have been adopted for reflection of the quantified funds in States' budgets. In one, a sub-head of each head in the budget of a sectoral department is split into two parts: one reflecting the share of the scheme for the TSP area and the other reflecting the rest of the provision. In the second method, quantified funds of all the sectoral departments are shown under one single demand head department-wise, controlled by the tribal development department of the State. The first method has been an improvement over the earlier nebulous position, in as much as, funds available from each scheme for the TSP appear quantified in the budget of the respective department. However, control over utilisation of funds is better when they are placed under one single demand head since, while their utilisation remains the responsibility of the concerned sectoral department, the tribal development department is enabled to keep a close watch over utilisation, effecting reappropriation wherever necessary.

5.46 It appears that, presently, the Government of Himachal Pradesh, Maharashtra have gone a step ahead of many other States in working out the single demand methodology. This should be adopted in other States.

### Protective measures for Scheduled Tribes

5.47 Though various Acts and Regulations have been promulgated to protect the interest of the tribals, it has been observed that tribals residing both in Scheduled and non-Scheduled Areas are facing various problems relating to land, forest etc. It is well known that Tribals have symbiotic relationship with the forest. The tribals are also affected/ displaced due to the construction of major projects. Some of the above issues are highlighted in the following paragraphs along with the efforts made by the Govt. to protect their interest.

#### **Forest**

The implementation of Forest (Conservation) Act, 1980, has been coming in the way of smooth implementation of development works in tribal areas. The requirement of land for some of the infrastructural facilities such as location of schools, dispensaries and laying of link roads National Forest Policy 1988 envisages peoples' involvement in the have been affected. development and protection of forests. The requirements of fuelwood, fodder and small timber such as house building material of the tribals and other villagers living in and near the forests are to be treated as first charge on forest produce. The forests communities are to be motivated to identify themselves with the development and protection of forests from which they derive benefits. Many difficulties have been faced by the tribal communities, because of this policy. The Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) have issued guidelines to the States on many aspects touching upon the life of tribal people. This includes, (a) involvement of village communities and voluntary agencies for regeneration of degraded forest land; (b) review of disputed claims over forest land arising out of the forest settlement; (c) disputes regarding Pattas/leases/grants/involving forest land and their settlement; (d) encroachment of forest lands and measures for their containment; (e) conversion of forest villages into revenue villages; (f) payment of compensation for loss of life and property due to predation/depredation by wild animals; (g) elimination of intermediaries and payment of fair wages to the labourers for forestry works etc. It is, however, necessary to ensure that the policy guidelines are observed in true spirit to ensure minimum hardships to the tribal people. It is, therefore, necessary to monitor and review implementation of these through an institutionalised mechanism.

#### Forest Villages

5.49 It is reported that about 2 lakh tribal families are living in forest villages. The forest villages deep inside the forest areas have remained deprived of the benefits of development. Special programme of an integrated character should be implemented by the Forest Department in collaboration with the agencies/departments for the overall development of the people in the forest villages.

#### **Shifting Cultivation**

5.50 The Ministry of Agriculture has launched a Centrally Sponsored Scheme for controling of shifting cultivation. A comprehensive review of the shifting cultivation practices be made and a time-bound programme drawn up inter-alia aimed at (a) weaning shifting cultivators towards settled cultivation; (b) reducing effects of shifting cultivation on ecology and environment (c) suggesting appropriate agricultural/horticultural practices to ensure food for the people throughout the year on a priority basis and diversify the occupational structure of the shifting cultivator families.

#### LAND ALIENATION

5.51 The most important resource base of the tribal people namely land has been passing into the hands of non-tribals notwithstanding Acts and Regulations to control alienation of tribal land. With a view to curb such exploitative practices it is suggested that (i) all existing land alienation legislations be reviewed to plug loop-holes, (ii) strict enforcement of the provisions for violation be ensured.(iii) provisions for inputs for land development and other modern agricultural practices be provided to tribals and (iv) old cases of alienation be reviewed and alienated land be restored to tribals.

#### **EXCISE POLICY**

5.52 In 1975, the Government of India issued guidelines to the States on Excise Policy in tribal areas. The essential features of these guidelines are (a) commercial vending of alcoholic beverages for personal consumption and religious and social functions; (b) attempt to wean the tribal people from the habit of drinking should be made. It is suggested that unless exploitation through liquor vending is not stopped in tribal areas it will lead to indebtedness, paving the way for alienation of tribal land. Strict implementation of these measures and a review by the States of the situation to chalk out future course of action is also recommended.

#### **Bonded Labour**

5.53 The first and foremost step required in this regard is a systematic indentification of bonded labourers. There are conflicting reports about the existence and non-existence of bonded labourers in the State. Most claim that they have identified, released and rehabilitated most of the bonded labour.

## Rehabilitation of displaced families

- 5.54 Several major medium and minor projects in the industrial, mining, irrigation and such other fields have been located during the past four or five decades in tribal areas. They have not benefited the tribals since tribals have hardly been able to participate in them, but have often acted to their detriment. Their lands have been acquired by the State for locating the projects, leaving the tribals behind with no means of livelihood. The compensatory amounts have been meagre. Compensation has been of little avail. Since in the absence of skills to utilise it as capital, it has been frittered away or eaten away by middle-men or corrupt officials. It is suggested that prior to the setting up of such projects or construction of dams, full and proper rehabilitation of families likely to be affected should be carried out.
- 5.55 Secondly, it is important to consider all pros and cons before taking a decision on any particular project. The project may help the national economy, but may involve human and environmental costs. The two should be weighed carefully in the balance to arrive at a decision in favour of or against the project. It is felt that scant regard had been paid to the sacrifice of lakhs of displaced families in the pursuit of "larger" interests, so far.

#### Recommendations

- 5.56 Following recommendations are made with a view to ensure proper welfare and development of Tribals:
  - (1) A radical departure from the prevalent practice of Tribal Sub-plan formulation is necessary. In this connection, all the TSP States and UTs should adopt what is now known as the Maharashtra Model. Requisite TSP funds should be placed at the disposal of Tribal Development Department for inter-sectoral prioritisation and allocation for schemes and programmes which will cater to the felt need of the tribals.
  - (2) The ITDPs should be converted into ITDAs (Integrated Tribal Development Agencies). In other words, they should be registered as Societies as has been done in Orissa and Andhra Pradesh. Single Line Administration should be ensured at the project level.
  - (3) In the context of introduction of Panchayati Raj System, Project Officers of ITDPs/ITDAs should be declared as Additional Chief Executive Officers of the Zilla Parishads to ensure harmonious working between ITDP/ITDAs and the Panchayati Raj bodies. They may also be declared as Additional Collectors.
  - (4) The provisions of the 5<sup>th</sup> Schedule (para 5) to the Constitution may be taken advantage of for framing regulations reserving all posts with suitable relaxation in qualifications in certain categories like Forest Guards, Police Constables, Primary School Teachers, etc. for the tribals.
  - (5) The new DPEPs (District Primary Education Programme) to be introduced during the next financial year and the 9<sup>th</sup> Plan period should cover the tribal districts/blocks on priority.
  - (6) The system of Villages Health Guides which has become defunct should be revived by the Ministry of Health. The local tribals could be appointed as Village Health Guides with the required training in modern medicines and upgradation of their knowledge in traditional tribal medicines. There should be Village Health Guide for a population of 500 rather than 1000 in tribal areas.

- (7) The Women and Child Development Department of the Govt. of India should sanction mini-anganwadis in the tribal areas to take care of the scattered population and hamlets in interior areas.
- (8) The Non-Governmental Organisations of the tribals should be encouraged. For this, the present requirement of existence for three years should be waived. In case of other NGOs working in tribal areas the requirement of three years period may be reduced to one year.
- (9) All the States having tribal population should take special care of the nutritional and health status of the tribals, especially women and children. Vulnerable areas and vulnerable period/season should be identified. Comprehensive Action Plans should be framed and State/UT level and District level Monitoring Committee should be formed for taking preventive measures against deaths of children in remote and backward tribal areas due to starvation or malnutrition combined with different diseases.
- (10) All the State Governments should strive to promote the setting up of Grain Banks for STs through self help groups/NGOs, to provide complete assurance against occurrence of food-shortages, especially, during the rainy season or in any other period of scarcity. The bank should be self-renewing, with loans to be repaid with nominal interest at the time of the harvest.
- (11) State Govts, should take another look at all their laws relating to land for plugging loopholes in the laws and preventing illegal alienation of tribal land. The land records of tribals should be updated in a time-bound manner. Disposal of cases relating to alienation of ST land should be constantly monitored through a Special Cell at the State-level with Secretary, Welfare and Secretary, Revenue/land Reforms, as its members.
- (12) The Indian Forests Act should not be revised without obtaining, and taking into consideration, the views of the Departments of Tribal Welfare in different States and UTs. Customary rights of tribals in forests should be safeguarded. Full and actual involvement of STs in Joint Forest Management Committees, particularly, in the matter of sharing of usufructs, must be ensured.
- (13) Traditional rights of tribals for collection of Minor Forest Produce should be recognised. Similarly, the State Government should take immediate steps to abolish all royalties/levies and taxes on minor forest produce in order to enable the tribals to realise a better and higher remuneration for M.F.P. The Government /Co-operative bodies such as LAMPS should be given exclusive rights for procurement of minor forest produce.
- (14) Efforts should be made to involve the traditional tribal leadership in the development process. Participation of tribal leaders in the enforcement of various preventive measures relating to land alienation, payment of minimum wages, money lending and fixation of prices in marketing of various items of minor forest produce, etc. should be ensured by involving them in block, district and State level committees connected with implementation of these measures.
- (15) Despite huge investment for providing scholarships and other incentives to the Scheduled Tribe people, the employment in services both in Governmental and non-Governmental is meagre. Hence it may be required to have qualitative change in educational planning for Scheduled Tribes in order to over-come this problem.

- (16) Special training facilities should be provided to the Scheduled Tribe children who are drop-outs at the secondary and higher secondary levels in order to make them fit to be appointed in different type of jobs both in Govt. and private sectors. Due to liberalisation of economic policy these targets groups should be trained in the specific fields so that they could be employed accordingly.
- (17) There should be decentralisation of power up to the field agencies. Autonomy should be given to the implementing agencies. The devolution of power should be ensured. There should not be any interference both by the State and Central Governments and functions of different levels should be clearly defined.
- (18) The officers and employees working in the tribal areas should be provided with accommodation, educational incentives to the children etc.
- (19) Allocation of funds under Tribal Sub-Plan should be determined on the basis of special requirements of the region and relevance of programmes for the tribal communities. In the State's Budget quantified funds should be reflected as a sub-head or as a single demand head where the quantified funds of all sectoral departments are pooled together. The implementation of the programmes by the line departments should be ensured. The guidelines of the Planning Commission and Ministry of Welfare should be strictly followed.
- (20) In order to make fair assessment of the impact of the programmes independent as well as internal evaluation to be taken up on a regular basis. Effective monitoring arrangements have to be ensured.
- (21) The existing Constitutional provision, special laws enacted in many States need to be vigorously implemented.
- (22) Development of infra-structure like construction of check-dams, diversion weirs for irrigations in the hilly tracks, link roads to market centres, safe drinking water etc. should be given priority.
- (23) Agriculture, horticulture, forestry and small-scale industries are the important sectors for the development of the Scheduled Tribes. In the field of agriculture, research could be undertaken on minor millets and other crops grown by the tribal people. The technology and the practices in tribal areas should be subjected to adoptive research and scrutinised with reference to acceptability and assimilation among tribals. In forestry sector remunerative price to a tribal marketing to M.F.Ps should be ensured through co-operatives such as LAMPS. The price should be based on market value.
- (24) Planning Commission must issue clear guidelines regarding allocation to TSP in proportion to the percentages of ST to the total population. Various States have raised the question to divisible/indivisible pool during the meetings of the Commission with the State Governments and stated that the flow to TSP can be made only from the divisible plan outlay.
- (25) It is seen that male members of ST communities in several cases are deserting their wives. The women have to maintain themselves with their children after becoming a single family with much difficulties. Separate programmes for these categories of women may be formulated in the Ninth Plan.

- (26) Of late tribal lands are being acquired for establishing projects by joint venture and private parties. In all such cases, the displaced Tribals should be made as partner of the projects.
- (27) The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act 1975 was adopted unanimously by the legislature. It was included in the 9th Schedule of the Constitution in view of its social content. This Act prohibits the transfer of tribals land to non-tribals and provided for lands transferred to non-tribals to be restored to the tribals. The Act of 1975 has now been amended in 1996 by the Kerala Legislative Assembly in such a way as to virtually deny the tribals the right to have the alienated lands restored to them. The bill has been submitted for President's assent. The tribals are dependent on land for sustenance. A good number of the tribals in Wyanad district and Attappady in Palghat district have become landless over the years on account of various pressures like financial compulsion and often pressures from non-tribals. Commission recommends that the provision of the Act of 1975 should not be amended since the proposed amendment will defeat the main purpose of the original enactment, viz. the restoration of alienated tribal lands.
- (28) The tribals in North-Eastern States are facing difficulties due to lack of drinking water facilities. Hence, it is suggested that a comprehensive plan to identify problem in villages may be prepared and the problem villages provided with adequate drinking water facilities.
- (29) In the States like Arunachal Pradesh who have no S.C, S.T. Finance and Development Corporation, STs are facing difficulties in obtaining margin money, loan and subsidy from the Corporation for their socio-economic development. Hence, it is suggested that a SC,ST Finance and Development Corporation may be set up in Arunachal Pradesh.
- (30) Ladakh region of J & K State was covered under Tribal Sub-Plan strategy in 1990-91. Special Central Assistants under TSP is also released to the State for the development of scheduled tribes in Ladakh region. It is observed that J&K Govt. has no separate administrative structure for TSP in J&K. It is suggested that in consultation with the Central Govt. State Govt. may constitute ITDPs in Ladakh like other States for proper implementation of programmes for the development of Scheduled Tribes.
- (31) Kalahandi district of Orissa which has been now bifurcated into two districts viz. Kalahandi and Nuapada faces drought condition every year. The undivided Kalahandi district had a total population of 16.00 lakhs according to 1991 Census. Out of which, ST and SC population are 4.96 lakh and 2.54 lakh respectively. Thus about 50% of the total population belongs to SC and ST community. Due to drought, a good number of SCs and STs migrate to other states for jobs. Due to malnutrition, starvation deaths are also reported in this District. Various Poverty Alleviation Programmes (in addition to programmes under TSP and SCP) are being implemented. A Special Plan for Kalahandi, Bolangir and Koraput districts is being implemented to counter the draught prone condition of these districts. However, the impact is yet to be seen. In order to improve the socio-economic status of the weaker section and reduce the incidence of immigration and malnutrition, it is essential that programmes for conservation of water and upgradation of skill and technologies for agriculture and forestry operation are taken up on large scale.

#### LIST OF CENTRAL MINISTRIES / DEPARTMENTS

- Department of Agriculture & Co-operation, Krishi Bhawan, New Delhi - 110 001
- Department of Animal Husbandary and Dairying, Krishi Bhawan New Delhi - 110 001
- Department of Agricultural Research and Education, Ministry of Agriculture, Krishi Bhawan, New Delhi - 110 001.
- 4.. Department of Atomic Energy, Anushakti Bhawan,C.S.M. Marg Bombay 400 039.
- Department of Chemical and Petrochemicals, Ministry of Chemicals and Fertilizers, Shastri Bhawan New Delhi - 110 001
- Department of Fertilizers,
   Ministry of Chemicals and Fertilizers
   Shastri Bhawan
   New Delhi 110 001.
- 7. Department of Civil Aviation, Ministry of Civil Aviation and Tourism, Sardar Patel Bhawan New Delhi-110 001.
- 8. Department of Tourism,
  Ministry of Civil Aviation and Tourism,
  Transport Bhawan,
  New Delhi-110 001

- 9. Ministry of Civil Supplies,
  Consumers' Affairs and Public Distribution,
  Krishi Bhawan
  New Delhi-110 001
- 10. Ministry of Coal, Shastri Bhawan, New Delhi-110 001
- 11. Ministry of Commerce, Udyog Bhawan, New Delhi-110 001
- 12. Department of Supply, Ministry of commerce, Nirman Bhawan, New Delhi-110 001
- 13. Department of Telecommunications, Sanchar Bhawan, New\_Delhi-110 001
- 14. Department of Posts, Dak Bhawan, Sansad Marg New Delhi-110 001
- Department of Defence,Ministry of Defence,South BlockNew Delhi-110 0011.
- Department of Defence Research and Development, Ministry of Defence, Sena Bhawan, New Delhi-110 0011.
- 17. Department of Electronic,Electronic Niketan6, CGO Complex,New Delhi-110 003.
- 18. Ministry of Environment and Forests, Paryavaran Bhawan CGO Complex, New Delhi-110 003.

- Ministry of External Affairs, South Block, New Delhi-110 0011
- 20. Department of Economic Affairs, Ministry of Finance, North Block, New Delhi-110 001
- 21. Department of Expenditure, Ministry of Finance, North Block New Delhi-110 001
- 22. Department of Revenue,
  Ministry of Finance,
  North Block
  New Delhi-110 001
- 23. Ministry of Food, Krishi Bhawan New Delhi- 110001
- 24. Ministry of Food Processing Industries, Panchsheel Bhawan, Khel Gaon Marg New Delhi-110 049.
- 25. Department of Health, Ministry of Health and Family Welfare, Nirman Bhawan New Delhi-110 001
- 26. Department of Family Welfare, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110 001
- 27. Ministry of Home Affairs, North Block, New Delhi-110 001

28. Department of Official Language, Ministry of Home Affairs, Loknayak Bhawan New Delhi-110 003

29. Department of Culture,Ministry of Human Resource Development,Shastri BhawanNew Delhi- 110001

30. Department of Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110 001

31. Department of Youth Affairs and Sports,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi-110 001

32. Department of Women and Child Development,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi-110 001

33. Department of Industrial Development, Ministry of Industry, Udyog Bhawan, New Delhi-110 0011.

34. Department of Heavy Industry, Ministry of Industry, Udyog Bhawan, New Delhi-110 0011.

35.Department of Small Scale Industries & Agro & Rural Industries, Ministry of Industry, Nirman Bhawan, 7th Floor, 'A' Wing, New Delhi-110 011

36. Department of Public Enterprises, Ministry of Industry, Block No. 14, CGO Complex New Delhi-110 003.

- 37. Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi-110 001
- 38. Ministry of Labour, Sharam Shakti Bhawan, Rafi Marg, New Delhi-110 001
- 39. Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Shastri Bhawan, New Delhi-110 001
- 40. Legislative Department,
  Ministry of Law,
  Justice and Company Affairs,
  Shastri Bhawan,
  New Delhi-110 001
- 41. Department of Justice,
  Ministry of Law,
  Justice and Company Affairs,
  Shastri Bhawan,
  New Delhi-110 001
- 42. Department of Company Affairs,
  Ministry of Law Justice and Company Affairs,
  Shastri Bhawan,
  5th Floor, 'A' Wing,
  New Delhi-110 001
- 43. Ministry of Non-Conventional Energy Sources, Block No. 14, CGO Complex. New Delhi-110 003.
- 44. Ministry of Mines, Udyog Bhawan, New Delhi-110011.
- 45. Department of Ocean Development, Mahasagar Bhawan, Block 9 &12, CGO Complex, New Delhi-110 003.

46. Ministry of Parliamentary Affairs, Parliament House, New Delhi-110 001

47. Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pension, North Block, New Delhi-110 001

48. Department of Administrative Reforms & Public Grievances,
Ministry of Personnel,
Public Grievances & Pension,
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 Department. of Pension and Pensioners Welfare, Ministry of Personnel, Public Grievances & Pensions, Loknayak Bhawan,

New Delhi-110 003

50. Ministry of Petroleum & Natural Gas, Shastri Bhawan, New Delhi-110 001.

51. Department of Statistics,
Ministry of Planning & Programme Implementation,
Sardar Patel Bhawan
New Delhi-110 001

52. Department of Programme Implementation,
Ministry of Planning & Programme Implementation,
Sardar Patel Bhawan,
New Delhi-110 001

53. Ministry of Power, Shram Shakti Bhawan, Rafi Marg New Delhi-110 001

54. Railway Board, Rail Bhawan, New Delhi-110 001

- 55. Ministry of Rural Development, Krishi Bhawan, New Delhi-110 001
- 56. Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi-110 016.
- 57. Department of Biotechnology,
  Ministry of Science & Technology,
  Block 2, CGO Complex,
  New Delhi-110 003.
- 58. Department of Scientific and Industrial Research, Technology Bhawan,. New Mehrauli Road, New Delhi-110 016.
- 59. Department of Space, Loknayak Bhawan (Floor III), New Delhi-110 003
- 60. Ministry of Steel, Udyog Bhawan, New Delhi-110 011.
- 61. Ministry of Surface Transport, Transport Bhawan, New Delhi-110 001
- 62. Ministry of Textiles, Udyog Bhawan, New Delhi-110 011.
- 63. Ministry of Urban Development, Nirman Bhawan, New Delhi-110 011
- 64. Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg New Delhi-110 001

- 65. Ministry of Welfare, Shastri Bhawan, New Delhi-110 001
- 66. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110 011.
- 67. Comptroller & Auditor General of India 10, Bahadur Shah Zafar Marg, New Delhi-110 002.

## Evolution of a formula for allocation of Special Central Assistance to the 75 Primitive Tribal groups identified so far

By definition, each of these groups is small in numbers, differentially developed with respect to one another, of remote habitat with poor administrative and infrastructure back-up. Considering these conditions, the formula evolved is based on four factors:

- (a) Forty percent on the basis of numerical size of the primitive tribal community;
- (b) Twenty percent according to the strength of the population dependent on different occupations giving appropriate weightage to different occupations i.e. (1) food-gathering or hunting, (2) shifting cultivation, (3) scdentary cultivation
- (c) Twenty percent according to the number of primitive tribal communities in States/Union Territory (to accommodate establishment cost);
- (d) Twenty percent in inverse proportion to per capita Net State domestic product with weightage to population of primitive tribal communities.

#### STATEMENT SHOWING THE TOTAL POPULATION, SCHEDULED CASTE POPULATION AND SCHEDULED TRIBES POPULATION WITH THEIR GROWTH RATE AND % AGE IN THE TOTAL POPULATION IN

S.NO.	State/UT	Total		Schedu	Scheduled Castes			Scheduled Tribes			
J.11Q.		1981	1991	1981	%	1991	% -	1981	%	1991	%
									s		
_1	2	3	44	5	6_	7	8	9	10	11	12
1	A.P.	5,35,49,673	6,65,08,008	79,61,730	14.87	1,05,92,066	15.93	31,76,001	5.93	41,99,481	6.31
2	Ar.P.	6,31,839	8,64,558	2,919	0.46	4,052	0.47	4,41,167	69.82	5,50,351	63.66
3	Assam	1,98,96,843	2,24,14,322	12,41,526	6.24	16,59,412	7.4	21,85,845	10.99	28,74,441	12.82
4	Bihar	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	66,16,914	7.66
5	Goa	10,86,730	11,69,793	23,432	2.16	24,364	2.08	10,721	0.99	376	0.03
6	Gujarat	3,40,85,799	4,13,09,582	24,38,297	7.15	30,60,358	7.41	48,48,586	14.22	61,61,775	14.9
7	Haryana	1,29,22,618	1,64,63,648	24,64,012	19.07	32,50,933	19.75	•	•	•	
8	H.P.	42.80.818	51.70.877	10,53,958	24.62	13,10,296	25.34	1,97,263	4.61	2,18,349	4.23
9	J. & K.	59.87.389	77.18.700	4,97,353	8.31	6,41,200	8.31	•	•	N.A.	N.A
10	Kam.	3,71,35,714		55,95,353	15.07	73,69,279	16.38	18,25,203	4.91	19,15,691	4.20
11	Kerala		2,90,98,518	25,49,382	10.02	28,86,522	9.92	2,61,475	1.03	3,20,967	1,
12	M.P.	5,21,78,844		73,58,533	14.1	96,26,679	14.55	1,19,87,031		1,53,99,034	23.2
13	Mah.	6,27,84,171		44,79,763	7.14	67,57,842	11.09	57,72,038	9.19	73,18,281	9.2
14	Manipur	14,20,953	18,37,149	17,753	1.24	37,105	2.02	3,87,977	27.3	6,32,173	34.4
15	Megh.	13,35,819	17,74,778	5,492	0.41	9,072	0.51	10,76,345	80.58	15,17,927	85.5
16	Mizoram	4,93,757	6,89,756	135	0.03	691	0.1	4,61,907	93.55	6,53,565	94.7
17	Nagaland	7,74,930	12,09,546			-	•	6,50,885	83.99	10,60,822	87.
18	Orissa	2,63,70,271		38,65,543	14.66	51,29,314	16.2	59,15,067	22.43	70,32,214	22.2
19	Puniab	1,67,88,915	2,02,81,969	45,11,703	26.87	57,42,528	28.31		-	-	
20	Rai.		4,40,05,990	58,38,879	17.04	76,07,820	19.29	41,83,124	12.21	54,74,881	12.4
21	Sikkim	3,16,385	4.06.457	18,281	5.78	24,084	5.93	73,623	23.27	90,901	22.9
22	T.N.	4,84,08,077		88,81,295	18.35	1,07,12,266	19.18	5,20,226	1.07	5,74,194	1.0
23	Tripura	20,53,058	27,57,205	3,10,384	15.12	4,51,116	16.36	5,83,920	28.44	8,53,345	30.9
24	U.P.	11.08.62.013		2,34,53,339	21.16	2,92,76,455	21.05	2,32,705	0.21	2,87,901	0.2
25	W.B.		6,80,77,965	1,20,00,768	21.99	1,60,80,611	23.62	30,70,672	5.63	38,08,707	5.9
20,	UNION TERR		0,001	.,,,							
1	A&N, Isl.	1.88.741	2.80,661					22,361	11.85	26,770	9.5
2	Chand.	4,51,676	_, .	63,621	14.09	1.05.977	16.51			-	
3	D. N. H.	1,03,676		2,041	1.97	2,730	1.97	81,714	78.82	1,09,380	78.
4	D. N. H. D.& diu.	1,00,010	1,01,586			3,891	3.83			11,724	11.
-	D.& did. Delhi	62,20,406		11,21,643	18.03	17,94,836	19.05	-		•	
5		40.249		11,21,043	10.03	,54,050	. 5.55	37,760	93.82	48,163	93.
6	Laksh.			96,636	15.99	1,31,278	16.25	3,,100		•	
. 7	Pond.	6,04,471	8,07,785	50,030	19.55	1,51,270	<del></del>				
	INDIA	68,51,84,692	84,63,02,688	10,59,96,149	15.47	13,82,23,277	16.37	5,38,14,483	7.85	67,58,390	8.

#### NOTE:

(2) Source for 1991 figures Series 1, Paper 1 of 1993 Union Primary Census Abstract for SC & ST

Goa, Daman & Diu was a Union Territory in 1981 Census. In 1991 Census Goa was a State while Daman & Diu was a Union Territory. For 1981 Census separate figures for Daman & Diu are not available.

The percentage of ST in the country's population's in 1991 Consus(Col 12) has been workded out after excluding the projected total population of J & K from the country's Total population since the ST population in J&K could not be projected.

<sup>(1)</sup> In 1981 Census was not held in Assam. Population of SC/ST projected on growth rate of total general population, i.e., 36.05%

<sup>(3)</sup> In 1991 Census was not held in Jammu & Kashmir. Total population projected by RGT. Population of SC projected on growth rate of total general population I.e..,28.92% Scheduleed Tribo figures for 1981 not available as STs were declared for the first time on 7-10-89 Arunachal Pradesh and Mizoram were Union Territories in 1981 Census but were States in 1991 Census.

#### **ANNEXURE 5.II**

(Ref. para 5.3)

#### **LITERACY RATES - 1991**

State/Union Territory	<del></del>			Scheduled Castes			Scheduled Tribes		
rennory	Person	Male	Female	Person	Male	Female	Person	Male	Female
Andhra Pradesh	44.09	55.13	32.72	31.59	41.88	- 20.92	17.16	25.25	8.68
Arunanchal pradesh	41.59	51.45	29.69	57.27	66.25	41.42	34.45	44.00	24.94
Assam	52.89	61.87	43.03	53.94	63.88	42.99	49.16	58.93	38.98
Bihar	38.48	52.49	22.89	19.49	30.64	7.07	26.78	38.40	14.75
Goa	75.51	83.64	67.09	58.73	69.55	47.51	42.91	54.43	29.01
Gujarat	61.29	73.13	48.64	61.07	75.47	45.54	36.45	48.25	24.20
Haryana	55.85	69.10	40.47	39.22	52.06	24.15	-	•	-
Himachal Pradesh	63.86	75.36	52.17	53.20	64.98	41.02	47.09	62.74	31.18
Jammu & Kashmir	_		-	_	-	-	٠ -	-	-
Karanataka	56.04	67.26	44.34	38.06	49.69	25.95	36.01	47.95	23.57
Kerala	89.81	93.62	86.17	79.66	85.22	74.31	57.22	63.38	51.07
Madhya Pradesh	44.20	58.42	28.85	35.08	50.51	18.11	21.54	32.16	10.73
Maharashtra	64.87	76.56	52.32	56.46	70.45	41.59	36.79	49.09	24.03
Manipur	59.89	71.63	47.60	56.44	65.28	47.41	53.63	62.39	44.48
Meghalaya	49.10	53.12	44.85	44.27	54.56	31.19	46.71	49.78	43.63
Mizoram	82.27	85.61	78.60	77.92	77.54	81.25	82.71	86.66	78.70
Nagaland	61.65	67.62	54.75	-	-	-	60.59	66.27	54.51
Orissa	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.21
Puniab	58.51	65.66	50.41	41.09	49.82	31.03	-	-	-
Rajasthan	38,55	54.99	20.44	26.29	42.38	8.31	19.44	33.29	4.42
Sikkim	56.94	65.74	46.69	51.03	58.69	42.77	59.01	66.80	50.37
Tamil Nadu	62.66	73.75	51.33	46.74	58.36	34.89	27.89	35.25	20.23
Tripura	60.44	70.58	49.65	56.66	67.25	45.45	40.37	52.88	27.34
Uttar Pradesh	41.60	55.73	25.31	26.85	40.80	10.69	35.70	49.95	19.86
West Bengal	57.70	67.81	46.56	42.21	54.55	28.87	27.78	40.07	14.98
A & N Islands	73.02	78.99	65.46	-	-	-	56.62	64.16	48.74
Chandigarh	77.81	82.04	72.34	55.44	64.74	43.54	-	-	
D & N Haveli	40.71	53.56	26.98	77.64	88.03	66.61	28.21	40.75	15.94
Daman & Diu	71.20	82.66	59.40	79.18	91.85	67.62	52.91	63.58	41.49
Delhi	75.29	82.01	66.99	57.60	68.77	43.82	-	-	
Lakshadweep	81.78	90.18	72.89	-	•	•	80.58	89.50	71.72
Pondicherry	74.74	83.68	65.63	56.26	66.10	46.28	•	. •	•
INDIA	52.21	64.13	39.29	37.41	49.91	23.76	29.60	40.65	18.19

Sources :- Census of India 1991 Final Population Total (Paper 2 of 1992) Census was not held in J & K

ANNEXURE 5.III (Ref. Para 5.3)

#### PERCENTAGE OF PERSONS BELOW THE POVERTY LINE-1983-84

States	Scheduled	Castes	Schedule	d Tribe: A	All Popula	atlon
	Rural	Urban	Rural	Urban	Rural	Urban
1	2	3	4	5	6	7
Andhra Pradesh	51.01	43.30	84.40	43.30	38.67	29.52
Assam	21.90	42.80	25.50	20.20	23.76	21.56
Bihar	71.10	52.20	64.90	39.80	51.35	37.04
Gujarat	39.90	19.30	52.10	56.60	27.62	17.34
Himachal Pradesh	23.50	11.70	7.50	11.50	14.01	7.99
Karnataka	54.10	36.60	59.90	45.20	37.49	29.19
Kerala	43.90	42.20	36.10	51.70	26.03	30.09
Madhya Pradesh	59.30	58.80	67.10	34.00	50.30	31.09
Maharashtra	55.90	44.80	58.90	41.30	41.50	23.33
Orissa	54.90	44.40	68.90	52.80	44.76	29.29
Rajasthan	44.90	33.70	63.70	48.10	36.63	26.12
Tamil Nadu	59.40	54.50	5090	51.10	44.08	30.89
Uttar Pradesh	57.30	46.30	45.80	24.30	46.48	40.25
West Bengal	52.00	41.30	58.60	33.10	43.84	26.52
All India	53.10	40.40	58.40	39.90	40.40	28.10

Source Planning Commision.

### ANNEXURE 5.III A

(Ref. para. no.5.7)

Health - THE POSITION OF SUB-CENTRES, PHCs AND CHCs IN TRIBAL AREAS

				00	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	DAL AN		4		
		Population i	n tribal				4-	/ 	(AS ON 3	1.12.95)
SL.NC	D. State/UT	sub-plan are					:/			
	, , , , ,	in Tribal poo					,			•
		(in lakhs) ac								
		to 1981 Cen			C.H.Cs	P.H.Cs		0.4.0.4		Period
		10 1001 001		•	0.11.05	F.H.US		Sub-Centr	es	upto which
		Total	Tribal	Required	in position	Required	in position	Required	in position	information
							in poordon	required	ты розиция	Telates IO
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	Andhra Pradesh	27.40	23.00	NA	12	315	115	1400		
2	Assam	24.10	13.10	∕NA	10	121	74	804		
3	Bihar	84.75	40.78	NA	19	489	208	3522		
4	Gujarat	61.30	58.78	64.00	37	319	227	2126		
5	Himachal Pradesh		1.33	NA	7	11		77		31.12.94
6	Karnataka	63.46	11.23	NA	42	286	291	1850		31.3.94
7	Kerala	1.60	1.20	NA		55	58	380		31.12.94
8	Madhya Pradesh	150.58	105.30	207.00	95	836	596	5562		31.3.95
9	Maharashtra	45.23	25.70	68.00	53	272	285	1815		
10	Manipur	4.90	3.90	6.00	6	37	34	236	221	30.6.95
11	Orissa	63.50	45.30	NA	25	354		2300		00.0.00
12	Rajasthan	42.58	26.78	37.00	26	167	171	1116		31.3.94
13	Sikkim	0.52	0.35	NA		2	3	10		31.3.9
14	Tamil Nadu	2.50	2.10	NA	2	12	15	70		01.0.9
15	Tripura	6.65	4.50	· NA	6	30	28	275	250	30.6.94
16	Uttar pradesh	43.80	2.30	NA	ī	219	189	1381	1376	30.0.34
17	West Bengal	117.28	21.35	NA	88	NA	435	946	738	30.9.94
18 .	Daman & Diu	0.50	0.10	NA	NIL	NIL	NIL	11	9	31.12.94
19	A&N Islands	0.40	0.30	2.00	1	4	3	34	29	31.12.95
20	Meghalaya	13.40	10.80	NA	3	.67	45	447	235	01.12.90
21	Nagaland	7.80	6.50	NA	_	63	65	418	213	
22	Arunchal Predesh	6.30	4.40	NA	1	2	2	190	236	
23	Mizoram	4.90	4.60	NA	6		38	314	261	30.9.95
24	D&N Haveli	1.00	0.80	NA	1	. 5	5	34	34	30.3.93
25	Lakshadweep	0.40	0.40	3.00	3	4	4	18	14	30.9.95.
	Total	776.84	414.90		447	3730	3257	25336	20096	<del></del>

Note: Predominantly tribal States/Uts having no Tribal Sub-Plan separately, (Figures are provisional)

Source: Tribal Development Planning Cell, DGHS Ministry of Health & F.W

# The level of development between ST population in Tribal Areas and General Population in other areas in different fields

#### Education.

Comparison of literacy rate between ST and Non-SC/ST population during four census periods.

Year	Non-SC/ST	S.T	Difference
1961	27.86	8.53	19.33
1971	31.80	11.30	20.50
1981	41.22	16.35	24.87
1991	57.69	29.60	28.09

The table indicates that the literacy rate of ST population is increasing in every census period. The literacy rates of ST in 1961 was 8.53 but it has increased to 29.60% in 1991 census. But the gaps between literacy rates of STs and Non-SC/ST population is increasing since 1961 census. When the gap of literacy between ST literacy and Non-SC/ST population 19.33% in 1961 census it has increased to 28.09% in 1991 census.

#### **Poverty**

According to NSSO Survey, the percentage of ST and total person below poverty, reveal the following position.

Year	Sch, Tribes	All population
1977-78	68.10	48.30
1983-84	57.20	37.40
1987-88	49.90	29.9

Occupational classification of main workers from 1961 to 1991 census (in percent) among ST and General population.

## Cultivator

Year	General	Sch.Tribes
1961	52.18	68.18
1971	43.38	57.56
1981	41.53	54.43
1991	39.74	54.50

### Agriculture Labour

·		
Year	General	Sch. Tribes
1961	16.71	19.71
1971	26.32	33.04
1981	26.16	32.67
1991	19.66	32.69

### **Household Industry**

1961	6.38	2.47	
1971	3.55	1.03	
1981	3.99	1.42	
1991	2.56	1.04	

#### Other Worker

24.13	
47.15	9.64
26.32	8.64
29.32	11.84
	11.67

# Distribution of average holdings among ST and others during 1980-81 to 1985-86

(in hectare)

Major size	ST		<u>Others</u>	
classes		1985-86	1980-81	1985-86
(a) Marginal (below	0.48	0.39	0.39	0.39
hectare) (b) Small (below 1&2 hectare) (c) Semi medium (between 2&4 hectare)	1.43	1.43	2.79	1.44
	2.74	2.73	2.79	2.43
(d) Medium ( between	5.98	5.95	6.03	5.97
4 & 10 hectare) (e) Large (10 hectare and above)	15.88	15.65	15.65	17.43
All size classes	2.44	2.88	1.88	1.74

# Employment generated to STs under IRDP ,RLEGP during 1985-86 to 1988-89.

(Employment in lakh mandays)

Name of	Emr	oloyment Generated	
programme and year	Target	Achievement	Achievement for STs.
<u>NREP</u> 1985-86	2280.00	3164.14 (138.78%)	505.93 (16%)
1988-89	3486.00	3756.10 (109.61%)	NA

<u>RLEGP</u> 1985-86	2057.32	2475.76	413.48	
1983-80	2037.32	(120.34%)	(17%)	
1988-89	2604.19	2628.40 (100.93%)	NA	
JRY	•			
1989-90		8613	1477	
1995-96		5696	(17%) 1043 (18.3%)	
JRY+EAS				
1993-94		10,018	1881 (19%)	
1995-96	<del></del> -	8,651	1875	

Physical achievement under rural water supply on tribal area during 1985-86, 1988-89 and as on 1.4.96.

<u> </u>		🗽 (in lakh)			
Year	Total popula- tion covered.	ST population Covered.			
1985-86 1988-89 As on 1.4.96 (provisional)	165.27 230.23 5100.80	21.85 (13.22%) 21.21 (9.21%) 532.47(84.85%)			

### ANNEXURE 5.V (Ref.Para 5.22)

# STATEWISE RELEASE OF FUNDS UNDER SPECIAL CENTRAL ASSITANCE FOR TSP FROM 1992-93 to 1995-96

(Rs.i		

		•		(R	s.in lakh)
S. No.	State/UT	1992-93	1993-94	1994-95	1995-96
.1	Andhra Pradesh	1529.34	1593.22	1947.10	2140.32
2	Assam	1077.61	1087.57	1112.67	1545.19
3	Bihar	3175.25	3497.39	1748.70	274.22
4	Gujarat	1855.84	2234.77	2491.56	3060.26
5	Himachal Pradesh	403.39	755.03	450.57	541.62
6	Jammu & Kashmir	296.14	518.60	550.63	756.64
7	Karnataka	327.42	439.76	409.03	659.99
8	Kerala	207.23	167.25	126.30	181.20
9	Madhya Pradesh	6785.01	8117.65	7535.72	9579.66
10	Maharashtra	1815.21	2234.35	2196.34	42930.82
11	Manipur	383.71	417.12	432.81	574.53
12	Orissa	3378.03	3603.23	3956.55	4958.10
13	Rajasthan	1679.46	2664.68	2202.79	2819.04
14	Sikkim	60.93	73.67	75.10	100.19
15	Tamil Nadu	270.72	214.05	256.88	274.44
16	Tripura	414.94	372.37	480.01	564.97
17	Uttar Pradesh	58.40	69.22	70.41	104.06
18	West Bengal	1171.67	1319.06	1335.83	1763.21
19	A & N∄slands	86.13	77.22	85.50	112.21
20	Daman & Diu	23.87	28.29	35.50	59.31
	Total	2500.00	29484.50	27500.00	33000.00

# ANNEXURE 5.VI (Ref.Para 5.25)

# STATE-WISE GRANTS RELEASED UNDER 1st PROVISED TO ARTICLE 275(1) THE CONSTTUTION DURING THE YEAR 19:94,1994-95 & 1995-96

					Lakh)
S.No.	STATE/UT		Ouring the Y		
			993-94	1994 <del>.</del> 95 1	
1	2	3	4	5	6
.1	Andhra Pradesh	233.2	437.25	460.50	60.50
2	Assam	160.80	301.50	315.00	315.00
3	Bihar	427.20	801	725.25	725
4	Gujarat	356.40	668.25	675.00	625.00
5.	Himachal Pradesh	14.40	27.00	24.00	24.00
6	Jammu & Kashmir	56.40	105.75	95.25	95.25
7	Karnataka	133.98	251.25	210.00	210.00
8	Kerala	19.20	36.00	35.25	35.25
9	Madhya Pradesh	880.80	. 1651.50	1687.50	1687.50
10	Maharashtra	423.96	795.00	801.75	801.50
11	Manipur	28.38	53.25	69.00	69.00
12	Orissa	434.78	815.25	71.00	771
13	Rajasthan	307.64	576.75	600	600
14	Sikkim	5.22	9.75	9.75	9.75
15	Tamil Nadu	38.40	72.00	63.00	63.00
16	Tripura	42.78	80.25	93.75	93.75
17	Uttar Pradesh	17.22	32.25	31.50	31.50
<sup>-</sup> 18	West Bengal	225.60	423.00	417.75	417.75
TRIBA	L MAJORITY STATES				
1	9 Arunachal Pradesh	32.40	60.75	60.00	60.00
2	0 Meghalaya	79.20	148.50	166.50	166.50
	1 Mizoram	40.00	63.75	72.00	72.00
2	2 Nagaland	48.00	90.00	116.25	116.25
Total		4000	7500	7500	7500

# ANNEXURE 5.VII (Ref.Para 5.25)

# STATE/UT-WISE CENTRAL ASSISTANCE RELEASED UNDER THE SCHEME OF POST MATRIC SCHOLARSHIPS FOR SC/ST STUDENT DURING 1995-96

-			000-00	
S.No	STATE/UT S.No.	Schodulad Castes	Cabaldulad Tol	(Rs.in Lakh)
0.110	STATE/OT S.NO.	Scheduled Castes	Schelduled Tribes	Total
1	2	3	4	5
1	Andhra Pradesh	2578.84	401.99	2930.339
2	Assam	103.54	522.445	625.935
3	Goa	0.40		0.40
4	Gujarat	242.70	520.05	762.75
5	Haryana	70.70		70.70
6	Himachal Pradesh	10.18	4.20	14.38
7	Jammu & Kashmir	35.48	44.35	79.83
8	Karnataka	657,40	421.42	1073.82
9	Kerala	5.384	35.91	41.294
. 10	Madhya Pradesh	223.5	597.39	820.89
11	Maharashtra	2152.30	404.90	2557.2
12	Manipur	10.20	217.58	227.78
13	Meghalaya	0.10	96.50	96.60
14	Mizoram		122.40	122.40
15	Nagaland		243.427	243.427
16	Orissa	292.50	448.791	741.291
17	Punjab	237.05		237.05
18	Rajasthan	343.92	321.48	665.40
19	Tamil Nadu	693		693
20	Tripura	65.7	16.658	82.358
- 21	Uttar Pradesh	1669.32		1669.82
22	West Bengal	635.286		635.286
	Total	10028	4419	. 14447
23	Andaman { & Nicobar Islands			1.28
24	Daman & Diu			2.64
25	Dadra & Nagar Havel	i		5.68
26	Pondicherry	e e		26.03
27	Guwahati Project			3
		Total		38.63
<del></del>		Grand Total		14485.63

# STATE/UT WISE NUMBER OF SC/ST BENEFICIARIES UNDER THE SCHEM OF POST MATRIC SCHOLARSHIP FOR SC/ST STUDENTS DURING 1995-56(Anticipated).

S.No.	STATE/UT	Scheduled Castes	Scheduled Tribes	Total
1	2	3	4	5
1	Andhra Pradesh	1,48,890	29.438	1,78,328
2	Assam	55.690	90.124	1,45,814
3	Bihar	47.045	38.069	25.114
4	Goa	121	-	121
5	Gujarat	58.000	65.668	1,23,668
6	Haryana	8.797	-	8.797
7	Himachal Pradesh	3.120	1.782	4.902
8	Jammu & kashmir	3977	1802	5.779
9	Karnataka	1,01,574	28.006	1,29,580
10	Kerala	30.875	3.084	33.959
11	Madhya Pradesh	98.293	68.200	1,61,495
12	Maharashtra	2.70,047	-	2,70,047
13	Manipur	1.052	17.538	18.520
14	Meghalaya	152	18.520	18.672
15	Mizoram	_	13.090	13.090
16	Nagaland	_	15.000	15.000
17	Orissa	27.989	17.191	45.180
18	Punjab	24.292	- -	24.292
19	Rajasthan	4.140	33.659	75.059
20	Sikkim	-	-	-
21	Tamil Nadu	1,31,266	816	1,32,082
22	Tripura	7134	6164	13.298
23	Uttar Pradesh	2,20,831	2.770	2,23,601
24	West Bengal	1,10,045	7.727	1,17,772
25	A & N Islands		-	166
26	Daman & Diu	110	90	200
27	D & N Haveli	37	552	589
28	Delhi	<del>-</del> -	•	-
. 29	Guwahati Project	60	90	200
30	Pondicherry	1.976	<del>-</del>	1.976
	7-4-1	40.07.770		
	Total	13,87,773	4,59,380	18,47,153

P: Provisional, NA: Not Available.

# ANNEXURE 5-IX (Ref.Para 5.25)

# STATE/UT WISE ASSITANCE RELEASED UNDER THE SCHEME OF GIRLS' HOSTEL FOR SCHEDULED TRIBES FROM 1992-93 TO 1995-96

<del></del>					<del></del>	···					(Rs in	Lakh)	<del></del>
S.No	State/UT			Ĺ	During th	e year							
			1992-9			1993-9			1994-9			1995-96	
		Amt.	H 4	<u>S</u>	Amt.	H 7	<u>S</u>	Amt. 9	H 10	S 11	Amt. 12	13	S 14
1	2	3	4	3	0			<u> </u>	. 10		12		1-1
1	A.P.	-	-	-	53.11	6	436	50.00	5	500	41.00	9	900
2	Assam	16.38	25	162	-						3.03	7 -	35
3	Gujarat	18.21	<b>4</b> .	97	19.57	3	230	4.73	4	337	-	<b>-</b> .	-
4	Kerala	21.42	3	150	20.00	3	180	20.00	3	180	-	-	
5	M.P.	83.06	- 8	392	27.03	7	350	115.8	10	500	-		and a
6	Man.	<b>-</b> .	-	-	10.11	1	100	_	_	_	<b>-</b> ′	-	-
7	Orissa	35.58	10	300	77.24	21	630	44.00	12	360	65.92	12	360
8	Raj.	24.50	2	200	12.25	1	100		·	_	66.74	4	200
9	T.N.	6.12	1	50	_	-	_	-	-	-	_	***	-
10	Tripura	8.00	3	150	7.31	1	100	19.44	1	100	19.44	2	100
11	U.P.	6.12	1	50	3.65	1	50	-		_	-		_
12	W.B.	30.60	5	290	23.74	4	222	-		<b>-</b> .	19.57	1	98
13	D & N Haveli	_	_	_	_	-	_	37.00	. 2	104	40.00	1	120
14	D.N.H	_		-	_	_	- ,	3.00	. 1	50	20.00	1	60
15	Meg.	_	_		9.80	4	80	11.00	4	80	13.75	5	100
16	H.P.			-	_	_	_	-	_	-	6.50	1	100
17	J&K		_	-	-		-	-	<u>:</u>	-	24.05	2	- 98
	Total	250.00	62	1841	263.75	52	2478	306.00	42	2211	375.00	45	2153

# STATE/UT WISE ASSISTANCE RELEASED UNDER THE SCHEME OF BOYS' HOSTEL FOR SCHEDULED TRIBES FROM 1992-93 TO 1995-96

			1992	-93	···········	During the 1993	Year -94			1994	.05			95-96	
S.No	State/UT	Amount	No.Of Hostel	No,Of Seets	Amount	No.of Hostel	No.of Seets	Amo	ount	No of Hostel	No.of Seets	Amount	No.of Hostel	No.c See	
1	2	3		5	6			8	9			11 12		13	14
1	Andhra Pradesh	-	-		30.74	3	2	51	58.47	6	6	00 92.63	3	8	800
2	Assem	16.00	32	202	-	· -	•	_ '	6.00	32	1	60 _	_	_	
3	Gujarat	23.00	7	47	39.23	12	! 49	90	6.44	3		81 _		_	
4	Kerata	15.87	3	140	20.00	9 3	11	30	20.00	. 3	1	80			
5 ·	Madhva Pradesh	63.74	10	520	39.28	10	50	00	16.90	2	1	00 _			
6	Manipur	_	-	· -	10.11	1	10	00	٠ _	· -				<b>-</b> .	٠.
7	Meghalaya		_		9.80	4		30	11,00	. 4		RO 13.75	;	2	10
8	Orissa	30.00	12	360	29.40	. 8	24	10	36.00	9	2	70 46.63	,	9	27
9	Rajasthan	10.11	3	150	36.75	3	30	00	_	_				_	
10	Tamil Nadu	6.74	1	55	-			_	_	_				_	
11	Tripura	18.38	3	150	- 18.38	3	1!	50	29.11	2	. 1	50 38.36	1	4 ,	20
12	Uttar Pradesh	16.16	3	150	3.65	; 1	: ؛	50	_	_				_	
13	West Bengal	24.26	3	240	26.40	) 4	2	40	1_	-		_ 115.92	?	_	46
14	D & N Haveli	43.74	2	100				_	-	_		_ 45.00	)	1	12
, 15	Jammu & Kashmir	_	_		5.97	' 1		50	86.02	4	2	:00 12.70		1 .	4
16	Daman & Diu	-	_		· •		-	-	26.82	•	- '	50 .		•	
	Total	267.00	79	2514	269,72	. 53	26	31 .:	306.82	66	18	71 365,00	······································	34	199

<sup>\*</sup>Additional blocks

# ANNEXURE-5.XI (Ref. Para 5.25)

# SCHEME-WISE BUDGET PROVISION AND EXPENDITURE DURING THE LAST THREE YEARS AND 1995-96

(Rs. in Crore)

S. Scheme No.	199 Outlay Ex	92-93 penditure	1993-94 Outlay E	xpenditure	1994-95 Outlay E	xpenditure	1995-9 Outlay	-
(1) (2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. SCA	250.00	249.95	255.00	294.85	275.00	275.00	330.00	330.00
2. Article 275(1)	40.00	40.00	75.00	75.00	75.00	75.00	75.00	75.00
3. Non-Governmen	nt							
Organisation	3.55	3.55	4.00	4.03	4.75	4.96	5.50	5.30
4. Grant-in-aid to S TDCCS	State 2.00	2.00	3.50	3.50	3.50	3.50	4.00	4.00
5. Girls Hostel	2.50	2.50	3.00	2.64	3.05	3.05	3.50	3.70
6. Boys Hostel	2.67	2.67	3.00	2.70	3.05	3.07	3.50	3.65
7. Ashram School	2.00	2.00	2.50	2.53	2.50	2.50	3.00	2.80
8. Vocational Train	ning 1.00	1.00	1.90	1.90	2.40	2.38	3.00	2.85
<ol> <li>Educational comfor ST Girls in I Literacy Pockets</li> <li>Research and Tr</li> </ol>	Low s 1.00	0.00	1.25	1.25	1.85	1.97	2.00	1.50
(a)grant to Triba Research Inst (b)Supporting proof All India of	itutes 1.05 rojects	1.05	1.20	1.20	1.30	1.30	1.50	1.50
State nature	0.15	0.15	0.15	0.16	0.20	0.20	0.25	0.19
11. Investment in sh	nare							
capital of TRIFI		7.00	8.00	8.00 ·	9.00	9.00	10.75	10.75
12. Price Support to								
TRIFED	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
13. Grant-in-aid to								
TRIFED	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00
14. Oil Seeds and O	il 1.50	1.50	0.00	0.00	0.00	0.00	0.00	0.00
Total	315.92	314.87	400.00	399.26	382.10	382.43	442.50	441.74

#### **CHAPTER VI**

#### SERVICE SAFEGUARDS

Safeguards ensuring adequate representation of the Scheduled Castes and Scheduled Tribes in the services and posts under the State are provided in articles 16(4), 16(4A) and 335 of the Constitution. Article 16(4) empowers the State from making any provision for the reservation of 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. Article 16(4A) which came into force on 19.6.1995 vide the Constitution (Seventy-seventh Amendment) Act, 1995 (Annexure 6.I) empowers the State for making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the SCs & STs which, in the opinion of the State, are not adequately represented in the services under the state. Under article 335, the claims of the members of the SCs & STs shall be taken into consideration consistently with the maintenance of efficiency of administration to services and posts in connection with the affairs of the Union or of a State.

6.2 Formal reservation @ 8-1/3 % was provided for Scheduled Castes for the first time in August, 1943. After the attainment of Independence, orders were issued by Government of India on 21.9.1947 providing reservation @ 12-1/2 % for Scheduled Castes in respect of direct recruitment through open competition. Reservation @16-2/3% was provided for Scheduled Castes in recruitment otherwise than by open competition . Reservation @5% was provided for STs after the promulgation of the Constitution in 1950. Reservation in promotion was introduced in stages from 1957 onwards. Taking into account the population of Scheduled Castes and Scheduled Tribes as reflected in the 1961 Census, the reservation was raised to 15% and 7-1/2% for Scheduled Castes and Scheduled Tribes respectively w.e.f. 25.3.1970. Reservation in services/posts continue to be fixed at 15% for the Scheduled Castes and 7-1/2% for the Scheduled Tribes in the Central Government , Public Sector Enterprises under the Government of India and Nationalised/Public Sector Banks, Autonomous Bodies etc. The present percentages of reservation for SCs/STs applicable to Central Government, Public Sector Enterprises under the Government of India and Public Sector Banks are as under:

for SC	for ST
15	7-1/2
16-2/3	7-1/2
According to the popu	lation of SC/ST in respective
15	7-1/2
	15 16-2/3 According to the popu States / UTs except D

1.3

6.3 Reservation in services and posts is also applicable under various State Governments and Union Territory Administrations. The percentage of reservation varies from State to State on the basis of actual percentage of the Scheduled Caste and Scheduled Tribe population. In the previous reports, the position of representation in services in the States was included in the main report. As, for the first time, the Commission has decided to include State Chapters in a separate volume these issues would also be discussed and highlighted in the concerned State Chapters.

### 'Application of the scheme of Reservation:

- The scheme of reservation generally applies to all categories of posts. Posts of industrial workers in industrial establishments of the Government of India are also covered by this scheme. Reservation is also required to be suitably applied to the extent possible, to work charged posts except those required for emergencies like flood relief work, accident restoration and relief and temporary appointments below 45 days duration, etc. Although it may not be possible for applying reservation orders in toto in respect of daily rated staff, it is required to be ensured that persons belonging to Scheduled Castes and Scheduled Tribes are recruited in such a manner as their overall representation does not go below the prescribed percentages for Scheduled Castes and Scheduled Tribes . General orders relating to reservation of vacancies for persons belonging to Scheduled Castes and Scheduled Tribes are also applicable in the cases relating to regularisation of casual workers as the appointment of casual workers against regular posts is a case of direct recruitment. The scheme of reservation is not presently applicable to:
  - (i) Vacancies filled by transfer or deputation.
  - (ii) Vacancies filled by promotion if the element of direct recruitment is more than 75%.

## Special provisions in respect of Scientific and Technical Posts

Reservation orders apply also to scientific and technical posts upto and including the lowest rung of Group 'A'.

#### **Rosters**

6.6 Rosters have to be maintained by the appointing authorities for determining the exact number of vacancies reserved for Scheduled Castes and Scheduled Tribes according to the percentage of reservation prescribed for them. As prescribed by the Department of Personnel and Training ,40-point / 100-point roster was maintained for direct recruitment and only 40-point roster was maintained for promotion upto 7.9.93 .With the introduction of 27% reservation for Socially and Educationally Backward Classes (SEBCs) w.e.f.8.9.93,40/100-point rosters for direct recruitment have been replaced by 200-point / 120-

point / 100-point rosters whereas 40-point roster continues for promotion as no reservation in promotion has been provided for SEBCs. The percentage of reservation prescribed for Scheduled Castes, Scheduled Tribes and SEBCs in relevant rosters and the total no. of roster points earmarked for each category are given in the table below:

Method	Percei	ntage		Roster	Roste	er Point	s (No.)
	SC	ST	SEBC		SC	ST	SEBC
A. Direct recruitment							
(i) Rectt. on all India basis							
(a) By open competition	- 15	7-1/2	27	200-points	30	15	54
				1			
(b) Otherwise than by open competition		3 7-1/2	25-5/6	120-points	20	9	31
(ii) Rectt. to Group C & D posts on loca regional basis	l/ popu ST i	n respe es/UTs	of SC/ or less ctive	100-points **	SC,S	T and C	arked for OBC o prescribed
B. Promotions	15	7-1/2	Nil	40-points	6	3	<del></del>

<sup>\*\*</sup> Depending upon the total percentage for SC & ST.

Maintenance of rosters in the proper form and timely verification is essential for filling up the correct number of reserved posts and vacancies in accordance with the prescribed percentages. As has been highlighted in the subsequent paragraphs in detail, many Departments / Public Sector Enterprises do not maintain the rosters in their prescribed manner, thus resulting in adversely affecting the employment / promotion opportunities for SCs and STs.

#### Reservation and Relaxations / Concessions in Direct Recruitment

Reservation of 15% for Scheduled Castes and 7-1/2% for Scheduled Tribes is admissible in direct recruitment to all posts in Groups 'A', 'B', 'C' and 'D'. The following relaxations for the candidates belonging to these communities in the matter of appointment by direct recruitment are admissible:

#### (1) Age Relaxation

The maximum age limit prescribed for direct recruitment to a service or a post is increased by five years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

<sup>•</sup> In Delhi all India percentages are applicable.

#### (2) Fee Concession

Full exemption from payment of fee for admission to any examination for recruitment / selection .

#### (3) Travelling Allowance

Reimbursement of 2<sup>nd</sup> class rail fare or bus fare beyond 30 kms distance to attend written tests and interviews in case of group 'C' & 'D' posts. This applies to UPSC interviews also.

#### (4) Standard of suitability

If required number of Scheduled Caste and Scheduled Tribe candidates are not available by the general standard then such candidates are selected by relaxing the standard provided they are not declared unfit for holding the post.

## (5) Further relaxation in the case of non-technical and quasi-technical Group 'C' & 'D' Services/ Posts

If the requisite number of Scheduled Caste and Scheduled Tribe candidates fulfilling even the relaxed standards are not available to fill the vacancies reserved for them in non-technical and quasitechnical Group 'C' & 'D' services /posts to be filled otherwise than by written examination, the selecting authorities should select the best among the Scheduled Caste and Scheduled Tribe candidates who fulfil the minimum educational qualifications with relaxed standards prescribed for service/ post.

### (6) Experience Qualification

The period of experience prescribed in the recruitment rules is relaxable when suitable Scheduled Caste and Scheduled Tribe candidates are not available with required experience for filling up of the vacancies for them.

### (7) Separate Interview

For the vacancies reserved for Scheduled Castes and Scheduled Tribes, the interview of Scheduled Caste and Scheduled Tribe candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the members of the interviewing authority /Selection Committee are prominently aware of the need for judging the Scheduled Caste and Scheduled Tribe candidates by relaxed standards.

#### (8) Examination Centres / Interview Boards to be set up in ST concentrated areas

Whenever recruitment is made on the basis of competitive examinations, centres for such examinations have to be set up at places where a sizeable number of tribal candidates appear at the examination in addition to the usual centres of examination. In the case of selection by interview, the Recruitment Boards have to be sent to places having concentration of Scheduled Tribe candidates.

# (9) SC/ST candidates recruited for Group 'C' and Group 'D' posts to be posted near their native places

Scheduled Caste and Scheduled Tribe candidates recruited for Group 'C' and 'D' posts on regional basis are to be posted as far as possible near their native places.

#### (10) Pre-Examination Training Centres

Pre-Examination Training Centres have been set up in various States to increase the employment potentialities of Scheduled Caste and Scheduled Tribe candidates for selection for various competitive examinations. The authorities holding such examinations are required to inform the Pre-Examination training Centres well in advance of the actual date of examination, the probable number of reserved vacancies and the syllabus for and the standard of examination to enable the Centres to evolve the scheme of training.

During the years under report the working of the Pre-Examination Training Centres was studied by the Bangalore, and Pune field offices of the Commission. From analysis of their studies it is revealed that the functioning of the Pre-Examination Training Centres is far from satisfactory. Summary of findings may be seen at Annexure 6.II. Due to low income ceilings of parents for eligibility of their wards for admission to these Centres, inadequate hostel & stipendary facility and short duration of Courses, SC/ST candidates are not able to take the full benefit of the coaching system envisaged in the scheme. The quality of the Centres also needs to be improved considerably.

#### **Reservation in Promotion**

6.10 The application of reservation orders was extended to promotions in stages from 1957 onwards and covered all areas in the case of seniority-cum-fitness and upto the lowest rung of Group 'A' in promotions by selection till July 1974. Presently reservation stands at 15% and 7-1/2% for Scheduled Castes and Scheduled Tribes respectively in cases of promotions subject to the condition that direct recruitment does not exceed 75%. As a result of the Constitutional amendment, Article 16(4A) has now empowered the State to extend reservation in matter of promotion in posts /services not adequately represented by SC/ST under the State. In view of inadequate representation of SCs and STs especially in Group 'A' and 'B' posts the Commission recommends that the reservation in promotion should be extended to all categories of posts.

#### **De-Reservation**

- De-reservation is not permissible in direct recruitment to services / posts in any group. In the case of promotion, a vacancy reserved for SC or ST may be dereserved and filled up by a general category candidate if suitable candidate belonging to SC or ST, as the case may be, is not available to fill such a vacancy. Before putting up a proposal for dereservation the appointing authority is required to ensure that all steps for securing SC/ST candidate for appointment against a reserved vacancy have been taken. Dereservation is resorted to only when it is inevitable and in the following manner:
- (a) there is no eligible SC/ST candidates in feeder cadre;
- (b) a copy of the proposal should be sent to the National Commission for SC/ST and the Deptt. Of Personnel and Training;
- (c) the proposal should be concurred in by the Liaison Officer of the Ministry /Department;
- (d) dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India; and
- (e) in the event of a disagreement between the appointing authority and Liaison Officer, advice of Department of Personnel has to be obtained.
- 6.12 Powers of dereservation have been given to individual Ministries/Departments subject to the above conditions.
- Proposals received in the Commission are examined in detail to ensure that there is no violation of safeguards and laid- down procedures. On examination it has been found that in many cases, the full procedure has not been followed or that dereservation is proposed even when SC/ST candidates would become eligible after a short period. As such, in order to safeguard the services and promotional prospects of SCs and STs, the Commission has adopted the procedure of sending an interim reply to the Department concerned and giving its clearance after a detailed and thorough scrutiny.

## Exchange of reservation between SCs and STs

Vacancies reserved for SCs and STs are treated as reserved for the respective communities while they are carried forward to the subsequent three recruitment years. If such a vacancy could not be filled by an SC/ST candidate for whom it is reserved, even in the third recruitment year of carry forward, the vacancy can be exchanged between these communities, i.e., an SC candidate can be considered for a vacancy reserved for ST and vice-versa. However, in the case of promotion by selection from Group 'C' to Group 'B' within Group 'B' and from Group 'B' to the lowest rung of Group 'A', vacancies can be exchanged between SCs an STs in the same year of recruitment as carry forward of reservation is not permitted in such cases.

#### Grouping of isolated posts

6.15 Isolated posts are also covered under the reservation orders. However, in the case of direct recruitment, isolated individual posts and small cadres may be grouped with posts in the same class for purpose of reservation orders taking into account the status, salary and qualification prescribed for the posts

in question. For this purpose, a cadre or a grade or a division of a service consisting of less than 20 posts is to be treated as a small cadre. A group so formed should not ordinarily consist of less than 25 posts.

- 6.16 Grouping of posts is not permissible in promotion.
- 6.17 In December 1995, it was brought to the notice of this Commission that the Department of Personnel & Administrative Reforms, Government of Karnataka issued orders vide G.O. No. DPAR 21 SBC 90 dated 16.11.95 laying down that the orders with respect to reservation for SCs/STs or OBCs as per Article 16 of the Constitution shall not be applicable when there is a single post in the cadre either for recruitment or for promotion. The above orders were issued by the Government of Karnataka depending on the various judgements delivered by the Courts from time to time and mainly on the basis of the Supreme Court judgement in the case of Chakradhar Paswan Vs State of Bihar and others (SC 959).
- 6.18 The issue was examined in the Commission and it was found that the Supreme Court had in 1994 in the suit of Bageshwari Prasad & Others in Civil Appeal No. 7478/94 modified the decision given in the case of Chkradhar Paswan case. It was held by the Hon'ble Supreme Court in the Bageswari Prasad case that "In considering the question whether a person can be considered for promotion from the reserved category on the basis of the roster, it is not the post that is material but it is the vacancy which is material. The rationale of Supreme Court's decision in Paswan's case does not preclude the power of the Government to fuse all posts of equal scale of pay for applying rule of reservation under Article 16(1) and 16(4) or successive vacancies arising in single post". The Commission has communicated its views to the Government of Karnataka making it clear that the above order dated 16-11-95 is in violation of Article 16 of the Constitution and, therefore, it should be withdrawn.
- 6.19 In view of the position indicated above, the Commission recommends that the Government of India and all State Governments may issue necessary clarificatory orders on the basis of Supreme Court judgements.

#### Reservation in single vacancy

6.20 If only one vacancy occurs in an initial recruitment year and the corresponding roster point happens to be reserved for SC or ST, the vacancy is to be treated as unreserved and filled accordingly and the reservation carried forward to three subsequent recruitment years. In the subsequent years, even if there is only one vacancy, it is treated as reserved against the carried forward reservation from the initial recruitment year.

#### Public Sector Enterprises and Nationalised / Public Sector Banks

All orders and instructions relating to the reservation policy of the Central Government for SCs/STs have been extended to the PSEs through Presidential Directives issued from time to time by the Department of Public Enterprises. Similarly, the Ministry of Finance, Deptt. Of Economic Affairs (Banking Division) convey the orders/instructions of the Central Government in regard to reservation policy to the Nationalised / Public Sector Banks and Financial Institutions. Banking Division and the Indian Bank's Association also compile these orders / instructions in a Brochure.

### Actual representation of Scheduled Castes and Scheduled Tribes

#### (A) Central Government

6.22 According to the information received from the Department of Personnel & Training, the group-wise representation of SCs/STs in Central Government services as on 1-1-94 is as follows:

Group	Total	<u>SC</u>	<u>%</u>	<u>ST</u>	<u>%</u>
A	59016	6046	10.25	1727	2.92
В	103198	12443	12.06	2902	2.81
C	2381613	374758	15.73	128228	5.38
D (excluding sweepers)	1023285	209423	20.46	62945	6.15
Total (excluding sweepers)	3567112	602670	16.90	195802	5.49
Sweepers	225359	110569	49.06	15567	6.90
Grand total	3792471	713239	18.81	211369	5.57

<sup>6.23</sup> It will be seen that the representation of SCs in Groups 'A' and 'B' has not yet reached 15% in the Central Government. In Groups 'C' and 'D', the percentage of reservation of the SCs has exceeded 15%. In the case of STs, the percentage in all groups is below 7-1/2%.

The representation of STs has not reached the prescribed level even in Groups 'C' and 'D'. The low percentage of STs even in these lower level posts, although attributed to the non-availability of ST candidates, cannot in any way be justified. Both short and long term measures need to be taken.

<sup>6.25</sup> Special Recruitment Teams should be deputed to the predominantly tribal areas with instructions to grant maximum permissible relaxation for recruitment and to give offer of appointment on the spot for Group 'C' and 'D' posts. As a long term measure, it is necessary to ensure that STs are admitted in educational and training institutions in adequate numbers and requisite hostel facilities are also made available for them in these institutions or in the same city / town. The reasons for non-availability of candidates need to be critically evaluated. In the case of STs also special efforts like Special Recruitment Drives need to be continued for bringing their representation to the prescribed level at the earliest in Groups 'A' and 'B'.

#### (B) Central Public Sector Enterprises

6.26 The percentage of representation of SCs /STs in various groups of posts under the Central Public Sector Enterprises as on 1-1-95 as furnished by the Department of Public Enterprises is given below:

Total No. of employees	No. of SCs	%age	No.of STs	%age
199707	16357	8.19	4341	2.17
162155	15397	9.49	5351	3.30
1164459	220706	18.95	101586	8.72
495179	111802	22.57	4877	9.85
2021500	364262	18.02	160053	7.92
24590	20398	82.95	970	3.94
2046090	384660	18.80	161023/	7.87
	employees  199707  162155  1164459  495179  2021500  24590	employees SCs  199707 16357  162155 15397  1164459 220706  495179 111802  2021500 364262  24590 20398	employees SCs  199707 16357 8.19  162155 15397 9.49  1164459 220706 18.95  495179 111802 22.57  2021500 364262 18.02  24590 20398 82.95	employees       SCs       STs         199707       16357       8.19       4341         162155       15397       9.49       5351         1164459       220706       18.95       101586         495179       111802       22.57       4877         2021500       364262       18.02       160053         24590       20398       82.95       970         2046000       2046000       2046000       10000

It would be seen that the representation of SCs and STs as a whole has reached the prescribed level but it continues to be below the prescribed percentages in Group 'A' and 'B'. Special efforts are, therefore, required to be made for increasing the intake of SCs/STs in these groups. The process of Special Recruitment Drive needs to be continued for filling up of the backlog vacancies as early as possible. As regards the representation in Group 'C' and 'D', the representation of SCs/STs has already crossed the prescribed level.

#### (C) Public Sector Banks

6.27 During the initial period of Nationalisation of Public Sector Banks, the representation of SCs/STs was negligible as the Banks were in the Private Sector and had not followed reservation. Only after nationalisation they started implementing reservation policies. Now the representation of SCs/STs is increasing. A comparative statement showing the total number of employees and the representation of SCs/STs in all the four cadres as in 1969 and onwards and as on 1-1-95 is given at Annexure6.III. For increasing the representation of SCs/STs the Public Sector Banks are also participating in the Special Recruitment Drives for SCs/STs sponsored by the Department of Personnel and Training.

The information regarding representation of SCs/STs in services under the Public Sector Banks as on 1-1-95 is given below:

Cadre	Total	Repn. of SCs	%age	Repn. of STs	%age
Officers	250806	26861	10.71	8818	3.52
Člerks	473429	68787	14.53	21990	4.64
Sub-Staff (excluding sweepers)	178590	39949	22.37	10430	4.84
Total	902825	135597	15.02	41238	4.57
Sweepers	38919	21063	54.12	2009	5.16
Grand total	941744	156660	16.64	43247	4.60

- 6.28 Statement showing bank-wise representation of SCs/STs as on 1-1-95 in all the cadres of Public Sector Banks is given at Annexure6.IV.
- 6.29 It would be observed that the representation of SCs in the officers' cadre is considerably below the prescribed percentage while it has reached near the prescribed level in the clerical cadre. The efforts for increasing the intake of SCs in officers' cadre are, therefore, required to be continued and properly monitored. The representation of SCs in the sub-staff category has already crossed the prescribed percentage. As regards STs, their representation continues to be low as compared to the prescribed percentages in all the cadres. More effective steps are, therefore, required to be taken for increasing their representation. It would be useful to despatch special recruiting teams to predominantly tribal areas for selecting eligible candidates on the spot.

#### Central Universities

- Central Universities are statutory bodies set up under the Acts of Parliament. The UGC in a letter dated August 26/29, 1975, to the Vice-Chancellors of Central Universities intimated to them that the UGC had agreed in principle that reservation might be provided for SCs and STs for recruitment to the posts of Lecturers in the Universities and Colleges and the mechanics for such reservations might be worked out. Several circular letters from the UGC followed. But the revised percentages of 15% for the Scheduled Castes and 7-1/2% for Scheduled Tribes (earlier it was 5% for the SCs) were intimated to the Vice-Chancellors on 25-8-1982 and it was mentioned in that circular letter that these percentages would be applicable in admissions to various courses of studies and appointments to non-teaching posts and also teaching posts upto the level of Lecturers / Assistant Professors.
- The representation of SCs and STs in services under various Central Universities during 1994-95 both in teaching and non-teaching (ministerial) posts, as made available by the University Grants Commission may be seen at Annexure 6.V and attached statements. It would be seen therefrom that the

representation of SCs and STs in the teaching jobs is negligible except in the North-Eastern Hill University where there were 60 STs out of the total 224 teachers which works out to 26.8%. Even in the case of Lecturers where reservation is provided on the basis of the circular issued by the UGC, the representation of SCs/STs was not adequate. In the case of non-teaching posts, representation of SCs as well as STs in Group 'A', 'B' and 'C' posts was far below the mark. Even in Group 'D' posts, the representation of ST in all the Universities, except NEHU and Vishwa-Bharti was very poor.

6.32 The Commission, in its earlier reports has also highlighted the problem of inadequate representation of SCs and STs in the Central and State Universities. Thus more effective steps are required to be taken to remedy the situation. As the Acts of Parliament setting up Central Universities do not contain any specific provisions it would be necessary and worthwhile if the Acts are amended suitably so that adequate representation of SCs and STs is provided for and enforced.

### Complaints / representations received in the Commission

- As in the previous years, a large number of complaints / representations covering various types of service grievances of the SC and ST employees continued to be received in the Commission. The complaints and representations are received from the individual SC/ST employees and associations of SC/ST employees of various offices of Government, public Sector Enterprises, Nationalised /Public Sector Banks, Insurance Corporations, Autonomous Bodies etc. In some cases, the complaints/ representations of SC/ST employees are forwarded to the Commission by MPs, MLAs and other public representatives also. Issues raised in the complaints /representations cover almost all areas of service matters. These relate to the alleged injustice in issues such as:
  - (i) Direct recruitment, supersession or delay in promotion.
  - (ii) Discrimination and harassment on various counts.
  - (iii) Institution of disciplinary proceedings on flimsy grounds.
  - (iv) Conduct of departmental enquiries in an unfair manner.
  - (v) Adverse entries in ACRs.
  - (vi) Transfer to far-off places and posting in insignificant positions.
  - (vii) Delay in payment of retirement benefits.
  - (viii) Delay in completion of departmental inquiries, etc.
- 6.34 In many cases, issues of purely administrative nature like fixation of pay, seniority, grant of leave, sanction of GPF and other advances, routine transfers, etc. are also raised in the representations / complaints.
- 6.35 As per the guidelines adopted by the Commission the following aspects need to be kept in mind before filing complaints before the Commission.
  - (a) The complaint should be directly addressed to the Chairman, National Commission for SC & ST, or the heads of its State Offices.
  - (b) The complainant should disclose his full identity and give his full address and should sign the representation.
  - (c) Complaints should be legibly written or typed and, where necessary, supported by authenticated documents.

- (d) No action will be taken on matters which are subjudice.
- (e) Cases pending in courts and in which a court has already given its final verdict may not be taken up afresh by the Commission.

6.36 In pursuance of the above guidelines, as many as 2834 cases were taken up for investigation by the Commission during the period under report. The item wise classification of these cases is as under:

(i)	Appointment	. 751
(1)	) Appointment	: /31

(ii) Promotion : 821

(iii) Transfer : 218

(iv) Harassment / : 526 discrimination

(v) Other (disciplinary : 518 cases, pay fixation, appointment on compassionate grounds, seniority etc.)

Total : 2834

6.37 On the basis of information received from the field offices of this Commission, as many as 2386 cases were taken up for investigation by them during the period under report. The item-wise classification of these cases is as under:

(i) Appointment : 624

(ii) Promotion : 659

(iii) Transfer : 267

(iv) Harassment : 414

(v) Others : 422

Total : 2386

#### **Exercise of the powers of Civil Court by the Commission**

6.38 As per the normal procedure of the Commission, the concerned administrative authorities are called upon to furnish their comments on the representations/complaints taken up for investigation by the Commission. On receipt of the reply, it is examined in the Commission and if it is found that there was a violation of service safeguard or harassment/discrimination/injustice had been meted out to an SC/ST employee in any way, the concerned authority is asked to provide necessary relief/justice to the petitioner. It has been the experience of the Commission that the communications of the Commission do not get timely

response from the administrative authorities. In many cases, the requisite information/details/records are not furnished to the Commission even after several letters. The Commission started asserting its Constitutional authority by putting the required seriousness into the job and calling records and persons by issuing summons by invoking judicial powers - entitled under Article 338 of the Constitution.

6.39 These efforts of the Commission have not only brought the required seriousness and attention in the various departments but also helped in settling long pending grievances of the SC/ST employees.

#### Important Issues:

6.40 While investigating the cases of various types, the Commission has come across certain important issues relating to the service safeguards provided to SCs and STs. Some of these issues and cases are discussed below:

#### (1) Maintenance of Reservation Rosters

- 6.41 The Government has been issuing instructions from time to time to impress upon the appointing authorities the need to observe the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes in services strictly. It was emphasised by the Government of India in the Department of Personnel and A.R. vide their O.M.No.36022/20/76- Establishment (SCT), dated 8-9-1976 that it should be ensured that the instructions for the maintenance and periodical inspection of rosters are strictly followed by the appointing authorities and Liaison Officers. Cases of negligence and lapses in the matter of following the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes should be viewed seriously and should be brought to the notice of appropriate authorities and suitable action should be taken promptly.
- In February, 1994, it was brought to the notice of the Ministry of External Affairs by an Assistant 6.42 belonging to Scheduled Castes community that the Ministry had reported only one vacancy reserved for SC category for the Section Officers' Limited Departmental Competitive Examination (LDE), 1993 whereas the actual number of vacancies reserved for this category was more than one. The Ministry admitted discrepancies in the maintenance of roster and that they intimated only one vacancy for SC category to UPSC for Limited Departmental Examination of 1993 whereas the actual number of vacancies of Section Officers' reserved for SC category was three. Under the advice of DOPT, Ministry of External Affairs obtained the comments of their Liaison Officer and referred the case to the Commission also. The Commission examined the matter and found that three Assistants belonging to SC category had qualified the written part of the above examination but only one could be finally selected as Section Officer as only one SC vacancy had been reported to UPSC. Accordingly, the Commission recommended to Ministry of External Affairs that the two Assistants belonging to Scheduled Caste category who had qualified the written part of the abovesaid examination and who could not be selected as Section Officer on account of under-reporting of vacancies by Ministry of External Affairs to UPSC should be promoted as Section Officers with retrospective effect. The Commission has not been informed of the decision taken by the Ministry of External Affairs in the matter.
- 6.43 It would be observed that it is a clear case of faulty maintenance of reservation roster by the authorities. Department of Personnel and Training should, therefore, reiterate their instructions for proper maintenance of rosters and for taking suitable disciplinary action against erring officials. It is also evident that the Liaison Officers had not been scrupulously discharging their duty of annual inspection of rosters otherwise the mistakes would have been detected in time and remedial measures taken for rectification. It is,

therefore, imperative that the Liaison Officers carry out their functions regularly and with due vigilance so that the interests of SC and ST candidates are protected.

## (2) Violation of reservation policy in a College under the University of Delhi

- 6.44 As per the instructions issued by the University Grants Commission from time to time, all Universities and the Colleges affiliated with them are required to implement the policy of 15% and 7-1/2% reservation for SCs and STs respectively in teaching as well as non-teaching posts. In this context, they are under obligation to maintain reservation rosters for various posts.
- During November 1995, it was brought to the notice of this Commission that the post of 6.45 Professional Assistant reserved for SC category in the Maitrey College, New Delhi (affiliated to Delhi University ) was filled up by appointing a general category candidate. It was further mentioned in the complaint that no SC/ST officer was associated as a member in the Selection Board constituted for making selection to the post. The Commission took up the matter for investigation. The Principal of the College was called for personal discussion and concerned official of the Commission also visited the College for checking the reservation roster for the above post. It was revealed that no reservation roster was being maintained by the College and the post of Professional Assistant had been filled up on five occasions during the years 1974 to 1995 and a general category candidate was appointed every time. It was also observed that no SC/ST representative was associated in the Selection Committee which selected a general candidate for the above post in 1995. The above position was brought to the notice of Registrar, Delhi University for taking necessary action for doing justice to an SC candidate who was eligible for the above post and had appeared for interview but could not be selected as the post had not been shown as reserved for SC category. Commission during this investigation has found various irregularities. Hence the Commission has taken up a detailed review of implementation of Reservation Policy by the Delhi University and its affiliated Colleges.

6.46 Ministry of Human Resource Development and the University Grants Commission should, therefore, make serious efforts for ensuring that the reservation policy is scrupulously followed by the University of Delhi as also by other Universities. Justice should be ensured to the aggrieved SC candidate in the above cited case.

### (3) Inspection of rosters

- 0.47 During the period under report, the field offices of this Commission conducted some studies for evaluating the implementation of reservation policy by various Public Sector Enterprises /Banks located in their respective jurisdiction. Studies were conducted with particular reference to the maintenance of reservation rosters in the following organisations:
  - (1) General Insurance Corporation, Bombay
  - (2) Bank of India, Bombay
  - (3) Bokaro Steel Plant, Bokaro
  - (4) National Chemical Laboratory, Pune
  - (5) Bharat Petroleum Corporation Ltd., Bombay
  - (6) Hindustan Fertilizers Corpn. Ltd., Barauni
  - (7) Eastern Coal Fields Ltd., Sanctoria, Asansol
  - (8) Alloy Steel Plant, Durgapur
  - (9) Metal Scrap Trade Corporation, Calcutta

#### (10) Indian Oil Blending Company Ltd., Mumbai

- 6.48 It was observed that the rosters were not being maintained with due care and seriousness. It is surprising that many Public Sector Enterprises are not using registers for maintaining the rosters which are maintained by inserting a copy of the prescribed format in the concerned files itself. In most of the cases, the appointing authorities are not attesting the entries made in rosters leaving ample scope of manipulations at lower levels. Liaison Officers are also not carrying annual inspection of rosters regularly and are thus violating the instructions issued by the Government in this context which makes it obligatory for them to inspect the rosters every year and submit the inspection report to the chief Executive of the Public Sector Enterprise / Bank.
- As the reservation roster is the most important procedural safeguard for enforcing the reservation policy of the Government of India, any lapse/deficiency in the maintenance of rosters should be viewed seriously and prompt disciplinary action should be taken against the erring officials. The Department of Public Enterprises and the Department of Economic Affairs (Banking Division) should, therefore, take effective measures to ensure that rosters are properly maintained in the Public Sector Enterprises/Banks. Apart from the annual inspection of rosters by Liaison Officers, concerned administrative Ministry/Department should carry out surprise check of rosters.
- 6.50 The Commission would like to reiterate the fact that in all Ministries/Departments, Public Sector Enterprises and Banks it is the top level officers/management who are ultimately responsible and accountable for implementing the reservation policy of which the proper maintenance of the rosters is a crucial and integral part. Thus Secretaries of Ministries and Head of Departments and Chief Executives in Public Sector Enterprises and Banks should ensure that rosters are maintained properly and regular inspections are carried out by the competent authority and Liaison Officers.

# (4) Implementation of reservation policy by the organisations receiving grants-in-aid from the Government

- 6.51 Instructions issued by the Government of India in the Department of Personnel and Administrative Reform vide their O.M No. 27/12/73- Estt. (SCT), dated 7-10-74 provide that the organisations receiving grants-in-aid from the government should make reservations for Scheduled Castes and Scheduled Tribes in the posts/services under their control on the lines indicated by the government of India. The progress in respect to the employment of Scheduled Castes and Scheduled Tribes in the services under these organisations is to be taken into account by the Government while sanctioning future grants-in-aid to them.
- 6.52 In December, 1994, Pune Zila Magasavargiya Shikshak Shikshettar Sangathana brought to the notice of the Pune field office of the Commission the irregularities in the matter of implementation of the reservation policy by the management of Kaiyalyadham SMYM Samiti, Lonawala. As the Samiti was receiving grants-in-aid from the Ministry of Human Resource Development (Department of Education), it was under obligation to implement the reservation policy of the Government of India. The Pune field office of the Commission, therefore, conducted a study and it was found that the Samiti was not maintaining the reservation rosters as they were not aware of the orders that they were required to maintain the rosters. On being apprised of this irregularity by the Commission, the Ministry of Human Resource Development (Department of Education) informed the Commission in December, 1995, that arrangements were being made to inspect the rosters and that the next instalment of grants-in-aid to Samiti would be released after the rosters had been inspected. On further enquiries in the matter, the Department of Education informed the Pune office of the Commission that the Samiti had since prepared the rosters which had been inspected by them and broad deficiency brought to the notice of the Samiti for corrective action.

- 6.53 It is clear that the abovesaid Samiti was not implementing the reservation policy of the Government of India although it was receiving grants-in-aid from the Government. With a view to ensuring strict compliance of reservation policy of the Government of India by such organisations, the Department of Personnel and Training may issue instructions to ensure that organisations receiving grant-in-aid strictly follow and implement reservation policy.
- Earlier the inspection of NGOs was being carried out by the field offices of the Commission with the view of recommending sanction of grants-in-aid given by the Ministry of Welfare/Human Resource Development and the concerned. In view of the fact that the Commission is an investigating body it was decided in its meeting held on 17-11-95 that the Commission will not inspect NGOs for recommending them for sanctioning of grants-in-aid but will inspect them after grants-in-aid is released for ensuring that the funds allotted to them have been spent for the welfare of SC/ST persons.

#### (5) Harassment of SC/ST employees

- 6.55 It had come to the notice of the Government that on many occasions the Scheduled Caste and Scheduled Tribe officers, after appointment, were subjected to harassment and discrimination on grounds of social origin. It had also been reported to the Government that SC/ST officers were some time transferred to far-off places of their postings by the concerned officers. Taking a serious view of the matter, Government of India in the Department of Personnel and Training issued specific instructions vide O.M.No. 36026/3/85-Estt.(SCT), dated 24-6-85 emphasising that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. It was also suggested that senior officers, including the Liaison Officers should keep a close watch to ensure that such incidents do not occur at all. It was also laid down in the instructions that if any such incident came to the notice of the authorities, action should be taken against the erring officers promptly.
- All India Scheduled Castes/ Scheduled Tribes and Backward Classes Employee's Co-ordination 6.56 Council (Central ) Excise and Land Custom (W.B.Unit ) brought to the notice of this Commission a case of utter harassment of a Superintendent of Customs belonging to Scheduled Caste category. The officer was transferred from Siliguri Central Excise Division to Jaigaon customs check-post in the Jalpaiguri District (West Bengal) in September, 1995. On being relieved from Siliguri, the officer reported for duty at Jaigaon Customs check-post on 10-10-95 but the Assistant Commissioner of Customs did not accept his joining report. The salary of the officer from 16-9-95 was also not drawn. The officer sent representations to the concerned authorities but no remedial action was taken. The Commission intervened and three demi-official letters were sent to the Chairman, Central Board of Direct Taxes by the two members of the Commission. Unfortunately, there was no response and on the other hand the officer was further transferred to Bolpur Commissionerate in January, 1996. Also, his salary from 16-9-95 onwards continued ot be withheld without any justification and without any orders. He had also filled a case before CAT, Calcutta who stayed his transfer to Bolpur . Taking into account the continuing harassment of the officer, Chairman CBDT was called for personal discussion in the Commission. Subsequently, the concerned officers were also summoned and they appeared before the Commission . The officers agreed to post the aggrieved officer to Siliguri and pay his salary from 16-9-95 onwards if he agreed to withdraw the case from CAT, Calcutta . Chairman of the Commission called the aggrieved officer and he agreed to withdraw the CAT case if his salary was released immediately. It was clearly established during the discussions with the officers that it was a case of harassment of an SC officer who was subjected to mental torture and financial hardships. The Commission would, therefore, recommend that the Government should once again issue instructions that responsibility should be fixed and disciplinary action taken against the erring officials found guilty of subjecting the SC/ST employees to harassment and discrimination.

### (6) Unjust dismissal of an SC officer from service - A case of Bombay Port Trust

- 6.57 A Scheduled Caste officer dismissed from service of Bombay Port Trust submitted a representation to this Commission alleging his constant harassment and ultimate dismissal from service by Bombay Port Trust authorities . He alleged that he was being continuously harassed by Bombay Port Trust authorities since he joined as Medical Officer under them in 1980. He mentioned that disciplinary proceedings were initiated against him in 1993 on the ground that he entered service under Bombay Port Trust on production of a fake date of birth certificate. He was ultimately dismissed from service w.e.f. 22-9-95 on this charge.
- 6.58 By looking into the documentary evidence produced by the officer, his dismissal from service seemed to be a case of miscarriage of justice. The matter was, therefore, taken up with Bombay Port Trust authorities who informed the Commission that at the time of appointment of the officer under Bombay Port Trust his date of birth was recorded as 1-7-43 on the basis of a Transfer Certificate produced by him and the above date had not been disputed by them. The officer filed a suit in the Court of Principal District Munsif, Cuddapah, and the District Educational Officer, Cuddapah, Chairman, Bombay Port Trust and the State of Andhra Pradesh by District Collector, Cuddapah were made defendants. In his plaint, the officer had prayed for change in his recorded date of birth from 1-7-39 to 1-7-43 so far as School and College records were concerned . The name of Bombay Port Trust was subsequently deleted from the list of defendants on the request of officer. However, on going through the details of the suit filed by the officer it was noticed that he had made a statement before the Hon'ble Court that the Bombay Port Trust authorities were demanding for his School Leaving Certificate. Since this statement was baseless, the genuineness of the Transfer Certificate (School Leaving Certificate) submitted by the officer at the time of his appointment under Bombay Port Trust was suspected. Necessary investigations were, therefore, made which revealed that the Transfer Certificate available on records with Bombay Port Trust was fake as the admission number appearing on the Certificate pertained to another person. It was further noticed that as per the records maintained by the School and College authorities, the date of birth of the officer was recorded as 1-7-39. As such, the officer had violated the Bombay Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1977. An enquiry was, therefore, conducted against the officer and the enquiry officer found the charge against the officer as proved. Thereafter the officer produced a copy of the decree passed by the Court of Principal District Munsif, Cuddapah in the above said suit declaring that the date of birth of the plaintiff was 1-7-43. Bombay Port Trust referred the matter to a former Judge of Bombay High Court & Ex-Chief Justice of Andhra Pradesh who opined that the decree was not binding on Bombay Port Trust. Taking into consideration the evidence that had come on record during the departmental enquiry and the legal opinion, the disciplinary authority imposed the penalty of dismissal from service on the officer w.e.f. 22-9-95. The appeal filled by the officer before competent authority has also since been rejected.
- 6.59 The Commission is not satisfied with the above position and has decided to summon the Chairman, Bombay Port Trust for further investigation of the case.

## (7) Discrimination in appointment on Compassionate grounds

- As per the instructions issued by the Government of India from time to time, compassionate appointments to members of the family of a deceased Government servant are given priority over the normal recruitment to various posts at the induction level. These instructions are also implemented by the Public Sector Enterprises and the Nationalised /Public Sector Banks. The Punjab National Bank vide P. D. Circular letter No. 53/82 dated 24-8-1982 also issued instructions for employment on compassionate grounds to the dependants of the employees who die while in the service of the Bank.
- 6.61 It was brought to the notice of the Commission that an SC lady whose husband died while serving as an officer in Punjab National Bank applied for appointment under the Bank on compassionate grounds. She was called for interview for clerical cadre by the Bank but was appointed in the subordinate (Group D) cadre whereas in the similar circumstances another lady belonging to non SC/ST community having the same qualification (VIII Standard) was appointed as a clerk.

- The matter was taken up with the Bank authorities who informed that an officer belonging to 6.62 Scheduled Caste expired on 4-8-88 while in service and his wife submitted an application to the Bank for consideration of her case for appointment on compassionate grounds. As per the policy of the Bank, appointments on compassionate grounds were extended to the dependants of the deceased employees either in clerical or in subordinate cadre subject to the suitability of the candidate. Since the petitioner was found suitable for appointment in the Bank in subordinate cadre, she was appointed in that cadre w.e.f. 27-2-89. Accordingly she joined the Bank in March 1989. As regards the appointment of non SC/ST lady as clerk in the similar circumstances the Bank mentioned that similarity in qualification did not amount to the suitability of the candidate for appointment in a particular cadre. It was felt that there should not have been any question of unsuitability of the Scheduled Caste lady for the post of clerk as she fulfilled the basic requirements for the post. With a view to satisfying itself that the assessment made by the Selection Committee was objective the Commission asked the Bank authorities to depute a senior officer to produce the original records relating to the selection process of both the cases. The Bank authorities chose to ignore the Commission's directions for producing the records but after protracted correspondence ultimately agreed to appoint the aggrieved Scheduled Caste lady in the Clerical cadre from 9-10-95. The Commission was not satisfied and asked the Bank to appoint her as Clerk from the date of initial appointment (17-2-89) under the Bank. The Bank was also asked to fix her pay and seniority in the Clerical cadre treating 27-2-89 as the date of her appointment in the Clerical cadre. The Bank has since given her the benefit of pay by treating her appointment as a Clerk from 27-2-89 but her seniority in the Clerical cadre from that date is yet to be fixed.
- 6.63 It would be observed that this was a clear case of injustice and discrimination against a Scheduled Caste widow. Had the Commission not intervened, there was no hope of relief to the aggrieved lady who is yet to get full justice as her due seniority in the Clerical cadre is yet to be given.

# (8) Intervention of the Commission in settling the disputes between the management of General Insurance Corporation and the All India GIC SC/ST Employees Parishad

- In January 1996, All India General Insurance SC/ST Employees Parishad submitted representations to the Chairman of this Commission seeking redressal of their various service grievances. The Parishad had raised the Common issues like filling up of backlog vacancies, selection of SC/ST officers for foreign assignments, regularisation of part-time sweepers, posting of sweepers, posting of SC/ST officers to nonlucrative posts on promotion, appointment of Liaison Officer, etc. Parishad had decided to observe hunger strike on 26-1-96 and a notice had been given to GIC to that effect. Taking into account the seriousness of the situation, Chairman of the Commission intervened and called the Managing Director, GIC for personal discussion on 18-1-96. The urgency in alleviating the long pending grievances of the SC/ST employees was impressed upon. The Managing Director, GIC agreed with the observations of Chairman and assured that the backlog vacancies would be filled up according to the time-bound calendar issued by GIC. Regarding the regularisation of part-time Sweepers, the Managing Director informed the Commission that they were not averse to the idea if all the financial institutions agreed to it. He further assured that as and when posts became available chances would be given to the qualified part-time Sweepers. The Managing Director also apprised the Commission about the action taken by the management for settling the other issues raised by the Parishad. The Managing Director also agreed to meet various SC/ST Associations in the first week of February 1996 for discussion on individual grievances.
- 6.65 In view of the discussions of the Managing Director, General Insurance Corporation with the Chairman of the Commission and the management agreeing to meet the representatives of the Associations for sorting out the grievances of SC/ST employees, the Parishad called off their hunger strike/dharna planned for 26-1-96.

# (9) Settlement of the grievances of the SC/ST employees of Indian Institute of Science, Bangalore

6.66 The Indian Institute of Science (IIS), Bangalore enjoys the status of a Deemed University under the University Grants Commission. The Ministry of Human Resource Development is the nodal Ministry for

the Institute. All orders and instructions regarding reservation for SCs/STs issued by the Government from time to time are applicable to the Institute.

- 6.67 Scheduled Castes and Scheduled Tribes Welfare Association, IIS. Bangalore submitted a detailed representation to the Commission listing a number of service grievances of SC/ST employees. The main issues raised by the Association were as given below:
  - (i) The procedure for grouping of posts in the Institute was not correct and it should be revised.
  - (ii) Backlog in all grades should be worked out on the basis of revised grouping.
  - (iii) Designation was changed on promotion and there was no relaxation in favour of SC/ST in evaluation.
  - (iv) Vacancies were not plotted chronologically in the rosters.
  - (v) The Liaison Officer in the Institute was treated as a subordinate authority and was not allowed to bring the lapses of the Institute to the notice of the concerned Ministry.
- 6.68 The Commission took up the matter with the Institute and called for comments on the issues raised by the Association. As the issues involved major policy matters, it was also considered necessary to discuss the same with the concerned officers of the Institute and the office-bearers of the Association. Accordingly, concerned officers and the office-bearers of the Association were called for discussion in the Commission. The issues were discussed threadbare with the General Secretary and other office-bearers of the Association whereas the Registrar and his team of officers represented the Institute.
- 6.69 After having discussed and analysed the above issues, the Commission made the following observations/recommendations:
  - (1) The grouping of posts was not based on any norms, viz., pay scales, duties, qualification, etc., and this has to be reviewed according to norms and principles laid down by Department of Personnel & Training. Where no grouping was possible, such posts could be kept as isolated posts.
  - (2) The calculation of backlog vacancies since 1971 was not advisable but a review can be made even at this later stage and if it is found that some more points should have gone to the share of SC/ST, the same should be worked out and given to them.
  - (3) 'Evaluation ' in the present form has an element of selection and, therefore, the SC/ST employees should be given relaxation of one year as compared to general category employees from the date from which this relaxation was withdrawn. Length of service and not the salary drawn by an employee should be the criteria for promotion and change of designation.
  - (4) The Liaison Officer of the Institute should verify and inform the Commission whether the vacancies had been plotted in the roster chronologically.
  - (5) The orders of DOPT as applicable to the Ministries/ Departments should be followed by the Institute in so far as the appointment of Liaison Officer was concerned.
- 6.70 The above observations/recommendations of the Commission have been communicated to the Director of the Institute for compliance.

#### (10) Injustice towards a Scheduled Caste Officer in the matter of promotion

It came to the notice of the Commission that adverse remarks in the ACR of a Scheduled Caste 6.71 Officer working in the National Textiles Corporation were communicated to him after the DPC meeting considering him alongwith other eligible officers for promotion to next grade was held on 28.8.87. He was thus deprived of the opportunity of representation against adverse remarks before his case was considered for promotion in the grade of Rs.3700-5000. The matter was taken up with the Ministry of Textiles who informed that the officer was not found fit for promotion on account of his poor performance. On being informed of the above position the officer further brought to the notice of the Commission that the Jaipur Division of National Textiles Corporation suffered a loss of Rs. 3.47 lakhs during 1986-87 when he was incharge of that Division but when there was a loss of Rs. 6.00 lakhs during 1990-91 in the same Division, the then officer-in-charge was promoted to the next grade. The Commission pointed out the above discriminatory treatment towards an SC officer by the Ministry. It was also brought to the notice of that Ministry that the remarks reading as "he is advised to improve upon his performance in the matter of communicating, maintaining morale, developing his subordinates and also in the matter of judgement and leadership" were rather vague and should not have come in the way of promotion of the officer particularly when his performance in Jaipur Division was better than the other officers. The Commission also highlighted the error of non-inclusion of an SC/ST officer in the DPC held on 28.8.87. The Commission, accordingly, recommended to the Ministry of Textiles that the representation of the officer against the above remarks should be re-examined and a review DPC should be held so that the aggrieved officer can get promotion with retrospective effect i.e. from 1.1.87. In response, the Ministry of Textiles advised the National Textiles Corporation (HC) Ltd. to take remedial measures according to Government/NTC Rules.

#### (11) Promotion in Railways - Injustice to SC employee

- 6.72 The Commission received a representation in September, 94 from a Scheduled Caste employee working as Parcel Supervisior, Bareilly junction, Northern Railway regarding promotion of five employees belonging to SCs and STs from Booking Supervisor/Parcel Supervisor to Chief Booing/Parcel Supervisor. It was mentioned in the representation that under restructuring from 1.3.93, ten persons had been promoted as Coaching Supervisor in the scale of Rs. 2000-3200 including from Sl. Nos. 11 to 15 and their seniors including from Sl.Nos. 6 to 10 belonging to reserved category were ignored. It was also mentioned in another representation that there were running five vacancies in the grade of Rs. 2000-3200 and there were five eligible employees belonging to Scheduled Castes to be promoted in the grade of Chief Parcel/Booking Supervisor. The applicant also brought to the notice of the Commission that their juniors who were promoted to grade of Rs. 1400-2300 against graduate quota in October, 1984 were being shown senior to them for promotion to grade of Rs. 2000-3200 which was against the rules.
- 6.73 The matter was taken up by the Commission with the General Manager, Northern Railway, New Delhi in October, 94 and subsequently four reminders including a d.o. letter were issued to the Chief Personnel Officer, Northern Railway, New Delhi. However, no reply was received. When the Summons were issued to General Manager, Northern Railway only then the Railway authority submitted the promotion order dated 1.8.96 in respect of five Scheduled Caste employees to the post of Booking/Parcel Supervisor in the grade of Rs. 2000-3200 w.e.f. August, 1993.
- 6.74 It is obvious that the abovesaid five Scheduled Caste employees had been wrongly denied promotion in August, 1993 when their juniors were promoted. Railway authorities did not pay any attention to their requests for justice. It was the intervention of the Commission which made the Railway authorities review the case and promote the aggrieved Scheduled Caste employees with retrospective effect.
- 6.75 The Commission would therefore recommend that such lapses should be viewed seriously and disciplinary action should be taken against the erring officials to ensure that no injustice is done to SC/ST employees in any way, particularly in promotions.

#### (12) Delay in the appointment of SC/ST candidates selected under Special Recruitment Drives

- 6.76 Government of India have been launching Special Recruitment Drives for SCs/STs from time to time so that backlog vacancies for these communities are filled up as early as possible. Unfortunately, there have been cases where SC/ST candidates selected under the Special Recruitment Drives do not get appointment to the posts for which they have been selected. Two such cases are detailed below:
- (i) A complaint was received in the Commission in the month of December, 1995 about the alleged violation of reservation rules by the School of Planning and Architecture, New Delhi. It was, interalia, mentioned in the complaint that the School had advertised the posts of Lecturers for SC/ST candidates under a Special Recruitment Drive in June, 1994 but the candidates were not being called for interview whereas interviews were being conducted for the posts advertised in the unreserved The Commission took up the matter with the School authorities who informed that the interviews for the posts had been conducted but the matter was being reviewed in the light of the Government of India's policy on reservation particularly with reference to the operation of ceiling of 50% on the total reservation in a recruitment year. It was also informed that the whole matter was referred to a consultant who had submitted his report about the deficiencies in the rosters and that the issue had thereafter been referred to Management Consultant. While the matter was under examination in the Commission one more complaint about the violation of the reservation policy and harassment of SC/ST employees by the School authorities was received in the Commission. It was then decided to call the Director of the School for personal discussion in the Commission. It transpired during the discussions that the School was applying the ceiling of 50% in reservation in the matter of recruitment of lecturers under the Special Recruitment Drive and that no SC/ST officer was being associated in the Selection Committees constituted for interviewing the candidates for teaching posts. After hearing the Director of the School, the Commission observed that the ceiling of 50% reservation for SC/ST was not applicable in the case of Special Recruitment Drive and recommended that all the 9 posts of Lecturers advertised during 1994 under the Special Recruitment Drive should be filled in by SC/ST candidates without further delay. The Commission also asked the School authorities to furnish the report of the Consultant about maintenance of rosters. It was also made clear-to the School authorities that the association of an SC/ST officer in the Selection Committee was obligatory. The above case also indicates the type of methods resorted to, to delay and deny employment opportunities to SCs and STs, even under Special Recruitment Drives. The process of referring matter to consultants/Management Consultant, when the Departments are themselves empowered to take decisions is unwarranted and uncalled for. Sometime, cases are unnecessarily referred to for legal opinion or sent to Ministries for advice etc., all of which are time consuming processes. The Commission deplores the recourse to such delaying tactics and strongly recommends action against those who indulge in it without a just reason.
- (ii) It came to the notice of this Commission that 15 candidates belonging to SC and ST communities\* were selected by Banking Services Recruitment Board, Bangalore in December, 1990 against the backlog vacancies of Field Supervisors and Officers under the Special Recruitment Drive. These candidates were allotted to Tungabhadra Gramin Bank against the requisition placed by the Bank with Banking Services Recruitment Board. Tungabhadra Gramin Bank congratulated these candidates in January, 1991 for their selection and nomination in the Bank. Unfortunately, the candidates did not receive any offer for joining duties and they submitted a representation to this Commission in January, 1996. The Commission took a serious view of the matter and called the Chairman of the above Bank who appeared before the Commission on 31st January, 1996. Commission was informed that the abovesaid candidates could not be given appointments because of resource crunch. The Commission did not agree as the Tungabhadra Gramin Bank is number one Bank in the area in transactions, customer-service, viability and profit-making and the resource crunch should not have come in the way of appointment of the SC/ST candidates. The Chairman of the bank further informed that they had since requested the NABARD and the Ministry of Finance to allow them to appoint the said candidates as a special case. The Commission desired that all the 15 candidates should be given appointments within four months. The Commission also requested

the Ministry of Finance for giving clearance for the appointment of these SC/ST persons. Unfortunately, the candidates are yet to get offer of appointment, since the Ministry of Finance is sitting over the file more than a year.

- In November, 1995, it was brought to the notice of this Commission that a Special Recruitment (iii) Drive for SC/ST was launched in 1993 for filling up of the backlog vacancies in the grade of orderly Hospital in Ammunition Depot, Bhatinda Cantt. A Scheduled Caste candidate selected under the above drive was informed by the Ammunition Depot authorities that the selection panel for the orderly Hospital was provisionally made and Government sanction/clearance has not been received from the higher authorities. The matter was taken up with the Ministry of Defence who informed that no appointment order could be issued to the selected candidates as a ban had been imposed by the Government on the Special Recruitment Drive held during the period 1989 to 1993. A copy of the ban order, dated 31.10.90 sent by the Ministry of Defence indicating that the ban was applicable to the vacancies identified for Special Recruitment Drive 1990. It appears that this ban was continued till the Special Recruitment Drive 1993. The Commission has taken a serious view as the very purpose of conducting SRDs stands defeated in this case. There was no use of conducting SRDs when the ban on filling up the vacancies identified under SRDs was in existence. Commission is bringing this position to the notice of Secretary, Ministry of Defence for taking remedial measures to appoint the persons selected under SRDs without further delay.
- 6.77 It is abundantly clear from the cases cited above that the process of Special Recruitment Drive is not being taken with due seriousness by some administrative authorities. As a result, the Special Recruitment Drives are yet to show the desired impact. The Government of India should, therefore, issue clear instructions that the posts advertised under the Special Recruitment Drives should not be disputed later on and the selected candidates must be appointed against these vacancies as early as possible.

#### **Policy Issues and Recommendations**

As the analysis in the foregoing paragraph of the level of representation of SCs and STs in the various Government Departments/PSEs and Public Sector Banks and the investigation, inquiries made by the Commission with reference to the complaints received regarding implementation of the service safeguards would indicate that though representation of SCs/STs in general has steadily improved over the years there are a number of policies/orders that need to be given greater thought and consideration.

## Continuation of reservation for SCs/STs in promotion beyond 15.11.97

- 6.79 The Supreme Court in their judgement in Indira Sawhney case delivered on 16.11.92 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 in promotion may continue for a period of five years i.e. upto 15.11.97.
- In the context of this judgement, the Department of Personnel & Training, Government of India issued clarificatory orders on 19.8.93 that the existing provisions of reservation for SCs/STs in the matter of promotion were required to be continued. However, it came to the notice of DOPT that some organisations were not implementing the orders for reservation for SCs/STs in promotion. Therefore, DOPT issued another Circular on 27.7.95 reiterating their earlier instructions and impressing upon the Ministries/Departments for ensuring that the reservation policy of the Government as spelt out in the instructions issued by the Government from time to time should be faithfully implemented.
- 6.81 Government of India considered it necessary to continue the existing dispensation of providing reservation in promotion in the case of SCs/STs as their representation in services had not reached the

required level. In view of the commitment of the Government to protect the interests of SCs/STs, a conscious decision was taken by the Government for amending Article 16 of the Constitution as the executive instructions of the Government might not stand the test of judicial scrutiny in the face of the judgement of the Supreme Court in the abovesaid case. Accordingly the Constitution (Seventy-Seventh Amendment) Act, 1995 (Annexure-6.I) was notified on 19-6-95 which inserted a new clause (4 A) in Article 16 empowering the Government to provide reservation for SCs/STs in promotion. The Commission was, however, of the view that the Government should issue executive instructions based on the Constitutional Amendment which had given finality to the policy of reservation for SCs/STs in promotion. DOPT was accordingly requested in November, 1995 to issue the requisite instructions to all Ministries/Departments. Chairman of the Commission also took up the issue with the Union Minister of State for Personnel, Public Grievances and Pensions. The Department of Personnel & Training sent a draft Note for Cabinet for this purpose to the Commission for concurrence. The Commission has since conveyed its concurrence to DOPT. The requisite executive instructions are therefore required to be issued by DOPT as early as possible so that there remains no doubt whatsoever about the continued applicability of reservation in promotion for SCs/STs. It is strange to note that the Department is not pursuing this subject even after six months the Cabinet Note was ready and the Commission had taken up with the Hon'ble Minister.

#### Impact of Special Recruitment Drives for filling up of the backlog vacancies reserved for SC/ST

6.82 Government of India has been launching Special Recruitment Drives (SRD) from time to time for filling up of the backlog vacancies reserved for SCs and STs in the Central Government, Central Public Sector Undertakings, Banks and Insurance Corporation within a definite time frame. This exercise was started in 1989 and the last SRD was launched in 1995 covering the backlog vacancies identified as on 1.4.95. As per the information received from the Department of Personnel and Training in respect of 62 Ministries/Departments, the position of recruitment under this Drive as on 30.4.96 was as under:

#### **Government of India Departments**

Item	led Castes		roup of corrido	a and Number	· · · · · · · · · · · · · · · · · · ·	<del></del>
ITCIM			<del></del>	s and Number		
	<u>A</u> .	<u>B</u>	<u>C</u>	$\underline{\mathbf{D}}$	<u>Total</u>	· .
Backlog	522	477	5577	1486	. 7982	
Recruitment	73	171	2945	621	- 3810	
	(13.98)	(35.85)	(52.81)	(41.79)	(47.73)	
Still Backlog	449	306	2632	865	4172	
<b>5</b>	(86.02)	(64.15)	(47.19)	(58.21)	(52.27)	·
2. Schedu	led Tribes					
Backlog	497	418	5582	2241	8738	
						•
Recruitment	51	62	1957	1431	3501	
	(10.26)	(14.83)	(35.06)	(63.86)	(40.07)	
Still Backlog	446	356	3625	810	5237	
	(89.74)	(85.17)	(64.94)	(36.14)	(59.93)	

	Centi	ral Banks & P.S.E	S
Category	Backlog Vacancies	Recruitmont Made	Remaining Backlog vacancies
<u>Banks</u>			
Scheduled Caste	524	248	276
	(100)	(47.33)	(52.67)
Scheduled Tribe	630	322	308
	(100)	(51.11)	(48.89)
Public Sector			
Scheduled Caste	3620	1576	2044
	(100)	(43.53)	(56.47)
Scheduled Tribe	3553	1042	2511
	(100)	(29.33)	(70.67)

<sup>6.83</sup> It may be observed that the achievement under the above Special Recruitment Drive under the Government as well as Public Sector Enterprises and Banks has been far from satisfactory. The position of recruitment for Group A and B posts both for Scheduled Castes and Scheduled Tribes under the Central Government has been deplorably poor. Only 13.98% and 35.85% of total backlog vacancies identified for Scheduled Castes could be filled in Group A and Group B respectively. The position of recruitment of Scheduled Castes in these groups was worse as only 10.26% and 14.83% of the total posts identified could be filled up during the aforesaid period. The position of recruitment of SCs and STs in Group C and D is also far below the mark. The position under the Public Sector Enterprises and Bank is only slightly better as compared to the Government.

6.84 It is obvious from the position indicated above that the Special Recruitment Drives have not produced the desired results. There is necessity to intensify Special Recruitment Drives for filling up backlogs as early as possible.

#### Liaison Officer

- 6.85 In each Ministry/Department, an officer of the rank of Deputy Secretary is nominated as Liaison Officer to ensure due compliance of the orders of reservation issued from time to time in favour of SCs/STs. Similarly, Liaison Officers are nominated in attached/subordinate offices and other offices functioning under the control of a Head of Department. Main functions of the Liaison Officer are:
  - (i) To ensure due compliance by the appointing authorities with the reservation orders and other benefits admissible to SCs/STs.
  - (ii) To scrutinize and ensure prompt submission of the prescribed annual statements about the representation of SCs/STs in services/posts by the appointing authorities to the Ministries/Departments and consolidation of the annual statements and sending such statements to the Department of Personnel and Training.

- (iii) To scrutinize properly all proposals for dereservation and to certify after due satisfaction that such dereservations are inevitable and that all steps prescribed in this regard have been taken.
- (iv) To liaise between Ministeries/Departments/Attached and Subordinate Offices and the Department of Personnel & Training for supply of other information, answering queries and clearing doubts.
- (v) To conduct annual inspection of rosters and maintaining a record of such inspections.
- (vi) To extend necessary assistance to the National Commission for SCs/STs in discharge of its duties and functions.
- (vii) To meet SC/ST employees who are desirous of meeting him in connection with their grievances.
- 6.86 The Liaison Officers are assisted by a Cell called SC/ST Cell in each Ministry/Department and office. The strength of the Cell depends on the work-load and the strength of personnel in the office.
- 6.87 As per the existing instructions of the Government of India, an officer of the rank of Deputy Secretary is nominated as Liaison Officer in each Ministry/Department and other Government organisations in respect of matters relating to the representation of Scheduled Caste and Scheduled Tribes in all establishments and services. Similarly, all Public Sector Enterprises, Autonomous Bodies, Public Sectors Banks etc. are also required to nominate a Liaison Officer to ensure effective implementation of reservation policy of the Government.
- 6.88 The Liaison Officer is thus an in-built mechanism to assist the administrative authorities to ensure proper implementation of reservation policy. However, by efflux of time, this mechanism does not seem to be functioning effectively as a large number of representations from SC/ST employees are received in the Commission requesting for redressal of grievances relating to various service safeguards provided to them. In order to ensure that SC/ST employees get redressal at the door-step, i.e. within their own organisation, the Commission is of the view that this mechanism should be strengthened and made more effective. Secretaries, Head of the Departments and executive heads of Public Sector Enterprises should be accessible to the SC/ST employees for redressal of their grievances. They should also supervise and monitor the functioning of the grievances redressal set-up under them regularly. For this purpose, the Liaison Officer should be given proper orientation/training about his role and responsibilities. As a Liaison Officer is expected to be an expert on reservation, the senior officers should consult the Liaison Officer at all stages in matters relating to direct recruitment, promotion etc. It is also necessary that there should be a full time Liaison Officer in large Ministries/ Departments like Railways, Posts, Tele-communication, Defence, Finance, Home, Industry etc. and large Public Sector Enterprises having more than 10,000 employees so that he can keep a close watch on the implementation of reservation policy in the Ministry/Department/Public Sector Enterprise . The tenure of the Liaison Officer should, as far as possible, be three years.
- 6.89 It has come to the notice of the Commission that often the Cells set up in each organisation to assist the Liaison Officer are not adequately staffed or given proper orientation and training, thus reducing the capabilities of the Liaison Officer to work effectively.
- 6.90 The Liaison Officer should interact with the SC/ST employees and the administration for redressal of grievances and monitoring of reservation matters. He should regularly inspect the rosters and collect data from Ministry/ Department/Public Sector Enterprise and field offices. The Liaison Officer should be vigilant about persons availing reservation benefits on the basis of false caste/tribe certificates. The Ministry/Department and Public Sector Enterpries etc. should also ensure that Liaison Officer is associated in verification of caste/tribe certificates to check the entry of persons in service on the basis of false certificates. Liaison with the Employment Exchanges, Universities, Technical Institution etc. should also be

one of the duties of Liaison Officer so that suitable candidates become available for filling up of reserved vacancies.

6.91 Liaison Officers being an expert on the subject should advise the management on the policy and whenever the management does not adhere and go against the reservation policy such matters should be brought to the knowledge of the Commission. In order to make this in-built mechanism effective the concept of making the Liaison Officer responsible to National Commission for Scheduled Castes and Scheduled Tribes (as in case of Central Vigilance organisation) may be considered.

#### Association of SC/ST employees

- 6.92 In many Ministries/Departments/ Public Sector Enterprises/Banks and other organisations, SC/ST employees have formed separate association for projecting their grievances as the general associations (unions) are reluctant to support the grievances and claims of SC/ST employees since there are conflicting interests. Under the provisions of Central Civil Services (Recognition of Service Association) Rules, the associations formed on the basis of caste/tribe/religion are not entitled for recognition. In the absence of recognition, associations of SC/ST employee face a lot of difficulties in persuading the administrative authorities to listen to the grievances of SC/ST employees. Although the concerned authorities in many organisations readily respond to these associations and also have correspondence and meetings with them for solving the issues/problems voiced by the associations, the attitude of some administrative authorities has been found to be very rigid. As a result, these associations sometimes adopt agitational method in order to secure justice for the SC/ST employees.
- Taking into account all relevant aspects, the Commissioner for Scheduled Caste and Scheduled Tribes has recommended for the recognition of associations of SC/ST employees. The Commission has also supported the demand of these associations in its earlier report. This question constantly continues to engage the attention of the Commission as the associations formed by SC/ST employees are persistently demanding recognition of their associations. In this context, the Commission has started a dialogue with the concerned authorities. Chairman of the Commission has addressed demi-official letters to the concerned Union Ministers in this connection and has had a meeting with the office-bearers of some associations also. A meeting with the senior officers of the concerned Ministries/Departments was also organised by the Commission and more such meetings are planned in the near future so that the issue is examined and debated in depth for finding a solution to the problems faced by the SC/ST employees' associations.
- 6.94 The Commission has also pointed out to the Department of Personnel & Training that it is well known fact that the SCs/STs together constitute almost one fourth of India's population and between themselves they comprise various castes, tribes and races or parts of or groups within castes, races or tribes. Scheduled Caste profess different religions viz Hinduism, Sikhism and Budhism. Similarly, Scheduled Tribes also profess religion like Hinduism, Christianity, Budhism, etc. To consider such a mass of communities from hundreds of castes and tribes and professing different religions as communal would be a travesty of facts. Even the Supreme Court has decided in their judgement in the case of State of Kerala Vs. N.M.Thomas and others that they (Scheduled Castes) are no castes.
- 6.95 The Commission would recommend that the Government of India should review the whole issue in detail as early as possible so that the associations formed by SC/ST employees get a respectable status and the administrative authorities listen to them with due attention. They may be provided with the following opportunities:
  - (1) Collective representation.
  - (2) Periodical Meetings.
  - (3) Record of discussions, redressal and grievances.
  - (4) Follow up and discussion
  - (5) Supporting officers to build up leadership among these sections.

6.96 This will go a long way in assuaging the feelings of the most vocal section of SC/ST population.

#### A Comprehensive Act for Reservation Policy

6.97 With a view to effectively implement the reservation policy in the Ministries/Departments/Public Sector Enterprises, Banks and other organisations it is time that the main principles of reservation are embodied in an Act of Parliament so that the violation of safeguards is reduced to the minimum. The Act should not only clearly enunciate the entire reservation policy in specific terms but also provide for penal action against those who deliberately fail to implement the same. This will go a long way in giving the SCs and STs a sense of security and also ensure that provisions of the Constitution regarding adequate representation in the services are observed by all concerned.

रजिस्ट्री सं० डी०एन०-33004/95



REGISTERED No. DI-33004|95

# The Gazette of India

असाधारण

#### **EXTRAORDINARY**

भाग ] |-खण्ड 1 PART II-Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 34]

नई बिल्ली, सोमबार, जून 19, 1995/ज्येब्ठ 29, 1917

No. 34]

NEW DEUHI, MONDAY, JUNE 19, 1995/JYAISTHA 29, 1917

इस भाग में भिन्न पूब्ड संख्या दी जाती है जितसे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 19th June, 1995/Jyaistha 29, 1917 (Saka)

The following Act of Parliament received the assent of the President on the 17th June, 1995, and is hereby published for general information:—

THE CONSTITUTION (SEVENTY-SEVENTH AMENDMENT)
ACT, 1995

[17th June, 1995.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Seventy-seventh Amendment) Act, 1995.

Short-

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

Amend ment of article

"(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or

classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State, are not adequately represented in the services under the State.".

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

#### PRE-EXAMINATION TRAINING CENTRES

1. The Bangalore field office of the Commission conducted a study in 1994 on the performance of five Pre-Examination Training centres run by the State Govt. of Karnataka at Bangalore, Dharwad, Gulbarga and Mysore with the objective to see whether these centres really functioned well and imparted training to selected SC/ST candidates adequately to face the competition confidently and give perceptible results. These centres have been set up for providing adequate coaching and training facilities to the SC/ST students appearing for various competitive examinations conducted by Staff Selection Commission, Banking Services Recruitment Board, Karnataka Public Service Commission etc. The PETC at Indiranagar, Bangalore is providing coaching exclusively for IAS/IPS examinations.

The important observations /suggestions made are as under:

- (i) The overall performance of the PETCs have been quite dismal Out of 109 SC/ST trainees who had appeared for officers' posts during the period from 1989 to 1994 none was selected. However, the position was slightly better for clerks posts in Banks with an overall success rate of 0.94%. The performance in Staff Selection Commission, Railways Service and Karnataka Public Service Commission was not impressive as the overall success rate ranged from 1.31% to 1.75%. The overall success rate for IAS/IPS Preliminary examination was only 2.7%. The overall success rate for IAS/IPS main examination was 12.5% which is better compared to all the other courses. The main reason was that very few SC/ST candidates appeared for the examination from Indiranagar, Bangalore Centre.
- (ii) Mostly Adi-Karnataka and Adi-Dravida candidates were benefiting from the centres. Out of 92 trainees, 22 were females. 50% of the trainees came from families where occupation was daily wage labour whereas only 8.7% of the trainees came from families of Govt. employees and 16.30% of the trainees came from families of Govt. pensioners.
- (iii) The major problem that confronts the trainces was English language. The trainces were not proficient in English language to the extent that is required to compete in the competitive examinations. Most of them were weak in English as majority of them studied in Kannada Medium. Lack of adequate knowledge & understanding and proficiency in English considerably affected their chances of success in the examination.
- (iv) None of the Centres had utilised the capacity (sanctioned strength of 50 trainees per batch) to the full extent because of poor response from the trainees. The centres should take more trainees by relaxing the condition if sufficient number of SC/ST candidates whose parental income is less than Rs. 24000/- per annum was not available. The PETC, Dharwad did not conduct any training course after September,1993 as there was poor response from the SC/ST candidates. The PETC, Indiranagar conducted coaching class for less number of SC/ST candidates. Wider publicity should be attempted at all levels including Mandal Panchayat level.
- (v) None of the PETCs had utilised grants fully during the period from 1990-91 to 1993-94. This was due to the less utilisation capacity of strength and sometimes these centres did not conduct any coaching class due to the poor response from the candidates. Overall 74% of the funds were utilised by the PETCs in the State of Karnataka during 1990-91 to 1993-94.

- (vi) Most of the academic staff as well as trainees expressed the view that duration of the course might be extended to 3-4 months instead of 25 days. Existing stipend rate should be increased to Rs. 200 to 300/- per month.
- (vii) There was no proper coordination between the PETCs and the recruiting agencies like K.P.S.C, S.S.C and B.S.R.B etc. The recruiting agencies generally take more time to send the list of SC/ST candidates who appear for the competitive examination. If these agencies send the list immediately, the centres could admit candidates in time and the duration of the course could also be extended.
- (viii) The PETCs should maintain a follow-up register containing details of whether the past trainees got jobs, whereabouts of the working place, designation etc.
- (ix) In some centres, it was noticed that they did not conduct any training programme for a long period saying that no competitive exams were held by the recruiting agencies. In such periods, the PETC may conduct foundation courses on a regular basis inviting SC/ST candidates and train them up. This may facilitate the candidates to do well when they come to the centres for other competitive examinations.
- 2. Pune field office of the Commission conducted a study on the working of PETC housed at the competitive examination centre at the University of Poona in December, 94 and January 95. The centre was started in the year 1986. Another PETC is at Dr. Babasaheb Ambedar Marathwada University. The competitive examinations centre, Pune was chosen for the study. The centre first calls for applications from the SC/ST candidates who are willing to undergo the training. All the applicants are asked to appear for a written examination and then for an interview. From the 1994-95 academic year, the pattern of course has been changed. Now there is only one year course conducted for the students for UPSC/MPSC examinations. Now one course is conducted for a whole year with a strength of 60 students.

#### The important observations / suggestions made are as under :-

- (i) The success rate at the UPSC Civil Services Examination is very low, but the trainees are able to do well in State Services. Hence more motivation is needed to inspire them to work hard with more confidence.
- (ii) It is necessary to extend the duration of the course and give them more time to pick up the essence of writing etc. as the candidates were very weak in expressing and communication. By the time they are able to pick up the methodology and ways of answering competitive exams; a large part of the year is already gone. Attempts should also be made to make the course very academic like conducting weekly tests/seminars, public speaking etc. to enhance confidence.
- (iii) Day scholars are paid Rs. 100/- p.m. and the Hostelers are paid Rs. 400/-. The State Govt. provides only 5 seats in its hostel for the students of this Centre. This is one of the reasons for the large percentage of dropout. The dropout rate comes to 50 to 60% every year. Lack of Hostel facilities and the low rate. and stipend given to the day scholars are reasons for dropout from the students. The centre had asked the Govt. to atleast raise it at Rs. 250/- p.m.
- (iv) The centre lacks the support of a Library Assistant. In the absence of one, it becomes a strain to run a large library with a collection of more than 2500 books.

- (v) On an average so far only 20 students have been attending the centre on a regular basis. The study team could interview only 16 students on the four to five occasions it visited the centre. Out of the 16 respondents, 13 were graduates, 2 were P.G.s and one Engineer graduate.
- (vi) The centre was getting less number of candidates from Scheduled Tribes. Out of 20 seats reserved for STs only 6 joined in. The Ministry of Welfare was moved to fill the ST seats by SCs.
- Out of 16 respondents, 13 were Day scholars and 3 were Hostelers. Out of 16 respondents 9 had been educated in Marathi medium and 7 in English medium. This created problem of expression etc. Only one respondent's family had an income of Rs. 15,000/- and all others were in lower categories given the present living standard.

# COMPARATIVE STATEMENT SHOWING THE REPRESENTATION OF SC/ST IN THE SERVICES OF PUBLIC SECTOR BANKS.

Year	Total		Offic	er		Total	<del></del>	Clark							
	Strengt	h			•	Strength		Clerks	<u> </u>	-	Total	Sub-sta			
		<u>sc</u>	<u>%</u>	<u>ST</u>	<u>%</u>	, v	<u>sc</u>	<u>%</u>	ST	<u>%</u>	Strength	(includi SC	ng swee	epers) ST	<u>%</u>
1969*	24546	33	0.13			90789	412	0.45			42809	<b>263</b> 2	2 6.15		
1975*	65100	553	0.84	67	0.13	184862	9815	5.30	1271	0.68	90760	14835	5 16.3	— 1534	1.69
1980	132964	4047	3.04	864	0.64	296963	35493	11.95	5258	1.77	121808	24556	3 20.2	2545	2.08
1981	147178	5661	3.85	1303	0.88	325476	41042	12.60	7172	2.20	117034	20395	5 17.4	4019	3.43
1982	161631	`7463	4.62	1741	1.08	350307	45516	12.99	9137	2.60	141036	31619	22.4	6038	4,28
1983	172844	8752	5.06	2309	1.33	376097	50696	13.48	11080	2.95	153280	35154	22.9	6068	3.96
1984	190753	10887	5.70	2799	1.46	399411	55634	13.92	13244	3.31	158465	37834		6722	4.24
1985	199081	14008	7.03	3542	1.78	418365	59152	14.13	15487	3.68	168386	42068	25	7312	4.34
1986	206660	15089	7.30	3810	1.84	430981	39641	13.83	15984	3.70	175541	43781		7715	4.39
1987	211353	16523	7.81	4148	1.96	434057	63088	14.53	16041		183900	46752		8032	
1988	215959	18037	8.35	4748	2.19	435740	60716				188290	48100		8400	4.36
As on	232852	20537	8.81	5759	2.47	463492	65017				205635	54146			4.46
01/01/1990							•					34140	20.3	11039	5.36
As on 01/01/1991	237057	21756	9.17	6432	2.71	468321	66584	14.20	20886	4.45	210229	55902	26.6	11579	5.00
As on 01/01/1992	231490	22232	9.60	7004	3.03	447238	63570	14.21	19763	4.42	201197	53850	26.8	10950	5.44
As on 01/01/1993	233880	23224	9.93	7357	3.15	449468	64750	14.41	20036	4.46	204858	55820	27.3	11464	5.60
01/01/1994	1	25515	10.2	8333	3.34	470873	68051	14.45	21500	4.56	215819	60098	27.9	12419	5.75
01/01/1995	250806	26861	18.7	8819	3.52	473429	68787	14.53	21990	4.64	217509	61012	28.1	12430	5.72
01/01/1996	252898	28102	11.1	9235	3.65	473133	69493	14.69	22269	4.71	218980	62400	30.00	12794	5.94

(\*14 nationalised banks and SBI & its associate banks )

#### ANNEXURE-6.IV (Ref. para 6.28)

REPRESENTATION OF SCS AND STS IN ALL THE CADRE OF PUBLIC SECTOR BANKS & FINANCIAL INSTITUTIONS DURING THE YEAR 1994

ame of the Bank	OFFICERS SUB-STAFF (Excl.ewespers) SUB-STAFF(ewespers)															-199						
		Rupro.				Total Repre	. % of	Repro	. % of			leprn.	% 01		m. %	of	Total	Reprin		f Repro	. %	of
•	stength	of SCs	Reprn.	of STs	Ropin.	etrength of SC	• Repr	n. of ST	. Rep	m.	strength o	180	Repri	n. of B	To R	eprn.	stragth	of BC	e Repi	m. of ST	e Rep	ra.
TATE BANK OF INDIA	61099	5004	0.83	1910	3.13	117257	10039	13.68	6910	6.89	4427	2 82	60	18.66	2277	5.14		670	5866	67.66	423	4.0
TATE BANK OF 8 & J	3260	282	6.39	118	3.51	7660	1045	13.64	536	7.00	346	1 (	S <b>9</b> 1	17.08	373	10.78		744	744	100.0	0	0.0
TATE BANK OF HYDERABAD	3682	440	11,96	72	1.95	6996	776	11.09	243	3.47	317	1 (	514	16.21	143	4.51		0	• .		0	
TATE BANK OF INDORE	1621	173	10.67	66	4.19	3553	843	15.28	276	7.74	163	7 :	341	22,19	190	12.34		0	0		0	
TATE BANK OF MYSORE	2456	270	11.36	104	4.23	6220	726	11.67	234	3.76	194	7 :	369	18.95	73	3.75		139	36	25.18	. 4	2.
TATE BANK OF PATIALA	2070	383	14.72	44	1.66	€735	1649	23.30	60	0.74	291	4 1	769	26.39	<b>8</b> 3	2.16		631	631	100.0	0	0.0
TATE BANK OF BAURASHTRA	1846	246	13.31	49	2.66	4290	575	13.40	318	7.41	226		148	19.74	193	8.54		0	0		0	
TATE BANK OF TRAVANCORE	3010	<b>\$22</b>	10.70	31	1.03	6777	,764	11.13	207	3.05	227	4 (	589	30.30	84	4.13	ı	676	121	17.90	13	1.
LLÄHABAD BANK	1962	916	13.14	350	6.03	10,741	1008	16.69	346	3.21	473	4 1	981 -	20.93	299	6.32	!	566	424	74.91	7	1.
NDHRA BANK	6376	642	10-08	216	4.00	7543	987	13.08	271	3.69	241	2 .	836	26.33	209	8.67	,	959	203	21.17	40	٠.
ANK OF BARODA	13113	1623	12.37	619	3.66	22,161	3104	14.01	903	4.07	800	0 2	084	26.06	605	7.54	1	1666	864	51.26	113	6.
ANK OF INDIA	11413	1534	11.69	580	5.08	29974	4037	13.47	1639	5.47	938	6 2	262	23.09	642	6.84	<b>.</b>	2630	1529	68.14	212	8.
ANK OF MAHARASHTRA	3860	496	12.39	166	4.22	9629	1170	12.16	448	4.66	392	9 i	176	29.91	308	7.84	)	1179	478	40.34	90	7.
ANARA BANK	13761	1614	11.74	614	4.47	28814	4218	14.54	1224	4.25	857	7 1	872	21.83	362	4.10	,	2138	676	31.62	72	Š.
ENTRAL SANK OF INDIA	16617	1661	11:14	602	3.02	22712	284	12.90	1016	4.48	1212	9 2	432	20.05	637	6.26	5	2743	1421	51.80	162	6
ORPORATION BANK	3900	162	8.76	36	1.33	4947	598	12.09	193	3.90	110	7	410	37,04	71	6,41	I	285	71	24.91	16	ŧ
ENA BANK	4262	+29	10.01	162	4.26	7968	117	14.74	590	7.41	376	18	665	22.96	376	9.98	<b>3</b> ·	366	130	36.62	63	17
NDIAN BANK	<b>699</b> 1	1175	13.06	444	4.96	1340	273	20.37	497	3.71	400	12 1	363	33.66	179	4.41	ı	1308	363	29.26	86	
NDIAN OVERSEAS BANK	8346	1069	12.61	424	. 5.06	15001	3	22.99	321	2.14	404	4 1	428	35.24	201	4.97	,	1326	434	32.73	31	:
RIENTAL SANK OF COMMERCE	3974	300	7.68	76	1.91	5457	1058	19.39	248	4.61	260	7.	564	21.00	146	6.44	•	160	111	69.35	. 0	,
ANJAB NATIONAL BANK	17790	1936	10.63	3 436	2.46	37281	5964	16.00	1390	3.73	1394	14 3	161	22.64	704	5.04	•	3847	2722	70.76	111	:
UNJAS & SIND BANK	4412	224	ŏ.04		1.60	5466	276	6.06	73	1.43	26:	<b>2</b>	461	17.20	64	2.00		813	. 0	0.00	0	
SYNDICATE BANK	6021	1626	11.3	/ 982	. 5.00	21832	3163	14.44	920	4.24	627	70 1	369	26.36	346	6.50	2	1850	731	39.51	107	
INITED SANK OF INDIA	6961	**2	13.60	ù 24 <b>8</b>	4,10	11400	2041	17.00	444	3.89	624	19	744	14.17	234	4.6	•	1413	682	48.27	121	
JCO BANK	0971	416	6.7	1 241	2.67	17877	2303	13.46	666	3.76	63	70 1	317	20.88	363	6:54	•	1260	710	67.20	74	
inion bank of India	9849	1040	10.9	0 +24	4.44	16057	2640	17.63	441	2.93	60	77 1	780	29.42	350	5.5	•	2103	1295	61.68	149	
/IJAYA BANK	4012	250	6.81	6 104	2.51	7310	460	6.16	. 214	2.93	3 20	50	396	19.26	136	0.6	1	889	279	40.49	66	
IXIM BANK	•9	16	16,1	• 7	7.0	, ,	0		0		<u>.</u> <		1	12.60	•	0.0	0	0	0		0	
ÓÐI	1201	164	11.9	3 42	2 3.21	904	148	10.28	82	0.02	i 6	18	139	26.83	36	7.6	3	75	39	60.00	ė	
181	180	10	7 8	e :	s* 3.81	78	16	19.23	1	1.28		50	13	21.67	:	6.0	0	3	3	100.0	0	
iabaraĝ	2672	291	10.8	<b>8</b> 136	š 6:0:	6 1359	181	12.02	109	8.14	1 6	iź	236	26.78	81	i 9.6	1	69	44	63.77	10	1
réserve bank of India	8408	600	<b>8.9</b>	d 13;	2 1.5	7 17126	2368	13.83	1162	8.7	5 86	75 2	232	25.15	683	7.7	ů.	824	438	7d.18	55	
ē IĀTIONAL HOUSING BARK	40	3	₩.2	6 1	1 2.01	s 0	٠ ۵		0		÷	ď .	ô	- <del></del> -		ند ہ	<u>.</u>	đ	ò	سنند	Ó	
810 <b>8</b> 1	43	r <sup> )</sup> 146	5 10.8	S 14	<b>3.2</b>	126	4ú	17.50	ìo	8.01	0	Èũ	ie	28.57	13	2 21.4	3	0	o	نند	0	
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#### STATEMENT:A

### STATEMENT SHOWING THE REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN TEACHING POSITIONS IN CENTRAL UNIVERSITIES: 1994-95

S.N	o. Name of the University	Total no.	SCs	% to	OT-	07.1		CAT	EGORY : ALL
	and Same Civily	of teacher		total	STs	% to total	Scheduled		Remarks
		including		iola		เบเลเ	Castes/ Tribes	total	
7		SC & ST					111062		
1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	1280							_
2	Assam University	16	-						
3	Banaras Hindu University	1266	7.0	0.6			7.0	0.6	As on 1-1-94
4	Delhi University		NOT		ΑV	ΑI	LABL	E	
5	Hyderabad University	237	8.0	3.4	1.0	0.4	9.0	3.8	As on 1-1-94
6	IGNO University	•	NOT		ΑV	ΑΙ	LABL	E	
· 7	Jamia Millia Islamia	350	·	-	1.0	0.3	1.0	0.3	92-93
8	Jawaharlal Nehru University	379	6.0	1.6	4.0	1.1	10.0	2.6	As on 31-7-94
-9	North Eastern Hill University	224	i	_	60.0	26.8	60.0	26.3	
10	Pondichery University	131	13.0	9.9	2.0	1.5	15.0	11.4	As on 31-8-94
11	Tezpur University		NOT		A V	ΑΙ	LABL	E	
12	Visva-Bharti		NOT		AV	АΙ	LABL	Ε	•
	Total	3883	34	0.9	68.0	1.8	102	2.5	

Note: General percentages of reservation for SC and ST to be followed by Central Universities in appointments to teaching posts: up to lecturer.

Scheduled Castes: 15% Scheduled Tribes: 7.5%

#### STATEMENT:A

# STATEMENT SHOWING THE REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN TEACHING POSITIONS: 1994-95

#### CATEGORY: PROFESSORS

	Name of the University	Total no.		_					
		SC and S	uding Castes T	% to total	Scheduled Tribes	d % to total	Scheduled Cast Tribes		Remarks
1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	290							P. ************************************
2	Assam University	5	_	_		· _	. '	-	
3	Banaras Hindu University	290	_	_			_		As on 1-1-94
4	Delhi University	NOT	AVAIL	ABLE					
5	Hyderabad University	79	1.0	1.3			1.0	· 1:3 \	As on 1-1-94
6	IGNO University	NOT	AVAIL	A B L E				1	***
7	Jamia Millia Islamia	57	_	<u>.</u> .	_		_		92-93
8	Jawaharlal Nehru University	140	_		_	-	_		As on 31-7-94
9	North Eastern Hill University	68	-		8.0	11.8	8.0	11.8	4
10	Pondichery University	23	_		_	-	_	•	As on 31-8-94
11	Tezpur University	NOT	AVAIL	A B·L E				-	
12	Viswa-Bharti	NOT	AVAIL	ABLE				. ~	
	Total	952	1.0	0.1	8.0	0.8	9.0	0.9 .	

### CATEGORY: READERS / ASSO. PROFESSORS / ^

1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	448					_		
2	Assam University	5	_		. <u> </u>		. 19000		.*
3	Banaras Hindu University	515				_	<u>.</u>	_	As on 1-1-94
4	Delhi University	NOT A	V A I L	A B L	Ε .				
5	Hyderabad University	74			1.0	1.4	1.0	1.4	As on 1-1-94
6	IGNOU	NOT A	VAIL	A B L	E				
7	Jamia Millia Islamia	115			<del>-</del> ,	. <u>-</u>		_	92-93
8	Jawaharlal Nehru University	146	3.0	2.1	1.0	0.7	4.0	2.7	As on 31-7-94
9	North Eastern Hill University	81		_	15.0	18.5	15.0	18.5	
10	Pondichery University	54	2.0	3.7	•	· <u>·</u>	2.0	3.7	As on 31-8-94
11	Tezpur University	NOT A	VAIL	ABL	. E		•		
12	Visva-Bharati	NOT A	VAIL	A B L	. E				
	Total	1438	5.0	0.3	17	1.2	22	1.5	

### CATEGORY: LECTURERS/ASSIT. PROFESSORS

1	2	3	4	5	6	7	8	9	10
.1	Aligarh Muslim University	378	_	<del></del>	***		_		
2	Assam University	6				_		_	•
3	Banaras Hindu University	445	6.0	1.3			6.0	1.3	As on 1-1-94
4	Delhi University	N	IOT A	V A	ILAB	LΕ			1
`5	Hyderabad University	84	7.0	8.3	<u></u>	<u></u> ,	7.0	8.3	As on 1-1-94
6	IGNOU	N	IOT A	V A	ILAB	LE			/
7	Jamia Millia Islamia	156	-		1.0	0.6	1.0	0.6	92-93
8	Jawaharlal Nehru University	82	3.0	3.7	3.0	3.7	6.0	7.3	As <sup>/</sup> on 31-7-94
9	North Eastern Hill University	71			37.0	52.1	37.0	52.1	
10	Pondichery University	54	11.0	20.4	2.0	3.7	13.0	24.1	As on 31-8-94
11	Tezpur University	N	OT A	V A	ILAB	LE	•		
12	Visva-Bharati	N	OT A	V A	ILAB	LE			
	Total	1276	27.0	2.1	43.0	3.4	70.0	5.5	···

## CATEGORY: OTHERS (RA's, Tutors, Demonstrators,Instructors)

1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	164							
2	Assam University		<u>"</u>	_					
3	Banaras Hindu University	16	1.0	6.3		_	1.0	6.3	As on 1-1-94
, 4	Delhi University	NOT	AVA	IL	ABL	E		•	
5	Hyderabad University	_	—	_	_		<del>- ,</del>		
6	IGNOU	NOT	AVA	. 1 L /	ABL	E			
7	Jamia Millia Islamia	22	,	****	~	_	-	-	92-93
8	Jawaharlal Nehru University	11		_	· ·			_	As on 31-7-94
9	North Eastern Hill University	4	_				. —		
10	Pondichery University			_		_		·	
. 11	Tezpur University	ПОП	AVA	IL	A B L	Ε			
12	Visva-Bharati	NOT	AVA	IL	ABL	E	. ,		
	Total	217	1.0	0.5		_	1.0	0.5	

STATEMENT: B

# STATEMENT SHOWING THE REPRESENTATION OF SCHOULED CASTES AND SCHEDULED TRIBES IN NON-TECHNICAL POSTS IN CENTRAL UNIVERSITIES: 1994-95

**GROUP: ALL** 

S. No.	NAME OF UNIVERSITY	TOTAL NO. of employees including SC/ST	Scheduled Castes	% to total	Scheduled Tribes	% to total	Scheduled Castes & Scheduled Tribes	% to total	Remarks
1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	5868	502	8.6	13	0.2	515	8.8	
2	Assam University	2		_	_	_	_		No recruitment
3	Banaras Hindu University	6758	959	14.2	82	1.2	1041	15.4	As on 1-1-94
4	Delhi University	NOT	AVAI	LABL	. <b>E</b>				,
5	Hyderabad University	1077	187	. 17.4	39	3.6	226	21.0	As on 1-1-94
6	IGNOU	NOT	AVAI	L A B L	. E				
.7	Jamilia Millia Ialamia	1021	83	8.1	1	0.1	84	8.2	
8	Jawaharlal Nehru University	1387	337	24.3	29	2.1	366	26.4	•
9	North Eastern Hill University	1482	32	2.2	1055	·71. <u>2</u>	1087	73.3	
10	Pondichery University	463	69	14.9	1 .	0.2	70	- 15.1	As on 31-8-94
11	Tezpur University	NO1	T A V A I	LABI	_ E				
12	Visva-Bharati	1558	329	21.1	113	7.3	442	28.4	As on 1-4-94
	Total	19,616	2428	12.7	1333	6.8	3831	19.5	

Note: General Percentages of reservation for SC & ST to be followed by Central Universities in appointment to non- on-teaching posts.

Scheduled Castes: 15% Scheduled Tribes: 7.5%

#### **GROUP: A**

1	2	3	4	5	6	7	8	9	10
1	Aligarh Muslim University	122	_	_	_			· · · · · · · · · · · · · · · · · · ·	
2	Assam University	2	_ '.	<del></del>		_	_	_	Both officers on deputation
3	Banaras Hindu University	170	3	1.8	1	0.6	4	2.4	As on 1-1-94
4	Delhi University	NOT	AVAL	LABLE					
5	Hyderabad University	63	8	12.7	5	4.8	11 ,	17.5	As on 1-1-94
6	IGNOU	NOT	AVAII	LABLE	•				
7	Jamia Millia Islamia	70	_	_		-		_	Pertaining to 1992-93
8	Jawaharlal Nehru University	100	8	8.0	2	2.0	10	10.0	
9	North Eastern Hill University	55	<del>-</del>	_	28	50.9	28	50.9	
10	Pondichery University	31	5	16.1	_	_	5	16.1	As on 31-8-94
11	Tezpur University	NOT -	AVAL	AB LE			4		
12	Visva-Bharati	71	5	7.0	· <u>-</u> ·	<del>-</del>	5	<b>7</b> .0	As on 1-4-94
	Total	684	29	4.2	34	5.0	.63	9.2	- <u> </u>

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**GROUP: B** 

1	2	3	4	5	6	8	. 9	10
1	Aligarh Muslim University	193	111	0.5	<u> </u>	1	0.5	
2	Assam University	_	_		No	ecruitment	made	
3	Banaras Hindu University	515	· :5	1.0		5	1.0	As on 1-1-94
4	Delhi University	NOT A	VAIL	ABLE	ender of the second sec			
5	Hyderabad University	134	11	8.2	2.0 1.5	13	9.7	As on 1-1-94
6	IGNOU	NOT A	VAÎL	ABLE	gradice of gasking	•	14 cm 12	to view spiloto in the second
7	Jamia Millia Islamia	49	-			-	_ Pert	aining to 1992-93
8	Jawaharlal Nehru University	189 🖓 🚉	23	12.2	1.0 0.5	24	12.7	
9	North Eastern Hill University	152	1	0.7	84.0 55.3	85	55.9	
10	Pondichery University	8	2	25.0		2	25.0	As on 31-8-94
11	Tezpur University	NOT A	VAIL	ABLE	•			
12	Visva-Bharati	54	6	11.1		6	11.1	As on 1-4-94
	Total	1294	49	3.8	87.0 6.7	136	10.5	

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	2	and the state of a	3	4		6	7		9 Lantingstrage	10
1 Allgarh Muslin	ı Univarsity	rawig iti.	2532	13		4		£	0.7	
2 Assam Univer		स्तुत्र ल्हे कि है						ruitment i		1
Control to 1 to		ास्क्री अस्	3,325		i Linania	وواليوالي		i dittirenti Turi	nade	
3 Banaras Hindu	u University	<mark>/</mark> graced	2790	73	2.6	4	0.1	77	2.8	As on 1-1-94
4 Delhi Universi	ty: ···	ारहरू गार्क			LAE	3 L E			A Transfer to the	
5 Hyderabad Un	lvorsity		399	62		12		74	1 <b>8.5</b>	As on 1-1-94
6 IGNOU	1.7	7 - 5 - 1	NOT A	V A	I LA É					
7 Jamia Millia Is	lamia	ma te de	551	2	0.4			8, 4, 1, 14 <b>2</b>		ning to 1 <b>992-9</b> 3
ି8 ି Jawaharlal Ne	hru Univers	sity	516	78	15.1	15	2.9	93	18.0	
9 North Eastern	Hill Univer	sity <sub>ing</sub> .	713	18	2.5	503	70.5	521	73.1	
10 Pondichery Un			197	34	17.3	an <u>i</u> sa		34	17.3	As on 31-8-94
11 Tezpur Univer		San Araba	NOT A	. V A	I L A E	;; :   E	_			
					, , ,	,				
12 Visva-Bharati			590	47	8.0	13	2.2	60	10.2	As on 1-4-94
Total	and the second	ed o gradi	8288	327	3.9	551	6.6	878	10.6	_
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GROUP: D

1 2	3	4	5	6	7	8	9	10
1 Aligarh University	3021	488	16.2	9	0.3	497	16.5	
2 Assam University		· <u> </u>	١			No recru	itment ma	de
3 Banaras Hindu University	3283	878	26.7	77	2.3	955	29.1	As on 1-1-94
4 Delhi University	NOT	A _V ,	AILA	BLE	•			,
5 Hyderabad University	481	106	22	32	6.7	138	28.7	As on 1-1-94
6 IGNOU	NOT	AV	AILA	BLE		* .	•	
7 Jamia Millia Islamia	351	81	23.1	 ., 1	0.3	82	23.4 P	ertaining 1992-93
8 Jawaharlal Nehru University	582	228	39.2	11	1.9	239	41.1	
9 North Eastern Hill University	562	13	2.3	440	78.3	453	80.6	
10 Pondichery University	227	28	12.3	1	0.4	29	12.8	AS on 31-8-94
11 Tezpur University	NOT	AV	AILA	BLÉ				
12 Visva-Bharati	843	271	32.1	100	11.9	371	44.0	As on 1-4-94
Total	9350	2093	22.4	671	7.2	2764	29.6	

#### **CHAPTER VII**

#### **FALSE CERTIFICATES**

The Constitutional Provisions and legislative safeguards as discussed in the preceding Chapters, aim to secure the overall and all-round development of Scheduled Castes and Scheduled Tribes. However, any cornering of these facilities and benefits by non-SCs/STs by obtaining false community certificate negates the very purpose of these safeguards.

- 7.2 Of late, widespread incidence of false caste certificates in respect of Scheduled Castes and Scheduled Tribes have come to the notice of the Commission. Such false caste certificates not only enable the ineligible persons to avail of the concessions and reservations in the matter of securing employment or admission in educational institutions or contesting for or being elected to the elective offices, reserved for SCs and STs, but also result in depriving the genuine members of the Castes and Tribes of the said concessions and reservations.
- 7.3 The Commission, in its Report for 1993-94 had discussed many cases of false caste certificates that had come to its notice and the lack of action on the part of concerned authorities.
- 7.4 Alarmed at the growing menace of such false certificates, the Commission itself took up some field level studies during the period under report. It is thus for the first time that the issue is being dealt with in a separate Chapter in the Annual Report.
- 7.5 Before analysing the findings of these studies and other cases that have come to the notice of the Commission, it would be appropriate to set out the Constitutional and legal provisions, executive instructions and judicial pronouncements on the subject.

#### Constitutional provisions

- 7.6 Article 366(24): "Scheduled Castes" means such castes, races or tribes or parts of a groups within such castes, races or tribes as are deemed under <u>Article 341</u> to be Scheduled Castes for the purposes of this Constitution.
- 7.7 Article 341 "(1) The President may with respect to any State or Union Territory, and where it is a State, after consulation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.
- (2) Parliament may by law include in or exclude from the list of Scheduled Castes specified by a notification issued under Clause (1) any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification".
- 7.8 Article 366 (25): "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under <u>Article 342</u> to be Scheduled Tribes for the purposes of this Constitution.
- 7.9 Article 342 "Scheduled Tribes" "(1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to the State or Union Territory, as the case may be.
- (2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under Clause (1) any tribe or tribal community, or part of or group within any tribe or

tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification"

### Presidential Orders relating to Scheduled Castes & Scheduled Tribes

Under Clause (1) of Article 341 of the Constitution the President promulgates orders listing the 7.10 Scheduled Castes in relation to individual State /Union Territory. Under Clause (1) of Article 342 the President promulgates similar orders listing the Scheduled Tribes. So far the President has issued 16 Orders as mentioned in Annexure 7.1. रत्य स्व अधेर्य स

### Authorities empowered to issue SC/ST. Certificates and form of Certificates

- 7.11 The Ministry of Home Affairs vide O.M.No 13/2/57-SCT (I), dated 25th May, 1960, revised the proforma of the Certificate to be produced by Scheduled Caste and Scheduled Tribe candidates applying for appointment to posts under the government of India and authorised the District Magistrate and Subordinate Revenue Officers to issue the Caste Certificate. The Gazetted Officers of Central or a State Government, were also authorised to issue Caste Certificates which were required to be countersigned by the District Magistrate.
- 7.12 On 25th February, 1963 Ministry of Home Affairs Vide O.M. No.8/3/63-SCT(I) amended the list of authorities empowered to issue SC/ST Certificate by deleting the Gazetted Officers of Central and State Governments.
- 7.13 On 11th November, 1963 Ministry of Home Affairs Vide O.M.NO.13/6/63-SCT (I) revised the form of Caste Certificate but the list of authorities empowered to issue the Caste Certificate remained the
- 7.14 On 12th August, 1976 Department of Personnel & A.R. vide O.M.No. 13/2/74-Estt (SCT) again revised the form of certificate without amending the list of authorities empowered to issue the certificates.
- 7.15 On 22<sup>nd</sup> march,1977, Ministry of Home Affairs vide letter No. BC/12025/2/76-SCT(I) issued detailed instructions to all State Governments/UTs and inter-alia requesting that "where Revenue Authorities have been empowered to issue Certificates on the basis of a Certificate issued by an M.P., MLA, Gazetted Officers etc., they should do so only after having made proper verification and after having satisfied themselves of the correctness of such Certificates"
- On 29th October, 1977 Department of Personnel & A.R. vide letter No.36012/6/76-Estt.(SCT) revised the SC/ST Certificate without changing the authorities empowered to issue the certificates.
- Ministry of Home Affairs keeping in view the problems of SC/ST migrants, revised the form of Caste Certificate vide letter No. BC16014/1/82-SC & BCD-I dated 6th August, 1984.
- The form of Certificate valid at present and the authorities competent to issue the same may be The Control of the Co ज्ञान में सुद्धक seen at Annexure 7.II POST PROGRÁMULOS POST

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#### Check List for Issue/Verification of SC/ST Certificate

- The Ministry of Home Affairs, which was earlier looking after the work relating to SCs and STs had issued a check list for issue and verification of SC/ST Certificate vide their letter No.35/1/72-RU (SCT.V) dated 2.5.75. In view of this check list and subsequent amendments, the following points are important in the issue of SC/ST Certificates.
- It should be verified that the person and his/her father actually belongs to the SC/ST community (1) claimed by him. It has been observed that due to phonetic similarities the persons, actually not belonging

to SC/ST, get the benefit of SC/ST Certificate in the name of community/caste scheduled as Scheduled Caste and/or Scheduled Tribe. For example, a member of Hindu Backward caste <u>GOND</u> residing in a plain areas obtains false ST Certificate in the name of <u>GOND</u> which is a very important tribe residing in hilly tracts.

- (2) It should be verified that the caste/community is included in the official SC/ST List of the concerned State/UT. Before issue of the SC/ST Certificate, the competent authority should check the list of SC and ST communities included in the Presidential Orders instead of depending on his/her memory.
- (3) It should be verified that the person belongs to the State in respect of which the community has been scheduled. In view of the word 'In relation to that State' contained in Article 341(1) and 342 (1) of the Constitution, a person belonging to SC or ST in one State cannot be regarded as belonging to SC or ST in another State.
- (4) The person claiming to be SC should profess Hindu, Sikh or Buddhist religion whereas a person claiming to be member of ST may profess any religion. In case a Government Servant appointed against Scheduled Caste quota changes his religion from Hinduism/Sikhism/Budhism to any other religion, he must notify his Department about the same as thereafter, he will cease to enjoy any benefits of reservation.
- (5) The person or his/her parents should have been permanent residents of the place mentioned in the certificate on the date of notification of the Presidential Order applicable in his/her State.

#### Need for streamlining the procedure and Judicial pronouncements in this regard

- 7.20 While considering a case relating to a false certificate, the Supreme Court laid down the procedure and guidelines which should be followed in issuing the caste/tribe certificates in Civil Appeal No.5854 Kumari Madhuri Patil Vs. Government of Maharashtra, 1994.
  - (1) The application for grant of social status Certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than by the officer at Taluk or Mandal Level.
  - (2) The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and subcastes, tribes, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the concerned Directorate.
  - (3) Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or appointment to a post.
  - (4) All the State Governments shall constitute a Committee of three officers, namely, (i) an Additional or Joint Secretary or any officer higher in rank to the Director of the concerned department, (ii) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (iii) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.
  - (5) Each Directorate should constitute a Vigilance Cell consisting of Senior Deputy Superintendent of Police in over all charge and such number of Police Inspectors to investigate into the social status claims. The inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which

he originally hailed from. The Vigilance Officer should personally verify and collect all the facts of the social status claimed by the candidate or the parents or guardian as the case may be. He should examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, social customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the concerned castes or tribes or tribal communities, etc.

- (6) The Director concerned, on receipt of the report from the Vigilance Officer if he found the claim for social status to be "not genuine" or "doubtful" or "spurious" or "falsely or wrongly claimed" should issue show cause notice supplying a copy of the report of the Vigilance Officer to the candidate by a registered post with acknowledgement due or through the Head of the concerned educational institution in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Addl.Secretary as chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.
- (7) In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.
- (8) Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.
- (9) The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.
- (10) In case of any delay in finalising the proceedings and in the meanwhile the last date for admission into an educational institution or appointment to an office or post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the <u>social status certificate</u> already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.
- (11) The order passed by the committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.
- (12) No suit or other proceedings before any other authority should lie.

- (13) The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.
- (14) In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or the parliament.
- (15) As soon as the finding is recorded by the Scrutiny committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the concerned educational institution or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate for further study or continue in office in a post.
- 7.21 Since this procedure could be fair and just and shorten the undue delay and also prevent avoidable expenditure for the State on the education of the candidate admitted/appointed on false social status or further continuance therein, every State concerned should endeavour to give effect to it and see that the Constitutional objectives intended for the benefit and advancement of the genuine Scheduled Castes/Scheduled Tribes or Backward Classes, as the case may be, are not defeated by unscrupulous persons.

#### **Scrutiny and Review Committees**

7.22 In view of the increasing incidence of the cases of false caste certificates and in pursuance of Government directives and Supreme Court orders, many States have initiated steps to set up Scrutiny Committees at district and State levels. Such committees have been set up in Andhra Pradesh, Karnataka, Kerala, Rajasthan, Maharashtra and UT of Chandigarh, as per the information available with the Commission. The Commission is of the view that not only should the other State/UT governments set up such Committees, but in the States where such Committees have been set up they should be more active and vigilant. The Committees must not only look into individual cases, but also attempt to check any organised efforts on part of certain groups who try to get false community certificates for the entire community on fraudulent basis.

#### Need for Uniform Legislation

- 7.23 In another case of Director of Tribal Welfare, Government of Andhra Pradesh versus Laveti Giri and Others, the Supreme Court in its judgement dated 18<sup>th</sup> April, 1995 desired, "the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the Constitution and corner the benefits reserved for the real tribals etc., so that the menace of fabricating the false records and to gain un-Constitutional advantages by plain/spurious persons could be prevented".
- 7.24 In view of the above judgement the Government of India had decided to enact an Act to regulate the issue of community certificates relating to persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- 7.25 A Bill seeking to give effect to the above decisions has been prepared and forwarded to all the State governments for their views and a copy was also sent to the Commission.

- 7.26 The Bill seeks to lay down a well defined procedure for issuing of community certificates for SCs/STs and OBCs which would be applicable throughout the country. It seeks to provide for a competent authority who would issue the certificate. Further, it provides for a Scrutiny Committee which would go into cases of false certificates that come to its notice suo-moto or on a complaint filed by any person or a case referred to it by an employing authority or head of an educational institution. It also provides for stringent punishment for those who obtain false community certificates and for those responsible for issuing the same. Action for withdrawal of benefits and recovery of arrears has also been provided for.
- 7.27 The Commission welcomes these steps in enacting central legislation for issue of certificates. However, on a detailed examination of the Bill in its present form, it has suggested some amendments. Its main observation and comments are that the punishment should be higher so as to act as an effective deterrent. Not only should the false community certificate holders be debarred from the offices/educational institutions, but even in case of elective offices, they should be debarred from contesting for a period of 6 years apart from facing the punishment prescribed under the law.

#### Findings of Field Studies

7.28 As observed earlier the Commission is greatly concerned with the increasing menace of the incidents of false caste certificates and the resultant undue and illegal benefits that have been taken by non-SC/ST people. In this regard some studies were conducted by its field offices at Shillong, Hyderabad, Bangalore and Madras (Chennai). The findings and observations of these studies are as follows:

#### Study conducted by Field office, Shillong

- 7.29 The field office of this Commission at Shillong conducted a study in four Central Government offices viz. North Eastern Council, Directorate of Field Publicity, Survey of India (North Eastern Circle) and Director General Assam Rifles, out of 45 Offices located in Shillong and one Public Sector Enterprise North Eastern Power Corporation Ltd. with the purpose to ascertain the status of SC/ST Certificates submitted by the officers/employees in their respective offices. The findings are as under:
- 1. In a number of cases Caste/Tribe/Community status Certificates were not available either in the services books or in the personal files inspite of the fact that against the related column there were entries that the incumbent belongs to SC/ST.
- 2. In a good number of cases the aforesaid Certificates were in the service records but were not issued by the competent authority. These Certificates were issued by the Office of District Tribal Councils, who are not empowered to issue Caste Certificates but are demanding and pressing hard that the Central Government offices should accept the Community Certificate issued by them.
- 3. In a number of cases the competent authority have issued community status certificates to the persons who are not ordinarily resident of their jurisdiction.
- 4. Some of the competent authorities have issued Community Certificates either inserting only <u>'SC/ST'</u> instead of clearly mentioning the name of Caste/Tribe notified in respect of that State to which the person belongs.
- 5. The competent authority has also issued a Certificate stating the name of caste/tribe on the basis of their own knowledge without verifying from the Presidential Notification. For example, a Certificate was issued stating the name of Scheduled Caste/Tribe as `Khasi-Panar' whereas `Khasi' and `Panar' are two different tribes.
- 6. In one case it has been found that the competent authority has issued Scheduled Tribe Certificate in the name of the tribes which have not been notified in respect of that State. For example, the tribe

- 'Tammang' and 'Mech' are not notified as Scheduled Caste/Tribe in respect of Meghalaya State but the Certificates have been issued.
- 7. In Meghalaya State the Scavenging/Sweeping work is being done by the Bhanghis migrated from Punjab. In a number of Caste Certificates the competent authority has mentioned their caste as 'Punjabi (Bhanghi)' which is not notified as Scheduled Caste in respect of Meghalaya.
- 8. In many cases the appointing authorities have not scrutinised the Caste/Tribe Certificates submitted by the officers/employees concerned either at the time of appointment or at the time of promotion.

#### Study conducted by Field Office, Hyderabad

7.30 This office conducted a sample study of false Scheduled Caste/Scheduled Tribe Certificates in Hyderabad & Visakhapatnam districts of Andhra Padesh during March/April, 1996. Though, an initial survey revealed an incidence of 236 cases as false Caste/Tribe Certificate holders in various offices of Andhra Pradesh, detailed study was taken up in respect of 102 cases in the following Organisations/Departments in Hyderabad and Visakhapatnam districts of the State. Details of cases investigated are as follows:

S. No.	Name of Organisation	No.of alleged SC claimants	No of alleged ST claimants	
	<b>HYDERABAD</b>			
1	Chief Commissioner of Income Tax.	21	10	31
2	General Manager, Telecommunication.	2	6	8
3	Hindustan Aeronautics Ltd. <u>VISAKHAPATNAM</u>	6	4	10
4	Dredging Corporation of India Ltd.	2	11	13
5	Hindustan Shipyard Ltd.	-	7	7
6	Visakhapatnam Port Trust	9	24	33
-	Total	40	62	102

#### Study conducted by Field Office, Bangalore

7.31 The study conducted by Bangalore field office revealed that some people belonging to those communities which have sounding names similar to the notified SC/ST Communities have been obtaining SC/ST certificates. For instance people belonging to Kurba community have been obtaining certificates as Jenu & Kadu Kurba, whereas they are OBC. Some perosns belonging to Nayak, Naik have also been obtaining ST certificates as Nayaka. The Maleru are a small Scheduled Tribe generally found in the forests of the Malnad area of the State. Some persons belonging to Maaleru community have obtained ST certificates.

7.32 In the case of SCs., Jangams often claim to be Beda Jangam (SC), Bovi claim to be Bhovi (SC) and Kotega claim to be Kotegar (SC).

- 7.33 The CRE Cell is the only investigating agency in Karnataka, although there is a Committee at the District level headed by the Deputy Commissioner which looks into complaints and issues validity certificate.
- 7.34 The study also revealed that many of the disputed certificate holders have obtained stay orders from Court and only few have been removed from service. Moreover, in none of the cases studied action has been taken against the officials for issuance of a false certificate.

#### Study conducted by Field Office, Madras (Chennai)

- 7.35 The field office of Madras conducted a sample study in 12 major Central Government/Public Sector organisations in Tamil Nadu. The study revealed that out of 338 cases referred to the district authorities only 75 cases were declared as false by them. All the other 263 cases were pending for verification. The study of individual cases showed that most of the cases related to ST certificates and majority of them claimed their community as Kondareddis followed by Kattunayakan. In 69 cases out of 338 cases, the employees could get stay order from the court on further action. Out of the 32 cases in which the appointing authorities took action, only 6 were removed from the office.
- 7.36 The general observations in the case of Tamilnadu are:
  - 1. Most of the cases related to obtaining of ST certificates by non-STs, having similar sounding names, but no tribal characteristics.
  - 2. There was enormous delay in finalising action against false certificate holders.
  - 3. Hardly any action was taken against those who issued such false certificates.

#### 7.37 **RECOMMENDATIONS:**

- 1. As indicated above even micro-level studies of a small number of Central Government Offices and Public Sector Enterprises reveal that the tendency of misuse of caste certificates is growing. Moreover, the entire system of issuing of caste certificates and proper verification at the time of induction in service is not functioning as per the prescribed procedure. As observed many individuals are obtaining certificates from places of which they are not permanent resident and are thus openly flouting legal and Constitutional provisions. Moreover, even after the cases are detected, follow-up of inquiry, verification, and cancellation of certificates and termination of services and criminal action is not being taken. On the other hand, due to slow follow-up the concerned individuals are able to take undue advantage and continue in service and also get protection from the courts. The efforts required to get the stay orders vacated are also not being made. The Commission, in several cases, has issued instructions for prompt action to be taken in the cases of false certificate holders. The concerned Departments/Public Sector Enterprises should take the following measures:
- (a) The status of a person as "Ordinarily resident" is determined according to the place of his residence or residence of his father/grand-father on the date of issue of the Constitution Order under Art. 341(1) or 342 (1) with reference to the State of residence. Caste Certificate showing a person Ordinarily resident of a govt. residential colony, staff quarters or colonies developed by local bodies etc. which came into existence much after date of issue of the Constitution Order (s) should be got verified and the certificate holder may be asked to obtain the Certificate w.r.t. the place of his actual ordinary residence as on the date of issue of the Constitution Order in relation to the state to which he/she belongs.
- (b) Since the communities are specified as SC or ST with reference to a particular State or part of the State, the status of a person does not change on migration to another State or another part of the State. For instance a person belonging to an SC/ST community in Bihar, on migration to M.P. State will

continue to be an SC/ST of Bihar and will not be treated as an SC/ST in M.P., even though his community is also specified as SC/ST in relation to the State of M.P. He will, however, be eligible to draw benefit as an SC/ST from the Central Govt., like (i) reservation in services to be filled on all-India basis under the Central Govt. Offices located in M.P. and elsewhere and (ii) admissions to educational institutions located in M.P. and elsewhere but controlled / financed / regulated / administered by Central Government. Similarly, a person, resident of Bihar and not belonging to either SC/ST of the State on migration to M.P. State would not be treated as SC/ST even though his/her community is listed as SC/ST in relation to M.P. State.

- (c) The caste status of a person is determined on the basis of the caste status of his/her father and not mother. Therefore, the certificate issued to a woman should be verified w.r.t. (i) the case status of her father and not of her husband, and (ii) her place of ordinary residence or that of her father/grand-father and not that of her husband or husband's family. This further implies that a SC/ST woman marrying a non-SC/ST person would continue to be an SC/ST. and vice-versa. Similarly, in case of inter-caste marriage, children of that family would get the caste status of their famer.
- (d) A person professing a religion other than Hinduism, Sikhism and Budhism is not treated as an SC. Therefore, an SC person, on conversion to any other religion ceases to be an SC. Similarly, on conversion or reconversion from any other religion to Hinduism/Sikhism/Budhism does not confer any person the status of belonging to an SC. Therefore, the certificate about SC status should be carefully verified w.r.t. the religion of the person, his father and that of his fore-fathers.
- (e) Order relating to grant of SC status to persons professing Budhism came into force on 30.1.1990. Therefore, claims/certificates of persons belonging to SC and professing Budhism should be verified accordingly.
- (f) Whenever there is a *prima facie* case of a false SC/ST certificate, a reference to this effect may be made to the Collector of the concerned district to verify the genuineness or correctness of the certificate. In case the certificate is found false the displinary action against the false SC/ST certificate holder should be started immediately and the case also be reported to the police for instituting criminal proceeding under the relevant provisions of the Indian Penal Code.
- (g) In case the false SC/ST certificate holder takes the shelter of Court, the Hon'ble Court may be approached to vacate the stay order, if granted, and to finalise the case on top priority to ensure that the person does not continue to avail the benefits meant for SCs/STs. This will ensure that not only the guilty persons are suitably punished but also face departmental action.
- (h) In no case should the false SC/ST certificate holder be allowed to work as a general candidate because he has violated the Conduct Rules and cornered the benefits which are available to only those who are genuine SC/ST. By doing so he has denied the right of reservation to a genuine SC/ST candidate. The services of such a fake certificate holder should be terminated and the post so vacated should be filled from SC/ST for which it was originally reserved. Sometimes applications are made by individuals for treating them as general category employees. It should be ensured that no complaints/enquiries are pending against him regarding false SC/ST certificate, as in many cases, this step is taken by the false certificate holder to protect himself from disciplinary action/prosecution. The employer should ensure the veracity of SC/ST certificate before agreeing to such requests.
- 2. Steps should be taken to get the proposed Bill in the Parliament enacted at the earliest so that action can be taken against those who misuse the provision and obtain false caste certificates and those officers who abet offences can also be suitably brought to book. An effective legislation, applicable to all States/UTs and offices of Central Govt. etc. will also facilitate the use of common procedures and action throughout the country.

- 3. The Govt. of India should also issue and reiterate instructions to all its Ministries/Departments and Public Sector Enterprises, educational and professional institutions and other bodies under its control to take necessary steps for proper verification of caste/community certificate and for taking suitable action against the offenders. Suitable instructions on similar lines should also be issued to the State/UT Governments. It is all the more necessary to check the certificate at the time of entry in educational institutions, where the false caste certificate holders can really deprive the deserving candidates of an opportunity to gain knowledge and skills.
- 4. Training programmes for Liaison Officers and Social Welfare and Revenue Officers of the State/UT Governemts may be organised to enable them to be fully aware of the rules, regulations and procedures in this regard.
- 5. The Commission, as mentioned in the chapter on Constitutional Safeguards is also strongly of the opinion that a permanent mechanism should be set up to look into the anomalies that have crept into the lists of SCs and STs and prepare proposals for revision with in-depth analysis. These proposals can then be considered by the Parliament for suitable decisions. Such revisions and analysis will also reduce the undue advantages that are being taken by false certificate holders on account of phonetic similarities or removal of area restrictions.
- 6. The State Governments should also issue necessary instructions to the District Magistrates/ Certificate Issuing or Verifying authorities to keep in view various directions and instructions regarding verification of claims as belonging to SC/ST/OBC issued by Government of India from time to time, while issuing/verifying the caste certificates.

# PRESIDENTIAL ORDERS RELATING TO SCHEDULED CASTES AND SCHEDULED TRIBES

Under Clause (1) of <u>Article 341</u> of the Constitution the President promulgates orders listing the Scheduled Castes in relation to individual State/Union Territories. Under Clause (1) of <u>Article 342</u> the President promulgates similar orders listing the Scheduled Tribes. So far the President has issued 16 orders as per details given below:

Sl.No.	Name of the Order	Date of noti- fication	Name (s) of State (s) UT(s) to which the Order is applicable
1	2	3	4
SCHE	DULED CASTES		
1.	The Constitution (Scheduled Castes) Order, 1950	10.8.1950	All the States except Jammu & Kashmir, Nagaland and Sikkim.
2.	The Constitution (Scheduled Castes) (Union Territories) Order, 1951.	20.9.1951	Arunachal Pradesh, Chandigarh, Delhi and Mizoram.
3.	The Constitution (Jammu & Kashmir) Scheduled Castes Order,1956.	22.12.1956	Jammu & Kashmir
4.	The Constitution (Dadra and Nagar-Haveli) Scheduled Castes Order,1962.	30.6.1962	Dadra & Nagar Haveli

1	2	3	4
5	The Constitution (Pondicherry) Scheduled Castes Order, 1964.	5.3.1964	Pondicherry
6.	The Constitution (Goa, Daman and Diu) Scheduled Castes Order,1968.	12.1.1968	Goa, Daman & Diu
7.	The Constitution (Sikkim) Scheduled Castes Order,1978.	22.6.1978	Sikkim
<u>SCHI</u>	EDULED TRIBES		
8.	The Constitution (Scheduled Tribes) Order, 1950.	6.9.1950	All the States except Haryana,, J&K., Nagaland, Punjab, Sikkim and Uttar Pradesh.
9.	The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.	20.9.1951	Arunachal Pradesh, Lakshadweep and Mizoram.
10.	The Constitution (Andaman and Nico Islands) Scheduled Tribes order,1959.		Andaman & Nicobar Islands
11.	The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.	30.6.1962	Dadra & Nagar Haveli

1	2	3	4
12.	The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967.	24.6.1967	Uttar Pradesh
13.	The Constitution (Goa, Daman & Diu) Scheduled Tribes Order,1968.	12.1.1968	Goa, Daman & Diu
14.	The Constitution (Nagaland) Scheduled Tribes Order,1970.	23.7.1970	Nagaland
15	The Constitution (Sikkim) Scheduled Tribes Order, 1978.	22.6.1978	Sikkim
16.	The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989.	7.10.1989	Jammu & Kashmir.

(Ref. Para.: 7.18)

#### FORMAT FOR SC/ST CERTIFICATE

A candidate who claims to belong to one of the Scheduled Castes or the Scheduled Tribes should submit in support of his claim an attested/certified copy of a certificate in the from given below, from the District Officer or the Sub-Divisional Officer or any other officer as indicated below of the district in which his parents (or surviving parents) ordinarily reside who has been designated by the State Government concerned as competent to issue such a certificate. If both his parents are dead the officer signing the certificate should be of the district in which the candidate himself ordinarily resides otherwise than for the purpose of his own education.

The form of the certificate to be produced by Scheduled Castes and Scheduled Tribes candidates applying for appointment to posts under Government of India.

This is to certify that	t Shri/Shrimati/Kumari*				
son/daughter* of			of / vill	age/town *	
in District/Division*		of	the	State/Union	Territory*
	belongs to the				Caste/
Tribe* which is recognise	ed as a Scheduled Caste/S	Schedi	iled Tri	ibe* under the	Constitution
(Scheduled Castes) Order,	1950 @/ the Constitution	n (So	chedule	d Tribes) Ord	ier,1950/ the
Constitution (Scheduled Ca	astes) Union Territories O	rder, 19	951 @,	the Constitution	on (Scheduled
Tribes) Union Territories O	order 1951 amended by the	e Sche	duled (	Castes and Sch	eduled Tribes
Lists (Modification) Order	r , 1956 The Bombay	Reorg	anisatio	n Act, 1960/	The Punjab
Reorganisation Act 1966 th	he State of Himachal Prade	esh A	ct, 197	70/ The North	Eastern Area
(Reorganisation) Act, 1971 a	and the Scheduled Castes a	nd Scl	<u>reduled</u>	Tribes Orders	(Amendment)
Act 1976.					
The Constitution (Jammu &	Kashmir) Scheduled Caste	s Ord	er, 1950	<u>6@</u>	
The Constitution (Andama	n and Nicobar Islands) Sc	hedul	ed Tribe	es Order, 1959	) as amended
by the Scheduled Castes and	<u> 1 Scheduled Tribes Order (</u>	<u>Ameno</u>	dment A	Act) 1976 @	
The Constitution (Dadra and	d Nagar Haveli) Scheduled	Caste	s Order.	<u> 1962 @</u>	
The Constitution (Dadra and				<u> 1962@</u>	
The Constitution (Pondiche					
The Constitution (Schedule	<u>d Tribes) (Uttar Pradesh) O</u>	rder,	1967@		
The Constitution(Goa, Dan	nan & Diu) Scheduled Cast	es Oro	ler, 196	8@	
The Constitution(Goa, Dam				<u>3(w)</u>	
The Constitution(Nagaland)					
The Constitution(Sikkim) S					
The Constitution(Sikkim) S	cheduled Tribes Order, 19	<u> 78(w</u>			
The Constitution(Jammu &			er, 1989	<u>9@</u> ;	
The Constitution(SC) Order			_		
The Constitution (ST) Orde					
The Constitution(ST) Order	• •				
The Constitution(ST) Order	rs (Amendment) Ordinance	<u>, 1990</u>	<u>).</u>		

% 2. Applicable in the case of Scheduled Caste, Scheduled Tribe persons who have migrated from one State Union Territory Administration.
This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribe Certificate issued to Shri/ Shrimati*  Shri/ Shrimati/ Kumari*  of village/Town*  in District/Division*  of the State/Union Territory*  Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribe in
the State/Union Territory* issued by thedated
% 3. Shri/Shrimati/Kumari* and/or* his/her* family ordinarily reside(s) in village/Town* ofDistrict/Division* of the State/Union Territory* of
Signature Designation (With seal of Office)  Place
Please delete the words which are not applicable.  Please quote Specific Presidential Order.  Delete the Paragraph which is not applicable.
Note: The term Ordinarily reside (s) used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.  ** List of authorities empowered to issue Caste/Tribe Certificate:  (i) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy commissioner/Dy. Collector/1st Class Stipendiary Magistrate/Sub-Divisional Magistrate/Extra Assistant Commissioner/Taluka Magistrate/Executive Magistrate.
(ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
(iii) Revenue Officers not below the rank of Tehsildar.
(iv) Sub-Divisional Officers of the area where the candidate and/or his family normally resides.  NOTE: ST candidates belonging to Tamil Nadu State should submit Caste Certificate only from the Revenue Divisional Officer.

## CHAPTER VIII

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

The Scheduled Castes and Scheduled Tribes in our country constitute the weakest and the most vulnerable sections of our society. The members of the Scheduled Castes, due to centuries old practices of untouchability, have been forced to occupy the lowest strata of the traditional socio-economic structure, deprived of their rights over the productive resources and due entitlements of their equitable return. On the other hand members of the Scheduled Tribes have been living in geographical isolation and are thus at different stages of the so-called economic development but with plentiful resources at their command. Framers of the Constitution have kept in view the distinct nature of the problems of the two groups while making provisions for their protection, development and to bring them into the main stream.

## Untouchability And The Protection Of Civil Rights Act,1955

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- 8.2 The Scheduled Castes who have been known by different names at different times have been discriminated on grounds of untouchability and denied access to several services open to others. Untouchability thus became the root cause of backwardness. Since untouchability still persisted in different forms, the framers of Indian Constitution took note of this aspect and made necessary provisions. Under Article 17 of the Constitution, **Untouchability** has been abolished and its practice in any form is forbidden. To make the practice of Untouchability in any form, punishable, the Parliament enacted the Untouchability (offence) Act, 1995. The provisions under the Act were not found to be effective, hence more stringent punishments were incorporated in the Act by amendment in the year 1976. The Act was also renamed as the Protection of Civil Rights (PCR) Act, 1955.
- 8.3 The PCR Act, 1955 provides penalties for preventing a person on the ground of untouchability, from entering the place of public worship and offering prayers or taking water from any tank, well or spring. Besides, enforcing any kind of social disability such as denying access to shop, restaurant, hotel, public hospital or educational institutions or any kind of public entertainment, or denying the use of any road, river, well, tank, water tap, bathing ghat, cremation ground etc. also attract punishment under the provisions of this Act. Offences under this Act are cognizable as well as non-compoundable. The Act provides for awarding minimum punishment of imprisonment for one month and a fine of Rs.100 to the maximum imprisonment for six months and a fine of Rs.500. For the second offence the punishment may range from imprisonment for six months and a fine of Rs.200 to imprisonment for one year imprisonment and a fine of Rs.500 to imprisonment of two years and a fine of Rs.1000. The offences, except when punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate.
- 8.4 The Act also provides for imposition of collective fine on the inhabitants of an area who are concerned in, or found abetting, the commission of an offence punishable under this Act. It also empowers the State Governments to take such measures as might be necessary for ensuring that the rights arising from the abolition of **Untouchability** were made available to the persons subjected to any disability arising out of Untouchability. These include setting up of Special Courts for trial of offences under the Act.
- The Act also charged Central Government with the responsibility to coordinate the measures taken by the State Governments and place a report on the table of each House of Parliament every year on the working of PCR Act, 1955. The Central Government has so far laid 13 reports covering period upto 1992. For carrying out the provisions of this Act Central Government have framed Rules viz. PCR Rules, 1977.

## Atrocities On Scheduled Castes And Scheduled Tribes And the SC & ST (Prevention Of Atrocities) Act, 1989

- 8.6 Inspite of the measures taken by the State Governments and the Central Government the dimension of exploitation of Scheduled Castes and perpetration of atrocities on them remained unabated. In 1974 broad categorisations of different "forms of atrocity" were specified and State Governments were asked to furnish information according to four different categories of atrocity viz. (i) murder (ii) violence resulting in grievous hurt (iii) rape (iv) serious mischief or arson in respect of SC/ST persons and their properties. The data received on the basis of above categorisation revealed that the measures taken by the governments were not effective enough to curb the incidents of atrocities on SCs/STs. Since PCR Act, 1955 did not cover cases of atrocities on SCs/STs a vital step to prevent atrocities on SCs & STs was taken by enactment of another law by the Parliament in 1989 viz: the Scheduled Castes & Scheduled Tribes (Prevention of atrocities) Act, 1989 (PAA). This Act which received the assent of President on 11-09-1989 came into operation w.e.f. 30-1-90.
- 8.7 One of the salient features of this Act is that atrocity on SC & ST has been defined (in Section 3 of the Act) for the first time. The offences under this Act are cognizable and non-bailable. The offences under Sub-Section 3(1) are punishable with imprisonment for a term not less than six months but which may extend to five years and with fine. These include forcing a SC/ST person to drink or eat any inedible or obnoxious substances; dumping excreta, waste matter, carcasses or any other obnoxious substances in his premises or neighbourhood; forcibly removing clothes; parading naked or with painted face; wrongfully occupying or cultivating any land owned by or allotted to SC/ST; compelling or enticing him to do begar/bonded labour, forcing or intimidating him not to vote or to vote to a particular candidate; instituting false, malicious or vexatious suit or criminal /legal proceeding against SC/ST person; intentionally insulting or intimidating with intent to humiliate in any place within public view; outraging the modesty of or committing rape on SC/ST woman; corrupting or fouling any source of water used by members of SC/ST; denying SC/ST people his right of passage and causing him to leave his house, village or other place of residence.
- 8.8 Sub-Section (2) of Section 3 relates to serious crimes like fabrication of false evidence, mischief by fire or explosive substance, interfere with evidence and other matters. These offences are punishable with imprisonment for seven years or more or for life or for capital punishment. This sub-section also prescribes enhanced punishment for a public servant for committing atrocities on SCs & STs. Section 4 of the Act prescribes punishment to a public servant, for neglect of his duties under the Act. Section 16 of the Act also provides for community fine in case of offences committed against SCs & STs by a community or the inhabitants of an area.
- 8.9 Another salient feature of the Act is the identification of "atrocity prone area" and of "persons" likely to commit offence and externment of such persons from the area included in "Scheduled Areas" or "Tribal Areas" as referred to in Article 244 of the Constitution of India. For the purpose of speedy trial of offences under this Act State Governments are required to set up Special Courts in each District (Section 14) and to appoint a Special Public Prosecutor for conducting the cases under the Act in the Special Courts (Section 15).
- 8.10 For carrying out the provision of this Act, the Central Government have also notified the Rules, viz. the SC & ST (POA) Rules, 1995 which prescribe measures to prevent atrocities on SC & ST, procedure for conducting investigations by police and norms for relief and rehabilitation of victims and their families.
- 8.11 Under clause 4 of Section 21 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the Central Government is required to co-ordinate the measures taken by the State Governments and to place on the table of each House of Parliament every year, a report on the measures taken by itself and by the State Governments. After enactment of SC and ST (Prevention of Atrocities) Act, 1989 from 31-1-90, Ministry of Welfare, the Nodal Ministry for matters relating to Scheduled Castes

and Scheduled Tribes, has submitted only one report to the Parliament on working of this Act. This report relates to the year 1990.

Offences against SCs & STs and Review of working of the Acts and measures taken by State Governments and Central Govt. to eradicate untouchability and prevent atrocities on SCs & STs.

8.12 Under Article 338 of the Constitution the Commission has a responsibility to investigate and monitor all matters relating to the safeguards provided for SCs & STs, inquire into specific complaints with respect to deprivation of their rights and safeguards, and present to the President Reports on the working of the safeguards. To collect material for a report on the problem of untouchability and incidence of atrocities on SCs & STs, all State Governments & U.T. Administration, Ministry of Welfare, Ministry of Labour and Ministry of Information & Broadcasting were requested to send requisitie information to the Commission. Even after lapse of a period of over eight months, Commission has not received replies from Ministry of Welfare, the State Governments of Bihar, Jammu and Kashmir and U.T. Administration of Andaman & Nicobar Islands and Chandigarh. Besides, information received from Andhra Pradesh, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Sikkim, Uttar Pradesh, and West Bengal is either incomplete or not well correlated / checked. The report in the following paras is thus based—on the information as received from 23 States & 5 UTs. Information separately available in respect of Bihar and J & K have also been used in this report.

## Review of cases under PCR Act, 1955

8.13 **Table 8.1** shows the no. of cases registered in different States during 1992 to 1995 and no. of incidence occured per lakh of SC population (denoted as R) in respective State/UT. Information in respect of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep is NIL, while reply is still awaited from Andaman & Nicobar Islands and Chandigarh.

TABLE 8.1

State/	SC popn.	No. of c	ases reg	d. and	ratio ( I			egd. t	o SC 1	opn. i	n lakh i	n the
UT	in lakhs		4000	_		ate/UT		10	.0.5	10		ъ.,
	(1991		1992		993		94_		95	13	92-95	Rank
census)	No.	R No	). R	No	. R	No.	R	No.	R			
1	2	3	4	5_	6	. 7	8	9	10	11	12	13
A.P.	105.92	188	1.80	208	2.00	148	1.40	194	1.80	738	6.97	VI
Assam	16.59	2	0.10	-	-	-	-	-	-	2	0.12	XVIII
Bihar	125.72	43	0.34	37	0.29	29	0.23	10	0.08	119	0.94	XIV
Goa	0.24	4	16.70	5	20.08	1	4.20	1	4.20	11	45.83	I
Guj.	30.60	95	3.10	60	2.00	3	1.10	16	0.50	204	6.67	VII
Har.	32.50	4	0.12	5	0.15	3	0.10	3	0.10	15	0.46	XVII
H.P.	13.50	7 Ś	0.50	8	0.60	. 7	0.50	3	0.20	26	1.92	X
J & K	6.41		0.78	2	0.31	4	0.62	4	0.62	15	2.34	IX
Kar.	73.69	387	5.30	327	4.40	331	4.50	367	4.90	1412	19.16	III
Ker.	28.86	13	0.45	13	0.45	18	0.62	NR	-	44	1.52	XIII
M.P.	96.27	130	1.40	156	1.60	16	1.70	74	0.80	526	5.46	VIII
Mah.	87.58	392	4.50	425	4.90	330	3.80	89	1.00	1236	14.11	ΊV
Ori.	51.29	35	0.68	36	0.70	16	0.31	6	0.12	93	1.81	XII
Pb.	57.43	-	-	-	-	1	0.02	1	0.02	2	0.04	XIX
Raj.	76.08	28	0.3	19	0.25	13	0.17	3	0.04	63	0.83	XV
TN	107.12	961	8.97	132	1.23	76	0.71	96	0.90	1265	11.81	$\mathbf{V}_{\perp}$
U.P.	292.76	178	0.61	136	0.56	123	0.42	113	0.39	550	1.88	XI
Delhi	17.95	4	0.22	-	-	3	0.17	2	0.11	9	0.50	XVI
Pond.	1.37	19	13.87	12	8.76	15	10.95	NR	-	46	33.58	П
Total	1382,23	2493	1.80	1581	1.14	1317	0.95	982	0.71	6373	4.61	

8.14 Above table shows that incidence of untouchability is almost negligable in the States / UTs of Goa, Haryana, H.P., Kerala, Punjab and Delhi. The PCR cases registered in each year show a

decreasing trend in all other State/UTs., though in terms of no. of PCR cases registered in each State UT. during different years, Tamil Nadu had registered highest no. (961) in 1992, Maharashtra (425) in 1993, Karnataka (331) topped in 1994 with Maharashtra just behind with 330 cases and again in 1995 Karnataka registered the highest number of cases (367). However, in 1995 the State of Maharashtra and M.P. have shown sharp decline, while A.P., Karnataka and Tamil Nadu have shown significant increase in the incidences. Earlier in 1993, Tamil Nadu had shown sharp decline in registration of PCR cases, from 961 in 1992 to 132 in 1993 and further decline to 76 in 1994. All India figures relating to PCR cases also show a significantly decreasing trend from 2493 in 1992 to 1581 in 1993, 1317 in 1994 and to 982 cases in 1995.

8.15 The above data about registration of PCR cases in various States/UTs should well be compared on a common scale. An appropriate scale is the no. of cases per lakh of SC population in each State /UT. and in the country as well. For this purpose total of all the cases registered during 1992 to 1995 in each State/UT. and in the total country and no. of cases per lakh of SC population in each State/UT. and in the country have been worked out, as shown in above Table. For every /2 lakh of SC population in the country 9 cases were registered under PCR. Act during 1992 to 1995, while Goa on the above scale show the highest rate of about 46 cases per lakh of SC population in four years period. Beside Goa, other States and UTs. having higher rate of incidence than all-India rate are Pondicherry, Karnataka, Maharashtra, Tamil Nadu, A.P., Gujarat and M.P. in that order. Though the data on registration of cases under PCR Act in different States & UTs. show a declining trend in the successive years yet it has to be ensured that while registering a case at the Police Station relevant sections of PCR Act, IPC or any other Act should be carefully invoked, so that all genuine cases relating to offences under PCR Act are booked under this Act.

### Disposal of cases by police under PCR Act, 1955

8.16 The effectiveness of an Act lies in the fact as how prompt a case is registered and disposed off justifiably by police and the Courts respectively. Statement showing details of cases, registered under PCR Act and disposed-off by the police in different States during 1992-1995 is at Annexure-8.1. For taking an overall view of the situation, a consolidated statement about disposal of PCR cases by police during four years, in respect of all the States/UTs., except Bihar Jammu & Kashmir, A & N Islands, Chandigarh and Dadra & Nagar Haveli, which have not furnished the information for this report, is given in the following Table 8.2.

						<b>TABI</b>	E 8.2						
S. No	Year	No. brou- ght for- ward		T O T A L	disp- osed off	% age of dispo- sal to total cases	No. of cases chall anned	%age to disp- osal	No. of cases closed after investigation	%age to disp- osal	No. of cases pending at the end	% age of pend- ency	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1.	1992	429	2445	2874	2370	82.46	1860	78.48	510	21.52	1 504	17,54	
2.	1993	504	1542	2046	1726	84.36	1308	75.78	418	24.22	320	15.64	
3.	1994	329	1284	1604	1242	77.43	1023	82.37	219	17.63	362	22.57	
<u>4.</u>	1995	357	968	1325	997	75.25	863	86.56	134	13.44	328	24.75	

8.17 It is evident from Statement at Annexure-8.I and Table 8.2 above that disposal of cases by the police is not satisfactory. In 1993 the disposal was the highest but below 85%. It is noticed that the number of cases registered and the total number of cases available for disposal (including pending cases) show sharp decline in the successive years. Percentage of cases challaned to total cases disposed by the police show a positive trend from 1992 to 1995, though actual no. of cases challenged during each year was less than the cases challaned in the previous year. It is therefore, emphasised that suitable instructions are required to be given by the police authorities to the local police for speedy and careful disposal of cases registered under PCR Act, 1955 and filing the charge sheet within shortest prescribed time limit.

### Review of cases under IPC and SC & ST (POA) Act, 1989

- 8.18 The Commission collects monthly Statistics on different kinds of atrocities on SCs & STs from the Home Department of State Government/ UTs. The States/ UTs are not regular in sending information. Data about cases registered with the police under five broad categories of atrocities on SCs & STs i.e. (i) murder, (ii) Grievous hurt, (iii) Rape, (iv) Arson and, (v) Other offences under IPC, PAA or PCR Acts was also called from the States. Some States have further divided the category of Other Offences into sub-categories viz., dacoity, abduction & kidnapping, Other IPC offences, offences under SC & ST (POA) Act, and offences under PCR Act which has resulted in some over-lapping of figures shown under various sub-heads. Discrepences have also been noticed in the data relating to disposal of different types of cases by the police and the courts during each year. Efforts have been made to reconcile the figures, wherever possible, for arriving at meaningful analysis.
- 8.19 Statement at Annexure 8.II gives number of cases relating to atrocities on SCs & STs registered by police during 1992 to 1995. Year-wise data in respect of atrocities on SCs / STs according to nature of crime viz; murder, grievous hurt, rape, arson & other offences is also placed at Annexure 8.II.A to 8.II.E An abstract data about number of cases (category-wise) of atrocities on SCs & STs registered during each year from 1992 to 1995 is given below. This data include all cases of atrocities on SCs & STs registered under various Sections of IPC, PCR Act, 1955, SC & ST (POA) Act, 1989 or any other relevant Act.

**TABLE 8.3** 

S. Nature c	$\mathbf{f}$		No. of c	ases of c	rime agains	<u>st</u>					
No. crime		Sch. Cas	stes durin	<u>ıg</u>	Sch.	Sch. Tribes during					
	1992	1993	1994	/ 1995	1992	1993	1994				
1 2	3	4	, 5	6	7	8	9	10			
1. Murder	732	632 -	587	688	133	108	105	83			
	(2.15%)	(1.95%)	(1.56%)	(1.95%)	(3.10%)	(2.52%)	(2.26%)	(1.66%)			
2. Griev.	1677	1783	1968 /	2156	227	239	245	230			
Hurt	(4.92%)	(5.49%)	(5.23%)	(6.11%)	(5.30%)	(5.57%)	(5.28%)	(4.59%)			
3. Rape	896	1006	1157	1142	370	416	484	469			
_	(2.63%)	(3.10%)	(3.07%)	(3.23%)	/ (8.64%)	, (9.69%)	(10.44%)	(9.36%)			
4. Arson	596	685	745	729	54	50	66	. 59			
	(1.75%)	(2.11%)	(1.98%)	(2.06%)	(1.26%)	(1.16%)	(1.42%)	(1.18%)			
5. Other	30174	28356	33186	30589	3501	3481	3738	4767			
Offences	(88.55%)	(87.35%)	(88.16%)	(86.65%)	(81.70%)	(81.06%)	(80.60%)	(83.21%)			
All offences:	34075	32462	37643	35304	- 4285	4294	4628	5608			
	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	_		
Total 199	92-95			139484				18815			

8.20 Above Table reveals that the incidents of crimes against SCs show increasing sinosidal trend while those against STs show a continuous increasing trend from 1992 to the year 1995. The Table further reveals that extent of crimes & atrocities on Sch. Castes is much larger than those on Sch. Tribes. During each year the no. of cases of crimes & atrocities committed on SCs is about 8 times the offences committed against STs, though the population of Scheduled Castes in the country is only twice that of Scheduled Tribes. The criteria for identifying a community as SC is social, educational and economic backwardness due to practice of untouchability and the criteria for ST is backwardness due to isolation from rest of the world. This clearly points out that the practice of untouchability and caste hatred is still prevalent in our society.

- 8.21 Among the crimes against SCs, murders and arsons constitute about 2% each, rape around 3% and grievous hurt more than 5% of the total crimes. The offences of other nature against SCs constitute about 88% of all the crimes taken together A significant phenomenon noticed about crimes against STs is that ST women are more vulnerable as extent of rape cases on ST is more than the crimes relating to murders, grievous hurt and arson taken together. The offences of other nature against ST constitute about 81 % to 83% of the total crimes against them which is less than the level of these offences (88%) against SCs. State Governments which are primarily responsible for maintaining Law and Order in the State should take adequate steps for maintaining peace and harmony in rural and urban areas, and in particular, to minimise the crimes and atrocities on SCs. One of the most effective ways would be to deal with complaints without delay, complete investigation and take necessary legal action to punish the guilty.
- Regarding incidence of atrocities on SCs & STs in each State and U.T. during 1992 to 1995, the Statement placed at Annexure 8.II may be seen. The Statement does not include information in respect of Kerala, A & N Islands and Chandigarh since information received from Kerala is inconsistent while no information has been received from the other two U.Ts. Arunachal Pradesh, Assam, Meghalaya, Mizoram, Nagaland, Tripura, Daman & Diu and Lakshadweep which are tribal majority States/UTs or have Tribal Areas under Sixth Schedule have reported no incidence of atrocities on STs or even SCs during all the four years. Himachal Pradesh with large Fifth Schedule area has also reported no incidence of atrocities on STs. No or very negligible incidence of atrocities on STs in Goa, Tamil Nadu, Uttar Pradesh and D & N Haveli, which have scattered tribal population, have been reported.
- A significant number of crimes against STs have been reported in A.P., Bihar, Gujarat, M.P., Maharashtra, Orissa and Rajasthan. The Karnataka State has also reported continuosly rising trend in crimes against ST similar to the trend in Andhra Pradesh and Maharashtra. In fact, there has been a sudden spurt in incidence of atrocities on STs from 1993 to 1994 and again from 1994 to 1995 in Karanataka State. M.P. and Orissa State have also shown increasing trend of atrocities on STs while in Bihar the trend is not fixed. In Rajasthan the registration of cases of crimes on STs, though quite substantial, has shown significant decline in 1994 and 1995 after showing an increase from 1992 to 1993. The Governments of these States may take effective steps to check and control atrocities on STs by non-STs. From the data relating to Sikkim State available with the Commission for the year 1993, 1994 and 1995 only, it is evident that atrocities both on SCs and STs are increasing. Against a total of 17 cases of artrocities on SCs & STs registered. in 1993, there were 22 cases in 1994 and 105 cases in 1995. While there is sharp increase from 8 cases of atrocities against STs in 1994 to 73 cases in 1995, there is also substantial increase in atrocities against SCs(14 in 1994 to 32 in 1995). State Government has not furnished any reason for this alarming situation. State Government of Sikkim should analyse all the cases registered during the three years period and take suitable measures for checking crime against SCs & STs. There are no Scheduled Tribes in Delhi. However, three cases of atrocities on STs were registered in Delhi during 1994. Since Delhi is a NCT and a cosmopolitan city, people from other States migrate to Delhi for employment or due to transfers in services.
- 8.24 As regards crimes against Scheduled Castes in different States and Union Territories, these persist in almost all the States / UTs having sizeable SC population. A.P., Bihar, Gujarat, Haryana, H.P., J & K, Karnataka, Maharashtra, Orissa, Rajasthan, Sikkim, T.N. and U.P. have shown continuous increase in registration of cases of atrocities on SCs with the exception of H.P., Rajasthan, T.N., U.P. and Delhi which have reported decline in 1995 from the previous year(s). The registrations of cases in M.P. is almost even as the no. of cases registered in each year is more or less same as in previous year.

#### Ranking

8.25 For better analysis, the overall situation relating to atrocities on SCs / STs prevailing in each State / UT has been examined on a common scale, viz; population of Sch.Castes / Sch.Tribes in respective State

/ UT Information relating to total no. of cases and cases per lakh of SC / ST population in different States / UTs during the four year period and average per year is furnished in the following **Table 8.4** 

### TABLE 8.4

# STATEMENT SHOWING TOTAL NUMBER OF CASES AND CASES PER LAKH OF SC/ST POPULATION IN DIFFERENT STATES / UTs DURING THE FOUR YEAR PERIOD 1992 TO 1995 AND AVERAGE CASE PER YEAR AND RANKING OF STATES

							1	(I	Popula	ition ir	ı lakhs)
	SC Popn.	Cases	Cas	es/lakh	R	ST Popn.	Cases	Cases/	lakh of	R	
S. State	[Census	of	of SO	C popn.	Α	[ Census		ST po		A	
No. /UT	1991]	atro-	in 4	: Рег	N	1991]	atro-	Four	: Per	N	
•		city	Years	: Year	K	•	city	years	: year	K	
-		1992-95					1992-9	5	•	/	
1 2	3	4	. 5	6	7	8	9	10	11	12	
1. AP.	105.92	5297	50.01	12.05	X	41.99	677	16.12	4.03	VIII	
2. Assam	16.59	3	0.18	0.04	XIX	28.74	0	0	0		
3. Bihar	125.72	5459	43.42	10.86	XII	66.17	558	8.43	2.11	X	
4. Goa	0.25	17	68.00	17.00	VII	0	0	0	0		
5. Guj.	30.60	7098	231.96	57.99	11	61.22	1566	25.41	6.35	VI	
6. Har.	32.51	459	14.12	3.53	XVI	0	. 0	0	0		
7. H.P.	13. 10	353	26.95	6.74	XIII	2.18	0	0	0		
8. J&K	6.41	114	17.78	4.45	XV	7.90	1	0. 12	0.03	XIII	
9. Kar.	73.69	4757	64.55	16.14	VIII	19.16	877	44.61	11.44	IV	
10. M.P.	96.27	17966	186.62	46.66	IV	15399	7363	47.81	11.95	III	,
11. Maha.	87.58	6462	73.78	18.45	VI	73.18	1466	20.03	5.01	VII	ŕ
12. Man.	0.37	0	0	0	XX	6.32	15	237	0.59	XII	
13. Ori.	51.29	2234	43.56	10.89	ΧI	70.32	680	9.67	2.42	IX	
14. Pun.	57.43	54	0.94	0.24	XVIII	0	0	0	0		
15. Raj.	76.08	22418	294.66	73.67	I	54.75	5028	91.84	22.96	II	
16. Skm.(*)	0.24	47	195.83	65.28	XIV	0.91	97	106.59	35.53	I	
17. TN	107.12	6650	58.35	15.52	IX	5.74	16	2.79	0.69	XI	
18. U.P.	292.76	60141	205.43	51.35	III	2.88	0	0	0	- 7	
19. DNH	0.03	5	166.66	41.66	V	1.09	29	26.61	6.65	V	
20. Delhi	17.95	26	1.45	0.36	XVII	0	0	0	0	•	
Total	1382.23	139560	100.96	25.24		677.58	18373	27.12	6.78		

<sup>(\*)</sup> Information relates to 3 years i.e. 1993, 1994 & 1995 only.

8.26 Considering actual number of cases of atrocities on Scheduled Castes, U.P. takes the lead with over 43% of the cases in the country followed by Rajasthan, with over 16% cases, M.P. with about 13% cases, Gujarat (5.09%), Tamil Nadu (4.77%) and Maharashtra registering 4.63% of all the cases against SCs in the country. As mentioned earlier this may not show a true picture in various States. Correlating the no. of cases in each State / UT with the SC population in that State / UT, Rajasthan takes the lead with 295 cases per lakh of SC Population during 1992 to 1995 or about 74 cases per year. Suprisingly, Sikkim ranks II with an average of 65 cases per year. Gujarat State ranks III with average of 58 cases, U.P.takes IVth rank with about 51 cases and M.P. ranking V with 47 cases of crimes against SCs in a year. while, Dadra & Nagar Haveli having very small SC population also take the lead over many other States with an average of about 42 cases per lakh of SC population in a year. All these States and UTs have higher rate of incidence than all-India average of 25 cases per year.

8.27 Similarly in relation to crimes against STs among all the States in the country, the largest no. of cases (40.08%) occurred in M.P. followed by 27.37% in Rajasthan, 8.52% in Gujarat about 8% in Maharashtra, about 5% in Karnataka and between 3 % and to 4% in each of A.P., Bihar and Orissa. But on correlating the crimes on STs with the population of STs in different States / UTs, Sikkim ranks on the top with 107 cases per lakh of ST population during 1993 to 1995 or 36 cases per year. Rajasthan ranks II

with 23 cases per year, M.P. ranks III with 12 cases and Karnataka ranks IV with 11 cases per lakh of ST population per year.

## Disposal by Police

8.28 The victim of an atrocity comes to the Police Station for registration of his complaint in order to get justice and provide punishment to the offender. Timely and effective action taken by the police in investigating the case and submitting the chargesheet in the Court greatly helps in curbing crime. This is also applicable in the case of SC and ST victims of atrocities. Statement showing year wise progress of disposal of cases of atrocities on SCs and STs by the Police in each State & UT during 1992 to 1995 is placed at Annexure 8.III For taking an overall view of the situation a consolidated statement about disposal of the cases in respect of all States and UTs (which have sent information) for the year 1992 to 1995 is given in **Table 8..5** below.

Table showing disposal of all cases of crimes on SCs & STs by police in all the States and UTs during each year from 1992 to 1995

**TABLE 8.5** 

S. No.	Year	No.	Of	cases		% age of	No.	%age	No.	%age	No. of	% age	
110.	· · · · · · · · · · · · · · · · · · ·	brou- ght for- ard	ht tered r- during d the year	TOTAL		dispo- sal to total cases	of cases chall anned	to disp- osal	of cases closed after investig- ation	to disp- osal	pend- ing at the end	of pend- ency	
1	2	3	4	5	6	7	8	9	10	11	12	13	*
ı.	1992	1658	33417	35075	3230	0 92.09	26960	83.47	5340	16.53	2776	7.91	•
2.	1993	2776	32192	34968	3254	5 93.07	26938	82.78	5607	17.22	2424	6.93	
3.	1994	2424	36995	39419	3569	2 90.55	30431	85.26	5261	14.74	3727	9.45	
4.	1995	3727	36347	40074	3405	4 84.98	27137	79.69	6917	20.31	6020	15.02	

- Note: 1. Include NIL information in respect of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Tripura and Lakshadweep.
  - 2. Does not include information in respect of Kerala, Sikkim, West Bengal, Andman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Delhi and Pondicherry which is either incorrect or not available.

R.29 Table 8.5 reveals that rate of disposal of cases by Police in the country as a whole is on the decline from 1993 to 1995. Against about 93% disposal in 1993 disposal in 1994 is 90.5% and in 1995 is about 85% only. In actual number also, the disposal in 1995 is less than the number of cases disposed in 1994. This has resulted in continuous increase in pendency from the year 1993 to 1995. To find out which State or UT is responsible for overall low rate of disposal <u>Table 8.5</u> may be read with the Statement at <u>Annexure 8.III.</u> The increase in overall pendency is mainly due to increasing pendency in the States of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Orissa, Tamilnadu and Uttar Pradesh. Table 8.5 also reveal that closure of cases at the police level is about 15 to 20%. To find out State/UT wise net progress

made by the Police in four years period, about disposal of cases, at a glance information contained in **Table 8.6** below may be seen.

## **TABLE 8.6**

STATEMENT SHOWING NUMBER OF CASES OF ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES DISPOSED OFF BY THE POLICE IN EACH STATE/UT DURING THE PERIOD 1992 TO 1995

S. No.	State/	<u> </u>	No brou forw	o. of case ght rego ard duri 1992 199	es d. Total ng 2-	No. of	% of disposal to	No. of cases challa- nned	to all cases disp-	closed after investi-	%age to all cases disp-	No. of pending cases	
		٠.		199	5	,	total		osed	gation	osed		·
1	2\		3	4		6	7	8	9	10	11	12	
1	A.P.		0	4262	4262	3778	88.64	3542	93,75	236	6.25	484	
2.	Assam		0 -	3	3	3	100.00	3	100.00	. 0	0	0 .	
-	Bihar		271	6013	6284	5437	86.52	3670	67.50	1767	32.50	847	
<i>3</i> . <b>4</b> .	Goa		2	17	19	18	83.33	10	60.00	. 8	40	1	
5.	Guj.		. 0			8183	94.62	7733	94.51	450	5.49	465	
6.	Har.		15	418	433	417	96.30	287	68.82	130	31.18	16	
7.	H.P.		11	353	364	354	97.25	296	83.61	-58	16.39	10	
8	J&K		8	115	123	117	95.12	101	86.32	16	13.68	6	
9.	Kar.		0	3069	3069	2889	94.13	2671	92.45	218	7.55	180	
	M.P.		297	25329			98.80	24367	96.23	953	3.77	306	
	Mah.	-	29	6692	6721		90.61	5661	92.96	429	7.04	631	
	Man.	٠.	. 0	15	15		100.00		80.00	. 3	20.00	. 0	
	Ori.		54	2914	2968		53.84		86.10	222	13.90	1370	
	Pun.		0	54			100.00		87.03	7	12.97	0	
			0	14242		14157			45.21	7756	54.79	85	
	Raj.		375	6666		6298			60.13		39.87	743	
	T.N. U.P.		596			59861			86.03	8361	13.97	876	
Tot		165		951 140					2.82 23	125 17	.18 6	6020	

Note: 1. Information is NIL in respect of Arunachal Pr., Meghalaya, Mizoram, Nagaland, Tripura and Lakshadweep.

2. Information is incorrect or not available in respect of Kerala, Sikkim, West Bengal, A & N Islands, Chandigarh, D&N Haveli, Daman & Diu, Delhi and Pondicherry.

According to <u>Table 8.6</u> a total of 138951 cases were registered in various States and UTs During 1992 to 1995. Adding 1658 cases already pending with the Police in the beginning of 1992 there were a total of 140609 cases for disposal in four years. Out of these Police disposed off 134589 cases during this period leaving a pendency of 6020 cases (4.3%). However, out of 134589 cases disposed, about 17% (i.e. 23125) cases were closed at police level and the remaining 111464 cases were challenged in various Courts. The rate of disposal in the States of Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan and U.P. is better than the all-India average of 95.72%. The lowest rate of disposal is 53.84% in Orissa State. The disposal in other States, however, ranges between 83% and 95% during overall period of four years. In regard to closure of cases at Police level, Rajasthan State tops with about 55% closure, though Rajasthan was leader with highest rate of overall disposal rate of 99.40%. Same is the situation in Haryana, Tamil Nadu and in Bihar. Against 96.3% disposal in Haryana the challenging of cases disposed is 68.82% only. In Tamil Nadu the disposal is 89.82% while challanning is 60% and in Bihar against the disposal of 86.52% the challanning is 67.5% only.

8.31 The maximum punishment for offences covered under PCR Act, 1955 varies between three to six months, with fine. For several offences under PAA the minimum punishment prescribed is six months with fine. Therefore, undue delay in challanning the case by police goes against the principle of

natural justice to victim and nullifies the impact that penal action can have on the accused. In order to ensure that justice is meted out, it is necessary that investigation on complaints are initiated soon after the FIR is lodged. Delay leads to destruction of evidence, and loss of interest on the part of witnesses. This is likely to happen more when atrocities are committed against SCs and STs; the weaker sections, by the socially and politically well off people. It is, therefore, necessary that regular monitoring & examination of cases closed without challanning is done so that genuine cases are not closed.

#### SPECIAL COURTS FOR TRIAL OF OFFENCES AGAINST SCs & STs

### **Under PCR Act, 1955**

8.32 Justice Demands that cases be investigated or tried with speed. In order to ensure speedy trial of atrocity cases, while amending the Untouchability (Offences) Act, 1955 in 1976, some special provisions relating to trial of offences under this Act, were made by inserting Section 15. According to the Section 15(1) every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the First Class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the Cr. P.C. A special responsibility was also thrust upon the State Governments, for "setting up of Special Courts for the trial of offences under the Act" by making provision in clause (iii) of sub-section 15A(2) of the amended Act. In most of the States existing Sessions Judge or Addl. Session Judges have been designated as Special Court for trial of offences under PCR Act. However, in M.P. four Special Mobile Courts (SMCs) were set-up at Gwalior, Bhopal, Sagar and Bilaspur. Each SMC cover 10 to 15 districts. Six such courts have also been set-up in Rajasthan for on-site trial of the offences committed under the PCR Act. These courts are exclusively dealing with these case only. Govt. of Karnataka have also set-up four exclusive Spl. Courts in Bijapur, Kolar, Raichur and Gulberga Districts of the State.

## Under the SCs & STs (POA) Act, 1989 (PAA)

- 8.33 The offences covered under the SC & ST (POA) Act, 1989 are more serious than those covered under PCR Act and punishment for the offences under PAA are also higher than punishments for offences under PCR Act. Sections 14 and 15 of PAA thus provide:
  - 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 Session to be a Special Court to try the offences under this Act.
  - 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.
- 8.34 The Special Courts set-up under PCR Act are intended for trial of offences under the Act while Special Courts notified/set-up under PAA are intended to provide Speedy trial of offences with the help of Special Public Prosecutors for conducting those cases in the Special Courts. As per information available in the Commission, the four Exclusive Special Courts set up in Karnataka, under PCR Act, have also been notified as Special Courts under PAA. Similarly the six SMC set up under PCRA in Rajasthan have also been notified as Exclusive Special Courts beside setting up Special Courts in Ten Districts under PAA. Govt. of M.P. have also set-up 10 Exclusive Special courts, at Dhar, Shajapur, Morena, Shahdol, Damoh, Raisen, Mandla, Raipur, Bastar and Bilaspur for trial of offences under PAA while other districts have designated Special Courts only. Three Exclusive Special Courts were also set-up under Section 14 of PAA at Guntoor, Chittoor and Mahboobnagar districts of A.P. However, in November, 1995 Govt. of A.P. denotified the exclusive Spl. Courts and notified the Court of first Addl.

- 8.37 The Special Courts in all the States / UTs taken together received 88555 cases during the four-year period from 1992 to 1995. Adding a backlog of 69618, there were a total of 158173 cases for disposal during this period. Out of these cases the Special Courts could dispose only 46,966 cases. In other words the Spl. Courts could dispose 29.69% of the cases available for disposal during the period. This suggests that the Special Courts set-up to try the offences under the two Special Acts are not adequate to cop-up with the rate of crime on SCs/ STs. Regarding disposal by Special Courts in each State / UT, there is no pendency with the Special Courts in Goa, while Special Courts in Assam have not disposed even a single case in more than four years. The other States which have reported higher rate of disposal, than all-India average, are H.P. (35.40%), Punjab (36.17%), J & K (50%), D & N Haveli (50%), Rajasthan (57.39%), Bihar (62.28%), and lastly Tamil Nadu leading with highest rate of 63.73%. Beside Assam the other States with very low rate of disposal are U.P. (28.94%), M.P. (25.26%), A.P. (18.26%), Gujarat (16.06%), and Karnataka, and Orissa each having disposed at a lowest rate of 11% each.
- As regards result of disposal by all the Special Courts, only 15.49% of the total cases disposed ended in conviction while remaining 84.51% ended in acquittal. Regarding statewise position the lowest rate of conviction is 1.13% only in Karnataka, beside D & N Haveli, where Spl. Court acquitted the accused in the lone case disposed in four years. The other states, in which conviction rate was very low, even lower than all-India performance are Maharashtra (6.73%), H.P. (7.5%), Tamil Nadu (8.20%), Rajasthan (10.55%), Orissa (10.64%), and U.P. (13.35%). Some of the States which have reported comparatively higher rate of conviction are A.P. (17.44%), M.P. (38.32%), Bihar (39.32%) and Gujarat with highest rate of conviction of 48.96%.
- Looking at the statement at Annexure 8.IV one can see the poorest performance in terms of disposal by Special Courts in the year 1995 in the State of A.P. and Karnataka beside the States of Assam, Goa, Orissa and UT of D & N Haveli wherein not even a single case was disposed off by Special Courts. However the Special Courts in Gujarat and M.P. have shown continuous improvements in performance. As against 10 cases disposed in 1992 in Gujarat 175 cases were disposed in 1993, 516 in 1994 and 651 in 1995. Similar performance has also been shown by Special Courts in Rajasthan U.P. In Rajasthan 616 cases were disposed in 1992, 1018 cases in 1993, 1966 in 1994 while 1888 cases only were disposed in 1995.
- 8.40 In U.P. 12622 cases were disposed off in 1994 against 9002 in 1993 and 7653 in 1992. The disposal level, however came down to a low of 3335 cases in 1995. The performance in T.N. is also declining. It came down from 541 cases disposed in 1992 to 433 in 1993 and 387 in 1994 to 347 cases only in 1995.
- 8.41 A perusal of the statement at Annexure 8.IV reveals that the rate of acquittal is very high in majority of States. All the 167 cases decided by Special Courts in Karnataka in 1995 ended in acquittal. In 1992, 1993 and 1994 also only 1% to 2% of the cases ended in conviction. On the other hand a contrast situation about outcome of the cases disposed is seen in Bihar and Gujarat. Bihar has reported very good rate of conviction (60%) all the years except 19% in 1994. Similarly, Gujarat has reported highest rate of conviction, 90% in 1992, 94% in 1993 and 87% in 1994 and in contrast only 5.68% conviction in 1995. In M.P. State also the conviction was ordered in 36% to 43% of the cases decided from 1992 to 1994 while 8.33% cases in 1995 only ended in conviction. In the case of Special Courts in U.P. though the disposal of cases from 1992 to 1994 has been going up, the rate of conviction which was 26.49% in 1992, came down to 11.3% in 1993 and was 7.79% only in 1994. The performance in terms of disposal by Special Courts and award of conviction in the cases decided by the Special Courts has been quite high in Bihar. The performance of Special Courts in other States / UTs calls for concerted action. The cases should be carefully investigated & evidence collected, appropriate Sections of the relevant Acts applied and chargesheeted, without delay, in the courts so that the cases do not end in acquittal for want of evidence. State Govts. should examine the need for setting up more Special Courts / Exclusive Special Courts in the Distts, having high crime rate and / or high pendency of cases to improve the position of disposal.

## Disposal of all the cases of crimes & atrocities on SCs & STs in various Courts

8.42 All districts in the country do not have Exclusive Special Courts or designated Special Courts. In order to evaluate the performance of Special Courts a comparison can be made with the performance of all the Courts. Statement at Annexure 8.V gives details regarding disposal of cases of crimes and atrocities on SCs & STs by all the Courts State / UT wise during 1992-1995. Details of total disposal during four years period State/ UT wise are given in the following Table 8.8.

TABLE 8.8
STATEMENT SHOWING NUMBER OF CASES OF ATROCITIES ON
SCHEDULED CASTES AND SCHEDULED TRIBES DISPOSED OFF BY THE
VARIOUS COURTS IN EACH STATE/ UT DURING THE PERIOD 1992 TO 1995

	V 73					CII GI	ALU	U I I V		11117	LICOD	1//4 1
	S. No.	State/ UT	brou	No. of caught recovered	d. Tota	- \	f % of disp- osal		%age to all cases	cases ending in acq	-	No. of pending cases
			in		992-	osed	to	convi-	/ / **	uittal	disp-	04505
			1992		95	oscu	total		osed	· uitui	osed	•
			1772	. 15	193		iotai	Cuon	oscu		·	
	1	2	3	4	5	6	7	8	9	10	11	12
u"	1.	A.P.	0	3542	3542	740	20.89	123	16.62	617	83.38	2802
	2.	Assam	1	3	4	0	0	0	0.0	0	0.0	4
	<b>3.</b> .	Bihar	846	3670	4516	2813	62.29	1106	39.32	1707	60.68	1703
	4.	Goa	- 3	3	6	4	66.67	0	0.0	4	100.00	2
	5.	Guj.	3993	7773	11766	620	5.27	116	18.71	504	81.29	11146
	6.	Har.	10	287	297	175	58.92	23	13.14	152	86.86	122
	7.	H.P	41	296	337	178	52.82	17	9.55	161	90.45	159
	8.	J&K	77	101	178	106	59.55	4	3.77	102	96.23	72
	9.	Kar.	633	2659	3292	557	16.92	5	0.90	552	99.10	2735
	10.	M.P.	4315	24252	28567	11502	40.26	1360	11.82	10142	88.18	17065
	11.	Mah.	445	5641	6086	684	11.24	46	6.73	638	93.27	5402
	12.	Orissa	353	1314	1667	108	6.48	7	6.48	101	93.52	1559
	13.	Punjab	0	47	47	17	36.17	4	23.53	13	76.47	30
	14.	Raj.	1277	8356	9633	5528	57.39	583	10.55	4945	89.45	4105
	15.	T.N	1073	3787	4860	3006	61.85	489	16.27	2517	83.73	1854
	16.	U.P.	61176	51500	112676	32612	28.94	4355		28257	86.65	80064
	17.	D.N.H.	13	28	41	20	48.78	2	10.00	18	90.00	21
	18.	Delhi	16	17	33		27.27	4	44.44	5	55.56	24
		<u>Total</u>	74272	113276	187548	58679	31.29	8244	14.05	50435	85.95	128869

Note: 1. Information is NIL in respect of Arunachal Pr.. Haryana, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Lakshadweep.

- 2. Information is incorrect or not available in respect of Kerala, Sikkim, West Bengal, A & N Islands, Chandigarh, Daman & Diu, Delhi and Pondicherry.
- Since performance of Special Courts has been included in the performance of all courts by the Governments of Assam, Bihar, Rajasthan and U.P. There will be no use of reviewing the situation with reference to these States. However out of a total of 187548 cases taken up during the four yall special various courts in 18 States/ UTs the Courts could dispose off only 31.29% of the cases, resulting into a pendency of about 1.29 lakh cases against 0.74 lakh pendency in the beginning of 1992. The disposal by various courts taken together (31.29%) is slightly better than the disposal of (29.69%) cases by all special Courts. However, conviction rate in the cases decided by various Courts is slightly less (14.05%) than the conviction rate of 15.49% by Special Courts. Special Courts have been specially set up for dealing with cases of atrocities against SCs & STs. Their performance in terms of disposal &

award of punishment should be markedly better than that of normal courts. The causes for low levels of performance need to be examined and appropriate action for expeditious disposal of cases taken.

8.44 No. Special Courts have been set up or designated by the State Govt. of Haryana. The reason for not setting Special Courts have been given as a pendency of 30 cases only. Table 8.8 reveals that the pendency in the Courts in Haryana at the end of 1995 was 122 and not 30. The objective of Section 14 of PAA is to create make the infrastructure for speedy trial of cases available whenever a case of atrocity occurs. Government of Haryana may therefore set up Special courts in each district urgently. Other State Governments may also ensure that Special Courts are set up in each district as per provision in Section 14 of PAA. State Governments may also ensure that Special Public Prosecutors (SPP) with adequate qualifications and experience are appointed in all Special Courts so that disposal of cases is quick and lead to conviction in all genuine—cases. The SPP should also maintain strong and cordial rapport with the local police machinery so that cases do not fail in the Court for want of specific information from the police. State Government may also consider organising training courses for increasing awareness, about various provisions of the 2 Special Acts, among the judges of the Special Courts and the Special Public Prosecutors appointed in the Special Courts.

## Atrocity on SCs & STs by Police Officials

- 8.45 The Protection of Civil Rights Act, 1955 prescribes punishment for enforcing social disabilities and other offences arising out of "Untouchability". Section 10 of the Act prescribes punishment to a public servant who wilfully neglects the investigation of any offence (punishable under the Act) treating it as abetment of the offence. Since there were incidence of atrocity on SCs & STs by police and also complaints of not registering the cases, neglecting the investigations of cases by police, in which SC/ST were the victims, suitable provision of enhanced punishment to erring public servants has been provided in the SC & ST (POA) Act, 1989. According to clause (vii) of sub-section 3(2) of this Act whoever, not being a member of SC & ST and being a public servant, commits any offence under Section 3 of the Act, is punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence. Similarly under Section 4 of this Act whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.
- 8.46 Inspite of the provisions mentioned above Commission has been receiving various complaints about atrocity by police personnels or atrocity in police custody and about not taking action on the complaints / cases of atrocity on SCs/STs. In order to know the exact volume of such cases, State Governments / UTs. Administration were asked to furnish the information regarding involvement of police officials in committing crimes against SCs & STs during 1992 to 1995. In response to this, the State Governments of A.P., Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, W.B., UT Administration of Daman & Diu and Lakshadweep and UT Government of Pondichery have intimated NIL report. Karnataka, Maharashtra, Delhi and Pondichery have not sent this information, while furnishing replies to other issues sought by the Commission. However, Government of Assam, Gujarr Haryana, H.P., Kerala, M.P., Orissa, Punjab, Rajasthan, T.N., U.P., and Dadra & Nagar Havel furnished information about various types of cases of atrocities by police on SCs & STs. A conclining Tables 8.9 and 8.10.

8.47 As will be seen from <u>Table - 8.9</u> 21 cases of death in police custody, 12 cases of rape in police custody, 51 other cases of atrocity and 24 cases of police excesses were registered in 12 States / UTs who

have furnished the information. Besides, 76 complaints were registered by SC/ST people against police officials and 515 complaints were registered about police-inaction in cases of atrocity on SCs & STs.

TABLE- 8.9

Involvement of Police officials in the Crimes against SC/ST

During 1992 to 1995

Nature of Crime	No. o	f case	s reg	d. & N	o. of I	Police (	Official	s inv	olved	<u>,                                    </u>
×.	199		19			94	1995		То	tal
`	No. o	of_	<u>No</u>	. of	No	o. of	<u>No. c</u>	<u>of</u>	<u>No</u>	<u>. of</u>
	Cases	: PO	Cases	s:PO	Case	s:PO	Cases	: PO	Case	s : PO
(a) Death in Police	5	16	1	8	9	21	4	4	19	49
Custody	1	NA	. 1	NA	-		_		2	NA
(b) Rape in Police	1	1	3	3	3	5	<u>`</u> .		7	9
Custody	1	NA	2	NA	2	NA	<del>-</del>	_	5	NA
(c)Atrocities comm-	9	1:3	10	22	22	29	6	7	47	71
itted by Police	3	NA	1	NA	_	_		. <del>-</del>	4	NA ·
(d) Cases of Police Excess	8	12	5	8	10	84	1	1	24	105
(e) Complaints	16	23	18	25	35	54	1	1	70	103
regd by SCs/STs against Police o		NA	3	NA	2	NA	-		6	NA
(f) Complaints	5	5	1	. 1	ġ	10			15	16
regd by SC/ST against Police in on their complain	116 action		172	NA	212	NA	<b></b>		500	NA
Grand Total	44	69	38	67	88	203	12	13	182	353
(All offences)	122	NA	179	NA	216	NA	-	-	517	NA
. •	166		217		304	_	12		699	<del></del>
•			<del></del>		<del>, , , , , , , , , , , , , , , , , , , </del>	<del></del>		•		<del>-</del>

Note: N.A. Information regarding No. of Police officials involved against these cases is not yet available with the State Government (s).

P.O. Police Officials Involved.

<u>TABLE - 8.10</u>

## Statement showing cases of atrocities by Police Officials against SCs/STs from 1992 to 1995 by nature of Crime

No.	State/ UT	dur	No. of cases registered during the period by nature of Crime					No. of Police officials involved during the period by nature of						Total No. of cases: P.O. regd.: involved		
			_	~	ъ	T?	172		D.	_	rime	Е	F			
		Α	В	<u></u>	D	E	F .	<u>A</u>	В	<u>C</u>	·D	E	г			
1.	Assam	1	_		_	_	_	NA	_	_		_	_	1	NA	
2.	Guj.	1		14		32		2	_	22	_	47	_	47	71	
3.	Har.	5	_	1	_		_	5		2		_		6	7	
. 4.	H.P.		-	- 1	_	1	_		_	1	_	1	_	2	2	
5.	Ker.	-	5	4	-	6	_	_	$\overline{NA}$	NA	_	NA	_	15	NA	
6.	M.P.	<u>ī</u>	-	4	_1		500	$\frac{\overline{4}}{4}$		7	1		ÑΑ	506	12	•
7.	Ori.	_	3	9	1	_			_3	10	1	_		.13	14	
8.	Pun.	2		-	_	_	_	5				_	_	2	5	
9.	Raj.	5	1	_	_	_	_	11	3	_	_	-	_	6	14	
10.	T.N.	3	•	4			4	17		$\overline{4}$	$\overline{71}$	<b>-</b> 6	_5	18	103	
11.	U.P.	3	3	13	_	31	11	5	3	24	32	48	11	81	123	
12.	D.N.H.	_	J	1	20	1		-	-	1		1		2	2	
14.	Total		<u>12</u>	_51	$\bar{24}$	76	515	<del>4</del> 9	<b>-</b> 9	71	105	103	<u>1</u> 6	699	353	

## Code for nature of Crimes:

- A. Death in Police Custody.
- B. Rape in Police Custody.
- C. Other Atrocities Committed by Police.
- D. Cases of Police Excesses.
- E. Complaints registered by SCs/STs against Police Officials
- F. Complaints registered by SCs /STs against Police inaction on their complaints.
- P.O.: Police Officials.

Note:

- (i) Information in respect of States / UTs of Andhra Pradesh, Arunachal Pradesh, Goa, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, Daman & Diu, Delhi, Lakshadweep and Pondichery is NIL.
- (ii) Information not received from States / UTs of Bihar, Jammu & Kashmir, Maharashtra, A & N Islands and Chandigarh.

The incidence of atrocities by Police in various forms has been on increase from 166 in 1992 to 217 in 1993 and 304 in 1994. There is a sharp fall in 1995 when only 12 cases have been reported. In the State of M.P. particularly which has shown highest no. of complaints among all States, the phenomenon is worth mentioning. Against 119 cases registered in 1992, 172 cases in 1993, 215 cases were registered in 1994 and no case was registered in 1995. Similar is the situation in other States. It is difficult to believe that this is due to a change in the attitude of the Police Officials towards SCs/STs. It clearly indicates one of the two possibilities. Either information relating to 1995 has been suppressed by the State Government or the cases of atrocities on SCs/STs by Police Officials have not been registered in 1995. In either the State Government / UT Administrations had to examine the issue in depth and take appropriate measures to ensure that cases / complaints of atrocities on SCs/STs by Police are registered promptly and reported to District head of the Police or directly registered in the District Headquarters for prompt and unbiased investigation and action. Incidence of atrocities against SC/ST by Police and other public servants should be monitored regularly at the State Headquarters by the Home and other relevant

Departments. In order to ensure that the agencies responsible for providing protection and safeguarding the interests of SCs/STs do not themselves commit crimes against them, regular training and orientation of functionaries at all levels is necessary. State Govt, should take steps to make sure that public functionaries do not include in criminal activities and take expeditious action against those who commit them under the POA Act.

reveals that the largest number of cases of atrocity on SC/ST by Police officials 8.49 Table - 8.10 from 1992 to 1995 have been committed in M.P. State where 506 cases, out of a total of 699 cases reported by 12 States / UTs, have been registered. This is followed by U.P.(81 cases), Gujarat (47 cases), T.N. (18 cases), Kerala (15 cases), Orissa (13 cases), Rajasthan (6 cases), Haryana (6 cases), H.P. (2 cases), Punjab (2 cases), Dadra & Nagar Haveli (2 cases) and Assam (1 case). The number of Police officials involved in these cases is 123 in U.P., 71 in Gujarat, 103 in T.N., 14 each in Orissa and Rajasthan, 7 in Haryana, 5 in Punjab and 2 each in H.P. & Dadra & Nagar Haveli. No information has been furnished about the number of Police officials involved in the cases registered in Assam & Kerala. Though the lone case registered in Assam in 1992 related to death in Police custody, the names of erring Police officials involved is not yet known. In Kerala too 5 cases of rape in Police custody (1 in 1992, 2 each in 1993 and 2 in 1994), 4 cases of atrocity and 6 cases of other complaints against Police officials were registered, but so far number and names of Police officials involved in these cases is not known. Same is the situation in M.P. State. While intimating that 4 Police officials were involved in 1 case of death in Police custody, 7 were involved in directly committing atrocities on SCs/STs in 4 cases, 1 Police officials was accused of committing excesses, Government of M.P. have stated that no information was available about number of Police officials made accused in 500 cases of complaints registered by SCs/STs against Police-inaction on their complaints. The action taken on these complaints - investigation, registration and filing of cases, and their present status should be reviewed by the State Govt, and reported to the Commission.

## Steps taken by State Governments to eradicate untouchability and prevent atrocities on SC/ST

8.50 Section 15 of the PCR Act, 1955 and Section 21 of the POA Act, 1989 vest the State Governments with the responsibility for taking such measures as may be necessary for eradication of untouchability and prevention of atrocities on Scheduled Castes and Scheduled Tribes. Government of India in the Ministry of Welfare have also framed and notified the Rules which spell out measures to be taken for prevention of atrocities and effective implementation of the POA Act. The various steps to be taken by the State Government under SC & ST (POA) Rules, 1995 are highlighted below:

Rule 3 Precautionary and preventive measures with a view to prevent atrocities on Scheduled Castes and Scheduled Tribes, the foremost measure is to identify "atrocity prone areas". Another important measure is to constitute "a high power State level Committee" and district or divisional level Committee as deem proper for assisting the Government in implementation of the provisions of the Act.

**Rule 4** Supervision of prosecution and submission of Reports.

**Rule 8** Setting up the Scheduled Castes and Scheduled Tribes Protection Cell.

Rule 9 Nomination of NODAL Officer.

Rule 10 Appointment of a Special Officer in each district to coordinate with the DM, SP or other officers responsible for implementation of the provisions of the Act, various Committees and the SC and ST Protection Cell.

Rule 12 Measures to be taken by the District Administration particularly providing relief and rehabilitation to the victims of atrocities.

8.51 The information about the machinery set- up at the State, District and local level to deal with the atrocities on SC/ST received from some of the States / UTs is given at Annexure 8.VI.

- 8.52 The information about the machinery set up by the Police Department at the State, District and lower levels to deal with the cases of atrocities on SC/ST is given at <u>Annexure- 8.VH</u>.
- 8.53 The SC and ST (POA) Rules, 1995 were notified on 31. 3. 1995 and have come into force on the same day. State Governments were asked to intimate whether norms for payment of relief and rehabilitation to the SC/ST victims of atrocities prescribed under these Rules have been made applicable, if so, from which date and if not what are the existing norms for relief and rehabilitation. Information on the subject as received from various States and UTs is placed at <u>Annexure 8.VIII</u>.

## Identification of areas prone to untouchability / atrocities on SCs/STs

Under Section 15A (2) (vi) of the Protection of Civil Rights Act, 1955 the State Governments are 8.54 required to identify areas where people are under any disability arising out of the practice of "Untouchability" and adopt such measures as would ensure the removal of such disability from such areas. Similarly, under Section (21) (2) (vii) of the SC & ST (POA) Act, 1989 the State Governments are required to take measures for the identification of the areas where the members of the SCs and STs are likely to be subjected to atrocities and to adopt such measures so as to ensure safety of such members. Section 17(1) of the POA Act also empowers the DM or SDM of a district to declare, on the basis of an information or inquiry report from the Police, certain area to be an area prone to atrocities. The State Governments of Assam, Arunachal Pradesh, Haryana, Meghalaya, Mizoram, Nagaland, Tripura, West Bengal and Daman & Diu, Dadra & Nagar Haveli and Lakshadweep have intimated that there is no problem of untouchability and hence no areas have been identified/declared as untouchability prone areas. In the States of Andhra Pradesh, Gujarat, Kerala, Maharashtra, Orissa and U.P some areas have been identified as "Untouchability prone areas". Since these areas are also vulnerable the concerned State Governments have also identified and declared these areas as "atrocity prone areas". The list of areas identified / declared as "atrocity prone areas" in different States / UTs is given at ANNEXURE - 8.IX.

## Action taken on the Cases of Atrocities on SCs and STs Received in the National Commission for SCs & STs during the period under Report (1994-95 and 1995-96)

The Atrocities and Protection of Civil Rights (APCR) Wing of the Commission deals with all 8.55 matters relating to the practice of untouchability against members of SC and atrocities committed on SCs & STs, incidence of bonded labour and non-payment of minimum wages to members of SCs and STs. The cases which come to the notice of the Commission through complaints/ representations received from SC/ST aggrieved persons or their kins, communications received from the Welfare Associations and Voluntary Organisations working for the uplift of SC and ST and from publicmen like MPs and MLAs are examined in the Commission. Incidence of atrocities and untouchability offences also come to the notice of the Commission through the press. These matters are taken up with the concerned authorities for factual reports. In important cases FAX or wireless messages are sent to the district authorities for furnishing detailed reports containing facts of case and information about the action taken by the local administration, e.g., legal action, action to restore peace and provide protection, monetary relief and other rehabilitation measures, measures to prevent recurrence of incidents of atrocities, etc. In cases of atrocities of serious nature wireless messages are sent to the concerned field officers of the Commission to conduct on-the-spot inquiries and submit inquiry reports urgently. In selected cases the Chairman and Members of the Commission or Officers of the Commission Headquarters visit the places of occurrence of the crimes and conduct detailed inquiries. The reports received from the local administration and field offices and all the on-the-spot inquiry reports are examined and lapses / shortcomings on the part of the concerns officials are brought to the notice of the relevant authorities for taking prompt remedial measures. Issues on which the local administration is urged to take action include prompt registration and investigation of cases by the local Police, challaning of cases in Courts, application of relevant Sections of the PCRA and the PAA, arrest of the accused, payment of monetary relief to victims of atrocities or their families,

provision of rehabilitation measures for them and taking adequate security measures for maintaining law and order in the area.

8.56 During the period under report (1994-95 and 1995-96) a total of 891 cases of atrocities including 79 on-the-spot inquiry reports were dealt with in the APCR wing. Crime-wise classification of the 89 cases pertaining to 22 States is given in Annexure - 8.X. Out of 891 cases dealt during 1994-95 and 1995-96, 459 cases of miscellaneous nature were taken up on the basis of complaints / representations from the Scheduled Castes / Scheduled Tribes victims of atrocities, or on representation made by associations, organisations, M.Ps., MLAs or other VIPs. The maximum number of cases were reported from Uttar Pradesh (323), followed by Delhi (110), Rajasthan (88), Andhra Pradesh (77), Bihar (64), Haryana (39), Tamil Nadu (36), Maharashtra (31), Orissa (31), Madhya Pradesh (29), West Bengal (12), Karnataka (10), Gujarat (6), Kerala (6), Punjab (6), Assam (5), J&K (5), Himachal Pradesh (4), Tripura (4) Goa (2), Nagaland (1) and Pondichery (2). No cases have been reported from Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

8.57 The crime-wise break-up of these 891 cases is as follows:

Practice of untouchability	22	(2.5%)
Murder	155	(17.6%)
Grievous Hurt	. 3	(0.3%)
Rape	93	(10.4%)
Arson	7	(0.8%)
Other IPC Offences	148	(16.6%)
Miscellaneous	459	(51.4%)
Bonded Labour	4	( 0.4%)

8.58 It is significant that a majority of the cases under the PCR Act were received from Delhi, Uttar Pradesh and Rajasthan. The State-wise break-up of the 22 cases is as follows:

Delhi	\	. 8
Uttar Pradesh	j	7
Rajasthan	,	4
Goa		1
Madhya Pradesh		1
Tamil Nadu		1

- 8.59 Majority of these cases related to abuse of SC persons by mentioning the names of their castes in a derogatory manner.
- 8.60 It is significant that a majority of the cases reported under the head Murder were from Uttar Pradesh, Bihar, Andhra Pradesh, Rajasthan, Orissa and Delhi. The total number of cases reported were 155. Total no. of cases reported w.r.t. grevious hurt were 3, two cases were reported in Andhra Pradesh and one in Madhya Pradesh. A total of 93 Rape cases were reported. Majority of these cases were registered / reported from Uttar Pradesh (24), followed by Andhra Pradesh (24), Rajasthan (10), Bihar (8), Haryana (5), Madhya Pradesh (5), Tripura (4), West Bengal (4), Maharashtra (2), Orissa (2), Tamil Nadu (2), Gujarat (1), Punjab (1) and Delhi (1). Seven cases of arson were reported during this period-3 in Uttar adesh, 2 in Bihar and 1 each in Gujarat and West Bengal. 148 cases under other IPC offences were reported. The majority of cases were from Uttar Pradesh, Delhi, Andhra Pradesh, Bihar, Karnataka, Maharashtra, Rajasthan, Madhya Pradesh, Orissa and Tamil Nadu.
- 8.61 Representations received in the field offices of the Commission from aggrieved SC and ST persons and from other sources are also dealt with by the respective offices and efforts are made with the help of local authorities to mitigate the suffering and hardships of SC/ST victims.

## On -the spot -inquiries

- 8.62 The Commission and its field offices took up on-the-spot inquiries into specific incidents of atrocities on SC and ST in 79 cases during 1994-95 and 1995-96. A review of the cases dealt within the Commission and on-the-spot inquiry reports on incidents of atrocities gives an insight into the causes of atrocities, role of the Police in taking prompt action in investigation and challenging of cases in Courts, arrest of the accused, payment of monetary relief, extension of rehabilitation facilities to victims and their families and lapses, if any, on the part of the Police and other officials in dealing with the cases.
- SCs and STs become easy victims of atrocities due to socio-economic reasons. Amongst the causes of atrocities, the foremost are disputes and conflicts arising from land, wages, bonded labour and indebtedness. Disputes on land related to land reforms, allottment of house sites, cultivable lands, irrigation rights & land alienation. The relationships between the large land owners and SC who work as agricultural labour (even though they may own some land) make them dependent on the people of other castes on whom they have to depend for inputs & economic sustenance. Economic dependence of the poor on rich non- SC/ST persons, social discrimination arising out of the practice of untouchability and the age old urge to subjugate the weakest of the weaker Section of the people make SC and ST vulnerable and victims of atrocities.
- 8.64 The gist of some important cases dealt by the Commission during the period under report, (1994-95) and (1995-96) are placed at <u>Annexure 8.XI</u>.

## Some Important issues

## Withdrawal of cases under PCR Act, 1955 and the SC & ST (POA) Act, 1989

8.65 The Pune field Office of the Commission brought to the notice of the Commission that a number of cases under the two Acts had been and were being withdrawn by the Maharashtra Government. On enquiries by the commission the State Government submitted the following reply:

An agitation was going on in the Maharashtra State for the renaming of "Marathwada University" as "Dr. Babasahab Ambedkar University" from 1980 onwards for almost a decade. It was during this period that it was brought to the notice of the Maharashtra Government that cases were filed on extraneous considerations wherin members of SC/ST were made use of to settle their scores by the members of the Savarna Community. This resulted in widening the rift and causing bitterness among the communities escalating social tensions.

The erstwhile Government therefore, while taking the decision of renaming the Marathwada University as "Dr. Babasaheb Ambedkar Marathwada University", decided on the ground of an emergent need to have proper emotional integration and create greater understanding between the communities, to approach the courts for withdrawal of prosecution in less serious cases. It was also decided to follow the procedure laid down in section 321 of Cr. P.C. Accordingly, a wireless message was issued to all District Magistrates and all Police Commissioners to take a review of all such cases wherein cases were filed on extraneous considerations where members of SC/ST were made use of to settle their scores, by members of Savarana Community and to forward to Government a list of all such cases which they consider fit for withdrawal.

Consequently, Maharashtra Government received a total of 2053 cases, recommending withdrawal, from the various District Magistrates and Commissioners of Police. The proposals were scrutinised in consultation with the Law and Judiciary Department. Accordingly, out of the 2053 proposals received, recommendations were made for withdrawal in 1171 cases to be put up before the various Courts.

A review taken on 1st July, 1995 shows that out of the 1171 cases recommended for withdrawal, 340 cases have been actually withdrawn form Court, in 4 cases Court has refused permission for withdrawal and resultant cases are pending withdrawal in the courts.

8.66 In his letter dated 7.3.1996 addressed to the Chief Minister of Maharashtra, Chairman of the Commission pointed out that these cases (registered under PCR Act and PAA) were of a special nature and do not come under normal routine cases to defuse tension of the trivial nature. Since these cases were booked under special Acts of Parliament the same could not be withdrawn on wholesale basis. This withdrawal will defeat the very purpose of PCR Act and Prevention of Atrocity Act, and is contrary to the wishes of the Parliament. It was therefore suggested that the State Government may issue instructions to the concerned authorities to withhold withdrawal of cases on the one hand and transfer the cases to the Special Courts for speedy trial as provided under Section 15 of PCR ACT, 1955 and Section 14 (read with Section 15) of the POA Act, 1989. If necessary State Government may establish Exclusive Special Courts for speedy trial of cases under the two Acts, as established by other State Government also.

### **Powers of Special Courts**

and 193 of the Cr. P.C., the Special Courts set up under the provisions of POA Act can not directly take cognizance of the cases until these were committed to them through the lower Courts. A decision to this effect has been given by the Allahabad High Court. This committal procedure takes very long time much longer than the quantum of punishments prescribed for the offences under the two Acts. As per decision the very purpose of speedy trial of case by Special Courts is defeated. However, in another judgement the Jabalpur High Court (M.P) has clarified that the Special Courts have the original jurisdiction over the cases under POA Act. The Commission recommends that the Government of India may examine the whole issue about granting powers to the Special Courts for speedy trial of the cases in the light of the Judgements given by the Courts on the subject & take remedial action, if necessary.

## Relief and Rehabilitation to the victim of atrocity

According to the norms for grant of relief and rehabilitation to the victims of atrocities or their families, a part of the relief amount is to be paid when chargesheet is sent to the Court and remaining is to be paid on the conclusion of the trial/conviction of the accused. Since chargesheeting a case confirms the occurrence of atrocity on the SC/ST victims there is no reason for withholding the relief till conclusion of the case. It only adds to the problems of the victim by delaying rehabilitation and also defeats the purpose by compensating in part since the victim is not able to use the money for economic rehabilitation. The norms for payment of relief and rehabilitation, prescribed under Rule 12 of the SC and ST (POA) Rules, 1995 may be suitably revised/ammended to provide for total relief amount to be paid to the victims by the time the case is chargesheeted in the Court.

ANNEXURE- 8.1 (Ref. para 8.16)

## DETAILS OF CASES REGISTERED UNDER THE PCR ACT, 1955 AND DISPOSED OFF BY THE POLICE IN EACH STATE/UT DURING THE PERIOD 1992 TO 1995.

			Number		TOTAL	No. of	No. of	No. of	No. of
•			brought	Regd in	cases for	cases	cases	cases	pending
S.No.	State/UT	Year		the Year	disposal	disposed	challaned	closed	cases
1_	2	3	4	5	6	7	8	9	10
1	A.P	1992	0	188	188	188	179	9	0
		1993		208	208	208	192	16	0
		1994		148	148	140	128	. 12	8
		1995		194	202	148	121	27	54
2	Goa	1992	2	4	6	3	2	1	3
		1993		5	8	6	3	3	. 2
		1994		1	3	2	1	1	1
		1995		1	2	1	1	0	1
3	Gujarat	1992	2 0	95	95	95	84	11	0
_	- aja	1993		60	60	60	57	3	0
		1994		33	33	33	33	0	0
		1995		16	16	16	16	0	0
4	Haryana	1992	2 0	4	4	4	4	0	0
	•	1993		5	5	5	4	. 1	. 0
		1994		3	3	3	2	1	0
		1995		3	3	3	2	1	0
5	H.P.	1992	2 1	7	8	7	3	4	1
		1993	3 1	8	9	7	7	0	2
		1994	4 2	8 7	9	. 8	4	4	1
	•	1995		<b>3</b>	4	3	2	1	1
6	Karnataka	1992	2 0	387	387	387	363	24	. 0
		1993		327	327	327	304	23	0
		1994		331	331	299	279	20	32
		199		367	399	311	308	3	88
7	Kerala	1992	2 3	13	16	14	11	3	2
		1993		13	15	14	11	3	1
		1994	4 1	18	19	14	8	6	5
		199		NOT		REC	E IVED		
8	M.P.	199	2 109	130	239	130	119	- 11	109
-		199		156	265	159	142.	17	106
		199		166	272	163	<i>-</i> 148	15	109
		199		74	183	183	182	. 1	0

9	Maharashtra	1992	19	392	411	384	351	33	27
		1993	27	425	452	427	385	42	25
		1994	25	330	355	287	243	44	68
		1995	68	89	157	98	80	18	59
			-			30	00	10	39
10	Orissa	1992	7	35	42	28	22	6	14
		1993	14	36	50	31	27	4	19
		1994	19	16	35	12	9	3	23
		1995	23	6	29	4	4	0	25
				•		·	•	Ü	. 20
11	Punjab	1992	0	0	0	0	0	0	0
		1993	0	0	0	0	0	0	0
		1994	. 0	1	1	1	0	1	. 0
		1995	0	1	1	1	0	1	0
10	Deigathan								
12	Rajasthan	1992	0	28	28	28	12	16	0
		1993	0	19	19	18	7	11	1
		1994	1	13	14	14	7	7	0
		1995	0	3	3	2	1	1	1
13	Tamil Nadu	1992	276	961	1237	902	550	352	335
		1993	335	132	467	314	45	269	153
		1994	153	76	229	122	48	74	107
	•	1995	107	96	203	114	68	46	
		,,,,,	,	00	200	114	00	40	89
14	U.P.	1992	6	178	184	177	146	31	7
		1993	7	136	143	135	117	18	8
		1994	8	123	131	125	106	19	6
		1995	6	113	119	110	76	34	9
	_	*				110	70	U*	3
15	Delhi	1992	5	4	9	5	5	0	4
		1993	4	0	4	2	2	•0 `	2
		1994	, 2	3	5	3	3	0	2
		1995	2	2	4	2	2		2
16	Pondicherry	1992	1	19	20	18	9	9	2
	•	1993	2	12	14	13	5	8	1
		1994	1	15	16	16	4	12	Ö
		1995			NOT	10	RECEIVED	12	U
	TOTAL	4000							
	TOTAL	1992	429	2445	2874	2370	1860	510	504
		1993	504	1542	2046	1726	1308	418	320
		1994	320	1284	1604	1242	1023	219	362
		1995	357	968	1325	997	863	134	328
3.55									

Information in respect of other States/UTs is either NIL or NOT AVAILABLE or INCORRECT

Note:

ANNEXURE 8.II (Ref. para 8.19)

## STATEMENT SHOWING NO. OF CASES OF CRIMES AND ATROCITIES AGAINST SC AND ST REGISTERED DURING THE PERIOD 1992, 1993,1994 AND 1995 IN EACH STATE AND U.T.

S.	State/U.T.	-	No. o	f Crime	s again	st SC a	and ST i	registere	ed duri	ng			
No.		1	992		199	3		199 1	994			1995	<del>  </del>
	<u> </u>	SC	ST	Total	SC	ST_	Total	SC	ST	Total	SC	ST	Total
-									000	4000	4005	170	2003
1	A.P.	912	123	1035	1137	167	1304	1423	209	1632	1825	178	2003
2	Arun.Pr.	-	-	-	-	-	-	-	-	-	-	-	<u>-</u>
3	Assam	2	-	2	1 -		1		-	4702	- 1649	- 117	1766
4	Bihar	1244	165	1409	922	127	1049	1644	149	1793	1049	117	4
- 5	Goa	5	-	5	6	-	6	2	-	2 2348	4 1776	- 489	2265
6	Gujarat	1655	304	1959	1751	341	2092	1916	432	2340 141	145	-	145
7	Haryana	84	-	84	89	-	89	141	-	99	92	-	92
8	H.P.	76	<del>-</del>	76	86	-	86	99	- 4	99 27	39	_	39
9	J. & K .	27	-	27	22		22	26	1	1636	1366	498	1864
10	Karnataka	954	56	1010	1077	47	1124	1360	276	1030	1300	430	100-
11	Kerala							IGURE		6260	4387	1936	6323
12	M.P.	4701	1957	6658	4421	1667	6088	4457	1803	2140	1676	490	2166
13	Maha.	1356	251	1607	1688	327	2015	1742	398	2140 5	1070	3	3
14	Manipur	-	2	2	-	5	5	-	5	-5	-		-
15	Meghalaya	-	•-	-	-	-	-	-	-	-	-		_
16	Mizoram	-	-	-		-	-	-	-	-	_	_	_
17	Nagaland	-	-	-	<b>-</b> .	-	-	-	-	- 778	733	203	936
18	Orissa	397	108	505	528	167	695	576	202	176	14	-	14
19	Punjab	18	-	18	7		7	15	-	7633	5204		
20	Rajasthan	5292	1314	6606	5433	1431	6864	6489	1144	22	3204		
21	-	NOT	<b>REPO</b>	RTED	1	16	17	14	8	1628	1366		
22	Tamil Nadu	1938	1	1939	1726	4	1730	1620	8	1020	1300		-
23	3 Tripura	-	-	-	-	-	-	-		- 16215	14966		14966
24	U.P.	15406	-		13554		13554						ORTED
25	5 W.Bengal	2	-	2	2			1	5	6	NOI	KLF	
26	_						REPOR			•			
27							REPOR		_			3	3
28		· 1	9	10	3	12	15	1	5	6			, 3
29	-		<del>-</del>	-	-	-	-			- 40	2		6
30		9	-	9	4	-	4	. 7	3	10	C	, -	_
3		-	-	-		-	-	<b>-</b>	-	-	- NOT	- - DED4	ORTED
3	•	19	) -	19	12	-	12	15	-	15	NOI	ζEP.	OKTED
•									40.44	10444	25291	512	2 40411
	Gr. TOTAL	34096	4290	38388	32470	4314	36784	37763	4648	3 42411	30264	2 010	40411

### STATEMENT SHOWING TREND OF CASES OF CRIMES/ ATROCITIES AGAINST SC AND ST BY NATURE OF CRIME IN EACH STATE AND UT DURING THE PERIOD 1992 TO 1995

Category of CRIME:

**MURDER** 

S.	STATE/UT	No. of c	ases of	crime		No. of	cases	of crim	e	Tota	l cases	of crime	<del></del>	Total of
No.		against	SC regi	stered		againsi	t ST re	gistere	d	against S	SC and	ST regis	stered	all cases
		dur	ing the	year	- 1	du	ring th	e year		dui	ring the	year		in
		1992	1993	1994	1995	1992	1993	1994	1995	1992	1993	1994	1995	(1992-95)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
														-
1	Andhra Pr.	39	48	26	26	14	12	6	1	53	60	32	27	172
2	Arunachal Pr.		-	-	-	-	-	-	-	-	-	-	-	· <b>-</b>
3	Assam	•	-	-	-	•	-	-	-	-	-	-		-
4	Bihar	87	67	66	39	21	16	16	18		83	82	57	330
5	Goa	1	. 0	0	0	0	0	0	0		0	0	0	
6	Gujarat	29	27	15	24	17	17	21	12		44	36	36	
7	Haryana	5	13	4	5	0	0	0	0		13	4	5	
8	H.P.	2	3	3	1	0	0	0	0		3	3	1	9
. 9	J & K	0	0	2	0	0	0	0	0	_	0	2	0	
10	Karnataka	16	18	10	25	1	8	4	1		26	14	26	
11	M.P.	97	78	107	77	50	31	32	42	147	109	139	119	
12	Maharashtra	18	20	13	18	9	7	9	4	27	27	22	22	98
13	Manipur	0	0	0	0	. 2	1	0	1	2	1	0	1	4
14	Meghalaya	-	-	<b>-</b> .	-	-	-	-	- '		-	-	-	-
15	Mizoram		-		-	-	-	-	-		-	-	-	-
16	Nagaland	· ., <del>-</del>	-	-		-	-	-	-	-	-	-	-	
17	Orissa	11	10	5	19	0	3	0	7	' 11	13	5	26	55
18	Punjab	. 7	1	2	2	0	0	0	C	7	1	2	2	12
19	Rajasthan	63	38	29	40	19	13	16	12	82	51	45	52	230
20	Tamilnadu	12	16	16	32	0	0	1	C	) 12	16	17	32	? 77
21	Tripura	-	-	-	- '	-	-	-	-	-	-	· -	-	-
22	U.P.	343	293	291	380	. 0	0	0	C	343	293	291	380	1307
23	West Bengal	-	-	-	-	-	-	-	-	-	-	-		-
24	A&N Islands	-	-	-	-	-	-	-	•	-	-	-	-	
25	Chandigarh	-	•	-	_	· -	-	-	-	-	-	-	-	-
26	D & N.H.	-	-	-		-	-	-	-	-	-	-	· -	•
27	Daman & Diu	-	-		-		-	-	-	-	-			. <del>.</del> -
28	Delhi	2	. 0	0	0	. 0	0	0	(	) 2	0	0	(	) 2
29	Lakshadweep		-	-		-	-	-			-		-	-
30	•		•	-	-	-	-	-	-	-	-	-		, -
														• <u> </u>
-	TOTAL	732	632	589	688	133	108	105	98	865	740	694	786	3085

NOTE: Information is not correctly furnished by the Kerala and Sikkim States

## STATEMENT SHOWING TREND OF CASES OF CRIMES/ATROCITIES AGAINST SC AND ST BY NATURE OF CRIME IN EACH SATAE AND UT DURING THE PERIOD 1992 TO 1995.

Category of CRIME:

**GRIEVOUS HURT** 

S.	STATE/UT	No. of			1	No. of	cases	of crir	ne	TOTAL	cases	s again	st	TOTAL
No.		agains	st SC i	egiste	red	agains	t ST re	gister	ed	SC and	d ST re	egistere	ed	of all
•		during	the y	ear	-	during	the ye	ar		during	the ye	ar		cases in
•		1992	1993	1994	1995	1992	1993	1994	1995	1992	1993	1994	1995	1992-95
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	A.P.	207	308	369	454	22	31	48	37	229	339	417	491	1476
2	Ar.P.	-	-	-	-	-	_	-	-	-	-	. =	-	~
3	Assam	-	-	-	-	-	-	-	-	-	-	_	-	-
4	Bihar	142	177	121	131	14	7	9	4	156	184	130	135	605
5	Goa	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Gujarat	72	63	73	78	40	29	40	49	112	92	113	127	
7	Haryana	0	0	0	13		0.	. 0	O		0	O	13	
8	H.P.	. 7	12	14	5	0	0	0	0		12	14	5	
9	J&K	0	3	1	0	0	0	0	0		3	1	0	
10	Kar.	49	28	26	29		0	2	1		28	28	30	
11	M.P.	236	202	197	202		89	81	70		291	278	272	
12	Mah.	26	39	35	34		16	9	13		55	44	47	
13	Manipur	0	0	0	0	0	1	1	0	0	1	1	0	2
14	Meghalaya	-	-	-	-	-	-	-	-	-	-	-		-
15	Mizoram	-	-	-	-	-	-	-	-	· -	' -	-	-	. <del>-</del>
16	Nagaland	-	-	-	-	-	-	-	-	-	-	-	-	· -
17	Orissa	15	13	26	36		2	4			15	30	41	
18	Punjab	5	1	3	2		0	0	0		1	3	2	
19	Rajasthan	148	133	127	141		59	51	54		192	178	195	
20	Tamil Nadu	9	10	11	20	0	0	0	0	9	10	11	20	50
21	Tripura	-	-	-	-	-	-	-		· -	-	-	-	-
22	U.P.	760	796	965	1011		0	0			796	965	1011	
23	West Bengal	1	0	0	<i>/</i> . 0	0	0	0	0	1	0	0	0	) 1
24	A & N Islands	-	-	· <u>-</u> /.	′. <b>-</b>	-	-		-	•	-	-		-
25	Chandigarh	-	-	-	-	· -	-	-		-	-	-	•	-
26	D & N.H.	0	1	. 0	0		5	0	C		6	0	C	
27	Daman & Diu	0	0	0	0	0	0	0	_	_	0	0	C	) 0
28	Delhi	0	0	1	0	0	0	0	C	0	0	1	٠ (	) 1
29	Lakshadweep	·		-	-	-	-		-	_		•		
30	Pondicherry	ondicherry				-	-	=			-	-	•	
	TOTAL	1677	1786	1969	2156	227	239	245	233	3 1904	2025	2214	2389	8532

## STATEMENT SHOWING TREND OF CASES OF CRIMES/ ATROCITIES AGAINST SC AND ST BY NATURE OF CRIME IN EACH STATE AND UT DURING THE PERIOD 1992 TO 1995

Category of CRIME:

RAPE

S.	STATE/UT	No. of	cases c	f crime		No. of	cases	of crim		Total ca	000 01 0	rima		V-1-1
No.			t SC reg			agains			_	against				Total of
			uring the					the ye		ayamst				all cases
		1992	1993	1994	1995		1993		1995	1000		g the ye		in
1	2	3	4	5	6	7	8	9	1995	1992 11	1993	1994	1995	(1992-95)
			·		<u> </u>	<u> </u>			10	L	12	13	14	15
1	Andhra Pr.	49	74.	67	86	20	28	35	25	69	102	102	111	384
2	Arunachal Pr.	0	0	0	0	. 0	0	0	0	0	0	0	0	
3	Assam	0	0.	0	0	0	0	0	0	0	0	0	0	0
4	Bihar	80	81	83	87	34	29	32	33	114	110	115	120	459
5	Goa	0	0	0	0	0	0	0	0	0	0	0	0	459
6	Gujarat	10	21	34	20	34	29	36	30	44	50	70	50	
7	Haryana	24	20	30	25	0	0	0	0	24	20	30	25	214 99
8	H.P.	·6	6	7	10	0	Õ	. 0	0	6	6	7	10	99 29
9	J&K	2	1.	1	1	Q	0	0	0	2	1	1	10	
10	Karnataka	19	26	12	22	2	5	2	0	21	31	14	22	5
11	M.P.	287	293	288	296	217	233	294	303	504	526	582	599	88
12	Maharashtra	21	48	51	57	10	38	41	40	31	86	92	97	2211
13	Manipur	0	. 0	0	0	0	0	0	1	0	00			306
14	Meghalaya	0	0	0	0	0	0	0	0	0		0	1	1
15	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0	0
16	Nagaland	0	0	0	0	0	0	0	0	-	0	0	. 0	0
17	Orissa	14	25	27	39	11	20	17	27	0 <b>25</b>	0	0	0	0
18	Punjab	4	-4	7	5	0	20	0	0	25 4	45	44	66	180
19	Rajasthan	114	113	130	131	42	31	33	40	•	4	7	5	20
20	Tamilnadu	3	6	14	16	0	0	33 1	- 0	156	144	163	171	634
21	Tripura	0	0	0	0	0	0	0	0	3	6	15	16	40
22	U.P.	264	288	406	348	0	0	0	0	0 264	0	0	0	' 0
23	West Bengal	1	0	1	0	. 0	3	2	0	204	288	406	348	1306
24	A&N Islands	-			_	-	_		-	0	. 3	3	0	7
25	Chandigarh	<b>-</b> .	-	-	-	_	_	_	_	0	-	0	0	0
26	D & N.H.	0	0	0	0	0	0	0	0	0	0 0	0	0	U
27	Daman & Diu	0	0	0		0	0	0	0	. 0	_	0	0	0
28	Delhi	0	0	0	. 0	0	0	0	0	0	0	0	0	0
29	Lakshadweep	0	Ö	. 0	0	0	0	0	0	0	1	1	0	2
30	Pondicherry	Ō	Ö	0	0	. 0	0	0	0	0	0 0	0 0	0	0
	· .		-	_	J	v	U	U		U	U	U	0	0
-	TOTAL	898	1007	1158	1143	370	416	494	499	1268	1423	1652	1642	5985

NOTE: Information is not correctly furnished by the Kerala and Sikkim States

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## ANNEXURE- 8.II.D (Ref. para 8.19)

## STATEMENT SHOWING TREND OF CASES OF CRIMES/ ATROCITIES AGAINST SC AND ST BY NATURE OF CRIME IN EACH STATE AND UT DURING THE PERIOD 1992 TO 1995

Category of CRIME: ARSON

s. T	STATE/UT	No. of ca	ases of o	rime	T	No. of c	ases of	crime				of crime		TOTALof
No.		against S				against				against S				all cases
NO.			ng the ye		- 1		ring the				during	the yea		in
1			-	1994	1995		1993 1		995	1992	1993		1995	(1992-95)
1	2	3	/ 4	5	6		8	9	10	11	12	13 .	14	15
														40
1	Andhra Pr.	8	20	2	10	3	1	2	3	11	21	4	13	49
2	Arunachal Pr.	•	-	-	-	-	-	-	-	-	-	-	-	_
3	Assam	-	-	-	-	-	-	-	•	- 00	- 04	- 64	101	317
4	Bihar	68	84	63	- 100	0	0	1	1	68	84	04	-	
5	Goa	-	-	-	•	•	-	-	- ,	- 10	20	- 25	27	91
6	Gujarat	17	17	21	23	_	3	4	4		20	3		5
7	Haryana		2	3	0		0	0	0	,	2	0	1	
8	H.P.	1	2	0	1		0	0	. (		. 2	0	_ '	1
9	J&K	1	0	0	0		0	0		26	_	17	12	92
10	Karnataka	24	. 37	16	12		0	1	0			89	78	٠,
11	M.P.	70	<b>57</b>	62	59		16	27	19	, 60 7 21		52	28	
12	Maharashtra	17	24	45	21	4	4	7		/ 21	20	-	`	
13	Manipur	-	-	-	-		-	-	-	•	-		_	
14	Meghalaya	-,	-	-	-	-	-		-			-	_	
15	Mizoram	-	-	-	-	-	-		•	-		- '	_	
16	Nagaland	-	-	-	-	-	•		-	- 00	- 3 15	23	2	8 92
17	Orissa	22	12	17	23	3 4	3	6		5 26	) 15	23		0 02
18	Punjab	-	•	•	-		-	-	-	- 1 102	120	98	10	6 426
19	Rajasthan	79	97	81			23	17	2				1	-
20	Tamilnadu	11	26	23	1	5 -	-	1		1 1	20	. 27	_ '	_
21	Tripura	-	-	-	-	-	-		-	279	- 9 307	412	38	0 1378
22		279	307	412	38	0 -	-	-		213	-			-
23	•	-	-	-	-	-	-	-	-	<u>-</u>	-	•	-	-
24		-	-	-		-	-	-	-	_	-	_	_	. <b>-</b>
25		-	-	•	-		-	-	_	. [	_	_		-
26		-	-	•		-	-	-	•	_	_	_		-
27	7 Daman & Di	u -	-	•	-	-	•	-	-	-	_		-	-
28		•	-	-	-	-	-	-	-	•	_	_	_	<b>-</b>
29	9 Lakshadwee	p -	-	-	-	-	-	•	-	-	_			-
30	0 Pondicherry	-	-	•	•	•				· •		- 044		20 6
_	TOTAL	597	685	74	5 72	29 54	50	66		61 65	1 73	5 811		2 00

NOTE: Information not furnished correctly by Kerala and Sikkim

**ANNEXURE-8.II.E** 

(Ref. para 8.19)

## STATEMENT SHOWING TREND OF CASES OF CRIMES/ ATROCITIES AGAINST SC AND ST BY NATURE OF CRIME IN EACH STATE AND UT DURING THE PERIOD 1992 TO 1995

Category of CRIME:

**OTHER OFFENCES** 

S.	STATE/UT			of crime		No. of	cases	of crim	ie	Total ca	ses of	crime		Total
No.		agains	t SC re	gistered	1	agains	t ST re	gistere	ed	against	SC and	ST reg	istered	of all
	ļ	d	luring th	ne year		İ	durin	g the y	ear ear			ing the		cases in
		1992	1993	1994	1995	1992	1993	1994	1995	1992	1993	1994		(1992-95)
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	A.P.	609	687	959	1249	64	95	118	112	673	782	1077	4004	2002
2	Ar.P.	-	-	303	1243	-	93	110	112	673	102	1077	1361	3893
3	Assam	2	1	0	0	0	0	0	0	2	1	0	0	3
4	Bihar	867	513	1311	1292	96	71	91	61	963	584	1402	1353	4302
5	Goa	4	6	2	4	0	0	0	0	4	6	2	1333	16
6	Gujarat	1527	1623	1773	1691	20	23	331	394	1547	1646	2104	2085	7382
7	Haryana	55	54	104	102	0	0	0	0	55	54	104	102	315
8	H.P.	60	63	75	75	0	0	0	0	60	63	75	75	273
9	J&K	24	18	22	38	0	0	1	0	24	18	23	38	103
10	Kar	846	968	1296	1278	47	34	267	496	893	1002	1563	1774	5232
11	M.P.	4011	3791	3803	3753	1590	1298	1369	1502	5601	5089	5172	5255	21117
12	Mah.	1274	1557	1598	1546	213	262	342	426	1487	1819	1940	1972	7218
13	Manipur											1010	1072	12.10
14	Meghalaya	_	_		_				-	***				-
15	Mizoram	_	_	_	_	_	_	_	_			_	_	-
16	Nagaland	_	_	_	_	_		_	_	_	_	_	-	
17	Orissa	335	465	499	611	92	142	177	159	427	607	676	770	2480
18	Punjab	2	1	3	5	0	0	0	0	2	1	3	5	11
19	Rajasthan	4888	5052	6122	4807	1185	1305	1027	1012	6073	6357	7149	5819	25398
20	Tamilnadu	1903	1668	1556	1283	1	4	5	2	1904	1672	1561	1285	6422
21	Tripura	-	-	-	-	-	-	-	-	-	_	-	-	
22	U.P.	13760	11870	14041	12847	· . 0	. 0	0	0	13760	11870	14041	12847	52518
23	W.Bengal	0	- 2	0	0	0	0	3	0	0	. 2	3	0	• 5
24	A&N Islands	_	_	_	_	_		_	_	· .	·		, _	
25	Chandigarh		-	_	_			_	٠ _		_		_	<del></del>
26	D & N.H.	. 1	2	1	0	. 7	. 7	5	3	8	9	6	3	26
27	D.& Diu	0	0	0	2	0	. 0	0	0	0	0	0	2	2
28.		7	3	6	6	. 0	0	2	0	7	3	8	6	24
29	Laksh.	_	_		· _	٠ _			_	_	_	_		.=
	Pondi.	19	12	15	. 0	0	0	0	0	19	12	15	0	46
	TOTAL	30194	28356	33186	30589	3315	3241	3738	4167	33509	31597	36924	34756	136786

NOTE: Information is not correctly furnished by the Kerala and Sikkim States

ANNEXURE 8.III (Ref. para 8.28)

## STATEMENT SHOWING NUMBER OF CASES OF CRIMES/ ATROCITIES ON SC/ST DISPOSED OFF BY THE POLICE IN EACH STATES/UT DURING THE PERIOD 1992-95

		-	Number of brought	Regd.in		cases .	disposal	cases	% age of all cases	No. of cases	%age to	No. of pending
١o.	State/UT	Year		the Year	disposal			challaned	disposed 10	closed 11	disposed 12	cases 13
1	2	3	4	5	6	7	8	9	10		12	
				500	598	598	100.00	553	92.47	45	7.53	(
1	A.P	1992	0	598			100.00	957	97.36	26	2.64	
		1993	0	983	983				94.14	64	5.86	
		1994	0	1218					90.86	101	9.14	
		1995	126	1463	1589	1105	69.54	1004	90.00	101	0.17	70
_	A	1992	0	2	2	2	100.00	2	100.00	0	0.00	(
2	Assam	1993	0						100.00	0	0.00	
		1993		•				-			-	
			•	-	_	_		-	•	-		-
		1995	•	•	•	-	-					
3	Bihar	1992	271	1409	1680	1257	74.82	857	68.18			
	Onto	1993	423			886	60.35	377	42.55	509		
		1994	582			1753	73.81	1271	72.50	482		
		1995	622				64.53	1165	75.60	376	24.40	) 84
		,,,,,		-							05.0	
4	Goa	1992	2	2	5	7 4						
7		1993			3 1	9 7	77.77	7 4				
		1994			2	4 2	2 50.00	) 1				
		1995				в (	5 83.33	3 2	2 40.00	) :	60.0	0
									05.01	5 91	7 4.9	5
5	Gujarat	1992	(	0 195						-		
	•	1993		0 209:						_		
		1994	. •	0 234	8 234							
		1995	,	0 224	9 224	9 178	4 79.3	2 1669	9 93.5	5 11	0 0.4	5 <del>-</del>
				- ^		5 8	7 91.5	7 6	1 70.1	1 2	8 29.8	9
6	Haryana	1992		5 8	-	-	4 91.3				0 35.7	1
		1993			-	_		-		_		:3
		1994		8 13								
		1995	; 2	0 12	:1 14	1 12	5 00.0	5		,		
_		1992	, 1	1 7	6 8	37 7	3 83.9	1 5	8 79.4	5 1	5 20.5	
7	H.P	1993		•	6 10		1 81.0		1 75.3	1 2	0 24.6	
			-	-	9 11	-	4 79.6		5 79.7	9 1	9 20.2	21
		1994 1995	-		2 11	-		-		3	4 3.7	7
		1000	•	• •	-	-						
8	J&K	1992	2	8 2	27 3	35 3	3 94.2	28 2	6 78.7	=	7 21.2	
v	Jun	1993				24 2	23 95.8		3 100.0		0 0.0	
		1994				28 2	25 33.2	23 2	2 88.0	00	3 12.0	
		199					<b>36</b> 85.1	11 3	10 83.3	13	6 16.0	37
											5 14.	39
9	Karnataka	199	2	0 6	-		33 97.7					33 32
•		199	3	15 ( 90			19 99.7					
		199	4	2 10								
		199		4 4	87 4	71 29	91 61.	78 26	34 90.7	72 2	27 9.	20
							34 98.	26 670	3 98.0	na 13	31 1.	92
10	M.P.	199	_	97 66			<del>-</del> -					49
		199		21 60					-			54
		199		51 62								31
		199	5 2	46 63	23 65	69 62	63 95.	34 591	90.I	Z		
				00 40	45 49	44 11	64 93.	56 . 10	82 92.	96	B2 7.	04
1 1	Maharastr						32 91.					25
		199	-				02 82.					43
		199					92 73.					53
		198	95 3	46 20	177 24	23 17	<del>0</del> 2 / 0.	JJ 10		•	_	

12	Manipur	1992	0	2	2	2	100.00	U	0.00	2	100.00	0
		1993	0	5	5	5	100.00	4	80.00	1	20.00	0
		1994	Ó	5	5	5	100.00	5	100.00	0	0.00	0
		1995	0	3	3	3	100.00	3	100.00	0	0.00	0
13	Orissa	1992	54	505	559	433	77.45	384	88.68	49	11.32	126
		1993	126	695	821	545	66.38	483	88.62	62	11.38	276
		1994	276	778	1054	417	39.56	359	86.09	58	13.91	637
		1995	637	936	1573	203	12.90	150	73.89	53	26.11	1370
14	Punjab	1992	0	18	18	18	100.00	15	83,33	3	16.67	0
	,	1993	0	7	7	7	100.00	7	100.00	0	0.00	0
		1994	0	15	15	15	100.00	13	86,67	2	13.33	0
		1995	0	14	14	14	100.00	12	.85.71	2	14.29	0
15	Rajasthan	1992	0	2840	2840	2835	99.82	1284	45,29	1551	54.71	5
	,	1993	5	3298	3303	3274	99.12	1532	46.79	1742	53.21	29
		1994	29	3648	3677	3648	99.21	1705	46.74	1943	53,26	29
		1995	27	4458	4485	4400	98.10	1880	42.73	2520	57.27	85
16	Tamlinadu	1992	375	1939	2314	1662	71,82	1174	70.64	488	29.36	852
		1993	652	1730	2382	1627	68.30	825	50.71	802	40,29	755
		1994	755	1628	2383	1577	66.17	926	68.72	651	41.28	808
		1995	808	1369	2175	1432	65.83	862	60,20	570	30,80	743
17	U.P.	1992	596	15406	16002	14675	91,70	12327	84.00	2348	16.00	1327
• •	•	1993	1327	13554	14881	14420	96.90	12597	87.36	1823	12.64	461
		1994	461	16215	16676	16037	96.17	14340	89.42	1697	10.58	639
		1995	639	14966	15605	14729	94.39	12238	83.07	2493	16.93	876
	TOTAL	1992	1658	33417	35075	32299	92.09	26959	83.47	5340	16,53	2776
		1993	2776	32192	34968	32544	93.07	26937	82.77	5607	17.23	2424
		1994	2424	36995	39419	35692	90.55	30431	85.26	5261	14.74	3727
	<b>V</b>	1995	3728	36347	40074	34054	84.98	27137	79.69	6917	20.31	6020

ANNEXURE- 8.IV (Ref. para 8.36)

## STATE MENT SHOWING NUMBER OF CASES OF CRIMES/ ATROCITIES ON SCs & STs DISPOSED OFF BY SPECIALCOURTS IN EACH STATE/UT DURING THE PERIOD 1992 TO 1995.

Š. No.	State/ UT	÷		of cases Recd. in the Year	Total	No. of cases disposed	%age of cases disposed	cases ending in	%age to total cases	cases ending in		No. of pending cases
							to total	conviction			disposed	
1	2	3	4	5	6	7	8	9	10	11	12	13
	4 D	4000		977	977	270	27.64	31	11.48	239	88.52	707
1	A.P.	1992	707	1250	1957	334	17.07	43	12.87	291	87.13	1623
•		1993	707			207	6.90	50	24.15	157	75.85	2792
		1994	1623	1376	2999			23	25.84	66	74.16	4028
		1995	2792	1325	4117	89	2.16	23	25.04	00	74.10	4020
	Progress	1992-1995	2792	4928	4928	900	18.26	157	17.44	742	82.56	4028
2	Assam	1992	1	2	3	nil	nil	nil	nil	nii	nil	3
~	Assam	1993	3	1	4	nil	nil	nil	nil	nil	nil	4
		1994	4	nil	4	nil	nil	nil	nil	nil	nil	4
		1995	4	nil	.4	nil	nil	nil	nil	- nil	nil	. 4
	Progress	1992-1995		3	4	nil	nil	nil	nil	nil	nil	4
	i logioco	.002 .000	. :	_								
3	Bihar	1992	846	857	1703	385	22.60	228	59.22	· 157	40.78	1318
		1993	1318	377	1695	488	28.79	295	60.45	193	39.55	1207
		1994	1207	1271	2478	1477	59.96	288	19.50	1189	80.50	1001
		1995	1001	1165	2166	463	21.37	295	63.71	168	36.29	1703
	Progress	1992-1995	846	3670	4516	2813	62.28	1106	39.32	1707	60.68	1703
	_			4						-	_	1
4	Goa	1992	-	1	1	-	-	_	_	1	100.00	
		1993	1	1	2	1	-	-	-	1	100.00	
		1994	1	-	1	1	-	-	-	'	100.00	
	•	1995	-		-	-	-				•	-
	Progress	1992-199	5 1	2	2	2	100.00	-	0	2	100.00	• -
5	Gujarat	1992	1634	1204	2838	10	0.35	. 9	90.00	1	10.00	2828
•	Gujarat	1993	28	1533	4361		4.00	165	94.29	10	5.71	4186
		1994	4186	1990	6176		8.35	451	87.40	65	12.60	5660
		1995	5660	2057	7717		8.43	37	5.68	614	94.32	7066
	Progress	1992-199	5 1634	6784	8418	1352	16.06	662	48.96	690	51.04	7066
	u n	1992	5	20	25	8	32.00	_	_	8	100.00	) 17
6	H.P.	1992	17	24	41	11	26.80		-	11	100.00	30
		1993	30	28	58	9	15.50		11.12		88.88	
		1994	49	36	85	12	14.11		16.66		83.34	
	Progress	1992-199		108	113	40	35.39	3	7.5	37	92.50	73
											A- 4-	000
7	Karnataka	1992	1568	927,	2495		4.20	3	2.83	103	97.17	
		1993	2389	1110	3499	9 147	4.20	2	1.36	145	98.64	
		1994	3352		3976	6 199	5.00	2	1.00	197	99.00	
		1995	3777		4950	167	3.30	-	-	167	100.00	478
	Progress	1992-199	5 1568	3834	5402	2 619	11.45	5 7	1.13	612	98.87	478

$\xi^{\sigma}$												
- 8	M.P.	1992	1392	119	1511	96	6.35	35	36.45	61	63.50	1415
		1993	1415	142	1557	195	12.52	79	40.51	116	59.49	1362
٠.		1994	1362	148	1510	174	11.52	75	43.10	91	52.90	1336
		1995	1336	182	1518	36	2.37	3	8.33			
				.02	1010	00	2.01	3	0.33	33	91.67	1482
	Progress	1992-1995	1392	591	1983	501	25.26	192	38.32	309	61.68	1482
9	Maha.	1992	445	1082	1527	136	8.90	22	16.17	114	83.83	1391
		1993	1391	1421	2812	99	3.50	8	8.08	91	91.92	2713
		1994	2713	1483	4196	64、	1.52	4	6.25			
		1995	4132	1675	5807	385	6.60			. 60	93.75	4132
			. 4102	1075	3007	303	0.00	12	3.12	373*	96.88	5402
	Progress	1992-1995	445	5661	6106	684	11.20	46	6.72	638	93.28	5422
		(*: Including	g 220 cas	es withdr	awn by Ma	aharasthtr	a Govt indi	irectly lead	ling to acq	uittal)		*
10	acquittal	1992	348	361	709	78	11.00	3	3.84	75	06.46	604
. •	aoquittai	1993	631	456	1087	66	6.07			75	96.16	631
		1994						8	12.12	58	87.88	1021
			1021	350	1371	44	3.20	9	20.45	35	79.55	1327
		1995	1327	146	1473	-	-	-	-	-	-	1473
	Progress	1992-1995	348	1313	1661	188	11.31	20	10.63	168	89.37	1473
11	Punjab	1992	-	15	15	8	53.33	1	12.50	7	87.50	7
	•	1993	7	7	14	2	14.28	i	50.00	1	50.00	12
		1994	12	13	25	1	4.00	•	50.00			
		1995	24	12	36			-	-	1	100.00	24
		1990	24	12	30	6	16.66	2	33.33	4	66.67	30
	Progress	1992-1995	•	47	47	17	36.17	4	23.52	13	76.48	30
12	Rajasthan	1992	1277	1735	3012	616	20.45	46	7.46	570	92.54	2396
		1993	2396	2174	4570	1058	23.15	93	8.79	965	91.21	3512
		1994	3512	2188	5700	1966	34.49	222	11.29	1744	88.71	3734
		1995	3734	2259	5993	1888	31.50	222	11.75	1666	88.25	4105
							01.00		11.70	1000	00.20	4100
	Progress	1992-1995	1277	8356	9633	5528	57.38	583	10.54	4945	89.46	4105
13	Tamale ac	q 1992	926	606	1532	541	35.31	33	6.09	508	93.91	991
		1993	991	297	1288	433	33.61	35	8.08	398	91.92	855
		1994	855	409	1264	387	30.61	41	10.59	346	89.41	877
		1995	877	442	1319	347	26.30	31	8.93	316	91.07	972
	_											
	Progress	1992-1995	926	1754	2680	1708	63.37	140	8.19	1568	91.81	972
14	U.P.	1992	61176	12327	73503	7653	10.41	2026	26.47	5627	73.53	65850
		1993	65850	12597	78447	9002	11.47	1017	11.29	7985	88.71	69445
		1994	69445	14340	83785	12622	15.06	983	7.78	11639	92.22	71163
		1995	71163	12236	83399	3335	3.99	329	9.86	3006	90.14	80064
	Drograss	1000 1005	64476	E4E00	440070	00040	00.04	4055	40.00			
	Progress	1992-1995	61176	51500	112676	32612	28.94	4355	13.35	28257	86.65	80064
15	D & N. H.	1992	-	<u>-</u>	-	-	-	-	-	•	-	-
		1993	-	1	1	-	-	-	-	-	•	1
		1994	1	1	2	1	50.00	-	•	1	100.00	1
		1995	1	-	,1	-	-	-	•	•	-	1 ੍
٠	Progress	1992-1995	-	2	2	1	50.00	•	-	1	100.00	1
										-		,

À.

ANNEXURE-8.V (Ref. para 8.42)

## STATEMENT SHOWING NUMBER OF CASES OF CRIMES /ATROCITIES ON SC AND ST DISPOSED OFF BY COURTS IN EACH STATE/UT DURING THE PERIOD 1992 (O 1995)

	State/UT	Year	Number of brought	Recd.in	TOLAI	No. of cases	%age to total	Cases ending in		Cases ending in		Cases still
1	2	3	forward 4	the year 5	6	disposed 7	8	conviction 9	disposed 10	acquital 11	disposed 12	pending 13
'							<u>-</u>					
1	A.P.	1992		553	553		41.77				87.45	
		1993	322	957	1279							
		1994	1009	1028	2037	176	8.64	44	25.00	132	75.00	
•		1995	1861	1004	2865	63	2.20	17	26.98	46	73.02	2802
	Progress	1992-95	-	3542	3542	740	20.89	123	16.62 0.00		83.38	280
2	Assam	1992	1	2	3	nil	0.00	nil	0.00	nil	0.00	
_		1993	3						0.00	nil (	0.00	
		1994	•	nil								
	,	1995	4									
	Progress	1992-95		3	11	nil	0.00	) ni	0.00	) nil	0.00	)
3	Bihar	1992	846	857	1703	385	5 22.61	228	59.22	2 157	40.78	131
٠	Dillai	1993	1318								39.55	120
		1994	1207									
		1995	1001									
	Progress	1992-95	846	3670	4516	5 2813	62.29	9 1106	39.32	2 1707	60.68	3 . 17
											0.00	)
4	Goa	1992	3	3 1	1 4	4 2	2 50.00	o`	- 0.00	) 2	100.00	)
7	Gua	1993	2				66.67		- 0.00			)
		1994	1				- 0.00		- 0.00		0.0	5
		1994	1				- 0.00		- 0.00		- 0.0	
	Progress	1992-95	3	3 ;	3 (	6 4	4 66.6	7	- 0.00	0 4	100.0	0
5	Gujarat	1992	3993	3 186	2 585	5 410	0 7.0	0 7	6 18.5	4 334	81.4	6 54
J	Gujarat	1993	5445			-					9 84.2	4 72
		1994	7236									
		1995	9440				3 0.0		- 0.0		3 100.0	
	Progress	1992-95	3993	3 777	3 1176	6 62	0 5.2	7 11	6 18.7	1 504		
	Progress	1992-95	3993	3 777	3 1176	6 62	0 5.2	7 11	6 18.7	1 .	0.0 0.0	
_	Henrone	1992	10	5 6	1 7	1 3	4 47.8	9	8 23.5	3 2	6 76.4	7
6	Haryana	1993		7. 5					6 11.5			
			39						5 7.9			
		1994 1995	5	-		-		•	4 15.3			
	Progress	1992-95	i 1(	0 28	7 29	7 17	5 58.9	2 2	3 13.1	4 15	2 86.8	6 '
7	_ 	1992	4	1 5	8 9	9 4	8 48.4	.8	4 8.3	3 4	4 91.6	7
7	H.P.						5 49.1		6 10.9			
		1993	5		i1 11				5 8.3			
		1994 1995	5 7		5 13 2 17		60 45.4 5 8.6		2 13.3		3 86.6	
					6 33				7 9.5	55 16	1 90.4	<b>.</b> 5 1

8	Karnataka	1992	633	568	1201	85	7.08	2	2.52	92	06.47	4446
0	Namataka							3	3.53	82	96.47	1116
		1993	1116	838	1954	121	6.19	1	0.83	120	99.17	1833
		1994	1833	359	2192	186	8.49	1	0.54	185	99.46	2006
		1995	2006	894	2900		5.69					
		1990	2000	094	2900	165	5.69	0	0.00	165	100.00	2735
	Dunamana	4000.05	coo	0050	2000	e= <b>7</b>	40.00	-	0.00	550	00.40	0705
	Progress	1992-95	633	2659	3292	557	16.92	5	0.90	552	99.10	2735
0	101/	1992	77	26	103	40	20.02		40.00	. 26	00.00	60
9	J&K			26		40	38.83	4	10.00	36	90.00	< <b>63</b>
		1993	63	23	86	24	27.91	-	0.00	24	100.00	62
		1994	62	22	84	15	17.86	-	0.00	15	100.00	69
		1995	69	30	99	27	27.27	•	0.00	27	100.00	72
	5	1000.05		404	470	400	50.55		0.77	400	00.00	70
	Progress	1992-95	77	101	178	106	59.55	4	3.77	102	96.23	72
40		4000	4045	0000	40047	4407	40.40	040	44.75	4005	05.05	0407@
10	M.P.	1992	4315	6602	10917	1437	13.16	212	14.75	1225	85.25	8497@
		1993	8497	5786	14283	2102	14.72	453	21.55	1649	78.45	11011@
		1994	11011	5871	16882	2174	12.88	368	16.93	1806	83.07	13654@
												_
		1995	13654	5993	19647	1875	9.54	327	17.44	1548	82.56	17065@
	December	4000.05	4045	24252	20567	44500	40.06	1260	11 02	6226	E4 12	17065
	Progress	1992-95	4315	24252	28567	11502	40.26	1360	11.82	6226	54.13	17000
		(@: Case	s transferr	ed to lowe	er courts -	983 in	1992; 1170	in 1993; 10	154 in 1994 a	ınd 707 in '	1995)	
											•	
11	Maharastra	1992	445	1082	1527	136	8.91	22	16.18	114	83.82	1391
• •		1993	1391	1421	2812	99	3.52	8	8.08	91	91.92	2713
								_				
		1994	2713	1483	4196	64	1.53	4	6.25	60	93.75	4132
		1995	4132	1655	5787	385*	6.65	12	3.12	373*	96.88	5402
	Progress	1992-95	445	5641	6086	684	11.24	46	6.73	638	93.27	5402
	riogioss											0.02
		-	-				rastra Gove		indrectly lea	_		
12	Orissa	1992	353	362	715	66	9.23	2	3.03	64	96.97	649
		1993	649	456	1105	41	3.71	5	12.20	36	87.80	1064
		1994	1064	350	1414	1	0.07	_	0.00	1	. 100.00	1413
								_		•	. 100.00	
		1995	1413	146	1559	-	0.00	-	0.00	-		1559
	Progress	1992-95	353	1314	1667	108	6.48	7	6.48	101	93.52	1559
	~											_
13	Punjab	1992	•	. 15	15	8	53.33	1	12.50	7	87.50	7
	,	1993	7	7	14	2	14.29	1	50.00	1	50.00	12
		1994	12	13	25	1	4.00	-	0.00	1	100.00	
		1995	24	12	36	6	16.67	2	33.33	4	66.67	30
	Progress	1992-95	-	47	47	17	36.17	4	23.53	13	76.47	30
14	Rajasthan	1992	1277	1735	3012	616	20.45	46	7.47	570	92.53	2396
17	rajasaran					1058		93	8.79	965	91.21	3512
		1993	2395	2174	4570		23.15					
		1994	3512	2188	5700	1966	34.49	222	11.29	1744	88.71	3734
		1995	3734	2259	5993	1888	31.50	222	11.76	1666	88.24	4105
					0000		000					
	Progress	1992-95	1277	8356	9633	5528	57.39	583	10.55	4945	89.45	4105
	riogiess	1992-90	1277	0000	3000	5520	01.00	000	10.00	4040	00.40	-1.00
40	Torril Mode	4000	4072	4474	2247	685	30.49	115	16.79	570	83.21	1562
15	Tamil Nadu	1992	1073	1174						· .		
		1993	1562	825	2387	707	29.62	128	18.10	579`	81.90	1680
		1994	1680	926	2606	796	30.54	144	18.09	652	81.91	1810
		1995	1810	862	2672	818	30.61	102	12.47	716	87.53	1854
	<b>D</b>	4000 05	4070	0707	4000	222	64.07	400	46.00	0540	02 74	4054
	Progress	1992-95	1073	3787	4860	3007	61.87	489	16.26	2518	83.74	1854
							4.5.4.				<b>TO</b> 50	05050
16	U.P.	1992	61176	12327	73503	7653	10.41	2026	26.47	5627	73.53	
		1993	65850	12597	78447	9002	11.48	1017	11.30	7985	88.70	69445
		1994	69445	14340	83785	12622	15.06	983	7.79	11639	92.21	
		1995	71163	12236	83399	3335	4.00	329	9.87	3006	90.13	80064
	Progress	1992-95	61176	51500	112676	32612	28.94	4355	13.35	28257	86.65	80064

17	D.& N. H.	1992	13	7	20	2	10.00		1	50.00	1	50.00	18
.,	D.G.11.11.	1993	18	9	27	4	14.81		1	25.00	3	75.00	23
		1994	23	12	35	5	14.29	y	-	0.00	5	100.00	30
		1995	30	-	30	9	30.00		-	0.00	9	100.00	21
	Progress	1992-95	13	28	41	20	48.78		2	10.00	18	90.00	<b>21</b>
18	Delhi	1992	16	5	21	1	4.76		-	0.00	1	100.00	20
10	Denn	1993	20	2	22	2	9.09		1	50.00	1	50.00	20
		1994	20	4	24	1	4.17		-	0.00	1	100.00	20
		1995	23	6	29	5	17.24		3	60.00	2	40.00	24
٩	I Progress	1992-95	16	17	33	9	27.27		4	44.44	5	55.56	24

ANNEXURE 8.VI (Ref. para 8.51)

The machinery set-up at the State, district and local level to deal with the atrocities on Scheduled Castes and Scheduled Tribes

Andhra Pradesh

A special cell called PCR - Cell(CID) was established in 1976 headed by DIG Police.

Assam

There is a State level Advisory Council for SC/ST headed by Minister-in-charge, SC/ST. All MLA's and MPs belonging to SC/ST Community are the members.

Gujarat

Nagarik Cell headed by a Dy. Director has been established in the Directorate of Social Welfare to keep a watch on atrocity cases and to arrange for financial assistance, police protection and legal action etc.for the victims. At State Police Hqrs. Special I.G.Police (POA on SC/ST) functions under D.G. Police. At district level three vigilance officers from Social Welfare Department, assisted by project officer etc, have jurisdiction over 6 district each.At taluka level Spl. Investigation cell headed by Deputy S.P. have been created.

Haryana,

No separate provision.

Kerala

State Advisory Committee and District Advisory Committee have been set-up. State Advisory Committee consists of all SC/ST MPs and MLAs and District Officers of various Departments & Members nominated by the Government. District Advisory Committee consists of members, nominated by the Government, including M.P. and MLAs, and functions under the Chairmanship of District Collector. A special cell is also functioning at police H.Q. of State under the control of ADGP (Crime). Three mobil squads are also functioning in the district of Palakkad, Waynad and Kesargod.

wizoram

No separate machinery has been set-up in the state at any level. Home Department is dealing with the subject.

## Meghalaya

No set-up

#### Maharashtra

PCR Branch at State Police H.Q. is headed by I.G. Police. Besides, 7 field level PCR Units are located at each of Range H.Q. under the Dy. S.P. (PCR).

#### Nagaland

No Machinery set-up.

#### . Orissa

Special cell called PCR Cell established in 1976 at State police H.Q. under I.G. of police was redesignated in 1993 as Human Right Protection Cell under Director-cum-I.G. Police. At district level the PCR cells are headed by S.P. of district.

## Rajasthan

PCR Cell at State Police H.Q. is headed by DIG (Crime). At district level a Committee has been constituted under the Chairmanship of District Collector to examine the cases of PCR and SC/ST(POA) Act.

#### Tripura

State level high power SC Welfare advisory Committee headed by C.M. as its Chairman Social Justice Committees have been set up with elected representatives at Block and District levels under 3 tier Panchayat System.

#### Uttar Pradesh

Social Cell had been established in 1973. The Cell headed by ADG Police is supported by one I.G., one D.I.G., one S.P., one Add. S.P. and 9 D.S.P. Special cells have also been established in each District which is headed by Dy. S.P.

#### West Bengal

No Separate Provision.

ANNEXURE - 8 V11 (Ref. para 8.52)

The Machinery set up by Police Department at State, District & Lower level to deal with the cases of atrocities on SC/ST

#### Andhra Pradesh

The PCR Cell in the State Police Headquarters is headed by an Inspector General of Police with the support of two Inspectors. The Cell also have three field Units, one each for Telengana, Royalseema and Andhra region, headed by a Dy Superintendent of Police.

#### Assam

There is no formaly constituted Cell in Assam to deal with the atrocities on SC & ST. However, D.I.G. (CID) looks after and monitor the crimes against SC & ST as part of his duties.

#### Bihar

The Cell at the State Police Hqrs. is headed by D.I.G. and supported by one S.P. and six Inspectors. The Cell is functioning under C.I.D.

## Gujarat

At the State level Spl. post of Spl. IGP(SC/ST) has been created for implementation of PCR Act and dealing with atrocity cases. At district level the work is handled by Dy. Superintendent of Police under the supervision of District S.P. There are 15 posts of Dy. S.P. for this purpose. In case of atrocity of serevious nature, the Dy. S.P. himself takes over investigation and follow-up till the final disposal of the case in the Court.

### Himachal Pradesh

A separate cell has been set up within the existing strength of C.I.D. at Hqrs. to monitor and ensure speedy disposal of cases/complaints of atrocities on SCs/STs.

#### Karnataka

There is a Directorate of Civil Rights Enforcement headed by officer of the rank of Additional Directr General of Police and assisted by an I.G.P. and a D.I.G. There are six regional cells headed by Superintendent of Police. Each region comprising of 3-4 districts. Regional cells have one Dy. S.P. in 4 regions and 2 Inspectors and Sub-Inspectors, Head Constables and Constables.

#### Kerala

A Special Cell is functioning at the Police H.Q. of the State under the supervision of the S.P. and overall control of Addl. D.G.P. (Crimes). There Mobile Squads are also functioning in the districts of Palakkad, Waynad and Kasaigode.

## Madhya Pradesh

The cell at the State Police Headquarters named Anusuchit Jati Kalyan Cell is headed by Addl. D.G.P. and supported by one I.G.P., two D.I.G., three Dy. S.P. and other support staff. The field units of AJK Cell comprise of 18 Dy. S.P. (AJK) and other officers. There are 19 AJK District Cells with one Inspector, two or three S.Is and other staff at lower level. There are 27 police stations (AJK) in the sensitive areas.

## Maharashtra

The PCR Branch in the State Hqrs. is headed by the I.G.P. (PCR) with the support of one D.I.G., one S.P., nine Du. S.P. and others. Besides, seven foe;d; eve; PCR Units are located at each of Range H.Q. under the Dy. S.P. (PCR) each.

#### Orissa

Special cell called PCR cell established in 1976 at State police H.Q. under I.G. of police and Human Right Protection Cell under Director-cum-I.G. Police. At district level the PCR cells are headed by S.P. of district.

## Rajasthan

At the State Police Hqrs. there is a Civil Rights Cell headed by S.P. under C.I.D. (CB). Quarterly review is made by a committee consisting of I.G.(Vig.), D.I.G.(CID/CB) and S.P. Incharge of Civil Rights Cell.

## Uttar Pradesh

Social Cell had been established in 1973. The Cell headed by ADG Police is supported by one I.G., one D.I.G., one S.P., one Add. S.P. and 9 D.S.P. Special cells have also been established in each District which is headed by Dy. S.P.

#### West Bengal

No formal cell has been formed but the cases under the PCR Act and POA Act are being specially monitored by the Intelligence Branch and the C.I.D. of the State Police. This arrangement is considered to be adequate keeping in view the crime rate of the State concerning SCs & STs.

Norms of relief to the SC and ST victims of atrocities in different States and UTs.

## Andhra Pradesh

Scale was revised from 16.01.96 as per the SC/ST (POA) rules.

## <u>A</u>ssam

There is no atrocity victim belonging to SC/ST so far and case for providing relief in such cases has not arisen till date.

## <u>Gujarat</u>

The scale was revised by the Govt. on 18.11.95 according to SC & ST (POA) Rules, 1995.

## Goa

As per Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

## Himachal Pradesh

Not reported

## Karnataka

As per Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

## Kerala

Govt. of Kerala have prepared a scheme for the economic and Social rehabilitation of the victims of atrocities. Further details not available.

## Meghalaya

Since there is no incident of atrocities on SC & ST the question of monetary relief/rehabilitation does not arise.

## 'izoram

The Govt. have not yet considered monetary relief to the victims of atrocities as no report of such cases arise in Mizoram.

## Nagaland

No scheme.

#### Punjab

The relief and rehabilitation scheme as per SC & ST (POA) Rules, 1995 is under consideration of Govt. Now they are giving relief as per their old scheme.

## Rajasthan

Not Reported

## Tamil Nadu

The relief and rehabilitation is provided as per the SC & ST.(POA) Rules, 1995.

## Tripura

NO scheme.

## Uttar Pradesh

Revised on 17.10.95 as per the scale prescribed under SC and ST (POA) Rules, 1995.

## West Bengal

Does not arise as there are no cases of atrocities on SCs/STs.

## Delhi

UT Govt. is not following the Norms as per the SC & ST (POA) Rules, 1995. As per their scheme of 22-8-87 Rs. 500 as immediate grant to victim and Rs. 10000 on the killing of SC/ST.

## Pondicherry

UT Govt. is not following the SC & ST (POA) Rules, 1995 and giving relief as per their Rules of 1984. Murder - 10,000, Permanent disability - 10,000, Temporary disability - 2,000, Grevious Hurt - 1,000, Rape - 5,000, destruction of hut - Rs. 3,000, Loss of movable property - estimated cost or Rs. 3,000 whichever is less, Loss of earning assests- estimated cost or Rs. 1,000 whichever is less.

# AREAS IDENTIFIED AS "ATROCITY PRONE AREAS" IN DIFFERENT STATES/UTS

#### ANDHRA PRADESH

There are 23 districts prone to atrocities on SCs and STs and caste conflicts. Details are not available.

#### BIHAR

No survey to identify untouchability prone areas/atrocities prone areas has been conducted.

#### GOA

There are no untouchability/atrocities prone area in the State where the members of the Scheduled Castes/Scheduled Tribes are likely to be subjected to atrocities.

#### **GUJARAT**

Districts of (1) Mehsana, (2) Ahmedabad. (3) Junagadh, (4) Kheda, (5) Banaskantha, (6) Amreli, (7) Rajkot, (8) Kutch, (9) Surendernagar, (10) Badodara (Rural), (11) Valsad, (12) Bharuch and (13) Surat (Rural).

#### HARYANA

There is no area prone to untouchability/ atrocities on SC.

#### HIMACHAL PRADESH

There are no atrocities prone areas.

#### JAMMU & KASHMIR

Information not received.

#### KARNATAKA

A survey to identify atrocity prone areas has been conducted by the officers of CRE Directorate during July, August, 1994 and the following areas have been identified as atrocity prone areas in various districts of the State:-

## Bangalore District

Kumbalgod, Channasandra, Pattanagere, Srinivaspur, Kadathippur, Harohalli, Hadugodi, Beechinahalli.

## Kolar District

Harati village, Hanagatti village

## Tumkur District

Doddaballa village

## Mysore District

Kushalnagar, K. Gudi, G. Maralli, Devanus, Chitenahalli, Hanur Kikagere, Badanavalue, Kelasur.

## Mandya District

Shivahalli, Malligere, Sandahalli, Hulikere, Hulikere Koppalu, K.Shettyhalli.

## Hassan District

Gandasi village, Chigahalli, Bandashettalli

## Belgaum District

Anagola village, Bendigere, Belladabagewadi, Mapanadinne, Patagundi, Anjivali, Bylahonal

## Dharwad District

Sartur, Honnapur, Keligeri, Byadagi, Battikoppa, Varada, Naragella.

### Bijapur District

Baradola

#### Gulbarga District

Alagi, Seethanur, Gangalkehd, Bhusunur, Surapura, Chincholi, Vothana Hippigere, Pet Ammapur, Hagragundagi, Rayakode, Nimbargi, Afzalpur.

## Raichur District

Idapanur, Gudihal, Jogapur, Karatagi, Manvi, Gangavathi, Durvihla, Khanpur.

## Bidar District

Torekalla, Bhalki, Dhankulli, Kushnur, Horahatti

## Chitradurga District

Gudihalli, Bebhurhiriyur, Somagudda, Kyanadu, Chitranayaka-

nahalli, Obanahalli, Anaji

## Shimoga District

B.R.Project, Malavalli, Tyagdakattel, Kargual Honnali, Belagtti

## Bellary District

Deshanur, Telagi

#### KERALA

In the strict sense untouchability is not in existance in the State. However, some areas, where incidence of atrocity against SC/ ST are in existance, have been identified as sensitive areas (list of sensitive areas is not furnished).

#### MADHYA PRADESH

Atrocity prone areas have been identified in 38 Districts of State. Identification of such areas in remaining 8 districts is in progress (list of identified areas not received)

#### MAHARASHTRA

State Government have identified sensitive villages which are prone to untouchability/ atrocity in each district of the State. (List of such villages identified and declared as atrocity prone areas is not frnished).

#### ORISSA

The cases of atrocities against SCs are mostly reported from the districts of Puri, Cuttack, Ganjam, Khurda, Dhenkanal, Balasore, Similarly, the cases of atrocities against STs are reported from the districts of Koraput, Rajagada, Kalahandi, Keonjhar Sundergarh and Mayusbhay. Instructions have been issued to the S.S.P. for identifying specific areas prone to atrocities on SCs/STs.

## PUNJAB

There is no specific area in which the practice of untouchability and atrocities on large/small scale are being committed on SC/ST exists etc. in Punjab.

#### RAJASTHAN

There is no specific area prone to untouchability/atrocities

During the year 1995 the following norms were adopted in

Tamil Nadu for identification of atrocity prone areas:

- (a) If in a mother village 3 or more true cases have been reported within a period of last 3 calender years;
- (b) Atrocity prone village identified will be considered highly sensitive in nature if even one henous offences such as murder, rape, arson or grievious hurt is committed and
- (c) Atrocity prone village will be in the active list for 2 years and then it will be in the dormant list for another period of 3 years. In addition to the villages identified as Atrocity Prone Villages as per the above numerical norms, the villages visited with caste oriented tension/clashes in the past specifically during the last year which are prone to occurrence/recurrence of any atrocity caste oriented clash etc., also considered. The District Special Branch and the detachment of the State Special Branch, CID., are also consulted while enlisting the villages as Atrocity Prone.

55 villages were identified as Atrocity Prone and 23 as Dormant Atrocity Prone by updating the previous year list. Among the 55 Atrocity Prone Villages, 13 villages were declared as Highly Sensitive. This was the first time that such a classification was made for assigning priority to the work of preventive and precautionary measures so as to curb the out break of caste-oriented clashes.

## UTTAR PRADESH

There is no area prone to untouchability/atrocities. But 20 Distt. are declared sensitive.

## ANDAMAN & NICOBAR ISLANDS

Information not received

#### CHANDIGARH

Information not received.

#### DELHI

No area has been identified as untouchability/ atrocity prone area.

#### PONDICHERRY

There is no area prone to untouchability/atrocities against SC/ST people. However, in order to keep a watch and prevent crimes against SC/ST people, PCR Cell has been constituted to take immediate action whenever warranted.

ANNEXURE-8.X (Ref.para 8.54)

Statement showing category wise cases dealt in the APCR WING of the Commission during 1994-96

S.No	State/ UT	Murder	Gr. Hurt	Rape	Arson	Other offences	PCR	Bonded Labour	C&R (*)	Total
1	2	3	4.	5	6	7	8	9	10	11
		19	2	24	-	7.		-	25	77
2. A		. –	-	-	-	4		~-	1	5
		21	-	8	2	7		2	24	64
	oa	-	-	-		-	1	_	1	2
	uj.	_		1	1	1	_	<b>.</b> .	3	6
	ar.	4	-	5	_	3	_	1	26	39
	.P	2	_		_	_	_		20	4
8. J		-	_	-	-	3			2	5
	ar.	-	_	-	-	. 7	_		3	10
	er.	_	-		-	1	_	_	5	6
	.P.	5	1	5	-	5	1	_	12	29
	ah.	2	-	2	_	7	_	_	20	31
13. Na	aga.	1	-	-	_	· <u>-</u>	_	<u>~</u>	20	1
	ri	9	_	2	_	5	_	_	15	31
	un.	_		1		1	-	-	4	6
16. Ra	aj.	14	-	10		. 9	4	_	51	88
17. T	.N.	7	_	2	_	6	1	_	20	36
	ri.		_	4	_	-	_	_	20	4
19. U		63		24	3	62	<i>[</i> 7	1	163	323
	.B.	-	-	4	1	2	_		5	12
21. De	elhi	8	_	1	_	17	8			110
22. Po	ondi.	-	-	-	-	1	_	_	1	2
(T) - t	· · · · · · · · · · · · · · · · · · ·			-					-	<del></del> .
Tota	L: 1:	55	3	93	7	148	22	4	459	891

<sup>\*</sup> Cases of Misc. categories taken up on the basis of individual complaints and representatins received in the Commission.

on 19.5.95 and 20.5.95 the SCs will take in their area. The festival passed off peacefully. But on 21.5.95 when the people went to temple to hand over the deities in the presence of Tehsildar a clash started between non-SCs and SCs. Stones, bottles and deadly weapons were freely used. The non-SCs set 82 thatched houses of SCs and their property. belongings were completely gutted in the fire. Nine houses and 2 shops owned by non-SCs were also destroyed in the fire. police first made lathicharge and then firing. Seven people bullet injuries, out of them 6 SC and 1 non-SC. more people received serious injuries during the clash. incident 3 persons - one police constable, 1 non-SC and 1 SC were killed. Police registered cases against SC as well as non SCs and arrested 40 non-SCs and 5 SCs. The administration sanctioned Rs.10,000 to deceased SC family and Rs.5000 each to seven persons who received serious injuries and Rs.2,500 each to persons who received minor injuries. Rs. 1500 each was given to families (82 SCs and 11 non-SCs) initiated for construction of houses for SC people and Nehru Rojgar Yojna.

The matter was taken up with the Home Secretary, Government of Tamil Nadu for inclusion of relevant section(s) of SC & ST (POA) Act, 1989 also and for providing relief and rehabilitation as per the SC & ST (POA) Rules, 1995. The reply is still awaited.

Alleged untouchability prevailing in village Goundampatti under P.S. Usilampatti District of Tamilnadu.

On the basis of representations refectived from the SC villagers of Goundampatti village under Usilampatti P.S. Madurai district, an on the spot inquiry was conducted by the Madras field office into the allegations on 29-12-95.

According to the inquiry report. Practice of untouchability was in prevalance in the village as:

- (i) The SC people in the village were not allowed to wear chappals and ride the bicycle in the village.
- (ii) There are 4 Tea-stalls in the village, all run by non-SCs, where SCs were given tea in separate tumblers which they have to wash. Alternatively SCs may bring the tea from the shop in their own tumblers and drink it at home. In case of non-SC customers the tea was served in tumbler and the shopkeepers would arrange to wash them.
- (iii) If any relative visits the SC families from other places, they were informed in advance not to wear chappals in the village
- (iv) SC people from other villages were hesitating to marry SC women from Goundampatti because of the untouchability practices.

The allegation of practice of untouchability was confirmed

by an incident which occured in the village on 24-12-95 when a educated SC youth was beaten up by nonSC because he rode a bicycle on the main road. Police registered case u/s 147/324/323/427/379 of IPC and 3(1)(x) of SC & ST (POA) Act,1989. The matter was taken up with the Chief Minister of Tamil Nadu by the Chairman. The reply is still awaited.

Atrocities on SC/ST people by Police in Kodiyankulam village and other villages in Chidambarnar District of Tamilnadu.

There were several news reports in various newspapers on 11and onwards about the incidents of police atrocities Kodiyankulam and other villages in Chidambarnar District. An the spot enquiry on this incident was conducted by the Madras field office. According to enquiry report there have been series of attack by non-SCs on SCs and the Counter attack by SCs on non-SCs before the incident of alleged Police attack on the villagers Kodiyankulam on 31-8-95. Beside loss of life, the loss property and damages caused to household articles and consumers durable etc. was very heavy. During the enquiry the people Kodiyankulam alleged that about 500 police personnel, into various groups, entered into the village and caused damages. On the other hand SP and Revenue authorities of district maintain that the police entered the village only to arrest SC involved in some offences and they have not caused damages to any property belonging to SCs. The Govt. of Tamilnadu had ordered a Judicial enquiry on the Police firing at Kodiyankuand series of violent incident that took place upto 31-8-95 in Kodiyankulam and five other villages.

the basis of enquiry report of the Madras field office matter was taken up with the Chief Secretry, Govt. of Tamilnadu (a) detailed report about the for the incident action taken and (c) rehabilitation of affected persons. After reminders were also sent to them. When no reply was received the summons were issued to Home Secretary and Secretary, Adi Dravidar and Tribal Welfar Department, Govt. of Tamilnadu for the personal appearance before the Commission on 14.10.96. The Secretary, Adi Dravidar & Tribal Welfare Department attended the Commission on 14-10-96 and handed over some documents relating to case. According to these documents the State Govt. constituted a Commission of Inquiry under the Chairmanship of Shri P.Gomathinayagan, Retd. Distt. Judge on 30-9-95 to inquire into unabated spurt of incidence of caste clashes in six villages including Kodiyankulam. The Inquiry Commission submitted its in March, 1996. After examining the report, State Govt. decided to refer the entire matter to CBI. On 28-7-96 the Chief Secretary wrote a letter to Secretary, Ministry of Personnel, Public Grievances and Pension, Govt. of India for entrusting the cases to CBI for investigation. The matter is with the CBI. Beside this Rs. 50,000/- each were paid to the families of This was also informed that Rs. 17,40,345 was sancdeceased. tioned to the 207 affected persons of 6 villages, out of which 149 persons were from Kodiyankulam. From the five villages all the persons accepted the relief amount but from Kodiyankulam only

7 persons out of 149 accepted the relief and others refused to receive the relief amount stating that the amount sanctioned was less.

The State Government was requested to send clarification on the relief measures provided, details of support inquiries conducted bythe State police officers and other officials and the role played by Adi Dravidar Department in rehabilitating the victims. A reply in the matter is awaited.

Alleged rape of tribal women in village Mitronjoy Para in Kanchanpur Sub Division of North Tripura and in village Jholibari under Thaidu PS of Amarpur Sub Division in South Tripura by police and CRPF Jawans.

There were news reports captioned "when lawkeepers turn rapists" and "CRPF Jawans found guilty in rape case", relating to rape of 3 ST women in Mitronjoy Para village on 15.3.95 police officials of Tripura State Rifles who raided the village flush out some extrimists and ii) rape of 3 ST women by CRPF Jawans in Thalibari under Thaidu PS on 1.4.95. Commission called spot inquiry report from the Calcutta field office. According to the report the village Mitronjoy Para is in the midst of and hills and is inhabited by Reangs, a primitive tribe. gether 23 families live in the village, situated at 12-13 from Kanchanpur PS. On 15.3.95 at about 0330 hours when all Reangs families were in the house, some of them preparing tea or day meals in the kitchen, while some were still in a group of police/CRPF personnel entered into the village. The inquiry reveals that the attempts were made by the police and personnels to rape 4 women, but they were able to them, outrage their modesty as victim were able to escape before could be raped. All the police/CRPF personnels involved intoxicated. They had entered the house on the pretext of search of 4 persons allegedly wanted in decoity case. They kicked the victims assaulted them and torn out their blouses hugged them forcefully.

The village Thalibari inhabited by the Reangs family only, under Thaidu PS is located amidst hills and forests at a distance of 13 - 14 kms. from the PS. On 1.4.95 a group of 3 State police persons and 11 CRPF Jawans entered into the village at about 10.30 AM in connection with search operations. They made forced entries into the houses and assaulted and molested one ST women (whose pregnancy period was almost completed) and raped another ST women (in the presence of her son and her minor (11 years old) sister-in-law). Husband of raped women lodged a complaint with the police. The Sub Inspector concerned visited the site at 2000 hours on 2.4.95 only. A case was registered under section 376/354/34 of IPC on 3.4.95. Two CRPF constables were also arrested.

A Judicial Inquiry was also conducted into the incidents. The inquiry report recommended sturn action against the accused police personnels and also against the police officials of the

local police station for not taking timely action on the complaint and trying to let off the accused.

Murder of SC person in Village Kirawali, PS Achvara District, Agra on 15.1.95.

In this connection an spot inquiry was conducted by Lucknow field office on 18.1.95 to 20.1.95. After spot inquiry fact elicited that the incident was outcome of the demand for wages. Shri Gaya Prasad Jatav was murdered by four jats on 15.1.95 on account of growing tension between the two families from 13.1.95 when the wife of the younger brother of the deceased went demand the wages for the work she had done for Narayan Singh (jat). There was tension between both the parties as Naryan Singh refused to pay wages. The agrieved lodged a complaint the local police station on the same day but instead of registeran FIR & taking action against the accused the SHO called both the parties and made a compromise. The jats were not contended with this and took revenge by murdering Shri Gaya Prasad Jatav on 15.1.95. A case has been registered against the accused under Section 302 IPC, 3(2)(v), 3(1)(x) of SC/ST (POA) Act, 1989. Rs.10,000 was paid to the kin of the deceased and proposal made for sanctioning of Rs. 1 lakh from the Chief Minister Relief SHO was suspended on 24.1.95. 3 accused surrendered in court.

Alleged gang rape of ST women labour working in brick field at village in Burdwan District of West Bengal on 26.3.95.

On the basis of a news published in the newspaper daily Bartaman dated 28-3-95 that seven Tribal Women were gang-rapped by 15-16 miscreants in the Brickfield at village Bam (Bamgram) in Burdwan District, the Calcutta field office of the Commission conducted an on-the-spot inquiry into the incident.

The HMT brickfield owned by Md. A. Hussain is in the outskirt of the village Bam, and 8 Km. away from Burdwan P.S. About 60-70 labour were working in the Kiln. They hailed from Dumka area of Bihar. These include 20-25 tribal women and girls. They came for the job every year. According to the preliminary report the information about the incident was given by the labour on 273-95 to the kiln owner when he returned from his house. He, subsequently reported the matter to the Police.

In the mid-night of 26/27-3-95 about 15-16 men came in the kiln compound alongwith swords, knives, bombs and other weapons. They overpowered all men and aged women forcing them to stay in a corner, under guard by some and the rest entered into the rooms and raped six women who were staying alone. Of these five were unmarried. The victims could not identify the culprits due to darkness and there faces were covered. The victims were medically examined on 27-3-95 at Burdwan Medical College at 13.00 to 13.30 hrs. A case No. 194 dated 27-3-95 was registered at P.S. Burdwan u/s 147/376 IPC and section 5 ES Act while section 3(1)(xi) of SC & ST (POA) Act, 1989 was subsequently added. Five accused all in

the age group of 20-28 years were arrested and search to mab the remaining was in process. The accused had confessed having committed the rape and the preliminary report of medical examination also proved the offence having been committed.

Since the case related to rape (not attempt to outraging the modesty). Chief Secretary, Govt. of West Bengal was asked to direct the concerned authorities to invoke Section 3(1)(xii) and 3(2)(v) of SC & ST (POA) Act, 1989 against the accused in the case also to provide suitable monitary relief to the victims. Home Department, West Bengal informed that necessary instructions have been issued for inclusion of the relevant sections of SC & ST (POA) Act, 1989 in the chargesheet. State Govt. also informed that a sum of Rs. 14,900/- was paid to the victims of incident as relief. However, further information about action taken is not known.

## **CHAPTER - IX**

#### RESEARCH AND EVALUATION STUDIES

#### Introduction

Importance of research and evaluation has been recognised as a necessary instrument for monitoring the successful implementation of any socio-economic programme. India has vast regions which are under-developed, having special problems of their own. Because of cultural and regional diversity it is necessary that empirical research is made before implementing any scheme in any region and for any particular section of population. Similarly, to evaluate the impact of a scheme, again, the need for research and survey cannot be ignored. Besides educating the planners, regarding strategy for development, research is also essential to educate the developmental planners and implementers, about the actual situation, problem and conditions of the region and its population. It also equips them with knowledge and experience by which schemes can be drawn for tackling a particular socio-economic problem relating to a particular segment of population and region, successfully. There by, the observations and findings of the research and survey reports, throwing light on short-comings of a particular project, scheme or programme could be made use of for rectifying the short-comings of schemes, making them more useful for the people.

- 9.2 After Independence several schemes were introduced by the Government of India for alround development of Scheduled Castes and Scheduled Tribes. When the system of planned development for the whole country was adopted, emphasis was given on evaluation. Ministry of Home Affairs (now Ministry of Welfare) with the objective of ascertaining the extent to which benefits were actually flowing to the target groups, issued guidelines on monitoring and evaluation of schemes to the State governments, directing them to establish a separate cell to compile and analyse the reports as concurrent evaluation of various development programmes, so that feedback on the progress of implementation could be reported to review committees at various levels in the State Governments, as well as in the Ministry of Welfare. At the onset of the plan process Tribal Welfare Committee of the Indian Conference of Social Work, in their text of memorandum during 1951, desired that all possible background data needed to be collected on various aspects of tribal life with the help of pilot projects.
- 9.3 The first important step towards systematic monitoring and evaluation of tribal development programme was taken when a working group on tribal development was constituted in the Ministry of Home Affairs on the advice of the Planning Commission in July 1978. The feed-back through regular evaluation was felt necessary for reorientation of policy approaches and decisions. Evaluation work was entrusted to:
- 1. Directorate of Statistics/Evaluation of the State Governments.
- 2. Tribal Research Institute in the State Governments.
- 3. Programme Evaluation Organisation of Planning Commission.
- 4. Regional offices of the SC/ST Commission.
- 5. National Level Organisations like Administrative Staff College, Hyderabad; National Institute of Rural Development, Hyderabad; National Institute of Educational Planning and Administration,

New Delhi; National Council for Applied Economic Research, New Delhi; Indian Institute of Public Administration, etc.

- 6. A number of professional and autonomous research organisations working in the field, including Department of Social Work, Anthroplogy, etc., of the Universities.
- 9.4 As far as monitoring of schemes are concerned the agencies who have been entrusted the work are as follows:
- 1. Monitoring Cells of the State Governments.
- 2. Tribal Research Institute in the States.
- 3. Tribal Cell of Central Ministries.
- 4. Directorate of research, Monitoring and Evaluation of the Ministry of Home Affairs.
- Onsidering the importance of research for evaluation of on going projects and formulation of action projects of an applied nature, the Government has set up 14 Tribal Research Institutes (TRIs) in the States of Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Manipur, Madhya pradesh, Maharashtra, Orissa, Rajasthan, Tamil nadu, Uttar pradesh, Tripura and West Bengal. The main functions of these TRIs are to undertake research and evaluation of tribal development projects, collection of data, conducting training, seminars, workshops, preparation of publication of tribal literature, etc. The Ministry of Welfare is implementing a scheme of Research and Training by providing grants-in-aid to Tribal Research Institutes (T R Is) on 50: 50 basis and award of fellowships for doctorate and post-doctoral studies on 100% basis. The Ministry of Welfare is also giving grants-in-aid to non-governmental organisation in the field of research, including evaluation studies/projects, preferably applied in nature, on tribal development.
- 9.6 The State Governments have been requested to take up family beneficiary-oriented economic programmes, like agriculture, horticulture, minor-irrigation, animal hasbandry, fishery, village industries and rural artisan programmes, tertiary sector etc. In all five year plans, thrust has been given to programmes for education and economic development of the SCs/STs.
- 9.7 In view of the large number and variety of schemes and programmes that are being implemented for socio-economic development of the SCs/STs, it is necessary to study their impact on regular basis. Studies that show the trends and levels of development in areas such as literacy, education, alleviation of poverty, skill upgradation and acquiring of technical/professional skills, while assessing the merits/demerits of the existing programmes would enable the planners to prepare relevant programmes in future. This is especially relevant in the changing situation where employment and income generating opportunities, both in the public and private sector are increasingly based on acquisition of appropriate skills relevant for modern day technology. The Ministry of Welfare and State Governments should take special care to see that these aspects are studied while sponsoring research studies. Needless to add that agencies selected for studies should have a fair record and adequate experience in the concerned field.
- 9.8 At the same time it is necessary for the implementing Ministries/Departments of the Govt. of India and State/UT Governments to assess and evaluate their own programmes on a concurrent and regular basis. Programmes relating to agriculture and rural development, skill upgradation, housing, education, infrastructure development, women's employment, etc., have the potential of building up

the all round capabilities and income-earning capacities of the SCs/STs. Such programmes need to be constantly monitored and assessed by the implementing agencies for timely rectification and genuinely benefiting the targeted group. Ministries/Departments and State/UT Governments should identify the inhouse and other agencies that could take up this assignment and build it in their annual plans by providing for adequate physical and financial resources.

## Studies taken up by the National Commission for SCs & STs.

- The National Commission for SCs & STs and its predecessor organisation have been taking up 9.9 evaluation programmes and identifying shortfalls from the beginning. As mentioned in para 1.5 of Chapter - I of the Report, the functions of the multi-member Commission set-up in 1978 were modified SCD-VI dated 1-9-87. As a result of the vide the Ministry of Welfare Resolution No.BC13015/12/86said Order, the Commission, renamed as the National Commission for SCs & STs, became a national level advisory body; and one of its main functions was to take up studies on different aspects of development of the SCs/STs in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, agriculture communications, rehabilitation, pollution and environment, etc. As a consequence, studies and surveys were given primacy by the Commission and a substantial number of studies/surveys were taken up by the field offices. Though the functions and duties were greatly widened and increased in 1990 by the Constitution Sixtyfifth Amendment (replacing both the erstwhile Commissioner and Commission) and the first constitutional Commission was set-up in 1992, the importance given to evaluation and research studies continued during the year 1993-94 also. During the years 1994 and 1995-96, the field offices of the Commission have conducted 36 studies as appended at Annexure 9.1.
- 9.10 During the reporting years the field offices of the Commission have conducted studies on educational schemes like Pre-examination Training Centre, Book-Bank for SC/ST students studying in Medical and Engineering Colleges, State Scholarship Schemes, hostels and vocational training schemes, and study on enrolment, retention and drop-out in primary and middle education, economic development schemes like marine fisheries schemes, horticulture schemes, working of <a href="Dari weaving centres">Dari weaving centres</a>, etc; implementation of service safeguards in public sector and banks, problem of land alienation, shifting cultivation, indebtedness, working of ICDS programmes, etc.
- 9.11 <u>Annexure 9.II</u> depicts evaluation studies of the Commission and other organisations covering 19 States, out of which, maximum number of studies have been conducted in West Bengal (18), followed by Uttar Pradesh (16), Mahasrashtra (5), Himachal Pradesh, Meghalaya, Rajasthan and Tamil Nadu (3 each); Andhra Pradesh, Bihar, Haryana, Karnataka, North-Eastern Hill region (2 each); and Assam, Arunchal Pradesh, Chandigarh, Kerala, Mizoram, Punjab and Tripura (1 each).
- 9.12 As for the nature of studies conducted, out of 68 study reports received, 24 reports pertained to educational schemes; 12 were of implementation of service safeguards; 11 were regarding schemes operating in Tribal Sub-Plan area; 12 reports, regarding implementation of schemes under Special Component Plan and working of Scheduled Caste and Scheduled Tribe Corporations and institutional finance; 4 studies pertain to land, agriculture and forest; 4 studies are regarding health and Integrated Child Development Scheme in tribal areas and nature of atrocities perpetrated on SCs/STs. One study pertains to problem of indebtedness.
- 9.13 At State level, as has already been stated that , 14 Tribal Research Institutes (TRI) were set up as appended in <u>Annexure-9.III</u> List of studies (as received so far) conducted by the TRIs Bihar , UP and West Bengal are placed in <u>Annexure-9.IV</u>.

- 9.14 Similarly, the Directorate of Statistics/Evaluation of different State Governments are supposed to play a significant role in evaluation of TSP schemes/programmes. A list of report in respect of studies conducted by the State Governments in Evaluation Organisations in respect of three States, Viz., Chandigarh, Tripura and Uttar Pradesh during 1994 -95 and 1995-96 is placed at Annexure-9.V.
- 9.15 Informations on studies conducted on the development schemes concerning SCs/STs during the reporting period was also sought from 110 All India Level Research Institutes as indicated in <u>Annexure-9.VI</u>. Replies were received from 15 Institutions. Out of the 15 Institutions, 13 Institutions have informed that no study was conducted by them on the developmental programmes, specially for SCs/STs. List of study reports received from Shri Manikya Lal Verma, Adimjati Sodh, Tatha Prashikshan Sansthan, Udaipur have been placed at <u>Anexure-9.VII</u>.
- 9.16 The total picture with regard to studies depicts that systematic evaluation studies are not being conducted by the State Governments as a feed-back information on success or failure of a particular scheme. Based on the recommendations/observations of the findings of various reports an overview of some important programmes are mentioned below:

#### **Education**

- 9.17 In India, during four decades, though literacy rate among SC/ST population has increased, the gap between SC/ST and non-SC/ST literacy has also increased, which is 17.64% and 19.37% in case of SC and ST respectively during 1961 and 20.28% in case of SC and 28.09% in case of ST during 1991. The position of ST female literacy is more unsatisfactory, i.e., 8 out of 10 ST women are still illiterate. The study conducted by the Commission in thirteen States on the problem of drop-out, stagnation in primary and middle level reveal that enrolment of SC/ST children in primary and middle level has increased and number of drop-out and stagnation have also come down. But the drop-out rate is still existing among SCs and STs to the tune of 50% and 68% respectivly at primary level and 65% and 78% respectivly at middle level.
- 9.18 The policy of leniency in primary stage, promotion to next class without examination, etc., has led to weak basic education and this further led to higher rate of failure and drop-out in middle education. Schools are yet to have minimum educational facilities, congenial atmosphere for study, adequate number of teachers, etc. Long distances of primary schools, improper and untimely implementation of incentive schemes, superstition, early marriage, frequent migration of parents in search of jobs are some of the causes creating impediments in achieving the goal of universal primary education It reflects that National Policy on Education, like opening of primary schools walking distance, residential schools and non-formal education, setting curriculum suited to SC/ST culture and needs, still remain to be implemented seriously. Studies conduced on working of Centrally Sponsored Schemes in respect of Pre-examination Training Centres by the field offices Bangalore and Pune, Book-Bank by the field office Hyderabad and Vocational Training centres by TRI, Bihar and Planning & Coordination Deptt., Tripura, various scholarship schemes by TRI, West Bengal and State Planning Deptt., UP and hostel facilities by TRI, Maharashtra show that many of the schemes are languishing because of administrative bottlenecks, lack of staff, finance, etc.
- 9.19 The State Government be suitably directed by the Ministry of Welfare and Department of Education to study the reports and take ameliorative measures to implement various educational schemes in right earnest by creating infrastructure for teachers, remunerative service conditions, etc., and opening of pre-school centres in sufficient number to tackle the problem of drop-out and stagnation.

## Implementation of Service Safeguards for SC & ST

Instructions for reservation in services for SC/ST persons were issued.Orders are made applicable to all services under the control of the Government of India with effect from 21-09-47. Subsequently, to give proper effect to the reservation, prescribed, various instructions, like maintenance of rosters, grouping of posts, dereservation, carry forward of reservation, etc., have been issued by the Department of Personnel and Training, from time to time. From the inception of reservation policy, the percentage of reservation of SC/ST has increased in all classes, but actual representation has not reached the prescribed percentage. It has also come to light that the SC/ST persons who joined white collar jobs, are subjected to various types of discriminations. In order to find out the working of service safeguards, 12 studies have been conducted in West Bengal by the field office, Calcutta in public sectors and banks. It is reported that out of 12 organisations, only five organisations are maintaining rosters as per DoP&T directions. In the remaining organisations, though rosters are maintained, as per norms, viz., maintenance of separate rosters for category-wise recruitments and promotions, are not followed. In SC/ST Cells are not set up. Working of Liaison Officers were found case of two organisations, unsatisfactory and most of the officers were found untrained. Except for one organisation, no attempt has been made for filling up of backlog vacancies. In case of two organisations, dereservation posts are made without prior permission of the Commission and following the dereservation procedure, and in one case SC/ST persons are found deprived of promotion. The Commission observes that Ministries/Departments should impress upon the appointing authorities the need to observe the reservation and other orders relating to representation of SC/ST in services strictly.

## Implementation of SCP and TSP and family beneficiary programmes.

- 9.21 Programmes under Tribal Sub-Plan and Special Component Plan are implemented with the objectives of socio-economic development and protection of SC/ST persons from exploitation. TSP is being implemented since Fifth Five Year Plan. The State Governments are required to quantify funds in proportion to SC/ST population out of the State plan budget for their welfare. Development of STs is ensured through provisions of administration and control of tribal areas, as has been incorporated in Article 244 (1) and the Fifth Schedule of the Constitution. Since SCs live in or around urban areas funds are quantified for such schemes which will help poor SC families living below poverty line and for their overall development.
- 9.22 During the reporting period some studies have been conducted in tribal areas like ITDP Kinnaur in Himachal Pradesh, Bijnore in Uttar Pradesh by TRI, UP; MADA area in Bundi, Rajasthan by Manikaya Lal Verma Adimjati Sodh Udaipur. These studies comprise of working of welfare schemes in ITDP areas, impact of family beneficiary schemes, working of one or two small scale cottage industry centres and self-employment schemes.
- 9.23 It is observed that the project officer who is the key figure in formulation, implementation, supervision, and co-ordination of all the developmental activities in ITDP areas is unable to do justice to his job because of multiple responsibilities entrusted to him. Moreover, he does not have control over budgeting, selection of schemes of various departments. Sometimes, schemes implemented are unsuitable for the beneficiaries in the absence of proper guidance, inputs, transport and market facilities. Ignorance and lack of guidance, cumbersome procedure for sanctioning of loan, etc., come in the way of successful implementation of loan schemes. It is also observed that grants received for development schemes are spent at the end of financial year as it is quite late, leading to wasteful and unproductive expenditure. The study of <u>Dari</u> weaving Centre Bundi reveals that the concept of training and provision of earning opportunity has not been fulfilled and after completion of training the tribal youths are not able to get avenue for earning. A study conducted by field office Tamil Nadu on horticulture scheme evolved by the Horticulture Department, Tamil Nadu, though found fruitful, it is observed that 25% beneficiaries received benefit more than once and in many cases beneficiaries are selected for meeting the target rather than their felt need. Regarding working of self-employment schemes, it is observed

that uniform method for implementation of the schemes is not adopted, and the beneficiaries are not able to accrue benefit out of small schemes. In most of the cases where cattle are supplied they were found to be of inferior quality and in many areas it is found that schemes are implemented without any guidelines or rules, benefiting monetarily better off persons. Illiteracy, lack of training and guidance, low quality implements put the beneficiaries in difficulty.

- 9.24 Regarding working of schemes for SCs, studies conducted in Uttar Pradesh and West Bengal by the TRIs reveal that no system is adopted to follow up the usefulness of schemes in Uttar Pradesh. It is reported that due to various schemes run by the Government of Uttar Padesh, 98% beneficiaries benefitted in terms of increase in their annual income. In West Bengal under marine fisheries schemes, poor fishermen are unable to get benefit, because low quality fishing equipment's are supplied to them and they are not provided support to compete with foreign fishermen having superior quality of fishing equipments.
- 9.25 From the above findings it can be stated that the schemes under SCP/TSP have proved beneficial to some SC/ST persons in some areas. To get a holistic picture, it is necessary to study the impact of schemes in terms of both quantitative and qualitative lines concurrently.
- The Commission is of the view that the monitoring cell of the State Government should be activated and annual data regarding progress of schemes are maintained by them. There is a need to monitor and supervise implementation of scheme to ensure that the benefits flow to the needy and poverty stricken SC/ST. It is also essential that periodical survey should be made regarding working of each scheme under each sector, depicting clear picture of beneficiaries, short-comings, modification, required, etc.

# Working of Scheduled Caste and Scheduled Tribe Corporation, co-operatives and Institutional Finance Schemes

Recognising the need for flow of adequate fund for economic development of SCs/STs/ Scheduled Castes and Scheduled Tribes Development Corporations are set up with the objective of motivating SC and ST families to get benefits by availing of credit support, loan and subsidy. Some of the economic development schemes implemented by the corporation (Himachal Pradesh SC & ST Corporation, the Tamil Nadu Adi-Dravidar Housing & Development Corporation, the Punjab SC & ST and Land Finance Development Corporation, working of Fishermen Co-operative Society, Jaisamund, Rajasthan, Large Size Multipurpose Co-operative Society, West Bengal etc.) were studied during the reporting period. Many shortcomings are observed in these studies in respect of implementation of schemes. For example, corporation advances loan for purchase of land to construct shed for shops. But it is observed that only 35% cases are cleared by the corporation since its inception. That too are found unremunerative, as the land provided to the beneficiaries are situated far from market Schemes operated by Tamil Nadu Adi-Dravidar House & Development Corpn. for providing loan for self-employment schemes are found unsatisfactory because loans towards margin money sanctioned by the corporation are not provided in time. There is delay in implementation of scheme on account of delay in getting loan from banks as the banks insist on security from the beneficiaries. Loan sanctioned in instalment by the banks is another factor which adversely affects the scheme. Generally, economically sound persons are availing of the benefit of loan schemes. In Punjab, affluent persons, after purchasing land by availing of loan scheme of corporation, have given the land on lease, hampering the interest of poor beneficiaries. It is reported that there are more then 3500 societies in tribal areas of the country. But most of them are not working satisfactorily. Highlighting the shortcomings of the LAMPs, studies on he working of LAMPs in West Bengal TRI reveal that effective infrastructure is lacking in most of the societies and these societies could do little for providing consumption loan to poor tribals. A study conducted by TRI, West Bengal depicts that poor ST persons took loan from outsiders amounting to Rs.40 to Rs.200@ 10% interest per annum. As per a survey conduct by the Planning Commission in 1982-83, 72% of STs are still indebted to private money-landers. Reiterating the Commission's recommendation on the working of LAMP the National Commission observed that the Govt. of India may consider and implement the recommendations of the Sivaraman Committee for streamlining and restructuring of LAMPs in its report published in June 1981.

### **Land Alienation**

9.28 A study conducted by the Department of Rural Development pointed out that out of total land alienated, 40% was by way of sale, 25% by way of mortgage or lease and the remaining 10% by either modes. Except land acquisition 80% of the alienated land went into the hands of non-tribals. A study in this regard in West Bengal conducted by TRI, West Bengal, revealed that because of poor economic condition lands were leased out by the tribals. Sale, mortgage and gift were some of the causes of alienation of tribals' land. It was also reported that there was no case of restoration of alienated lands in last twenty years. The Commission recommends that all the State Governments should take stock of the problem and like population census, census of land records be conducted at regular intervals. The State Governments should make sincere efforts for speedy disposal of land alienation cases and restore them to the lawful SC/ST owners.

## **Shifting Cultivation**

9.29 Several tribal communities of the North-East Region, Orissa, Madhya Pradesh practise shifting cultivation. According to an estimate, nearly 6.5 lakh tribal families are practicing the same. Shifting cultivators live a life at subsistence level, besides damaging forest wealth and environment. The Ministry of Agriculture launched a Centrally Sponsored Scheme for controlling shifting cultivation during 1987-88. The Review Committee of the working group during Eighth Plan has observed that the implementation of the scheme was very slow, and regular information was not fed by the State Governments in this regard. However, a study on the usefulness of ICAR scheme to control jhum cultivation in North-East Region conducted by field office, Shillong, reveals that their scheme is unable to make much headway as the scheme proved to be strenuous, labour oriented and costly. It seems different departments are also running various schemes to control shifting cultivation alongwith other welfare schemes. To know the impact of these schemes evaluation studies require to be conducted in the States where shifting cultivation is practised. Steps need to be taken to settle the Jhumia cultivators through horticulture and cash-crop cultivation.

## **ICDS and Health Programmes**

9.30 Density of population in tribal areas is very less in comparison to other areas in different States. For example, in Bihar the average density of population is 402 persons per square kilometre, but in tribal areas it is 112 to 390 person per square kilometre. In Madhya Pradesh the average density of population per square kilometre is 118, but in the four districts totally covered under ITDP the density of population ranges from 44 to 107 persons per square kilometre. At present, Anganwadis under ICDS programme established for improving the nutritional and health status of children in the age-group of 0-6 years of weaker sections, is supposed to cater to population of 750 in tribal areas against 1,000 in other areas. Under this norm, it is obvious that majority of tribal areas are deprived of this scheme. Malnutrition amongst the tribals, specially amongst the tribal children and women is fairly common. Because of various constraints in the delivery system in the tribal areas the ICDS programme ensuring proper nutrition to tribal children and pregnant and lactating mothers have not gathered momentum. Studies conducted on ICDS schemes in Meghalaya by field office, Shillong and TRI, Maharashtra reveal that services like health check-up and referral services are not being implemented in Meghalaya as doctors visit the Anganwadi centres, twice or thrice in a year that too irregularly. In Maharashtra, it is observed that problem of infant mortality and malnutrition existed in the remote and inaccessable

tribal villages. The Commission observes that steps required to be taken to cover all the tribal areas with ICDS schemes and differential norms for establishing Anganwadis in tribal areas should be adopted. Considering the shortage of doctors and health staff in tribal and backward areas it is essential that necessary infra-structural facilities and medicines, etc., are provided.

## Atrocities on SCs/STs.

The SC/ST persons are subjected to various forms of oppression and atrocity by non-SC/ST 9.31 persons since long. Inspite of special steps taken both at the Central and the State levels the number of cases of atrocity are on the rise. During 1992, it was 38388 cases and during 1995 the number went up to 40411. In spite of the provision of Special Courts and prosecutors for trying the cases of atrocities speedily most of the cases are reported to be either pending in the court or at police level. A study conducted by TRI, Maharshtra observes that the police could submit only 67% cases of atrocities in the court within 60 days and 97% cases were pending in the court. As for disposal of cases at court cases accused persons are that 72% cases ended in acquittal and in 14% level, it is reported convicted. Another study conducted in Uttar Pradesh reveals that in 50% cases tribals are exploited by forest officials, followed by banks and money-lenders. Because of poverty, illiteracy, lack of knowledge, affected families are unable to take action against the perpetrators of atrocity. Commission recommends that steps should be taken by the State Governments to find out the causes for delay in disposal of cases at police and court level and large number of cases ending in acquittal and to find out suitable remedial measure. The Commission also recommends that public servants who perpetrate atrocity on weaker sections by misutilising his official position are given exemplary punishment in order to prevent the others to do the same.

#### General recommendations

## 9.32 General recommendations in the chapter are as follows:

- Several research studies are being conducted at different levels. The State Governments have been sponsoring some studies which are being conduced by TRIs and other institutions. Similarly different Ministries are also sponsoring studies at national levels. The Commission has also taken up a large number of studies. It has been observed that findings of those studies are not being utilised effectively either by the State Governments or by the Central Government. The findings of studies can go a long way in changing the course of planning process. It is, therefore, recommended that the Centre and the State governments should ensure that findings of these research studies are utilised while formulating the plans for the welfare of these segments of the society.
- Monitoring and concurrent evaluation is also another important aspects which needs to be effectively looked into by the Central and State Governments. The Departments themselves also have to assess and evaluate the implementation and impact of the schemes and provide for such evaluation within their own plans. Such studies can help in prompt and timely rectification of the schemes and achieving the desired result.
- While entrusting the research studies for the welfare of SC/ST, it should be ensured that those organisations should be selected which have got a fair record and ample experience in the field.
- It has been observed that in many schemes, especially those relating to rural development there is no proper selection of beneficiary. Beneficiaries are also not aware of the scheme regarding subsidy, etc. The implementing agencies remain busy in achieving the target without paying proper attention for the selection of right beneficiaries. Thus the entire exercise is often

reduced to the game of numbers. Sometimes schemes are being implemented which are not according to the felt need of the people and area. Many times the SC/ST people for whom schemes are being implemented, fail to participate in the programme. It is recommended that schemes should be implemented with the active participation of SCs/STs.

(5) The Commission is aware that a large net work of research institutions exists in the country-governmental, non-governmental supported by the Government and private and autonomous institutions. Central and State governments should utilize this resource to conduct studies for concurrent evaluation of programmes and policies meant for socio-economic growth of SCs/STs. The impact, the schemes and policy directives have had an improving effect on the status and economic condition and competence of SCs/STs both in governmental and private sectors should also be studied. A system for networking and information sharing should be established between these agencies so that duplication is avoided and the findings of research studies utilized for formulating, planning and implementing policies and programmes.

## List of studies conducted by field offices (1994-95 & 1995-96)

## **Bangalore**

- 1. Impact of pre-examination training centres for SC/ST students.
- 2. Study on enrolment, retention and drop-out amongst the SCs/STs in primary and middle level of education in Karnataka.

### Calcutta.

- 3. Study on socio-economic development of the fishermen benefitted under the Marine Fisheries Schemes of the Govt. of West Bengal.
- 4. Service safeguards provided to SC/ST employees of Central Inland Water Transport Corporation Ltd.
- 5. Representation of SC/ST and implementation of various safeguards provided for them in Rehabilitation Industries Corporation Ltd.
- 6. Working of service safeguards provided to the SC/ST by Alloy Steel Plant, Durgapur.
- 7. Implementation of reservation policy by the Eastern Coal Fields Ltd., Sanctoria, Asansol.
- 8. Representation of SC/ST and implementation of various safeguard provided for them in Hindustan Petroleum Corporation Ltd., Calcutta.
- 9. Implementation of reservation policy in Metal Scrap Trading Corporation, Calcutta.
- 10. Implementation of reservation policy in the Indian Oil Corporation, Calcutta.
- 11. Service safeguards provided to the SC/ST employees of Allahabad Bank.
- 12. Study on enrolment, retention and drop-out among SC/ST in primary and middle level of education in West Bengal.

#### Chandigarh

- 13. Study on the land financing scheme implemented by Punjab SC Land and Finance Development Corporation.
- 14. Working of service safeguards provided for SC under Chandigarh SC Financial Land Development Corporation Ltd.
- 15. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Haryana and Punjab.

## <u>Guwahati</u>

16. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Assam.

#### Hyderabad.

- 17. Impact of Book Bank Scheme in Andhra Pradesh.
- 18. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Andhra Pradesh.

#### Jaipur.

19. Implementation of reservation policy for SC/ST in post and service in Rajasthan.

## Lucknow

20. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Uttar Pradesh.

#### Madras.

- 21. Individual entrepreneurs schemes of Tamil Nadu Adi-Dravidar Housing Development Corporation, Madras.
- 22. Horticulture schemes for Tribals in Integrated Tribal Development Project Areas in Tamil Nadu.
- 23. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Tamil Nadu.

#### Patna.

24. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Bihar.

#### **Pune**

- 25. Working of pre-examination traning centres for SC/ST, Pune University.
- 26. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Maharashtra.

### Shillong.

- Alienation and restoration of land of SC/ST and working of Tenancy Laws in the North-Eastern Hill Region.
- 28. Impact of pre-examination training centre, Shillong on SC/ST students.
- 29. Service Safeguards provided to the SC/ST employees in Indian Council of Agriculture Research for North-Eastern Hill Region, Barapani, Meghalaya.
- 30. Role of the Indian Council for Agricultural Research Complex for North-Eastern Hill Region (Barapani) in development of hill agriculture.
- 31. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Arunachal Pradesh and Mizoram.
- 32. Study on the working of ICDS in Garo Hills of Meghalaya.

#### **Shimla**

- 33. Impact of economic assistance scheme of Himachal Pradesh SC/ST Development Corporation for construction of shops for SCs/STs.
- 34. Evaluation of impact of schemes implemented in ITDP, Kinnaur.
- 35. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Himachal Pradesh.

#### Thiruvananthapuram.

36. Study on enrolment, retention and drop-out among the SC/ST in primary and middle level of education in Kerala.

A. Studies undertaken in States/UTs by different organisations including field offices of the National Commission for SC & ST during the years 1994-95 and 1995-96.

Nature of Studies		States Covered	No. of studies conducted	
1.	Implementation	Andhra Pradesh	2	
	of educational	Assam	1	
	schemes	Arunachal Pradesh	. 1	
	,	Bihar	2	
		Haryana	2	
		Himachal Pradesh	1	
		Karnataka	2	
		Kerala	1	
		Meghalaya	1	
		Mizoram	1	
		Maharashtra	3.	
		Tamil Nadu	1	
	•	Tripura	1	
		Uttar pradesh	3	
		West Bengal	2	
			24	
2.	Implementation	Chandigarh	1	
2.	of service safe-	Meghalaya	1	
	guards provided	Rajasthan	1	
	to SC/ST	Uttar pradesh	1	
	emplòyees	West Bengal	8	
			12	
		. •		
3.	Implementation of	Himachal pradesh	1	
	schemes in	Rajasthan	2	
	Tribal Sub-plan	Tamil Nadu	· <b>1</b>	
	Area	Uttar Pradesh	4	

Nat	ture of studies	States Covered	No. of studies conducted
		West Bengal	3
			. 11
	•		· 11
			•
4.	Implementation	Uttar Pradesh	4
	of schemes under	West Bengal	2
	Special Components Plan.		
			6
5.	Working of SC/ST	Himachal Pradesh	1
	Corporations &	Punjab	1
	Institutional	Tamil Nadu	1
	Finance Scheme	Uttar Pradesh	. 2
		West Bengal	1
			6
6.	Studies regarding	North-Eastern	2
	land, agriculture	Hill Region	<b>2</b>
	and forest	West Bengal	2
			4
			4
7.	Working of Health Meg	halava	1
		arashtra	1 .
	Child Develop-		
	ment Scheme		2
			2

Nature of Studies		States Covered	No. of studies conducted	
8.	Nature of atro- cities perpetrated on SCs/STs & working of preventive measure	Maharashtra Uttar Pradesh	1 1	
			2	
			,	
9.	Problem of indebte- dness	Uttar Pradesh	. <b>1</b>	
			68	
		•		

B. State wise break up of studies undertaken by different organisations including field offices during 1994-95 and 1995-96.

S. No.	Name of state	No. of studies conducted
1.	West Bengal	. 10
2.	U.P.	18 16
3.	Maharashtra	5
4.	Himachal Pradesh	3
5.	Meghalaya	3 .
6.	Rajasthan	3

7.	Tamil Nadu	3
8.	Andhra Pradesh.	2
9.	Bihar	2
10.	Haryana	2
11.	Karnataka	2
12.	North Eastern Hill Region	2
13.	Assam	6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
14.	Arunachal Pradesh	1
15.	Chandigarh	. 1
16.	Kerala	1
17.	Mizoram	1
18.	Punjab	1
_19.	Tripura	1
	Total	68

(Ref. Para. 9.13)

## LIST OF TRIBAL RESEARCH INSTITUTES

#### 1. Director,

Tribal Cultural Research & Training Institute, Government of Andhra pradesh, Telgu-Samkshema Bhawan, HYDERABAD.

## 2. Director,

Assam Institute of Research for Tribals and Scheduled Castes, Government of Assam, Jawahar Nagar, H.H.37, GUWAHATI - 22

## 3. Director,

Tribal Welfare Research Institute, Government of Bihar, Moradbad Road, RANCHI.

## 4. Director,

Tribal Research & Training Centre, Gujarat Vidyapith, AHMEDABAD.

## 5. Director,

Kerala Institute for Research Training and Development Studies for Scheduled Castes and Scheduled Tribes, Government of Kerala, KOZHIKODE.

## 6. Director,

M.P. Tribal Research and Development Institute, Government of madhya Pradesh, 35, Shimla Hills, <u>BHOPAL</u>

- 7. Director,
  Tribal & Harijan Research Cum- Training Institute,
  Government of Orissa,
  BHUBANESHWAR.
- 8. Director,
  Tribal Research Institute,
  Government of Maharashtra,
  28, Queens Road, PUNE.
- 9. Principal,
  Tribal Research & Training Institute,
  Government of Rajasthan,
  UDAIPUR.
- Director & Professor of Anthropology,
   Tribal Research Centre,
   Tamil University,
   Uthagamandlam, <u>TAMILNADU</u>.
- Director SC/ST Research & Training Institute, A/12-D, Vishal Khanad-2, Gomati Nagar, LUCKNOW -226 001.
- 12. Director,
  Cultural Research Institute,
  Scheduled Caste & Scheduled Tribe Department,
  P1/4, G.I.T. Scheme,
  Via, M.V.I.P. Road,
  Manikhtala,
  CALCUTTA.
- 13. The Director,
  Tribal Research Institute,
  Government of Manipur,
  IMPHAL.
- 14. The Director,
  Tribal Research Institute,
  Government of Tripura,
  AGARTALA.

## Studies conducted by TRIs (1994-95 & 1995-96)

## Bihar Tribal Welfare Research Institute, Ranchi

1. Coaching and Allied Schemes in Bihar (1995).

## Tribal Research and Training Institute, Maharashtra.

- Extent to Occupancy Rate and Utilisation of Facilities in Government girl's Hostel (1994)
- 2. An Evaluation Study of Atrocities on the Scheduled Tribes in Maharashtra (1995)
- 3. A status report on health and nutritional beliefs, practics and facilities among the Tribals of Dhule district, Maharashtra (1995)

# Scheduled Castes and Scheduled Tribes Research and Training Institute, Lucknow, UP.

- Evaluation study on transportation-vehicle scheme under SCs & STs Finance and Development Corporation, UP (1993)
- 2. Evaluation study on the utilisation of flow of funds under Special Component Plan by different development departments in District Almora, Muzaffar Nagar, Sitapur, Gorakhpur and Jhansi (1993-94).
- 3. Evaluation study on self-employment scheme for SCs run by Uttar Pradesh SC Finance & Development Corporation in Lucknow (1993-94)
- 4. Evaluation study on the utilisation of flow of fund under Special Component Plan by different development departments in district Almora, Muzaffar Nagar, Sitapur, Gorakhpur and Jhansi on social forestry programme (1993-94).
- 5. Flow of funds and utilisation of funds under SCP by various development departments on educational programme (1993-94).
- 6. Study on Integrated, Tribal Development Programme (ITDP), Bajpur (Nainital) and Chakrata Kalsi, Dehradun (1995-96).
- 7. Evaluation study on Pre-Matric scholarship at middle level school in Rai Bareily and Barabanki District (1994-96).
- 8. Evaluation study on self-employment scheme under the developing scheme of Tharu Tribes at Gonda District (1995-96).

- 9. Study on atrocity perpetrated on ST in Lakhimpur Khiri, Chandan Chawki and Dehradun (1995-96).
- 10. Evaluation report on self-employment scheme run by ITDP, Bijnore, (1995-96)
- 11. Evaluation study on self-employment scheme implemented by different development departments under SCP (1995-96)
- 12. Evaluation scheme of construction of shops in Urban areas under SCP in Lucknow, Saharanpur, Agra and Bahrich (UP)

## Cultural Research Institute, Govt, of West Bengal.

- 1. Report on concurrent evaluation of family oriented beneficiary schemes among ST of Dakshin Dinajpur (1993-95)
- 2. Report of family oriented economic schemes implemented in Bongaon Block of North 24 Pargana district, West Bengal (1993-94)
- 3. Extent of Tribal land alienation in a Bengal Mouza (1993-94)
- 4. Indebtedness in an ITDP Mouza of Jalpaiguri district of West Bengal (1993-94)
- 5. An evaluation report on the impact of special merit scholarships for SC/ST students(1994-95).
- 6. Report on concurrent evaluation on family oriented beneficiary schemes under TSP (1994-95).
- 7. Extent of utilisation of forest products by the tribal people of Midnapur district (1994-95).
- 8. Study on Neuria Societies in Purulia district, West Bengal (1994-95).
- 9. Report on concurrent evaluation of family oriented economic scheme among the STs of Dakshin Dinajpur District (1994-95).

#### Studies conducted by government Research Institutions

- 1. <u>Economic adviser to Government of Punjab</u>, <u>Chandigarh</u>, Evaluation of Primary Education in Haryana (1994)
- 2. Evaluation Organisation Planning & Coordination Department of Tripura Evaluation report on Industrial Training Institute, Agartala.
- 3. <u>Evaluation Department, State planning Departments UP, Lucknow.</u> Evaluation study on the working of SC/ST Cell in Lucknow University (1993)
- 4. Evaluation study on the scheme of Industrialisation in Hill Areas for the economidevelopment of SCs/STs (1993-94)
- 5. Scholarship schemes for the ST students studying in 9th and 10th Class (1994).

## LIST OF RESEARCH BODIES/ INSTITUTIONS

#### I. ANDHRA PRADESH

- Director
   Tribal Cultural Research & Training Institute
   Government of Andhra Pradesh, Gagan Bihar,
   VI th Floor, M.J. Road, Nampalli
   HYDERABAD- 500 001.
- National Institute of Rural Development, Rajendra nagar, Hyderabad-500 030, ANDHRA PRADESH.
- 3. Central Institute of Rural Electrification HYDERABAD.
- 4 National Institute of Small Industry Extension Training, HYDERABAD.

## II. ASSAM

- Director
   Tribal Research Institute,
   Government of Assam, New Sarania
   GUWAHATI-781-003.
- National Institute of Rural Development 18-East Lane, R.G. Barua Road <u>GUWAHATI</u>
- 3. Co-operative Training College GUWAHATI.
- 4. Agro-Economic Research Centre for North Eastern India

  <u>JORHAT</u>

#### III. BIHAR

- Director
   Tirbal Welfare Research Institute
   Government of Bihar, Morabadi
   RANCHI
- L.N.MISHRA
   Institute of Economic Development and Social Change
   1, Bailey Road,
   PATNA 800 001.
- 3. J.P. Institute of Social and Industrial Studies RANCHI
- 4. A.N. Sinha Institute of Social Studies PATNA 800 001.
- Xavier Institute of Social Service Purulia Road, PO Box No. 7 RANCHI - 834 001.
- 6. Xavier Labour Relations Institute <u>JAMSHEDPUR.</u>

#### IV. DELHI/NEW DELHI

- National Institute of Public Cooperation and Child Development <u>NEW</u> <u>DELHI</u>
- Academy of Hospital Administration, AIIMS <u>NEW DELHI.</u>
- 3. Indian Social Institute, NEW DELHI.
- 4. Multiple Action Research Group (MARG), NEW DELHI.
- 5. Lokayan, 13, Alipur Road DELHI
- 6. Centre for Participatory Research in Asia (PRIA) NEW DELHI
- 7. Centre for Socio Economic Research, & Applied Technology, 36-B, Masjid Moth, <u>NEW DELHI 110 048.</u>
- 8. Techno-Economic Research Centre, J-7, Shaket, NEW DELHI 110 017

- Organisation for Applied Social Economic System, B4/135, Paschim Vihar, <u>NEW DELHI - 110 063</u>.
- Centre for Research Planning and Action,
   Dakshineshwar, 10, Hailey Road,
   NEW DELHI 110 001
- 11. Human Settlements Management Institute, HUDCO, NEW DELHI
- 12. Indian Agricultural Research Institute, NEW DELHI
- 13. Institute of Economic Growth, <u>NEW DELHI.</u>
- 14. Indian Institute of Public Administration NEW DELHI.
- 15. Indian Institute of Technology, NEW DELHI.
- 16. National Institute of Education Planning NEW DELHI.
- 17. National Institute of Health & Family Welfare, NEW DELHI.
- 18. National Institute of Urban Affairs, NEW DELHI.
- 19. Indian Statistical Institute, <u>NEW DELHI.</u>
- V. GUJARAT
- 1. Director, Tribal Research and Training Centre Gujarat Vidyapith, <u>AHMEDABAD.</u>
- 2. Institute of Rural Management, Post Box No. 60, ANAND 388 001.
- 3. Indian Institute of Management, AHMEDABAD.
- 4. Sardar Patel Institute of Economic and Social Research, AHMEDABAD.
- 5. Operations Research Group, <u>BARODA</u>.

#### VI. HARYANA

- 1. State Community Development Training Centre Nilokheri, <u>HARYANA.</u>
- 2. Harayana Institute of Public Administration, Sector 22 CHANDIGARH.

#### VII. HIMACHAL PRADESH

- 1. Himachal Pradesh Institute of Public Adinistration Fairlawn, <u>SIMLA 171 012.</u>
- 2. Tata Energy Research Institute, SHIMLA.
- 3. Himachal Pradesh Krishi Viswa Vidyalaya, PALAMPUR

#### VIII. JAMMU & KASHMIR

- 1. Sher-E-Kashmir University of Agriculture Science and Technology, Dalgate, <u>SRINAGAR 190 001</u>.
- 2. Institute of Management & Public Administration, SRINAGAR.

#### IX. KARNATAKA

- 1. Institute of Development Studies, University of Mysore, Manasa Gangotri, <u>MYSORE 570 006.</u>
- 2. Centre for Ecological Science, Indian Institute of Science, BANGALORE.
- 3. Indian of Management, <u>BANGALORE</u>
- 4. Institute of Social & Economic Change, Nagarbhavi Post, BANGALORE 560 072

#### X. KERALA

- 1. Director, Kerala Institute for Research Training and Development studies for SCs/STs, Government of Kerala, Kozhikode, CALICUT.
- 2. Indian Institute for Regional Development Studies, Pullarikunnu, KOTTTAYAM.

#### XI. MANIPUR

1. Tribal Research Institute, Tribal Development Department, IMPHAL.

#### XII. MEGHALAYA.

- North East India council for Social Science Research SHILLONG.
- 2. North-Eastern Hill University, Lower Lachaumiers, SHILLONG 793 001.
- Tribal Research Institute, Government of Meghalaya, Mawlai, <u>SHILLONG - 793 008.</u>

#### XIII. MADHYA PRADESH.

- Director, M.P. Tribal Research and Development Institute, Institute, Government of Madhya Pradesh, 35, shimla Hills, <u>BHOPAL</u>.
- 2. National Centre for Human Settlement and Environment, E-4/17, Area Colony, <u>BHOPAL</u>.
- 3. Research Institute of Regional Analysis, E-3/49, Area Colony, BHOPAL.
- 4. Agero-Economic Research, Centre for M.P. Jawahar Lal Nehru Krishi Vishwa Vidyalaya, <u>JABALPUR</u>.
- 5. Madhya Pradesh Academy of Administration, BHOPAL.

#### XIV. MAHARSHTRA

- Director, Tribal Research Institute, Government of Maharashtra,
   Queens road, Pune.
- 2. Institute of Management Training & Research, 49, Samarth Nagar, PO. Box No. 87, <u>AURANGABAD</u>.
- 3. Agricultural Finance corporation Ltd. Dhanraj Mahal, Chatupati Shivaji Maharaja, <u>BOMBAY-39.</u>
- 4. Punjab Rao Krishi Vidyapeeth, Krishi Nagar, Akola Distt. Akola, MAHARASHTRA.
- 5. Maharashtra Institute of Development Administration, <u>PUNE</u>.
- 6. Tata Instute of Social Sciences, BOMBAY.
- 7. -V.M. National Institute of Co-operative Management, PUNE.
- 8. Gokhle Institute of Economic and Politics, PUNE.

#### XV. ORISSA

- 1. Director, Tribal & Harijan Research-cum- Training Institute, Government of Orissa, <u>BHUBANESWAR</u>.
- Consultancy Organisation, Orissa
   University of Agriculture & Technology
   BHUBANESHWAR 751 003.
- 3. Institute of Tribal Health and Social Sciences BHUBANESWER
- 4. Economic Apprisal Cell, Orissa
  University of Agriculture and Technology
  BHUBANESWAR 751 003.
- 5. Academy for Tribal Dialect and Culture, Government of Orissa, Exhibition Ground, Unit-I BHUBANESWAR
- 6. National Institute of Social work and Social Sciences, Surya Nagar, <u>BHUBANESWAR</u>
- 7. Population Research Centre, Utkal University BHUBANESWAR

8. Centre for Regional Studies, Department of Geography, University, <u>BHUBANESWAR</u>

Utkal

9. Council for Tribal & Rural Development, 314, Sahid Nagar, BHUBANESWAR

#### XVI. PUNJAB

 Punjab State Institute of Public Administration No. 175-176, Sector-8C, Ferozopur, Madhya Marg, CHANDIGARH - 160 008. SCO

- 2. Economic and Statistical Organisation, Government of Punjab, Sector-17, <u>CHANDIGARH</u>
- 3. Punjab Planning Board, Social Service Division, Sector-17, CHANDIGARH

#### XVII. RAJASTHAN

- 1. Director, Tribal Research & Training Institute, Government of Rajasthan, <u>UDAIPUR</u>.
- 2. HCM Raj State Institute of Public Administration, JAIPUR.
- 3. Indian Institute of Health Management Research, <u>JAIPUR</u>.
- 4. Institute of Development Studies, B-118, Mangal Marg, Bapu Nagar, JAIPUR. 302 015.

#### XVIII. TAMIL NADU

- Director & Professor of Anthropology, Tribal Research Centre, Tamil University, Under Fell Bungalow, Missionary Hill, <u>UTHAGAMANDLAM</u>.
- 2. Tamil Nadu Social Service Research Centre, MADRAS.
- Economist Group, 64-A.C.P. RamaswamyRoad, Abhiramapuram, <u>MADRAS</u>.
- 4. Sri Avinasilingam Home Science, College for Women, COLMBATORE 641 043.
- Madras Institute of Development Studies, No. 79, 2<sup>nd</sup> Main Road, Gandhi Nagar, Adyar, <u>MADRAS</u>
- 6. Madras Institute of Social Work, Egmore, MADRAS 8

7. Anna Institute of Management, Kanchi, No. 36, Greenways Road, MADRAS- 29

#### XIX. TRIPURA

1. Directorate of Research, Government of Tripura, AGARTALA.

#### XX. UTTAR PRADESH

- 1. National Institute of Public Co-operation & Child Development, Regional Centre, <u>LUCKNOW</u>.
- 2. Planning, Research & Action Division, State Planing Institute, Government of Uttar Pradesh, <u>LUCKNOW</u>.
- 3. Scheduled Castes & Scheduled Tribes Research Institute, Harijan & Social Welfare Deptt. Govt. of U.P. LUCKNOW.
- 4. U.P. Development System Corpn. Ltd., <u>LUCKNOW.</u>
- 5. Instutes of Management, Govt. of U.P., <u>LUCKNOW</u>.
- 6. Govind Ballabh Pant Social Science Institute, 80, Tagore Town, <u>ALLAHABAD.</u>
- 7. Deptt. Of Social Work, Lucknow Univ., <u>LUCKNOW</u>.
- 8. Ethnographic & Flok Culture Society, <u>LUCKNOW</u>. (For Tribal Research.)
- 9. Giri Institute of Dev. Studies, Sector-(0), Aliganj Extn., <u>LUCKNOW.-226 020, U.P.</u>
- 10. Research Cell, Directorate of Harijan & Social Welfare, Govt. of U.P., <u>LUCKNOW</u>.
- 11. Agro-Economic Research Centre, Univ. of Allahabad, Chathan Line, <u>ALLAHABAD-212 002.</u>
- 12. Indian Institute for Development Studies & Research, 244, Baghambari Housing Schme, <u>ALLAHABAD, U.P</u>
- 13. Institute of Agricultural Science, Banaras Hindu University, VARANASI-221 005, U.P.

## XXI. WEST BENGAL

- Director, Cultural Research Institute,
   Sch. Castes & Sch. Tribes Deptt., Govt. of West Bengal,
   P1/4, C.I.T. Scheme, VII-M.V.I.P. Road, Maniktola,
   CALCUTTA.
- 2. Institute of Social Research & Applied Anthropology, <u>CALCUTTA.</u>
- 3. Agro-Economic Research Centre, Vishwabharti, Santiniketan, Distt. Birbhum, <u>WEST BENGAL</u>.
- 4. Administrative Training Institute, <u>CALCUTTA</u>.
- 5. Indian Institute of Management, <u>CALCUTTA</u>.

# REPORTS RECEIVED FROM NATIONAL RESEARCH INSTITUTION

Manikya Lal Verma Adimjati Sodh Sansthan, Udaipur.

- 1. Working of Dari Weaving and Training and Production Centre in MADA Area (1994)
- 2. An Evaluation Study of Jai Samund Fisheries Corporation Society (1994)

## **CHAPTER X**

# SUMMARY OF MAJOR RECOMMENDATIONS

The detailed recommendations have been made in different Chapters. The broad recommendations included in each Chapter are given below:

<u>S.No.</u>	. Recommendation / Observation	Para No.
	CHAPTER I - INTRODUCTION	
1.	Though the Commission has been making sincere efforts to discharge its Constitutional duties and obligations through its office at the Headquarters at Delhi and various field offices, yet it has not been able to take up all the issues in depth for want of adequate staff and allotment of funds. Detailed proposals for creation of staff at Headquarters and field offices have been sent to the Ministry of Welfare in this regard where these are pending for final decision. The Commission has brought this problem to the notice of the Government through its earlier Reports and regular correspondence.	1.24
	CHAPTER II - CONSTITUTIONAL SAFEGUARDS AND PROTECTIVE MEASURES	
	Laws / Regulations intended to check land alienation:	
2.1	There is a need to simplify legal procedure and the laws.	2.37
2.2	The survey, settlement and updating of land records should be expedited and firm proof of ownership placed in the hands of SC and ST holders.	2.37
2.3	The registration of transfers of land should strictly be subject to clearance under the relevant Act or regulations.	2.37
2.4	Deterrent punishment needs to be meted out to those non-SC and ST who continue to be in the possession of land belonging to SC and ST despite orders of ejectment.	2,37
2.5	Under the proposed amendment to "the Kerala Scheduled Tribes (Restriction on Transfers of Lands and Restoration of Alienated Lands) Act, 1975" those settlers who had acquired more than one hectare of land will be given option to avoid eviction by paying an amount to be fixed by the Government. The affected tribals are to be compensated by allotting proportionate alternative land and financial assistance. The Commission is strongly of the view that such an amendment will defeat the very purpose and objective for which the Act was promulgated. The tribals will lose their land, face dislocation and even greater hardships in the process.	2.40

R Area based planning approach should be followed in order to ensure that no tribal

## Excise Policy in Tribal areas

	·	
2.6	The existing guidelines should be strictly enforced.	2.42
2.7	In Scheduled Areas, entry of excise contractors should be completely banned.	2.42
2.8	In ST areas, if the majority of the population of a Village is opposed to opening commercial liquor shops, such shops should not be established.	2.42
	Money lending and debt relief:	
2.9	Though most States have enacted laws to regulate the business of money lending and given debt relief, the enforcement of these protective laws is weak. Further, the powers vested in the Government under the Fifth Schedule to the Constitution have not been used to prevent exploitation by money lenders in Scheduled Areas.	2.44
2.10	Existing Acts / Regulations on money lending and debt relief should be strictly enforced.	2.44
2.11	Present loaning / financing systems under IRDP etc. do not take care of consumption needs. Thus loans for productive purposes should include consumption credit to meet the social and economic requirements of the weaker sections of society, majority of which belongs to SCs and STs.	2.44
2.12	In order to suitably and effectively eliminate the private money-lenders, credit must be made available at the doorsteps of SCs and STs. NGOs, who have inherent advantages of flexibility may be involved in disbursement of credit, as has been done in the case of Rashtriya Mahila Kosh.	2.44
	CHAPTER III - EDUCATIONAL DEVELOPMENT	
	Primary Education :	
3.1	The Ministry of Human Resource Development, Department of Education in coordination with the Ministry of Welfare, should frame a ten year perspective plan for ensuring achievement of educational standards of SCs/STs at par with the general population. Similarly, perspective plans should be drawn up by Education Departments of States / UTs in coordination with the department in-charge of SC and ST Welfare.	3.23
3.2	The linkages between schools, angandwadis and health care programmes and facilities should be established. Anganwadis, if located next to the schools can function as creche and also after-care centre for school going children. Such a support system will also enable women to leave siblings and school going children while going for work. It will help increase enrolment and also reduce the incidence of drop-out.	3.23
3.3	It is well known that the language plays an important role in acquiring knowledge. It holds the key to higher vistas of learning and exposure. It is, therefore, essential that	3.23

the medium of instruction should be in regional, national or international languages. While the local language and specially tribal languages with wide application need to

- Complexes in low literacy areas for 51s should not be confined only to NGOs. Where suitable NGOs are not available, State Governments through their Departments of Education/ Welfare or ITDAs should be allowed to establish and run these Complexes. 3.18 Special attention should be paid to the educational needs of Primitive Tribal Groups (PTGs), shifting cultivators, forest villages, migrant ST labourers and nomadic tribes. 3.23 Wherever necessary mobile schools should be provided educational facilities to the children of these groups as well as to uneducated adults. 3.19 Environment building in the tribal areas should be adopted to local situation. Traditional tribal festivals, fairs and weekly markets should be utilised for environment building. Youth organisations like Ghotula and Dhumkurias and educated tribal youths should be associated and made to participate in street plays, processions, etc. Traditional tribal leaders like Maihis, Mukhias, 3.23 Medicinemen, Pujari (initiator of religious ceremony) and especially tribal woman activists should also be associated in environment building. 3.20 Buildings for primary schools in tribal and SC areas should be so designed that the Anganwadis/ Balwadis could also function, along with the primary schools, in the same buildings. Timings of Anganwadis/ Balwadis should be fixed in a manner that 3.23 the siblings can be looked after by the Anganwadis/ Balwadis while the girls attend school, but school children can also be cared for until parents return from work. Adult literacy classes may also preferably be run in these schools. 3.21 The SC/ST women work as daily labourer to supplement family income. They constitute major labour force in the country. They hardly find time to look after the education of their children. The time factor stands as a barrier. In view of the above it 3.23 is felt necessary to provide bicycle to SC/ST woman for their easy mobility and to enable them to drop the children at the educational institutions and to bring them back to house after school time. 3.22 In the educational institutions the atmosphere may be made conducive for the participation of the parents of the SC/ST children by organising functions, exhibitions, etc., so that linkage can be established. Further the students may be allowed to participate in the development programmes in the areas during summer vacations/holidays so that they can earn and learn. This would also instill a sense of
- participation of the parents of the SC/ST children by organising functions, exhibitions, etc., so that linkage can be established. Further the students may be allowed to participate in the development programmes in the areas during summer vacations/holidays so that they can earn and learn. This would also instill a sense of awareness in them about the various developmental programmes being implemented for them. Emphasis may be laid for imparting vocation, training in Agriculture, Horticulture, etc. to the students in the school after the class hour so that they would be able to earn their livelihood in future. Voluntary services of the retired teachers of the area, senior students of the nearby schools may be availed of for extra coaching of the students.
- 3.23 Training-cum-production Centres (TCPCs) could be started where the SC/tribal boys and girls could be given training in rural crafts. After their training is over, they could be given (in groups) production work on job order to be given by the State Corporations. These TCPCs could be integrated with higher secondary schools.
- 3.24 Non-governmental organisations should be encouraged to set up schools and hostels in SC/tribal areas. Some of the existing government schools in SC/tribal areas should be

handed over to NGOs having credentials to run them with Government funds on an experimental basis as has been done in Gujarat.

# CHAPTER IV - ECONOMIC DEVELOPMENT OF SCs & STs

The allocation of financial outlays, commensurate with the SC/ST population at the Central and State level, have not been adequate to bridge the developmental gaps 4.96 between SC/ST and other sections of the society. Therefore, adequate financial resources should be allocated for development of these communities in keeping with their needs in each sector to bring them at par with other communities in a time-bound manner. While quantifying funds under any scheme as part of the SCP and TSP the welfare 4.2 schemes for SC/ST people should be looked into carefully. Inclusion of the schemes 4.96 under SCP and TSP which are not relevant for SC/ST people presents a distorted picture of the quantum of efforts undertaken by the State Government/UT Administrations. In this context SC and TD Departments of the State should be closely involved in planning and implementation of these schemes. Action plan should be prepared by the State Government and UT Administrations for socio-economic development of Primitive Tribal Groups. 4.96 All the Central Ministries should identify schemes and thereafter quantify resources 4.4 for SCs and STs development and welfare. They may also adopt the budgetary 4.96 mechanism of reflecting the share for SC and ST separately. The Ministries/ Departments may determine and clearly indicate the possible supplementation which they expect to make to the States from their plans for key programmes. The financial availability at differential rate of interest for SC and ST people needs to be augmented and RBI should monitor the lending operations of the banks to ensure 4.96 that the prospective borrowers get the loans expeditiously. The efforts of financial institutions should be quantified separately in respect of each of the three sections, i.e., SCs, STs and other weaker sections. 4.96 The working of S.C.D.C. Corporations, Tribal Development Corporations and 4.7 Marketing Corporations may be evaluated by the independent agencies to know about the performance of these institutions at the field level. These Corporations should be 4.96 given the status of Commercial Banks. While granting loans under employment generating schemes, which lead to creation of 4.8 assets, the joint applications by both husband and wife and consequent upon joint 4.96 ownership of the assets should be encouraged. In the States/UTs where there are either no blocks with more than 50% SC populations or the number is less, the SCA should be used by considering village/cluster of villages as a unit in the pattern of MADA or TSP pockets for tribal development. 4.96

# CHAPTER V - DEVELOPMENT AND WELFARE OF SCHEDULED TRIBES

5.1 A radical departure from the prevalent practice of Tribal sub-Plan formulation is necessary. In this connection, all the TSP States and UTs should adopt what is now known as the Maharashtra Model. Requisite TSP funds should be placed at the disposal of Tribal Development Department for inter-sectoral prioritisation and for allocation of funds for schemes and programmes under each sector which will cater to the genuine and felt needs of the tribals.	5.56
5.2 The ITDPs should be converted into ITDAs (Integrated Tribal Development Agencies). In other words, they should be registered as Societies as has been done in Orissa and Andhra Pradesh. Single Line Administration should be ensured at the project level.	5.56
5.3 In the context if introduction of Panchayati Raj System, Project Officers of ITDPs / ITDAs should be declared as additional Chief Executive Officers of the Zilla Parishads to ensure harmonious working between ITDPS / ITDAs and the Panchyati Raj bodies. They may also be declared as Additional Collectors.	
5.4 The provisions contained in para 5 of the Fifth Schedule to the Constitution may be taken advantage of for framing regulations reserving all posts in the Scheduled Areas for STs only. In addition suitable relaxations in qualifications may also be provided in certain categories of posts like Forest Guards, Police Constables, Primary School Teachers etc, for the tribals.	5.56
5.5 The system of Village Health Guides which has become defunct should be revived by the Ministry of Health. The local tribals could be appointed as Village Health Guides with required training in modern medicines and up gradation of their knowledge in traditional tribal medicines. There should be Village Health Guide for a population of 500, rather than 1000, in tribal areas.	5.56
5.6 The Non-Governmental Organisations of tribals should be encouraged and supported to work in tribal areas. For this purpose the present requirement of existence of NGOs for three years should be waived. In case of other NGOs working in tribal areas the requirement of three years period may be reduced to one year.	5.56
5.7 All the States having tribal population should take special care of the nutritional and health status of the tribals, especially women and children. Vulnerable areas and vulnerable period/season should be identified. Comprehensive Action Plans should be framed and States/UT level and District level Monitoring Committees should be formed for taking preventive measures to put a check on the deaths of children in remote and backward tribal areas due to starvation or malnutrition combined with different diseases.	5.56
5.8 State Government should take another look at all their laws relating to land for plugging loopholes in the laws and preventing illegal alienation of tribal land. The records of tribals should be updated in a time-bound manner. Disposal of cases relating to alienation of ST land should be constantly monitored through a Special	5.56

Committee at the State level with Secretary, Welfare and Secretary, Revenue/Land Reforms, as its Members.

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- Traditional rights of tribals for collection of Minor Forest Produce should be recognised. Similarly, the State Government should take immediate steps to abolish all royalties/levies and taxes on minor forest produce in order to enable the tribals to realise a better and higher remuneration for M.F.P. The Government/cooperative bodies such as LAMPS should be given exclusive rights for procurement of minor forest produce. 5.10 Efforts should be made to involve the traditional tribal leadership in the development 5.56 process. Participation of tribal leaders in the enforcement of various preventive measures relating to land alienation, payment of minimum wages, money lending and fixation of prices in marketing of various items of minor forest produce, etc. should be ensured by involving them in block, district and State level committees connected with implementation/monitoring of these measures. 5.11 There should be decentralisation of powers up to the field agencies. Autonomy should 5.56 be given to the implementing agencies. The devolution of power should be ensured. There should not be any interference both by State and Central Government and functions of different levels should be clearly defined. 5.56 5.12 The officers and employees working in the tribal areas should be provided with accommodation and educational facilities or incentives for education of their children etc. 5.13 In order to make fair assessment of the impact of the programmes independent as well 5.56 as internal evaluation should be taken up on a regular basis and effective monitoring arrangements have to be ensured. 5.56
- 5.14 Planning Commission must issue clear guidelines regarding allocation to TSP in proportion to the percentages of ST to the total population. Various States have raised the question of flow from divisible/indivisible pool during the meetings with the Commission. State Government had expressed that the flow to TSP could be made from the divisible plan outlay only.
- 5.56 5.15 It is seen that male members of ST communities in several cases are deserting their wives. The women have to maintain themselves with their children with much difficulties. Separate programmes for these categories of women may be formulated in the Ninth Plan.
- 5.16 Of late tribal lands are being acquired for establishing projects by joint venture and private parties. In all such cases the displaced Tribals should be made as partner of the projects.
- 5.17 The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act 1975 was adopted unanimously by the legislature. It was included in the Ninth Schedule of the Constitution in view of its social context. This Act prohibits the transfer of tribal land to non-tribals and provided for lands transferred to non-tribals to be restored to the tribals. The Act of 1975 has now been

amended in 1996 by the Kerala Legislative Assembly in such a way as to virtually deny the tribals the right to have the alienated lands restored to them. The Bill as passed by Kerala Legislative Assembly has been submitted for President's assent. The tribals are dependent on land for sustenance. A good number of the tribals in Wayanad district and Attappady in Palghat district have become landless over the years on account of various pressures, financial compulsion and often pressures from non-tribals. Commission recommends that the provision of the Act of 1975 should not be amended since the proposed amendment will defeat the main purpose of the original enactment, viz., the restoration of alienated tribal lands.

- 5.18 The tribals in North-Eastern States are facing difficulties due to lack of drinking water facilities. A comprehensive plan to identify problem villages may be prepared and the problem villages provided with adequate drinking water facilities.
- 5.19 In States like Arunachal Pradesh who have no ST Finance and Development Corporation, STs are facing difficulties in obtaining margin money, loan and subsidy from the Corporation for their socio-economic development. It is recommended that a SC & ST Finance and Development Corporation may be set up in Arunachal Pradesh.
- 5.20 Ladakh region of Jammu & Kashmir State was covered under Tribal Sub-Plan strategy during 1990-91. Special Central Assistance under TSP is also released to the State for the development of Scheduled Tribes in Ladakh region. It is observed that Jammu & Kashmir Government has no separate administrative structure for TSP in Jammu & Kashmir. It is suggested that the State Government may constitute ITDPs in Ladakh so that SCA to TSP could be released to the ITDPs like other States for proper implementation of programmes for the development of Scheduled Tribes.
- Kalahandi district in Orissa which has been now bifurcated into two districts, viz., Kalahandi and Nuapada faces drought condition every year. The undivided Kalahandi district had a total population of 16.00 lakhs according to 1991 Ceneus. Out of which ST and SC population are 4.96 lakhs and 2.54 lakhs respectively. Thus about 50% of the total population belongs to SC and ST community. Due to drought, a good number of SCs and STs migrate to other States for jobs. Due to malnutrition, starvation deaths are also reported in these districts although various poverty alleviation programmes (under TSP and SCP) are being implemented in these districts and a Special Plan for Kalahandi, Bolangir and Koraput districts is being implemented to counter the draught prone condition of these districts. However, the impact is yet to be seen. In order to improve the socio-economic status of the weaker section and reduce the incidence of migration and malnutrition, it is essential that programmes for conservation of water and upgradation of skills and technologies for agriculture and forestry operation are taken up on a large scale in these districts.

## **CHAPTER VI - RESERVATION IN SERVICES**

6.1 It would be seen that the representation of SCs and STs as a whole has reached the prescribed level but it continues to be below the prescribed percentages in Group 'A' and 'B'. Special efforts are, therefore, required to be made for increasing the intake of SCs/STs in these groups. The process of Special Recruitment Drive needs to be continued for filling up the backlog vacancies as early as possible. Reservation in promotion should be extended to all categories of posts.

6.2 The Commission, in its earlier reports has also highlighted the problem of inadequate representation of SCs and STs in the Central and State Universities. Thus more effective steps are required to be taken to remedy the situation. It would be necessary and worthwhile if the relevant Acts are amended suitably so that adequate representation of SCs and STs is provided for and enforced in the Universities.

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- 6.3 The Commission would like to reiterate the fact that in all Ministries/Departments, Public Sector Enterprises and Banks it is the top level officers/management who are ultimately responsible and accountable for implementing the reservation policy, of which the proper maintenance of the rosters is a crucial and integral part. Thus Secretaries of Ministries and Heads of Departments and Chief Executives in Public Sector Enterprises and Banks should ensure that rosters are maintained properly and regular inspections are carried out by the competent authority and Liaison Officers.
- 6.4 Liaison Officers being expert on the subject should advice the management on the policy and whenever the management does not adhere to and go against the reservation policy such matters should be brought to the knowledge of the Commission. In order to make this in-built mechanism effective the concept of making the Liaison Officers responsible to National Commission for Scheduled Castes and Scheduled Tribes (as in case of Central Vigilance Organisation) may be considered.
- 6.5 The Commission recommends that the Government of India should review the whole issue regarding the status of the Association of SC/ST employees so that the associations formed by SC/ST employees get a respectable status and the administrative authorities listen to them with due attention. They may be provided with the following opportunities:
- (1) Collective representations.
- (2) Periodical meetings.
- (3) Record of discussions, redressal and grievances.
- (4) Follow-up and discussions.
- (5) Supporting officers to build up leadership among these sections.
- 6.6 With a view to effectively implement the reservation policy in the Ministries/Departments/Public sector Undertakings, Banks and other organisations and keeping in view the Constitution 77th Amendment Act, 1995 it is time that the main principles of reservation are embodied in an Act of Parliament so that the violation of safeguards is reduced to the minimum. The Act should not only clearly enunciate the entire reservation policy in specific terms but also provide for penal action against those who deliberately fail to implement the same. This will go in giving the SCs and STs a sense of security that provisions of the Constitution regarding adequate representation in the services are observed by all concerned.

#### **CHAPTER VII - FALSE CERTIFICATES**

7.1 As indicated in the Report, even micro-level studies of a small number of Central Government offices and Public Sector Enterprises reveal that the tendency of misuse of caste certificates is growing. Moreover, the entire system of issuing of caste certificates and proper verification at the time of induction in service is not

functioning as per the prescribed procedure. As observed many individuals are obtaining certificates from places of which they are not permanent residents and are thus openly flouting legal and Constitutional provisions. Moreover, even after the cases are detected, follow-up of inquiry, verification, cancellation, termination of services and criminal action is not being taken. On the other hand, due to slow follow-up the concerned individuals are able to take undue advantage and continue in service and also get protection from the courts. The efforts required to get the stay orders vacated are also not being made. The Commission, in several cases, has issued instructions for prompt action to be taken in the cases of false certificate holders. The concerned Departments/Public Sector Enterprises should take the following measures:

- (a) The status of a person as "ordinarily resident" is determined according to the place of his residence or residence of his father/grand father on the date of issue of the Constitution Order under Article 341(1) or 342(1) with reference to the State of residence. Caste Certificate showing a person "ordinarily resident" of a Government residential colony, staff quarters or colonies developed by local bodies etc, which came into existence much after date of issue of the Constitution Order (a) should be got verified and the certificate holder may be asked to obtain the certificate w. r. t. the place of his actual "ordinary residence" as on the date of issue of the C.O. in relation to the State to which he/she belongs.
- (b) Since the communities are specified as SC or ST with reference to a particular State or part of the State, the status of a person does not change on migration to another State or another part of the State. For instance a person belonging to a SC/ST community in Bihar, on migration to M.P. State will continue to be a SC/ST of Bihar and will not be treated as SC/ST in M.P., even though his community is also specified as SC/ST in relation to the State of M.P. He will, however, be eligible to draw benefit as a SC/ST from the Central Government, like (i) reservation in services to be filled on all-India basis under the Central Government offices located in M.P. and elsewhere and (ii) admissions to educational institutions located in M.P. and elsewhere but controlled/financed/regulated/administered by Central Government. Similarly a person, resident of Bihar and not belonging to either SC/ST of the State on migration to M.P. State would not be treated as SC/ST even though his/her community is listed as SC/ST in relation to M.P. State.
- (c) The caste status of a person is determined on the basis of the caste status of his/her father and not mother. Therefore, the certificate issued to a woman should be verified w.r.t. (i) the caste status of her father and not of her husband, and (ii) her place of ordinary resident or that of her father/grand father and not that of her husband or husband's family. This further implies that a SC/ST woman marrying a non-SC/ST person would continue to be a SC/ST and vice-versa. Similarly, in case of inter-caste marriage, children of that family would get the caste status of their father.
- (d) A person professing a religion other than Hinduism, Sikhism and Buddhism is not treated as a SC. Therefore, a SC person, on conversion to any other religion ceases to be a SC. Similarly, conversion or reconversion from any other religion to Hinduism/Sikhism/Buddhism does not confer any person the status of belonging to a SC. Therefore, the certificate about SC status should be carefully verified w.r.t. the religion of the person, his father and that of his forefathers.

- (e) Order relating to grant of SC status to persons professing Buddhism came into force on 30.1.1990. Therefore, claims of certificates of persons belonging to SC and professing Buddhism should be verified accordingly.

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- (f) Whenever there is a <u>prima facie</u> case of a false SC/ST certificate, a reference to this effect may be made to the Collector of the concerned District to verify the genuineness or correctness of the certificate. In case the certificate is found false the disciplinary action against the false SC/ST certificate holder should be started immediately and the case also be reported to the police for instituting criminal provisions of the Indian Penal Code.

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- (g) In case the false SC/ST certificate holder takes the shelter of Court, the Hon'ble Court may be approached to vacate the stay order, if granted, and to finalise the case on top priority to ensure that the person does not continue to avail the benefits meant for SCs/STs. This will ensure that the guilty persons are not only suitably punished but they also face departmental action.
- (h) In no case should the false SC/ST certificate holder be allowed to work as a general candidate because he has violated the Conduct Rules and cornered the benefits which are available to only those who are genuine SC/ST. By doing so he has denied the right of reservation to a genuine SC/ST candidate. The services of such a fake certificate holder should be terminated and the post so vacated should be filled from SC/ST for which it was originally reserved.
- (i) The State Governments should also issue necessary instructions to the District Magistrates/Certificate issuing or verifying authorities to keep in view various directions and instructions regarding verification of claims as belonging to SC/ST/OBC issued by Government of India from time to time, while issuing/verifying the caste certificates.
- 7.2 Steps should be taken to get the proposed Bill in the Parliament, for regulating the issue of community certificates, enacted at the earliest so that action can be taken against those who misuse the provisions and obtain false caste certificates and those officers who abet offences can also be suitably brought to book. An effective legislation, applicable to all States/UTs and offices of Central Government etc. will also facilitate the use of common procedures and action throughout the country.
- 7.3 The Government of India should also issue and reiterate instructions to all its Ministries/Departments and Public Sector Enterprises, educational and professional institutions and other bodies under its control to take necessary steps for proper verification of caste/community certificates and for taking suitable action against the offenders. Suitable instruction on similar lines should also be issued to the States/UTs. It is all the more necessary to check the certificates at the time of entry in educational institutions, where the false caste certificates holders can really deprive the deserving candidates of an opportunity to gain knowledge and skills and subsequently to secure employment.
- 7.4 Training programmes for Liaison Officers and Social Welfare and Revenue Officers of the States/ UTs may be organised to enable them to be fully aware of the rules,

regulations and procedures in this regard.

7.5 As mentioned earlier in the Chapter on Constitutional Safeguards the Commission is strongly of the opinion that a permanent mechanism should be set up to look into the anomalies that have crept into the lists of SCs and STs and prepare proposals for revision with in-depth analysis. These proposals can then be considered by the Parliament for suitable decisions. Such revisions and analysis will also reduce the undue advantages that are being taken by false certificate holders on account of phonetic similarities or removal of area restrictions.

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

8.1 It is emphasised that suitable instructions are required to be given by the police authorities to the local police for speedy and careful disposal of cases registered under PCR Act, 1955 and SCs & STs (POA) Act, 1989 and filing the chargesheet within the shortest (prescribed) time limit.

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8.2 Since the State Governments are primarily responsible for maintaining Law and Order in the States, they should take adequate steps for maintaining peace and communal harmony in rural and urban areas to minimise the crimes and atrocities on SCs/STs.

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8.3 Police should take timely and effective action in investigating the cases and submitting the chargesheet in the Court which would greatly help in curbing crimes. It is necessary that investigation on complaints are initiated soon after the FIR is lodged. It is also necessary to have regular monitoring and examination of cases which are closed without challanning, so that genuine cases are not closed.

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8.4 The Commission has observed that the designated Special Courts are already burdened with the cases and they are not able to dispose of the cases registered under POA Act, 1989 expeditiously. Hence, the very purpose of the Act is defeated. The Commission, therefore, recommends that the State Governments who have not established exclusive Special Courts may establish the same for speedy trial of cases under the Act especially where the number of cases or level of pendency is high.

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8.5 The State Governments may also ensure that Special Public Prosecutors with adequate qualifications and experience are appointed in all Special Courts so that the cases are tried in right earnest and disposed of with necessary conviction. The SSP should also maintain strong and cordial rapport with the local police machinery so that cases do not fail in the Court for want of specific information from the police. State Governments may also consider organising training courses for creating awareness about various provisions of the 2 Special Acts among the Special Public Prosecutors and the concerned Folice officials.

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8.6 The Commission recommends that, in order to ensure that the agencies responsible for providing protection and safeguarding the interests of SCs/STs do not themselves commit crimes against SCs/STs, regular training and orientation of functionaries at all levels is necessary.

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