

# CHAPTER X

## SUMMARY OF MAJOR RECOMMENDATIONS

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

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

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



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

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

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

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



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

## **CHAPTER VI POVERTY ALLEVIATION AND EMPLOYMENT AND INCOME GENERATION**

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

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

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



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

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

## CHAPTER VII SERVICE SAFEGUARDS

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

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



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

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

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

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



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

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

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

## CHAPTER IX MAIN ISSUES IN TRIBAL DEVELOPMENT

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



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