

*



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



**SIXTH REPORT
1999-2000 & 2000-2001**



सत्यमेव जयते

भारत सरकार
राष्ट्रीय अनुसूचित जाति एवं अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

दिलीप सिंह भूरिया
अध्यक्ष

DILEEP SINGH BHURIA
CHAIRMAN

पाँचवीं मंजिल, लोकनायक भवन,
खान मार्केट, नई दिल्ली-110003
5th FLOOR, LOK NAYAK BHAWAN,
KHAN MARKET, NEW DELHI-110003
Tel. : Off. : 4632298, 4620435
Res. : 3715460

16th November, 2001

Respected Rashtrapati ji,

It is indeed an honour to present to you the Sixth Report of the National Commission for the Scheduled Castes and the Scheduled Tribes. We have decided to cover the period of working of the Commission during the years 1999-2000 and 2000-2001 in this Report. The Report gives an overview of the implementation of development programmes, constitutional and legal safeguards and other measures taken by for the economic and social upliftment of the Scheduled Castes and the Scheduled Tribes as well as the initiatives taken by the Commission to enhance the effectiveness of these measures.

Since assuming charge, the Commission has held meetings with almost all the State Governments and UT Administrations to review the implementation of development and other programmes for SCs and STs. The Members of the Commission also inspected the implementation of these development programmes and held discussions with concerned officers and peoples' representatives at district and local levels. The Commission held detailed reviews with most of the Central Ministries implementing development programmes for SCs and STs. As many of the Public Sector Enterprises and Central Universities have a large number of employees, reviews were held to evaluate the implementation of reservation policy in such organisations.

During this period many other developments took place which have an important bearing on the socio-economic upliftment of SCs and STs. To focus on specific development needs of the Scheduled Tribes, a separate Ministry of Tribal Affairs was created in 1999. The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation has been bifurcated and a separate Finance and Development Corporation for Scheduled Tribes has been set up. Action has also been initiated to set up a separate National Commission for Scheduled Tribes. A workshop of Members of Parliament belonging to SC and ST was held in December 1999, and while addressing this Workshop the Prime Minister had clearly laid down the policy guidelines for improving the effectiveness of the laws and programmes for the socio-economic development of SCs and STs. The recommendations, which emerged out of this workshop, however require expeditious follow up. The Commission had also closely interacted with the National Commission for Review of Constitution and has given its considered views for incorporation in the final recommendations.

Honourable President had taken a historic decision to constitute a Committee of the Governors to suggest measures for improving the effectiveness of various programmes for socio-economic development of SCs and STs. The Commission had provided its inputs to the

Committee and had also participated in its consultations. The Report of this Committee has since been presented to the Government and it is the earnest desire of the Commission that the recommendations contained in this Report will be able to give new fillip and orientation to the programmes and strategies for enabling the SCs and STs to join the mainstream.

With a view to ascertain the difficulties actually faced at the implementation level as also to provide an opportunity to share successful initiatives and innovative schemes, the Commission held a National Seminar with the Collectors of certain select districts in August 2001. The Commission has also taken a decision to conduct research studies on implementation of SCP and TSP, which is already underway.

As a result of various legal and policy initiatives taken by the Government as also special strategies evolved for their development, there is considerable improvement in the socio-economic condition of a large section of SCs and STs. The benefits, however, have not reached all of them and a large number of them continue to be steeped in poverty and misery and subject to discrimination and atrocities by other sections of society. The development programmes need to be implemented with renewed vigour and reoriented, wherever necessary, and targeted specifically on those sections among SCs and STs who have remained deprived of the benefits of development in the past.

With regards,

Yours sincerely,



(Dilip Singh Bhuria)

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

P R E F A C E

Having closely interacted with a large number of Government Organisations, Non-Government Organisations, peoples representatives at various levels, the Commission cannot help coming to the conclusion that inspite of specific provisions made in the Constitution for overcoming the socio-economic disabilities of the SCs and STs, several legal and policy initiatives, institutional network and considerably large financial allocations, the results achieved in terms of bringing the Scheduled Castes and Scheduled Tribes to the national mainstream falls far short of expectations. The main instruments used for achieving this objective was through a policy of reservations in employment and admissions in educational and professional courses as also in elected bodies; protective legislation to ensure that they are not subjected to exploitation and discrimination and through enhanced and specific financial allocations for their development.

Through the system of reservations in elected bodies, including in Panchayat Raj Institutions, provision has been made for participation of SC and ST representatives in the planning process at various levels. But due to the compulsions of electoral and party politics, relative inexperience of elected representatives especially in Panchayat Raj bodies, the representatives of SCs and STs have not been fully successful in making a common cause on issues relating to social disabilities and economic deprivation of SCs and STs. This calls for an introspection not only among the SC and ST representatives but also by the other sections of society and to initiate measures for creating conditions for integration of these communities in the national mainstream.

Policy of reservations in appointments and educational institutions was provided in the Constitution to ensure equitable share to these communities in governance. It is true that reservation in appointments would benefit only a small proportion of their population, but their representation at various levels was expected to ensure incorporation of the concerns and developmental needs of these communities in formulation and implementation of programmes for their socio-economic development. But inspite of reservations, the representation of SCs and STs continues to be much lower than the prescribed proportion in Group A and Group B services, both under the Government and the Public Sector Undertakings. The poor representation of Scheduled Tribes in all the groups of services is particularly disturbing. One of the reasons for this situation is relatively low level of literacy and very poor quality of education. The Scheduled Castes and the Scheduled Tribes who come mainly from the rural areas do not have access to good quality of education and are thus found wanting while competing for higher levels of posts and those requiring technical and professional qualifications.

Most of the concessions and relaxation provided to the SCs and STs in the matter of reservations in services were withdrawn through 5 O.Ms issued by the Government in 1997. As a result of constant persuasion by the Commission, 3 of these OMs have since been withdrawn by amending the Constitution. The OM relating to switching over to post-based rosters continues to militate against the interests of SCs and STs. Through this single decision of the Government a large number of backlog reserved vacancies just disappeared. Besides, under the existing scheme of things reservation policy in small cadres, whose number is very large in various Government Departments and public funded institutions, has become a farce and reservation can never reach the proportions prescribed by the Government. The implementation of reservation policy through executive instructions, which are frequently subject to judicial intervention, has failed to achieve the desired objectives. The Commission has been recommending for a long time to give statutory basis for the reservation policy and to insulate it from judicial intervention by

keeping it in the IXth Schedule of the Constitution. This recommendation which also forms part of the recommendations of the Workshop of SC and ST Members of Parliament, held in December 1999, should be given serious consideration by the Government and early decision taken in this regard.

The number of cases registered under PCR Act and SC & ST (POA) Act has been showing downward trend in the recent years, which is indeed a healthy development. But from its reviews with various State Governments the Commission is of the view that a large number of cases of atrocities go unregistered, mainly because of reluctance on the part of police officers to register the cases and also because of lack of awareness among the members of these communities about the provisions of these Acts. In addition, there are delays in investigation, collusion with offenders and manipulation of witnesses and evidence which all contribute to reduce the effectiveness of these protective legislations. In almost all the States the meetings of the Monitoring and Vigilance Committees at State level are not held regularly which is an important mechanism for ensuring proper implementation of these laws. Number of cases pending before the courts in most of the major States is alarming. Uttar Pradesh alone has more than 70,000 cases pending in the Courts. Though there is a provision for setting up Special Courts under these Acts, with a few exceptions, most of the States have designated the existing District and Session Courts as Special Courts. The question of setting up exclusive Special Courts, particularly in the States having large pendency, needs serious consideration of the Government. The rate of convictions in various States ranges from 5 to 10 percent and it is necessary to examine the reasons for such low conviction rates and for taking urgent corrective action. The Apex Court has held that the Special Courts cannot directly entertain the cases under these Acts, without following committal proceedings. It is, therefore, necessary to amend these Acts suitably to authorise the Special Courts to admit cases under these Acts directly.

The Special Component plan and the Tribal Sub Plan have not been implemented in the manner these strategies were conceived. Most of the Central Ministries are neither formulating SCP and TSP nor are making allocations in proportion to SC and ST population. The State and UTs are of course formulating SCP and TSP, but with a few exceptions, allocations are often short of prescribed proportions and diversions are quite common. The role of nodal Ministries of Social Justice and Empowerment and the Tribal Affairs in coordinating the programmes for development of SCs and STs has been quite ineffective. Similarly, except in a few States, the Departments of Social Welfare and Tribal Welfare have very little say in formulation of programmes for Socio-economic development of SCs and STs and their implementation, which is left to the individual Departments. The Planning Commission has sought to rectify the situation through the mechanism of Tri-Partite Committees both at the Centre and at State levels. Its effectiveness has, however, not been fully satisfactory. Time has come to take a fresh look at the existing institutional mechanism for formulation and implementation of development programmes for SCs and STs so as to ensure better participation of the target population, making the programmes need based and to improve the delivery of such programmes and schemes.

EXECUTIVE SUMMARY

- Chapter I** Introduction to National Commission for Scheduled Castes and Scheduled Tribes-its setting up, duties and responsibilities entrusted to it under the Constitution of India.
- Chapter II** Various provisions of Constitution relating to safeguards for SC/ST communities; protective and anti-exploitative legislations; and other important legal provisions dealing with SC/ST matters discussed.
- Chapter IV** Genesis of the caste system and the practice of untouchability and efforts made since Independence for eradicating untouchability through legislative and other measures have been discussed in detail. The need for giving wide publicity to the efforts made for abolition of untouchability and the provision of the Protection of Civil Rights Act, 1955 alongwith need for coordinating role of the Central Govt. for implementation of this Act have been re-emphasised. Attention has also been drawn to the lack-luster efforts by various State Governments in investigating the atrocities on Scheduled Castes. It has been emphasised that Govt. of India should get the two Institutions of Harijan Thanas and Special Courts investigated thoroughly in terms of concrete results that they have produced so far.
- Chapter III & V** Economic condition of SCs and STs continues to be worse than that of other sections of society. Nearly 50% of the total SC/ST households are estimated to be below poverty line. They represent the poorest segments as reflected by the lower per capita expenditure of SCs and STs as compared to other sections of poor people. In rural areas, most of them are either agricultural labour or small cultivators. Efforts for providing them wage employment through various schemes have slowed down due to reduction in the amount of Central share, delay in release of instalments by Central Govt. and non-utilisation of allocated funds. The requisite coverage of SC/ST beneficiaries as per guidelines in these schemes is not being adhered to. Both State Governments and Central Ministries are allocating less funds under SCP/TSP and diversions are quite common. There is a need for increasing outlays under SCP and TSP, strengthening of monitoring mechanism and full utilisation of funds allocated.
- Chapter VI** Extent of Land Alienation among STs and displacement due to major projects have been discussed in detail in this chapter. The extent of dependence of tribals on forests has also been focused. The major issues discussed in the chapter are-
- i. The protective and legal provision relating to Land Alienation.
 - ii. The empowerment of Scheduled Tribes under the Panchayats (Extension) to Scheduled Areas Act, 1996.
 - iii. The extent of displacement due to major projects taken up in tribal areas.

- iv. The intervention by the Commission in major policy issues affecting the Scheduled Tribes in matters relating to land alienation, displacement due to projects.
- v. The forest laws and policies affecting the tribals.
- vi. The issues relating to MFP, medicinal plants, effects of jhum cultivation and the concept of JFM for afforestation and regeneration of forests for the benefit of tribals.
- vii. The lacunae and suggestions for ensuring better command of Scheduled Tribes over natural resources in their habitats.

Chapter VII Educational status of SCs and STs, right from primary stage and their representation in higher education has been discussed in detail. The need for arresting the drop outs, especially among SCs and STs, through strengthening of Mid-day-Meal Scheme in partnership with Women's Self Help Groups and extension of vocational education has been emphasised. Community participation in achieving the goal of Universalisation of Elementary Education is essential. For optimum utilisation of Government resources it is important to develop educational complexes with all the necessary infrastructure. The need for conserving tribal arts by enrolling artists as resource persons in vocational institutions has also been emphasised.

Chapter-VIII The representation of SCs/STs is still to reach the prescribed levels in the Central Government Departments and PSEs. The Department of Personnel and Training issued Office Memoranda on 31.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97, which had the effect of reversing the reservation policy. There is a need for an Act by the Parliament to provide reservations to the SCs/STs in educational institutions and the services.

Chapter-IX Alongwith emphasizing the important provisions of the SCs and STs (POA) Act, 1989, specific instances of atrocities on SCs and STs and the remedy given by the Commission are the highlights of the chapter, which clearly bring out the need for stringent enforcement of the Acts by the implementing agencies.

Chapter X Recommendations have been made for improving the effectiveness of various programmes and the functioning of the concerned implementing agencies. It is imperative that urgent action is taken by the executive machinery for its implementation so as to realize the dream of an egalitarian society of our constitution makers.

CHAPTER I

INTRODUCTION

The Scheduled Castes and the Scheduled Tribes have been subjected to various kinds of social discrimination and economic deprivation through the ages. The framers of the Constitution considered it necessary to make special provisions in the Constitution for enabling them to join the mainstream by providing for their equitable share in the governance through the policy of reservation in elected bodies, public services and educational courses, protection against social and economic exploitation and enhanced and specific financial allocation for expediting their socio-economic development. Special strategies were adopted for ensuring their equitable share in the fruits of development through the Tribal Sub Plan and the Special Component Plan, which have been in operation since the 5th and the 6th Five Year Plan, respectively.

1.2 The framers of the Constitution were also aware that merely by making Constitutional provisions for their protection and development the desired objective may not be achieved. Therefore, in the Constitution itself a specific provision was made for appointment of a Special Officer for monitoring the implementation of safeguards provided to the Scheduled Castes and the Scheduled Tribes under the Constitution or under any other law as well as the welfare and development programmes for them. The office of the Special Officer, designated as Commissioner for SCs & STs, came into being on 18.11.1950 with its office at New Delhi. Later on field offices of the Commissioner were also set up one by one and by 1965, 17 field offices of the Commissioner were set up. In 1967 the field offices of the Commissioner for SCs & STs were transferred and placed under the Director General, Backward Classes Welfare in the Department of Social Welfare, Ministry of Home Affairs. The field offices were re-christened and regrouped into five Zonal offices of DG, BCW.

1.3 In July 1978 a proposal was initiated for setting up of a Multi Member Commission instead of single member Commissioner for SCs & STs by amending Article 338 of the Constitution. Pending proposed Constitutional amendment, the Government decided to set up a Multi Member Commission through a resolution No. 13013/9/77/SCT(1) dated 21.7.1978. The first Commission, namely Commission for SCs & STs came into existence w.e.f. 1.12.1978 with Shri Bholu Paswan Shastri as Chairman and four other Members. In 1987 the name of the Commission was changed to National Commission for SCs & STs and it became a National level Advisory Body.

1.4 In 1990, through the Constitution (Sixty Fifth Amendment) Bill, 1990, Article 338 of the Constitution was amended providing for the National Commission in its present form. The National Commission for SCs & STs was given enhanced powers and responsibilities and it was also empowered to regulate its own procedure. The Commission has a provision for one Chairperson, one Vice-Chairperson and five other Members who are appointed for a period of three years. The Chairmanship is rotated between SCs & STs with two terms for SC representative to be followed by one term for ST representative.

1.5 The first Constitutional Commission was constituted on 12.3.1992 with Shri Ram Dhan as Chairman, Shri Bandi Oraon as Vice-Chairperson and five other Members. Second Commission became operational w.e.f. 8.10.1995 with Shri H. Hanumanthappa as Chairperson and Smt. Omem Moyong Dęori as Vice-Chairperson. Present Commission,

which is third in the series, was constituted w.e.f. 15.12.1998 with Shri Dileep Singh Bhuria as Chairman, Shri Kameshwar Paswan as Vice-Chairman and five other Members.

1.6 The Commission has framed its own Rules of Procedure to deal with representations and for investigating into specific complaints. One of the duties assigned to the Commission is to investigate and monitor implementation of safeguards provided to the members of Scheduled Castes and Scheduled Tribes given under the Constitution or any other law for the time being in force or under any order issued by the Government and to evaluate the working of these safeguards. Investigation by the Commission is done in three ways depending upon gravity and urgency of the complaint/report.

- (a) By the Commission directly;
- (b) By an investigating team constituted at the Hqrs. of the Commission; and
- (c) Through its State Offices.

In addition, another permissible channel for inquiring into the incidents or complaints is by appointing a commission under Commission of Inquiry Act.

1.7 Right from the beginning of its tenure, the Commission observed that most of its time is taken away by representations relating to service safeguards, mainly from State capitals, and adequate attention was not being devoted to monitoring of development programmes and implementation of protective legislation. It was, therefore, decided that the Commission should give equal importance to these aspects also and during its tenure the Commission devoted maximum time in reviewing the implementation of development programmes and service safeguards with the Central Ministries, State Governments, District Administration and other related organisations.

1.8 During the year 1999-2000 and 2000-2001 more than 22,000 representations/petitions/complaints pertaining to service matters, atrocity/untouchability matters and development matters were received in the Commission on which the Commission have taken action. In addition, the Commission have also taken action on matters related to SCs & STs as reported in the national/local dailies. With the intervention of the Commission 1194 people got desired relief and their grievances were redressed. Nearly equal number of representations were disposed off after necessary investigation. In the remaining cases investigations are in progress and information awaited from the State Governments, the Central Ministries or the concerned organisations.

1.9 For investigation of a matter related to safeguards or while inquiring into any specific complaint, the Commission has been given powers of a Civil Court to ensure presence of the respondents/witness and production of records by issuing summons or warrants. Wherever, the respondent organisation/authority do not cooperate with the Commission, the Commission have used its power under Clause 8 of Article 338 of the Constitution and enforced the attendance of respondents through issuance of summon. During the year 1999-2000 and 2000-2001, 492 summons were issued. Although a provision exists for issuance of Warrant, bothailable and non-ailable, there was no occasion for the Commission to use this power as all the respondents appeared before the Commission on being summoned.

1.10 Chairman, Vice-Chairman and Members have held State level review meeting with State Governments, Ministries/Departments of Central Government and Central PSUs, Banks, Autonomous Bodies and Institutions. During the period 1999-2000 and 2000-2001, the Commission held State level review meetings with the Chief Secretaries and other senior officers of all the State Governments & Union Territories, except Jammu & Kashmir. These review meetings were preceded or followed by discussions with the

Governors and Chief Ministers of the respective States. In the State level review meetings implementation of development programmes for SCs & STs, protective legislation, reservation policy, etc. were comprehensively discussed.

1.11 During the period under report, the Commission reviewed 124 Central PSUs/Financial Institutions/organisations, including their Regional Offices, with regard to implementation of reservation policy and welfare activities and gave specific suggestions/recommendation for improving implementation of reservation policy and maintenance of rosters especially to fill up the backlog vacancies for Scheduled Castes and Scheduled Tribes in a time bound manner.

1.12 The Commission have also reviewed the implementation of SCP and TSP strategies by the following Central Government Ministries/Departments as also implementation of reservation policy by them.

- (1) Department of Telecommunications
- (2) Department of Personnel & Administrative Reforms, including Central Bureau of Investigation and Staff Selection Commission
- (3) Ministry of Railways including Railway Board
- (4) Department of Women & Child Development
- (5) Department of Secondary and Higher Education
- (6) Department of Elementary Education and Literacy
- (7) Ministry of Health & Family Welfare
- (8) Ministry of Rural Development

1.13 The Commission have observed that the Central Ministries/Departments have no clear concept of SCP & TSP and are not earmarking their Plan budget as per Planning Commission's guidelines, even though the concept of TSP was evolved in the Fifth Five Year Plan and the SCP in the Sixth Five Year Plan. The Ministries/Departments have been advised to follow Planning Commission's guidelines in the matter of allocation of their Plan budget to SCP & TSP and also flow of fund. Certain Ministries have allocated some amounts in the name of development of Scheduled Castes and Scheduled Tribes without specifying the schemes and earmarking was not done separately for SCP and TSP.

1.14 The Commission continued to pursue with the Government for withdrawal of the five OMs issued by DoPT during 1997, which have had the effect of withdrawing the concession/relaxations given to SC/ST employees or diluting the reservation policy. The Commission had earlier submitted a Special Report to the President recommending for withdrawal of these OMs. With constant persuasion, the DoPT finally issued instructions based on amendment to Article 16 and 335 of the Constitution through the Constitution (81st Amendment) Act 2000 and the Constitution (82nd Amendment) Act 2001. A new clause has been inserted in Article 16 below as Clause (4B). In pursuance of the newly inserted Article 16(4B) of the Constitution, instructions were issued by DoPT, whereby the ceiling of fifty percent on filling up reserved vacancies would apply only on the reserved vacancies, which arise in the current year and the backlog/carried forward reserved vacancies for SCs & STs of earlier years would be treated as a separate and distinct group and would not be subject to any ceiling.

1.15 Through the Constitution (Eightysecond Amendment) Act, 2000 a proviso in Article 335 has been inserted which states; "Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering

the standards of evaluation, for reservation in matter of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State." In pursuance of the enabling proviso of Article 335 of the Constitution it has been decided to restore w.e.f. 3.10.2000, the relaxations/concessions in the matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997.

1.16 The Commission held seven meetings to resolve the issue of regularisation of the pre-1980 encroachments by the tribals in the forest areas of Madhya Pradesh and Chhatisgarh. Due to constant persuasion by the Commission, the Ministry of Environment and Forests have issued their approval for regularisation of encroachments in about 1.7 lakhs hectares, benefiting about 1.4 lakh families in the two States, subject to their fulfilling the approved eligibility criteria. The Commission also intervened in regularisation of encroachments in forest area in Orissa and the matter is now under active consideration of Government of Orissa.

Organisational set up of the Commission

1.17 The National Commission for SCs & STs consists of Chairperson, Vice-Chairperson and five Members. The Commission is assisted by a Secretariat headed by Secretary. The organisational chart of the Commission is given at **Annexure 1.1**. The Commission functions from Hqrs. And through its State Offices. The Commission's Hqrs. Is at New Delhi. It has 16 State offices located in the capital cities of various States. After creation of three new States, the Commission has decided to set up two more offices for the States of Chhatisgarh and Jharkhand.

1.18 The State Offices of the Commission are required to interact with the concerned State Governments with a view to see that the interests of the Scheduled Castes and Scheduled Tribes are protected and promoted. The State Offices also monitor the utilisation of funds earmarked for development of Scheduled Castes/Scheduled Tribes, including keeping a watch on diversion of funds from Special Component Plan and Tribal Sub Plan, if any.

1.19 National Commission for SCs & STs normally meets at least once in two months to deliberate on various important issues. During the period between 1999-2000 and 2000-2001, 16 meetings of the Commission were held and a large number of issues were discussed and decided. Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs referred 492 proposals of inclusion in and exclusion from the SC and ST lists of various States to the Commission for comments. The Commission examined all these proposals and offered its comments, after detailed discussion with the representatives of the RGI, concerned State Government and Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs, wherever considered necessary and have communicated its views.

1.20 The Chairman, Vice-Chairman & Members of the Commission undertook extensive touring either for on the spot inquiry in serious cases of atrocities or to verify the implementation of various development programmes at the field level. Some of the on-the-spot enquiries done by the Commission are listed below:

- i In the month of February, 1999, the Chairman alongwith the Vice-Chairman, visited Village Narayanapur in District Jahanabad in Bihar where 12 Scheduled Caste persons were killed. The Chairman and Vice-Chairman made on the spot inquiry with the local people and the District Officers.. Thereafter they held discussions with Chief Secretary, DG(P)

and other senior officers of Govt. of Bihar to enquire into the cause of incident, preventive measures taken by State Government and financial relief provided to victims' families. On the intervention of the Commission the State Government provided exgratia payment to all those families whose kins were killed. The Commission suggested certain long term measures to avoid recurrence of similar incidents which included ensuring payment of minimum wages, purchase of land by the Government and its distribution among landless SCs, ownership right to SCs, STs doing farming under Bataidari system, development programmes, opening of residential schools, etc.

- ii The Chairman alongwith Vice-Chairman visited Village Hasanpur Balughat, District Lakhi Sarai in Bihar on 2.7.2000, where 11 people including six people belonging to Scheduled Caste were killed, and made on the spot inquiry from Local District Administration and Police Personnel. On investigation the Commission found that due to failure in performing its duty by the Bihar Mineral Development Corporation, the anti social elements were extracting mineral and selling for their own benefit, illegally. The Commission sent its report and recommendation to Government of Bihar to avoid recurrence of such incident in future.
- iii The Chairman, one of the members and the Secretary, National Commission for SCs/STs visited Attappadi Tribal Project in Palakkad district in Kerala on 2.9.2000. They also visited the house of Ms. Sindhu, a minor adivasi girl at Annekkal to inquire into the incident of her becoming an unwed mother. The accused had refused to marry the girl. The police registered a case under Section 376 IPC & 3(2)(v) of the SCs & STs (POA) Act, 1989. The accused was arrested and later on released on bail. The father of the girl had died in mysterious circumstances. The Commission recommended for further reinvestigation of murder/death case of Velli, the father of Ms. Sindhu and also recommended to provide employment to Sindhu as part of the rehabilitation measure.
- iv A report was published in Local daily "Nai Duniya" that on 2-4-2001 tribals from villages Mehendikhera, Hirapur, Harmodi, Jamasindh, Vishali, etc. of District Debas, M.P. had gathered in village Mehendikhera to protest against demolition of their houses by the District authorities in connivance with the Forest Officials. Police opened fire in which 3 tribals and one non-tribal died. Chairman visited Mehendikhera village alongwith Collector, SP and other officials of District Dewas on 6.4.2001 and also other villages like Hirapur, Vishali, Jamasindh, Semoli, Banad, Parparhi & Katulia and met the affected families. In their anxiety to recover the illicitly-felled trees, the district administration unleashed a reign of terror by demolishing their houses, some of which were reportedly 10-15 years old, looting and scattering their food grains. On the intervention of the Commission, the Government of Madhya Pradesh has provided ex-gratia payment of Rs. 1.00 lakh to the families of victims, who died in police firing and also appointed a Committee of three Secretaries to find out the cause of incident. Financial aid of Rs.10,000 each has been provided to those who were seriously injured and Rs.5000 to simple injured. One member inquiry committee has been constituted to find out excess done by District Administration, if any.

1.21 Severe earthquake occurred in Gujarat on 26.1.2001 causing huge damage to life and property. A large number of buildings in Surendra Nagar and Kuchchh districts were destroyed and people were buried under the concrete rubble. The Chairman alongwith Member (VN) and Secretary visited affected areas and held discussions with the District Collector, Secretary Social Welfare and also with the Chief Minister on 26.3.2001 to ascertain the relief and rehabilitation provided to earthquake affected families. According to information given by Collector more than 70% of the buildings in five Taluka of Kuchhchh District including Municipal Towns of Bhuj, Rapar, Anjar, Gandhigram and Bhachau had collapsed in the earthquake. Death toll was about 18,500 on the basis of dead bodies recovered and registered with the police.

1.22 National Commission for SCs & STs have launched its Website on Internet, with the assistance of National Informatic Centre. The Website contains information about the Commission, relevant Constitutional provisions, Act & Rules enacted by Parliament related to protection, welfare and development of SCs & STs and Rules of Procedure of the Commission. The address of Website of the Commission is <http://www.ncscst.nic.in>

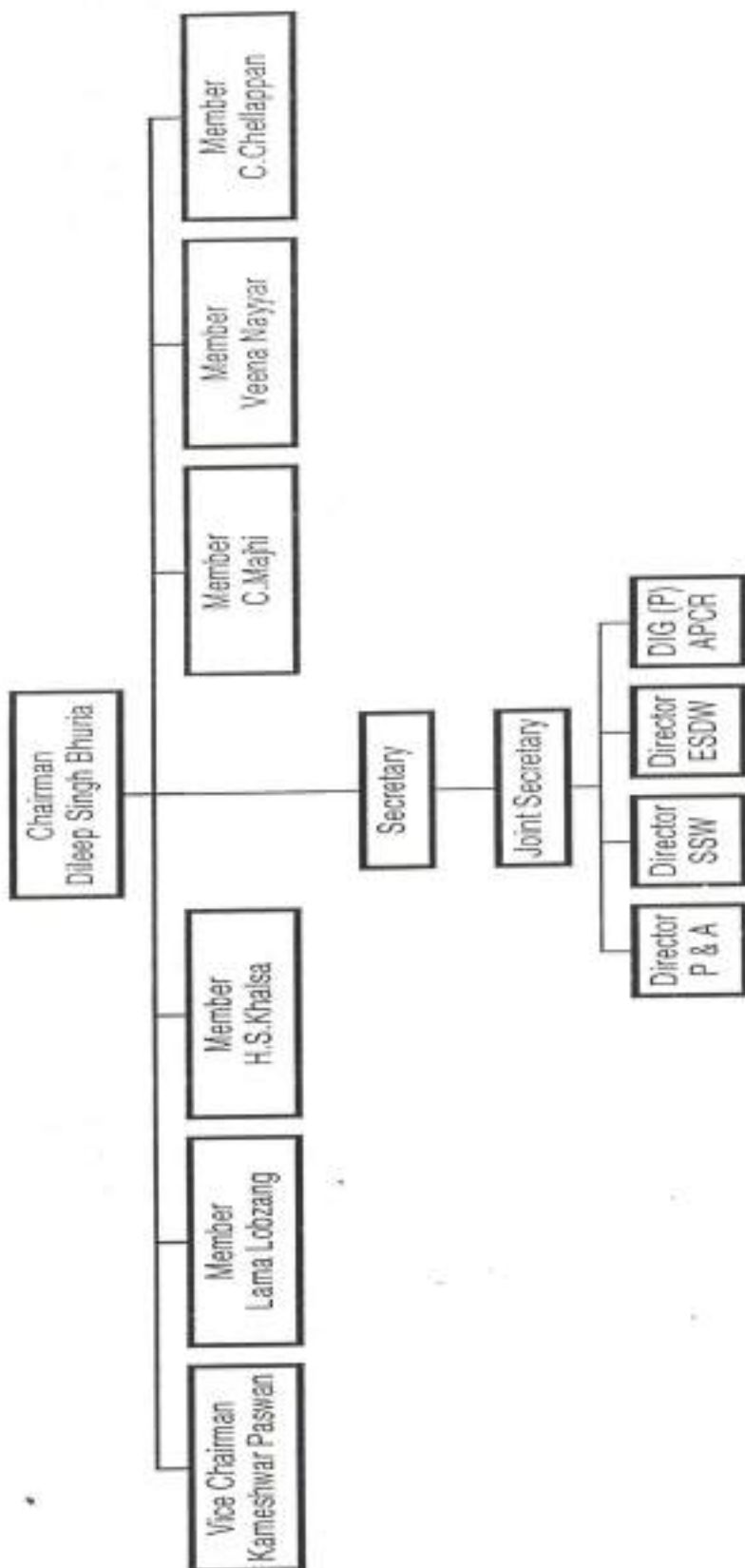
1.23 One of the duties assigned to the Commission is to present to the President annually a report on the working of the safeguards and development programmes for SCs & STs. The Commission submitted its Fifth Report for the year 1998-99 and three Special Reports during the period under report. Soon after the present Commission assumed charge of the office, there occurred an incident in Nihrel village under P.S. Dagraua, Purnia District, Bihar in which seven Santhal Tribals were burnt alive and 100 huts were gutted in fire. The cause of incidence was a dispute over land cultivated by tribals on batai. The Chairman and Vice-Chairman not only made on the spot inquiry but also decided to study the root cause of land dispute in Bihar. On the basis of the study a Special Report was submitted to the President on "Development of SCs & STs – need to refocus on land right – the Bihar Case" to the President on 26.4.2000. the Commission also studied working of implementation of the SCs & STs (POA) Act, 1989 and the Rules thereunder in the State of Uttar Pradesh and Madhya Pradesh and submitted Special Reports to the President on 26.2.2001 alongwith its Fifth Annual Report.

1.24 The Commission has launched a quarterly Newsletter to focus upon various issues relating to the problems of SCs and STs and to highlight its own activities.

1.25 A serious attempt has been made to computerise the functioning of the Commission. Computers alongwith necessary peripherals have been provided to all the State Offices with internet facility. Most of the staff have been given training in operation of computers.

1.26 The present Commission, from the very beginning of its assuming charge, has given emphasis on socio-economic development of SCs & STs and has been closely monitoring the planning and implementation of development programmes for them with the Union and State Governments. In addition, the Commission has also stressed upon the Government for implementation of social legislation and rule of reservation more effectively. This report contains Chapters on evaluation of economic development of Scheduled Castes, economic development of Scheduled Tribe, Restoration and Prevention of Tribal Land alienation, educational status of Scheduled Castes and Scheduled Tribes during 53 years of independence, representation of SCs & STs in Governance and status of implementation of social legislation, i.e. PCR Act, 1955 and the SCs & STs (POA) Act, 1989 and Rules 1995 thereunder.

ORGANISATIONAL CHART OF NATIONAL COMMISSION FOR SCs & STs



CHAPTER II

SPECIAL CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES

A section of people in the Indian Society were denied of certain basic right since ancient times with the result they remained economically, socially and educationally backward. Because of the fundamental disparities between the Scheduled Castes and the Scheduled Tribes as compared to other communities and the urgent need for special measures to uplift their status, a clear distinction has been made in the Constitution itself in respect of the SCs and STs and 'Special Provisions Relating to Certain Classes' has been incorporated in Part XVI of the Constitution. Similarly special provisions have been made for the Scheduled and Tribal areas in Part X of the Constitution. The Constitution provides for protection and promotion of their social, economic, educational, cultural and political interests to bridge the disparities and to bring them at par with other sections of the society. In addition, many Articles in Parts III, IV, IX, IXA and in the Fifth and Sixth Schedule of the Constitution reinforce the Constitutional concern for the Scheduled Castes and the Scheduled Tribes.

2.2 **Article-14** provides that "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India".

2.3 **Article-15** is one of the specific applications of this equalisation process for Scheduled Castes and Scheduled Tribes. It says:

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

2.4 The Constitution of India contains provision, which guarantee certain minimum rights, which must be enjoyed by every citizen and also contains duties of the State for socio-economic development of the backward classes, especially Scheduled Castes & Scheduled Tribes. The rights are guaranteed under Fundamental Rights contained in Part III of the Constitution and duties of the State are incorporated under Directive Principles of State Policy. Article 46 under Directive Principles of State Policy provides that "The

State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of Scheduled Castes & Scheduled Tribes and shall protect them from social injustice and all forms of exploitation." For achieving the objectives enshrined in the Preamble to the Constitution and for accelerated development of the weaker sections of the society, especially the Scheduled Castes and Scheduled Tribes, certain safeguards and protective measures have been provided in the Constitution so as to bring them into mainstream.

2.5 Who constitute the Scheduled Castes & the Scheduled Tribes are defined under Articles 366(24) & 366(25) of the Constitution. How these are identified and decided is contained in Article 341 & 342 of the Constitution.

Article 366(24) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;

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 article 342 to be Scheduled Tribes for the purposes of this constitution.

Article 341 (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 castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes 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 in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid notification issued under the said clause shall not be varied by any subsequent notification.

Article 342 (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 of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes 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 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.

Safeguards for SCs & STs

2.6 All the measures contained under various Articles of the Constitution could be grouped under following heads:

- ❖ Social Safeguards
- ❖ Economic Safeguards
- ❖ Educational & Cultural Safeguards
- ❖ Political Safeguards
- ❖ Service Safeguards
- ❖ Special Safeguards for Scheduled Tribes

Social Safeguards

2.7 The provisions under these safeguards are contained in Article 17, 23, 24 and 25(2)(b) of the Constitutions.

2.8 As per Article 17 "Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law". There are two important legislations relating to this Article viz. the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Protection of Civil Rights Act has been enacted with the objective of providing punishment for the preaching and practice of "untouchability", for the enforcement of any disability arising therefore and for matter connected therewith. The SCs and STs (POA) Act, 1989 is an Act to prevent the commission of offences of atrocities against the member of Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. Through this enactment, the rights of victims were recognised. The SCs and STs (POA) Act 1989 provides for stringent and enhanced punishment to the accused and also for rehabilitation of victim(s) or his family. The SCs & STs (POA) Rules 1995 framed thereunder contains provisions for the rehabilitation and economic assistance to victim(s) or his family.

2.9 The objective of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 inter-alia is to provide for Special Court for the speedy trial of such offences. Prior to the Supreme Court judgement dated 28-1-2000 in the case of Gangula Ashok and ANR V/s State of A.P. SLP (Cri.) No.829 of 2000, the Special Courts were accepting the chargesheet directly. As a result of the judgement given in this case by the Supreme Court of India, which states that "unless it is positively and specifically provided differently no Court of Session can take cognizance of any offence directly, without the case being committed to it by a magistrate, the pace of disposal of atrocity cases by the Courts is likely to be slow down. **Since this is a Central Act, the Government of India should amend the Act and add specific provision keeping in view the judgement of the Hon'ble Supreme Court, so that the cases of atrocities may be tried by the Special Courts directly without committal proceedings.**

2.10 Article 23 prohibits traffic in human beings and 'begar' and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SCs & STs but since the majority of bonded labours belong to SCs/STs, this Article has a special significance for them. In pursuance of this Article, Bonded Labour System (Abolition) Act, 1976, has been enacted and there is a Centrally Sponsored Scheme for identification, liberation and

rehabilitation of bonded labourers. However, even after the working of this Act for the last twenty-five years, incidence of bonded labour still exists and preventive and rehabilitation activities need to be geared up further.

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

2.12 **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be open to all classes and sections of Hindus. The term Hindu includes persons professing Sikh, Jain and Buddhist religions. This provision is relevant as some sects of Hindus claim that members belonging to SC/ST had no right to enter the temples. Though this social evil is gradually vanishing yet incidents of prohibiting SC/ST people from entering the temple are sometimes reported in the press and have also been brought to the notice of the Commission. **Collective efforts of all sections of society are necessary for providing unhindered access for SCs/STs to Hindu temples and Hindu religious institutions.**

Economic Safeguards

2.13 The provisions of Articles 23, 24 & 46 form part of the economic safeguards for the Scheduled Castes and Scheduled Tribes.

Article 46 - The States shall promote with special care the educational and economic interest of the weaker sections of the people and in particular of SCs & STs and shall protect them from social injustice and all forms of exploitation.

Educational and Cultural Safeguards

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

2.15 **Article 29(1)** provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same." This Article has special significance for the Scheduled Tribes as many of them have distinct languages and some communities such as Santhals have a script of their own viz., Olchiki. However, this provision need not be understood to

mean that the tribals should be educated only in their language and thereby isolating them further. They should also be educated in the language of the State as well as the national languages to facilitate their integration with the national mainstream.

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

Political Safeguards

2.17 **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. **With the creation of new States of Jharkhand and Chhatisgarh, which have a high concentration of tribal population, Article 164(1) needs to be suitably amended.**

2.18 **Article 330** provides for reservation of seats for SCs & STs in the Lok Sabha. In pursuance of this Article, out of 545 seats in the Lok Sabha, 79 seats are reserved for SCs and 41 for STs.

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

2.20 **Article 334** lays down the provision relating to the reservation of seat for SCs and STs in the Lok Sabha and the State Vidhan Sabhas (and the representations of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination). This reservation has been extended by amending the Constitution every ten years. The provision of reservation in Lok Sabha and State Assemblies has been extended till 2010.

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

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

Customary law, social and religious practices and traditional management practices of the tribal communities. The Act confers ownership of Minor Forest Produces on the local communities, who should also be consulted before acquiring their lands and also with regard to rehabilitation measures in case of their displacement under any project.

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

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

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

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

2.27 **Article 371F** contains special provisions with respect to Sikkim.

2.28 **Article 371G** contains special provisions with respect to Mizoram.

2.29 **Article 371 H** contains special provisions with respect to Arunachal Pradesh.

Service Safeguards

2.30 The general and abstract principle of equality laid down in Article 14 is spelt out for certain situation in greater detail in Article 16. It creates a Constitutional right to equality of opportunity in employment or appointment to an office 'under the State' with special provision for the Scheduled Castes and the Scheduled Tribes.

Article 16 (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds, only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office [under the Government or any local or other authority within a State or Union Territory), any requirement as to residence within that State or Union territory] prior to such employment or appointment.

(4) Nothing in this article shall prevent 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.

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

"Nothing in this article shall prevent the State from making any provision for reservation in matter of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which in

the opinion of the State are not adequately represented in the services under the State.”

2.32 **Article 16(4B)** As per Supreme Court's Judgement not more than 50% vacancies should be reserved. DoPT vide OM No. 36012/5/97-Estt.(RES) dated 29th August, 1997 laid down that 50% limit on reservation shall apply to current as well as backlog vacancies and that backlog of reserved vacancies shall not be treated as distinct group for the purpose of 50% limit on reservation. The Parliament vide the Constitution (Eightyfirst Amendment) Act, 2000 amended the provision of Article 16 of Constitution and inserted the following provision below Clause (4A) of Article 16 of the Constitution.

“Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.”

2.33 Keeping in view the spirit of the amendment it was expected that reservation in promotion would be extended to all levels and all classes of posts, including those above the lowest rung of Group A upto which the present policy of reservation in promotion is restricted, as the Scheduled Castes and Scheduled Tribes are not adequately represented in services, especially in Group A & B. Upon consultation on this issue, the National Commission for Scheduled Castes and Scheduled Tribes had sent its comments to Department of Personnel Govt. of India stating that reservation in promotion should be extended to all levels, including within Group A. However, the DoPT's OM No.36012/18/95-Estt.(RES) Part II dated 13-8-97 did not incorporate this recommendation and merely extended the 'existing policy of reservation'. In this regard it is observed that the Govt. of India has not implemented amendment in its true spirit. The order was issued ignoring the advice of the Commission and a separate report in this regard was submitted to the President. **In its Fourth and Fifth Reports, 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 get its due share and the opportunity to work and contribute in the management.**

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

2.35 The Department of Personnel & Training vide OM No. 36012/23/96-Estt.(RES) dated 22nd July 1997 withdrew instructions issued for providing lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and the Scheduled Tribes in response to the Supreme Court's Judgement in the case of S.Vinod Kumar Vs Union of India. The Parliament vide the Constitution (Eightysecond Amendment) Act, 2000 amended the provisions contained in Article 335 and inserted the following provisions at the end:

“Provided that nothing in this article shall prevent in making of any provisions in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of

evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”

Special Safeguards for Scheduled Tribes

2.36 Tribal affairs have been assigned a special position in the Constitution. While the States are generally responsible for the welfare and development of Scheduled Tribes, the Union Government also has a direct responsibility. Soon after independence it was found that there have been large alienation of tribal lands to non-tribals for paltry sums. Thus tribals faced severe problem of land alienation. The Constitution makers foresaw these difficulties and made special provisions in the Constitution regarding governance of tribal affairs and tribal lands.

2.37 The Fifth Schedule to the Constitution under Article 244 provides for legislation for the special problems of the Scheduled Area.

Article 244 (1) lays down that 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 State of Assam, Meghalaya, Tripura and Mizoram.

(2) The provisions of Sixth Scheduled shall apply to the administration of the tribal areas in the State of Assam, Meghalaya, Tripura and Mizoram.

2.38 The Fifth Schedule contains provisions regarding 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.

2.39 Fifth Schedule to the Constitution under Article 244(1) provides special provisions for legislation for the special problems of the Scheduled Areas. Para 5(1) of the said Schedule authorises the Governor to direct by public notification that any particular Act of Parliament or of the Legislative Assembly of the State shall not apply to the Scheduled Area or any part thereof or shall apply to the said area subject to such exceptions and modifications as he may specify. Para 5(2) authorises the Governor to make regulation for peace and good Government in the Scheduled Areas of the State and in particular in respect of matters specified therein. The exact version of the law applicable to Scheduled Areas is:

- (1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modification as he may specify in the notification and any direction given under this sub paragraph may be so as to have retrospective effect.
- (2) The Governor may make regulations for the peace and good Government of any area in a State, which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may –
 - (a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

- (b) regulate the allotment of land to members of the Scheduled Tribes in such area;
 - (c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.
- (3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.
 - (4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.
 - (5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

2.40 In addition to these eight States, Tamil Nadu and West Bengal who do not have any Schedule Areas also have statutory Tribes Advisory Council. **After the creation of new States of Chattisgarh and Jharkhand, which have a large tribal population, the Constitution needs to be amended to extend Scheduled Areas to these States also and also to provide for tribal Advisory Councils in these States.**

2.41 Three Judges Bench of Supreme Court in its judgement in *Samatha Vs. State of Andhra Pradesh* against Grant of Mining Lease in Government Land in Scheduled Areas to non tribal have interpreted the word 'person' in Section 3(1) (a) of the Regulation as amended in 1970. According to the judgement the word person would include the Government also. The word "person" in Section 3(1)(a) would therefore be construed to include not merely the natural persons in the context of tribal and non tribal who deal with the land in Scheduled Areas by transfer inter vivo but all juristic person in the generic sense, including the Corporation aggregate or Corporate sole, State, Corporation partnership firm, a company, any person with corporate veil or persons of all hues, either as transferor or transferee so that the word regulate in para 5(2)(b) of the Fifth Schedule in relation to the land in the Scheduled Areas would be applicable to them either as transferor or transferee of land in a Scheduled Areas. Thus only tribals and a Cooperative Society consisting solely of tribal members alone should be in possession and enjoyment of the land in the Scheduled areas.

2.42 **Article 275(1)** provides "Such sums as Parliament may by law provide shall be charged on the consolidated funds of India in each area as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Provided that there shall be paid out of the Consolidated Fund of India grants-in-aid of the revenues of State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of the development as may be undertaken by the State with the approval of the Government for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Area therein to that of the administration of the rest of the areas of that State.

A similar provision exists in this article for paying such special grants to the States covered under the Sixth Schedule out of the consolidated funds of India. Sixth Schedule contains provisions relating to the administration of the tribal areas in the

States of Assam (North Cachar Hills District and Karbi Anglong District), Meghalaya, Mizoram and Tripura (Autonomous Hill District). There are Autonomous District Council and Autonomous Regional Council in these areas, which have a long tradition of self-management systems. These Autonomous Councils not only administer the various Departments and development programmes but they also have powers to make laws on a variety of subjects, e.g. land, forest, shifting cultivation, village and town administration, including village and town police, public health and sanitation, inheritance of property, marriage and divorce and social customs.

2.43 **Article 338** As provided in amended Article 338 of the Constitution the functions of the Commission include investigation, monitoring and evaluation of various safeguards provided for SCs and STs, inquiry into specific complaints with respect to deprivation of rights and safeguards of SCs and STs and participation in the planning process. Union and State Governments are under obligation to consult the Commission on all major policy matters affecting the SCs and STs. According to the provisions of Amended Article 338(8) of the Constitution, the Commission, while investigating any matter or inquiring into any complaint, has all the powers of a Civil Court trying a suit and in particular in respect of the following matters:

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

2.44 The Commission is required to present to the President, annually and at such other time as the Commission may deem fit, reports upon the working of various safeguards for SCs and STs and make recommendations as to the measures to be taken for their welfare and upliftment. The Commission has so far submitted Five Reports and four Special Reports to the President containing various recommendations. Out of the Reports submitted by the Commission, First, Second, Third and Fourth Annual Reports and one Special Report have been laid in the Parliament alongwith action taken memorandum.

2.45 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 Commission has also been given powers of a Civil Court for investigating & monitoring matters relating to safeguards or inquiring into specific complaints with regard to deprivation of rights of Scheduled Castes and Scheduled Tribes. But the decisions of the Commission are only recommendatory in nature and not binding upon the respondent Department/Organisation of Union or State Government, autonomous body, PSUs, Financial Institution, etc. **The Commission, therefore, feels that there is an urgent need to have a fresh look on the whole issue and to empower the Commission by giving more powers to it under the Constitution itself to ensure the implementation of the recommendations.**

CHAPTER III

ECONOMIC DEVELOPMENT OF THE SCHEDULED CASTES

3.1 Demographic Profile of Scheduled Castes

3.1.1 In 1991 the population of the Scheduled Castes (SC) was 13.82 crore which constituted 16.37% of the total population of the country. The decennial growth rate of the Scheduled Castes (30.04%) during 1981-91 has been higher than the corresponding rate of the total population (23.79%). According to 1991 census, sex-ratio (number of females per 1000 of males) amongst the SCs was 922, which was almost the same as the average for the total population (923). The geographical dispersal of the SCs shows that the largest concentration of the Scheduled Castes is in Uttar Pradesh where the total Scheduled Castes population is 2.92 crore as per 1991 census. Other States with large SC population are West Bengal (1.60 crore), Bihar (1.26 crore), Tamil Nadu (1.07 crore), Andhra Pradesh (1.05 crores), Madhya Pradesh (96 lakh) and Maharashtra (87 lakh). 1991 census shows that in proportionate terms Punjab has the highest concentration of the Scheduled Castes having 28.31% of the total population as Scheduled Castes, followed by Himachal Pradesh with 25.34% SC population. In West Bengal and Uttar Pradesh the ratio of population of Scheduled Castes is 23.62% and 21.05% respectively. Haryana (19.75%), Tamil Nadu (19.18%) and Delhi (19.05%) also have Scheduled Caste population close to 20% of the total population of these States. Vast majority of the Scheduled Castes population live in the rural areas. According to 1991 census 81% of the Scheduled Caste population was living in rural areas and only 19% lived in the urban areas. In the case of total population the urbanization was 25.7% in 1991. Thus, the rate of urbanization of Scheduled Caste is slower than that of the total population. State-wise details of SC population are given at Annexure-3.I

3.2 Economic Status of Scheduled Castes

3.2.1 The pattern of regional dispersal of Scheduled Caste persons also shows that they are concentrated in the States (like Uttar Pradesh, Bihar and West Bengal) that have the largest number of people living below the poverty line in the country. Planning Commission has estimated that about 32 crores people in the country, continue to live below the poverty line since 1973-74, although the ratio of people below the poverty line has declined from 54.9% in 1973-74 to 36% in 1993-94. Out of these 32 crore poor persons, Uttar Pradesh alone accounted for more than 6 crore which was the highest number of the poor in any State, followed by Bihar (4.93 crores), Maharashtra (3 crores), Madhya Pradesh (2.98 crores) and West Bengal (2.54 crores). Planning Commission estimates further show that during the year 1993-94 almost 50% of the Scheduled Caste population (48.11% in rural areas and 49.48% in urban areas lived below the poverty line). In the rural areas, where more than 80% of the total Scheduled Caste population lives, Bihar has the highest percentage of Scheduled Castes (70.66%) living below the poverty line followed by Uttar Pradesh (58.99%) and Maharashtra (51.64%). State-wise details of the Scheduled Caste persons below the poverty line in rural and urban areas in 1993-94 are given at Annexure-3.II. The estimates of the poverty as prepared by the Dept. of Statistics show that the poverty among the Scheduled Caste population is more widespread as compared to the other sections of the society. The details of the people below the poverty line belonging to the Scheduled Caste community are given in the table below:

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

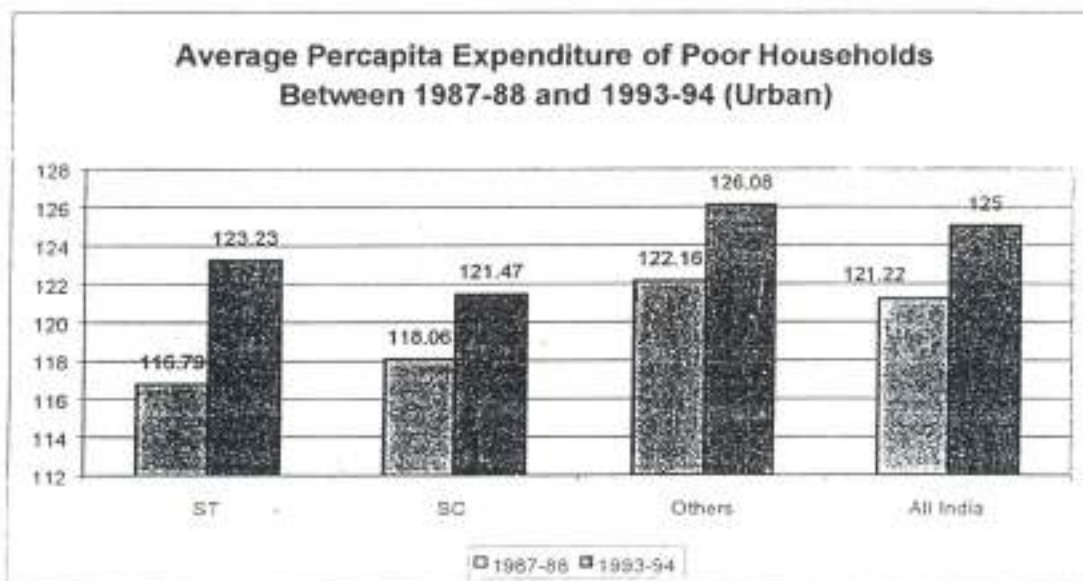
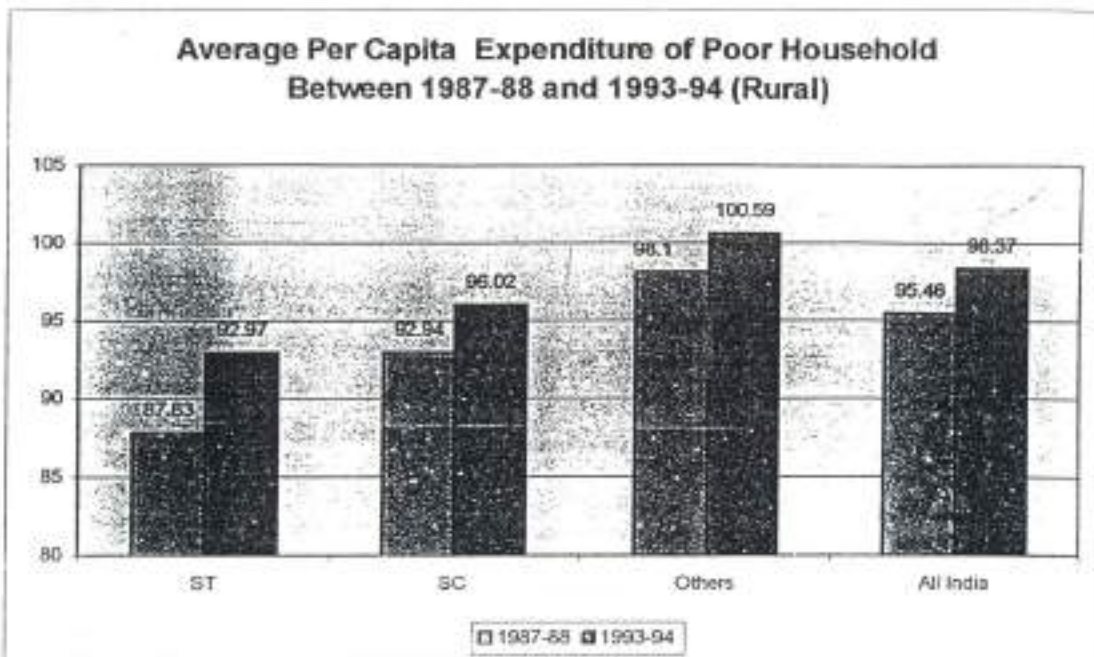
Source: *Counting the Poor – Department of Statistics Govt. of India.*

Column Numbers 2 and 3 in the above table give the proportion of the poor households in a particular category as a percentage of the total households in that category in Rural and Urban areas. In 1993-94, 49.04 per cent of Scheduled Caste households were poor in rural areas as compared to 32.96 per cent poor households belonging to categories other than Scheduled Castes and Scheduled Tribes. Similarly, in the urban areas also in 1993-94, 42.35 per cent of Scheduled Caste households were poor as compared to 23.98 per cent poor households belonging to categories other than Scheduled Castes and Scheduled Tribes. Thus, the poverty was much higher amongst the Scheduled Castes than among other categories. It may be further observed that between the periods 1987-88 to 1993-94 there was some decline in poverty amongst all social groups. However, as mentioned earlier, the incidence of poverty amongst SCs continued to be as high as 50% in the rural areas where most of the SC population lives. From Column number 4 it may be observed that SCs accounted for 28.24 per cent of all the poor households in 1993-94. This column also shows that households other than Scheduled Castes and Scheduled Tribes witnessed a perceptible improvement in the matter of alleviation of poverty from 1987-88 to 1993-94 in the rural areas.

3.2.2 The estimates of per capita expenditure by the Dept. of Statistics bring out that Scheduled Castes form the poorest of the poor people in the country. The details of consumption expenditure by SCs, STs and other sections of the society are given in the following table: -

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

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



The figures given in the table show that in the rural areas ST have the lowest average per capita expenditure followed by SCs and then other sections of society. In the urban areas in 1993-94 the average per capita consumption expenditure of SCs was the lowest among all social groups.

3.3 Occupational Pattern of Scheduled Castes

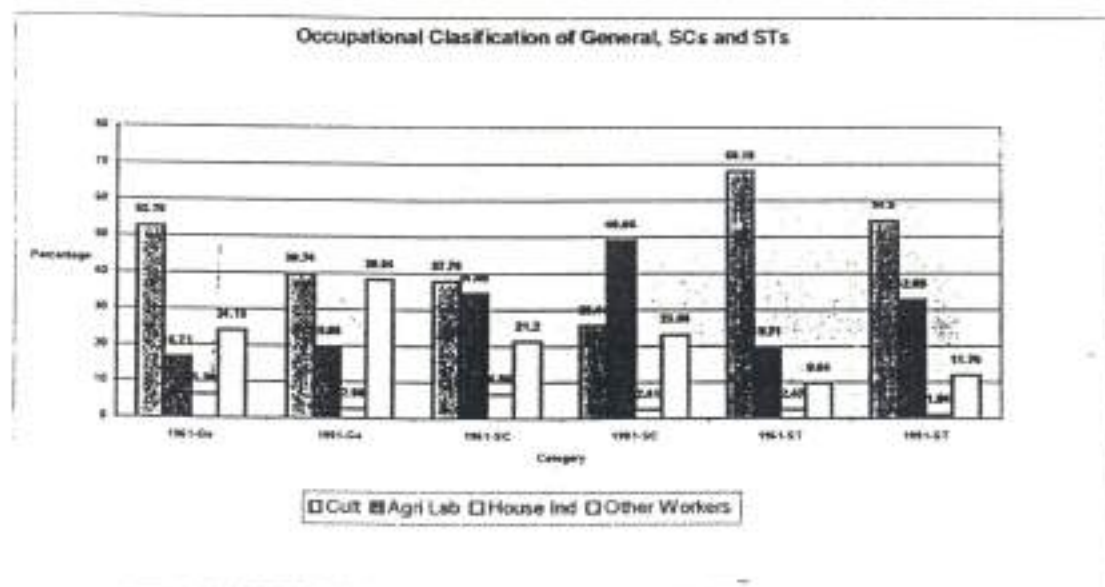
3.3.1 The most distressing aspect of the plight of the SCs has been the stigma of untouchability, which they have carried for centuries. It may be mentioned that the Scheduled Castes have been identified on the basis of their extreme educational and economic backwardness resulting out of the traditional practice of untouchability. As is well known a large number of communities of the Scheduled Castes have been traditionally associated with some or the other profession. However their occupations

gave them meager returns for the jobs they performed. Their services for the society, though absolutely essential, were considered menial, unclean and required hard labour but brought abysmally low returns. The Scheduled Caste communities have followed a wide range of traditional occupations. Prominent among the traditional occupations are skin and hide work, carrying carcasses, scavenging, drum beating, playing music and singing. An analysis of the occupations among Scheduled Castes suggests that some occupations like leatherwork, scavenging, etc., were universally considered degrading. However, in some areas certain groups are considered untouchables, but the same occupational groups are not considered so in other areas. If fishing communities are untouchables in Eastern India, it is not the case in the Western coastal areas or in the South. The potters of Madhya Pradesh or Manipur are untouchables, but not in any other area. The Washer man in Andhra Pradesh are not untouchable, whereas in any other areas they are, and there they are notified as Scheduled Castes.

3.3.2 We may look at the census figures to consider the occupational classification of the Scheduled Castes, which are given in the following table.

Occupational Classification of Scheduled Castes

	1961			1991		
	Genl	SC	ST	Genl	SC	ST
1. Cultivators	52.78	37.76	68.18	39.74	25.44	54.50
2. Agricultural Laborers	16.71	34.48	19.71	19.66	49.06	32.69
3. Household Industry	6.38	6.56	2.47	2.56	2.41	1.04
4. Other Workers	24.13	21.20	9.64	38.04	23.08	11.76



3.4 Scheduled Castes and their Dependence on Agriculture

3.4.1 It may be seen from the above table that in 1961 72.24% of the Scheduled Castes depended on agriculture of which 37.76% as cultivators and 34.48% as agricultural laborers. Their dependence on agriculture has further increased by the year 1991. 74.50% of the SCs depended on agriculture for their livelihood of which 25.44% as cultivators and 49.06% as agricultural laborers. Thus a very large number of Scheduled Castes, almost 50% are occupied as agricultural labour. About 59.40% (i.e. 39.74 cultivators + 19.66

agricultural labour) of the total working force of the country depend directly upon agriculture for employment. However, in the case of general population the dependence on agriculture has declined substantially from 69.49% (52.78 + 16.71) in 1961 to 59.40% in 1991 of which about 20% workers were occupied as agricultural labourer. Since agricultural operations are only seasonal in nature the workers engaged mainly as agriculture labour remain under-employed for most of the year. A large number of these workers get wages lower than the prescribed minimum wages rates, which are quite low. It was noted that incidence of poverty among the SCs is about 50% in rural areas. Disguised unemployment, poverty and low wages of the landless labourers, force their children and women to work at even lower rates and in exploitative conditions.

3.4.2 A large number of such people migrate to far-off places in case of employment during harvest and sowing season. It is unfortunate that despite such a large number of people engaged as agricultural labour there is no satisfactory mechanism to protect their rights, ensure them payment of minimum wages and stop their exploitation. Many cases have been recently published in the newspapers about the exploitation of migrated agricultural labour by the landlords which include keeping Dalit labourers as bonded labour in Punjab and Haryana. The Commission recommends that immediate legislation should be brought forward to safeguard agricultural labour from exploitation, to ensure them minimum wages and cover them under social security in case of an accident or death. An important aspect of the agricultural labour is that surplus labour is concentrated in some regions like parts of Bihar, Eastern U.P. and parts of M.P. whereas the demand for labour comes from the agriculturally advanced States like Punjab, Haryana etc. As a result there is large-scale seasonal migration of agricultural labour from labour surplus areas of Bihar, Uttar Pradesh, Orissa and other places to the agriculturally advanced regions. Railways are the preferred mode of transport for these labour. The Commission in meeting with the Railway Board has recently suggested that Railways should study the pattern of such migration of these labour and run special trains to facilitate transportation of the labour to the places of their destination for employment and back to homes after completion of agricultural operations.

3.4.3 Economic development of these landless labourers continues to be a major challenge. To tackle the problem of these landless agricultural labourers the Govt. had initiated land reforms, which resulted in some endowment of land to the poor. To alleviate poverty among the socially disadvantaged groups, one of the important Action Points in the Ninth Plan has been endowing every landless SC and ST family with a minimum piece of land, restoration of land ownership and effective implementation of protective legislation. We shall consider some of the issues relating to land in this chapter. Another important step for the benefit of the landless labours has been the programme of wage employment to give an assured source of income during the agricultural lean season.

3.5 Programmes for Economic Development of Scheduled Castes

3.5.1 Jawahar Rozgar Yojana was launched on 1.4.1989 with the main objective of generating additional gainful employment for the unemployed and underemployed in rural areas through creation of rural infrastructure and community assets 22.5% of funds under Jawahar Rozgar Yojana are required to be spent on the SC/ST beneficiaries. Panchayati Raj Institution have been actively involved in the selection and implementation of the rural works under this programme. The Planning Commission while considering the performance of this programme has quoted the concurrent evaluation of the programme by the Ministry of Rural Development during June, 1993-May, 1994, which has brought out that roughly 11 days of employment was generated per person. At this level of

performance, the programme could not have made any significant impact on the income levels of the beneficiaries. The programme was not implemented in its true spirit and many a times the emphasis was on creation of assets rather than on employment generation and in many States the contractors executed the works using trucks and tractors instead of labour intensive approaches. The Planning Commission has also noted the fudging of muster rolls and of measurement books. There are complaints about providing employment to the personal supporters of the Pradhans or workers willing to sign for higher wages while accepting the lower wages. The Planning Commission has noted that the programme did succeed in building community assets in rural areas and it has led to the empowerment of the Panchayats as the funds were placed at their disposal along with the power to get the works executed through line departments. JRY has been strengthened and re-structured as Jawahar Gram Samridhi Yojana from 1.4.1999. The re-structured programme has the main objective of creating demand driven community village infrastructure with employment generation as a secondary objective.

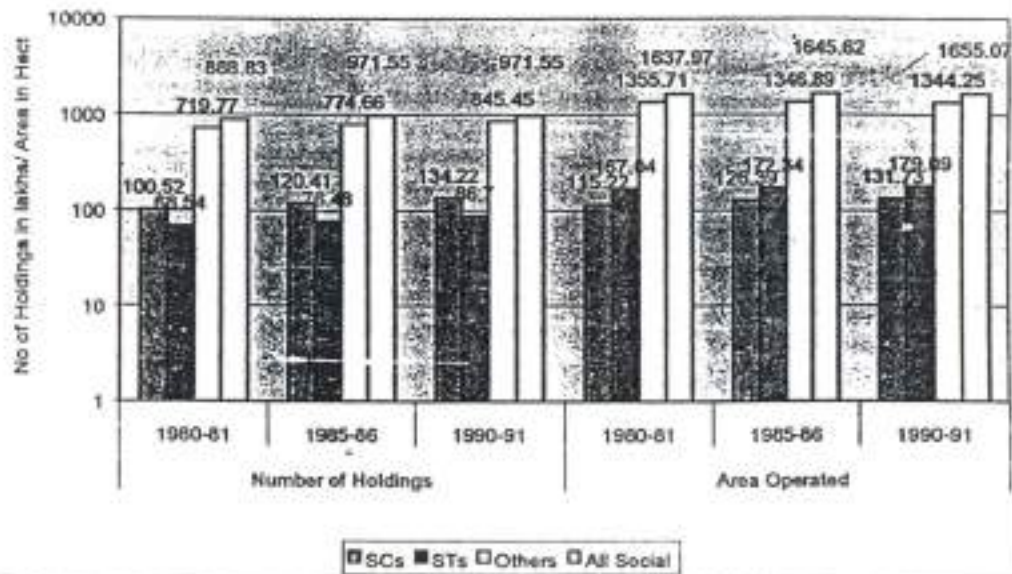
3.5.2 Employment Assurance Scheme was started in 1993 to create additional wage employment in the backward blocks during the period of acute shortage of employment to the rural poor. The scheme was not able to provide assured employment on regular basis as initially envisaged. In 1993 the scheme was started in 1772 backward blocks but by the end of 1997-98 the scheme has been under implementation in 5448 rural blocks. After universalisation of the scheme it could not be continued as a demand driven scheme due to shortage of funds and large demand from the landless agricultural labourers for employment continues.

3.5.3 Second most important occupation of the Scheduled Caste is as cultivators, which provides employment to 25.44% of the Scheduled Castes. The deprivation of the Scheduled Castes in respect of ownership of land had been most severe and even now they own only a small percentage of the agricultural land. As we know ownership of land has been in the past and still continues to be the most important determinant of social status and economic security in the predominantly agricultural economy of rural India where more than 80% of the Scheduled Castes live. Details about operational holdings and area operated in India by various Social Groups during 1980-81, 1985-86 and 1990-91 are given in the following table: -

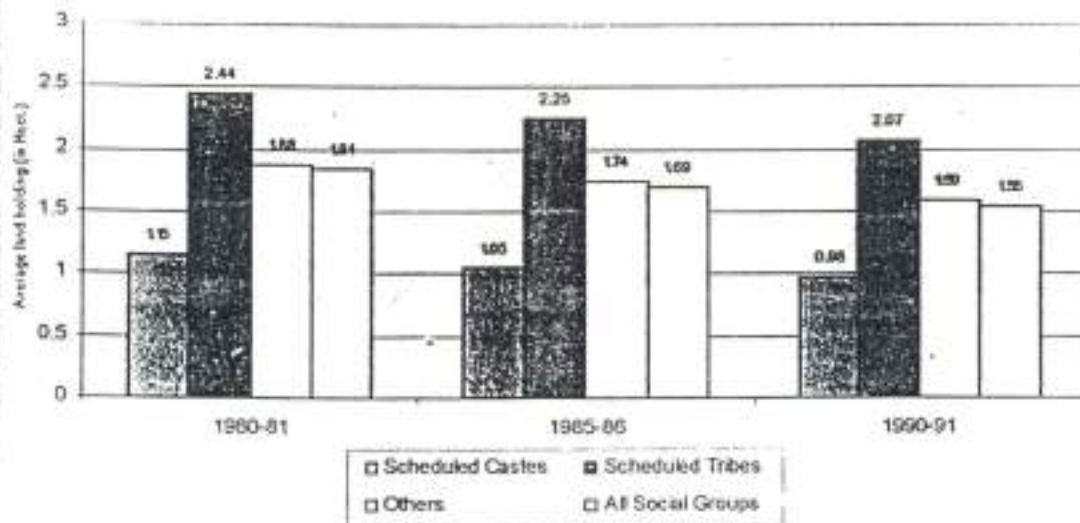
No. of operational holdings and area operated in India by various Social Groups in 1980-81, 1985-86 and 1990-91.

Social Group	Number of Holdings (in Lakhs)			Area Operated (in lakh hec.)			Average land holding (in Hect.)		
	1980-81	1985-86	1990-91	1980-81	1985-86	1990-91	1980-81	1985-86	1990-91
1	2	3	4	5	6	7	8	9	10
Scheduled Castes	100.52 (11.3)	120.41 (12.4)	134.22 (12.6)	115.22 (7.0)	126.39 (7.7)	131.73 (8.0)	1.15	1.05	0.98
Scheduled Tribes	68.54 (7.7)	76.48 (7.9)	86.70 (8.1)	167.04 (10.2)	172.34 (10.5)	179.09 (10.8)	2.44	2.25	2.07
Others	719.77 (81.00)	774.66 (79.7)	845.45 (79.3)	1355.71 (82.8)	1346.89 (81.8)	1344.25 (81.2)	1.88	1.74	1.59
All Social Groups	888.83 (100.00)	971.55 (100.00)	971.55 (100.00)	1637.97 (100.0)	1645.62 (100.0)	1655.07 (100.00)	1.84	1.69	1.55

Number of Operational Holdings and Area Operated by Various Social Groups in 1980-81, 1985-86, 1990-91



Size of Average Land Holdings for Various Social Groups in 1980-81, 1985-86 and 1990-91



The table shows that in 1985-86 although SC cultivators formed 12.4 percent of all the cultivators, the area operated upon by them was 7.7 percent of the total area and the size of their average land holdings was only 1.05 hectares and that area operated upon by SCs was the lowest and size of their holdings were the smallest amongst all the social groups. The Agricultural Census - 1990-91 shows that average size of operational holdings of all the cultivators have further decreased to 1.55 hectares from 1.69 hectares in 1985-86. The number of Scheduled Castes operational holdings in the country was estimated as 13.42 million in 1990-91 while their number in 1985-86 was 12.04 millions, which indicated an

increase of about 11.5% in 1990-91. The total area operated by the Scheduled Caste holdings increased from 12.64 million hectares in 1985-86 to 13.17 million hectares, in 1990-91, representing an increase of 4.2%. Thus the area of Scheduled Caste holdings has not increased in proportion to their numbers. Most of the Scheduled Castes cultivators (72.2% in 1990-91) fall into the category of marginal farmers (land holding less than 1 hectares) and another 16% in the category of small farmers (land holdings from 1 to 2 hectares). Thus, the distribution of agricultural land, the most important and dependable source of income in the rural areas is highly skewed.

3.5.4 The unequal distribution of land has given rise to conflict and has created serious law and order problem in many parts of the country. The division of the rural society on the caste lines has further worsened the situation in the case of Scheduled Castes. The frequent killings of the Scheduled Caste in Bihar and formation of armies on caste lines is primarily a struggle for ownership of land. The district of Jehanabad has been frequently in the news for such incidents in the recent times. The Commission has observed that the violence has arisen in many parts of Bihar due to the failure of the State Government to record the rights of the under- raiyats. The Commission has also noted the successful implementation of land and tenancy reforms in the West Bengal with the people's active involvement, which has helped to protect the rights of tenants in a better manner. **The Commission strongly recommends effective implementation of land reforms and distribution of surplus land among the SCs and proper recording of the occupancy rights of the tenants to ensure that tillers are not vacated from the land they are cultivating, by suitably amending the tenancy laws so that the family members of the deceased under-rayats can inherit the tenancy rights after the death of the tenant.**

3.5.5 While discussing the reforms in the agriculture sector it is often suggested that land ceilings should be removed to encourage investment in agricultural sector. However, it is important to remember that vast majority of the work force is dependent on agriculture either as small and marginal cultivator or as agricultural labour: there is no significant reduction in rural poverty and despite the build up of large food-grains stocks, the poor, specially the SCs continue to face starvation deaths. A recent newspaper report points that 50% of the poor children in Bihar are malnourished. Any relaxation of land ceiling is likely to impoverish a large number of small and marginal farmers who would be left with no alternative source of livelihood. On the other hand to induce investment in the agriculture and to avail of the opportunities created after joining WTO, India can look forward to export of agricultural commodities by introducing high value added agriculture on the small and marginal holding which have a high labour content.

3.5.6 Increase in the population has put pressure on the land, which is reflected in the shrinking average size of the holding in succeeding agricultural census. As a result surplus land may not be adequate for distribution to tackle the enormous problem of the poverty of the SCs in rural areas. The Government has to step up the development of non-farm employment opportunities in rural areas to provide gainful employment to the Scheduled Castes.

3.6 Other Traditional Occupations of Scheduled Castes

3.6.1 As was mentioned earlier SCs have been traditionally associated with some or the other profession. Although considerable diversification has taken place in the occupational profile of the Scheduled Castes, many of them continue to follow their traditional caste occupations. It has been estimated that in 1961 about 2 crore Scheduled Castes were engaged in their traditional occupation of leatherwork, about 47 lakhs were

weavers and 30 lakh fishermen. The engagement of SCs in varied profession provides an opportunity to the State Governments of a potential alternative for employment of SCs in non-farm occupations. However, there have not been adequate efforts for systematic development of their traditional occupations to make them competitive and attractive in the contemporary conditions. In the rural subsistent economy, the income levels of the persons engaged in these occupations had been hardly sufficient to meet their day-to-day requirements which left with them no surplus for reinvestment to develop their occupational skill and scale of organization on their own. As a result most of these professions continued to be undeveloped and carried on a very small scale. The educational deprivation of the Scheduled Castes has further hampered the development of these professions on scientific lines. It may be mentioned that in most of the developed countries of the world these occupations are organized on commercial lines with attractive remuneration to those engaged in such occupations. It is unfortunate that after independence there has not been adequate concerted effort on the part of the Government to co-operatise and organize the traditional occupations of the SCs and the returns on the works performed by the SCs have been barely sufficient to meet their daily essential requirements. Information given regarding occupational classification of SCs shows that role of the household industry has declined as a source of livelihood among Scheduled Castes. The share of Household industries, which were a source of main occupation for 6.56% of SC population in 1961, have declined to 2.4% in 1991. **The Government should take steps for training, skill upgradation, co-operatisation and better organization of the traditional occupations of the SCs to provide them help in the form of access to raw materials, finance and marketing of the products.**

3.7 The information about registration of the Scheduled Castes on the live registers of the Employment Exchanges shows that there are 52 lakh Scheduled Castes registered in these Exchanges. In 1996, 31,000 persons were offered placement, which was less than 1% of the total number of Scheduled Castes registered in Employment Exchange. Statistics collected by National Sample Survey have also shown a substantial increase of literates among the unemployed persons among all the communities including Scheduled Castes. The proportion of educated up to secondary or higher levels among the unemployed persons have increased from 47% in 1983 to 64% in 1993-94. With the regular wage employment shrinking the educated unemployed have to find job opportunities as self-employed. This would require reorientation of the educational system towards vocationalizations and also making the training institutions like Industrial Training Institutes, more responsive to the demands of the emerging market.

3.8 Programmes for Promotion of Self-Employment

3.8.1 IRDP is the earliest self employment programme, which was started in 1980-81. IRDP had several allied programmes like Training of Rural Youth for Self-Employment (TRYSEM), Development of Women and Children in Rural Areas (DWCRA), Ganga Kalyan Yojana (GKY) and Supply of Improved Tool Kits to Rural Artisans (SITRA). These programmes envisage considerable flow of benefits to SCs as well as to STs. However, the targets have not been set up separately for the SCs and the STs. Under IRDP 50% of the funds were earmarked for SC/ST beneficiaries. Under DWCRA it was made compulsory from 1997-98 that 50% of the groups have to be of women belonging to SC/ST. TRYSEM also envisaged that 50% of the youth selected for training should belong to SC and ST communities. SITRA also provided for 50% reservation for SC/ST communities. The scheme of Ganga Kalvan Yojana also provided for 50% funds to be earmarked for SCs and STs.

3.8.2 Planning Commission, based on the evaluation of IRDP and allied programmes, have noted that the IRDP and allied programmes have suffered from many shortcomings. Since these programmes had large proportion of benefits reserved for SC/ST, we may briefly mention the observations of the Planning Commission as given below: -

- i) The multiple IRDP and allied programmes have been implemented without desired linkages. These were implemented as separate programmes without keeping in mind the overall objective of generating sustainable incomes. Only 3% of the IRDP beneficiaries received training under TRYSEM and only 23% of those trained under TRYSEM were assisted under IRDP.
- ii) There has been lack of coordination with other departments, for example, with the overall strategy of sustainable agricultural development or rural industrialization or with the resource base of the area.
- iii) The average investment per family remained at sub-critical level, i.e., too inadequate to generate income of Rs.2000 per family per month as envisaged under the programme and required to bring up the family above the poverty line. Low per family assistance of Rs.16, 753, at the beginning of the Ninth Plan, could not have helped the beneficiary to take up financially viable projects to offer adequate incomes on a sustained basis.
- iv) The management of inherently unviable projects was in the hands of often illiterate and unskilled beneficiaries with little or no past experience of managing an enterprise. The IRDP did not take into account the disabilities from which the poor suffer, notably their exclusion from the community decision-making. The programme met with greater success where infrastructure and market were developed.
- v) For fear of default the banks were unwilling to lend to the poor and preferred the better off applicants or the unscrupulous who would pocket the subsidy and repay the loan in connivance with the bank staff.
- vi) Lack of imagination and planning led to over crowding of lending for certain projects.
- vii) Credit under IRDP is a one-time event rather than a continuing relationship between lender and the borrower.
- viii) There is under emphasis on activities, which require no fixed assets such as trading, service, or simple processing activities.
- ix) The distinction by the banks between acceptable use of credit for productive purposes and its un-acceptable use for consumption is artificial in the context of Indian poverty.
- x) Leakages, misappropriation of funds, violation of programme guidelines, selection of non-poor as target group, absence of proper maintenance of accounts and poor quality of assets – all these have been documented in various studies.

3.8.3 Regarding TRYSEM also Planning Commission have found that the training was not related to capacity or aptitude of trainees nor to the demand for the respective skill. It was impossible for trained youth to run a self-employment enterprise, given the poor technological base and uncertainty about availability of credit.

3.8.4 Under SITRA, a variety of artisans were supplied hand tools of improved quality and The Planning Commission has observed that the scheme has been well received by the rural artisans.

3.8.5 DWCRA was directed at improving the living conditions of women and thereby of children, by offering opportunities for self-employment and access to basic social services. The schemes performed better in States like Andhra Pradesh, Kerala, Tripura and Gujarat. However, several groups became defunct overtime due to improper selection, lack of homogeneity among the group members, selection of non-viable activities, poor linkages and lack of institutional support etc.

3.8.6 From 1.4.99 IRDP and allied programmes have been merged into one programme viz. Swarnajayanti Gram Swarozgar Yojana, (SGSY) which is a holistic programme and aims at covering all aspects of self-employment like organising rural poor, training, participatory approach to planning of self-employment ventures and provision of infrastructure facilities, technology, credit and marketing arrangements.

3.8.7 The emerging sectors of the industrial development have opened up new opportunities for employment to the people. Educated youth of Scheduled Castes should be given training by arranging special training programmes so that they can also avail of these opportunities. The Commission held a meeting recently with the Dept. of Telecommunication and it observed that the Department's undertaking viz. Bharat Sanchar Nigam Ltd. had started a scheme of Sanchar Dhaba which would provide employment opportunities to the people in rural areas by opening internet shops. The Commission recommends that adequate representation should be given to the SCs in the scheme of Sanchar Dhabas by providing them financial support and training wherever necessary

3.9 Special Component Plan for SCs

3.9.1 Special Component Plan (SCP) for the development of SCs is under implementation since the Sixth Five Year Plan. All the States, which have sizable SC population and the Central Ministries, are expected to prepare SCP for the development of the Scheduled Castes. They have to identify schemes and programmes already under implementation or which can be implemented by the Department to benefit the SCs. The outlay for implementation of programmes for the SCs should be in proportion to the population of the Scheduled Castes in the respective States. During the period under Report twenty-four States/UTs viz., Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Chandigarh, Delhi and Pondicherry formulated their SCPs. State wise details of the outlays and expenditure under SCP for 1999-2000 and outlays for 2000-2001 may be seen at Annexure-3.III.

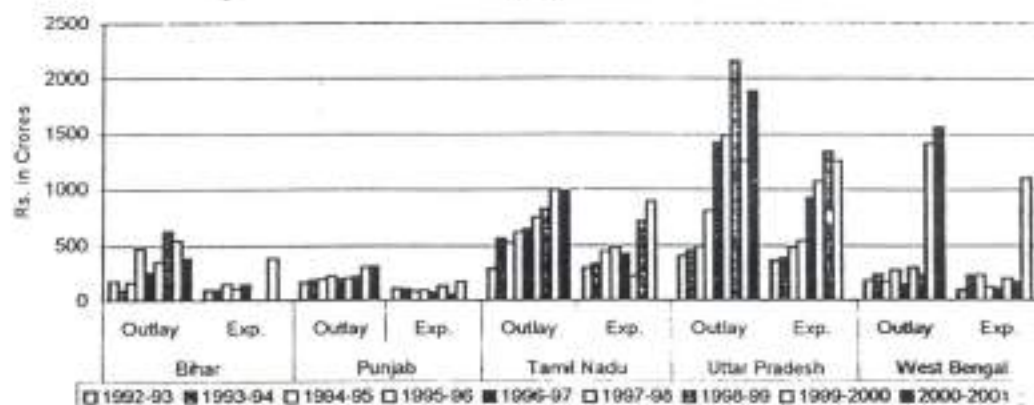
3.9.2 It may be seen from the Annexure-3.III that large number of States have not made provision for the SCP in proportion to the SC population in the State during the year 1999-2000. These include States like Andhra Pradesh, Goa, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Delhi, Chandigarh. In the case of States like Gujarat, Goa, Karnataka, Himachal Pradesh, Punjab, Uttar Pradesh, Madhya Pradesh and the NCT of Delhi the outlay provided for SCP was only half of the proportion of their SC population. In the case of Andhra Pradesh, Orissa, Sikkim, Tripura and Chandigarh also outlay was considerably short of the percentage of SC population in these States. Among these States Himachal Pradesh, Karnataka, Orissa, Tripura and Uttar Pradesh reported full utilization of the outlay provided for the SCP.

3.9.3 In the case of Punjab and Andhra Pradesh there was drastic cut at the stage of utilization of outlay. Andhra Pradesh has an SC population of 14.87% and provided Rs.544.217 crores for SCP during 1999-2000, which formed 9.93% of the outlay. The expenditure under SCP is only Rs. 189.42 crores against the provision of Rs.544.27 crores. Thus a large outlay provided for SCP remained unutilized. In the next year SCP outlay has been reduced to Rs.217.18 crores, which was 2.64% of State's total plan outlay of Rs.8228.12 crores. In the case of Punjab, outlay provided for SCP for the year 1999-2000 was Rs.304 crores which represented 11.34% in the State Plan outlay of Rs.2680 crores, which was less than half of the ratio of State's SC population. The State's SC population constitutes 28.37% of its total population. At the time of implementation of SCP this outlay has been further drastically reduced. As a result the expenditure during 1999-2000 was Rs.173.11 crores only. This lack-luster performance of Punjab in implementation of SCP, which has the highest proportion of SC population in the country and Andhra Pradesh which has a sizable SC population (more than 1 crore as per 1991 census) shows that many States do not take development of Scheduled Castes with the seriousness it deserve. Similarly large under utilization of SCP outlay can be observed in the case of Assam, Bihar, Gujarat, Haryana, Kerala, Maharashtra, Rajasthan, Tamil Nadu, West Bengal and Delhi. In many States these cuts of SCP outlay are regular features; as a result the expenditure is substantially short of the outlays announced in the budget estimates. Figures in respect of some States can be seen from the following table: -

(Rs. In Crores)

Year	Bihar		Punjab		Tamil Nadu		Uttar Pradesh		West Bengal	
	Outlay	Exp.	Outlay	Exp.	Outlay	Exp.	Outlay	Exp.	Outlay	Exp.
1992-93	180.09	95.05	164.06	113.11	293.00	300.44	404.99	367.56	185.73	100.05
1993-94	104.00	94.74	195.00	105.88	563.61	335.28	456.91	388.92	237.13	229.54
1994-95	166.69	152.23	200.07	87.42	523.06	443.19	492.24	482.49	174.35	232.49
1995-96	470.91	110.34	227.68	90.50	618.25	483.30	809.28	538.66	278.14	124.44
1996-97	260.30	144.17	205.00	75.59	652.39	416.90	1420.00	930.00	146.85	115.17
1997-98	354.79	0.00	210.00	134.59	752.23	224.35	1484.00	1082.55	300.38	204.91
1998-99	627.97	0.00	220.00	57.80	825.53	713.27	2159.81	1349.23	235.30	174.69
1999-2000	549.36	389.00	304.00	173.11	997.41	897.67	1261.35	1261.34	1414.14	1106.76
2000-2001	386.13		312.00		985.54		1889.53		1564.04	

SCP Outlay and Expenditure in Respect of Five Major States During 1992 - 2001



3.9.4 It may be seen that Punjab has regularly failed to implement the Special Component Plan decided at the beginning of the Plan. Bihar is also regular in its failure to fully implement the SCP. The reductions in the case of Uttar Pradesh, Tamil Nadu and West

Bengal are also regularly quite substantial. It appears that high outlay for the SCP is announced at the time of presentation of budget to appease the SC population without any serious intention to implement the programmes. Thereafter, the implementation of the SC Plan is completely neglected resulting into the picture as presented in the table above. Obviously there is no monitoring of SCP after announcement of SCP in the budget speech. Punjab has the dubious distinction of first providing outlay for SCP up to the extent of only half of the amount required as per population percentage of the State (it provides outlay of around 10-11% of the State Plan Outlay as against the required level of about 28% as per population proportion) and then reducing this inadequate outlay by another more than 50% at the implementation stage.

3.9.5 Since all the programmes of the State Govts. are coordinated under the program of SCP for development of the Scheduled Castes, it is important that this programme is made effective. Even after more than 20 years of its implementation improvement in the economic conditions of the Scheduled Castes is extremely slow and is hardly visible in most parts of the Country.

3.9.6 One reason for the failure of the SCP to tackle the problems of SCs effectively is the manner of formulation of this programme. In many States the Departments apportion a certain percentage of outlay provided for the programmes or schemes under the State Plan and classify them as SCP without taking into consideration whether implementation of such programmes has any direct bearing on the development of SCs or not. Such normative classifications of outlays are often made without in-depth study of the problems or the handicaps faced by the Scheduled Caste.

3.9.7 The Special Component Plans formulated by the States do not have a time bound strategy for development of the Scheduled Castes. The Plans prepared by the State Governments do not identify the problems of SCs, the constraints in the way of their growth, their potential and the working conditions of their occupations. These SCPs do not have any integrated programmes to ameliorate them out of poverty, to provide them civic amenities and to ensure them economic equality with other sections of the society in a given time frame. It is recommended that time bound action plans should be prepared to provide them basis civic facilities like education, water supply, electricity, sanitation at par with other sections of the society, to completely eradicate poverty and provide them employment opportunities. The State governments should prepare SC Human Development Index taking into consideration factors like literacy rate, infant mortality rate, incidence of atrocities against the SCs, estimates of consumption expenditure and people below the poverty line to assess the gap in the socio-economic development of the SCs and the other sections of the society which would give them an estimate of the gap between development of SCs and other Sections of society and pin point the effort still required for the development of SCs. Without such time bound action plans the effort in the form of SCP would continue to be inadequate to make any real dent in improving the condition of the Scheduled Castes.

3.10 Special Central Assistance to Special Component Plan for SCs (SCA to SCP)

3.10.1 The main objective of SCA to SCP is to supplement the State's efforts for additional thrust for speedy development of the Scheduled Caste population by providing additional support to the SC families to enhance their productivity and income to bring about occupational diversification. SCA can also be utilized for infrastructure development programmes in blocks having 50% or more of Scheduled Caste population subject to the condition that the SCA allocations should be made use of in such a way that it can catalyze larger efforts on the parts of States for development of SCs.

3.10.2 Since SCA is a 100% grants-in-aid scheme, the State Govt. should make best use of this Central Assistance for the development of SCs. An amount of Rs.1344 crores was released as SCA during the Eighth Plan. The amount of Central Assistance released was Rs.308.26 crores during 1997-98, Rs.361 crores during 1998-99 and Rs.437 crores during 1999-2000, which represented an increase of 21% over the previous years. The allocation for the financial year 2000-2001 is Rs.470 crores out of which Rs.235 crores have been released by the Ministry of Social Justice and Empowerment to the respective States. The detail of the releases and their utilization during 1997-98, 1998-99, 1999-2000 and release for 2000-2001 are given at Annexure-3.IV.

3.10.3 It may be observed from the Annexure-3.IV that against release of Rs.36.20 crores in 1998-99, Bihar utilized Rs.18.21 crores only. The State Govt has reported no utilization for the year 1999-2000 against the release of Rs.34.71 crores. Since further releases of the amount under the scheme depend upon the progress of utilization, delay in reporting of the utilization to the Ministry of SJ&E would hamper further release and consequently progress in the implementation of programmes for development of SCs. In case the State Govt. has not utilized the amount released, it is a matter of serious concern especially keeping in view the fact that such funds are in the form of 100% grants-in-aid and are provided for the development of a section of the society for which these are needed the most.

3.10.4 In the case of Gujarat also the funds released during 1997-98 were Rs.16.60 crores and utilization Rs.6.81 crores. However, in 1998-99 the State reported utilization of Rs.11.37 crores against release of Rs.3.71 crores, substantially making up the shortfall in the utilization of funds in the previous year.

3.10.5 Madhya Pradesh utilized only Rs.14.66 crores in 1997-98 against the released amount of Rs.19.45 crores. Again in 1999-2000 the State has reported utilization of Rs.19.36 crores against the release of Rs.23.03 crores. In the case of Uttar Pradesh there is substantial under utilization of outlays during the three years of 1997-98, 1998-99 and 1999-2000. In States like Madhya Pradesh, Uttar Pradesh and Bihar such indifferent performance in availing the Central Assistance from the Government of India for the development of SCs reflect the callous attitude of these States in making efforts for the development of the Scheduled Castes. These are the States with large SC population. Maharashtra in 1997-98 and 1998-99, Orissa in 1999-2000, Punjab and Rajasthan in 1998-99, Tamil Nadu in 1999-2000 and Delhi in all the three years have reported under utilization of the SCA released by the Govt. of India to these States. The Commission urges upon these State Govts to make full use of the SCA allocations made to them by the Ministry of SJ&E for the development of the Scheduled Castes.

3.11 Special Component Plan (SCP) by the Central Ministries

3.11.1 The Central Ministries are also required to prepare the Special Component Plans for the development of the SCs at the time of formulation of their Annual Plans. They are also expected to ensure the flow of at least 15% of the total plan outlay to the Special Component Plan. The Ministry of Social Justice and Empowerment have requested the Central Ministries/Departments to open separate budget heads/sub-heads for earmarking of funds under the Special Component Plan. The Ministry has reported that at present only 14 Central Ministries/Departments are formulating the SCP. 27 Ministries/Departments have expressed their inability to formulate the Special Component Plan because they feel that their activities cannot be divided community-wise and are not individual beneficiaries oriented. The Commission recommends that the annual plans and programmes of the Ministries/Departments, which have expressed their inability

to formulate the SCP should be brought before the Standing Tripartite Committee set up by the Planning Commission, with the participation of the National Commission for SCs and STs so that the Committee can satisfy itself that there are no programmes which these Ministries can implement exclusively for the benefit of the SC. In that case the proportionate funds under the SCP should be placed at the disposal of Ministry of Social Justice and Empowerment for utilisation by the States for development of SCs.

3.12 Institutional Finance for SC Development

3.12.1 Finance is one of the most critical constraints for the development of the Scheduled Castes, for the reason that these communities have been identified on the basis of their poor financial base. Public Sector Banks, National SCs and STs Finance and Development Corporation (NSFDC) at the apex level along with the Scheduled Castes Development Corporation (SCDCs) at the State level and the Cooperative societies are the main agencies catering to the financial needs of the Scheduled Castes. These organizations have a large network of branches in all parts of the country and have saved the Scheduled Castes to a significant extent from the clutches of the private moneylenders who have been major exploiters of the SCs and responsible for their land alienation and backwardness. Newspapers have reported cases of debt bondage even recently in the brick kilns of Faridabad in Haryana, and at other places which have been released by the efforts of some NGOs. In view of the importance of finance for the development of the SCs the performance of the NSFDC, SCDCs and public sector Banks in providing assistance to SCs is being examined in the following paragraphs.

3.13 National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC)

3.13.1 The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) was set up as a company, under Section 25 of Companies Act, 1956, with the objective of financing income generating activities benefiting the SCs and STs. The Corporation is assisting SC/ST families having annual income below double the poverty line limits (presently Rs.31, 952/- per annum for rural areas and Rs.42, 412/- per annum for urban areas). NSFDC is extending concessional financial assistance through the State channeling agencies normally State SCDCs. Information provided by the NSFDC shows that a target of Rs.200 crores was fixed for disbursement of assistance to SCDCs for 1999-2000 against which the achievement was only Rs.100 crores. For the year 2000-2001 the target fixed was only Rs.110 crore which was exceeded during that year. The details furnished by the NSFDC also show that there was substantial shortfall in utilisation of assistance from NSFDCs by Andhra Pradesh's APSCCFC, Bihar's BSSCCBC, Haryana's HHKNL, MP's SCFDC, and Maharashtra's MPBCDC, Orissa's OSFDC, Rajasthan's RSCDC, Punjab's PSCLEFC, Tamil Nadu's TAHDCO, UP's SCFDC and West Bengal's WBSCTDFC. It has also been reported by the NSFDC that large amounts of the funds remained unutilized for the year 1999-2000 and 2000-2001. The Corporations in the States of Andhra Pradesh, Bihar, Dadra and Nagar Haveli, Delhi, Gujarat, Haryana, Himachal Pradesh, Karnataka, J&K, Kerala, Lakshdweep, Madhya Pradesh, Maharashtra, Orissa, Pondicherry, Tamil Nadu, Uttar Pradesh and West Bengal have performed very poorly. The information given by NSFDC for the year 2000-2001 shows that out of Rs.117.48 crores disbursed by it, Rs.99.04 crores (84%) remained unutilized. This position is extremely unsatisfactory and the Corporation should review the reasons for such heavy amounts remaining unutilized during the year.

3.12.2 A recent study sponsored by the Ministry of Social Justice and Empowerment about the Career Profile of Graduate and Post-Graduate SC/ST Students of Delhi University has found that the students lacked information about the services provided by NSFDC and its channelising agencies. It has suggested that there is a need to spread information about this source of financial assistance, which is provided through States Scheduled Castes Development Corporation (SCDSs) and other State Channelising Agencies (SCAs). Leaflets/Pamphlets about NSFDC can be placed on the Notice Boards of Colleges. Students' Welfare office of the University, Employment Exchanges and the media of T.V./Newspapers can also be used for conveying this information to SCs and STs.

3.14 Scheduled Castes Development Corporation (SCDC)

3.14.1 Scheduled Castes Development Corporations (SCDC) have been set up with the equity participation of the Central and the State Govt. in the ratio of 49: 51 for identifying the Scheduled Caste families to provide them financial assistance and subsidy. The main functions of SCDCs include identification of eligible SC families and motivating them to undertake economic development schemes, sponsoring the schemes to financial institutions for credit support, providing financial assistance in the form of margin money at low rate of interest and subsidy in order to reduce the repayment liability and providing necessary tie up with other poverty alleviation programmes. At present, SCDCs are functioning in 25 States/UTs, which include 9 SCDCs, which serve the needs of both SCs and STs.

3.14.2 Figures provided by the Punjab State Scheduled Caste Land Development and Finance Corporation show that it had targeted to assist 28,200 beneficiaries during 1999-2000 and 26,731 beneficiaries in 2000-2001 against which the loans were sanctioned to 7,858 and 3,482 persons and actual achievement in disbursement was 7,963 and 3,118 beneficiaries, respectively during these two years. Regarding amounts of loan the targets for 1999-2000 and 2000-2001 were set at Rs.61 crores and Rs.58 crores, respectively, against which the sanctions amounted to Rs. 16.88 and Rs.10.87 crores and the disbursements were of the order of Rs.17.34 crores and Rs.9.30 crores respectively, during these two years. Thus, there is a large gap between the target set and the loans sanctioned and disbursed. There is shortfall in all the schemes run by the Corporation. Regarding the effectiveness of loans in raising the income of its loanees, the Corporation has mentioned a case of a beneficiary who was engaged in mending shoes along side a road in Patiala with an annual income of Rs.2000/-. The Corporation advanced him Rs. 1.00 lakh in 1994 and he started the business of shoe making in a rented shop and succeeded not only in establishing a good business for himself by 1999 and but also helped his brother in setting up business in the same line. His income is now Rs.15000 per month and his children are now attending a good school. Another beneficiary Harbans Lal was working with a band party on a monthly income of Rs.1500. With loan from the Corporation he set up his own band party and now his 'Ram Band' is earning him Rs.15000 per month in addition to Rs. 8000 for each of his two sons who are also his partners. These individual cases give a ray of hope to the SCs and if the Corporation can show the required zeal to achieve the targets it can substantially help the most needy section of the society.

3.14.3 Hariana SC Development Corporation targeted to assist 12650 beneficiaries in 1999-2000 but ended the year with an achievement of 3935 beneficiaries. The performance was better in the year 2000-2001 when it assisted 11,183 beneficiaries against the target of 12000. The shortfall has been attributed to non-receipt of Budgeted funds as share capital under the SCA. The Corporation changed three Managing Directors from August, 1998 to May, 2001. Such frequent change in the top management is not

helpful for smooth functioning of the Corporation. The Corporation does not have any proper arrangement to meet its administrative expenditure. It is diverting the Special Central Assistance (from 1998-99) towards administrative expenditure. **Diversion of funds aimed at assisting the poor SCs towards administrative expenditure is a serious matter, which should not be allowed.**

3.14.4 Bihar State SC Cooperative Development Corporation has set a target of benefiting 15,000 Scheduled Castes during 1999-2000 and another 15000 during 2000-2001. The achievement was 1156 and 351 respectively. Similarly, against financial targets of subsidy of Rs.8.58 crores, the achievement was Rs.65 lakhs. The Corporation attributes the shortfall in achievement of the targets to the non-release of funds by Government. The Corporation has suggested for raising the amount of subsidy from Rs.6,000 to Rs.10,000 and feels that the number of employees in the Corporation are not sufficient in proportion to the area and work and that it is not getting sufficient funds for meeting expenditure on establishment. The Corporation has also stated that the banks at district level are not cooperating with the Corporation.

3.14.5 Karnataka SC/ST Development Corporation set a target of assisting 17,118 beneficiaries with an amount of Rs.190 crores against which the actual achievement was assistance to 12,630 Scheduled Castes at a total expenditure of Rs.55.49 crores. The percentage of re-payment is reported as low as 27%. The Corporation may consider dovetailing/integrating its financial assistance package with the IRDP and DWCRA Programmes. Corporation has reported that the State Government is releasing its matching contribution in normal time. **There has been frequent change in the Managing Director of the Corporation during the last three years. Such changes at the MD level hampers the smooth functioning as well as preparation of long-term credit plans by the Corporation.**

3.14.6 West Bengal SC/STs Development and Finance Corporation fixed a target of assisting 70,000 SC beneficiaries in 1999-2000 and 108000 SC beneficiaries in 2000-2001 against which the achievement was 50879 beneficiaries in 1999-2000. Achievements in financial terms during 1999-2000 were Rs.54.89 crores as compared to the target of Rs.87 crores.

3.14.7 Kerala State SC/ST Development Corporation has reported shortfall in achievement of the targets due to shortage of funds allocated by Governments. The Corporation has reported that the major problem arises in executing agreements with the Corporation by the beneficiaries. The poor SC/ST people are in many cases unable to produce employment sureties or collateral securities in time.

3.14.8 Assam State Development Corporation for SCs Limited have also reported shortfall in the achievement of physical and financial targets during 1999-2000 and 2000-2001. On the various schemes implemented by the Corporation. It is stated that SCA has been received by the Corporation at the fig end of the year 2000-2001 under supplementary demand. Similarly, there was delay in release of funds by NSFDC under the NSFDC loan programme, skill development training programme. The Corporation has been facing acute problem to meet the overhead expenditure due to non-continuance of matching assistance by the State Government.

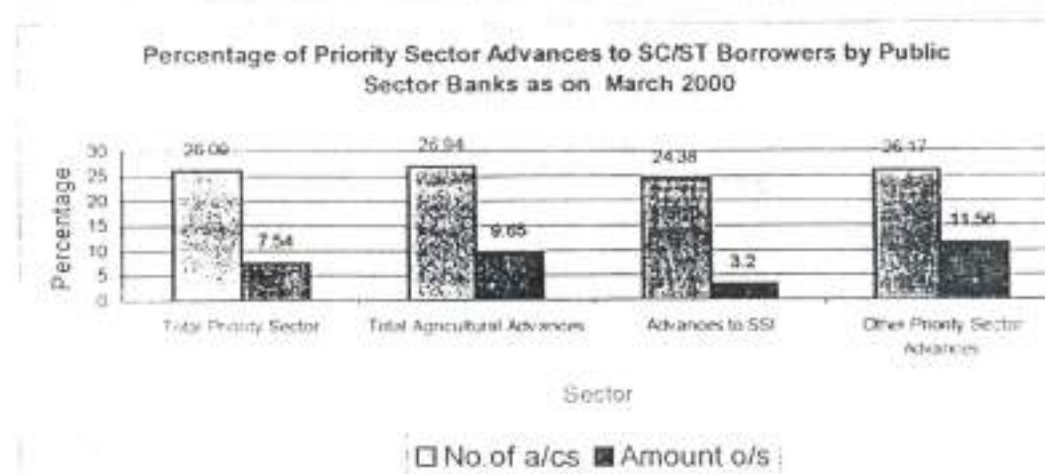
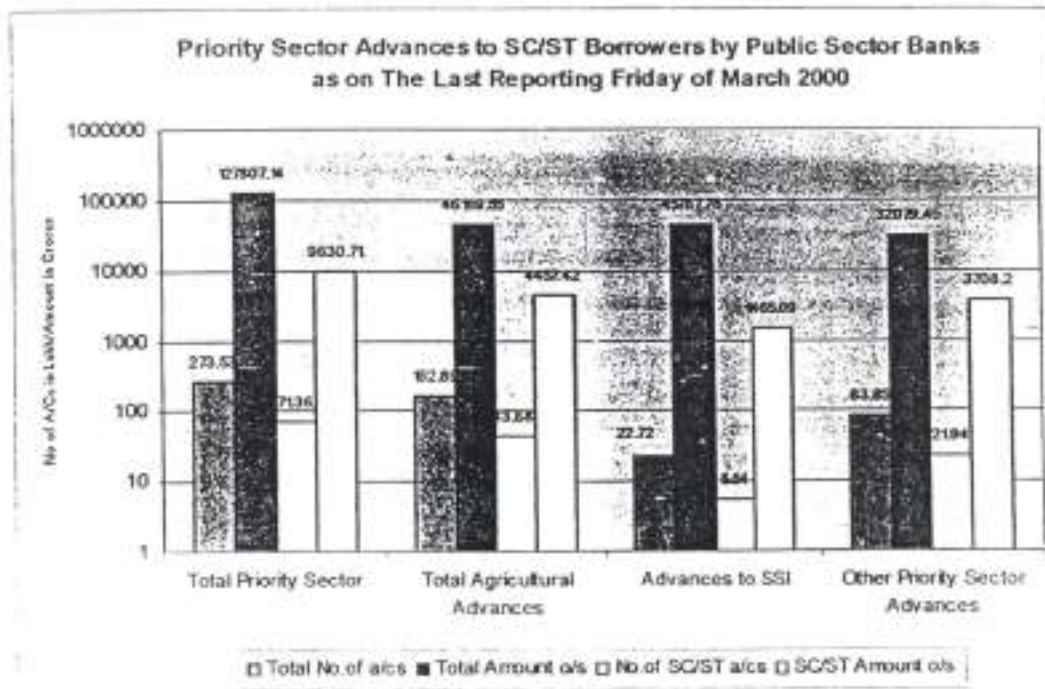
3.15 Public Sector Banks

3.15.1 Under Priority Sector guidelines Nationalized banks are required to provide at least 10% of their total advances to weaker sections, which include SC/ST, and other weaker sections. The information given by the RBI regarding Public Sector advances to SC/ST borrowers by the Public Sector banks as on the last Friday of March, 2000 is given in the following table: -

Priority sector advances to SC/ST borrowers by public sector banks as on the last reporting Friday of March 2000.

(No. of accounts in lakh)
(Amount in Rs. crore)

Name of the Sector	Total Advances		Advances to SC/ST		% of Advances to SC/ST	
	No. of a/cs	Amount o/s	No. of a/cs	Amount o/s	No. of a/cs	Amount o/s
Total Priority Sector	273.53	127807.14	71.36	9630.71	26.09	7.54
Total Agricultural Advances	162.89	46189.55	43.88	4457.42	26.94	9.65
Advances to SSI	22.72	45787.78	5.54	1465.09	24.38	3.20
Other Priority Sector Advances	83.85	32079.45	21.94	3708.20	26.17	11.56



From the table it may see that 7.54% of the total amounts outstanding at the end of March 2000 have been lent to the SC/ST borrowers. It is less then the targeted 10% fixed to help

the weaker sections. This table further shows that 26% of the accounts in the Priority Sector belonged to the SC/ST borrowers with amount outstanding against them being 7.54% of the total advances which means that the amount of loan to the SC/ST borrowers in the Priority Sector advances is on an average much smaller as compared to the other sections of the borrowers. Further 24% of the borrowers in the case of advances to the Small Scale Industry belonged to the SC/ST sections whereas they account for only 3.20% of the total amount outstanding in the case of Small Scale Industry. Reserve Bank of India have issued following guidelines to the banks to ensure adequate flow of credit to SCs/STs:

- I The members of SCs/STs form part of the weaker sections under priority sector. Banks have to raise the proportion of their advances to priority sector to 40% and the advances to weaker sections should reach a level of 10% of total bank credit.
- II 40% of the DRI advances should be extended to SCs/STs.
- III Under SGSY not less than 50 percent of the families assisted should belong to SCs/STs.
- IV Under PMRY reservation 22.5% has been provided for SCs/STs.
- V Under SJSRY advances should be extended to SCs/STs to the extent of their strength in the local population.
- VI Loans up to Rs.5, 000/- is granted by banks to members of SCs/STs for construction of houses at a concessional rate of interest at 4% p.a. under DRI scheme.
- VII In order to ensure that loan proposals from SC/ST applications are not rejected without valid reasons, banks have been advised that in the case of such proposals, rejections should be at a level higher than that of a Branch Manager.
- VIII Banks have been advised not to insist on deposits from SCs/STs while considering loan applications from them under government sponsored poverty alleviation scheme/self-employment programmes.
- IX Bank staff may help poor borrowers in filling up the forms and completing other formalities so that they are able to get credit facility without delay.
- X Banks should participate in the specific programmes drawn up by the State Agencies for the upliftment of SCs/STs.
- XI Bank staff may contact illiterate borrowers and explain to them the salient features of the schemes as also the advantages that will accrue.
- XII Credit planning should take into account needs of SCs/STs. Special efforts should be made to evolve suitable bankable schemes for these communities.
- XIII Periodical review has to be made by the Head offices of banks of the credit extended to SCs/STs on the basis of returns and other data received from the branches.

- XIV Banks have been advised to set up a special cell at the head offices for monitoring the flow of credit to SC/ST beneficiaries.
- XV Convener banks (SLBCs) have been advised to invite the representative of National Commission for SCs/STs to attend SLBC meeting.
- XVI Banks submit quarterly returns on priority sector advances, which also indicate separately data relating to advances granted to SC/ST borrowers.

3.15.2 These guidelines seem to give high priority to SC/ST in Bank advances. However following recommendations of the Narsimham Committee (1991), a series of reforms have been initiated in the Banking Sector with the main objective of improving the recovery and profitability of the Banks. The specific actions taken so far include unshackling of the interest rates to be charged by the banks and reduction of emphasis on the priority sector advances. In fact the Narsimham Committee had recommended that the target for priority sector advances should be reduced from its present level of 40% to about 10%. The Planning Commission in the Ninth Five Year Plan has opposed the suggestion of the Narsimham Committee. However, the trend about lending to the SC/ST does not present any satisfactory picture for the development of the Scheduled Castes. The data given by the Banking Division, Ministry of Finance and RBI show that there were 57.74 lakhs SC/ST borrowers in the agricultural sector at the end of March, 1995. The number of these borrowers has come down to 43.88 lakhs by March, 2000. In the case of Small Scale Industry the number of SC/ST borrowers was 9.15 lakhs in March, 1995 which stands at 5.54 lakhs in March, 2000. In the case of other priority sector there were 32.26 lakh borrowers at the end of March, 1995 whose number has come down to 21.94 lakh borrowers by March, 2000. Thus over a period of five years since 1995 there is a very substantial reduction of the SC/ST borrowers. It may be further mentioned that previously a distinction was made between the direct and indirect advances to the agriculture sector. This distinction has been done away with. As a result amount advanced to big traders dealing in the agricultural commodities will be considered as an agriculture advance. It will be difficult to see how much of the advances have gone to the weaker sections of the society. It may be reiterated that since 1969 i.e. after nationalization of the banks, the nationalized banks have rendered an important service to the weaker sections of the society. Dilution of the role of the Banks in providing assistance to SCs would result in their increased indebtedness to moneylenders, which would further impoverish these poor people with serious consequences relating to their bondage and land alienation.

3.15.3 The public sector banks are advancing loans for Prime Minister's Rozgar Yojana (PMRY) in operation since October 2, 1993 for providing self-employment to educated unemployment youth. The scheme aims at providing assistance in setting up self-employment ventures in industry, service and business sectors. Unemployed educated youth within age group of 18 to 35 years are eligible for assistance under this scheme. However, in the case of North-Eastern States the age has been relaxed to 18 to 40 years and in the case of SCs and STs, ex-serviceman, physically handicapped and women, unemployed youth in the age group of 18 to 45 are the eligible for assistance. Under this scheme project costs up to Rs.1 lakh in the case of business sector and the School for other activities are covered in the case of individual borrowers which can go up to Rs.10 Lakhs in the case of partnerships and as an element of subsidy up to maximum of Rs.7,500 per entrepreneurs is given. The scheme envisages up to 22.5% reservation for SC/ST. Loans sanctioned and disbursed by the banks in the year 1998-99, 1999-2000 and 2000-2001 to the SC/ST are given in the following table: -

Loans disbursed under PMRY

	1999-2000			2000-2001		
	Public Sector Banks	Pvt. Banks	Total	Public Sector Banks	Pvt. Banks	Total
1. Loans Sanctioned						
A. Number of A/Cs						
Total	246742	11075	257817	84777	4881	89658
SC/ST	43430	849	44279	11649	237	11886
%	17.60%	0.08	17.17%	13.74%	4.86%	13.26%
B. Amount of loan						
Total	1604.02	67.56	1671.59	548.17	30.50	578.66
SC/ST	264.88	4.19	269.07	89.25	1.22	90.47
%	16.51%	6.20%	16.10%	16.28%	4.00%	15.63%
2. Loans Disbursed						
A. Number of A/Cs						
Total	176031	8835	184861	4717	3347	48064
SC/ST	28435	528	28963	6341	164	6505
%	16.15%	5.98%	15.67%	14.18%	4.90%	13.53%
B. Amount Disbursed						
Total	1080.20	53.49	1133.69	274.25	20.50	294.75
SC/ST	160.61	59.88	160.81	36.31	0.78	37.09
%	14.81%	111.95%	58.64%	13.24%	3.80%	12.58%

The table shows that there is inadequate representation of SC/ST in loans under PMRY.

3.16 Librelisation of Economy and its impact on Scheduled Castes

3.16.1 Since 1991 the Govt. of India has initiated economic reforms primarily because of a severe foreign exchange crunch at that time. Over a period of decade Govt. has taken several measures to further intensify these reforms, which include opening of the economy to the global competition, tax rationalization, privatization of the public sector enterprises, expenditure control by reduction in the subsidies and down sizing the government offices, etc. As a result of these reforms the economy has picked up a fairly high rate of growth. However, the higher economic growth by itself fails to trickle down to the poor, which has been recognized earlier by the Indian policy makers at the time of initiating poverty alleviation programmes. Earlier enquiries by the Mahalanobis Committee in 1964 and the Hazari Committee in 1967 had found that the private sector enterprises are mainly guided by profit maximization, which tend to accentuate inequalities. **From the point of view of the economic upliftment of the Scheduled Castes it is important that the benefits of the economic reforms and the consequent growth of the economy flow down to the Scheduled Castes who are the poorest among the poor.** The Planning Commission in the Mid Term Appraisal of Ninth Five Plan has observed that the rickshaw pullers in Delhi have felt no change due to change in the economic policies of the Govt. of India. On the other hand some of these changes are likely to hit hard the Scheduled Castes.

3.16.2 One of the instruments for budget restructuring by the Govt. of India is reduction in subsidies, especially the food-grain and fertilizer subsidies. After the WTO agreement there would be further pressure for reduction of the subsidies on the agricultural inputs as well as food-grains. As was noted earlier large section of the Scheduled Castes are small and marginal cultivators. These farmers use fertilizers only on moderate scales and reduction of subsidy on the fertilizers with consequent increase in their prices would further discourage these cultivators from using the fertilizers. **Therefore, it is suggested that instead of withdrawing subsidies across the board it would be appropriate that these subsidies are better targeted to the poor specially the Scheduled Castes.** The involvement of the

Panchayati Raj Institution, Non-Governmental Organizations and Social accountability can be used to reduce leakages and corruption in the distribution of these subsidies.

3.16.3 At present the reservation policy for the Scheduled Castes is applicable only in the public sector and has not been extended to the private sector. The Govt. of India and State Govts have initiated efforts for privatization of the Public sector enterprises and have also decided to downsize the Govt. offices. The figures of growth rate of employment in organized sector show that the employment in the public sector grew at 12.7% from 1983 to 1987-88 as compared to 0.43% growth in the private sector. During 1990s the growth rate of employment in the public sector has decreased to 0.67% in 1997 as compared 2.04% in the private sector. Since the public sector enterprises are also being privatized **the Commission recommends that at the time of the signing of any memorandum of understanding with the private parties Govt. of India should add a clause to ensure that the reservation policy would continue to be implemented in the enterprise after its privatization.** Secondly, more training should be given to the SCs and STs so as to enable them to compete with the other sections of the society in getting employment in the private organized sector. The Govt. of India has recently announced concession to the extent of 100% in the income to the private companies for setting up vocational training institutes in the rural areas. **The Commission recommends that the Govt. should issue instructions for setting up more of these institutes in the backward areas with predominant SC population and adequate representation should be given to the SCs in these institutes so that they are able to compete with the other candidates for employment in the organized sector.**

3.17 A problem closely associated with poverty of the Scheduled Castes is the work children have to perform at the tender age to earn their livelihood. The Ministry of Labour in its Annual Report 1999-2000 has reported that there are 11.28 million working children in the country as per the census of 1991. The National Sample Survey conducted in 1987-88 estimated the number of working children as 17.02 million. However, the un-official estimates put the number of working children in the country between 40 to 100 million. The NGOs working for their rehabilitation have found that a large number of these working children belong to the SC community. Despite the judgment of the Supreme Court and the laws prohibiting their employment in hazardous industries a large number of children continue to work under exploitative conditions on very low wage.

3.18 The Hon'ble Supreme Court of India in its judgment dated 10.12.1996 in Writ Petition No.465/1986 has given directions regarding the manner in which the children working in hazardous occupation are to be withdrawn from work and rehabilitated. One of the directions includes payment of compensation amounting to Rs.20, 000 by the offending employee for every child employed in contravention of the provision of the child labour (Prohibition and Regulation) Act, 1986. In 1997 the Supreme Court in *Bandbhwa Mukti Morcha vs. Union of India* have given directions for identification, release and rehabilitation of child labour. Not only abject poverty but unattractive and poorly maintained schools, defective educational systems are the major reasons which lead children to the labour market. PROBE has pointed out that the Scheduled Caste children are subjected to discrimination first in the access to schools and then even within a school. Global March against Child Labour, an NGO has found that India's poor record in enforcing existing laws, which ban the use of children in hazardous activity, is an indicator that the problem is one of intent and not opportunity. The SCs are worst sufferers in such circumstances due to the Caste prejudices they have to face. In case the laws are enforced strictly the children can be freed from carpet weaving, glass manufacturing, fireworks industry, brick kilns and mines and from a large number of Dhabas, restaurants and as domestic help.

ANNEXURE-3.1

Name of the State/Uts	SC POP in 1991	%age of SC POP TO TOTAL POP 1991	% age of SC POP TO TOTAL POP 1981	SC Pop. In State as percent to total SC 1991	SC pop living in rural areas
ANDHRA PRADESH	105.92	15.93	14.87	7.66	82.69
ARUNACHAL PRADESH	.04	0.47	0.46		70.53
ASSAM	16.59	7.40		1.20	86.18
BIHAR	125.71	14.56	14.51	9.10	90.98
GOA	.24	2.08	2.05	0.02	52.32
GUJARAT	30.60	7.41	7.15	2.21	62.06
HARYANA	32.50	19.75	19.07	2.35	82.29
HIMACHAL PRADESH	13.10	25.34	24.62	0.95	93.67
JAMMU & KASHMIR					
KARNATAKA	73.69	16.38	15.07	5.33	76.60
KERALA	28.865	9.92	10.01	2.09	81.48
MADHYA PRADESH	96.26	14.54	14.10	6.96	78.14
MAHARASHTRA	87.57	11.10	7.14	6.34	63.39
MANIPUR	.37	2.02	1.25	0.03	47.72
MEGHAYALAYA	.09	0.51	0.41	0.01	54.81
MIZORAM	.01	0.10	0.03		65.99
NAGALAND					
ORISSA	51.29	16.20	14.66	3.71	89.26
PUNJAB	57.42	28.31	26.87	4.15	79.45
RAJASTHAN	76.07	17.29	17.04	5.50	80.21
SIKKIM	.24	5.93	5.78	0.02	88.58
TAMIL NADU	107.12	19.18	18.35	7.75	78.68
TRIPURA	4.51	16.36	15.12	0.33	84.16
UTTAR PRADESH	292.76	21.04	21.16	21.18	88.21
WEST BENGAL	160.80	23.62	21.99	11.63	84.61
A & N ISLANDS					
CHANDIGARH	1.06	16.51	14.09	0.08	13.34
D & N HAVELI	.02	1.97	1.97		82.16
DAMAN & DIU	.03	3.83	3.56		61.55
DELHI	17.94	19.05	18.03	1.30	11.57
LAKSHADWEEP					
PONDICHERY	1.31	16.25	15.99	0.10	59.21
TOTAL INDIA	1382.23	16.48	18.81	100	81.28

ANNEEXURE-3.II

PERCENTAGE OF POPULATION BELOW POVERTY LINE BY STATES – 1993-94 (AS PER THE OFFICIAL METHODOLOGY)

S.No.	States	Rural		Urban	
		Scheduled Castes	Scheduled Tribes	Scheduled Castes	Scheduled Tribes
1.	Andhra Pradesh	26.02	25.66	43.82	46.68
2.	Assam	45.38	41.44	14.34	7.11
3.	Bihar	70.66	69.75	55.16	35.76
4.	Gujarat	32.26	31.20	44.99	35.47
5.	Haryana	46.56	41.55	23.58	0.00
6.	Himachal Pradesh	36.89	63.94	18.52	0.00
7.	Karnataka	46.36	37.33	61.59	62.05
8.	Kerala	36.43	37.34	31.59	1.08
9.	Madhya Pradesh	45.83	56.69	65.00	65.28
10.	Maharashtra	51.64	50.58	52.56	61.06
11.	Orissa	48.95	71.26	47.45	64.85
12.	Pujab	22.08	27.00	27.96	0.00
13.	Rajasthan	38.38	46.23	48.63	13.21
14.	Timal Nadu	44.05	44.37	61.50	30.08
15.	Uttar Pradesh	58.99	37.11	58.02	36.88
16.	West Bental	45.29	61.95	37.73	19.41
All-India		48.11	51.94	49.48	41.14

N.B (i) The estimates are based on the methodology outlined the Report of the Expert Group on Estimation of Proportion and Number of Poor.

(ii) The poverty line for all population is used for SC's and ST's.

(iii) All India poverty ration is worked out from the NSS distribution of persons and (implicit) all-India poverty line.

ANNEXURE-3.III

**STATE/UT WISE OUTLAY AND EXPENDITURE UNDER THE
SPECIAL COMPONENT PLAN DURING THE PERIOD
1998-99 TO 1999-2000**

S. No.	State/UT	1998-99			1999-2000		
		Total Plan Outlay	SCP Outlay	SCP Expr.	Total Plan Outlay	SCP Outlay	SCP Expr.
1	Andhra Pr.	4688	573.46	632.48	5553	575.25	NA
2	Assam	1203	0.00	0.00	.00	0.00	NA
3	Bihar	3768	627.97	0.00	3630	594.36	NA
4	Goa	171	1.84	1.81	188	2.65	NA
5	Gujarat	5450	199.55	165.38	6550	260.82	NA
6	Haryana	2260	365.37	351.28	2300	407.47	NA
7	Himachal Pr.	1425	172.81	162.43	1600	190.09	NA
8	J & K	1900	0.00	0.00	72.06	12.97	NA
9	Karnataka	5353	400.50	318.24	5888	442.77	NA
10	Kerala	3100	304.01	297.80	3250	301.46	NA
11	Madhya Pr.	3005	315.79	263.09	3316	390.23	NA
12	Maharashtra	11600	608	482.65	6642	640	NA
13	Manipur	425	0.22	0.20	475	7.04	NA
14	Orissa	3084	322.15	304.31	3310	347.78	NA
15	Punjab	2500	220	57.02	2680	242	NA
16	Rajasthan	4100	688.74	606.95	5022	797.41	NA
17	Sikkim	194	0.06	0.06	137	0.52	NA
18	TamilNadu	4500	825	713.27	5251	997.41	NA
19	Tripura	440	40.88	43.45	490	49.48	NA
20	Uttar Pradesh	10260	2159.81	1349.23	11400	2394	NA
21	West Bengal	4595	223.30	174.69	5753	1414.14	NA
22	Chandigarh	00	12.87	9.37	151	14.19	NA
23	Delhi	00	0.00	0.00	3000	245.30	NA
24	Pondichery	241	0.33	0.33	312	0.44	NA
	TOTAL	74264	8075.19	5898.04	76970	10278.30	NA

ANNEXURE-3.IV

SPECIAL CENTRAL ASSISTANCE TO SPECIAL COMPONENT
PLAN FOR SCHEDULED CASTES RELEASED

(Rs in lakhs)

S.No.	States/UTs	1997-98		1998-99	
		Released	Utilised	Released	Utilised
1.	Andhra Pradesh	2680.13	2680.13	3388.78	4335.20
2.	Assam	142.18	112.00	596.66	362.00
3.	Bihar	2808.20	4939.40	3620.07	1820.93
4.	Gujarat	1659.99	680.56	371.40	1136.79
5.	Goa	3.83	1.16	2.72	1.90
6.	Haryana	546.41	644.69	741.77	705.93
7.	Himachal Pradesh	256.91	229.60	259.56	229.60
8.	Jammu & Kashmir	73.87	105.98	132.80	66.69
9.	Karnataka	1389.35	1434.61	1820.07	1820.07
10.	Kerala	645.94	576.05	724.54	561.23
11.	Madhya Pradesh	1945.24	1465.66	2237.08	2437.08
12.	Maharashtra	1922.45	1643.61	1673.92	870.94
13.	Manipur	6.58	6.58	10.62	8.43
14.	Orissa	1925.47	1925.47	2281.57	2295.99
15.	Punjab	0	887.82	1119.74	486.47
16.	Rajasthan	2279.81	2308.28	2575.48	2357.68
17.	Sikkim	4.44	4.44	4.03	6.12
18.	Tamil Nadu	1756.90	1766.97	3236.93	3236.93
19.	Tripura	106.28	106.50	108.72	102.99
20.	Uttar Pradesh	7646.66	5572.47	7518.15	6847.50
21.	West Bengal	2848.78	2848.78	3378.39	3378.39
22.	Chandigarh	18.16	18.16	22.00	22.00
23.	Delhi	135.43	90.69	201.71	78.87
24.	Pondicherry	23.99	25.74	73.29	73.29
(00)	Total	30827.00	30075.55	36100.06	33243.02

CHAPTER IV

SOCIAL INTEGRATION OF SCHEDULED CASTES

4.1 Constitutional & Legal Safeguards

4.1.1 As a result of sustained efforts of several social reformers and increased awareness about the lack of any rational basis for discrimination on caste consideration, the leaders of the outcastes started asserting for getting a just and rightful place for themselves in the society. This assertion by the leaders of the Depressed Classes and increasing realisation of the irrationality of the existing caste based discrimination among some of the enlightened leaders of the caste Hindus led to signing of Poona Pact in 1932, whereby it was agreed to give equitable representation to the Depressed Classes in the Governance and to take measures for ameliorating their socio-economic condition. The Poona Pact thus became the basis for subsequent/constitutional safeguards, legislation and other measures for social integration of the scheduled caste.

4.1.2 Even before the Constitution came into force several legislation had been enacted and other measures initiated for giving access to the Scheduled Castes to temples and public places.

1. **Bihar :** Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949)
2. **Karnataka :** (a) The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
(b) The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948)
(c) The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).
(d) The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).
3. **Kerala:** (a) The Travancore-Cochin Removal of social Disabilities Act, 1125 (Travancore-Cochin Act VIII of 1125)
(b) The Travancore-Cochin Entry Removal of Disabilities Act, 1950 (Travancore-Cochin Act XXVII of 1950)
4. **Maharashtra:** (a) The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act X of 1947)
(b) The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1947).
(c) The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central provinces and Berar Act XXIV of 1947)
(d) The Central Provinces and Berar Temple Entry authorization Act, 1947 (Central Provinces and Berar Act XLI of 1947)
5. **Tamil Nadu:** The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938)

6. **Uttar Pradesh:** The United Provinces (Removal of Social Disabilities Act, 1947 (Uttar Pradesh Act XIV of 1947).
7. **Rajasthan:** So far as the state of Rajasthan is concerned, there was no enactment, ordinance or regulation in vogue, the State Government has issued a few executive orders in the direction of removal of practice of Untouchability. Such instructions were as follows.
 - (i) Notification No 221/87/GA/51 dated 28.9.1951 and subsequent order No. F.22/87/51 dated 24.11.1951 regarding removal of discrimination at "Piaos"(place where drinking water is supplied).
 - (ii) Circular No. F.22/28/AB/51 dated 5.4.1952 order regarding removal of dead animals.
 - (iii) Circular No. F.22/28/GA(B)/51 dated 6.4.1952 order regarding use of jewellery etc.

4.1.3 After Independence, the Constitution of India abolished "Untouchability" (Article 17) and in 1955, the Parliament passed the Untouchability (Offences) Act. The national movement had created an atmosphere sympathetic towards the untouchables. It made it possible for the government to provide protective discrimination in an attempt to pull out the untouchables from traditional segregation.

4.1.4 The following disabilities has in one way or the other been typically associated with untouchability.

- I Denial or restriction of access to public facilities, such as wells, schools, roads, post offices, and courts.
- II Denial or restriction of access to temples where their presence might pollute the deity as well as the higher castes worshippers and from rest houses, tanks, and shrines connected to temples. Untouchables and shudras were ineligible to become Sanyasis (holy men) and forbidden to learn the Vedas (the earliest and the most sacred books of orthodox Hinduism).
- III Exclusion from any honourable and profitable employment and relegation to dirty or menial occupations.
- IV Residential segregation typically in a more extreme form than the segregation of other groups, by requiring them to remain outside the village.
- V Denial of access to services such as those provided by barbers, washermen, restaurants, shops, and theatres or requiring the use of separate utensil and facilities within such places.
- VI Restrictions on style of life especially in the use of goods indicating comforts or luxury. Riding on horse back, use of bicycles, umbrellas, footwear, the wearing of gold and silver ornaments, the use of palanquins to carry bridegrooms-all of these were forbidden in many areas.
- VII Requirements of deference in forms of address, language, sitting and standing in the presence of higher castes.
- VIII Restrictions on movement – Untouchables might not be allowed on roads and streets within prescribed distance of the house or persons of higher castes.

IX Liability to unremunerated labour for the higher castes and to perform menial services for them.

4.2 Constitutional Provisions relating to Social Integration.

4.2.1 Through article 17 of the constitution "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "untouchability" was declared to be an offence punishable in accordance with law. In addition, the following provision were incorporated in the constitution to facilitate social integration of the Scheduled Castes.

- (i) Article 19(5) confers right on the Scheduled Castes also to purchase property anywhere and also to settle down and carry out any trade or business in the way they like, without restrictions on their lawful occupations and movements.
- (ii) Article 25 provides that Hindu religious institutions of a public character will be thrown open to all classes and sections of Hindus.
- (iii) In Article 29 of the Constitution it is stated that admission to a state-run, managed or assisted educational institution shall not be denied to a Scheduled Caste student on the basis of caste creed or religion.
- (iv) Under Articles 330, 332 and 334 seats have been reserved for the Scheduled Castes candidates in the state legislatures and also in the Parliament. Further through 73rd and 74th constitutional amendments, reservation have been provided for the SCs in the Panchayat Raj Institution and urban local bodies.
- (v) Article 16 and Article 335 provide for the obligation of the state to consider the claims of the Scheduled Castes in the making of appointments to public services and reservation for them in case of inadequate representation.
- (vi) Article 15(4) provides for reservation of SCs and STs in admission to educational and professional course
- (vii) Article -46 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."

4.2.2 The Indian Constitution, it aims at creating equality among all its citizens. But by making special provisions for the Scheduled Castes, the makers of the Constitution sought to enable them to catch up with other communities. In other words the principle of protective discrimination in favour of the Scheduled Caste was introduced, which was altogether a new approach to enable them to join the mainstream.

4.3 Untouchability (Offences) Act, 1955

4.3.1 Through Article 17 of the Constitution Untouchability was abolished and its practice in any form has been abolished. Untouchability has, however, not been defined in the Constitution. The word untouchability has been used in inverted commas, which denotes the practice of Untouchability as it has evolved historically as social taboos in sharing food, access to public places, offering prayers and performing religious services, entry in temple and other public places and denial of access to drinking water sources etc. Within 5 years of adoption of Constitution of India, the Untouchability (offences) Act, 1955 was enacted by the Parliament.

4.3.2 Under the provision of this Act denial of permission to enter any religious or public place or to draw water from a common well or a tank was made an offence. Denial of entry to any eating place, educational institution, hospital, dharamsala etc. on the basis of caste was also declared an offence. This Act also made it an offence to enforce occupational, professional and trade disabilities. Refusal to sell goods or render services to Scheduled Caste on grounds of his caste was also made an offence. The Act also says that molesting, injuring or annoying a person or organizing a boycott of and taking part in ex-communication of a person, who has exercised his right arising out of the abolition of untouchability will also be an offence.

4.3.3 Further, the Act made the imposition of any such disabilities a crime punishable with a fine upto Rs. 500, imprisonment for a period of six months, cancellation or suspension of licenses and of public grants etc.

4.3.4 The Act contained a very novel and notable feature; it provides that where any of the forbidden practices "is committed in relation to a member of a Scheduled Caste"-the Court shall presume, unless the contrary is proved, that such act was committed on the ground of "Untouchability". In other words the burden of the proof lies on the accused and not on the prosecution.

4.4 Weaknesses and inadequacies in Untouchability Offences Act.

4.4.1 During the course of implementation of this Act, certain weaknesses and inadequacies were noted, which are briefly enumerated as follows: -

- (i) The Act forbids the denial of facilities and services "on ground of untouchability". But it was necessary to prove that the denial of facilities and services was preceded by a specific intention. It was difficult to obtain convictions since state of mind was difficult to prove.
- (ii) The Act was ambiguous in its coverage of facilities which were used by the public but were not technically "public". The High Courts, therefore, dismissed several cases wherein the Scheduled Caste persons were denied the use of facility which was used by the public, but was not technically "public".
- (iii) The offences under this Act were treated as compoundable. This provision reduced the effectiveness of the Act, because the Scheduled Caste person has to live, after all, in a village where he was in minority and the caste Hindus by exercising undue pressures or threat saw to it that a "compromise" was reached.
- (iv) There was no agency at any level, which systematically gathered information about the problems and policies of enforcement. Thus initiative was extremely decentralized and there were no special squads or staff for enforcing laws against Untouchability.
- (v) Very often the complainants were dependent upon the higher castes for their livelihood. The complainants faced social boycott or reprisal in the form of eviction or denial of grazing rights, if not physical coercion in the form of beatings, house burnings or worse.
- (vi) Although boycotts and reprisals were themselves offences, they were by their very nature extremely difficult to prove as they involved the behaviour, often covert, of a large number of people and successful

prosecution requires proof of motivation. It was even more difficult to get witnesses to prove the original offences.

- (vii) If the complainant managed to withstand these pressures, there was often considerable delay in the disposal of cases. The Elayaperumal Committee analysed 70 disposed cases and found that the average time taken was more than six months. Repeated court appearances were time-consuming and expensive. The accused almost always have greater resources and can hold out longer. With the passage of time, witnesses may be less inclined to cooperate with the prosecution. The table suggests, protracted litigation substantially reduced the rate of convictions.

Relation of Delay and Disposition in Untouchability (Offences) Act Cases

Time elapsed from registration to disposal	Disposal		
	Convicted	Compounded	Acquitted
Less than 6 months	15 (37.5%)	10 (25%)	15 (37.5%)
More than 6 months	8 (26.7%)	6 (20%)	16 (53.3%)

Source : Derived from Reports of Department of Social Welfare, 1969, p.51

- (viii) In the court, there were formidable obstacles due to the ambiguities and loopholes in the Act. These defects were very difficult to overcome, because it took a higher level of skill, more time for preparation and greater insulation from local pressures. All these difficulties reduced chances of conviction.
- (ix) Even if a conviction was secured the penalties imposed were so light as to have little deterrent effect and it generated little favourable publicity.

4.4.2 Soon after this Act came into force there was a general feeling that this legislation had failed to serve the purpose for which it was enacted. It was also felt that the punishments awarded under the Act were neither deterrent nor adequate.

4.5 Protection of Civil Rights Act, 1955

4.5.1 Accordingly, this Act was comprehensively amended in 1976 and its name was changed as 'The Protection of Civil Rights Act, 1955'. The amended Act, which came into force from 19th November, 1976 was the most important legislation prescribing punishment for the enforcement of any disability arising out of the practice of untouchability and for matters connected therewith.

4.5.2 Under this Act, the preaching and practice of "Untouchability" or the enforcement of any disability arising therefrom and for matters connected therewith, was made cognizable and non-compoundable offences and the terms of imprisonment have been enhanced. The State Governments have been empowered to impose collective fines on the inhabitants of any area found committing and abetting the commission of untouchability offences. This Act, alongwith the Rules framed there under, lays down elaborate procedure for ensuring protection of these communities by providing for special courts, special prosecution, fixing period for investigation etc.

4.5.3 In order to ensure that the rights arising from the abolition of 'untouchability' are made fully available to the persons suffering from this social evil, the following measures are required to be taken by the State Governments, under Section 15a(2) of the Act.

- (i) Provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of 'untouchability' to enable them to avail themselves of such rights.
- (ii) Appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act.
- (iii) Setting up of special courts for the trial of offences under the Act.
- (iv) Setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures.
- (v) Provisions for a periodic survey of the working of the provisions of the Act with a view to suggesting measures for better implementation of the provisions of the Act and
- (vi) Identification of areas where persons are under any disability arising out of 'untouchability' and adoption of such measures as would ensure the removal of such disability from such areas.

4.6 Role of the Central Government

4.6.1 The Act provides that the Central Government shall coordinate the measures taken by the State Governments for implementation of the provision of the Act and shall every year place on the table of each House of the Parliament a report on the measures taken by itself and the State Governments. This provision has not been strictly followed by the Ministry of Social Justice and Empowerment. The Annual Report on Protection of Civil Rights Act for the year 1994 (15th Report) was tabled in Rajya Sabha on 14.12.1998 and in Lok Sabha on 15.12.1998. The Govt. of India is also implementing a scheme for providing financial assistance to the state to strengthen the machinery for effective/implementation of the Act.

4.7. Instructions for Government Servants

4.7.1 The Central Advisory Board for Harijan Welfare made the following recommendations in 1961:-

The Central Government may impress upon all its servants and request State Governments to do like wise: -

- (a) That severe notice shall be taken of the practice of Untouchability in Government Offices and by Government servants; and
- (b) That the police and the magistracy have a special obligation to enforce the provisions of the Untouchability (Offences) Act, 1955, and it is the duty of all Government servants to help them in the enforcement of the Act and in creating the necessary climate to remove untouchability from the minds of the orthodox section of the community.

4.7.2 Based on these recommendation, vide Order No. 25/29/66-East (A)M/O Home Affairs dated 21.1.1967 instructions were issued impressing upon Government servants the need to strictly abide by the provisions of Article 17 of the Constitution and the Untouchability (Offences) Act, 1955, and also to set an example to others in the matter of complete elimination of the practice of Untouchability in any form. It was also stressed that very serious notice would be taken of the practice of Untouchability in Government offices and by Government servant and that if a Government Servant conducted himself in such a way as would amount to violation of the Untouchability (Offences) Act, 1955, such

conduct on his part would constitute a good and sufficient reason for imposition of a suitable penalty prescribed in the appropriate rules of control and discipline.

4.7.3 The Govt. further noticed that the words Harijan and Girijan were commonly used in the Scheduled Caste and Tribe Certificate and School Leaving Certificates by the authorities. The Government vide order no. BCI2025/44/80 SC & BCD I/IV dated 10.2.82 and 19.10.82 instructed all the State Govt/UT administration prohibiting use of words Harijan and Girijan .

4.8 Awareness Generation through Media

4.8.1. Under the Scheme of awareness generation the Ministry of Information and Broadcasting through the All India Radio mounted programmes on the theme of "Eradication of Untouchability" in special audience programmes like Rural, Women, Youth & Children programs. Total number of programmes broadcast on eradication of untouchability in various dialects and regional languages by All India Radio Stations during the calendar year 1998 were 4990. An important role has been played by Doordarshan and Press Information Bureau on the theme and practices of Untouchability. Apart from Directorate of field publicity, Directorate of Advertising and visual publicity carried a number of articles/write-ups highlighting the evil of untouchability and need for its eradication.

4.8.2 During the year 1998, 260 field publicity units of the Ministry of Information and Broadcasting organized 5226 film shows, 6717 oral Communication programmes, 2331 photo exhibitions and 288 special programmes on Untouchability.

4.8.3 Special programmes were organized on birth anniversaries of Mahatma Gandhi and Dr. Ambedkar. These special programs included seminars, workshops, rallies and competitions like essay writing, debates, elocution contests etc. Songs & Drama Division organized programmes by way of utilising a wide range of folk and traditional forms of media to educate people on the issue of untouchability with an intention of changing the mind-sets of the people. A division on an average has been presenting 38000 performances per year. Film Division produced a short fiction for Rural Audience titled "Kanaka Jyothy" and story based on Saint Kanakadasa who fought against caste based discriminations and social taboos or beliefs. A documentary film "Manavata" advocating the non-practice of untouchability was released.

4.9 Administrative set up for Implementation of PCR Act in the States

4.9.1 The State/UTs have set up administrative structures for implementation of the provisions of PCR Act. A brief account of the administrative structure in the state is as follows:-

- I The Government of **Andhra Pradesh** has set up a Special Cell under Additional Director General of Police (CID) for speedy investigation and prosecution of cases of atrocities and Untouchability. PCR Cell monitors the cases registered by Police and obtains information relating to PCR Act cases. This cell also conducts enquiries and takes up investigations into cases referred by the Government/Court.
- II Working of the implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is monitored by the Welfare of Plains Tribes and Backward Classes Welfare Department in Assam.

- III Officers have been appointed in Bihar for initiating and exercising supervision over prosecutions. A Scheduled Castes and Scheduled Tribes Cell has been established in the Home (Police) Department under a Inspector General of Police. Similar Cells have been established by the Welfare Deptt. at the State at Divisional, District, Sub-Divisional and Block levels. In addition, 11 Scheduled Castes and Scheduled Tribes Thanas have been established at Patna, Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Samastipur, Beguasarai, Bhagalpur, Munger and Ranchi.
- IV At the Secretariat level, Principal Secretary assisted by Deputy Secretary and Under Secretary is looking after the work in Gujarat while at the Directorate level, a Special Cell (Called the 'Nagrik Cell') is created and a Deputy Director has been appointed to look after the work. Three Regional Vigilance Officers are working at Baroda, Ahmedabad and Rajkot for the purpose. Three tier Social Justice Committees are set up at District/Taluka and Village levels under the Gujarat Panchayat Act and are entrusted with the work of eradication of Untouchability and to remove the practice of Untouchability in any form.
- V District Welfare Officers have been made responsible for effective implementation of the PCR Act by Haryana.
- VI In Karnataka Director of Civil Rights Enforcement Cell is working for the enforcement of the Protection of Civil Rights Act, 1955. Whenever cases relating to the Protection of Civil Rights Act, 1955 are reported, Police Officers visit the spot immediately, make bundobust arrangements, register the cases against the persons who committed atrocity, arrest the accused persons and produce them before the Court.
- VII A special Cell is functioning since 1979 in the Police Headquarters of the Kerala State, under the supervision of an Inspector General of Police (PCR).
- VIII In Madhya Pradesh a Protection of Civil Rights Cell has been set up by the State Government to oversee the implementation of the Protection of Civil Rights Act, 1955 and in particular to ensure that relief is provided to the victims. During 1997-98, a budget provision of Rs. 48.84 lakhs was made for this cell. A Scheduled Castes Development Cell under the charge of an Addl. Director General of Police has been established in the State Police Headquarter, which monitors the registration, investigation and prosecution of cases in Court and supervises the working of 46 Special Police Stations in the State. During 1998-99, an expenditure of Rs. 660.45 lakhs was incurred on Special Police Stations.
- IX In Orissa the Welfare Department is having a PCR Section to monitor the Protection of Civil Rights Act, 1955 and relevant matters. In addition there is a cell in Home Department as well as in the Public Headquarters. There is a Special Cell at the State Police Headquarters for proper monitoring of the implementation of the provisions of the Protection of Civil Rights Act, 1955 and the I.G. of Police H.R.P.C. is supervising the work of the field staff. There is also one Special Cell in the District Headquarters with requisite staff of one Inspector, one S.I. &

Constable for monitoring the implementation of the Protection of Civil Rights Act, 1955. The Superintendent of Police/Additional Superintendent of Police/Deputy Superintendent of Police of the districts are supervising the work of the field staff and Special Cell at the district level.

- X No protection of Civil Rights Cell has been set up in the State of Punjab.
- XI Although the Social Welfare Department in Rajasthan has been made the Nodal agency under the Act, it is the Home (Police) Deptt. and Law Deptt. which have been entrusted with the responsibility of effectively supervising the implementation of the Act.
- XII In Tamil Nadu, the Protection of Civil Rights Act, 1955 is being enforced not only by all the Police Stations but also by the 34 Special Protection Civil Rights Mobile Squads located at each district headquarter. Each mobile squad is headed by an Inspector of Police. For collection of Statistical information concerning the Protection of Civil Rights Act, 1955 a statistical unit consisting of 1 statistical Inspector is attached to each mobile squad. Inspector (Statistics) is being assisted by the staff of Protection of Civil Rights Units. The Additional Director-General of Police, CID, social Justice and the Inspector-General of Police, Human Rights & Social Justice, CID, Chennai monitor the enforcement of the Protection of Civil Rights Act, 1955 cases and also supervise the functioning of the Protection of Civil Rights Mobile Squads.
- XIII The State Government of Tripura have appointed (i) Sub-Divisional Officers of the Sub-Divisions (ii) Sub Deputy Collectors (Circle Officers of Revenue Circles) and (iii) Police Officers upto the rank of Sub-Inspectors for initiating and exercising supervisions and prosecution under the provisions of the Protection of Civil Rights Act, 1955.
- XIV In Uttar Pradesh implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been entrusted upon the District Supdt. Of Police at District level under the supervision of DIG Police and I.G. Police at different levels. Special Investigation Cells have also been set up in 20 sensitive district and each such cell has a Police Sub-Inspector, a head constable and two constables. The Cell functions under the overall supervision of Senior Supdt. of Police. State Government has also given directions to the District Supdt. of Police to make efforts that each police station has a Head constable or a constable from among the Scheduled Caste or the Scheduled Tribe and that in at least 20% of the Police Station in a district, Officer-in-charge of Police Stations belongs to SC/ST community. The Investigation Cell of the State level comprises of an Addl. D.G. Police, an I.G. Police, a D.I.G. Police, A Supdt. of Police, and Addl. Supdt. of Police and nine Dy. Supdts. of Police.
- XV The Protection of Civil Rights Act Cell is working in Chandigarh under the supervision of Director, Social Welfare.

- XVI No special officer has been appointed for implementation of the Protection of Civil Rights Act, 1955 by Dadar & Nagar Haveli. However, the Police Department is directed to see that action is promptly taken if any contravention of the PCR ACT takes place.
- XVII No. PCR Cells have been set up in U.T. of Daman & Diu due to non reporting of any case under the Protection of Civil Rights Act, 1955.
- XVIII Due to less number of cases registered in NCT of Delhi under the PCR Act, the Delhi Government has not set up any PCR Cell.
- XIX In Pondicherry there is an Enforcement Cell in the Chief Secretary's Office to supervise the appointment of Scheduled Caste and Scheduled Tribe members in Government Service. Besides, the PCR Cell Unit is functioning directly under the control of Supdt. of Police in the three enclaves of the Union Territory of Pondicherry namely Pondicherry, Karaikal and Yanam.

4.10 Monitoring Committees in the States

4.10.1 To ensure effectiveness of the PCR act, there is a provision for setting up Vigilance and Monitoring Committees at state and District levels. While most of the State/UTs have constituted the committees, but the meetings of these committees, particularly at the state level, is not held regularly, resulting in lack of effectiveness in the implementation of the legal provisions. The position of constitution of Vigilance and Monitoring Committees in various State/UTs is briefly discussed below :-

- I A state Level Review Committee in Andhra Pradesh has been constituted under the Chairmanship of the Chief Minister to ensure effective implementation of the Act. District Vigilance & Monitoring Committees have also been established with District Collector as chairman. This committee is responsible to see that cases of Atrocities/Unlawfulity against SCs and STs are pursued vigorously and its implementation reviewed.
- II A high level State Committee has been established in Bihar under the Chairmanship of Chief Minister to review the Progress of various measure under the Act. Divisional and District level Committee have also been set up under the Chairmanship of the Divisional Commissioners and District Magistrate, respectively.
- III The Committee under Chairmanship of Minister for Social Welfare was constituted to protect right of SC/ST under the Protection of Civil Rights Act, 1955. Monthly crime conference is held to discuss all such cases by concerned District Superintendent of Police for ensuring their speedy disposal in Goa.
- IV In Gujarat a High level Committee has been constituted under the chairmanship of Chief Minister. The Committee consists of Minister Social Welfare, Finance Minister, Members of Parliament and State Legislature and the concerned Senior Government Officers as members. The Committee takes annual review of the implementation of the Act.
- V Apart from the High Level Committee under the Chairmanship of the Chief Minister a State Level Committee under the chairmanship of Secretary incharge of Social Justice and Empowerment Department regularly reviews the functioning of the three vigilance Squads and also

the measures taken by the various departments in this regard. District Vigilance Committees are constituted under the Chairmanship of District Collector of respective districts. Their function is to monitor effective implementation of the Act. Similar to the District level committee, there are Taluka level committees at every Taluka under the Chairmanship of Taluka Mamlatdar for the same purpose. In the major city similar Committee has been constituted under the Chairmanship of the Police Commissioner.

- VI Monitoring Committees have been set up in the State of **Haryana** at various levels to review the cases of Untouchability practices. At the State Level, the Committee is headed by the Chief Minister and the Committee includes Ministers, Chief Secretary and other non official persons. District Level Committees have been functioning under the chairmanship of Dy. Commissioners. Other Members of the Committee are District Superintendent of Police, MLAs belonging to Scheduled Castes and two other nominated persons.
- VII A state level Committee was set up in the State of **Himachal Pradesh** during the year 1996 which is entrusted with the responsibility to monitor implementation of PCR Act in the state.
- VIII In **Karnataka** a High Level Committee under the Chairmanship of Minister of State for Home has been constituted to monitor the investigation and prosecution of major atrocity cases against Scheduled Castes/Scheduled Tribes. This Committee meets once in a quarter to monitor the progress of the cases under the Protection of Civil Rights Act, 1955 and Atrocities Act. Government have also constituted Taluk, district and Divisional Level Committees to identify and redress the grievances of the Scheduled Castes and Scheduled Tribes.
- IX The Government of **Kerala** has, constituted Advisory Committees at the State and District Levels for dealing with matters relating to members of Scheduled Castes and Scheduled Tribes. All Scheduled Castes and Scheduled Tribes MPs, MLAs, District Officers and Non officials nominated by the State Government are members of the committee. The committee is intended for monitoring the implementation of the various schemes and measures to safe-guard the interests of Scheduled Castes and Scheduled Tribes. District level committees function under the chairmanship of District Collector.
- X A state level Committee has been constitute under the chairmanship of Chief Minister in **Madhya Pradesh** to review the implementation of the Protection of Civil Rights Act, 1955. District Level committees under the chairmanship of District Magistrates have also been set up.
- XI In **Maharashtra** State level, Divisional level and District level Committees are formed to review the implementation of the Protection of Civil Rights Act, 1955 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- XII For proper supervision and inquiry of Atrocity cases, a State Level Atrocity Enquiry committee has been constituted by the State Government of **Orissa** in scheduled Castes and Scheduled Tribes

Development Department (formerly Welfare Department). The Committee is constituted with the following objectives:-

- (a) To enquire into allegations of harassment and atrocities on Scheduled Castes and Scheduled Tribes.
- (b) To enquire into the allegations of Scheduled Castes and Scheduled Tribes being unlawfully evicted or being unlawfully dispossessed from lands in their possession.
- (c) The Committee shall report to the State Government the administrative and other lapses, if any, on the part of the State Government Officials and other individuals which has resulted in such harassment and atrocities and recommend to the State Government suitable action to prevent continuance and recurrence of such incidents. The Committee conducted two spot visits on the alleged atrocities in the district of Puri and one Review Meeting with the Collectors & Superintendents of Police of selected districts and another with Officials of Welfare Department and Home Department.

XIII In Rajasthan State level Committee has been constituted under the Chairmanship of the Chief Minister. The main functions of the Committee are as under:-

- (a) to ensure effective implementation and review the implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- (b) to suggest measures for the prevention of atrocity and abolition of untouchability.
- (c) To ensure adequate relief to the victims and assist NGOs and Social Workers in their endeavour.

XIV In accordance with the provisions of the Protection of Civil Rights Act, 1955, the State Government of Tamil Nadu have constituted a State Level Vigilance and Monitoring committee to review the implementation of the provisions of the Act. Accordingly orders have been issued constituting the Committee with the Chief Minister as the Chairman and 24 others as the members of the committee. The District level Vigilance and Monitoring Committees have been constituted in all the Districts and meetings of the District Level Committees are held once in a quarter. The District Collectors conduct review every month of all the cases registered under the P.C.R. Act 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and send their reports before 20th of the next month. The review reports received from the District Collectors are discussed in detail by the Secretary to Government, Adi Dravidar and Tribal Welfare Department with D.I.G., P.C.R every month. Necessary instructions on the follow up action are issued to the District Collectors.

XV At the state level there is a high power Scheduled Castes Welfare Advisory Committee under the Chairmanship of the Chief Minister in Tripura. The Committee consists of prominent Scheduled caste

leaders. This Committee reviews and evaluates implementation of Special component Plan schemes for Welfare of Scheduled Castes and other related matters.

- XVI At District level, a Committee under the chairmanship of District Collector has been set up in all the districts in **Uttar Pradesh**. The State Level Committee functions under the chairmanship of Social Welfare Minister and reviews the implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- XVII A state level committee for the Welfare of Scheduled Caste has been constituted in **Pondicherry** with Minister incharge of SC Welfare as Chairman, both the M.Ps and all the sitting SC MLAs as members.

4.11 SPECIAL COURTS

- I **Andhra Pradesh** has established twenty two Special Mobile Courts, one for each district except the district of Hyderabad, for dealing with offences under the PCR Act, 1955. Each Mobile Court, headed by a Judicial First class Magistrate, is assisted by an Asstt. Public Prosecutor and other staff.
- II In **Assam**, there is no Special Court under the Protection of Civil Rights Act, 1955.
- III No Special Court has been set up in the State of **Bihar** under the Protection of Civil Rights Act, 1955.
- IV No Special Court under the Protection of Civil Rights Act, 1955 has been set up in the State of **Goa**. However, the District Courts have been designated as Special Courts to deal with the cases registered under the Protection of Civil Rights Act, 1955 and the present arrangement is considered sufficient for conducting trial of cases.
- V The Government of **Gujarat** has specified all Session Courts as Special Courts with effect from 30th January, 1990, under Section 14 of the Atrocities Act 1989. Special Courts have already been started at Banaskantha, (Palanpur), Kutch, (Bhuj) and Ahmedabad (Rural). Rs. 16 Lakhs was provided for these Courts in the year 1978.
- VI State Govt. of **Haryana** has specified Court of senior most Additional District & Sessions Judge for each district. A special Public Prosecutor has also been specified for each Sessions Division for trial of cases.
- VII As number of cases under the Protection of Civil Rights Act, 1955 was nominal in **Himachal Pradesh**, Special Courts have not been set up for this purpose. However, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Special Courts have been established for each of the eleven districts.
- VIII In **Karnataka** all Judicial Magistrate First Class Courts at Taluk Head Quarters are undertaking trial of cases under the Protection of Civil Rights Act, 1955.
- IX The District Courts of **Kerala** have been designated as special courts to try the offences under the PCR Act and the Public Prosecutors of all

Districts have been nominated as Special Prosecutors for conducting the cases in the special Courts.

- X Cases registered under the Protection of Civil Rights Act, 1955 in **Madhya Pradesh** are now attended to by the District Courts. Earlier, the State Government had set up four Special Courts for this purpose. Because of limited number of cases under the Protection of Civil Rights Act, 1955, there was not much work load for the Special Courts, therefore these Special Courts have been wound up.
- XI The review of the necessity of the Special Courts was taken, and the proposal to establish the Special Court's in the six districts namely (1) Parbhani (2) Dhule (3) Wardha (4) Yeotmal (5) Bhandara (6) Nagpur is under consideration of the State Government of **Maharashtra**.
- XII The State Government of **Orissa** have specified 23 Courts of the District & Sessions Judges/Additional District and Sessions Judges as Special Courts for speedy trial of offences and cases of atrocities committed against Scheduled Castes and Scheduled Tribes.
- XIII In **Punjab**, no Special Court has been set up under the Protection of Civil Rights Act, 1955 by the State Govt. as the number of Untouchability cases are very few.
- XIV For speedy disposal in **Tamil Nadu** of cases registered under protection of Civil Rights Act, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 4 Special Courts have been set up at Madurai, Trichy, Tanjavur and Tirunelveli to cover all the districts in the State.
- XV The **Tripura** State Government with the concurrence of the Chief Justice of the Gauhati High Court, specified the court of Sessions Judge, West Tripura District, Agartala, North Tripura District, Kailashahar and South Tripura District, Udaipur as Special Courts as per the provision of Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- XVI The Court of Additional Sessions Judge, **Chandigarh** has been specified as Special Court to try the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act, 1955.
- XVII No special Court has been set up since no cases has been reported under the PCR Act in **Dadar & Nagar Haveli**.
- XVIII Due to non reporting of any case under PCR Act, no Special Courts have been set up in UT of **Daman & Diu** under the said Act.
- XIX Since the number of cases reported under the Protection of Civil Rights Act, 1955 in Delhi has been very few, no Special Court has been set up in **Delhi**.
- XX No Special Court has been set up but the 'Assistant Public prosecutor' is conducting the cases in the Court of Chief Judicial Magistrate, **Pondicherry** who is authorized to try cases under the Protection of Civil Rights Act, 1955 in the Union Territory of **Pondicherry**.

4.12 LEGAL AID

- I In **Andhra Pradesh** under the scheme of legal aid to the members of SCs/STs who are victim of harassment on caste/community considerations, provides assistance to meet the expenditure on attendance in the Courts, filing of various documents, moving applications, payments of lawyers' fees, etc. to persons whose income does not exceed Rs. 6,000/- per annum. Applications are considered by the District Collectors who can also initiate action suo-moto.
- II Free Legal Aid is provided to the deserving Scheduled Castes and Scheduled Tribes people in **Assam** by the Sub-Divisional Legal Aid Committees.
- III A scheme of Legal Aid and Advice is under implementation through the Law Department to give free legal aid and advice to poor people which also includes SC/ST in the State of **Goa**.
- IV The State Government of **Gujarat** has introduced a scheme for extending legal aid to the victims covered under the provision of PCR Act. Necessary budget provision for Legal Aid is being made under the Head BCK-57 "Nagrik Cell".
 - (a) The Present income limit for such aid is Rs. 12,000/- p.a. which requires to be raised, unless the income limit is raised, most of the persons can not avail of the benefit of the scheme and the purpose of the scheme will be defeated.
 - (b) The present rate of Rs. 500/- for civil case is not sufficient and it should be enhanced at par with the rate of Criminal case i.e. Rs. 3000/-.
- V **Haryana** provides Assistance for legal aid in cases relating to practices of untouchability, non entry into temples/drinking water, wells and other public places, mutation of land records, abduction and kidnapping of girls and women and violation of reservations meant for Scheduled Castes. Expenses towards witnesses and court fees are met under the scheme. During 1998, an amount of Rs. 14,500 was utilized benefiting 11 persons.
- VI Assistance for legal matters is provided free of cost by the State Legal Aid Board in **Himachal Pradesh** to a person whose annual income does not exceed Rs. 15,000, however, the ceiling is proposed to be revised to Rs. 25,000. Free legal aid scheme includes expenses towards litigation as well as TA/DA to witnesses. During 1998-99, a provision of Rs. 8 lakhs was made in the budget.
- VII Legal Aid Board has been constituted in **Karnataka** also. The Karnataka Legal Aid Services authority has given legal assistance to 106 Scheduled Castes and 10 Scheduled Tribes persons during 1998 (from 1.1.1998 to 31.12.1998). The expenses of the legal aid are met out of the general funds provided to the Legal Services Authority. No income limit is prescribed for the Scheduled Castes, Scheduled Tribes persons.
- VIII The Government of **Kerala** have prepared a scheme for the economic and special rehabilitation of the members of Scheduled Castes and Scheduled Tribes who are victims of atrocities.

- IX During 1998-99, the Madhya Pradesh made a provision of Rs. 9.60 lakhs for providing legal aid through Legal Aid and Legal Advice Board. Assistance of Public Prosecutors and Senior Advocates is made available to the Scheduled Castes and the Scheduled Tribes victims under the Act.
- X In Maharashtra, there are legal Aid committees at every district and Taluka to help the persons from the economically weaker sections of the society by providing free legal aid. Those having annual income below Rs. 6,000/- are entitled to get the benefit of the said scheme. There are no separate legal aid centers constituted for the people belonging to the Scheduled Castes and Scheduled Tribes persons. They can get the benefit of the free legal aid from these centers.
- XI Legal aid is provided to the SC persons under the Legal Aid and Advice Scheme, 1981 administered by the Law Department of Orissa. Besides, the SC/ST litigants are also given legal aid under a separate scheme in operation by the Welfare Department. The Legal Aid is paid to contest cases for establishing rights, titles and possession over the land and also for the cases under the Protection of Civil Rights Act, 1955 under the scheme. A sum of Rs. 40,000/- was allotted to 4 districts for payment of Legal Aid to 6 persons during the year 1998-99 under the Protection of Civil Rights Act, 1955 and the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- XII A sum of Rs. 60.11 lakhs was sanctioned by Punjab Government under this scheme, during the year, 1998. Free legal assistance has been given to 2074 persons out of which 424 persons belonged to Scheduled Castes. Under Punjab Legal Services Authority Act, 1987, Scheduled Castes are exempted from income limit to avail the benefits of Legal Aid.
- XIII As per Legal Aid Scheme launched by the State Government of Rajasthan in 1984, any SC/ST person, irrespective of income limit can avail of the benefit under the scheme. The scheme is implemented by the Legal Advisory Board and Legal Aid Committees. These committees have been set up at sub-divisional and district levels under the charge of Judicial Magistrate, Sessions Judge and at State level in the High Court and Board of Revenue. A Legal Aid Board under the Chairmanship of Chief Minister and acting Chairmanship of a High Court Judge has also been functioning in the State.
- XIV The Tamil Nadu State Legal Services Authority was taken over on 1.11.1997 from the erstwhile Tamil Nadu State Legal Aid and Advice Board which was formed as a Registered Society of the Tamil Nadu Government in the year 1976. The New Authority constituted under the Legal Services Authorities Act of 1987, as amended, is implementing all the policies of the erstwhile Legal Aid Board.
- XV Scheme for providing legal aid to the Scheduled Castes is in force in the State of Tripura. There is no reported incidents of Untouchability offence in Tripura till date and as such question of sanction of legal aid to victims of Untouchability does not arise.

- XVI A scheme for providing legal aid to Scheduled Castes have been formulated and necessary provision has been made by the Union Territory of Chandigarh.
- XVII Legal assistance is available under Dadra & Nagar Haveli Legal Aid Advice Scheme 1992 to those who are subject to disabilities arising out of Untouchability, among others. No income limit is prescribed for persons belonging to Scheduled Castes and Scheduled Tribes for getting the aid.
- XVIII "Free Legal Aid and Advice Board" has been constituted in UT of Daman & Diu.
- XIX The Directorate for Welfare of SC/ST in Delhi has provision for free legal aid to SC/ST victims.
- XX Pondicherry has a provision of Legal Aid to Scheduled Caste and Scheduled Tribe members.

4.13 IDENTIFICATION OF UNTOUCHABILITY PRONE AREAS/PLACES

The following States have identified the untouchability prone areas.

- I Andhra Pradesh - 340 Places
- II Gujarat has identified 21 blocks and have created a post of a Project Officer for 20 districts to develop awareness.
- III Maharashtra has identified the untouchability and sensitive villages of the districts which are Ratnagiri, Sindhudurg, Nashik, Dhule, Jalgaon, Ahmednagar, Sangli, Satara, Solapur, Kolhapur, Buldhana, Akola, Amravati, Yavatmal, Nagpur, Bhandara, Parbhani, Nanded, Latur to keep close watch on the practices of untouchability and to take urgent necessary action whenever such instances come to the notice.
- IV Tamil Nadu has 214 villages identified as Atrocity prone and another 102 village as moderately atrocity prone, during the year 1998.
- V Practice of Untouchability has been reported to be non-existent in the States and Union Territories of Tripura, Assam, Goa, UT of Daman & Diu, Delhi, Dadar & Nagar Haveli, Pondicherry, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Andaman & Nicobar Islands and Lakshadweep.

4.14 INTER-CASTE MARRIAGES

- I Andhra Pradesh provides incentive award of the value of Rs. 10,000 to each couple for inter-caste marriage for the promotion of social integration. During 1998-99 Rs. 22.37 lakhs was spent on incentives award to 258 couple.
- II Assam has a budget provision of Rs. 3.00 lakhs under Plan and Rs. 0.77 lakhs under Non-Plan but no amount was sanctioned in the year 1998. Hence nobody was benefited and no expenditure was incurred in this regard.
- III A Scheme of Award to Inter - Caste marriage is available in Goa to provide financial assistance of Rs. 10,000/- to a couple entering in to marriage where one of the spouse belongs to Scheduled Caste. One couple given the benefit during the calendar year 1998 in Goa.

- IV With a view to promote social integration, Gujarat Govt. is encouraging inter-caste marriages with Schedule Caste persons. The State Government is giving Rs. 50,000/- to such Couple. As against the Budget provisions of Rs. 25/- lakhs in 1998 – 99 for incentives for inter caste marriage, an expenditure of Rs. 19.80 lakhs was incurred and 123 couples were benefitted.
- V Financial assistance of Rs. 25,000 (60% in the form of fixed deposit for six years and 40% in cash) is provided to a couple, one of whom belongs to Scheduled Caste Community, contracting inter-caste marriage in Haryana. During 1998, an expenditure of Rs. 2.75 lakhs was incurred for the benefit of 11 such couples by Haryana Govt.
- VI In Madhya Pradesh financial grant of Rs. 6000 and a certificate is given to a couple one of whom belongs to Scheduled Caste. During 1998-99, expenditure of Rs. 9.32 lakhs was incurred out of a provision of Rs. 18 lakhs and 155 couples received benefit under this scheme.
- VII The provision under this scheme for 1998-99 was Rs. 143.88 (lakhs) and 847 couples were covered under this scheme by the state of Maharashtra.
- VIII In Orissa, Cash incentive @ Rs. 3000/- per couple is provided when Inter-caste marriages are solemnized between caste Hindus & Scheduled Castes to promote social integration and removal of Untouchability. A sum of Rs. 4,02,000/- was sanctioned for payment of cash incentives for 134 such marriages during 1998-99.
- IX In Punjab, a sum of 25,000/- is given to each couple where one of the spouse belongs to Scheduled Caste.
- X In Tripura, there is a scheme to promote inter-caste marriages between a caste Hindu and a person belonging to the Scheduled Caste, who is engaged in scavenging profession, viz, Nathor, Mushar, Dum and leather worker (Chamar/Mochi). An appreciation certificate and a cash grant of Rs. 25,000/- is given to every couple of such inter caste marriage. During the year 1997-98 no such application for sanction of grant for inter caste marriage was received.
- XI A sum of Rs. 5,000/- is granted to a married couple under the Inter Caste Marriage scheme in Chandigarh.
- XII Dadar & Nagar Haveli reported no inter-caste marriage during the year 1998.
- XIII Directorate for the Welfare of SC/ST in Delhi does not have any scheme to provide incentive for inter-caste marriage.
- XIV The incentive for intercaste marriage is provided by the Adi-Dravida Welfare Department, Pondicherry.

4.15. Recommendations

4.15.1 The Commission conducted a study on the "Problem of Untouchability" in order to identify its different forms and the causes of its continuance as also to review the legal and other measures taken by the Centre, State Governments and the voluntary organizations. Seven States namely, Bihar, Karnataka, Kerala, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh were selected as samples. The study revealed that the

extent and ramification of the practice of Untouchability varied from State to State. The commission makes the following recommendation based on this study and other information available to it.

- I. The Central Government and the State Government should ensure wide publicity of the PCR Act so as to improve the awareness about the provisions of the Act among the Scheduled Castes as also non-Scheduled Castes. Publicity and related activities both of the Central and State Governments should be carefully reviewed to make them impact-oriented and capable of reaching effectively the far-flung and remote habitations.
- II. The Central Government should review the kind of facilities, including legal aid being provided by the State Governments to the victims of Untouchability and issue guidelines to ensure proper implementation of this provision of the PCR Act. Further the nature and extent of facilities should periodically be evaluated so that these become purposive instruments for combating the practice of Untouchability.
- III. The Central Government should impress upon the State Governments to ensure that the officers appointed under this provision are utilized for initiating and exercising supervision over prosecution of all cases registered under the provision of the Act. The State Governments also need to ensure that special public prosecutors are appointed or earmarked to deal exclusively with the cases under the PCR Act in States where there is no such arrangement. These public prosecutors should be carefully selected and trained and brought under a scheme of reward and admonition for the success or otherwise of their labour.
- IV. The Central Government should take up the issue of setting up of special courts with the concerned State Governments, which have not yet set up such Special Courts. Further the performance of the special courts should be carefully and critically watched in terms of timely disposal of cases.
- V. The Central Government should request the State Governments to ensure periodical holding of meetings of monitoring committees so as to make them functional and effective.
- VI. The Central Government should draw the attention of the State governments towards this matter and request them to ensure that the working of the provisions of this Act are periodically evaluated and measures adopted for better implementation of the provisions of the PCR Act.
- VII. The Central Government should request the States to complete identification of Untouchability-prone areas on a time-bound basis. So far as the States which have been able to identify such areas the Central Government should call upon them to give preference to such areas while implementing schemes under the special component plan.
- VIII. The Central Government should, instead of merely collecting the information received from the State Governments in its annual

report, get such information critically examined and follow up action taken simultaneously.

- IX. A compendium of guidelines should be prepared and issued to the State Government/UT Administrations on matters relating to removal of Untouchability and should also be circulate to the other concerned authorities also.
- X. The Central Government should critically evaluate the impact of the scheme of liberation of scavengers on removal of Untouchability.
- XI. The State Governments should give wide publicity to the scheme of inter-caste marriages through mass media in order to encourage larger number of youths for inter-caste marriages.
- XII. The Gram Panchayats can play a very significant role in eradicating the evil of Untouchability. The State Governments should evolve schemes for providing healthy competition at the village/Gram Sabha level for eradication of this evil.
- XIII. The Central Government should review the impact of work being done by voluntary organization and should enlist their support in this matter. There is also a need to draw up a long-term phased programme for eradication of Untouchability at the national level in consultation with the State Governments and the voluntary organizations. In order to bring about a feeling of healthy competition among the social workers, the State Governments should also consider launching a scheme of giving rewards and commendation certificates to select social workers for their outstanding contributions towards eradication of Untouchability.
- XIV. The Government of India should continuously monitor the programmes of Harijan Thanas and Special Courts in terms of the concrete results that they have produced so far.
- XV. The all India Radio stations and Doordarshan Kendras should highlight and give wide publicity to the purpose for which the National Commission for Scheduled Castes and Schedule Tribes was constituted and its activities for improving the awareness among the general public in the country about the role of the Commission.

CHAPTER V

ECONOMIC DEVELOPMENT OF SCHEDULED TRIBES

5.1 Demographic and Cultural Dimensions of ST Population

5.1.1 The Scheduled Tribe population is 8 per cent of the total population of India as per 1991 Census. The tribals occupy about 20 percent of the total geographical area of the country. In 1981, the Scheduled Tribes constituted 7.85 percent of the total population. The decennial growth rate of the Scheduled Tribes (26.00%) population during 1981-91 was higher than that of the total population (23.79%). The rural urban ratio as per 1991 census was 74:26 for total population as compared to 93:7 for Scheduled Tribes.

5.1.2 The tribal communities represent diverse, ethnic, religious and linguistic groups. There is no uniformity in their levels of development. While in Mizoram they are close to 100% literacy, the Jarawas and Shompers in Andaman and Nicobar Islands are still living in the state of nature. However, the common feature among all the tribal communities is their strong cultural traditions, kinship, remoteness of their habitats, lack of infrastructure facilities and low level of technological advancement.

5.1.3 The tribals are living in remote, inaccessible and impoverished conditions, suffering from hunger and malnutrition and starvation deaths, particularly among the children in some of the Tribal pockets and require better attention to provide food security, at least in vulnerable season. Food and water being the basic needs, are required to be addressed urgently through appropriate Food and Nutrition Security Programme. Scarcity of safe drinking water in the tribal areas especially in the high altitudes and hill top habitations is another serious problem related to their basic needs and survival. In recent years even in the high rainfall areas, water crisis is surfacing.

5.1.4 For the economic and social development of STs three measures have been adopted by the government viz. (i) Safeguards and Protective Measures under the Constitution of India and various enactments, (ii) Positive discrimination in education and employment and (iii) Development measures by operation of different schemes, projects and programmes. The constitutional provisions and safeguards to the Scheduled Castes and Scheduled Tribes have been discussed separately in the Second Chapter. The positive discrimination in education and employment has also been discussed separately in this report.

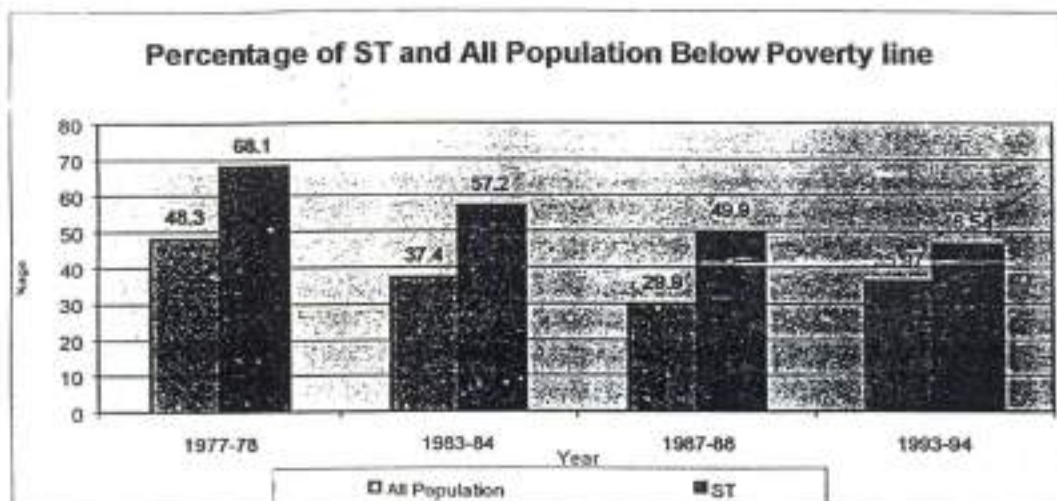
5.2 ECONOMIC DEVELOPMENT SCENERIO OF SCHEDULED TRIBES

5.2.1 One of the prime indicator of economic development of the Society is by comparing the proportion of people living below the poverty line and decline in the proportion over a period of time, which demonstrate the impact of the development programmes. The data collected by the planning Commission on estimates of population living below poverty line over a period of time is given in Table 5.1. As evident from the statement, the population of ST people below the poverty line is much larger than those for the rest of the society.

Table 5.1

Percentage of ST and all population below poverty line

Year	All Population	ST
1977-78	48.30	68.10
1983-84	37.40	57.20
1987-88	29.90	49.90
1993-94	35.97	46.54

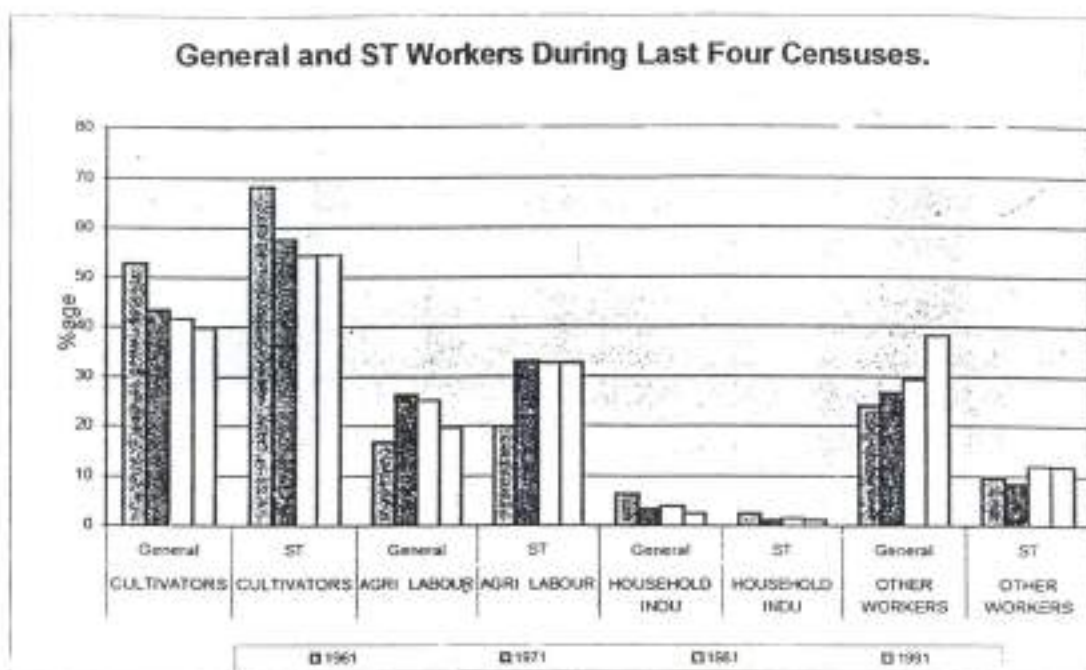


5.2.2 This Commission had recommended in the 4th Report that the Expert Group should estimate the poverty amongst the Scheduled Castes and Scheduled Tribe population separately. Based on the recommendation, the Planning Commission had prepared estimates of Rural and Urban poor among SC/ST for the year 1993-94. It is apparent from these estimates that 46.54% ST people continue to live in conditions of poverty. In the recent BPL Survey of 1997-98 again National level figures for SC/ST have not been published, although State level results do provide such estimates. The estimates of the poor among the SCs and STs should be made on a regular basis so that proper policy measures can be taken up by the different Ministries and agencies involved in the upliftment of SCs and STs.

5.2.3 The occupational classification of main workers in different Census periods reveal that majority of the ST population depend on agriculture. The details of classification of workers during 1961, 1971, 1981 and 1991 Censuses are given in the following Table:

Table 5.2
General and Scheduled Tribes workers during last four Censuses.

Year	General	ST
1. CULTIVATORS		
1961	52.78	68.18
1971	43.38	57.56
1981	41.53	54.43
1991	39.74	54.50
2. AGRICULTURAL LABOUR		
1961	16.71	19.71
1971	26.32	33.04
1981	25.16	32.67
1991	19.66	32.69
3. HOUSEHOLD INDUSTRIES		
1961	6.38	2.47
1971	3.35	1.03
1981	3.99	1.42
1991	2.56	1.04
4. OTHER WORKERS		
1961	24.13	9.64
1971	26.75	8.37
1981	29.32	11.84
1991	38.04	11.76



5.2.4 It may be observed from these figures that one-third (32.69%) of the ST main workers were 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, percentages of agricultural labourers declined amongst general population from 26.32 in 1971 to 19.66 in 1991. However, there was only nominal decline in the proportion of agricultural labourers in case of ST main workers during the same period. Agricultural labourers is characterized by seasonal and low wage employment with high dependence on monsoon. In the development context of ST, the problems faced by agricultural labourers deserve immediate attention as they form one of the most neglected class of rural economy.

5.2.5 The substantial increase in ST agricultural labourers during 1971 was due to change in definition rather than green revolution impact amongst tribals. It is quite possible that some of the marginal tribal farmers had become Agricultural labour over a period of time. The size of landholding among tribals have reduced and become economically unviable and only a limited number of persons may remain fruitfully engaged in the available landholdings, thereby sparing surplus manpower for agricultural labour else where. The data on other occupational workers for the same census period also supports this theory.

5.3 TRIBAL SUB-PLAN

5.3.1 Tribal Sub-Plan strategy was adopted during the Fifth Five Year Plan and consisted of identification of tribal majority development blocks, earmarking of funds under various Sectoral programmes for these identified areas alongwith mobilisation of institutional finance and creation of administrative structure for these areas. According to TSP strategy the TSP Areas included Scheduled Areas and Clusters and pockets of tribal concentration outside the Scheduled Areas. Although primarily it was conceived of as an area based approach, the tribal sub-plan strategy includes beneficiary oriented programmes also. The Tribal Sub-Plan strategy covers 20 State/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 82 Clusters have been identified and set up. In addition to this, 75 Primitive Tribal Groups have also been identified.

5.3.2 The Tribal Sub-Plan has the twin objective of accelerated Socio-economic development of the tribals and their protection against various forms of exploitation. In the Sixth Five Year Plan Modified Areas Development Approach (MADA) was adopted to cover smaller areas of tribal concentration with population of at least 10,000 having more than 50% tribals. Clusters having population of at least 5000 with 50% of ST population or more were identified during the Seventh Five Year Plan. The ITDPs, MADA and Clusters do not cover the Sixth Schedule of the Constitution where Regional and District Autonomous Councils have been set up. Presently 100 percent Tribal population have been covered under ITDP, MADA, Clusters and other programmes in the Country.

5.3.3 The Central Ministries have not started formulation of a separate Tribal Sub-Plan or specific schemes for the socio-economic development of tribals. Their efforts are still confined to incorporating guidelines for providing adequate coverage to tribal beneficiaries, without proper mechanism for monitoring and ensuring the implementation of the guidelines. The role of Central Ministry in tribal development has been enunciated in d.o. Letter No. 280/PMO/80 dated 12th March, 1980 from the Prime Minister to the Central Ministries. The indifference on the part of some of the Central Ministries/Departments in formulating TSP forced the Planning Commission to set up a Standing Tripartite Committee, consisting of representatives of Planning Commission, Ministry of Tribal Welfare and of the Concerned Ministry/Department, so as to ensure formulation of separate TSP by all the concerned Ministries and allocation of funds under the TSP in proportion of at least the tribal population as well as to identify and formulate specific need based schemes/programmes for accelerating socio-economic development of the tribal communities.

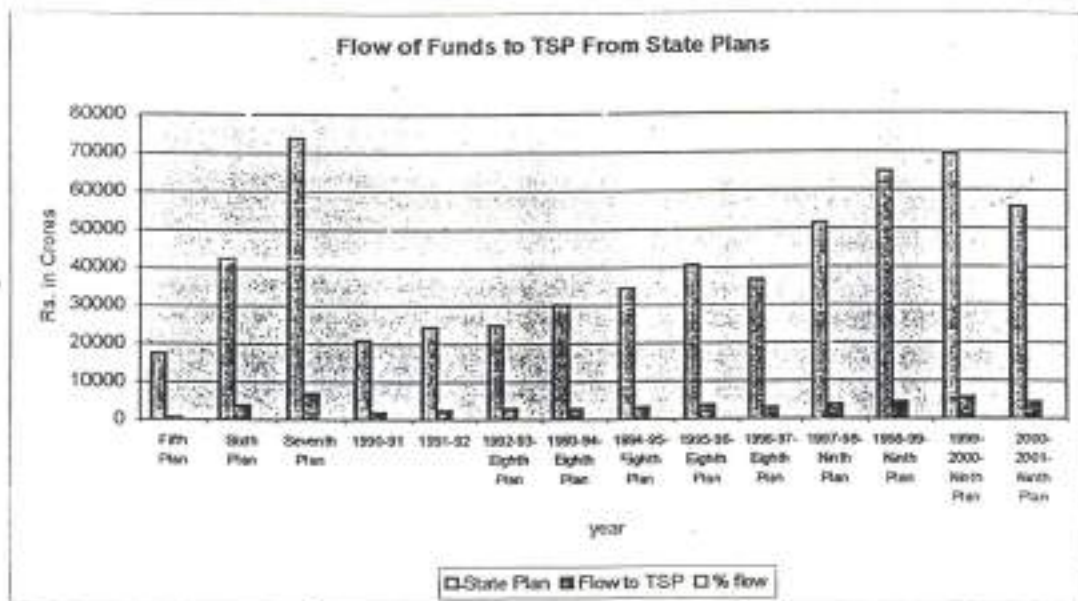
5.4 FLOW OF FUND TO TSP

5.4.1 The Statements showing flow of funds to TSP by Central Ministries/Departments during 1999-2000 and 2000-2001 in given in Annexure-5.1. The size of TSP has been consistently increasing. It has risen from a mere Rs. 751.33 crores for the whole of Fifth Plan to an outlay of Rs. 4492.58, Rs. 5615.33 and Rs. 4458.34 crores during the year 1998-99, 1999-2000 and 2000-2001, respectively. The increased flow of funds under TSP from the Fifth Plan onwards can be seen in the following Table 5.3.

Table 5.3
FLOW OF FUNDS TO TSP FROM STATE PLANS

Plan period	State Plan	Flow to TSP	(Rs. In crores) % 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
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
1996-97	36718.60*	2964.19*	8.04
1997-98	51490.96	3882.64	7.54
1998-99	65013.82	4499.58	6.92
1999-2000	69342.19	5615.33	8.09
2000-2001	55738.89	4458.34	7.99

* Excluding the plan outlays and flow to TSP in respect of State/UTs viz Bihar, J&K, Sikkim, UP and A & N Islands as TSP were not finalized for these States.



5.4.2 It may be seen from the above figures that the maximum proportionate allocation of 12.17 percent was achieved in 1992-93 and thereafter it continued to show declining trend up to 1998-99. These allocations also include only notional quantifications. The Commission has noted that quite often-substantial reductions are made at the time of actual utilisation. Moreover, the persistent wide gap in development indices of STs and the rest of population in literacy, health, income and other matters indicate that there is an urgent need for significant increase in the allocation and for ensuring its proper utilisation. State wise allocation of funds from State-Plan and Tribal Sub-Plan during 1994-95 to 2000-2001 may be seen at **Annexure-5.II**.

5.4.3 It is true that after 7th Plan onwards allocation of funds under TSP was 8% or higher except for 1997-98 and 1998-99, by the States at National level, but only a few of the States have adopted the Maharashtra Model of having separate budget head and pooling entire budget of TSP under the control of Secretary Tribal Welfare, in order to control the diversion of funds and to ensure that the entire allocation is utilized only for welfare and development of tribal communities.

5.4.4 The working Group for the Eighth Five Year Plan recommended that the allocation of funds to TSP should be at least 3% more than the share of tribal population to bridge the development gap between tribal and non-tribals. Apart from that the States are required to allocate plan funds to TSP at least in proportion to the share of tribal population **Annexure-5.II**. Only Himachal Pradesh has consistently followed the recommended allocation principles by allocating 8.5 to 9.00 percent funds of the State Plan to the TSP for a population of 4.22 percent.

5.4.5 At the All India level, the allocation of plan funds to TSP (8.88%) as projected for 5 years of the VIII Plan is more or less in proportion to the share of tribal population. However, more than proportionate allocation to TSP by Bihar and Orissa should not be taken to mean that these two States are actually spending a substantially larger amount of financial resources for the tribals, as allocation need not necessarily get translated into actual spending. The **Annexure-5.II** also provides the percentage of utilization of allocated funds to TSP for the States.

5.4.6 During the Seventh Five Year Plan only four States, viz. Andhra Pradesh, Gujarat, Maharashtra and Rajasthan had fully spent the funds allocated to TSP. Madhya Pradesh did not report any utilization for the Seventh Plan. However, it is interesting to note that Orissa allocated plan funds to TSP more than the proportionate tribal population but spent only 44.57% of allocated funds in the Seventh Five Year Plan.

5.4.7 The Commission reviewed the implementation of the development programmes by the States during the period, which has been discussed separately in this Chapter. The Commission has noticed that generally the States, with exceptions, are not providing outlays to the Tribal Sub Plan in proportion to the State's ST population. It was further noticed by the Commission that the funds allocated at the time of Annual Plan discussions to the Tribal Sub Plan were not fully utilised by most of the States. In this connection the Commission reiterates its earlier recommendation that all the States should allocate funds to the Tribal Sub Plan a little more than the States' ST population percentage in accordance with the recommendation of the Working Group Report for the Eight Five Year Plan. During the Ninth Five Year Plan none of the States, except Himachal Pradesh, have adopted the recommendation.

5.4.8 The Steering Committee on Implementation of the Strategies of TSP and SCA to TSP and other developmental measures for STs pointed out that the TSP strategy is subjected to many handicaps as far as quantification of funds and benefits are concerned. Although the flow of funds and the quantification as a first stage of formulation of TSP, could be realised but disaggregation of the funds and benefits thus quantified under the overall TSP Plan could not be achieved effectively as the necessary projections could not be made at that level. Moreover, no exercise is being carried out to project what would be the actual requirement/quantification under TSP Plan. Even the much-acclaimed Maharashtra Model for TSP also falls short of this. According to the provisions of the Fifth Schedule Areas, effective administration is one of the specific items for which Government of India is required to provide special grants. The Seventh Finance Commission had made provision for such grants. However, the subsequent Finance Commissions did not extend such grants. It is, therefore, necessary for the Finance Commission to provide funds for raising the level of Administration in the scheduled and tribal areas.

5.4.9 It is generally felt that the efforts made for the welfare and development of tribals have become repetitive in nature and therefore, there is an urgent need to examine the existing strategies/programmes for modification and to introduce fresh and innovative feature for making them more effective.

5.5 SPECIAL CENTRAL ASSISTANCE (SCA) FOR TRIBAL SUB-PLAN

5.5.1 The SCA is to be utilised in conjunction with the TSP flow with a view to meet the gaps, which are not otherwise taken care of by the State Plan. It is basically meant for family-oriented income generating schemes in sectors of agriculture, horticulture, minor irrigation, soil-conservation, animal husbandry, forest, education, co-operatives, fisheries, village and small industries and Minimum Needs Programme etc. It is expected to act as a catalyst for giving a boost to the efforts of the State Government and financial institutions. The quantum of Special Central Assistance is decided based on the criteria fixed by the Planning Commission. The allocation of SCA for TSP and releases in 1992-93 to 2000-2001 State-wise is given at Annexure-5.III.

5.5.2 It may be noted that the Quantum of SCA released to States/UTs over the years has been increasing. During the year 1992-93 it was Rs. 25,000 Lakh, which increased to

Rs. 40,000 lakh in the year 2000-2001. The SCA released to the States over the years and utilisation by the States shows that it is in the range of 80-90 percent. **This Commission strongly recommends that SCA released by the Ministry of Tribal Affairs, Government of India must be fully utilised for making their development schemes more viable and effective in generating family income.** For SCA remaining un-utilised, the general explanation of the States is that Government of India is not releasing funds in time and even after such release, sanction is required from the State Finance Department, which leads to delays in releasing funds to the implementing agencies and consequent set back in timely utilisation.

5.5.3 There is a strong view in certain quarters that major share of the SCA should go to infrastructure development and only a small proportion should be utilized for individual and family oriented schemes. At the same time there is an apprehension that if use of SCA pattern is changed from the present ratio, it will allow more diversion of funds for the use of general population rather than direct benefit to the tribal people. Lack of accessibility and infrastructure are the main causes for continuing backwardness of tribal areas and the allocations made under the sectoral plans have not been able to fulfill the infrastructure needs of the tribal areas. Therefore, **major portion of SCA should be utilised for infrastructural and community needs, with some provision for individual oriented schemes.**

5.5.4 On utilization of SCA, this Commission has made several recommendations in its earlier Annual Reports. The Commission reiterates that the SCA should be released directly to the implementing agency i.e. the ITDP's as is being done by the Ministry of Rural Development by releasing funds directly to the DRDAs.

The other important programmes being implemented for the welfare and economic development of scheduled tribes is discussed below:

5.6 RURAL HOUSING SCHEME

5.6.1 The Ministry of Rural Development is implementing Indira Awaas Yojana (IAY) since 1985-86 with the objective of providing assistance to the Below Poverty Line (BPL) rural households belonging primarily to the SCs, STs and freed bonded labour categories. Under the I.A.Y not more than 40% allocation should be to non-SC and ST households. The other schemes are "Rural Shelter", credit-cum-subsidy scheme for rural housing for families having annual income up to Rs. 32,000 with subsidy restricted to Rs. 10,000/-. The maximum loan amount to be availed is Rs. 40,000/-. Under this scheme, 24.45% of the beneficiaries belonged to ST in the year 2000-2001.

5.6.2 Samagra Awas Yojana is a comprehensive housing scheme launched in 1990-2000, under which shelter, sanitation and drinking water facility are to be provided. The Ministry has not provided information about the SC and ST beneficiaries separately under the programme.

5.7 SWARNJAYANTI GRAM SWAROZGAR YOJANA (SGSY)

5.7.1 The scheme is to assist the poor families & bring them above the poverty line by providing them income generating assets. Under the scheme 50% of the beneficiaries must be from SCs/STs. The subsidy is 50% of the project cost, subject to a maximum of Rs. 10,000 for SCs/STs. For a group of Swarozgaris subsidy is 50% subject to a ceiling of Rs.1.25 lakh. However, there is not any monetary limit on subsidy for irrigation project. The cost is shared on 75:25 basis by Central and States Government and implemented by DRDAs with the help of Panchayat Raj Institutions, Banks, concerned department and NGOs. The coverage of the beneficiaries under the SGSY is given at Annexure-5.IV.

The Self Help Groups formed economic activities taken under the SGSY during 2000-2001 is given in the Annexure-5.V. The SHG Swarozgaris of STs under the programme were covered 13.93 percent at all India level. It reveals that coverage of ST Swarozgaris was very low in Andhra Pradesh, Himachal Pradesh, Karnataka, Orissa, Rajasthan, Tamil Nadu and West Bengal. Out of the total mandays work created during 2000-2001 for ST mandays was 25.40%.

5.8 EMPLOYEMENT ASSURANCE SCHEME

5.8.1 Employment Assurance Scheme was restructured in the year 1999 and has become the only wage employment programme for BPL unskilled workers and preference is given to SCs and STs. 23.06 % mandays was created for Scheduled Tribes out of the total employment mandays during 2000-2001.

5.9 JAWAHAR GRAM SAMRIDHI YOJANA (JGSY)

5.9.1 22.5% of the annual allocation under the JGSY is to be earmarked for individual beneficiaries of SC/ST families living below poverty line. 25.40 percent employment mandays created for STs during 2000-2001.

5.10 ACCELERATED RURAL WATER SUPPLY (ARWSP)

5.10.1 According to the guidelines under the scheme minimum 10% coverage should be of scheduled Tribes habitations but against that achievement was 8.69% during the year 2000-2001. The Commission recommends that in tribal areas one of the serious problems is non-availability of safe drinking water and hence states should ensure coverage of more than 10% of ST habitats.

5.11 CENTRAL RURAL SANITATION PROGRAMME (CRSP)

5.11.1 Under the scheme minimum 20% of the total funds are required to be earmarked for providing subsidy to individual households from SCs and STs against which coverage was 31.11 percent and ST coverage was only 5.18% during the year 2000-2001.

5.12 NATIONAL SOCIAL ASSISTANCE PROGRAMME

5.12.1 Under the scheme 7.23 percent ST persons were covered out of the total persons during 2000-2001. The Scheduled Tribes beneficiaries covered under the National Maternity benefit scheme (NMBS) were 8.35% at All India level during 2000-2001. The State level coverage of the Scheduled Tribe beneficiaries under the NMBS is given in the Annexure-5.VI.

5.12.2 Under the National Family benefit Scheme (SFBS) the coverage of Scheduled Tribe beneficiaries was 7.40% during 2000-2001. The State level coverage of the Scheduled Tribe beneficiaries under the SFBS is given in the Annexure-5.VII.

5.12.3 Under the National Old Age Pension Scheme (NOAPS) the coverage of Scheduled Tribe beneficiaries was 7.55% during 2000-2001. The State level coverage of the Scheduled Tribe beneficiaries under the NOAPS is given in the Annexure-5.VIII.

5.12.4 This Commission recommends that as per prevailing level of below poverty line of SCs and STs should be proportionately covered at least under all the Schemes of the Ministry of Rural Development.

5.13 DEVELOPMENT OF PRIMITIVE TRIBAL GROUPS (PTGS)

5.13.1 75 Tribal Communities living in 15 States and Union Territories have been identified as Primitive Tribal Groups (PTGs) for providing them special treatment. The

State/UT wise list of the PTGs is given in the **Annexure-5.IX**. These communities were declared as Primitive Tribal Groups on the basis of their pre-agricultural level of technology, isolated existence with limited contact (in few cases with no contact) with the outside world, extremely low level of literacy, stagnation in the population growth, living on hunting, food gathering and fishing, distinctive culture and ethnicity. These problems and needs of PTG's are quite different from other scheduled tribes of the country. According to the Tribal Sub-Plan guidelines, the State Governments and UTs are supposed to allocate funds from Central Sector/Centrally sponsored and State Plan Scheme for their development.

5.13.2 The Ministry of Tribal Affairs provide cent-percent-assistance to ITDPs, Tribal Research Institutes (TRIs) and Non-Governmental Organizations (NGOs) for to integrate development of PTG's, which includes activities such as awareness generation and confidence building, training for skill development of tribal youths, organizations of Self Helps Groups (SHGs) and Provision of Service/inputs not covered by any existing schemes. This scheme was started in the year 1998-99 and the grant released to various States is given at **Annexure-5.X**.

5.13.3 On the plight of the Primitive Tribal Groups (PTGs), the Commission observed that there is no proper and systematic information available on them to develop appropriate and suitable programmes to ensure their survival, protection and development. Therefore, **Commission stress the need to under take research study on the 75 PTGs, to find out what has been so far achieved, what is lacking and what ought to be done towards their well being in the future plans.**

5.13.4 The allocations of funds and expenditure incurred under Central Sector scheme for development of PTGs given in **Annexure-5.X** shows that 33.50 lakh was sanctioned to TRI Udaipur (Rajasthan) for the development of primitive tribe Saharia in the 1998-99, which remained unutilized even in the year 2000-2001. The information available with the State Office of the Commission, Jaipur confirms that it was not utilised as the Government of Rajasthan has not given the necessary sanction to the TRI and funds were also not released to the Institute. Similarly the Ministry of Tribal Affairs released funds to ITDPs in Bihar and funds remained unutilised. However, grants released to NGOs of Kerala, Karnataka, Manipur and Orissa was shown as utilised. **It is therefore, recommended that Ministry of Tribal Affairs should ensure that funds released to the NGOs and other organisations is utilised properly for which monitoring -cum evaluation study may be undertaken.**

5.13.5 It is observed that States are not making budget provision from the State Plan as well as by the individual departments for the welfare and economic development of the PTGs and only Special Central Assistance is being used. Therefore, State Governments should also make budget provisions for the development of Primitive Tribal Groups. A conference was organized by the Ministry of Tribal Affairs on Voluntary efforts for development of PTGs, on 17th October, 2000 at New Delhi. The main consensus arrived at the conferences was to adopt an integrated approach for development of PTGs instead of sectoral approach.

5.14 GRANTS UNDER ARTICLE 275(1) OF THE CONSTITUTION

5.14.1 Grants under Article 275 (1) is made by the Ministry of Finance and released through the Ministry of Tribal Affairs is given in **Annexure-5.XI**. The funds are released to the State Governments to meet the cost of such scheme of development as may be undertaken by them for promoting the welfare of Scheduled Tribes and for raising the level of

Administration of the Scheduled Area to that of the rest of the State. Since 1992-93, an annual provision of Rs. 75 crores was being made and there was no increase in the allocation from 1992-93 to 1998-99. A provision of Rs. 100 crore was made during the year 1999-2000. It has been decided to utilise a portion of this allocation to establish 100 Modal Residential Schools to provide quality education to the tribal boys and girls after primary schooling. There is a separate provision in the non plan budget for tribal areas of Assam, which has been stagnating at Rs. 14 lakh per annum, since inception with no increase in the last 50 years.

5.14.2 The allocation under this provision has been very low, its utilisation by the States has also been extremely poor and that to mostly for purposes other than those envisaged in the Constitution or in the guidelines. It is evident from the 1999-2000 data that out of the grant released under Article 275(1) only 34.48% was utilised by the States and certain States, such as Andhra Pradesh, Assam, Himachal Pradesh, J & K, M.P, Maharashtra, Manipur, Tamil Nadu, West Bengal, Arunachal Pradesh and Mizoram did not fully utilise the grant received by them. The Commission has made certain recommendations on the grant released under Article 275(1) in its Fifth Report and reiterate the same.

5.14.3 The scheme covers all TSP and 4 tribal majority States in the Country. The Ministry of Tribal Affairs made allocation of Rs. 200 crores during the year 2000-2001 but only Rs. 76.57 crores was released to the States, which is only 38.29% of the budget provision. It was observed that State Governments are not releasing the funds in time to implement the schemes as such Government of India has taken a decision that funds would be released against the special development works / projects, and on general assessment of the performance of the State Governments. This Commission have noticed that Ministry of Tribal Affairs is delaying issuing the sanction of the projects and release of funds to the States, which is ultimately affecting the implementation of the project/works. There is an urgent need to streamline the procedure in consultation with the State Governments so as to ensure that such delays are minimized.

5.15 FUNCTIONING OF ITDPs /ITDAs

5.15.1 There are 194 Integrated Tribal Development Projects/Integrated Tribal Development Agencies in the TSP areas of different States of the country. The Schemes/Programmes and projects under TSP are implemented through ITDPs. The ITDPs were expected to formulate and implement the schemes for the socio-economic development of the tribals within the policy framework of the TSP. The basic role of an ITDP was to play a pivotal role in planning and implementation of programmes within each ITDP. On the basis of past working of these ITDPs following observations / recommendations are made:

- I. A major portion of the pool funds under the TSP should be distributed among the ITDPs in the States on an equitable basis.
- II. There should be complete financial, programmatic and administrative integration at the ITDPs /ITDAs levels.
- III. Multiplicity of organisations in TSP areas should be eliminated.
- IV. In an ITDP there should be a Single Line Administration as per Andhra Pradesh pattern.
- V. ITDP area should cover rural and urban areas of the ITDP in the district. For securing a more effective and efficient execution of work at all

operational levels, the line of command should be simple and more clear-cut. All Officers at the Project/District Level working in an ITDP should be placed under the direct control of the project officer for all administrative and related purposes regardless of whatever department they may belong to.

- VI. Adequate administrative and financial powers as well as freedom to exercise these powers should be vested in the project officer and suitable norms should be evolved so that Project Officer can be made accountable for the progress of the welfare and development programmes for the tribals in the ITDP, under his Jurisdiction. For this purpose it should be necessary to lay down a minimum tenure, may be three year or so, for the Project Officer.
- VII. To improve the functioning and implementation of schemes vacant posts under the ITDPs Jurisdiction should be filled up on priority basis.
- VIII. The Office of the ITDP Officer should be strengthened with adequate supporting staff and other necessarily facilities for proper planning, monitoring and implementation work.

INSTITUTIONAL FINANCE

5.16 Tribal Cooperative Marketing Federation (TRIFED) and Tribal Development Cooperative Corporations (TDCCs)

5.16.1 TRIFED is functioning since 1987 with the objective of providing marketing assistance and remunerative prices to the Scheduled Tribes for their minor forest produce and surplus agricultural produce and to protect them from the exploitative practices of private traders and middleman. The authorised share capital of TRIFED is Rs.100 crores and the paid up capital had gone upto Rs.99.73 crores in 1998-99, out of which Government of India's share is Rs.99.50 crores and the balance Rs.23.00 lakhs has been contributed by the State TDCCs and other shareholders. The Year-wise release of share capital by Government of India is given in **Annexure-5.XII**. TRIFED undertakes procurement of Minor Forest Produce and surplus agricultural and horticultural produce through TDCC, FDC, LAMPS and other State level procurement agencies and Year-wise amount released for price support to TRIFED by Government of India is given in **Annexure5.XIII**.

5.16.2 The performance of TRIFED from 1988-89 to 1999-2000 shows that its turnover was increasing till the year 1996-97 when it reached Rs. 13258 crores. But the turnover alone can not determine the extent of benefit that had reached the tribals through the TRIFED. There is an urgent need to review the functioning of the TRIFED and to take corrective measures urgently. **The Government of India have contributed Rs. 99.50 crores as its share and the paid up capital of TRIFED has already achieved the level of authorised share capital. It is therefore necessary to move the government for increasing the authorized share capital of the corporation.**

5.16.3 The TRIFED markets more than 100 items both within the country and in the export market, which cover pulses, coarse grains, millets, tree borne oil seeds, other oil seeds oils; doc meals; minor forest produce; medicinal herbs; spices and dry fruits; horticulture plantation crops and handicraft and other products like bamboo, metal and iron crafts, paper crafts, terracotta and Textiles made items.

5.16.4 **The much needed assistance/support for upgradation of skills, identification of marketable items, value addition and quality improvement of the produce, market linkages etc. should be developed in a much more systematic way.** There is strong need that development should be sustainable and therefore, urgent measures need to be taken to improve the functioning of TRIFED.

5.16.5 The Ministry of Tribal Affairs provides 100% grants to State TDCCs, Forest Development Corporations etc, for taking up procurement, processing, marketing etc. of Minor Forest Produce. A large proportion of tribal population continues to be heavily dependent on collection of Minor Forest Produce to supplement their meager income. Most of the TDCCs have not been able to utilise the grants available from the Central Government for enhancing their procurement operations. Most of the grants released by the Ministry goes for payment of staff salaries.

5.16.6 The Commission observed that generally competent agencies are not coming forward to help Panchayats in handling Minor Forest Produce items entrusted to them by the State Governments. **There is a strong need to provide expert and systems support to Gram Panchayats or village panchayats on the areas of know how, skill and management of MFP.**

5.16.7 Many State level TDCCs and LAMPs are facing financial constraints and due to lack of proper price support system for forest produce, the tribals are facing hardship in getting better price for their forest and Agricultural produce.

5.16.8 There is also restriction on movement of produce procured by the TRIFED outside the State and the regulation of ban on commercial activities outside the market yards have not been enforced. This has encouraged the hawkers and middleman to play a role in selling tribal produce at lower rate by adopting unscrupulous practices. It is therefore, recommended that regulations may be framed to restrict or ban on commercial activities outside the market yards.

5.16.9 The Self Helps Groups (SHG) are coming up very fast in the country with the help of NABARD, other Banks and the other organisation like Village Joint Forest Management Committee, Van Dhan Samities and Gram Shabha and Ward Shabha, Gram Development Board etc. in the Scheduled Areas. **We recommend that tribal Self Help Groups within the village under the Scheduled Area should be encouraged to undertake collection, storing and sales of the MFP and Agricultural produce in order to make tribals self sufficient.**

5.16.10 The Commission feels that forest department's officers and officials need to change their approach, perceptions towards tribals and they should consider relationship with tribals as symbiotic rather than treating them as intruders.

5.17 NATIONAL SCHEDULED TRIBES FINANCE AND DEVELOPMENT CORPORATION

5.17.1 The Ministry of Tribal Affairs was constituted in October, 1999 by bifurcation of the Ministry of Social Justice and Empowerment (MSJ&E). Recently a separate National Scheduled Tribes Finance and Development Corporation has been set up.

5.18 NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT (NABARD)

5.18.1 The National Bank for Agriculture and Rural Development continued to make special efforts to increase the flow of refinance to the weaker sections of the population under SC/ST Action plans. During the year 1999-2000 Rs. 109 crore were disbursed

against Rs. 106 crore in the year 1998-99. The NABARD has not given any details in the Annual Reports about the coverage of SC and ST beneficiaries and the impact of the programmes.

5.18.2 The NABARD has a policy of sanction of separate short-term credit limit for exclusively financing the tribals at concessional rates of interest and with relaxed norms. The package of credit and service needed by tribals, including a component for meeting their consumption needs, through LAMPs and tribal members of PACs are considered eligible for refinance.

5.18.3 The National Bank provided project grants for Adivasi Development Programme in Gujarat and Maharashtra. In Gujarat the project is being implemented through BAIF, Pune (N.G.O.), which envisages rehabilitation of 8,000 tribal families and 2,000 landless women through the "Wadi" (Orchard) in the waste/marginal lands. The Project covers Soil and Water conservation measures, fuel and fodder cultivation and inter-cropping, which also provides employment to tribal families. Under the Project Rs. 733 millions have been disbursed since 1993-94. In Maharashtra the Project is covering 14,000 tribal families and 1000 landless women through various economic and social welfare activities. The Project is being implemented in three hilly blocks of Thane and Nasik districts, on similar lines of Gujarat. The Commission has come to know that beneficiaries under the Project are being paid lower rates for their produce, especially for mango, and minimum wages is also not being paid as per the approved rate of the State Government. **Therefore, the NABARD, the State Governments and the concerned agencies should ensure that tribals are not exploited and they are paid the prescribed rates for their labour and their produces.**

5.18.4 Agriculture in the tribal areas has great economic potential, if proper irrigation and other inputs, including suitable technology is extended to the tribals. The successful effort made for achieving Green Revolution in the Northern India can suitably be implemented in tribal areas and thus to make agriculture as a productive, lucrative and viable economic activity for tribals. Once economic prosperity takes place through agriculture, this would prevent, amongst others, the migration of tribal youth to urban areas in search of employment. Before finalising any investment proposal in the tribal areas government and in any activity related to the development of tribal areas, the concerned tribals communities should necessarily be involved in the process so as to ensure that their interests are not jeopardized.

5.18.5 The NABARD should ensure that in all the beneficiary oriented schemes where criteria for selection is below poverty line, at least 40-45 percent beneficiaries should be from SC/ST as they constitute the major proportion of population living below the poverty line. The programme wise coverage of SC and ST should be given separately in the Annual Reports.

5.19 OTHER IMPORTANT ECONOMIC DEVELOPMENT PROGRAMMES

5.19.1 On Nationalisation of Oil Companies provision was made for 25% reservation to SC/ST in the allotment of Dealerships and Distributorship. The Commission investigation revealed that the reservation in the allotment of Petrol Pumps and Gas Agencies have not been followed seriously by the Oil Companies. A Study was conducted by the State Office, Jaipur on Implementation of Reservation Policy in Allotment of Petrol Pumps and Gas Agencies for SCs and STs in Rajasthan. Based on case Study in District Udaipur and Jaipur some observations were made which are as follows:

5.19.2 Generally the ST reserved constituencies for Parliament/Assembly are backward from the socio-economic development point of view and the Petrol Pumps locations are not economically viable, even after providing 100% financial assistance. Therefore, Commission recommends that reservation in all the dealerships and distributorships should be open for all areas and not to be restricted to the reserved constituencies of Parliament or Assemblies.

5.19.3 The case study of Scheduled Tribes dealers and distributors of Jaipur and Udaipur districts revealed that they were being put to all kind of harassments under one pretext or another by the local authorities especially from the Food & Supply Department and local Police. It was also reported that attitudes of the Oil Companies was indifferent towards the SC/ST dealers & distributors. Therefore, it is recommended that the local authorities of the State Government and Oil Companies representatives should be sensitized to become more helpful and sympathetic towards the SC/ST allottees.

5.19.4 Presently LPG distributorships are restricted to cities and large sized towns only and rural population depends purely on traditional sources of fuel, which is diminishing day by day. The SCs/STs are in majority as landless and face great hardship in finding fuel wood. Therefore LPG distributorships should be started in rural areas and SC/ST persons should be given on subsidised rate as well as preference in the gas connections. This will certainly control many other problems of the SC/ST families.

5.19.5 The data on Sale of Petrol, Diesel and LPG data of sampled districts revealed that SC/ST owned dealership sale is poor due to interior locations. It is recommended that 25% reservation should be regulated as per the total quantity of sale of these products at the State level along with number of SC/ST dealership and distributorship awards.

5.19.6 According to the new policy guidelines issued on 1.4.97 the provision of having a SC/ST member in the Oil Selection Boards has been discontinued. Therefore, Commission recommends that in the new Dealers Selection Board, one of the representatives out of 3 should be from SC or ST community. The tenure of SC/ST member should also be alternatively represented as in the past only SC community members have represented in Rajasthan. It may also be true in the case of other Oil Selection Boards functioning in the country.

5.19.7 The total number of SC/ST dealerships awarded and in operational in Rajasthan shows that their share is below 10% or so by each individual Oil Company (I.O.C., B.P.C., H.P.C. and I.B.P.) against 25% reservation for SC/ST in all types of dealership/distributorships. It is recommended that a special drive should be launched to award the backlog/shortfall of dealerships/distributorships to SC/ST persons to achieve the prescribed 25% reservation Quota.

5.19.8 It has been observed that large number of cases are pending before the Oil Selection Board, Jaipur to hold interviews for the award of dealership and distributorships. The pendency constitute about 30% of the advertised dealership and distributorships in the last five-years period. The pendency is much higher for reserved category of persons as compared to the other categories. The Government must find ways and means to complete the pendency at the Oil Selection Board by following strict time schedule as given in the policy guidelines to achieve the 25% target share of SC/ST persons of the total dealership/distributorships of the Oil Companies.

5.20 STATE LEVEL REVIEW OF ECONOMIC DEVELOPMENTAL PROGRAMMES FOR STs DURING 1999-2000 & 2000-2001

One of the responsibilities of the Commission is to participate and advise on the planning process of socio economic development of SCs and STs and to evaluate the progress of their development under the Union and any State. The Commission have reviewed the economic development programmes being implemented by the State Governments for the development of Scheduled tribes during the reference period and the findings are discussed as below.

5.20.1 BIHAR

- I. The Commission held review meeting on 4.7.2000 with the Chief Secretary and Senior Officers of the Bihar State Government. The Scheduled Tribe population constitute 7.66% of the total population of the State. The Commission observed that State Government have failed to implement the programmes under T.S.P. effectively and the utilization of budget outlay for the development of tribal people remained very low. Even the utilisation of grants under SCA to TSP and Article 275(i) had been very poor. Out of Rs. 57.13 crore received from government of India under Article 275(i) for the period 1991-92 to 1999-2000, only Rs 18.35 crores was utilised which comes to 32.12 percent. The Commission strongly feels that State Government has not made any sincere efforts in utilizing the funds under TSP and other programmes for the development of ST population during the last 10-15 years period. The State Government's submission that Maharashtra pattern is under consideration for effective implementation of development programmes does not justify the poor performance as many other States have not adopted this system but their performance is better than Bihar. **Hence it is strongly recommended that Govt. of Bihar must adopt and start implementation of economic development programmes for ST on Maharashtra pattern by 2001-2002.**
- II. The Universal Bench Mark Survey, 1980 revealed that 44.39 percent tribal households were landless in the State and the Commission observed that there was wide disparity in the wages paid to the workers in the different regions. The minimum wages fixed in the backward tribal areas were Rs. 34 and Rs. 37 which is very low as compared to many other States like Punjab, Haryana, and Maharashtra where it was around Rs. 80. The tribal people do not get regular work in nearby areas which forces them to migrate to cities and ultimately increase slum dwellings in urban areas and also generate several other consequential problems.
- III. The Commission suggested in the review meeting that **cropping pattern should be changed in the tribal area and concerned authorities should develop alternative crops rotation for tribal area on the basis of their food habits and geo-climatic conditions.**

5.20.2 MAHARASHTRA

- I. ST population constitutes 9.27 percent of the total population of Maharashtra as per 1991 Census. Maharashtra is the first State to adopt the system of pooling of State Plan funds of different departments for the development of ST population and to put it under the control of the tribals.

development department. 9.27 per cent of the budgeted outlay of the State Plan is being earmarked for the TSP since 1993-94. The ST families own about 6.7 percent of the total land holding in the State and 91 percent landholding belongs to individual and 9% to joint holdings. The data furnished by the State Government to the Commission for the review meeting held on 28.7.99 for the development of SC/ST revealed that the standard of living of these sections of the society continue to be extremely poor and there is a wide gap in their socio-economic condition as compared to the rest of the society. The Commission feels that the poor infrastructure and socio-economic development in the tribal area is providing conducive environment for the growth of Naxalite movement in the State. The poor and innocent tribal people are being exploited by the Naxalies as well as government functionaries. Therefore, it recommends that State Government should concentrate on infrastructure and economic development of tribal areas and people in order to control the growth of tribal unrest and Naxalite movement.

- II. There has been a improvement in the provision of funds under TSP but expenditure still remained less than the allocated amount. Moreover, the additional 3% allocation , over and the proportionty ST population as per recommendation of working Group as well as by this Commission, to bridge the gap of development between general and ST population is yet to be implemented by Maharashtra State.

5.20.3 TAMIL NADU

The Commission reviewed the implementation of the Welfare and developmental programmes for the SC/ST people by the Government of Tamil Nadu on 16-6-99 and some of the important observations made on the development of Tribals in the State are as follows;

- I. The tribal population in the State was 5.74 lakhs out of the total population of 558 lakhs in 1991 Census, which is little more than one percent. The State Government have been making above one percent annual plan budget outlay for the development of Scheduled Tribes, which is proportionate to their population. However, the annual expenditure was between 75 to 90 percent during the years 1992-93 to 1999-2000. The Commission requested the State Government to make sincere efforts to utilize the allocated amount, as the tribal development performance was not very encouraging in various sectors.
- II. The Commission observed that even after 50 years of Independence 38% of TSP and 36% of non-TSP areas are without drinking water facility as per the information furnished by the State to the Commission. The reasons submitted by the State Government that area is hilly and under forest are unacceptable and it is strongly recommendeds that State Government must ensure 100% coverage of safe drinking water under the Tenth Five Year Plan; which is a basic need for survival. Drinking water problem may be resolved by reviving the traditional water management systems followed by the tribal community, duly supported with the modern technology.

- III. The State Government had planned construction of 31 Km length road per year in tribal areas but only 22 km. length roads per year were laid during last 20 years or so. The Commission had suggested that the shortfall must be achieved within stipulated time frame by planning 60 Km. per year road length during the Tenth Five Year Plan. The PWD should ensure to submit road construction proposal for obtaining clearance from the forest department well in time and proper coordination must be ensured so that tribals are not deprived of their benefits.
- IV. The Commission observed that there was a shortfall in construction of houses for tribals and the reason given by the State Government that the contractors are not coming forward due to difficult terrain was not found convincing. The Commission appreciated the decision of the Government to construct houses at a unit cost of Rs. 32,000 in plain areas and Rs. 34, 000/- in hilly areas against the Government of India unit cost of Rs. 20,000. The Commission recommends that other States should also consider increasing the unit cost suitably so that proper living facility could be made available to the tribal beneficiaries.
- V. The tribal people are suffering and facing hardships on account of not regularizing and issuing pattas for the lands to those living in the forest areas and cultivating forest land since prior to 1980. The State Government should immediately formulate proposal for seeking approval of Government of India to regularizes the encroachments in forest areas to the eligible encroachers .
- VI. The State Government has identified 25,000 bonded labourers as per the information given to the commission and it is recommended that a time bound programme should be started to free and rehabilitate all of them by the end of Tenth Five Year Plan.

5.20.4 MADHYA PRADESH

State level review by the Commission on the implementation of the welfare and development Programme for the SC/ST people was held on 8-1-1999 at Bhopal: Some of the important observations made on the development of tribals in the State are as follows:

- I. The ST population constituted 23.27% of the State population but allocation under Tribal Sub Plan was not made in the required proportion. The Commission observed that the utilization of funds under the various centrally sponsored schemes had been very poor as the State Government could utilize only 50.47% of the funds under central sector schemes only 34.61% of the total funds allotted under 75% could be utilized in the year 1997-98. Similarly utilisation of SCA was also not very satisfactory.
- II. Out of the funds released under Article 275(1) only 18% was utilized in the year 1997-98 as such target achievements were very low namely 5Km. road against 30 Km. road, medium bridge 1 against 6 and 6 culverts against 60 were constructed. To improve the implementations of schemes under TSP, M.P. State should also adopt Maharashtra pattern where Secretary Tribal Welfare has full control over the funds earmarked for TSP.
- III. There are number of primitive tribes in M.P. and the State Government have not done much to improve the health, education and economic status

of these groups living in different parts of the State. The information furnished to the Commission revealed that expenditure incurred by the concerned departments was 12%, 4.73% and 2.46% for the development of education, health and drinking water, respectively, during the year 1997-98. The Commission is of the opinion that the State Government was not paying full attention for the creation of basic amenities in the areas, where all primitive tribal groups were living, similarly only Rs. 41.48 Lakh i.e. 5.73% were utilized for the development of minor irrigation in the PTGs areas during the financial year 1997-98. The priority has not been given to laying of roads in PTG concentration areas. **The Commission therefore recommends that State Government should evaluate the programmes, which are being implemented by different agencies for PTGs and prepare PTG wise need based development project and ensure regular monitoring by an independent agency of the implementation of the development programmes.**

- IV. Panchayats (Extension to the Scheduled Area) Act, 1996, has become operative since 23-12-97 and the State Government has started implementation of the Central Act. To give effect to the provisions of the Act, several State level Acts like Panchayat Raj Adhiniyam 1993, Land Revenue Code, 1959, Sahukar Adhiniyam, 1934, Excise Act, 1915, Gramin Nyayalaya Adhiniyam Amendments have been suitably amended. **With a view to equip the people's representatives at different levels of Panchayat Raj Bodies, it is necessary to conduct training programmes at the Gram Panchayat, Block, District and State levels for the members on the provisions of the Panchayats (Ext. to the Schedule Area) Act, 1996. General awareness programmes should also be arranged in the State for better understanding of the concepts amongst tribals and various local administrative agencies functioning in the State.**

5.20.5 KARNATAKA

State level review by the Commission on the implementation of the welfare and development programmes for SC/ST was held on 4-1-99 at Bangalore. Some of the important observations made on the development of tribals in the State are as follows:

- I. According to the 1991 census the Scheduled Tribes population was 19.16 lakhs out of the total State population of 449.77 lakhs, which constitute 4.26% of the total State population. The State Government is implementing three important Schemes namely Ganga Kalyan scheme, land purchase and self-employment for the welfare of Tribals through the SC/ST Development Corporation. Under the Ganga Kalyan Scheme 8 to 15 acres of land belonging to tribal families are provided irrigation facilities free of cost. Minimum beneficiaries required are 3 under the Scheme. Another scheme of the Corporation is land Purchase; Corporation purchases land from non-SC/ST landholders and distributes it to landless tribals. In the initial stage, scheme was launched with unit cost of Rs. 20,000/- for providing 2 acres of dry or 1 acre irrigated land. **The Commission recommend that land purchase scheme for SC/ST should also be implemented in other States.**

- II. Special scheme of Nava Chetana provides employment opportunity to ST candidates possessing various skills. In this scheme employer in the Private or the Public sector select candidates and the stipend is paid by the State Government. It enables the ST candidates to secure experience in reputed organizations and improve their career opportunities. It is a good scheme and State should cover more number of candidates each year.
- III. The Forest Department provides 100 Bamboos per beneficiary for making baskets by tribal groups. The Commission feels that the target under the scheme is low as compared to the number of potential beneficiaries in the State, which should be enhanced to cover all the target group members.
- IV. The SC/ST Development Corporation is providing Rs. 5,000/- subsidy under the self-employment scheme and the balance as loan from banking/financial Institution for pursuing activities like purchase of milch animals, bullock and Carts etc.
- V. The State Government directly recruited 51 SC/ST students who had secured the first, second and third ranks at the graduate and Post Graduate levels, for Gazetted Officer's posts without going through the process of selection by State Public Service Commission. The Commission recommends that similar scheme should also be started in other States for the benefit of SC/ST meritorious students and to encourage them too.

5.20.6 GUJARAT

The Commission held the review meeting on the implementation of programmes for the development of SCs and STs with the Chief Secretary and other Senior Officers of the Gujarat Government on 8.5.2000 at Gandhi Nagar. Main observations are as follows:

- I. The proportion of Scheduled tribe families living below poverty line was 37.6%. It was observed that instead of raising the ST population above the poverty line, about 11.03% more tribals have gone below the poverty line as compared to previous survey data of 1992. Even, tribals feels that the programmes being implemented for them are not going to make much impact in increasing their income as many are directed only for the development of infrastructure in tribal areas, which can have impact only indirectly that too only after decades.
- II. The Panchayat Raj system and Cooperative movement in Gujarat have been quite successful, but the commission and its State Officers field visits in the district of Dangs, Valsad and Vadodara revealed that the existing administrative structure at the district level in the Scheduled Area is not very effective with regard to the development of Scheduled Tribes.
- III. The State Government have not allocated funds under Tribal Sub-Plan in proportion to the Scheduled Tribes populations during the 8th and 9th Five Year Plan, which must be enhanced in term of the allocation as well as utilisation should improve. In recent years the expenditure remained below 90 percent of the total TSP budget.
- IV. The State Government did not furnish the information to the Commission on Centrally Sponsored and Central Sector Schemes, Special Central

Assistance during the period 1997-2000 and also fund received under Article 275 (1) of the constitution of India.

- V. The Commission observed that in the field of health, little improvement has been seen in the health services in the Tribal Sub-Plan area. It was informed to the Commission that leprosy patients are increasing especially in Dang tribal district. On an average 27 lepers per 1,000 have been reported in Dang district. It is recommended that State Government should conduct a survey in the Scheduled Area and MADA to identify incidence of leprosy, availability of treatment facilities and other relevant aspects for evolving a strategy to reduce the incidence of leprosy.
- VI. According to information furnished to the Commission, about 14.8% of the lands are under irrigation in TSP area. The Commission had advised the State Government to take up the Scheme of check dams immediately in Eastern Gujarat, specially in Dang and Valsad districts and in those areas where primitive tribal groups are residing. It was also observed that majority of the lift irrigation projects for tribal farmers in the region are not functioning properly or have been closed, as a result tribals are facing great hardship. The main reasons for these lift irrigation project becoming inoperative are disconnection of electricity due to non-payment of old dues by the farmers, frequent breakdown, irregular supply of electricity, fixed rate electricity bill charges. Generally for 4-6 month tribals do not use electricity but they have to pay the fixed amount against electricity bill. Adequate working capital for emergency repair work and infighting among beneficiaries are other shortcomings intended. There is a strong need to provide operational funds to meet urgent or emergency expenditure, taking rational decision on the charges of electricity bills and effective management of the lift irrigation projects by the administrative agency and beneficiaries. All the viable units should be made operational by providing financial assistance to these minor lift irrigation project societies on the basis of one time grant;
- VII. For Minor Forest Produce (MFP) especially in collection of Tendu Patta the tribals should be given the market rates and the profit should be distributed among the ST pluckers of Tendu Patta. The State Government gave an assurance to study the marketing of Tendu Patta in Maharashtra and Madhya Pradesh and whichever system is found better would be adopted. The study results should be furnished to the Commission on priority by the State Government.
- VIII. The State Government furnished information to the Commission that 39,000 hectares of forest land had been encroached by 29,000 Scheduled Tribes before 1980. The Commission recommend that the tribals who have been cultivating or residing in the forest area prior to 1980, should be issued pattas after obtaining approval for the Ministry of Environment and Forest.
- IX. The ST Finance Development Corporation is providing Vehicles under self employment programme but the beneficiaries are finding difficulties in getting road permits, the target under the scheme is also small compared to the ST population in the State, which should be enhanced and other difficulties being faced by the beneficiaries should be examined.

- X. The tribals working as labour in other than Government work, are not getting minimum wages, especially in the Scheduled Areas and in the areas where Primitive Group of Tribals are living in the State. It is requested that State Government must ensure implementation of Minimum Wages Act and tribals should get the prescribed wages and their exploitation should be stopped.

5.20.7 RAJASTHAN

The Commission held the State level review on the implementation of Welfare and developmental programmes for SC/ST on 27-7-2000 at Jaipur. Some of the important observations made by the Commission during the review for the development of tribals in the State are as under:

- I. The Commission observed that the State is not allocating the amount in the TSP from the State Plan in proportion to the State tribal population.
- II. The main villages have been Electrified but the adjoining basties of ST's remain without electricity connection for domestic and agricultural proposes because they are not in a position to pay the very high cost of poles to Rajasthan State Electricity Board, even though in many of the cases cost of laying the main line was born by the TAD Deptt. under TSP budget. The concessions and facilities extended in TSP area should be given to tribals living outside TSP areas also.
- III. In 18 districts the tribal female literacy rate was below 5% in the 1991 census which is a matter of serious concern as illiteracy effects the overall development of tribals. Hence Commission recommend that more funds should be allocated to improve literacy among tribals.
- IV. The Panchayat Raj (Extension to Scheduled Areas) Act, 1996 has become operational in the country since 1997 but State Government of Rajasthan is yet to implement some of its provision.
- V. Large number of cases of encroachment of ST land are pending in the State and in many cases possession of allotted land has not been given to ST's. Practice of illegal transfer of ST land to non-ST persons is continuing. The State Acts prohibit transfer of tribal land but in practice these provisions have failed to control land alienation. The studies have shown that tribal land alienation is increasing. Commission stress that land cultivation survey may be undertaken to verify the actual persons who are cultivating on the land of tribals.
- VI. The Commission also strongly recommends that the State Government should provide at least 25% of the land earmarked for open auction in the IGNP area at normal cost to SC & ST's.
- VII. The massive deforestation in tribal areas leading to soil erosion, depletion of anti soil water level and other forms of environmental deterioration in the tribal areas require immediate attention. Due to difficult terrain and inaccessibility of hilly villages, Dhonies, and Majras, the marketing network has not been developed in tribal area. Local traders charge higher margin on sale and purchase and tribals have to pay more for daily necessities and get less for their produce. The role of Rajasthan State Tribal

Cooperative Federation remained ineffective to eliminate the role of middlemen in the tribal areas.

- VIII. Violation of minimum wages Act, money lending by private money lenders on very high interest rate lack of employment opportunities, rampant alcoholism among the tribals are some of the major problems which directly affects the economic conditions of tribals.
- IX. The State Government had agreed to adopt Maharashtra pattern from the year 1999-2000 and even budget provision of Rs. 112 crore was made, but in practice they have failed to implement it. It is recommended that State must adopt the Maharashtra pattern and the budget provision should be atleast in proportion to the ST population in the State.

5.20.8 KERALA

State level review of Kerala was held on 8.9.2000 at Thirunanthapuram and following observations were made:

- I. It was pointed out that progress of expenditure under TSP was not satisfactory.
- II. Large area of tribal land has been alienated to non-tribals by fraudulent means. State Government should have implemented the land alienation Act, 1975, which would have protected the genuine interests of tribal land losers.
- III. The Commission observed that only 35% tribal colonies have been Electrified. The State Governments Contention was that due to technical problems the Forest Deptt. does not permit Electrification as majority of the tribals live on forest land. **It is recommended that the Electricity line should be allowed through forest area to electrify tribal habitats and houses.**

5.20.9 MANIPUR

State level review meeting was held on 27-11-2000 at Imphal Following observations were made for the welfare and development of tribals of Manipur.

- I. There is a scope to develop agriculture sector in the state as more than 66% of the main workers of the State are engaged in agriculture related activities. Only about 8% of the total cropped area has been covered under irrigation facilities. The State Government may explore the potential of ground water and surface water resources and cover more areas under irrigation so that multiple cropping can be achieved in a year. To explore the availability of ground water for irrigation as well as drinking purpose the State may prepare special project and submit to the Government of India for necessary financial assistance.
- II. Road condition and transportation facilities in the hill district need to be improved. Special provision may be made in the budget to improve road condition and also to connect all tribal villages in the State.
- III. State should give incentives to promote food-processing units and also promote handloom and handicrafts with marketing support.

- IV. The performance of Manipur Tribal Development Corporation is not found satisfactory. The State is advised to take measures to improve functioning of the corporation for the welfare of tribal people in the State.
- V. While allocating funds under TSP the geographical area covered by the tribal population should also be taken into account alongwith tribal population proportion.

5.20.10 ANDAMAN & NICOBAR

The Commission reviewed the development programmes for ST people being implemented by the Union Territory and the observations are as follows:

- I. Scheduled Tribes population was 9.54% of the total Andaman and Nicobar Islands population in the year 1991. It was observed that 91.13% Nicobarese were below the poverty line as per the BPL survey conducted by DRDA.
- II. There is no Scheduled Area in the U.T. but protection of aboriginal tribes Regulation 1956 under Article 243 of the Constitution has been promulgated by the President of India. Under this regulation tribal areas predominantly inhabited by the tribals have been designated as reserved areas. The territory is an archipelago, Islands are situated at considerable distance from each other with very poor infrastructure facilities. Some of the primitive Tribes are hostile and gap in the Communication due to absence of common language especially in Jarawas, sentinelese and shompens are the main constraints in the faster economic development of tribals in the U.T.
- III. The information furnished to the Commission by the U.T., reveals that SCA released by the Government of India during the 8th plan has not been fully utilized and substantial amount remained unutilized. It is therefore requested that it must ensure full utilization of the SCA for the development of tribals.
- IV. The Primitive Tribal Groups namely Jarawas, Sentinelese and shompens inhabit extensive tribal reserve areas and they are practising hunting-gathering subsistence economy. They should be encouraged to take-up settled agriculture and the administration should provide them Agricultural, tools and equipment for cultivation and also to develop skills among them to grow fruit trees and herbal plants.

5.20.11 ANDHRA PRADESH

The commission held review meeting on 19.4.99 with the State level Senior Officers on development programmes being implemented by the State Government to improve the Socio-economic conditions of the SC/ST people. The main observations of the Commission are as follows :

- I. The Scheduled tribe's population constitutes 6.31% of the total State populations and about 56% of them are living below the poverty line against 31.6% among the general population. The infrastructure development like road length per 100 sq KMs area come to only 1.69 Km as against 46.79 Kms in the general area. Only 13.13% area is covered under irrigation in the tribal area as compared to the 37.89% in general area. The poor impact of Govt. developmental programmes is one of the

prime factor perhaps in breeding the Naxalite movement in the State. The Commission strongly feels that economic development of tribals should be expedited otherwise Naxal movement may spread faster in other tribal areas of the State as well as surrounding areas of other States.

- II. Andhra Pradesh have provided single line Administration in all the 8 ITDA areas and senior I.A.S officers have been posted. The Project Officers of the ITDAs are also designated as Additional District Magistrates. At the State level Commissioner of Tribal Welfare is the Chief Controlling Authority.
- III. The programme JANMABHOOMI is being implemented in the Scheduled Area without any contribution from the tribal people. Outside Scheduled Area, works are taken up with 15% contribution as against 30 percent contribution in the general areas.
- IV. The data shows that State Government have spent only 88% of the total TSP outlay of the VIIIth Five Year Plan. The main reasons for the shortfall were delay in sanction of schemes by REC for electrification of the tribal habitations, non-allocation of funds to ITDA areas under employment generation schemes and inaccessibility of certain areas or provide drinking water under E.A.S.
- V. The State Government assured the Commission that they will make higher allocations, especially in the crucial sectors like House sites and construction of houses, education health and nutrition. Apart from that State has to meet the commitments under the Andhra Pradesh Tribal Development Project (APTDP) and Andhra Pradesh participatory Tribal Development Project (APPTDP) with a total outlay of Rs. 292 crores to benefit ST and direct poverty Alleviation Project (DPIP) with an outlay of Rs. 650 crores to benefit SCs, STs and BCs in the districts of Shri Kakulam, Vizianagaram, Adilabad, Mahaboob Nagar, Anantpur and Chittoor.
- VI. In the State 50% of the value of seized main forest produce and 100% of forest produce raised by the Van Suraksa Samiti is passed on to the members of Van Suraksa Samiti in the Scheduled Area 27 minor forest produce have been reserved exclusively for tribals and procurement and marketing have been entrusted to GCC on monopoly basis. The GCC also procures agri-produce seeds, cashewnut, maize, red gram, chilly etc at competitive market price to ensure fare price to the tribals. The State Government is proposing to introduce a system of support price Mechanism for ensuring better return to tribals, which should be implemented without any further delay.

5.20.12 MEGHALAYA

The commission held review meeting with the Senior Officers of the Meghalaya on 11.5.99 at Shillong. Following observations were made on the welfare and development programmes being implemented for tribals of the State.

- I. It was brought to the notice of the Commission that State is solely dependent on road transport and State has no railway line. Commission therefore stressed the need to further develop the road net work between the neighboring states, from district Hqrs. to block Hqrs and further to villages

so that economic activities can be activated throughout the State, which will also boost the economic development of tribals.

- II. The Commission feels that there is a need to attract agriculture based and other food processing industries in the State as Meghalaya is a good producer of agriculture products like paddy, potatoes, maize and horticulture products like pine apple, oranges, guava and other cash crops.
- III. To develop rural Marketing infrastructure, TRIFED and NAFED should play effective role in the State. There are 921 PACS but there linkage with marketing is not satisfactory.
- IV. The survey conducted in the year 1991 and 1998 revealed that there was no change in the percentage of people living below the poverty line. According to the survey 50% people were found living below the poverty line which demonstrates that development programmes have not had the desired impact on the economic condition of the people living in the State.
- V. Commission observed that in the absence of a proper administrative structure for development the schemes of JRY, IRDP etc. have not produced the desired impact. Thus, there is a need to improve the delivery system in the State.
- VI. Meghalaya often faces shortage of essential commodities due to floods, disruptions in road traffic and militancy activities. Therefore it is suggested that the FCI should build up buffer stocks in Guwahati and Shillong to meet such emergency situations and natural calamities.
- VII. The State Government should review the working of sixth Schedule and functioning by of the Autonomous councils, keeping in view the developmental needs and requirement of accelerating the development process.
- VIII. No schemes are being financed by NSFDC in the State of Meghalaya. There is also no Scheduled Tribe Development Corporation established by the State. The Commission is of the opinion that economic developmental activities of the NSFDC schemes for tribals in the State should be channelised through one of the existing agencies to provide opportunities to unemployed tribal youths.
- IX. The State is endowed with rich natural and mineral resources but the progress in economic development of the people and area remains slow due to inadequate infrastructure facilities, poor road communication, hilly terrain and high unemployment ratio. Investment in industrial development and encouraging local entrepreneurship, which would improve employment opportunity. It will also reduce frustration among young unemployed tribals. State should prepare projects for employment generation schemes with the Special Central Assistance of Govt. of India.

5.20.13 LAKSHADWEEP

Commission conducted review meeting with the Lakshadweep U.T. Administration on 12.12.2000 at Kavaratti. All the Islanders, except those who came from main land for service are treated a Scheduled Tribes. About 96% of the population is literate. There is a need for better coordination between the Administration and the local bodies for accelerating the economic development of the Islands and for ensuring better access to basic minimum facilities.

5.20.14 ARUNACHAL PRADESH

The Chairman of the Commission held meeting with the NGO's and SC/ST Associations on 12.5.99 and with the Governor of Arunachal Pradesh on 13.5.99. State level review meeting with the Chief Secretary and Senior Officers of Arunachal Pradesh Government was also taken by the Commission on 13.5.99. Main observation emerged during these meetings are as follows: -

- I. At district level or below, LAMPs are responsible to provide marketing assistance to the farmers. These Societies are not linked with the district and State level Societies, which is necessary in order to strengthen the cooperative movement in the State. The Commission suggest that through these societies major agriculture produce of the State like potatoes, apples, oranges, ginger, pineapple etc. may be procured & stored and tied up with TRIFED or NAFED for marketing operations so that people get correct price of their produce and exploitation by the middle men may be minimised.
- II. The tribal economy of the state is mainly dependent upon the forest as more than 70% of the area is under forest cover. The Supreme Court's ban on the felling of trees has adversely affected, at least in the short term, the economy of the State and the tribal communities. The State revenue received from forest sector has gone down from Rs. 60-70 crores to Rs. 6-7 crores due to the ban. As the issue has seriously affected the State economy, the Commission feels that state should be given additional financial assistance by the Government of India to Compensate the loss of revenue.
- III. The survey on bonded Labour have revealed that there are number of bonded labour belonging to Solung tribe in East Kamong District. The State has identified 3542 bonded labour cases. The Commission is of the opinion that while planning for rehabilitation of bonded labourer, State should ensure proper socio-cultural environment.
- IV. State is facing serious problem of un-employment and to develop skill there is a need to open more Vocational Training Centers, Khadi & village Kuteer Industry and Rural Technology Demonstration Training Centers. This would certainly enhance the job opportunities for tribal people.
- V. The State has a very high potential of developing medicinal plants because of its rich bio-diversity. The cultivation of medicinal plants for Commercial basis should be encouraged, which would certainly improve the income of the tribals and revenue for the State.
- VI. Various schemes of forest development related programmes are not being implemented properly. Deforestation is continuing not only due to the Jhum cultivation but also due to illegal felling of trees by contractors or individuals. Tribals have a great tradition of forest conservation and there is a need to encourage joint Forest Management.

5.20.15 TRIPURA

The total geographical area of Tripura is 10491.85 Sq. K.M. of which 69% is under Tribal Sub-Plan area. Out of 864 revenue villages of the State 462 fall within the TSP area. The tribals constitute 31% of the total population of the State.

- I. The per capita income in TSP area is much below the State average. The distribution of land holding in TSP area is lopsided. Apart from practice of shifting cultivation, the main problem related to agriculture are lack of cultivable land and poor irrigation facilities. The agricultural productivity in tribal areas is much lower than the State level productivity. Agricultural labourers and small and marginal farmers account for majority of the work force. The economy of tribal people of the State is built upon agriculture, which in tribal areas is mostly characterized by rain fed cultivation and shifting cultivation.
- II. The BPL Survey conducted by the State, revealed that more than 25% ST families are living below the poverty line. The Commission recommends that more thrust should be given on the income generating schemes so that their economic conditions can be improved.

5.20.16 ASSAM

- I. According to the Planning Commission survey it was estimated that 40.9% of population of the State is below poverty line in 1993-94. The BPL survey conducted by Panchayat and Rural Development Department of the State in the year 1998 in rural areas estimated that 59.43% of the total rural families were below the poverty line. The ST families below poverty line were estimated as 4,26,337, which is about 21% in the state. It is therefore, necessary for the State to give more thrust to income generating economic development programme for STs in the State. The State have received Special Central Assistance to TSP of Rs. 24.44 crores during the year 1999-2000 but only 4.32 crore have been utilized during the year. Rs. 8.14 crores was received from the Government of India as SCA to TSP in the year 2000-2001. A total of Rs. 33.57 crores, including unspent balance of SCA, was available with the State out of that only 1.39 crores reported to have been utilized till December, 2000 which is only about 4.14%. The Commission would like to advise the State to ensure full utilization of SCA in the stipulated period so that implementation of economic development programmes under TSP is not affected.
- II. The State has been adversely affected by the Supreme Court judgment regarding the forest, which has affected the economy of the State and the tribals. There is need to modify the present forest policy keeping in view the interests of tribals of the North-Eastern region.

5.20.17 SIKKIM

- I. Out of the total population of Sikkim, 23% population are STs. The literacy rate among Scheduled Tribes is 59% in the State. Sikkim joined the union of India only in 1975 and hence it could not avail the fruits of Five Year Plans before 1975. Lack of facilities of Higher Education and Technical Education, Unemployment among the Educated unemployed youth are some of the main problems. State has no Engineering and Medical College and no University of its own. There is not a single Public Sector Undertaking functioning in the State. North District is a tribal district, which is inaccessible due to lack of road Communication. It remains cutoff from rest of the country for more than six months in a year, which hampers the overall development of the district, and in particular of tribals living in the State. There is a need for promoting small and medium Industries

based on local resources to provide employment opportunities to the educated and uneducated unemployed youths.

- II. The State has not framed policy on the allotment of waste/surplus land for SC/ST. The State Government has passed the Sikkim Agriculture Land Ceiling and Reforms Act, 1977 but the ceiling surplus land has not been identified yet. **This Commission therefore stressed upon the need to identify the surplus ceiling land on priority in the State and in allotting surplus land the SC and ST should be given high priority.**

5.20.18 MIZORAM

Mizoram attained the status of a full-fledged State in the year 1987. According to 2001 census the total population of Mizoram is 8,91,058 and Scheduled Tribes are more than 94% of the total population of the State. The Commission held State review on 7.3.2000 and the main observations are as follows:

- I. It was observed that no Scheduled Tribe Finance Development Corporation has been established in the State. The activities of TRIFED for procuring agriculture and forest products from the farmers is operative since 1991-92.
- II. Joint Forest Management resolution was adopted by the Government in 1998. It was informed that participation of tribals in forestry programmes is quite encouraging; hence this Commission suggests that tribals should be associated in every forest activities, which will not only improve the economic conditions of the tribals but also in protecting the forest from illegal cutting. **The Commission also felt that a North-Eastern Forest Policy should be formulated to cater to the specific needs of the N.E. region.** The State Government said that about million pieces of bamboos, canes and other timber are being taken out from Mizoram every year illegally as such State is loosing revenue. Bamboo and cane along with river sides in Mizoram are exported by Mahal System. Instead of practicing Mahal system, **it is suggested that the bamboos and canes should be exported by the State through tribal cooperatives as being followed by Tripura and Meghalaya States.** The State tribal people would get benefit. It is informed that there are many medicinal herbs and plants are available in Mizoram. It is therefore, suggested that assistance should be provided for research facilities to explore the medicinal herbs existing in Mizoram for its commercial exploitation.

5.20.19 ORISSA

- I. The tribal population of the State is 70,32,214, which constitute 22.21% of the total State population. The State ranks 3rd in terms of total tribal population amongst all States. About 44.12% of the geographical area of the State is covered under the tribal Sub-plan. There are 13 primitive tribes in the State.
- II. During 1999-2000 and 2000-2001 the percentage of flow of funds from State plan to TSP was 18.97% and 24.19%, respectively. In the year 1999-2000 funds had not been allocated in proportion to the tribal population of the State. The percentage of flow from total State plan outlay to TSP during Ninth Plan period also remained low i.e. 19.61%. It is therefore recommended that funds should be allocated to the TSP from the State Plan at least in proportion to State tribal population. In addition to this 3% more flow of funds should be made to fill up the gap in the development between

tribal and non tribal areas as per the working groups recommendation made in the 8th plan. The Tribal Development Cooperative Corporation Ltd. (TDCC) of the State has not been functioning effectively due to financial constraint. The managerial assistance released by the State Govt. to TDCC is not enough to meet the non-plan expenditure. TDCC require adequate working capital for procurement of MFP and SAP. A study conducted by the council for tribal and Rural Development, Bhubneswar, revealed that MFP makes 20% contribution to the family income of the tribals and there is no good marketing system for MFP. Tribals do not get right price for MFP purchased by the traders and more than 50% of the collected MFP is marketed by middlemen and local small traders.

- III. This Commission therefore is of the opinion that **TDCC should be revitalised to cater to the needs of the tribals in an effective manner.** It is also suggested to make the tribals aware about the market price of various produce. They should be trained in preservation and processing of MFP. In pursuance of the provisions of the Panchayat (Extension & Scheduled Area) Act, 96 the Govt. of Orissa have formulated policy for procurement and trade of non-timber forest produce. According to this policy the Gram Panchayats and Gram Sabhas in the Scheduled areas have the ownership over MFP within its territorial Jurisdiction, excluding the Reserve forests, forest under wildlife sanctuaries and National Parks, which are outside the limits of the revenue village.
- IV. The Govt. of Orissa, in conformity with Panchayat (Ext. to Sch. Areas) Act, 96, have proposed amendments to the Orissa Sch. Area Transfer of Immovable property (by Sch. Tribes) Regulation (Regulation 2 of 1956) and after its approval by TAC and Governor of Orissa it has been sent to president of India for assent. This would prevent further transfer of land even from tribals to tribals and prevent the tribals from becoming landless. The Commission stressed the need to make similar type of provisions by other states in consonance to Panchayat (Extension to the Sch. Areas) Act, 1996 in the Sch. Areas/Tribal areas of the States.
- V. According to BPL survey made by the State Govt, about 82.42% of the total ST families are living below the poverty line, which is a matter of serious concern. The economic and individual beneficiaries oriented programmes have failed to improve the below poverty line families. Therefore, concerted efforts are needed for the economic development of tribals of the state by implementing the individual beneficiary income generating schemes, more sincerely and effectively.

5.21 SPECIAL ISSUES OF TRIBALS OF NORTH-EASTERN REGION

5.21.1 The problem of tribals of the North-Eastern region are qualitatively different from the problems of tribals of rest of the country. Development programmes of various Central Ministries require some modifications, as per the prevailing conditions in the region, to suit the tribals. The infrastructure development remains slow which requires to be stepped up in the N.E. region. The higher unemployment ratio among young tribal people provides breeding ground for terrorist activities.

5.21.2 There is a high potential for development of handicraft and handloom but due to lack of adequate design inputs and proper marketing support, this sector has not been fully exploited in addition, high cost of transportation is also one of the main constraints.

In view of this Government of India should extend subsidized transport facilities in the N.E. region, including in transportation by air. In the N.E. region hardly any major industries are coming up due to militancy in the region, inspite of several incentive for Industrialisation. Therefore, a conducive environment should be created in the region to encourage Industrialists to establish more industries. For this purpose more broadguage Railway lines should be constructed for faster accessibility in the area. Development of waterways through the Brahmaputra, should be explored.

5.21.3 Another serious problem of the region is the influx of illegal Bangladeshi migration. The illegal migrants are affecting the Socio-cultural and economic life in the region.

5.21.4 The practice of shifting cultivation in the North-East needs to be eradicated to protect the fragile ecology of the region. The scheme of shifting cultivation, which is presently under the Ministry of Agriculture, should be transferred to the Ministry of Tribal Affairs.

5.22 PANCHAYATI RAJ INSTITUTION AND ECONOMIC DEVELOPMENT OF SCHEDULE TRIBES

5.22.1 The 73rd Amendment to the constitution provides reservation for STs in Zila Parishad, Panchayat Samiti and Gram Panchayat in the Country and ensure people's participation in their socio-economic development. The general and ST illiterate representative in the three tier system is given in Annexure-5.XIV. These reveal that 2,35,445 Scheduled Tribe persons were elected out of the 25, 80, 261 members of the Gram Panchayats, which represent 9.1% of the total elected representatives in the Country. In the case of Panchayat Samiti level only 7237 members out of the 12,8581 belong to ST Community, which comes to 6% of the total elected members. It appears that at Panchayat Samiti level all seats reserved for Scheduled Tribes may not have been filled up. The States namely Orissa, Manipur and Tripura have fewer ST elected member than the prescribed percent of reservation at the Panchayat Samiti level. All these States are having higher proportion of tribal population elected to Gram Panchayat and their representation is low at Panchayat Samiti and Zila Parishad levels.

5.22.2 Certain States, namely Madhya Pradesh, Rajasthan, West Bengal and Daman & Diu have higher proportion of ST elected members at all the three tier Panchayat Raj Institution compared to percentage of State tribal population, which suggest that many elected tribal representatives have been elected from other than reserved seats.

5.23 TRIBALS AND EXCISE POLICY

5.23.1 The excessive Consumption of alcoholic drinks seems to have resulted in cultural disorientation, indebtedness and over all impoverishment of tribal communities. The government took note of this fact and the Ministry of Home Affairs, in 1975, issued the following guidelines for regulating the production and sale of alcoholic drinks in the tribal areas:

- I. Commercial vending of alcoholic drinks should be discontinued in the tribal areas.
- II. Scheduled Tribes may be permitted to brew their traditional alcoholic beverages for consumption at home and on religious and social occasions.
- III. Attempts may be made to wean the Scheduled Tribes away from the habit of drinking alcoholic beverages and for this purpose, official and non-official voluntary organisations may be encouraged to work in the tribal areas.

5.23.2 State Governments have generally accepted these guidelines in principle. But, lately many of the State Governments have started allowing excise contractors to set up

liquor shops in the tribal areas with a view to increase State revenue. No serious efforts have been made by the States to prohibit commercial vending of alcoholic drinks in tribal areas. There is an urgent need to strictly implement the excise policy in the tribal areas, particularly to put an immediate restriction on the commercial vending of alcoholic beverages in tribal areas. The Commission feels that there is a need to frame clear guidelines to regulate production and sale of alcoholic beverages, which is the main cause for their poverty, indebtedness and exploitation.

5.24 COMMISSION FOR SCHEDULED AREAS AND THE WELFARE OF SCHEDULED TRIBES

5.24.1 Under Article 339 of the Constitution there is a provision to set up a Commission to report on the administration of the Scheduled Area and the welfare of STs in the States. The First Commission was set-up under this provision in the year 1960 under the Chairmanship of Shri U.N. Dhebar. Since then no Commission has been constituted under this provision. The Government has already taken a decision to set up the Commission but for one reason or the other its implementation is being delayed. **This Commission recommends that the Commission for Scheduled Areas and Scheduled Tribes should be constituted under Article 339 by the Government without any further delay.**

5.25 NATIONAL INSTITUTE FOR TRIBAL AFFAIRS

5.25.1 Various Parliamentary Committees and Expert Groups have been recommending for setting up a National Institute for Tribal Affairs for the last more than three decades. The Ministry of Tribal Affairs had made a budget provision of Rs. 4 crore in the year 1999-2000 and 2000-2001. During the year 2001-2002 Rs. 10 crore provision has been kept but there is no progress on this issue, and **this Commission stress that Institute should be made operative and the status of the institute should be that of a deemed University and faculty as well as other staff appointments, Pay scales and service terms and conditions should be on University Grant Commission pattern.**

5.25.2 The present status and functioning of the Tribal Research Institutes in the States is not considered very satisfactory. **This Commission therefore, recommends that all TRIs should be affiliated to the proposed National Institute of Tribal Affairs for coordination and technical supervision and the Staff of these Institutes should also be on the terms and conditions of University Grant Commission. The UGC should also provide funds to these Institutes from the Tribal Sub Plan of the U.G.C.**

ANNEXURE-5.1

STATEMENT SHOWING FLOW OF FUNDS TO TSP BY CENTRAL
MINISTRIES/DEPARTMENTS DURING 1999-2000 AND 2000-2001.

(Rs. in Crores)

S.No.	Ministries/Departments	1999-2000			2000-2001		
		Total Outlay	Flow to TSP	%age	Total Outlay	Flow to TSP	%age
1	Ministry of Social Justice & Empowerment				272.17	21.45	7.00
2	D/O Tel-Communication	12650.00	900.00			97.46	7.86
3	Deptt. of Posts	10.00	4.06			3.86	
4	M/O Information & Broadcasting				270.00	31.00	
5	Deptt. of Commerce	151.57	14.4050		186.49	14.36	7.74
6	Deptt. of ISM & Homeopathy				10000.00	184.66	1.85
7	M/O Environment & Forests	700.00	62.85		242.37	151.75	17.85 of total outlay
8	M/O Rural Development						All the important schemes provide assistance for SC/ST
9	M/O Rural Development D/o Drinking water				3000.00	300.00	10% for SC/ST
10	M/O Textiles				6500.00	4.86	7.49
11	M/o Non-Conventional	800.00	6.75		7270.00	4.87	6.70
12	M/o Science and Technology, D/o Bio-technology					0.75	
13	D/o Women & Child Dev.						17.8% of ICDS projects.
14	Deptt. of Culture	-	3.25			6.03	
15	Ministry of Agriculture	-	82.48		160.63	72.47	3.7% of total outlay.
16	Ministry of SSI & ARI				775.00	38.29	
17	Ministry of power	-	53.00			44.50	The Ministry has decided to grant interest subsidy of Rs. 16.67 Crores for electrification of 415 tribal villages.
18	Ministry of H.R.D.				5150.00	436.54	8.01
19	Ministry of Youth Affairs				215.00	1.40	
20	Ministry of Coal					4.65	
21	Deptt. of Steel	2082.40	11.65				

ANNEXURE 5.II

STATE/UT-WISE PERCENTAGE OF ST POPULATION AND FLOW OF FUNDS

FROM STATE PLAN AND TRIBAL SUB PLAN DURING

1994-95 to 2000-2001

(Rs. in Crores)

S.No.	Name of States/UTs	ST Population % Census 1991	1994-95			1995-96		
			State Plan Outlay	TSP Outlay	% of TSP Outlay	State Plan Outlay	TSP Outlay	% of TSP Outlay
1	ANDHRA PRADESH	6.31	2130.00	78.76	3.70	3159.00	125.88	3.98
2	ASSAM	12.82	978.83	109.75	11.21	1326.40	147.00	11.08
3	BIHAR	7.66	2310.00	597.02	25.85	2400.00	687.02	28.63
4	GUJARAT	14.92	224.00	237.75	106.14	2610.00	308.76	11.83
5	HIMACHAL PRADESH	4.22	650.00	58.50	9.00	750.00	67.50	9.00
6	JAMMU & KASHMIR	11.00	950.00	87.87	9.25	1165.00	119.57	10.26
7	KARNATAKA	4.26	3275.00	47.85	1.46	3575.00	67.68	1.89
8	KERALA	1.10	1260.00	24.65	1.96	1550.00	24.32	1.57
9	MADHYA PRADESH	23.27	2750.00	627.72	22.83	2900.00	685.66	23.64
10	MAHARASHTRA	9.27	4400.00	330.00	7.50	5500.00	412.50	7.50
11	MANIPUR	34.41	240.00	85.72	35.72	300.00	119.86	39.95
12	ORISSA	22.44	1950.00	348.40	17.87	300.00	119.86	39.95
13	RAJASTHAN	12.44	2450.00	187.12	7.64	3200.00	305.45	9.55
14	SIKKIM	22.36	97.95	17.00	17.36	81.41	13.12	16.12
15	TAMIL NADU	1.03	2750.01	28.83	1.03	3200.00	36.39	1.14
16	TRIPURA	30.95	290.00	88.75	30.60	329.00	93.84	28.52
17	UTTAR PRADESH	11.71	3852.00	2.60	0.07	4520.00	2.87	0.06
18	WEST BENGAL	5.39	1706.00	77.03	4.52	2200.40	75.67	3.44
19	A & N ISLAND	9.54	205.00	24.19	11.80	15.52	2.33	15.01
20	D & DU	11.34	26.28	2.22	8.45	34.53	2.80	8.11
	ALL INDIA	8.98	34501.05	3061.23	8.87	40549.26	3867.05	9.54

Source - Annual Report -

1. Ministry of Social Justice and Empowerment

2. Ministry of Tribal Affairs

3. Interim Report of the Working Group for Empowering Secluded Tribes for 10th Five Year Plan, Ministry of Tribal Affairs

Continue.....

ANNEXURE 5.II
(Rs. in Crores)

S.No.	Name of States/UTs	ST Population % Census 1991	1996-97			1997-98		
			State Plan Outlay	TSP Outlay	% of TSP outlay	State Plan Outlay	TSP Outlay	% of TSP outlay
1	ANDHRA PRADESH	6.31	2942.78	55.19	1.87	3533.00	191.93	5.43
2	ASSAM	12.82	1183.74	113.68	9.60	1192.97	132.65	11.12
3	BIHAR	7.66						
4	GUJARAT	14.92	3077.44	339.70	11.04	4500.00	489.06	10.87
5	HIMACHAL PRADESH	4.22	9000.00	81.00	9.00	1008.00	90.72	9.00
6	JAMMU & KASHMIR	11.00				1550.00	231.12	14.91
7	KARNATAKA	4.26	3700.00	79.81	2.16	4545.01	84.98	1.87
8	KERALA	1.10	2086.45	30.45	1.46	2855.00	19.42	0.68
9	MADHYA PRADESH	23.27	3197.48	623.24	19.49	3657.22	622.21	17.01
10	MAHARASHTRA	9.27	7083.90	535.00	7.55	5836.20	550.00	9.42
11	MANIPUR	34.41	277.03	126.93	45.82	410.00	160.77	39.21
12	ORISSA	22.44	1917.26	432.35	22.55	2683.95	576.62	21.48
13	RAJASTHAN	12.44	3200.00	342.22	10.69	3504.13	390.17	11.13
14	SIKKIM	22.36				51.57	11.56	22.41
15	TAMIL NADU	1.03	3700.72	39.42	1.07	4000.00	42.45	1.06
16	TRIPURA	30.95	346.91	107.28	31.00	437.00	125.94	28.81
17	UTTAR PRADESH	0.21				7080.00	32.00	0.45
18	WEST BENGAL	5.59	3080.98	54.86	1.78	3922.34	102.79	2.63
19	A & N ISLAND	9.54				255.00	25.52	10.06
20	D & DIU	11.51	23.91	3.06	12.79	59.57	2.73	4.58
	ALL INDIA	8.08	36718.60	2964.19	8.07	51490.96	3882.64	7.54

Source - Annual Report -

1. Ministry of Social Justice and Empowerment
2. Ministry of Tribal Affairs
3. Interim Report of the Working Group for Empowering Secluded Tribes for 10th Five Year Plan, Ministry of Tribal Affairs

Continue.....

ANNEXURE 5.II

(Rs. in Crores)

S.N o.	Name of States/UTs	ST Population % Census 1991	1998-99			1999-2000		
			State Plan Outlay	TSP Outlay	% of TSP Outlay	State Plan Outlay	TSP Outlay	% of TSP outlay
1	ANDHRA PRADESH	6.31	4678.94	158.09	3.38	5479.50	152.59	2.78
2	ASSAM	12.82	1128.70	108.66	9.62	1306.23	126.35	9.67
3	BIHAR	7.66	2348.42	726.76	30.94	3630.00	1044.53	28.77
4	GUJARAT	14.92	5450.00	666.72	12.23	6550.00	853.08	13.02
5	HIMACHAL PRADESH	4.22	1440.00	122.67	8.51	1600.00	135.00	8.43
6	JAMMU & KASHMIR	11.00				522.26	56.94	10.90
7	KARNATAKA	4.26	5353.00	76.18	1.42	5887.99	88.25	1.50
8	KERALA	1.10	3100.00	61.17	1.97	3250.00	60.11	1.85
9	MADHYA PRADESH	23.27	3700.00	634.32	17.14	4000.05	847.27	21.18
10	MAHARASHTRA	9.27	11600.73	561.00	4.83	6641.82	580.59	8.74
11	MANIPUR	34.41						
12	ORISSA	22.44	2071.23	643.85	31.09	2488.88	627.88	25.23
13	RAJASTHAN	12.44	3800.00	384.55	10.12	5022.27	427.31	8.50
14	SIKKIM	22.36	193.60	17.24	8.91	90.81	25.01	27.54
15	TAMIL NADU	1.03	4500.00	46.24	1.03	5251.12	58.49	1.11
16	TRIPURA	30.95	440.00	120.51	27.38			
17	UTTAR PRADESH	0.21	10260.96	49.10	0.48	11400.00	42.45	0.37
18	WEST BENGAL	5.59	4594.85	79.92	1.74	5787.25	424.24	7.33
19	A & N ISLAND	9.54	320.00	41.22	12.88	400.00	62.50	15.60
20	D & DIU	11.51	57.39	1.40	4.19	34.06	2.71	8.04
	ALL INDIA	8.08	65613.82	4499.58	6.92	69342.19	5615.33	8.09

Source - Annual Report -

1. Ministry of Social Justice and Empowerment
2. Ministry of Tribal Affairs
3. Interim Report of the Working Group for Empowering Secluded Tribes for 10th Five Year Plan, Ministry of Tribal Affairs

Continue.....

ANNEXURE 5.II
(Rs. in Crores)

S.NO	States /UTs	% of ST Population (1991 Census)	2000-2001		
			State Plan outlay	Flow to Tribal Sub Plan	%of TSP outlay
1	2	3	4	5	6
1	ANDHRA PRADESH	6.31		-	-
2	ASSAM	12.82	1210.34	136.54	11.28
3	BIHAR	7.66	-		
4	GUJARAT	14.92	7600.00	916.54	12.05
5	HIMACHAL PRADESH	4.22	1720.00	146.11	8.49
6	JAMMU & KASHMIR	11.00			
7	KARNATAKA	4.26	7274.00	89.94	1.23
8	KERALA	1.10			
9	MADHYA PRADESH	23.37	2490.60	613.24	25.34
10	MAHARASHTRA	9.27	5798.00	525.00	9.05
11	MANIPUR	34.41	681.95	257.34	37.76
12	ORISSA	22.21	2908.92	818.00	28.12
13	RAJASTHAN	12.44	4219.32	133.87	10.28
14	SIKKIM	22.36	133.35	31.22	23.41
15	TAMIL NADU	1.03	5700.27	58.60	1.02
16	TRIPURA	30.95	355.50	172.88	31.12
17	UTTER PRADESH	0.21	9025.00	46.76	0.51
18	WEST BENGAL	5.59	5977.58	138.14	2.31
19	A & N ISLANDS	9.54	410.00	54.72	13.34
20	DAMAN & DIU	11.54	34.06	1.24	3.64
	ALL INDIA	8.08	55738.89	4458.34	7.99

Source -Annual Report -

1. Ministry of Social Justice and Empowerment
2. Ministry of Tribal Affairs
3. Interim Report of the Working Group for Empowering Secluded Tribes for 10th Five Year Plan, Ministry of Tribal Affairs

ANNEXURE-5.III

**STATEMENT SHOWING STATE-WISE RELEASES UNDER SCA
TO TSP AND UTILISATION DURING THE PLAN PERIOD 1992-
1993 TO 2000-2001**

SL. No.	State/ U.T.	1992-93			1993-94			1994-95		
		Amount released	Expr. Reported	Unspent Balance	Amount released	Expr. Reported	Unspent Balance	Amount released	Expr. Reported	Unspent Balance
1	2	3	4	5	6	7	8	9	10	11
1	A.P.	1529.34	1561.18	-31.84	1539.22	1545.58	-6.360	1947.10	1947.100	0
2	ASM.	1077.61	956.61	121	1087.57	1038.75	48.82	1112.67	1110.27	2.40
3	Bihar	3175.25	3175.25	0	3497.39	0	3497.39	1748.70	274.22	1474.48
4	G.U.	1855.84	1983.02	-127.18	2234.77	2103.66	131.11	2491.56	2056.98	434.58
5	H.P.	403.39	365.84	37.55	755.03	461.48	293.55	450.57	761.87	-311.3
6	J&K	296.14	0	296.14	518.6	335.49	183.11	550.63	321.5	229.13
7	KAR.	327.42	327.42	0	439.76	439.76	0	409.03	381.45	27.58
8	KER.	207.23	192.74	14.49	167.25	152.25	15	126.3	185.97	-59.67
9	M.P.	6785.01	5782.91	1002.1	8117.65	7719.51	398.14	7535.72	6983.85	551.87
10	MAH.	1815.21	1502.78	312.43	2234.35	3139.68	-905.33	2196.34	2971.31	-774.97
11	MAN.	383.41	434.48	-51.07	417.12	411.73	5.39	432.81	438.4	-5.59
12	ORL	3378.03	3391.92	-13.89	3603.23	3611.04	-7.81	3956.55	3493.54	463.01
13	RAJ.	1679.46	1644.42	35.04	2664.68	2620.05	44.63	2202.79	2180.02	22.77
14	SKM	60.93	60.15	0.78	73.67	72.89	0.78	75.1	69.26	5.84
15	T.N.	270.72	260.58	10.14	214.05	227.2	-13.15	236.88	300.02	-63.14
16	THE	414.94	408.18	6.76	372.37	372.37	0	480.01	480.01	0
17	U.P.	58.4	39.81	18.59	69.22	31.79	37.43	70.41	0	70.41
18	W.B.	1173.62	1016.33	157.29	1319.06	940.37	378.69	355.83	1335.83	-1000
19	A&N	86.13	73.93	12.20	77.22	53.13	24.09	85.8	68.54	16.96
20	IS & J	23.87	23.87	0	28.29	28.28	0.01	35.5	35.5	0

ANNEXURE-5.III

**STATEMENT SHOWING STATE-WISE RELEASES UNDER SCA
TO TSP AND UTILISATION DURING THE PLAN PERIOD 1992-
1993 TO 2000-2001**

Sl. No.	State/ U.T.	1995-96			1996-97			1997-98		
		Amount released	Expr. Reported	Unspent Balance	Amount released	Expr. Reported	Unspent Balance	Amount released	Expr. Reported	Unspent Balance
1	2	3	4	5	6	7	8	9	10	11
1	A.P.	2140.32	2140.32	0.00	2287.52	2287.62	0.00	2581.54	2581.54	0.00
2	ASM	1545.19	823.80	721.39	1524.71	939.89	-584.82	1460.00	938.11	581.82
3	Bihar	274.22	8.30	265.92	3364.00	0.00	3364.00	0.00	0.00	0.00
4	GUJ.	3060.26	2632.25	428.01	2642.95	2930.07	-307.12	2632.77	2980.55	-347.78
5	H.P.	541.62	493.35	48.27	622.44	541.62	80.82	521.89	605.82	-83.93
6	J&K	756.64	989.15	-232.51	681.54	787.37	-105.83	521.80	916.89	-395.09
7	KAR.	659.99	411.47	248.52	569.50	391.98	177.52	500.00	641.53	-141.53
8	KER	181.20	153.16	28.04	153.71	164.69	-10.98	196.12	231.78	-35.66
9	M.P.	9579.66	6581.33	2998.33	7695.71	8532.99	-837.28	9107.83	7139.01	2066.82
10	MAH	2930.82	2753.26	177.56	3160.78	2524.44	636.34	3400.89	2975.62	425.27
11	MAN	574.53	575.63	-1.10	653.22	680.14	-6.92	950.00	762.09	187.91
12	ORI	4958.10	5489.66	-531.56	4411.44	4411.44	0.00	5576.27	4376.27	1200.00
13	RAJ	2819.04	3023.21	-204.17	2467.32	2461.44	5.88	2341.13	2057.28	283.85
14	SKM	100.19	73.15	27.04	138.41	93.27	45.14	60.00	121.91	-61.91
15	T.N.	274.44	274.44	0.00	238.81	252.01	6.80	243.71	263.31	-19.60
16	TRH	564.97	588.55	-23.58	594.48	671.32	-76.84	885.00	835.00	50.00
17	T.P.	104.08	39.59	64.49	90.39	101.66	-11.27	112.91	64.59	48.32
18	W.B.	1763.21	1763.21	0.00	1558.07	1654.04	-95.97	16.59	1600.39	0.00
19	A&N	112.21	89.11	23.10	95.18	103.78	-10.60	118.00	97.13	20.87
20	D&D	59.31	59.31	0.00	49.82	49.82	0.00	50.25	50.01	0.24
	Total	33000.00	26962.25	4037.75	33000.00	29561.49	3438.51	32961.00	29259.43	3721.57

ANNEXURE-5.III

**STATEMENT SHOWING STATE-WISE RELEASES UNDER SCA
TO TSP AND UTILISATION DURING THE PLAN PERIOD 1992-
1993 TO 2000-2001**

1	2	1998 - 1999			1999 - 2000			TOTAL 1995 - 2000		
		12 Amount released	13 Expe. Reported	14 Unspent Balance	15 Amount released	16 Expe. Reported	17 Unspent Balance	18 Amount released	19 Expe. Reported	20 Unspent Balance
1	A.P.	2728.47	2728.47	0.00	2182.94	729.29	1453.65	11920.79	10467.14	1453.65
2	ASM	2089.56	2152.00	82.44	2443.50	1913.00	530.50	9042.96	6786.80	2256.16
3	Bihar	0.00	4362.12	4362.12	4779.13	13.00	4779.13	8417.35	4370.42	4046.93
4	GUJ	3889.70	3249.64	440.09	3139.96	3123.81	16.17	15165.66	14936.29	229.37
5	H.P.	689.44	557.69	131.75	514.05	750.61	226.56	2889.44	2949.09	59.65
6	J&K	739.22	500.269	238.951	776.36	726.56	49.82	3475.58	3920.24	444.66
7	KAR.	686.64	505.41	181.23	616.13	889.31	273.18	3032.26	2839.70	192.56
8	KER.	406.17	208.14	200.03	218.63	208.00	10.63	1157.83	965.77	192.06
9	M.P.	9476.17	9641.21	165.04	9797.15	10585.25	788.10	45756.52	43479.79	3276.73
10	MAH.	3532.21	2768.42	764.79	2974.57	0.00	2974.57	15999.27	11020.74	4978.53
11	MAN.	779.52	943.39	163.87	606.65	651.49	42.84	3565.93	3592.74	26.82
12	ORI.	5911.86	5000.00	911.86	5898.250	7660.140	1961.86	26555.95	26937.51	381.56
13	RAJ.	3475.72	2630.63	855.09	2915.24	3355.46	440.22	14018.45	13518.02	500.43
14	SKM.	80.00	96.11	36.11	86.26	86.38	0.10	444.88	470.82	25.94
15	T.N.	295.91	295.91	0.00	258.27	258.27	0.00	1311.34	1323.94	12.60
16	TRIP.	977.77	791.77	186.00	831.57	1067.57	235.00	3853.79	3054.31	799.48
17	UP.	57.54	112.91	55.37	99.85	39.54	20.31	464.77	368.29	96.48
18	WB.	2222.10	2222.10	0.00	1759.40	0.00	1759.40	8931.17	7239.74	1691.43
19	ANDH.	173.91	125.77	48.13	255.40	125.25	130.15	714.60	531.04	183.56
20	TRIP.	80.00	87.71	55.39	44.00	21.00	23.00	270.25	191.05	79.20
	Total	55009.08	52089.64	809.64	40000.00	32240.55	7759.47	178961.36	158893.34	18067.66

Source - 1. Fourth Report of National Commission for SC/ST (1996-97 & 97-98)

2. Interim Report of the working Group for Empowering Sch. Tribes for Tenth Five Year Plan - Ministry of Tribal Affairs, April, 2001

ANNEXURE-5.IV

**DETAILS OF TOTAL AND ST SWAROZGARIS ASSISTED UNDER
SWARNJAYANTI GRAM SWAROZGAR YOJANA (SGSY) 1999-2000
& 2000-2001 AS ON 22.12.2000 (PROVISIONAL)**

S.No.	States/U.Ts.	Total Swarozgaris Assisted	Coverage of Disadvantaged Groups Numbers Sch. Tribes.	Percentage
1.	2.	3.	4.	5.
1	Andhra Pradesh	165190	15929	9.64
2	Arunachal Pradesh	3060	3060	100.00
3	Assam	17974	3886	21.62
4	Bihar	106393	16684	15.68
5	Goa	0	0	0.00
6	Gujarat	19341	8054	41.64
7	Haryana	17348	0	0.00
8	Himachal Pradesh	8638	994	11.51
9	Jammu & Kashmir	5835	NR	0.00
10	Karnatak	19184	2126	11.08
11	Kerla	29485	456	1.55
12	Madhya Pradesh	112118	30695	27.38
13	Maharashtra	87994	12869	14.62
14	Manipur	NR		0.00
15	Meghalaya	741	741	100.00
16	Mizoram	0	0	0.00
17	Nagaland	4749	4749	100.00
18	Orissa	74633	18402	24.66
19	Punjab	1694	0	0.00
20	Rajasthan	34120	5507	16.14
21	Kikkim	686	288	41.98
22	Tamil Nadu	65427	1309	2.00
23	Tripura	8450	2934	0.00
24	Uttar Pradesh	60647	782	1.29
25	West Bengal	88826	5008	5.64
26	A & N Islands	795	78	0.00
27	D & N Haveli	NR	0	0.00
28	Daman & Diu	6	6	100.00
29	Lakshdweep	3	3	100.00
30	Pondicherry	531	384	0.00
	TOTAL	933868	134944	14.45

Source - Annual Report 2000-2001 of Ministry of Rural Development

ANNEXURE-5.V

**NO. OF SHG, FORMED, ECONOMIC ACTIVITIES TAKEN UP,
NUMBER OF SWAROZGARIS ASSISTED ETC. UNDER SGSY
DURING 2000-2001 (AS ON 22.12.2000)**

S.No.	States/U.Ts.	Total Swarozgaris Assisted	Coverage of Disadvantaged Groups Numbers Sch. Tribes.	Percentage Sch. Tribes
1.	2.	3.	4.	5.
1	Andhra Pradesh	45254	4251	9.49
2	Arunachal Pradesh	355	355	100.00
3	Assam	3197	940	29.40
4	Bihar	75446	881	1.17
5	Chattisgarh	15262	7614	49.89
6	Goa	30	0	0.00
7	Gujarat	17702	6252	35.32
8	Haryana	13200	0	0.00
9	Himachal Pradesh	8747	1032	11.80
10	Jammu & Kashmir	2214	0	0.00
11	Jharkand	30113	11595	38.50
12	Karnatak	16978	1349	7.95
13	Kerla	12991	233	1.79
14	Madhya Pradesh	27247	6918	25.39
15	Maharashtra	29212	4610	15.78
16	Manipur	0	NR	0.00
17	Meghalaya	468	468	100.00
18	Mizoram	204	204	100.00
19	Nagaland	1376	1376	100.00
20	Orissa	32270	7850	24.33
21	Punjab	6171	0	0.00
22	Rajasthan	22927	3843	16.76
23	Sikkim	1174	495	42.16
24	Tamil Nadu	38870	314	0.83
25	Tripura	2171	662	30.49
26	Uttar Pradesh	33666	108	0.32
27	Uttaranchal	69	10	14.49
28	West Bengal	9459	729	7.71
29	A & N Islands	363	20	5.51
30	Daman & Diu	0	0	#DIVIO?
31	D & N Haveli	0	0	0.00
32	Lakshdweep	20	20	100.00
33	Pondicherry	34	34	100.00
	TOTAL :-	446190	62163	13.93

Source - Annual Report 2000-2001 of Ministry of Rural Development.

ANNEXURE - V.6

Scheduled Tribe beneficiaries under the National Maternity Benefit Scheme (NMBS) Year : 2000-2001(Provisional) As on 22.12.2000

(Rs. in lakh)

S.No.	States/U. Ts.	State Target	Total No. of Benf. Reported	Sch. Tribes
1.	2.	3.	4.	5.
1	Andhra Pradesh	305806	201610	7803
2	Arunachal Pradesh	5213	4	4
3	Assam	80660	11771	1361
4	Bihar	118873	45128	524
5	Chattisgarh	58562	12787	1187
6	Goa	496	14	0
7	Gujarat	20000	6958	1059
8	Haryana	12440	3380	0
9	Himachal Pradesh	3675	2222	50
10	Jammu & Kashmir	9475	0	0
11	Jharkand	39509	13061	1883
12	Karnatak	77435	23946	378
13	Kerla	26265	4604	78
14	Madhya Pradesh	115423	26209	624
15	Maharashtra	87210	34265	6331
16	Manipur	7374	758	12
17	Meghalaya	10156	600	0
18	Mizoram	2856	1472	0
19	Nagaland	7390	35	0
20	Orissa	120046	44932	8469
21	Punjab	9035	5476	1166
22	Rajasthan	62565	3143	13
23	Sikkim	2721	0	0
24	Tamil Nadu	174300	59131	49
25	Tripura	16232	1882	308
26	Uttar Pradesh	312945	99471	548
27	Uttaranchal	16655	3847	10
28	West Bengal	104071	38644	1834
29	A & N Islands	209	0	0
30	Chandigarh	509	0	0
31	D & N Haveli	90	0	0
32	Daman & Diu	60	0	0
33	NCT Delhi	7098	0	0
34	Lakshdweep	31	0	0
35	Pondicherry	1008	179	0
	TOTAL	1816394	645529	33891
				8.35%

Source - Annual Report - 2000-2001 of Ministry of Rural Development.

ANNEXURE-5.VII

**SCHEDULED TRIBE BENEFICIARIES UNDER THE NATIONAL
FAMILY BENEFIT SCHEME (NFBS)
YEAR: 2000-2001(PROVISIONAL) AS ON 22.12.2000**

(Rs. in lakh)

S.No.	States/U.Ts.	State Target	Total No. of Benf. Reported	Sch. Tribes
1.	2.	3.	4.	5.
1	Andhra Pradesh	29188	22310	431
2	Arunachal Pradesh	556	0	0
3	Assam	14931	3511	279
4	Bihar	11869	5848	103
5	Chattisgarh	15970	4740	745
6	Goa	118	81	0
7	Gujarat	1526	84	2
8	Haryana	521	214	10
9	Himachal Pradesh	295	204	4
10	Jammu & Kashmir	552	22	4
11	Jharkand	4477	1409	281
12	Karnatak	6242	3962	38
13	Kerla	3674	1663	30
14	Madhya Pradesh	27924	13292	2732
15	Maharashtra	9872	6231	1061
16	Manipur	497	27	2
17	Meghalaya	694	58	0
18	Mizoram	208	90	0
19	Nagaland	347	25	0
20	Orissa	12949	6563	1055
21	Punjab	1290	951	0
22	Rajasthan	4502	659	7
23	Sikkim	208	0	0
24	Tamil Nadu	18315	13581	337
25	Tripura	1181	249	83
26	Uttar Pradesh	26687	9651	0
27	Uttaranchal	2370	1482	38
28	West Bengal	9382	3404	199
29	A & N Islands	27	0	0
30	Chandigarh	27	0	0
31	D & N Haveli	27	0	0
32	Daman & Diu	27	2	1
33	NCT Delhi	303	0	0
34	Lakshdweep	27	0	0
35	Pondicherry	27	0	0
	TOTAL :-	206810	100403	7432
				7.40%

Source - Annual Report - 2000-2001 of Ministry of Rural Development.

ANNEXURE-5.VIII

**SCHEDULED TRIBE BENEFICIARIES UNDER THE NATIONAL
OLD AGE PENSION SCHEME (NOAPS)
YEAR: 2000-2001(PROVISIONAL) AS ON 22.12.2000**

(Rs. in lakh)

S.No.	States/U.Ts.	State Target	Total No. of Benf. Reported	Sch. Tribes
1	2	3	4	5
1	Andhra Pradesh	466000	498102	45475
2	Arunachal Pradesh	19365	0	0
3	Assam	280379	126170	6473
4	Bihar	549664	427860	5817
5	Chattisgarh	162400	131395	25674
6	Goa	2985	2195	0
7	Gujarat	60000	7682	8
8	Haryana	57244	16388	516
9	Himachal Pradesh	25272	24370	719
10	Jammu & Kashmir	33895	2634	1112
11	Jharkand	185084	136991	23904
12	Karnatak	316200	242126	6368
13	Kerla	149178	54266	797
14	Madhya Pradesh	436600	412964	82057
15	Maharashtra	444285	283942	56536
16	Manipur	27449	1022	26
17	Meghalaya	37678	7146	0
18	Mizoram	10525	8581	7366
19	Nagaland	27364	8076	4100
20	Orissa	343400	347470	76446
21	Punjab	41324	38475	538
22	Rajasthan	157536	90070	3291
23	Sikkim	10104	4904	6552
24	Tamil Nadu	350000	1959876	38492
25	Tripura	60412	29826	11752
26	Uttar Pradesh	839931	293435	339
27	Uttaranchal	43063	32429	576
28	West Bengal	353900	352635	14391
29	A & N Islands	1857	0	0
30	Chandigarh	1459	0	0
31	D & N Haveli	1260	0	0
32	Daman & Diu	265	259	88
33	NCT Delhi	26665	0	0
34	Lakshdweep	199	23	23
35	Pondicherry	5240	4102	0
	TOTAL :-	5528183	5545414	418436
				7.55%

Source - Annual Report - 2000-2001 of Ministry of Rural Development

ANNEXURE-5.IX

STATE-WISE LIST OF IDENTIFIED PRIMITIVE TRIBES

S. NO.	STATE	NAME OF THE TRIBE	S. NO.	STATE	NAME OF THE TRIBE
1	Andhra Pradesh	1. Gadaba 2. Gutob Gadaoa 3. Bodo Gadaba Poraja 4. Bondo Poraja 5. Khonod Poraja 6. Parengi Poraja 7. Kutia Khond 8. Dongria Khond 9. Kondasavara 10. Thoti 11. Chenchus 12. Konda Reddi 13. Kolams	9	Orissa	1. Didayi 2. Mankirdia 3. Lodhas 4. Kharia 5. Bondo 6. Dongria Khond 7. Juang 8. Kutia Khond 9. Lanjia Soura 10. Paudi Bhujans 11. Saora 12. Birhor 13. Chuktia Bhujia
2	Bihar	1. Asur 2. Birhor 3. Birjia 4. Korwa 5. Mal Paharia 6. Parhaiya 7. Savar 8. Sauria Paharia Patna 9. Hill Kharia	10	Rajasthan	1. Saharia
3	Gujarat	1. Kathodi 2. Kolgha 3. Padhar 4. Kotwalia 5. Siddi	11	Tamilnadu	1. Kattu Naickens 2. Kotas 3. Kurumbas 4. Irulas 5. Paniyas 6. Todas
4	Karnatka	1. Jenu Kurubas 2. Koraga	12	Tripura	1. Reangs
5	Kerala	1. Cholanaicken 2. Kurumbas 3. Kadar 4. Kihunayakan 5. Koraga	13	U. P.	1. Boza 2. Raji
6	Madhya Pradesh	1. Abujmarias 2. Baigas 3. Bharias 4. Pahadi Korwas 5. Kamars	14	West Bengal	1. Toto 2. Birhor
7	Maharashtra	1. Katkari/ Kathodi 2. Kolva 3. Madia Gond	15	Andaman Nicobar Islands	1. Shompens 2. Onges 3. Great Andamanese 4. Jarawa 5. Sentinlese
8	Manipur	1. Maram			

ANNEXURE-5.X

**STATEMENT SHOWING ALLOCATION OF FUNDS AND
EXPENDITURE INCURRED UNDER CENTRAL SECTOR SCHEME
OF DEVELOPMENT OF PRIMITIVE TRIBAL GROUPS (PTGs)**

(Rs. in lakhs)

S.No.	States	Implementing Agency	1998-99		1999-2000		2000-2001	
			Allocation of funds	Expendr	Allocation of funds	Expendr	Allocation of funds	Expendr
1	Andhra Pradesh	ITDP	117.19	84.52	217.33	NR		
		TRI	-	-	-	-		
		NGO						
2	Bihar	ITDP	100.00	NR				
		TRI						
		NGO						
3	Gujarat	ITDP						
		TRI						
		NGO	-		16.80	2.75		
4	Kerala	ITDP						
		TRI						
		NGO	8.15	8.15	25.63	NR		
5	Karnataka	ITDP						
		TRI						
		NGO	8.91	8.91	4.02	NR		
6	Madhya Pradesh	ITDP	100.00	82.00	132.32	NR		
		TRI						
		NGO			3.88	1.37		
7	Mharashtra	ITDP			15.00	NR		
		TRI						
		NGO						
8	Manipur	ITDP						
		TRI						
		NGO	4.65	4.65	9.70	9.74		
9	Orissa	ITDA						
		TRI						
		NGO	21.31	21.31	28.82	NR		
10	Rajasthan	ITDP						
		TRI	33.50	NR				
		NGO						
11	Tripura	ITDP	100.00	56.00	100.00	NR		
		TRI						
		NGO			8.87	NR		
12	Uttar Pradesh	ITDP			74.80	NR		
		TRI						
		NGO						
TOTAL:-			493.71	265.54	662.61	13.86	1250.00	-

ANNEXURE-5.XI

STATEMENT SHOWING STATE-WISE RELEASES UNDER SCA TO TSP AND UTILISATION DURING VIII
THE FIVE-YEAR PLAN UNDER ARTICLE 275(1)

S.No.	States/UTs	1995-96		1996-97		1997-98		1998-99		1999-2000		1995-2000		
		Amount released	Exp. reported	Amount released	Exp. reported	Amount released	Exp. reported	Amount released	Exp. reported	Amount released	Exp. reported	Amount released	Exp. reported	Balance remaining
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	ANDHRA PRADESH	480.50	480.50	-480.50	0.00	483.50	153.00	607.00	0.00	613.86	0.00	2595.38	614.00	1981.38
2	ASSAM	315.00	315.00	315.00	315.00	305.00	0.00	210.00	0.00	420.17	0.00	1585.17	830.00	935.17
3	BIHAR	725.25	0.00	725.25	0.00	841.75	0.00	483.50	0.00	967.23	1124.00	3542.98	1124.00	2418.98
4	GUJARAT	675.00	748.87	675.00	1354.16	625.00	1047.67	450.00	0.00	900.70	400.00	3325.70	3150.70	175.00
5	HIMACHAL PRADESH	24.00	0.00	24.00	24.00	108.00	8.00	16.00	0.00	31.92	0.00	203.92	32.00	171.92
6	JAMMU & KASHMIR	95.25	0.00	95.25	0.00	131.75	0.00	63.50	0.00	124.12	0.00	509.87	0.00	509.87
7	KARNATAKA	210.00	49.00	210.00	261.85	270.00	115.81	140.00	308.54	280.03	204.40	1110.03	939.40	170.63
8	KERALA	35.25	48.45	35.25	0.00	111.75	0.00	123.50	0.00	46.92	72.41	352.67	120.86	231.81
9	MADHYA PRADESH	1087.50	1684.47	1687.30	1907.47	1282.50	1380.25	2125.00	702.16	2250.96	0.00	9013.48	5664.35	3349.11
10	MAHARASHTRA	801.75	671.85	801.75	214.75	687.25	304.31	534.50	878.19	1069.75	0.00	3875.00	1869.10	2005.90
11	MANIPUR	69.00	0.00	89.00	0.00	123.00	121.95	69.00	22.95	92.41	0.00	422.41	144.90	277.51
12	ORISSA	771.00	771.00	771.00	771.00	857.00	257.00	514.00	514.00	1027.93	1027.93	3740.93	3340.93	400.00
13	RAJASTHAN	600.00	744.19	600.00	557.00	600.00	200.00	700.00	800.00	800.29	300.00	3300.29	2601.19	699.10
14	SIKKIM	9.75	9.75	9.75	0.00	103.25	3.25	9.75	24.36	13.29	113.38	145.79	150.74	4.95
15	TAMIL NADU	83.00	0.00	83.00	0.00	121.00	0.00	42.00	0.00	83.93	0.00	372.93	0.00	372.93
16	TRIPURA	93.75	93.75	93.75	93.75	231.25	0.00	162.50	331.00	124.74	124.74	705.99	643.24	62.75
17	UTTAR PRADESH	31.50	15.00	31.50	15.00	110.50	10.50	21.00	21.00	42.08	28.06	236.58	89.56	147.02
18	WEST BENGAL	417.75	417.75	417.75	311.83	339.25	138.25	578.50	278.50	556.75	0.00	2310.00	1147.13	1162.87
19	ARUNACHAL PRADESH	60.00	0.00	60.00	0.00	120.00	0.00	60.00	0.00	80.45	0.00	380.45	0.00	380.45
20	MEGHALAYA	166.50	186.50	186.50	166.50	255.50	0.00	166.50	0.00	221.88	0.00	976.88	333.00	643.88
21	MIZORAM	72.00	0.00	72.00	0.00	124.00	0.00	107.50	0.00	95.53	0.00	471.03	0.00	471.03
22	NAGALAND	118.25	116.35	116.35	166.25	138.75	138.75	316.25	316.25	155.06	51.89	842.56	739.19	103.37
	TOTAL	7590.00	6292.33	7590.00	8108.16	7600.00	3889.74	7500.00	3996.96	10000.00	3446.61	40000.00	23334.29	16666.71
	% OF EXP		83.90		87.44		51.86		52.29		34.48			58.34

ANNEXURE-5.XII

**YEAR WISE RELEASED MADE BY GOVT. OF INDIA UNDER THE
SCHEME OF INVESTMENT OF SHARE CAPITAL OF (TRIFED)**

Year	Amount released (Rs. in crores)
1988-89	7.00
1989-90	3.00
1990-91	8.00
1991-92	7.00
1992-93	7.00
1993-94	8.00
1994-95	9.00
1995-96	10.75
1996-97	10.75
1997-98	23.00
1998-99	6.00
1999-2000	0.025
Total	99.525

ANNEXURE-5.XIII

YEAR WISE RELEASE MADE BY GOVT. OF INDIA UNDER THE
SCHEME OF PRICE SUPPORT OPERATION TO (TRIFED)

(Rs. in lakhs)

Year	Allocation	Expenditure
1	2	3
1990-91	100.00	100.00
1991-92	100.00	100.00
1992-93	50.00	50.00
1993-94	50.00	50.00
1994-95	50.00	50.00
1995-96	50.00	50.00
1996-97	50.00	50.00
1997-98	50.00	50.00
1998-99	100.00	100.00
1999-2000	500.00	297.00

ANNEXURE-5.XIV

STATEWISE SCHEDULED TRIBES ELECTED PANCHAYAT REPRESENTATIVES IN THE THREE TIER SYSTEM

(Rs. in lakh)

S.No.	States/U.Ts.	Gram Panchayat		Panchayat Samiti		Zilla Parishad	
		Total	ST %	Total	ST %	Total	ST %
1	2	3	4	5	6	7	8
1	Andhra Pradesh	230529	15304 (6.6)	14644	803 (5.8)	1093	66 (6.0)
2	Arunachal Pradesh	Arunachal Pradesh Panchayati Raj Act not yet passed.					
3	Assam	30360		2564		845	
		Figures not current. Fresh Elections due since October, 1997					
4	Bihar	Post 73rd Amendment election not held in the State. Election issue sub-judice. Figures not available.					
5	Goa	1281				35	
6	Gujarat	123470	9550 (7.7)	3814	561(14.7)	761	114 (15.0)
7	Haryana	54346	0	2430	0	226	0
8	Himachal Pradesh	18264	672 (3.7)	1661	74 (4.5)	252	14 (8.6)
9	Jammu & Kashmir	73rd Amendment not applicable in the State. State proposes adopting 73rd Amendment.					
10	Karnataka	80627	7575 (9.4)	3340	169 (5.0)	919	47 (5.1)
11	Kerala	10270		1547		300	
12	Madhya Pradesh	474351	132638 (2.8)	9097	2780 (30.6)	1036	267 (25.8)
		Fresh elections held but latest data not available.					
13	Maharashtra	303545	35150 (11.6)	3524	453 (12.9)	1762	232 (13.2)
14	Manipur	1556	44 (2.8)	0	0	61	2 (03.3)
15	Meghalaya	Traditional Councils perform duties of local government. 73rd Amendment not applicable in these States.					
16	Mizoram						
17	Nagaland						
18	Orissa	81077	11823 (14.58)	5260	809 (15.4)	854	131 (15.3)
19	Punjab	71473	0				
20	Rajasthan	112897	15616 (13.8)	5494	804 (14.6)	1028	154 (15.0)
21	Sikkim	873	298 (34.1)	0	0	92	40 (43.5)
22	Tamil Nadu	125852	686 (0.55)	6499	41 (0.62)	648	3 (0.5)
23	Tripura	5421	704 (13.0)	196	26 (13.3)	70	7 (10.0)
24	Uttar Pradesh	799780	867 (0.11)	59991	135 (0.2)	2687	7 (0.26)
25	West Bengal	49225	3319 (6.74)	8520	582 (6.80)	716	50 (7.00)
26	A & N Islands	667				30	
27	Chandigarh	Current figures not available.					
28	D & N Haveli	135	103 (76.3)			16	11 (68.7)
29	Daman & Diu	63	17 (27.0)			15	3 (20.0)
30	NCT Delhi	NCT government propose conduct of Panchayat elections					
31	Lakshadweep	79	79 (100)	0	0	22	22 (100.0)
32	Pondicherry	120				16	
		Current figures not available. Post 73rd Amendment elections not held in the State.					
	TOTAL:-	2580261	235445 (9.1%)	128581	7237 (5.6%)	13484	1120 (8.3%)

Source - Annual Report - 2000-2001 of Ministry of Rural Development.

CHAPTER VI

PROBLEMS OF LAND ALIENATION AND DISPLACEMENT AMONG TRIBALS AND THEIR DEPENDENCE ON FORESTS

6.1 Tribals constitute more than 8 percent of country's population. Their number is more than four times the total population of countries like Australia or Canada. 83 percent of the tribals live in the central Indian mountain tracks between Gujarat and West Bengal, 12 percent in the North-Eastern region, about 4 percent in Eastern and Western Ghats and Nilgiri Hills in peninsular India and the remaining one per cent in North-Western region in the States of Jammu and Kashmir, Himachal Pradesh and Uttranchal.

6.2 Historical Background

6.2.1 The Central Indian region of tribal population has witnessed influx of immigrants since ancient times. Due to their rich natural resource base, this region has become the hub of industrial activity in the recent times. The tribes living in this region have been undergoing changes over the ages in their culture, economy and social organisation, under the influence of the immigrants. Some of the larger tribal groups of the region, such as Gonds, Bhils and Mundas etc. had formed their own kingdoms, which of course did not last long, falling before the superior forces of the Mughals, Marathas and eventually the British. The Britishers' avarice for revenue led to intrusion of non-tribal cultivators both in the tribal areas under their direct control as well as in the areas under the Zamindari and principalities. Since the revenue had to be paid in cash, it opened flood gates for merchants and money-lenders. As a result the tribal peasants began losing their agricultural lands to non-tribal cultivators, merchants and money-lenders, uprooting large sections from their ancestral lands, driving them further deep into inaccessible areas or turning them into tenants or bonded labour.

6.2.2 The ever-increasing exploitation of the tribals and alienation of their lands led to revolts and rebellion in many parts of the region. The Munda, Santhal, Rampa and Gond revolts are well known in this context. The response of the rulers was one of ruthless suppression followed by moves for conciliation. Accordingly, protective legislations were enacted to prevent tribal land alienation to non-tribal immigrants. Certain tribal areas were designated as 'excluded areas' with the stipulation that normal state laws would not apply in such areas. In the post-independence period the Govt. has followed a similar course of protective policies. Every state, having a scheduled tribe, has a law against alienation of tribal land to non-tribals with provision for restoration of tribal lands alienated after certain cut-off date.

6.2.3 The North-Eastern region, remained relatively free from immigration. The Brahmaputra valley and the plain area of Tripura, however, attracted immigrants from north Indian plains and Bengal. Following the partition in 1947, Tripura was flooded with immigrants from East Pakistan, now Bangladesh and the tribal population was reduced to a minority. But for this exception, the mountainous tracts of North-Eastern regions, inhabited predominantly by tribal communities, have generally remained inaccessible to immigrants from the plains. Following the annexation of Assam in 1826, the British were the first to penetrate the hills with a view to bringing them under their direct rule. The task, however, turned out to be a costly affair as one tribe after another put up fierce resistance and it took more than half a century before the British were able to establish

peace in the hills and introduce a semblance of administration with imposition of nominal house tax. The British generally followed a policy of non-interference in the economic affairs and socio-cultural life of the tribes. As a part of the same policy, an 'Inner Line Regulation' was adopted to prevent non-tribal outsiders from moving into the hills and settling down there. As a result of this policy of restriction on intrusion of outsiders, Arunachal Pradesh, Nagaland, Meghalaya, Mizoram and Manipur (along with Meities) have remained tribal majority States and the small non-tribal population, almost entirely urban, have nothing to do with land and its alienation. In the North-Western region, due to legislative restrictions and the harshness of climate, intrusion of the outsiders in the tribal areas has been minimal, which is also confined to trade and service and alienation of tribal lands to non-tribals is practically non-existent.

6.2.4 Historically most of the tribes in peninsular India depended on food gathering, hunting, fishing and forest produce for their livelihood. Few of them had moved to the stage of shifting cultivation and fewer still had taken to settled cultivation. In the post-Independence period, efforts have been made to settle them in agriculture by allotment of lands and by providing other inputs.

6.2.5 More than 90 per cent of the tribal population lives in rural areas and are almost entirely dependent on agriculture for their livelihood, supplemented by collection and sale of minor forest produce in the case of certain tribes. There are still a few tribal communities, such as Jarawas and Sentinelese, who are entirely dependent on forest resources for their sustenance. The available occupational classifications reveal that more than 87% of the tribal population have been depending on agriculture for their livelihood since 1961. However, the percentage of cultivators has reduced from 68.18% in 1961 to 54.50% in 1991 and the proportion of agriculture labour is increasing correspondingly. The North-East Region continues to report more than 80% of the tribals as cultivators and only about 3% as agricultural labour. This overwhelmingly heavy dependence of tribal communities on land and the experience of gradual inclusion of non-tribals in tribal areas by exploiting their gullibility and lack of understanding of monetized economy necessitated policy formulation and constitutional and legal provisions for prevention of alienation of tribal land and its restoration wherever such transfers had taken place in violation of the legal safeguards.

6.3 Constitutional Provisions for Prevention of Tribal Land Alienation

The Constitution of India has guaranteed a number of safeguards for the Scheduled Tribes. These are:

6.3.1 Article 19(5) of the Constitution provides that - Nothing in the sub-clauses (d) to move freely throughout the territory of India and (e) to reside and settle in any part of the territory of India - of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

6.3.2 The Fifth Schedule to the Constitution provides protection to the tribals against, inter-alia, alienation of their lands. Para 5 of this provision reads as follows:

"(1) Notwithstanding anything in this Constitution the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the

notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area.

In particular and without prejudice to the generality of the foregoing power, such regulations may –

- (a) Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;
- (b) regulate the allotment of land to members of the Scheduled Tribes in such area;
- (c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the governor may repeal or amend any Act of Parliament or the Legislature of the State or any existing law which is for the time being applicable to the area in question."

6.3.3 The Sixth Schedule relates to administration of tribal areas in the States of Assam, Meghalaya, Mizoram and Tripura where there have been traditional tribal councils. The provisions of Sixth Schedule were not extended to Nagaland in view of opposition from the local population. Under this provision Autonomous District and Regional Councils have been constituted and the ownership of community lands have been vested in such councils and they have also been empowered to regulate alienation of lands.

6.4 Laws and Regulations for checking alienation of tribal land

A number of steps have been taken at the State and Central level to provide adequate protection to Scheduled Tribes on land and other resources. All the States in Fifth Schedule areas, such as AP, Bihar, Gujarat, Orissa, MP, Maharashtra, Rajasthan and Himachal Pradesh have enacted Land Transfer Regulation Prohibiting transfer of tribal lands to non-tribals with provision of restoration of lands to the tribals in case of unauthorized transfers. The details of State Legislation may be seen in Annexure-6.I. The State-wise details are as follows:

6.4.1 Andhra Pradesh

In Andhra Pradesh, Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation I of 1970, 1971 and 1978 prohibits transfer of immoveable property belonging to Scheduled Tribes situated in the Scheduled Areas to anybody other than the members of STs or to a tribal cooperative society. The Regulation provides for eviction of illegal transfers in occupation of immoveable property after due enquiries by the competent authorities. The Regulation also provides for rigorous imprisonment up to one year or with fine up to Rs.2000/- or both for acquiring immoveable property in contravention of the provisions of the Regulation. In spite of such a law today the non-tribals own more than half the land in the Scheduled Areas of the States whether legally or illegally. The STs living outside the Scheduled Areas are yet to be protected by similar acts.

6.4.2 Bihar

In Bihar/Jharkhand there are three laws covering the Scheduled Areas but the protective measures vary from one area to another. The Bihar Tenancy Act of 1885 has disallowed transfer of land from Scheduled Tribes to non-Scheduled Tribes after due

amendments affected during 1952. However, there is no provision to protect the tribal cultivators from the unlawful transfer of their land to non-tribals.

6.4.3 Gujarat

In 1961, the State Govt. of Gujarat recognized the special land transfer problem of tribals. Therefore the Bombay Land Revenue Code of 1879, was amended and new sections 73 A and 79 A were introduced. Section 73A imposed a ban on transfer of land without the permission of Collector. Section 79A provided for summary eviction of unauthorized occupation of land. The State Government further amended the Land Revenue Code of 1879 by inserting new sections viz. 73 AA, 73 AB, 73 AC and 73 AD in the said Code and imposed fresh restrictions on transfer of land held by members of the Scheduled Tribe communities. Although, legislations have been enacted to protect the interest of tribals over their land from land alienation, these have not been effectively implemented.

6.4.4 Karnataka

Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain land) Act, No. 2, 1979 prohibit alienation of tribal land. This Act provides for restoration of alienated land to the SCs or STs as per rules governing it. The Assistant Commissioner has been given power to decide the matter relating to land transfers. In case it is not practicable to restore the land, the government may grant such land to any of the SCs or STs in accordance with the rules relating to grant of land. Whosoever acquires any assigned land without the previous permission of the government shall be punishable with imprisonment up to 6 months or with a fine up to Rs.2000/- or with both. All the offences under this Act shall be cognizable.

6.4.5 Kerala

The Kerala Scheduled Tribes (Restriction of Transfer of Lands and Restoration of Alienated Lands) Act 1975 was enacted to protect the land of Scheduled Tribes. The Act came into force in January 1982 and rules were framed in 1986. However, in spite of this Act, tribal land alienation continued. Illegal alienation has mostly taken place in Wayanad district and Attappadi region of Palakkad district. Hon'ble High Court of Kerala, directed the State Government to come out with a solution to the problem of tribal land alienation. Another Bill was framed and passed by Kerala Legislative Assembly. This Act contained a provision that non-tribals, who have acquired tribal land and are using the same for agricultural purposes, would be entitled to retain 2 hectares of the illegally possessed tribal land for his use. This provision was criticized widely as it was felt that this would deprive a large number of poor tribals of their land. The National Commission for SCs & STs also recommended the deletion of this provision from the Act. Hon'ble High Court of Kerala in August 2000 struck down this provision and directed the Government of Kerala to implement the original Act of 1975. The Chairman, National Commission for SCs & STs in his State Review meeting held on 8-9-2000 drew the attention of the State Govt. of Kerala to the large scale of alienation of tribal land. The Chief Secretary agreed that Kerala Government is committed to restoration of tribal land alienated by non-tribals by fraudulent means. It is recommended that Government of Kerala must take urgent action for restoration of tribal land to tribals.

6.4.6 Madhya Pradesh

To regulate the transfer and allotment of land the State of Madhya Pradesh has the Land Revenue Code of 1959, which repealed the various Tenancy Laws, including the MP Land Revenue Code, 1954. It has special provision to safeguard the interest of the rights of tribals over their land. Transfer of land is possible only with the written permission of the Collector. Further the land belonging to Scheduled Tribe cannot be

either attached or sold in execution of a decree or order. There is also provision in the Madhya Pradesh Land Revenue Code for imposing a penalty not exceeding Rs.5,000/- for contravention of the Code. In spite of this, alienation of tribal lands have been taking place. In Madhya Pradesh, restoration of land to poor tribals remains ineffective due to its selective implementation.

6.4.7 Maharashtra

After States reorganization, Maharashtra amended the relevant parts of the Maharashtra Land Revenue Code of 1966, which was the main legislation containing provisions preventing alienation of tribal lands to non-tribals without the permission of the Collector, by an ordinance issued on 6.7.1974 to provide restoration of tribal lands alienated in contravention of sub-section-2 of Section 36 of the Code of 1966. The benefit of restoration has been extended to cover the whole State and is not limited to the Scheduled Area. Following the ordinance, the State Govt. enacted another legislation called the Maharashtra Restoration of Lands to Scheduled Tribes Act (Act No. XIV of 1974) which provides for restoration of tribal lands alienated legally or illegally from 1957, in and outside the scheduled and notified areas. If the transfer of occupancy of a tribal land has taken place in favour of a non-tribal who was rendered landless by reason of acquisition of his land for a public purpose, only half the land involved in the transfer shall be restored to the tribal.

6.4.8 Orissa

To protect and safeguard the interests of tribals over land, the State Govt. of Orissa has enacted the Orissa Scheduled Areas transfer of immovable property (by Scheduled Tribes) Regulation 1956. Under Regulation 2 of 1956, the competent authority has been empowered to initiate proceedings suo-moto or on an application filed by any interested party and restore land to the tribal in case of illegally alienated land. The competent authority has been empowered to evict the persons in unauthorized occupation of land belonging to STs and provision has also been made for imposition of penalty and rigorous imprisonment for the offenders. To plug the loop holes in the laws and to prevent illegal alienation of tribal land in scheduled areas, the State Government has incorporated protective provisions in Regulation 2 of 1956 through an amendment in 1996-97 called the Orissa Scheduled Areas Transfer of Immovable property (by Scheduled Tribes) Amendment Regulation 1996. As per protective provisions, the tribals should retain at least 1 acre with him. Collectors have been given revisional powers for rectification of illegal orders passed by the original Court within five years, penalty rates have been enhanced from Rs.200/- to Rs.2000/- per acre for each year of unlawful possession of tribal land. The State Government in view of the enactment of the "Provision of the Panchayats (Extension to the Scheduled Areas) Act 1996, further proposes to amend Regulation 2 of 1956 by vesting powers to Gram Panchayat to settle and monitor the restoration and possession of tribal land, summary trial of offences and to make such offences cognizable. This has been approved by the Governor of Orissa and is awaiting Presidential assent. After Presidential assent, it will be possible to review all such transfers since 1956 and to prevent future transfers of land even from tribals to tribals in the scheduled areas to prevent the tribals from becoming landless.

6.4.9 Rajasthan

The State of Rajasthan has passed, the Rajasthan Tenancy Act 1955 and special provisions have been made under sections 42, 43 and 46 A of the Act to protect the interests of tribals. There is a complete ban on alienation of land of SCs & STs under Section 42 (b) of Rajasthan Tenancy Act. No land belonging to Scheduled Tribes can be

transferred to non-tribals without permission from the competent authority. As per Section 183 of the Act, the trespasser can be punished with imprisonment up to three years and a penalty up to Rs.20, 000/-. The minimum punishment is one month and the burden of proof that he has not committed trespass lies on the trespassers.

6.4.10 Tamil Nadu

In Tamil Nadu there is no law to prevent the alienation and restoration of tribal land. Under TN Land Reforms Act, the land assigned to tribal is not transferable for ten years and during this period it can be mortgaged but not sold. If a tribal wants to sell his land he can sell it only to a tribal and that too with the permission of the competent authority.

6.4.11 Uttar Pradesh

In Uttar Pradesh, there is a complete restriction on transfer of land by STs to non-STs without the permission of the Collector under the UP Zamindari Abolition and Land Reforms Act, as amended up to 1986. Section 210 and 204 were amended to provide for suo-moto action for forcible eviction and for non-accrual of tenurial rights due to adverse possession of tribal land. The law provides penalties to those who are encroaching upon the lands of the tribals, which ranges from 3 years imprisonment and a fine of Rs.3000/-. There is continuous updating of land records in tribal areas of UP. In the present Uttaranchal which was a part of UP land grabbing is wide spread in Tharu & Buxa area. The law enacted in 1982 has never been implemented.

6.5 The Status of tribal land alienation after Independence

6.5.1 There are many laws/Acts, but the progress of implementation is tardy and the alienation of tribal lands is continuing. 93% of the tribals live in rural areas and 87% of them depend on agriculture for their livelihood as cultivators or agricultural labourer. During 1961 to 1991 the percentage of ST cultivators are reduced from 68.18 percent to 54.50 percent and they are continuing to lose their lands. The condition of landless tribals is far worse as they are more vulnerable due to lack of employment and poverty. The problem of land owning tribals is also not much different because of the small size of average holdings. A large number of tribals have to migrate to other areas/cities in search of employment due to lack of jobs in their own areas. The State-wise details on alienation of tribal lands and its restoration, as on September, 2000 is given in Annexure-6.II.

6.5.2 It can be seen from Annexure-6.II that as on September 2000 the States had an alienated area of 8.55 lakh hectares. Only 84.67% of the cases were disposed of by the Courts and only 51.21% cases were decided in favour of Scheduled Tribes. From the 162650 cases decided by the courts in favour of the tribals, lands have been restored in 158297 cases. In Madhya Pradesh only 44.99% of the total cases filed in the Courts have been disposed off. In Maharashtra and Tripura only 44.69% and 30.48% cases respectively, have been decided in favour of Scheduled Tribes by the courts.

6.6 The Judgement of Supreme Court in the case of Samatha Vs. the State of Andhra Pradesh on Tribal Land Alienation

6.6.1 In a landmark judgement in the case of Samatha Vs. the State of Andhra Pradesh and others delivered by the Supreme Court on 11.7.97, it was held that Government lands, forest lands and tribal lands in the Scheduled Areas cannot be leased out to non-tribals or to private companies for mining/ industrial operations. The Supreme Court has stated that the Government cannot give mining lease in tribal areas to other than State agencies or tribals or co-operative societies consisting entirely of tribals. In cases where the State leases out the lands in the Scheduled Areas to the non-tribals in

accordance with the Constitutional provisions or as per directions of the Supreme Court, it transmits constitutional duties and obligations of improving social, economic and educational empowerment of the tribals to the concerned agency. As a part of administration of the project, the licensee or lessee should incur expenditure for reforestation and maintenance of ecology, maintenance of roads and communication facilities, supply of potable water, maintenance of sanitation, providing of employment to tribals and construction of hospitals and houses for the tribals in the Scheduled Areas. For this purpose, at least 20% of the net profits should be set apart as a permanent fund as a part of industrial/finance activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities like laying of roads etc. This 20% allocation would not include the expenditure for reforestation and ecology. The above obligations and duties should be undertaken and discharged by each and every person, industry, and licensee/lessee concerned so that the Constitutional objective of social, economic and human resources empowerment of the tribals could be achieved and peace and good governance in the scheduled areas is achieved. The Court also issued directions to all industrialists to stop forthwith operations within the Scheduled Areas except where the lease has been granted to the State undertaking and that they should report compliance to the Registrar of the Supreme Court within six months of the receipt of the judgment. It was observed that before granting lease for mining in the scheduled areas it would be obligatory for the State Governments to obtain concurrence of the Central Government which would constitute a Sub-committee consisting of the Prime Minister, Union Minister for Welfare, Union Minister for Environment and Forests for the purpose so that State's policy is consistent with the policy of the nation as a whole.

6.6.2 It has also been laid down that it would be open to the appropriate State Legislature, preferably after a thorough debate/conference of all the Chief Ministers, Ministers holding concerned Ministries and the Prime Minister and Central Ministers concerned to take a policy decision so as to bring about a suitable enactment in the light of guidelines laid down by the Supreme Court. This would ensure a consistent scheme throughout the country in respect of tribal lands within which national wealth in the form of minerals is located. A gist of the Samatha Judgement delivered on 11-7-1997 in Samatha Vs. State of Andhra Pradesh and Others (CA No.4601-02/1996) on mining leases or renewals in Areas under V Scheduled as violation of the Constitution is placed at Annexure-6.III.

6.6.3 The National Commission for SCs and STs wrote to the Chief Ministers of the States having scheduled areas for issue of suitable instruction in this regard. A copy of the d.o. letter written by the Chairman of the National Commission for SCs & STs to the Chief Ministers of the States having Scheduled Areas requesting them to issue suitable instructions in view of Supreme Court directives is placed at Annexure-6.IV.

6.7 Studies conducted on Land Alienation in Scheduled Areas

6.7.1 The TRI, Udaipur had conducted study in Six Villages of Dungarpur District on the prevalence of land alienation among tribals. It revealed 20 to 50% of land alienation. Tribal lands were transferred mainly to non tribal money lenders belonging to Kalal Caste and the process used in most cases was informal with no formal registration. It further revealed that before 1970, only 4 persons had mortgaged their land as against 14 during 1970-80. This problem was more among small land holders. The reason for sale is mortgage due to domestic expenses, past-debt, medical expenditure, marriage, litigation, education etc. The loss of land was more in Banswara and Udaipur Districts. Most of the land transfers were through informal agreements or without registration. In most of the

cases land was transferred to persons of general category, only in some cases SCs were involved. Only in about 1/3rd of the cases of purchase, land was transferred to tribals. Majority of tribals were unaware about the eligibility groups entitled under law to acquire tribal lands and maximum period of mortgage.

6.7.2 A recent study on "Tribal Land Alienation" conducted in 64 villages in the undivided Koraput district by two voluntary organizations namely the Council of Professional Social Workers (CPSW), Bhubaneswar and the Integrated Rural Development of Weaker Sections in India (WIDA) Koraput revealed that 42.47% of land alienation covered under the Study was affected through mortgage, 38.30% through sale, 10.50% through benami transactions and 6.96% through forcible occupations. It has identified poverty, social functions, loan repayment, construction of house, agriculture drought, purchase of new land, liquor, court/police cases, cattle purchases, etc. as the cause for land alienation. For want of survey and settlement operations in most of the tribal areas, proper land records are not maintained which deprives them of availing credit facilities from commercial/cooperative banks. Due to this moneylenders and vested interest usurp their land. The Revenue and Civil Courts also face difficulty to uphold the rights of the tribals in the absence of up to date land records. During the Ninth Plan a sum of Rs.1967.00 lacs was proposed to carry out the survey and settlement operations. During 1999-2000 a sum of Rs.216.00 lacs was spent for completion of survey and settlement operations in 94 villages in TSP areas. During 2000-01 a sum of Rs.214.81 lacs was proposed for survey and settlement operations in 185 villages. A sum of Rs.10.81 lacs was spent out of SCA during 1999-2000 for assisting the tribals whose land was restored under regulation 2 of the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Act.

6.7.3 The Ministry of Rural Areas and Employment had commissioned several State specific studies on land alienation and the reports from seven states AP, Bihar, MP, Gujarat, Rajasthan and Maharashtra confirm that massive alienation of tribal lands continues in tribal regions in all parts of the country. An estimated 25% of alienation has been by the State for mining, industries and other projects. The estimate of displaced tribals varies from 20 million (9th Plan Mid-term Appraisal) to 9 million (Fernandes). The areas alienated in terms of acre is 9.17 lakh and area restored is 5.37 lakh as per Planning Commission as on January, 1999.

6.8 Panchayats in the Tribal Areas

6.8.1 The Parliament passed the Panchayats (Extension) to Scheduled Areas Act, 1996 extending the operations of Panchayat Act to the Scheduled Area of the country, which is also known as the Central Act 40. This Act accords statutory status to Gram Panchayats in the Scheduled Areas with wide ranging power and authority along with recognition of the traditional practices and customary laws. The management and control of all the natural resources like land, water and forests are vested in the hands of the people living in the Scheduled Areas. All the concerned State Govts. were required to amend their Panchayat Legislations in accordance with the provision of the Central Act, before 23-12-1997. The Central Act 40 stipulates prevention of alienation of land and for taking appropriate action to restore any unlawfully alienated land of a Scheduled Tribe. It also states that Gram Sabha and Panchayats at the appropriate level will have the power to exercise control over institutions and functionaries in all social sector. Even non-governmental institutions and functionaries are covered under the provisions. Before acquiring any land in the Scheduled Areas for development purposes, prior consultation with the Gram Sabha has been made mandatory.

6.8.2 Implementation of PESA Act 1996 by States

In Andhra Pradesh power to prevent alienation of land rests with the Gram Panchayat or Gram Sabha. The Maharashtra state has given only recommendatory powers to the Panchayats and Gram Sabha on this matter. Orissa Govt. has entrusted the control and supervision of the Gram Panchayat to the Gram Sasan for exercise of its powers and functions within the local limits. The State of Gujarat, Himachal Pradesh and Madhya Pradesh do not appear to have made any amendment to this effect. The State of Bihar could not carry out the amendment due to Special Leave Petition in relation to the Judgement of High Court of Patna striking down certain provisions regarding reservation in the Bihar Panchayat Raj Act, 1993. The State Government's stand is that the provision contained in the Central Act 40 is already in existence in the State Panchayat Act. In Rajasthan, the conformity legislations are yet to be implemented.

6.8.3 There is a provision in section 1 of the Central Act that before making acquisition of land for development projects and before rehabilitation of displaced persons, the Gram Sabha or the Panchayat at the appropriate level should be consulted. The planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level. The State of Andhra Pradesh has assigned this responsibility to the Mandal Parishad (Middle Tier) and in Gujarat the taluka panchayat has been given this responsibility. Himachal Pradesh, Madhya Pradesh and Maharashtra have followed the provisions scrupulously. In Orissa, it has been assigned to Zila Parishad. There are also mandatory provisions for prior consultation with the Gram Sabha or the Panchayats at the appropriate level for grant of concession for the exploitation of minor minerals by auction.

6.8.4 Suggestion by Planning Commission

The Steering Committee on Empowerment of STs in the meeting held on 25.5.2001 in the Planning Commission for the formulation of Tenth Five Year Plan (2002-07) expressed the view that for proper empowerment of the tribals at the grass root levels, the PRIs/Local Bodies and Gram Sabhas should be effectively empowered in accordance with the provision of PESA Act, 1996. The committee also proposed for amendment of Land Acquisition Act and Coal Bearing Areas Act as suggested in the Bhuria Committee Report (1995) and PESA Act 1996. Specific Laws and Policies should be made for certain categories among STs like shifting cultivators, forest villages and primitive tribal groups. Since the displacement of tribal land is due to entry of outsiders and industrialization-cum-urbanisation, policy should be framed for STs to ensure their security of tenure, protection from vested interest and from unnecessary litigation. Land should be treated as property and all resources in the tribal areas be governed under customary laws. The Fifth Schedule to the Constitution relating to the protection of tribals against all forms of exploitation has not been fully operationalised. The functioning of the administration in the Scheduled Areas needs review. The sub-group has recommended for rationalization of the Scheduled Areas and to bring areas of tribal concentration in other States also within the fold of scheduled areas to provide effective protection and promoting development through economic programme, under TSP. The administrative recognition of the TSP areas should also be taken up so that there are viable administrative units through which the protective measures can be ensured and developmental programmes can be effectively implemented.

6.8.5 Suggestions for protection of Scheduled Tribes against land alienation

The Commission makes the following recommendations for Protection of Scheduled Tribes against alienation of their lands and its restoration in case of illegal alienation:

- (i) NGO's should be encouraged to take up cases of tribal alienation and assistance like legal aid provided by ITDPs/ ITDAs. Monitoring and evaluation should be entrusted to Commissioner of Tribal Welfare with assistance by TRF's.
- (ii) Effective implementation of the provisions of section 4(1) of Panchayats (Extension to Scheduled Areas) Act, 1996 regarding prior consultation with the Gram Sabha or the panchayat before making acquisition of land for development projects and before rehabilitating persons affected by such projects in the Scheduled Areas.
- (iii) National Resettlement and Rehabilitation policy should be urgently finalized to protect the interests of people affected by developmental projects in Scheduled Areas as well as non-Scheduled Areas.
- (iv) The Ministry of Rural Development has constituted an Expert Group under the Chairmanship of Shri B.N. Yugadhandar, IAS, Former Secretary for preparing a Draft Model Law on Tribal Land Alienation. The expert group should look into matters like land alienation by Scheduled Tribes to private individuals, recording of land belonging to Scheduled Tribes, the disputes relating to lands in forest areas before 1980 and regularization thereof. **National Policy on rehabilitation and re-settlement should be framed immediately to protect the interests of STs and others keeping in mind that alienation of land is not merely a transfer of ownership but it has to be seen as a loss of economic rights of lower order and gain of social power and economic efficiency of higher order.**

6.8.6 An aboriginal leader from Australia has beautifully summed up the relationship between tribals and land which is equally applicable in the case of tribals in India. It reads as follows:

" My land is my backbone.....I only stand straight, happy, proud and not ashamed about my colour because I still have land. I can dance, paint, create and sing as my ancestors did before me..... My land is my foundation; I stand, live and perform as long as I have something firm and hard to stand on. Without land..... we will be the lowest people in the world, because you have broken down our backbone, took away my arts, history and foundations. You have left us with nothing".

6.9 Displacement of Tribals

Due to displacement both from their land & natural habitat the survival of tribal communities is threatened. It is not only the non-STs who have contributed to problem of land alienation of the tribals but the States' role also needs to be explored. The State, which is supposed to protect their interest, has immensely contributed to their exploitation. The present situation is the outcome of the location of industrial and other development projects in the tribal areas which in mineral and other natural

resources. It was felt that industrialization would pave the way for all round benefit. However, economic development due to industrialization has only enriched existing rich persons who command the resources and power. The poor tribals were not only deprived of the fruits of development but were also uprooted from their land & natural habitats. While big projects were set up in these areas, the benefits did not reach the local inhabitants.

6.9.1 Industrial projects in tribal areas

Vast areas of tribal lands have been acquired under the Land Acquisition Act and still are being acquired for industrial and infrastructure development as per the planning policy of the country. By way of illustration, it may be mentioned that in Bihar, due to large scale industries, irrigation and power projects, mining and urbanization in huge tracks of lands in the Scheduled Areas were acquired because it was most suited for these projects. Chotanagpur area has the richest deposits of minerals with huge reserves of coal, iron ore, mica, bauxite, china clay and many other minerals. In the 1950s about 18873.91 acres of lands were acquired for Mayoorkashi Dam, Panchet Dam etc. which uprooted about 9439 Scheduled Tribe families. In the 1960s the Bokaro Steel City Complex and Tenughat Dam claimed 34226.78 acres and 97843 acres respectively. Adityapur Industrial Complex claimed 3442 acres. Heavy Engineering Corporation (HEC) in Ranchi was constructed on 5433 acres, displacing the Scheduled Tribe families. For Heavy Engineering Corporation, Hatia (Ranchi) the Govt. acquired 718753 acres agricultural land of which 3892.61 acres belonged to the tribals. However, in the scheme for rehabilitation, the non-tribals got hold of most of the jobs in this Corporation and built their colonies in the acquired land. The displaced tribals many of whom became landless and homeless could not get any job. The Govt. of Bihar acquired about 500 acres of fertile land mostly of the tribals and gave it to Bihar State Housing Boards against the will of the owners. These houses were allotted to mostly to outsiders. The Bombay High Court has ruled that acquisition for cooperative housing as illegal as these do not come under the purview of public purposes. As per available information the members of the cooperative society are outsiders. The Agricultural Marketing Board acquired 65 acres of land and 55 landowners were Scheduled Tribes. The total number of posts in the board was about 48 in different ranks. Only 10 STs (one from each family) could get a job and that too mostly in the lower grades. Outsiders cornered all other posts. The extent of destruction of forests shows that in the year 1961, 31352 sq. kilometers, in 1971, 29323 sq. kilometers, in 1981, 29232 sq. kilometers and in 1991, 29226 sq. kilometers forestlands were destroyed/acquired for various projects. The annual income from the forest has also considerably gone down from the year 1988-89 from Rs.61.00 crores to Rs.51.00 crores in 1990-91 and further to Rs.40.00 crores in 1991-92. The industrial landscape of tribal areas has undergone considerable change in the recent years mainly due to steel plants in Jamshedpur, Bokaro, Ranchi and coalfields in areas like Dhanbad and Ramnagar (Source: Publication of TRI Ranchi).

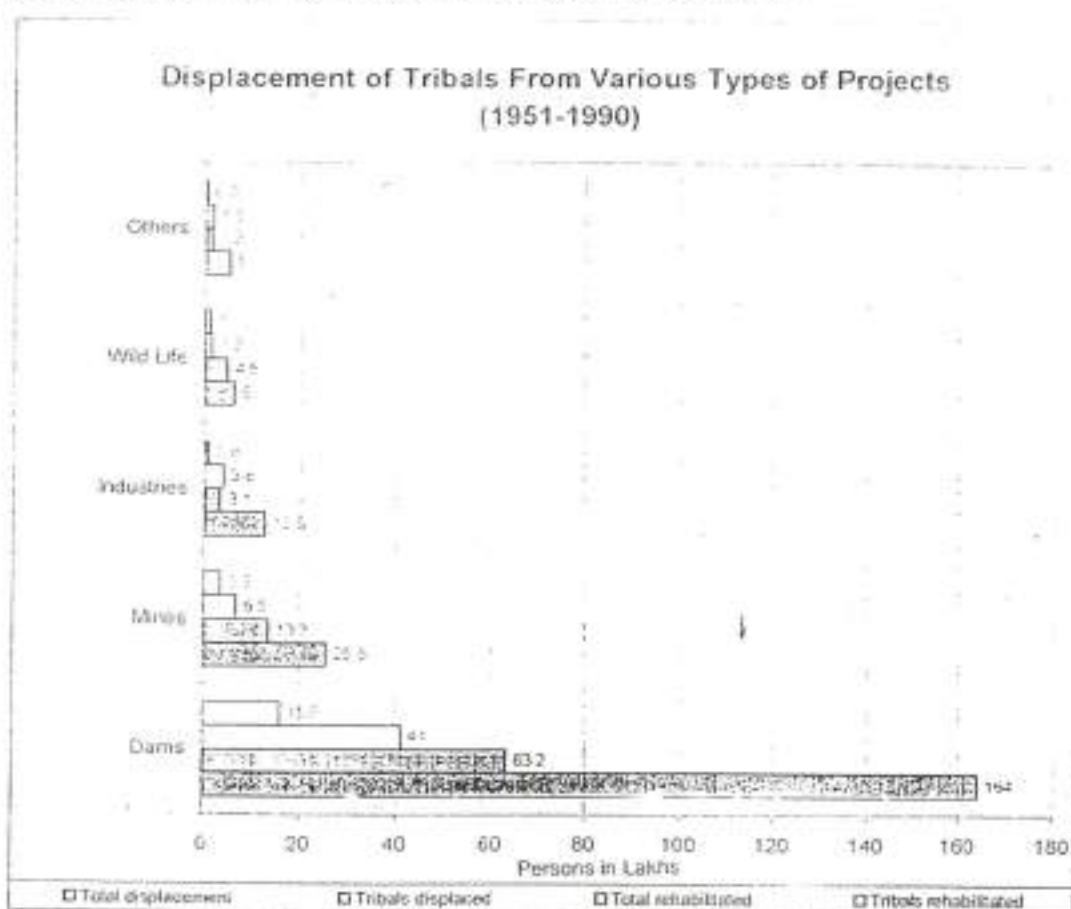
6.9.2 There are many important public sector undertakings and Private Industries in other tribal and scheduled areas of the country. All these industrial units are placed in the mid of predominantly tribal areas. Out of total 213 lakh displaced persons (1951-1990), 85.4 lakh are STs. They constitute about 40.1% of the total displaced persons. From the total 53.8 lakh-rehabilitated persons, 21.2 lakh i.e. 39.4% belong to STs. The details of displacement under various types of projects are given below:

Table indicating displacement of tribals from various types of projects (1951-1990)

(Persons in lakhs)

Type of project	Total displacement	Tribals displaced	Total rehabilitated	Tribals rehabilitated
Dams	164.0	63.2	41.0	15.8
Mines	25.5	13.3	6.5	3.3
Industries	12.5	3.1	3.8	0.8
Wild Life	6.0	4.5	1.3	1.0
Others	5.0	1.3	1.5	0.3

Source: Tribes in India by Planning Commission (A Data Sheet)



The Sardar Sarovar Project

6.9.3 The Sardar Sarovar Project has been in the news for more than 50 years. This is an inter-State venture encompassing four States namely: Gujarat, Maharashtra, Madhya Pradesh and Rajasthan. The project covers an area of 13385 hectare forest area, 11279 hectare cultivable area and 12869 hectare riverbed, barren and uncultivable area. A total of 244 villages would be sub-merged (in Madhya Pradesh 192 villages, Maharashtra 33 villages and in Gujarat 19 villages). The affected families due to the project are 4600 in Gujarat, 3213 in Maharashtra and 33014 in Madhya Pradesh. The number of affected

persons of the project would be 18,000 in Gujarat, 19650 in Maharashtra and 89796 in Madhya Pradesh. About 18,000 project affected persons in MP will lose only houses and not agricultural land. Of the remaining 22827 families in all three states, about 19700 are likely to resettle in Gujarat, about 2200 in Maharashtra and about 900 in Madhya Pradesh.

6.9.4 The Gujarat Government will provide rehabilitation and civic amenities to the oustee families from MP and Maharashtra who are willing to settle in Gujarat. Every PAF from whom more than 25% of their land holding is acquired will get irrigable land to the extent of land acquired subject to a minimum two hectares (5 hectares) per family and subject to the maximum prescribed land ceiling law. Every major son will be treated as a separate family. Resettlement grant and grant-in-aid would be Rs.750/- and up to Rs.500/- per family respectively. Further drinking water well for every 50 families, a primary school with three rooms to cater to 100 families, a Panchayat Ghar, a Dispensary, A Seed Store, A Children's Park and village pond for every 500 families would be provided. In addition to this, 30% of additional area would be provided for road, Govt. buildings, open space etc. Every family as per RR Packages of Gujarat would be provided Rs.45,000 for the construction of a Core House, in addition to a free house plot of 500 Sq. Mt. and subsistence allowance of Rs.4500 per family. For productive assets like bullocks and agriculture equipments an amount of Rs.7000 per family has been provided. Electrification would be free of cost. There is a provision for insurance coverage for house, death, personal accident etc. The rehabilitation packages is much more progressive. State Govt. of Gujarat has purchased/acquired 26258 hectares of land as on 31-12-2000 for allotment for settlement to tribal. 17205 hectares of total land has been allotted to PAFs. Balance land available for allotment is 9035 hectares and additional land available is 1145 hectares. Number of families resettled in Gujarat is 8681.

6.9.5 A Writ Petition challenging the construction of this Dam was filed in the Hon'ble Supreme Court of India by the Narmada Bachao Andolan (NBA), in 1994. The Writ Petition has been disposed of by the Supreme Court by majority judgement on 18.10.2000 directing that the construction of the dam will continue as per the Award of the Tribunal and that construction of 90 mts can be undertaken immediately and also that further raising of the height will only be pari passu with the implementation of R&R and clearance by R&R sub group in consultation with the three Grievances Redressal Authorities and the Environment Sub-Group.

6.9.6 In view of the Supreme Court Judgment the Govt. of Gujarat in February 1999 constituted a High Level Autonomous Authority called Grievances Redressal Authority (GRA) for Sardar Sarovar Project Affected Persons to monitor resettlement and rehabilitation work undertaken by the Govt. of Gujarat. The affected persons in different States could get redressal of their grievances through this Forum. Accordingly Justice P.D. Desai was appointed as Chairman of GRA. Any PAF who is aggrieved can approach this authority and the directions of the GRA are binding on the concerned State Govt. The Supreme Court has ensured a permanent authority for proper implementation of R&R and other welfare measures. A separate organization has been set up by Govt. of India under the Ministry of Water Resources namely Narmada Control Authority under the provision of NWDT to monitor and oversee the proper implementation of Resettlement and Rehabilitation of the PAFs by the State Govt.

6.9.7 A separate sub-group under the Chairpersonship of the Secretary to Govt. of India, M/o SJ&E has been set up which reviews the status and quality of R&R and also visits various sites and the affected villages. The Supreme Court has expressed its

satisfaction at the action taken by the State Govt. of Gujarat for the implementation of the award of the tribunal.

6.10 Certain intervention by the Commission

6.10.1 Action taken by the Commission in Karnataka for Rehabilitation of tribals displaced due to projects

In Karnataka, displacement of tribals had taken place due to construction of Kabini Reservoir in H D Kote Taluk and setting up of National Parks at Bandipur and Nagarhole in Mysore and Coorg districts. The tribals of HD Kote Taluk of Mysore district and Madikere district have been fighting against their forcible eviction from the forest and their non-rehabilitation since many years. The President of Swami Vivekananda Youth Movement, Mysore, brought to the notice of the Commission in February, 2000 the plight of the tribals due to above mentioned projects. The Commission held high-level meetings with the officers of the Govt. of Karnataka and with the NGOs concerned in this regard. Due to constant monitoring by the Commission the State Govt. has agreed that adequate land would be provided for rehabilitation of the 154 displaced families due to construction of Kabini Reservoir and due to formation of Bandipur National Park. The rehabilitation package has also been finalized to provide basic necessary facilities and the requisite funds have been allocated by the Welfare Department for provision of drinking water, schools, health facilities, roads, etc.

6.10.2 In respect of rehabilitation of tribals displaced under Nagarhole National Park, there was some problem in identifying suitable land in Coorg district. 1550 families were affected due to formation of this Park and are living in 25 settlements in Mysore area and 29 settlements in Coorg area. The Forest Department has proposed 1931 hectares of land for their rehabilitation in Hunsur Taluk of Mysore district where the houses are being constructed along with development of agricultural land.

6.10.3 Certain instances of acquisition of tribal land by State Govts. for development projects in violation of the Constitutional Safeguards and the provisions under Panchayat Raj (Extension to Scheduled Areas) Act, 1996 which came into force with effect from 27.12.1997 have come to the notice of the Commission. This Act has specific provisions relating to the rights of the Gram Sabhas to be consulted before acquisition of lands in the scheduled areas and with regard to rehabilitation measures. But these provisions are not being strictly followed because of ignorance of the provision of the Act among the officers as well as among the tribals and several other reasons. Two specific cases were brought to the notice of the Commission. In the construction of Hiranar Steel Project in the Scheduled Areas of Madhya Pradesh by NMDC and in construction of Mansi Wakal Dam Project in Scheduled Areas in Rajasthan, where the Gram Sabhas were not consulted. Collectors of both districts were advised to ensure implementation of provisions of PESA Act. The Commission held a high level meeting on 7-3-2001 with the representatives of senior officers of the concerned Ministries like Rural Development, Mines, Tribal Affairs, etc. on violation of the Constitutional provisions. Ministry of Rural Development's representative informed that with a view to sensitize the senior officers, like Collectors etc. workshops were being arranged in Institutions like NIRD, Hyderabad and the LBSNAA at Mussoorie to generate awareness about the provisions of Panchayat Raj (Extension to Scheduled Areas) Act, 1996 and Central Act 40. As a result of Commission's intervention, the Hiranar Steel Project has since been given up and the Commission is pursuing with the authority for following the legal provisions in respect of Mansi Wakal Dam Project in Rajasthan.

6.10.4 In another instance, the field office of the National Commission for SCs & STs, Hyderabad brought to the notice of the Commission in May 2000, the matter regarding leasing of areas for extraction of Bauxite in a Joint Venture with a multi-national corporation in the scheduled areas of Andhra Pradesh. The State Govt. of Andhra Pradesh had proposed taking up prospecting and exploitation of Bauxite in the scheduled areas of Visakhapatnam and East Godavari Districts of Andhra Pradesh with private sector partnership in a joint venture with AP Metals and Minerals Development Corporation. Clause 5 of Fifth Schedule to the Constitution provides that no regulations shall be made under this Schedule unless the Governor has consulted the Tribes Advisory Councils. The Commission through its field office participated in this important policy matter. The State Govt has since dropped this proposal in view of stiff opposition.

6.10.5 Action taken by the Commission for regularization of Forest Areas for the benefit of tribals in Madhya Pradesh

An interesting case came to the notice of this Commission in which no less than the State Government desired the intervention of this Commission to safeguard the interest of Scheduled Tribes. The Govt. of Madhya Pradesh submitted a proposal in December 1995 to the Ministry of Environment and Forest for regularizing the encroachments made by the poor tribals in the forest areas prior to 24-10-1980, when the Forest Conservation Act came into effect. The area identified for regularization was 1.81 lac hectares among 1.48 lac beneficiaries who became unauthorized occupants as a result of the passing of Forest Conservation Act 1980. The State Govt. sought the National Commission's intervention in March 1999. The Commission held 7 meetings with the representatives of the State Govt., Ministry of Environment and Forest and other concerned Ministries.

6.10.6 After continuous persuasion and monitoring, Ministry of Environment and Forest has given approval for regularization of encroachments in the States of Madhya Pradesh and Chhattishgarh as follows:

- i Diversion of 63966.33 hectares of forest lands in favour of 46652 families for regularization of pre 1976 encroachments.
- ii Regularisation of encroachments on forest land which took place between 1-1-1977 to 6-3-1979 in favour of those encroachers who met the eligibility criteria etc.

The Ministry of Environment & Forests expressed its difficulty in respect of encroachments made during 7-3-1979 to 24-10-1980, covering 9281 families with 12,000 hectares as the State Govt. could not produce any evidence of having taken any decision to regularize such encroachments during this period. The approval for regularization of encroachment has been given subject to the State Govts. fulfilling certain conditions relating to compulsory afforestation, eligibility criteria etc. This matter is being pursued by the Commission so that genuine interest of tribals is protected.

6.10.7 As is evident many industrial units and projects are situated in the midst of predominantly tribal areas. The Relief and Rehabilitation Packages stipulate that development of roads, schools, colleges, library, recreation center, development of drinking water sources and agricultural land is part of the rehabilitation schemes for tribals displaced due to major projects. This is in addition to the provision of employment to one able-bodied person from each displaced family. The Tribal Research Institutes under the Ministry of Tribal Affairs should undertake surveys/studies on the extent of development activities undertaken around the project areas inhabited by the tribals and the resultant benefits

derived by the tribals. The existing projects/industries operating in the Scheduled Areas or in areas inhabited by tribals should contribute a portion at least 20%, of the profits for the development of local scheduled tribes and the areas.

6.10.8 A Workshop was held in NIRD, Hyderabad in 1999 on tribal land alienation and displacement of tribals the following useful suggestions relating to displacement can be considered by the implementing agencies:

- (i) The tribal land acquired for the public purpose by the State Govt. should not be transferred either on sale or lease to any private parties or multinational companies.
- (ii) Land acquired in the Scheduled Areas but not utilized for the purpose it is acquired within a reasonable period, must revert back to original tribal owners.
- (iii) Private companies, which work for profit, should not be covered under the guise of acquisition for public purposes.

6.11 Forests & Tribals

Tribals and forests have a symbiotic relationship. Forests provide them food, fodder, fibre, fuel and house building material. They have a strong emotional attachment with the forest for their livelihood as well as for religious beliefs. It is also grazing ground for their domesticated animals. Shifting cultivation has been widely practiced by over 6 lakh tribal families in 16 states as per 8th Plan Working Group Report on the Development and Welfare of Scheduled Tribes. About 10 million hectares in tribal and hilly areas are affected by shifting cultivation. Saharias, Baigas and Hill Korbas in Madhya Pradesh, Konda Reddies in Andhra Pradesh and Juangs in Orissa and tribals in the North Eastern States practice shifting cultivation. The tribals are mostly hunters and food gatherers and their needs relate to procuring forest products for self-consumption.

6.11.1 Forest Laws

The importance of forests as a source of State Revenue is the outcome of the British Imperialism in India. The first legislation was enacted in the year 1855 to protect the British interests for timber extraction, as it was a good source of revenue. This was later replaced by the Forest Act, 1865. Further amendment to this Act in 1878 divided the forest into Reserve Forest, Protected Forest and Village Forest. Through this Act the Govt. restricted the movement of the forest dwellers. The Forest Policy was promulgated in 1894. This policy laid stress on environmental conservation, revenue and commercial aspects of forests. It was clearly maintained that the State Administration of the forest was for public benefit thereby implying that restrictions could be imposed on the rights of the tribals. Thus, this policy of the British deprived tribals and rural landless of their source of livelihood. This was the beginning of a change in the outlook towards forests resource to the exploited for the benefit of the State.

6.11.2 The National Forest Policy 1952, while retaining the fundamental concepts of the earlier policies, stressed the need to preserve the existing forests and placed the optimum requirement of forest at 33% of the total geographical area. It thus curtailed tribal's rights by discouraging them from shifting cultivation without providing them alternatives and also by restricting free grazing through the introduction of grazing fees. Hence, post independence legislation was more stringent than the earlier legislation. The National Conservation Act in 1970 came to the conclusion that deterioration of the forest cover primarily was due to forest dwellers, mainly tribals. Hence, further restrictions were imposed on tribal rights. Notable among these is the regulation of the "Nishtar Rights",

i.e. rights of the forest dwellers over some of the Minor Forest Produce (MRP). Unemployment and under-employment was considered to be the major cause of encroachment of the forests. The Forest Conservation Act, 1980 puts a blanket ban on use of any forest land or any portion thereof for non-forest purposes. The Report of the Committee on Forest and Tribals in India with Prof. D.K. Roy Burman as its Chairman submitted its report to Govt. of India in 1982. The Committee emphasised the symbiotic relationship between forest and forest dwellers and need for full participation of the local inhabitant in the reforestation and afforestation programmes. It clearly stated that there can not be any development of forest without the development of forest dwelling communities. The Forest Conservation Act, 1980 was felt to be a hindrance for undertaking developmental works for large number of tribals living in forests which deprived them of basic infrastructure facilities, like roads, dispensaries, schools etc.

6.11.3 The New National Forest Policy 1988 tried to restore the balance as may be seen from the broad objectives of the policy given below:

- (i) Association of tribal people in protection, regeneration and development of forest and to provide gainful employment to people living in and around forests.
- (ii) Replacing private contractors with Government agencies like tribal cooperatives, labour cooperatives, Govt. corporations etc.
- (iii) Marketing arrangements.
- (iv) Development of forest villages on par with revenue villages.
- (v) Implementation of family oriented beneficiary programmes.

6.12 The basic issues relating to co-existence between forest and tribals

6.12.1 Minor Forest Produce

The Tribals from times immemorial have been dependent on forests for their requirements. Studies have shown that MFP account for 50 to 70% of the food requirements of certain tribal communities. They collect a variety of MFP for their own use and to sell them in the market either for cash or kind. Traditionally the tribals were forced to sell their products to private traders at very low rates. Cooperatives Societies and Corporations were set up to protect the tribals from exploitation. The aims of the Tribal Development Cooperatives Corporation and also Large Size Multi Purpose Cooperative Societies for the welfare of Scheduled Tribes are to reduce exploitation of tribals by middlemen. But due to inadequate working capital, imperfect organization, poor management, lack of participation of scheduled tribals the functioning of the Corporations has not been found satisfactory. The Tribal Corporations purchase forest produce from the tribals at reasonable prices and provide them with necessities like Ragi, Rice, Salt, Kerosene, cloth, etc. at a fair price. The LAMPS were created during the Sixth Plan Period for purchase of MFP and surplus agricultural produce, supply of essential commodities, agricultural inputs, provision of production and consumption credit, either by converting the existing primary agricultural cooperative societies or by organizing new LAMPS at block level so as to cover a population of atleast 10,000 in a compact group of villagers with minimum coverage of 10,000 acres of agricultural land and an annual short term credit potential of Rs.51 lacs. However, due to poor recovery the LAMPS have huge outstanding loans. The National Bank for Agriculture and Rural Development (NABARD) extend credit facilities for strengthening the LAMPS for ensuring steady flow of credit in favour of tribals. The Eight and Ninth Plan Working Group Report on Welfare and Development of Scheduled Tribes have also made many

useful recommendations in this regard. However, there the Tribal Co-operative Marketing Development Federation (TRIFED) was set-up in 1987 to ensure fair economic price for the produce grown/ collected by the tribals and to check their exploitation by the vested interests. TRIFED has its Net work for collection, processing and marketing of forest and agricultural commodities for tribals in the country. There is a proposal to enhance the authorized share capital of TRIFED from Rs. 100 crores to 300 crores. The TRIFED has however, to make any significant contribution to economic upliftment of the tribals. The reason being the command over resources are slowly depleting due to dwindling of forest resources and invasion by outsiders. Some of the important items, because of their commercial value, have been excluded from the list of MFP. In the mid-term appraisal of the 9th Five Year Plan the Planning Commission has stressed the need for inclusion of three items namely cane, bamboo and mahua seeds under MFP list as the livelihood of millions of tribals is connected with these items, it is essential that they be restored as MFP. The State-wise position is as follows: -

(i) Gujarat

The Commission during the review meeting of Gujarat suggested that marketing of MFP, especially collection of Tendu Patta leaves, should rest with the tribals and the Panchayats should not be involved in the sale and purchase of Tendu Patta. The STs should be given the price of tendu patta at market rates and whatever profit State Govt earns out of the sale of tendu patta should be distributed among the ST pluckers of tendu patta. The rate of tendu patta is higher in Gujarat in comparison to MP and Maharashtra. The village panchayats have authorized the district panchayats to auction the tendu patta. Whatever profits are earned would be distributed in the district on the basis of population and area. The State of Gujarat proposes to study the marketing of tendu patta being followed by Madhya Pradesh and Maharashtra and adopt the system best suited to them.

(ii) Kerala

In Kerala under 'Self Help Group' scheme, the State Govt. is extending a project called 'Kacumbasree'. It has successfully launched this scheme for the primitive tribes in a few districts like Palakkad, Trichar etc. Loans are provided to STs to start cooperative stores for marketing of MFP. The recovery of loans is reported to be 100 percent.

(iii) Madhya Pradesh

In Madhya Pradesh, the State Minor Forest Produce Federation is fully responsible for marketing of MFPs. Whatever income is generated out of sale of MFP, 50% of the total income is given to the collectors of MFP, 20% for maintenance of village forest and 30% for undertaking local developmental works. This has been done in the context of Panchayat Raj Act, 1996. The rights of MFP has not been given to Gram Sabha as per Panchayat Raj Extension to Scheduled Areas (PESA) 1996, but has been entrusted to District Primary Minor Forest Produce Cooperative Societies.

(iv) **Meghalaya**

In Meghalaya, there are three categories of forest, namely community forest, reserve forest and individual forest. District Councils get a royalty on extraction of MFP and their share is about 60%.

(v) **Orissa**

In Orissa, Panchayats have been empowered for MFP trade. Over 60 items of MFP are procured by Gram Panchayats and not by private traders on lease as used to be done by the Forest Department. This has been done to empower the panchayats and prevent exploitation of tribal farmers at the hands of traders and middleman in view of Panchayat Raj (Extension to Scheduled Areas) Act, 1996 giving ownerships rights to the Gram Sabhas.

(vi) **Rajasthan**

In Rajasthan, the tribals are permitted to extract Minor Forest Produce free of cost which are collected and marketed by the State Tribal Development Corporation. The tribals/agricultural communities living in forest rich districts of Udaipur, Chittorgarh, Banswara, Dungarpur, Kota, Bundi and Baran have been granted concession of forest produce and are entitled to get timber for house building, grazing of cattle, fencing material, fuel-wood, grass, roots leaves, bark, fruits, etc. from the forest areas depending on their carrying capacity. This existing arrangement has not been reviewed in the recent past. SCs & STs are also entitled to exercise their rights/concessions of the forest produce admitted in the course of settlement of forest blocks under Rajasthan Forest Act 1953. In the tribal belt, Tribal Development Corporation procures MFP of tribals through a network of purchase depots. Considering the increasing pressure on the forest, it is desirable that Tribal Development Corporation ploughs back, a part of its earnings in regeneration of the forests so as to ensure sustained availability of minor forest produce. In Rajasthan RTADCF is instrumental in collecting MFP through tribals, tribal agents and LAMPS on specified rates. The collected produce is disposed of either by the Head office of the federation or its regional offices through tenders or through inter-departmental marketing with other State Undertakings or Federations. The State Govt. has taken special measures to facilitate the marketing of certain produce in which cultivators of SC or ST are predominantly involved, for example, Tendu Patta has been completely freed of Mandi tax by the Govt. Agricultural Marketing Board is reportedly organizing 'Krashaka Samvad' in collaboration with agriculture and allied departments. As per its programme in the year 2000-01 it will give training on storage of forest products in tribal areas. In the previous year, it organized training on post-harvest management and marketing of forest products in tribal areas of Udaipur and Chittorgarh districts.

(vii) **Andaman & Nicobar**

There is no forest produce in Nicobar. Agriculture produce is sold through marketing societies at village level, which is affiliated to

Central Cooperative Societies i.e. EHL and MML. There are 30 primary marketing societies, 15 each at Car Nicobar and Nancowry Group of Islands. One of the heads of families of Nicobarese tribes are members of respective village level societies. They sell their agricultural produce like coconut and beetlenut to EHL and MML through their respective primary cooperative societies. The great Anadamanese and Onges sell their produce in the form of copra to marketing federation for which they get remunerative price. They are not engaged in collection of MFP from reserve forest. As per Protected Forest Rules 1986, the tribals of ANI are entitled to collect forest produce free of cost for their domestic consumption. The local tribals have not shown any interest in commercial exploitation of MFP.

6.12.2 Suggestion relating to MFP in Central Act 40

The Central Act 40 has clearly assigned the ownership of minor forest produce to the Panchayats at the appropriate level and Gram Sabha. The State Act have simply defined the MFP products as per Indian Forest Act 1927. Only the States of Gujarat and Maharashtra have made necessary amendments in the Panchayat Act to this effect. In Gujarat it has been vested with the village Panchayat and the sale proceeds of MFP shall be paid into and will form part of village panchayat fund. In Maharashtra, the ownership of MFP has been granted to Gram Sabha and State Panchayat. The ownership of MFP in the Scheduled Areas leaving aside national parks and sanctuaries shall be vested with the Panchayat. The scientific management of the forest area will be the guiding force for the Panchayat with regard to harvest of the MFP. The Panchayat shall adhere to the Rules made by the Conservator of Forests of the concerned circle. Public servants have been excluded from legal proceedings, if any under this Act. **The other Scheduled Area States should make suitable amendments in the State Act to give effect to the provisions under the Central Act 40.**

6.12.3 Suggestion by Steering Committee

The Steering Committee on Empowerment of Scheduled Tribes for the Tenth Plan noted with concern the performance of Primary Tribal Cooperatives like LAMPS and State Institutions like Tribal Development Cooperative Corporations, Forest Corporations, SC and ST Finance Development and National Level Institutions like TRIFED created for marketing of tribal produce as not upto the desired level and the continuing existence of the middlemen. It has suggested for evolving workable administrative mechanism in tribal areas rather than multiplying agencies and organizations. There should be direct procurement and marketing of MFP and Surplus Agricultural Produce and to provide minimum support price whenever and wherever prices start falling below the optimal level in a given set of conditions. LAMPS should be reactivated in the Tenth Plan Period. Self Help Groups of Gram Sabhas can be dovetailed with 'Food for Work' programme in ST concentrated areas and funds could be provided by M/o Tribal Affairs. The Committee also pointed out the inadequate field infrastructure in various corporations working for tribal development. The corporations do not have specialized experts to appraise and handle large financing proposals. Hence State Corporations should be permitted to get refinance through the SFCs and State Cooperative Banks.

6.13 Shifting Cultivation

6.13.1 Shifting Cultivation is the most primitive form of agricultural and is practiced all over the world particularly by tribals inhabiting tropical and sub-tropical regions.

Tribals in India have practiced this for over 5000 years. It is widespread in AP, Arunachal Pradesh, Assam, Manipur, Meghalaya etc. Some of the tribes like Bondas of Koraput in Orissa even consider podu land as their own and hold hereditary rights over it. They mortgage or even sell the land. This was an integrated system of agriculture suited to the needs of the tribals because there was no commercial exploitation of forest resources in the earlier times. In Orissa this is practiced in three districts namely, Ganjam, Kalahandi and Phulbani. This is also practiced in the North coastal areas of Andhra Pradesh. The tribals used to shift from one field to another after every three years and came back to the original field after nine years. The trees (except fruit yielding), bushes etc., are cleared, felled by tribals in summer and allowed to dry. They are burned and the ash is spread. It was the potash in the ash that formed a very good soil, nutrient and helped growth of crops. With the increase in population pressure on land and restrictions imposed by the Forest Act, shifting cultivation has been greatly reduced. It was seen that the same piece of land was cultivated again and again after short duration, resulting in low yields and less productivity. Hence, this system was not economical for the tribals to continue. This cultivation also resulted in clearing of reserve forest to a large extent. Raising of horticulture crops is not permitted as schemes for permanent rehabilitation of shifting cultivators in reserve forests is not permitted as per guidelines issued by Govt. of India under the Forest Conservation Act, 1980. The system of shifting cultivation is no longer considered healthy for preservation of forest and fertility of the soil and has resulted in both deforestation and soil-erosion.

6.13.2 The Ministry of Agriculture has introduced the scheme of watershed development in shifting cultivation areas (WDPSCA) in the 7 North Eastern States during the year 1994-95 with 100% Central Assistance to State Plans. The scheme aims at overall development of Jhum areas on watershed basis. This programme will be implemented with revised guidelines using low cost technology with the use of local material for soil and water conservation such as vegetative measures, improved production system and construction of small water harvesting structures. It also has components of live stock development and household production with due emphasis on beneficiaries participation and NGOs involvement. The National Watershed Development Project for Rainfed Areas was started in the year 1991. It covers 25 states and two UTs. The Watershed Development Fund has been established at NABARD with the object of integrating watershed development in 100 priority districts in 14 States through participatory approach. The total corpus of the DWDF is Rs. 2000000 thousand. The fund will be utilised to create the necessary framework to replicate and consolidate the isolated successful initiatives under different programmes in the Government, Semi-Government and NGOs sectors. Then there are externally aided projects for integrated watershed development. The fundings for these projects is directly released to the State Govts and is not routed through the Ministry of Agriculture. The Central Sector Scheme of Agriculture Extension is implemented through non-Government Organisation in tribal and hilly areas. The benefits under the scheme are being given to the SC/ST farmers. The Ministry of Agriculture has many production oriented area specific schemes and programmes for the development of agriculture and cooperation to benefit all categories of farmers. The Ministry of Agriculture should maintain complete details/ statistics relating to watershed development programmes implemented in other states along with North-Eastern States on shifting cultivation. There should be annual report on the extent of area in tribal and SC dominated places where shifting cultivation has been replaced with watershed management alongwith number of beneficiaries. For externally aided projects the Ministry of Agriculture should issue suitable guidelines to the State Govts. and UT Administration that while implementing the projects, tribal and

hilly areas are given the first priority. They may also study the effectiveness of the schemes and programmes implemented in the tribal areas.

6.13.3 As Shifting Cultivation is more in North-Eastern States, the Steering Committee has suggested for a comprehensive project for development of Forest Villages and Shifting Cultivators. Such projects should be directly funded by the M/o Tribal Affairs and implemented through Forest Development Corporation. ICFRE would provide R & D support for development of these vulnerable groups. Micro Plan should be formulated for each and every settlement and dovetailed as a part of the system of Forest Working Plan and Administration of Forest Department.

6.14 Medicinal Plants & Intellectual Property Rights

6.14.1 Medicinal Plants were the only source of healing for the tribals since early times. They mostly depended on traditional herbal medicines and the tribal medicine man. Now, due to change in medical system the modern method of medicine has also made inroads into the tribal areas. But the tribals being rooted to their culture generally prefer their own system of medicine and only when they find that it is ineffective they go in for the allopathic system of medicine. The tribals also have to face another problem in the modern system of medicine, as doctors and other paramedical personnel are seldom available in tribal areas. Posting in tribal areas for these professionals are treated as punishment posting and it is generally seen that most of the posts in centres and sub-centres are generally vacant in tribal areas. There are no private practitioners in these areas as it is not lucrative due to non-viability of this profession in the interior tribal areas. The tribal women put in longer hours of work of at least 14 hours a day to collect fuel etc. and they seldom visit primary health centres. Hence, these women generally depend on wild medicinal shrubs, herbs, roots etc. for their ailments. The traditional system and knowledge of medicine in tribal areas is also fading because of the advent of the modern system of medicine. The Forest Conservation Act, 1980 also permits growing of indigenous medicinal plants. It has a programme to conserve medicinal plants found in the forest and protected areas and also its cultivation in degraded forest areas.

6.14.2 The Intellectual Property Rights with regard to various medicinal plants has assumed importance in the new economic order within the country as well as globally. As per M/E&F in 70% of the area surveyed, there are 46,000 plants species and 81,000 animal species, which are used in modern and traditional systems of medicine. The Botanical Garden of India conserves rare and endangered medicinal plants. States of Kerala, Tamil Nadu, Karnataka, Maharashtra, Andhra Pradesh are supporting conservation of medicinal plants. Himachal Pradesh has set up herbal gardens and has linked them to production units of drugs for ISM&H. Immediate steps include legislative action to protect the Intellectual Property Rights in the tribal areas. The local medicinal values of these plants are codified with the help of traditional tribal medical practitioners. There are many valuable medicinal plants, which are used by Ayurvedic practitioners, and most of them belong to the State of Kerala. The State of Kerala has rich variety of these plants. The Ministry of Environment and Forests is no doubt making efforts to preserve and protect this rich heritage. Since these plants are found in the tribal areas, government must involve the tribals in all aspect relating to its preservation, protection and re-generation. Similarly, animal species are also an important source of traditional medicines. The traditional method can be combined with the modern method of medicine which could help in providing better health coverage as well improve the income levels of the tribals. The tribals can be trained for cultivation of medicinal plants through appropriate utilization of waste land. Important Indian

Plants found in tribal areas should be patented. The expert group constituted for patenting should also make use of the knowledge of tribal medicine man about the medicinal value of plants for patenting. The Govt. of India under its trade related aspect of intellectual property rights agreement with the signatory countries have established protection for plants varieties either by providing patent protection or by instituting an effective sui-generis system or by combination thereof within a period of five years. Since time is short, it is suggested that private agencies could be involved in the task. The rights of the tribal farmers should also be protected through royalty for its uses. It is also necessary that Indian Council of Medical Research (ICMR) recognizes this important branch of medicine and the traditional tribal practitioners knowledge and plant species are protected, preserved, regenerated and codified. Under the Indian system of Medicine, this branch of knowledge should be recognised and the tribal users should be encouraged in this activity as a source of employment.

6.14.3 A National workshop on "Bio-diversity and Adivasi / indigenous peoples" was held in New Delhi from 29th January to 31st January, 2001. The major findings of the workshop are as follows:

- (i) Adivasis are threatened by forces of globalisation, especially by the usurpation of Adivasis land and resources with the aid of government for development projects, national and public interests.
- (ii) Not to amend the Fifth Schedule to the Constitution for undertaking activities with foreign collaboration.
- (iii) Rejected the notion of Intellectual Property Rights, including patents on life forms, and on knowledge relating to bio-diversity.
- (iv) Indigenous knowledge must be protected through appropriate community right systems.
- (v) Adivasis representative on National Bio-diversity Authority and State Bio-Diversity Boards.

The Bio-diversity Bill 2000 could become a powerful tool for conservation of bio-diversity and protection of Adivasi livelihood, if it provides for prior consent of the local communities before accessing their bio-diversity and knowledge, endorsement by the Gram Sabha through consensus, locus-standi to approach the court under the Bill, stringent measures for foreign companies as applicable to Indian Corporations and Institutions, dropping the exemption given to plants registered under Plant Varieties Protection Bill, and recognition of all common property resources as belonging to the gram sabha for the benefit of the local communities.

6.15 Forest Villages & Joint Forest Management

6.15.1 The concept of forest villages was developed by the British. The existing habitations in the forest were declared as forest villages or people were brought from outside for establishing forest villages. Each family in a forest village was required to provide one or two persons for working in the forest. In some cases the wages and work were fixed and allotted some land for agriculture. The lease of the land was to be renewed on yearly basis. The tribals did not have permanent rights. This system continued after independence. After Kerala High Court decision in 1974, the Govt. of India advised the State Govts., to treat it as a revenue village and to give full rights to the people over the land cultivated by them. It is estimated that 2.00 lakh tribal families in 16 States live in

forest villages. There are 2,500 villages in these States and UTs having a population of nearly 1.00 lakh families. These villages are located deep inside the forest areas and remain deprived of the developmental benefits. The Ministry of Agriculture, as far as back in 1984, had advised the States to confer long term, heritable but in-alienable rights' to the tribals cultivating the land in these forest villages. This right is prohibited due to the Forest Conservation Act, 1980. Adequate details and data are not available with regard to forest villages at present. It is suggested that the Ministry of Tribal Affairs with the association of Tribal Research Institutes concerned should collect data on State-wise number of forest villages, number of families with total population in these villages, the extent of area which is utilised by them for cultivation and the developmental benefits like approach roads, water facilities, electrification, schools, health institutions etc. available to them.

6.15.2 The Forest Departments in various States/UTs have now come up with a new concept of Joint Forest Management (JFM). The Forest Departments pay wages to the tribals and others for undertaking afforestation and its protection and the tribal communities are given a share in the produce. This concept has once again given certain rights on the forestland to the tribals and their families. 23 States have joined Joint Forest Management so far. As on 1.9.2000, 10.25 million hectares of forest lands in the country were being managed and protected by 36165 Village Forest Protection Committee. An amount of Rs.355 lakh has been released to various States under the scheme.

6.15.3 Recommendations

- (i) To amend the Forest Conservation Act so as to make the Act tribal friendly.
- (ii) To recognize all forest villages as revenue villages so that tribal community can be empowered in the real sense.

ANNEXURE-6.I

STATEMENT INDICATING THE EXISTING LEGISLATION IN VARIOUS STATES ON LAND LAWS IN SCHEDULED AREAS AND OTHER AREAS FOR SCHEDULED TRIBES

Sl.No.	State	Legislation in Force	Main Features
1.	Andhra Pradesh	The Andhra Pradesh (Scheduled Tribes) Land Transfer Regulation, 1959 as amended	The Act applies to Scheduled Tribes in Scheduled Areas only. Protection to be extended to Scheduled Tribes outside Scheduled Areas.
2.	Bihar	(a) Chota Nagpur Tenancy Act, 1908 (b) Santhal Pargana Tenancy (Supplementary Provisions) Act, 1949. (c) Bihar Scheduled Tribes Regulation 1969.	These Acts apply to Scheduled Tribes in the State. Chota Nagpur Tenancy Act applies to North & South Chota Nagpur 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 creates 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.	Himachal Pradesh	The Himachal Pradesh Transfer of Land (Regulation) Act, 1969.	The Act prohibits transfer of land from tribals to non-tribals.
6.	Karnataka	The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978	The Act covers only land assigned by the Government should extend to cover all lands held by the STs.
7.	Kerala	The Kerala Scheduled Tribes (Regulations of Transfer of Land and Restoration of Alienated Lands) Act, 1975.	The Act has been made applicable from 1 st June 1982 only by a notification brought in January 1986. The High Court of Kerala in August 2000 quashed 1999 Act (The Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999) and directed to implement the original Act, 1975.
8.	Madhya Pradesh	1. The Madhya Pradesh Land Revenue Code 1959. 2. Madhya Pradesh Land Distribution Regulation Act, 1964.	The Section 153 of the code protect Scheduled Tribes against alienation of land. In the Scheduled Areas of Madhya Bharat region, the 1964 Act is in force.

9.	Mamupur	The Mamupur 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. Commissioner. The Act, however, does not apply to hill areas and as such hill area tribals are not covered.
10.	Maharashtra	(1) The Maharashtra Land Revenue Code, 1966 as amended in 1974. (2) The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.	The period of application by tribals for restoration of illegally alienated land under these laws is only 3 years. The period expired in 1977. Though suo-moto provisions for filing cases by revenue officers exists under the laws, the State Government has been requested to permit STs themselves to apply even beyond the limited period of 3 years.
11.	Orissa	(a) The Orissa Scheduled Areas Transfer of Immoveable Property (By Scheduled Tribes) Regulation, 1956. (b) The Orissa Land Reforms Act, 1960 as amended.	Prohibits transfer of ST land in Scheduled Areas.
12.	Rajasthan	(a) The Rajasthan Tenancy Act, 1955 (b) The Rajasthan Land Revenue Act, 1956	Prohibits transfer of land of Scheduled Tribes living outside Scheduled Areas.
13.	Sikkim	Revenue Order No.1 of 1977	The Act of 1955 prohibits transfer of land of STs by way of sale, gift, mortgage, subletting, exchange etc. State Government is proposing to amend Section 91 of this Act to authorize Tehsildar to suo-moto proceed against trespassers into ST land.
14.	Tamil Nadu	Standing Orders of the Revenue Board - BSO, 15 - 40	The Revenue Order of 1977 is in force. The Sikkim Agricultural land Ceiling and Reforms Act, 1977 in Chapter 7 provides for restriction on alienation of lands by Scheduled Tribes. This Chapter has not yet been brought into force.
15.	Tripura	Tripura Land Revenue and Land Reforms Act, 1960 as amended.	The BSO 15 - 40 apply not 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 yet. The draft bill has been prepared and is under process.
			Section 187 of the Act prohibits transfer of ST land to others without permission of the Collector. Transfer after 1-1-1969 only, however, is covered under restoration provisions by an amendment.

16.	Uttar Pradesh	U.P. Land Laws (Amendment) Act, 1982 amending Uttar Pradesh Jaminadari Abolition and Land Reforms Act, 1950.	The amending Act has never been applied being locked up in a writ case in Allahabad High Court (Swam Singh Vs. State Govt.) since 23-9-1981. State Government has been requested to move the court for vacation of stay order.
17.	West Bengal	West Bengal Land Reforms Act, 1955 as amended.	Chapter 11 A of the Act prohibits alienation of tribal land and provides for the restoration

Source: VIIIth Plan Working Group Report on STs and Workshop by NIRD, Hyderabad.

ANNEXURE-6.II

STATEMENT SHOWING AREAS OF TRIBAL LAND ALIENATED AND RESTORED
(AS ON SEPTEMBER 2000).

Sl.No.	State	No. of cases filed in the court	Area	Cases disposed of by the Court	Area	Cases rejected	Area	Cases decided in favour of tribals	Area	Cases in which land was restored to tribals	Area	Cases pending in court	Area	(Area in acres)	
														3	4
1.	Andhra Pradesh	65875	287776	38212	256452	31737	150227	26475	106225	23383	94312	7663	31324		
2.	Assam	2042	4211	50	19	-	-	50	19	50	19	1992	4192		
3.	Bihar	86291	104893	76518	95151	31884	49730	44634	45421	44634	45421	9773	9742		
4.	Gujarat	47926	140324	40400	20691	119	497	40281	120194	39503	118259	7526	9633		
5.	Himachal Pradesh					Negligible									
6.	Karnataka	42582	130373	38521	115021	16687	47159	21834	67862	21834	67862	4061	15352		
7.	Madhya Pradesh	53806	158398	29596	97123	29596	97123	NR	NR	NR	NR	24210	61275		
8.	Maharashtra	45634	NR	44624	99486	24681	NR	19943	99486	19943	99486	1010	NR		
9.	Orissa	1431	1712	594	816	152	204	442	612	212	455	837	896		
10.	Rajasthan	651	2300	240	774	53	187	187	587	187	587	411	1526		
11.	Tripura	28926	25295	28888	25274	20084	18366	8804	6908	855	6732	38	21		
	Total	375164	855282	317643	810807	154993	363493	162650	447314	158297	433133	57521	143961		

Source: Ministry of R.A & E, Annual Report 1999-2000

SAMATHA JUDGEMENT

The preliminary question the Samatha case, *inter alia* have been: whether the Resolution would apply to transfer of Government land to a non-tribal and whether the Government can grant mining lease of the land situated in scheduled area to the non-tribal? (para 8 of the judgement).

2. It would, therefore, be clear from the narration of the debates in the Constituent Assembly that various drafts were placed before the Constituent Assembly. Suggestions and ultimate approval of the Fifth Schedule, would manifest the animation of the founding fathers that land in the scheduled area covering by the Fifth Schedule requires to be preserved by prohibiting transfers between tribals and non-tribals, and providing for allotment of land to the members of the Scheduled Tribes in such area and regulating the carrying on of the business by money lenders in such area (para 35).

3. The predominant object of Para 5(2) of the Fifth Schedule of the Constitution and the Regulation is to impose the total prohibition of transfer of immovable property to any person other than a tribal for peace and proven good management of the tribal areas; to protect possession, right, title and interest of the members of the Scheduled Tribes held in the land at one time by the tribals (para 48). The non-tribals, at no point of time, have any legal or valid title to immovable property in agency tracts unless acquired with prior sanction of the Government and saved by any law made consistent with the Fifth Schedule. With the passage of time when a person other than tribal gained unlawful title and possession of the land in agency tracts, their acquisition and holding of the immovable property, unless proved otherwise, have always been null and void. The Regulation, as its predecessor law, did prohibit transfer by a tribal to any other person even benami purchaser in the name of a tribal for the benefit of the non-tribal also is null and void. Non-tribal thereon, acquires no right, title and interest in the land situated in scheduled area. Indisputably, any transfer *inter vivos* between tribals or non-tribals or *inter se* between non-tribals except testamentary disposition to a tribal, has been totally prohibited. The only exception engrafted is the transfer to Co-operative Societies composed solely of tribals or mortgage of the land to a Co-operative Land Mortgage Bank registered as an instrumentality of the State or any Government approved lending agency to improve the agricultural lands or sale to an agent to the Government etc. (para 48).

4. It is undisputable that apart from the patta lands or other lands held by the tribals, the State holds vast tracts of land in scheduled areas, in some areas with rich mineral deposits. The questions are whether the State Government is exempted from the Regulations?; whether the State government stands above the law?; whether the meaning of the word "person" in section 3(i)(a) of the Regulation would include the State Government? Article 244 (1) read with the Fifth Schedule, Part I, while defining "States" except certain States as enumerated therein. It bears repetition that paragraph 5(2) of the Fifth Schedule enjoins the Governor to make Regulation for the peace and good governance in the scheduled area. Without prejudice to the general power, subsequent clauses amplify particular powers. Clause (a) empowers him to prohibit or restrict the transfer of land by or among members of the tribals or non-tribals in such area. Clause (b) regulates the allotment of land only (added to emphasis) to members of the Scheduled Tribes in the area. The question, therefore, is while regulating allotment of land under this clause, can the Government exclude itself from the power to allot land to a non-tribal when the object of Article 244 (1) read with the Fifth Schedule is to control and maintain peace and good governance of the scheduled area for the social and economic advancement of the Scheduled Tribes? Would it be permissible to construe that the land

belonging to the Government is outside such control of prohibition or restriction; whether the State Government could allot its land to non-tribals in violation of the Constitution and the laws? The answer to these crucial question bears paramount significance and impact since the object of the founding fathers of the Constitution in empowering the Governor, on the basis of his personal satisfaction, is to regulate by law the administration or control of the Scheduled Area for peace and good governance of the Scheduled Tribes in the area. This question is whether any contra interpretation would subserve the Constitutional animation or would it frustrate the constitutional objective (Para 51).

5. Therefore, the word "regulate" the allotment of land to members of Scheduled Tribes in scheduled area in the fifth Schedule by clause 5(2)(b) must be read with as a whole to ensure regulation of the land only to and among the members of the Schedule Tribes in the scheduled area. In the light of the provisions contained in clause (a) of sub-para (2) of the para 5, there is implied prohibition on the State's power of allotment of its land to non-tribals in the Scheduled Areas. When so read there is no incompatibility and inconsistency between the power of the executive Government and the Constitution and conjoint operation would elongate the good governance of the Scheduled Areas. So while prohibiting transfer of land between natural-persons, i.e. tribes and non-tribals and preventing non-tribals to purchase from or transfer to another non-tribal, his right, title or interest in the land in the scheduled area, at the same time breach would not be permissible for the Government to transfer their land to a non-tribal except for equally competing public purpose. The answer obviously should be that it is permissible to the government to transfer its land to the non-tribals. This negative answers leads to effectuate the constitutional objective to preserved the land in the scheduled area to the tribals, prohibits the; non-tribals; prohibits infiltration of the non-tribals into the scheduled area and prevents exploitation of the tribals by non-tribals in any form. This purposive interpretation would ensure distributive justice among the tribals in this behalf and elongates the constitutional commitment. Any other interpretation would sow the seed beds to disintegrate the tribal autonomy, their tribal culture and frustrate empowerment of them, socially, economically and politically, to live a life of equality; dignity of person and equality of status. (Para 87).

6. It would, therefore, be clear that the executive power of the State to dispose of its property under Article 298 is subject to the provisions in the Fifth Schedule as an integral scheme of the Constitution. The legislative power of the State under Article 245 is also subject to the Fifth Schedule, to regulate the allotment of the Government land in the Scheduled Areas. Obviously, therefore, the State Legislature of Andhra Pradesh has now imposed total prohibition under Mines Act to transfer its lands to the non-tribals. Doubtless that under Article 298, the State exercises its power of disposal for public purpose. When two competing public purposes claim preferential policy decision, option to the State should normally be to elongate and achieve constitutional goal. Secondly, the constitutional priority yields place to private purpose, though it is hedged by executive policy. As a facet of interpretation, the Court too adopts purposive interpretation tool to effectuate the goals set down in the Constitution. Equally, the executive-Government in its policy options requires to keep them in the backdrop and regulate disposal of their land-property in accordance with the constitutional policy, executive decision backed by public policy and, at the same time, preserve paramount tribal interest in the scheduled area (Para 88).

7. The main maxim "*reddendo singula singulis*" will apply to the interpretation of the word 'person' so that the general meaning of the word 'person' in its generic sense with its width would not be cut down by the specific qualification of one species, i.e. natural 'person' when it is capable to encompass, in its ambit, natural persons, juristic persons and

constitutional mechanism of governance in a democratic set up. It has already been held, and bears no repetition, that the State, by Cabinet form of Government, is a persona ficta, a Corporate sole. Constitution empowers the State to acquire, hold and dispose of their property. The Governor in his personal responsibility is empowered to maintain peace and good government in scheduled area. The Fifth Schedule to the Constitution empowers him to regulate allotment of the land by para 5(2)(b) read with Section 3 of the Regulation of the land be it between natural persons, i.e. tribals and non-tribals; it imposes total prohibition on transfer of the land in scheduled area. The object of the Fifth Schedule and the Regulation is to preserve tribal autonomy, their culture and economic empowerment to ensure social, economic and political justice for preservation of peace and good government in the Scheduled Area. Therefore, all relevant clauses in the Schedule and the Regulation should harmoniously and widely be read so as to elongate the aforesaid constitutional objectives and dignity of person to the Scheduled Tribes, preserving the integrity of the Scheduled Areas and ensuring distributive justice as an integral scheme thereof. Clause (a) and (c) of sub-para (2) of para 5 of the Fifth Schedule prohibits transfers inter vivos between tribals and non-tribal natural persons and prevents money-lenders to exploit the tribals. Clause (b) intends to regulate allotment of land not only among tribals but also prohibits allotment of the land belonging to the Government to the non-tribals. In that behalf, wider interpretation of "Regulation" would include "prohibition" which should be read into that clause. If so read, it subserves the constitutional objectives of regulating the allotment of the land in the Scheduled Areas exclusively to the Scheduled Tribes. Clause 5(2)(b) ensures distributive justice of socio-economic empowerment which yields meaningful results in reality. If purposive construction, in this backdrop is adopted, no internal or external contradiction would emerge. The word 'person' would include both natural persons as well as justice person and constitutional government. This liberal and wider interpretation would maximize allotment of Government land in scheduled area to the tribals to make socio-economic justice assured in the Preamble and Articles 38,39 and 46, a reality to the tribals. The restricted interpretation would defeat the objective of the Constitution. The word 'person' would be so interpreted as to include State or juristic person Corporate sole or persona ficta. Transfer of land by the juristic persons or allotment of land by the State to the non-tribals would stand prohibited, achieving the object of para 5(2) of the Fifth Schedule of the Constitution and Section 3 of the Regulation. If the word 'persona' is interpreted to mean only natural persons, it tends to defeat the object of the Constitution, the genus and the Regulation, its species. As a corollary, by omission in the final draft of the Fifth Schedule of the power of the State Government to transfer its land to the non-tribals with the sanction of a competent authorized officer or authority would, by interpretation brought into effect and the object of the Constitution would easily be defeated. We are, therefore, inclined to take the view that the word 'person' includes the State Government. The State Government also stands prohibited to transfer by way of lease or any other form known to law, the Government land in scheduled area to non-tribal person, be it natural juristic person except to its instrumentality or a Co-operative Society composed solely or tribes as is specified in the second part of Section 3(1)(a). Any other interpretation would easily defeat the purpose exclusive power entrusted by the Fifth Schedule to the Governor. If the Cabinet form of Government would transfer the land of the government to non-tribals peace would get disturbed, good governance in scheduled area would slip into the hands of the non-tribals who would drive out the tribals from scheduled areas and create monopoly to the well developed and sophisticated non-tribals; and slowly, and imperceptible, but surely, the land in the scheduled area would pass into the lands of non-tribals. The letter of law would be an

empty content and by play of words deflect the course of justice to the tribals and denude them of the socio-economic empowerment and dignity of their person (para 95).

8. The interpretation of the words 'person', 'regulation' and 'distribution' required to be broached broadly to elongate socio-economic justice to the tribals. The word 'regulates' in para 5(2)(b) of the Fifth Schedule to the Constitution and the title of the Regulation would not only control allotment of land to the tribes in Scheduled area but also prohibits transfer of private or Government's land in such areas to the non-tribals. While later clause (a) achieves the object of prohibiting transfers inter vivos by tribals to the non-tribals or non-tribals inter se, the first clause includes the State Government or being an juristic person integral scheme of para 5(2) of Schedule. The Regulation seeks to further achieve the object of declaring with a presumptive evidence that the land in the Scheduled Areas belongs to the Scheduled Tribes and any transfer made to a non-tribal shall always be deemed to have been made by a tribal unless the transferee establish the control. It also prohibits transfer of the land in any form known to law and declared such transfer as void except by way of testamentary disposition by a tribal to his kith and kin/tribal or by partition among them. The Regulation and its predecessor law in operation in the respective areas regulate transfer between a tribal and non-tribal with prior permission of the designated officer as a condition precedent to prevent exploitation of the tribals. If a tribal is unwilling to purchase land from non-tribal, the State Government is enjoined to purchase the land from a non-tribal as per the principles set down in the Regulations and to distribute the same to a tribal or a co-operative society composed solely of tribals. (Para 108).

9. In the absence of any total probation, undoubtedly Article 298 empowers the Governor being the head of the Executive to sanction transfer of its lands. Since the Executive is enjoined to protect social, economic and educational interest of the tribals and when the State leases out the lands in the Scheduled Areas to the non-tribals for exploitation of mineral resources, it transmits the correlative above constitutional duties and obligation to those who undertake to exploit the natural resources should also to improve social, economic and educational empowerment of the tribals. As a part of the administration of the project the licensee or lessee should incur the expenditure for -

- (a) re-forestation and maintenance of ecology in the Scheduled Areas;
- (b) maintenance of roads and communication facilities in the scheduled areas where operation of the industry has the impact;
- (c) supply of potable water to the tribals;
- (d) establishment of schools for imparting free education at primary and secondary level and providing vocational training to the tribals to enable them to be qualified, competent and confident in pursuit of employment;
- (e) providing employment to the tribals according to their qualifications in their establishment/factory;
- (f) establishment of hospitals and camps for providing free medical-aid and treatment to the tribals in the Scheduled Areas;
- (g) maintenance of sanitation;
- (h) construction of houses for tribals in the Scheduled Areas as enclosures; The Expenditure for the above projects should be part of his/its Annual Budget of the industry establishment or business avocation/venture. (Para 113)

10. In this behalf, at least 20 per cent of the net profits should be set apart as a permanent fund as a part of industrial/business activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities by laying roads etc. This 20%

allocation would not include the expenditure for reforestation and maintenance of ecology. It is needless to mention that necessary sanction for exemption of said amount from income-tax liability, may be obtained; and the Centre should ensure grant of such exemption and see that these activities are undertaken, carried on and maintained systematically and continuously. The above obligations and duties should be undertaken and discharged by each and every person / industry / licensee / lessee concerned so that the constitutional objectives of social, economic and human resources empowerment of the tribals could be achieved and peace and good government is achieved in Scheduled Areas. We have not examined the other Acts in detail but as and when such need arises, they may be examined in the light of the language used therein and the law. (Para 114).

11. The question then is: whether grant of mining leases lands in the Scheduled Areas belonging to the Government is outside the purview of the Regulation? In the light of the afore stated discussion and the conclusion that the word 'person' would include the State Government, the necessary corollary would be that the transfer of the land in Scheduled Area by way of lease, for mining purpose in favour of non-tribals stands prohibited by para 5(2)(b) of the Fifth Schedule read with Section 3 of the Regulation. It is on the record that the non-tribal individual have transferred their lease hold interest in the mining lease in favour of some of the respondent companies. The Government stands prohibited to transfer the mining leases to Corporation aggregate etc. except to its instrumentality. (Para 115).

12. The lease bring a transfer of an interest in the land or a right to enjoy such property during subsistence of lease, its transfer stands prohibited (Para 116).

13. In cases where the similar Acts in other States do not totally prohibit grant of mining leases of the lands in the Scheduled Areas, similar Committee of Secretaries and State Cabinet sub-Committees should be constituted and decision taken thereafter. (Para 129).

14. Before granting leases, it would be obligatory for the State Government to obtain concurrence of the Central Government, which would, for this purpose, constitute a sub-Committee consisting of the Prime Minister of India, Union Minister for Welfare, Union Minister for Environment so that the State's policy would be consistent with the policy of the nation as a whole. (Para 130).

15. It would also be open to the appropriate legislature, preferably after a thorough debate/conference of all the Chief Ministers, Ministers holding the concerned Ministry and the Prime Minister and the Central Ministers concerned to take a policy decision so as to bring about a suitable enactment in the light of the guidelines laid down above so that there would emerge a consistent scheme throughout the country, in respect of the tribal lands under which national wealth in the form of minerals is located. (Para 131).

16. The State Government, therefore, is directed to ensure that all concerned industrialists, be they natural or juristic person stop forthwith mining operations within the scheduled area, except where the lease has been granted to the State Undertaking, i.e. A.P.S.M.D. Corporation; they should report compliance of this order to the Registry of this Court within six months of the receipt of this judgement. The lessees of mining leases are directed not to break fresh mines; however, in the meanwhile, they are entitled to remove the minerals already extracted and stocked in the reserved forest area within four months time from today. All concerned authorities are directed to ensure compliance thereof. Even the State Undertaking carrying in the mining operations, would be subject to the regulations under the FC Act and EP Act. It would be open to the State Government to organize Co-operative Societies composed solely of the Scheduled Tribes to exploit mining operations within the Scheduled Areas subject to the compliance of the FC Act and EP Act. (Para 132).

ANNEXURE-6.IV

D.O. No. 17(3) /2000-ESDW II
Government of India
National Commission for Scheduled Castes and Scheduled Tribes

5th Floor, Loknayak Bhawan,
New Delhi-110003
Tel: 4632298/4620435 (o)
3715460 ©

DILEEP SINGH BHURIA
Chairman

Feb 2, 2001

Dear Shri

As you are aware, para 5.2 of Fifth Schedule of the Constitution envisages imposition of prohibition on transfer of immovable properties in the Scheduled Areas to any person other than a tribal. In a Civil appears No.4601-4602/96, filed by 'SAMATHA' (a voluntary organization) against the grant of mining lease by the Government of Andhra Pradesh in Government land in the Scheduled Areas, the Supreme Court in their Judgement delivered on 11-7-1997, held that all such mining leases or renewals thereof are in violation of the Fifth Schedule. In respect of other States having Scheduled Areas, the Supreme Court had laid down the procedure for considering such proposals. A copy of the relevant extract of the SAMATHA judgement is enclosed for ready reference. The Secretary, Ministry of Tribal Affairs, in his letter of 1-5-2000, while communicating the gist of SAMATHA Judgement, had requested all the Chief Secretaries having Scheduled Areas in their States to strictly follow the decision of the Supreme Court.

During my recent visit to Orissa, it was observed that the procedure prescribed by the Supreme Court was not followed in a case of land acquisition and mining lease in Kashipur Block of Rayagada district for an Aluminium Plant, which led to police firing against the tribal protestors resulting in death of 3 tribals.

We had taken up the matter with the Ministry of Mining also and it has been informed that the State Governments grant mining leases, including in the Scheduled Areas, and they are expected to comply with the directions given by the Supreme Court in SAMATHA judgement. A copy of letter received from Shri Sunder Lal Patwa, Minister of Mines is enclosed for your information.

I shall be grateful if you would kindly issue necessary instructions to the concerned officers to strictly follow the directions of the Supreme Court while considering grant of mining leases in the Scheduled Areas.

With kind regards,

Yours sincerely,
Sd/-

Encl: As above.

[Dileep Singh Bhuria]

Shri
Chief Minister of
Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Gujarat, Jharkhand, Madhya
Pradesh, Maharashtra, Orissa and Rajasthan

ANNEXURE-6.IV (Contd.)

SUNDAR LAL PATWA

MINISTER OF MINES
GOVERNMENT OF INDIA
SHASTRI BHAWAN
NEW DELHI-110001
DO No. 16(48)/97-M.VI Pt.

17th January, 2001

Dear Shri Bhuria ji,

Please refer to your DO letter No. 6/5/2000/ESDW-II dated 22nd December, 2000 desiring to be apprised of the action taken, and proposed for implementation of the Supreme Court Judgement in Samatha Vs. the State of Andhra Pradesh and Others (CA No.4601-02/96).

2. You may be aware that as directed by the Supreme Court, the mining leases held by non tribals and non-public sector lessees in the Scheduled Areas of Andhra Pradesh are void and no fresh mineral concessions in the scheduled areas are being granted in the State. As per Section 10 (3) of the Mines and Minerals (Development and Regulation) Act, 1957, the State Governments grant mining leases in all areas including areas included in the Fifth Schedule to the Constitution and it is expected that the State Governments would comply with the directions given by the Supreme Court in the Samatha Judgement. Ministry of Tribal Affairs vide its letter dated 1st May, 2000 (copy enclosed for ready reference) has already advised the State Governments to comply with the Samatha Judgement and hence no further action is required on the part of the Union Ministry of Mines.

With regards,

Yours sincerely,

Sd/-
(Sunder Lal Patwa)

Shri Dilooop Singh Bhuria,
Chairman,
National Commission for Scheduled
Castes and Scheduled Tribes,
5th Floor, Lok Nayak Bhawan
New Delhi

Encl: As above

ANNEXURE-6.IV (Contd.)

SHRI BHURE LAL
SECRETARY

SECRETARY
MINISTRY OF TRIBAL AFFAIRS
GOVERNMENT OF INDIA
SHASTRI BHAWAN, NEW DELHI-110001

D.O.No.11014/2/2000-TDB

1st May, 2000

Dear Shri Khanna,

As you are aware, in Civil Appeal Nos. 4601-4602/96 filed by 'SAMATHA' an (voluntary organization) against the grant of mining lease in Government land in Scheduled Areas, the Hon'ble Supreme Court of India has delivered a judgement dated 11.7.1997 by giving an interpretation of Schedule V of the Constitution which can have far reaching impact on the industrial and mining activity in the Scheduled Areas in the country. The relevant extracts of the judgement are as under:-

- (i) That para 5.2 of the V Schedule of the Constitution has a predominant object of imposing total prohibition on transferring immovable property in a scheduled area to any person other than a tribal.
 - (ii) Having regard to Article 244 (1) read with Schedule V of the Constitution, that the expression 'Person' occurring in Section 3 (1) of Andhra Pradesh Scheduled Areas Land Transfer Regulation must be construed broadly and that the expression 'Person' applies to the Government also and therefore, it would be impermissible for the Government to transfer its land (Government land) to non-tribals.
 - (iii) For the aforesaid reason, the Court has held that Government cannot give mining leases in tribal areas to other than State Agencies of Tribals, or Co-operative Societies consisting entirely of tribals.
 - (iv) The Court has also directed that all industrialists be they natural or jurisdic persons to stop forthwith operations within the schedule areas except where the lease has been granted to the State undertaking i.e. Andhra Pradesh Mineral Development Corporation and they should report compliance of the order to the Registrar of Supreme Court within six months of receipt of the judgement.
2. The Supreme Court of India had further stated that :

"In cases where the similar Acts in other States do not totally prohibit grant of mining leases of the lands in the Scheduled Area, similar Committee of Secretaries and State Cabinet Sub-Committees should be constituted and decision taken thereafter.

Before granting leases, it would be obligatory for the State Government to obtain concurrence of the Central Government, which would, for this purpose, constitute a Sub-Committee consisting of the Prime Minister of India, Union Minister for Welfare, Union Minister for Environment so that the State's policy would be consistent with the policy of the nation as a whole.

It would also be open to the appropriate legislature, preferably after a thorough debate/conference of all the Chief Ministers, Ministers holding the concerned Ministry and the Prime Minister and the Central Ministers concerned, to take a policy decision so as to

bring about a suitable enactment in the light of the guidelines laid down above so that there would emerge a consistent scheme throughout the country in respect of the tribal lands under which national wealth in the form of minerals is located".

3. I shall be grateful if the judgement of the Hon'ble Apex Court as brought out above are strictly adhered to.

With regards,

Yours sincerely,

Sd/-

(BHURE LAL)

Shri Inderjit Khanna
Chief Secretary
Government of Rajasthan
Jaipur

CHAPTER VII

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

“By listening to the songs that children sing, I can foretell the future of the nation” so said Lenin, leader of the Russian Revolution. Histories of nations are replete with examples of destinies of individual nations being made by the educational and skill advancement of its people. Countries like Japan and Germany, and in more recent times, the People’s Republic of China, have had the origin of their development in systematic attention to the educational advancement of its people. In India, the fight for freedom was accompanied by a very thought provoking critique of the colonial Macaulayan framework of education. Gandhiji’s basic education philosophy, Dr. Zakir Hussain’s Nayer Taleem, Sri Aurobindo’s experiments and the work of Gurudev Rabindra Nath Tagore, were all pointing towards the limitations of the colonial education framework. Unfortunately, many of these nationalistic streams of educational system did not get mainstreamed in free India. Colonial education system was never intended to be a mass education system as its limited objective was to create some of the Indians in the likeness of Europeans, who could provide the basis for running the British empire by working in its offices at various levels. This narrow notion of education as a means to a salaried government job continues to plague our educational advancement even today. In a country like India, development of skills and dignity of labour should be integral to the curriculum. Our large numbers can become an asset only if our schools inculcate a spirit of inquiry and a will to work with hands. The most advanced technologies today would require workmen who can carry out tasks at a high level of standardization. Every child in India, irrespective of the social background, needs to work with hands and learn by experimenting and interacting with nature. The only way for a sweeper’s daughter to break the bondage of sweeping is by enrolling in a school.

7.2 Educational Safeguards Provided in the Constitution of India

7.2.1 Framers of our Constitution were acutely aware of the need for the State to promote education amongst all and especially amongst weaker sections of the population. Hence a number of safeguards have been provided in the Constitution in Article 15 (4), Article 29 (1), Article 46 and Article 350 for educational development of weaker section of the society (Details of these articles may please be seen in Chapter – II Para 2.3.3) of this report).

7.2.2 Elementary education is recognised as a fundamental right of all citizens in India. The Supreme Court of India, in its judgement in the Unnikrishnan Case (1993), has held that all citizens have a fundamental right to education upto 14 years. The Government of India introduced the 83rd Constitutional Amendment bill in the Parliament in 1997, to make education a fundamental right of all children between 6-14 years.

7.3 Educational Profile of SC/ST

7.3.1 Annexure-7.1 gives a comparative statement of literacy rates of SCs, STs, gender wise, as compared with non-SC/ST communities as per 1991 census. In the past reports of the Commission detailed analysis has been done on the decadal rate of growth in literacy since 1961. There has been an increasing curve in the literacy rate of all communities including SC/ST in the last five decades though there are gaps in the literacy increase between SC/ST community vis-a-vis non-SC/ST population. Recent estimate of

literacy at the National Level have shown a significant increase from 52% in 1991 to 62% in 1997. The increase has been significant among the educationally backward States. Large scale expansion of formal primary education in the early 90s and the innovative strategies of primary educational development projects like DPEP (district primary education programme) have contributed substantially to these increase. None-the-less, inter/intra State level variation are large (as shown below – In India's map with State wise literacy of SC/ST and ten lowest literacy Districts). NSSO survey results of 1998 have also recorded a similar increase in the literacy percentages. As per NSSO survey in 1998 literacy percentages is estimated at 64% which means a 12percentage increase between 1991 and 1998. The female literacy has also grown by 11 percent between 1991 and 1997. It has increased from 39 percent to 50%. As per the indications available from 2001 census, the gaps between literacy rate of SC/ST and non-SC/ST are narrowing down and even female literacy except in some pockets have shown encouraging trends.

7.3.2 Annexure-7.II details the enrolment of SCs and STs at Primary, Middle, High/Post Matric and Senior Secondary stage for 1980-81 and at intervals of five years till 1999-2000. As may be seen at almost all the stages enrolment of SC/ST boys and girls viz-a-viz total enrolment have increased. The most heartening feature is the results of 1999-2000 which depict 92 % of enrolment of SC/ST at primary stage. As has been mentioned in the Annual Report of the Department of Elementary Education for 2000-2001 'India indeed has made enormous increase in the number of institutions, teachers and students in elementary education. The number of schools in the country increased four fold from 2,31,000 in 1950-51 to 9,30,000 in 1998-99, while enrolment in the primary class jumped by about six times from 1.92 crores to 11.0 crores. At the upper primary stage, the increase in enrolment during the period was 13 times, while enrolment of girls recorded a huge rise of 32 times. The Gross Enrolment Ratio (GER) at the primary stage has exceeded 100 percent. Access to schools is no longer a major problem. At the primary stage, 94 percent of the country's rural population have schooling facilities within one kilometer and at the upper primary stage, facilities are available to 84 per cent of the rural population within three kilometers. Gross enrolment ratio of all categories has increased from 85.1% in 1980-81 to 104.5% in 1995-96, registering an increase of 21.2% at primary stage in a period of 15 years. The comparative Gross Enrolment Ratio of Scheduled Castes is 82.2% in 1980-81 and 111.9% in 1995-96, registering an increase of 29.7% and that of Scheduled Tribes from 70% in 1980-81 to 113% in 1995-96, registering an increase of 43%. There is a significant improvement in Gross Enrolment Ratio of Scheduled Castes and Scheduled Tribes. It surpasses even Gross Enrolment Ratio of general categories. Gross Enrolment Ratio of all communities has increased from 40% in 1980-81 to 67.6% in 1995-96 registering an absolute increase of 27.6% at middle stage whereas the enrolment ratio of Scheduled Castes has increased from 29.1% in 1980-81 to 61.3% in 1995-96, an increase of 32.2% and that of Scheduled Tribes from 19.5% in 1980-81 to 50% in 1995-96, an increase of 30.5%. The rate of increase of Gross Enrolment Ratio of Scheduled Castes and Scheduled Tribes is higher during this period of 15 years than that of general population.'

7.3.3 However, the worrying feature is the high drop out rates in children from SC/ST categories. At Annexure-7.III A & B drop out rates of SC/ST students at various levels Statewise have been given. As may be seen the drop out rates in all three stages i.e. primary, middle and secondary stages are quite high. However, as per the gross drop out rates for Class I-V for the year 1999-2000 (Provisional), given at Annexure-7.IV the situation has improved to some extent. Keeping in view the percentages of SC/ST students to middle and high school levels it is felt that priority for Tenth Plan should be for

retention of students who enroll at primary stages and beyond in schools. The Governmental efforts need to be concentrated in this area by way of strengthening of mid-day meals scheme, opening of more residential schools improvement of teaching methodology etc. so as to further improve the enrolment of SC/ST children and their retention in the schools.

7.3.4 Another fact to be noted is that growth in the number of schools does not necessarily mean high literacy. Bhubaneswar Office of the Commission has drawn attention to the low female literacy rates of STs in Koraput (2.14), Malkangiri(2.32), Navrangpur (1.80), Rayagada (3.40) and Bhadrak (4.91), even though Orissa has the distinction of having largest number of schools per lakh of population as may be seen from the table given below:

Indicators	Orissa	India	Some progressive State	
			Number of Schools per lakh of population (1997-98)	
i) Primary School	120	64	Madhya Pradesh	107
			Punjab	57
			Rajasthan	68
			Andhra Pradesh	67
			Uttar Pradesh	59
ii) Middle School	34	19	Gujarat	42
			Karnataka	38
			Maharashtra	25
			Rajasthan	26
			Uttar Pradesh	13
iii) High Schools	19	11	J	
			Maharashtra	16
			Haryana	18
			Karnataka	16

7.4 Higher Education

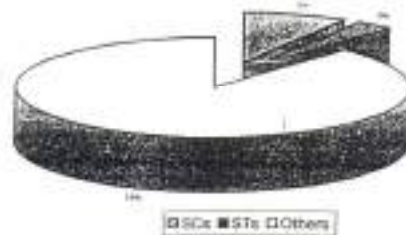
7.4.1 Annexure-7.V gives the number of SC/ST students pursuing courses at graduate, post graduate and professional courses. The statement given below gives at a glance the percentage of SC/ST at graduate and postgraduate level and in research viz-a-viz total enrollments in these courses-

Courses	Total *students	SCs**	STs**
Graduate	6899100	570130(8.27%)	201404(2.9%)
Post Graduate	758000	6061(8%)	1627(2.14%)
Research, Ph.D/ D.Phil/ D.S.C.	68369	1898(2.77%)	720(1%)
Total	7733612	632689(8.18%)	220400(2.9%)

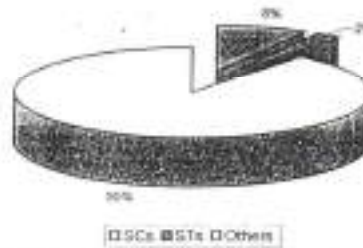
Note: * Annual Report of University Grants Commission for 1999-2000

** Selected educational statistics 1988-99/ Mo Human Resources

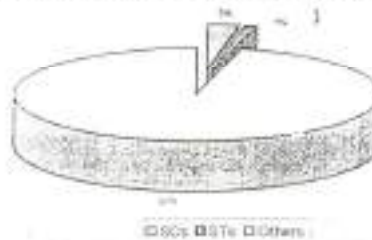
SCs, STs and Others Pursuing Graduate Courses



SCs, STs and Others Pursuing Graduate Courses



SCs, STs and Others Pursuing Research Courses



7.4.2 As may be seen the percentage of SCs as well as STs in higher education at present is far from satisfactory. In subsequent paras the special efforts being made by University Grants Commission for increasing the status of higher education i.e. SC/ST students has been given. However, there is a need to intensify the efforts in this direction.

7.5 Expenditure on Education

7.5.1 A comparison of public expenditure on education in 36 countries for which relevant data are available places India in the 32nd position in terms of public expenditure on education in proportion to GNP (UNDP 1999). At present, India spends 3.6 percent of

its GNP on education, which is much lower than in the case of many advanced and developing countries such as the U.S.A. (5.5%), Malaysia (5.3%), Mexico (5.8%) and Thailand (4.2%). However, the expenditure on education as a proportion of the GNP in China is 2.6 percent. The case of China is unique as local governments there raise additional resources for education through various means of taxation. Taxes are levied on farmers, Government employees and private businesses etc. and the proceeds are utilised for financing education.

7.5.2 In India, both the Central and the State governments have been responsible for education since 1976, however, the Centre accounts for a relatively small proportion of the total expenditure, though its share has been increasing over the years. For example, the share of the Centre rose from 6.8 percent of the total expenditure in 1980-81 to 11.1 percent in 1995-96. This may be due to the higher outlay on education in the Five Year Plans since 1986. The States finance about 90 percent of the total public expenditure on education.

7.5.3 The annual rate of growth of expenditure on education as a whole was 10.2 percent between 1980-81 and 1990-91. After this period, it has been declining and was 3.4 percent between 1990-91 and 1995-96. This trend is more or less similar for all levels of education. The relative share of elementary education in the total education budget has declined over time in most States.

7.5.4 In spite of the commitment for allocating six per cent of India's GNP to education, the 1990s have seen a reversal of the earlier trend and the share of education has declined from 4.1 percent in 1990-91 to 3.6 percent in 1997-98. The share of education in the budgets of most State Governments declined significantly and this decline is particularly conspicuous in the background of the economic reforms and structural adjustment policies. Even the coordination between various central ministries for formulating need based schemes for SCs and STs under SCP/TSP strategies is lacking. Ministry of Information Technology has a scheme for setting up of computer centres for Employment Generation for SC,ST,OBC. Similar schemes are being financed under coaching and allied schemes of Ministry of SI&E and Tribal Affairs and the State Govts. While there is no denying the fact that all the sectors need to contribute for educational/economic development of SC/ST community, there is a need for proper coordination among different agencies so as to ensure that it does not result in concentration of facilities in a few selected areas, leading to imbalances.

7.5.5 While implementation of the education development schemes is done by State Govts, the guidelines under the schemes do not provide specific division of allocations between the rural and urban areas, and the urban areas tend to get disproportionately larger share in the allocation. It would therefore be desirable to fix a share out of the allocations for rural and urban areas on the lines done for backward districts.

7.6 Education of Scheduled Castes and Scheduled Tribes – Special incentives as per Annual Report of 2000-2001 of Department of Elementary Education and Literacy and Department of Secondary Education and Higher Education

7.6.1 Pursuant to the National Policy on Education, the following special provisions for SCs and STs have been incorporated in the existing schemes of the Departments of Elementary Education and Literacy and Secondary Education and Higher Education.

- Relaxed norms for opening of primary schools.

- A primary school within one km walking distance from habitations of 200 population instead of habitations of 300 population;
- Abolition of tuition fee in Government Schools in all States, at least up to the upper primary level. Most of the States have abolished tuition fee for SC/ST students up to the senior secondary level;
- Incentives like free text books, uniforms, stationery, school bags, etc. to these students;
- The Major programmes of the Department of Elementary Education and Literacy viz. District Primary Education Programme (DPEP), Lok Jumbish (LJ), Shiksha Karmi (SK), Non-Formal Education (NFE) and National Programme for Nutritional Support to Primary Education accord priority to area of concentration of Scheduled Castes and Scheduled Tribes.
- Strict observance of reservation of seats for SCs and STs in Central Government Institutions of higher education, including IITs, IIMs, Regional Engineering Colleges, Central Universities, Kendriya Vidyalayas and Navodaya Vidyalayas, etc. In universities, colleges and technical institutions, apart from reservation, there is also relaxation in the minimum qualifying cut-off percentages for admission. The UGC has established SC/ST Cells in 103 universities, including Central Universities to ensure proper implementation of the reservation policy. A standing committee has also been set up by the UGC to review implementation of the reservation policy;
- To improve academic skills and linguistic proficiency of students in various subjects and raising their level of comprehension, remedial and special coaching is provided for SC/ST students. IITs have a scheme under which SC/ST students who fall marginally in the entrance examination are provided one year's preparatory course;
- Out of 43,000 scholarships at the secondary stage for talented children from rural areas 13,000 are reserved exclusively for SC/ST students, while 70 scholarships are reserved exclusively for SC/ST students under the National Talent Search Scheme;
- Scheduled Caste and Scheduled Tribe candidates are provided relaxation up to 10 percent in cut-off marks for the Junior Research Fellowship (JRF) test and all the SC and ST candidates qualifying for the JRF are awarded fellowships;
- Fifty Junior Fellowships are awarded every year in Science and Humanities, including Social Sciences to SC/ST candidates who appear in National Eligibility Test (NET) and qualify the eligibility test for lectureship;
- University Grants Commission provides a relaxation of five percent marks, from 55 percent to 50 percent, at the Master's level to SC/ST candidates for appointment as lecturer. The Commission has also reduced minimum percentage of marks required for appearing in the NET examination to 50 percent at Master's level for SC/STs;

- The Central Institute of Indian Languages, Mysore has a scheme of development of Indian Languages, including tribal languages. The Institute has worked on more than 75 tribal and border languages;
- One hundred and forty six districts have been identified as low female literacy districts to be given focused attention by the Centre as well as States/Union Territories for implementation of programmes/schemes; and
- The allocation of Rs. 889.98 crore and Rs. 436.54 crore has been made under the Special Component Plan (SCP) and Tribal Sub-Plan (TS) for SCs and STs, respectively. This accounts for 16.33 percent and 8.01 percent of the total outlay.

7.6.2 Similarly, University Grants Commission is also providing special concessions to SC/ST students which are given below:-

- a) To ensure effective implementation of the reservation policy for SCs/STs, the Commission has been providing financial assistance to universities for the establishment of SC/ST cells. At present, 103 cells in various universities are in operation. A grant of Rs. 65.71 lakh was released to the universities. The Commission has constituted a special Monitoring Committee to monitor the implementation of the reservation policy in Central and Deemed Universities, which are receiving maintenance grants.
- b) A scheme of remedial coaching has been in operation to enhance skills and linguistic proficiency in various subjects. As per the revised guidelines of the Ninth Plan, 77 new institutions were selected for providing remedial coaching during 1999-2000. As on 31.03.2000, the scheme is in operation in 26 universities and 449 colleges. An amount of Rs. 268.04 lakh was released to these institutions. The Standing Committee for SCs/STs monitors and reviews the work undertaken by these universities and colleges.

7.6.3 In order to provide an adequate number of qualified SC/ST candidates for recruitment as lecturers in universities and colleges, the Commission has formulated a scheme of conducting coaching classes to prepare them for the National Eligibility Test (NET).

7.7 Highlights of Special Educational Programmes

7.7.1 Some of the special programmes/efforts which have a significant impact on improving educational status of SC/ST are discussed below:

7.7.2 Elementary Education in India

7.7.2.1 The Sarva Shiksha Abhiyan (National Programme for Universalisation of Elementary Education) is a Centrally Sponsored Scheme, for Universalising Elementary Education in the mission mode, with a holistic and convergent approach. Sarva Shiksha Abhiyan (SSA) has been launched to ensure that every child in the 0-14 years age group is either in school, Education Guarantee Centre, or a 'Back to School Camp' by 2001 so as to ensure five years of primary schooling for every child in India by 2007 and eight years of elementary schooling by 2010. In order to improve the quality of learning, curricular framework has been reviewed to make it more relevant to life and promote competency-based learning, vocational education, value education and activity-based learning are being facilitated in the process of the curricular review and effective monitoring by the

lected Panchayati Raj (Local Self Government) and urban local body representatives is being attempted under SSA.

7.7.2.2 Along with formal schooling, alternative and innovative education would be part of the over all strategy for covering unserved habitations, and for mainstreaming out of school children, specially girls. The scheme of Alternative and Innovative Education provides for a diversity of needs like-

- A learning centre for unreserved habitations like the Education Guarantee Scheme in Madhya Pradesh;
- A special strategy for out of school children in order to mainstream them into formal stream, like the efforts of the M. Venkatragaiyah foundation and the Balika Shikshan Shivirs under the Lok Jumbish Project, or special mobile school for migrant population of shepherds, as in Jammu and Kashmir;
- A special approach for adolescent girls to meet a diversity of their learning needs, like the Mahila Shikshan Kendras under the Mahila Samakhya Project;
- A source of remedial teaching at urban slums to meet special educational needs of deprived children who may enroll in school but are not able to cope, like the efforts of Pratham in Mumbai;
- An experimental stream where new pedagogical approaches could be tried out under innovative components, like the Rishi Valley experiment, leading to non formalizing the formal;

7.7.2.3 The National Policy places emphasis on the attainment of Minimum Levels of Learning at all stages and overall personality development. Under this programme due attention to Pre school learning by lateral convergence with ICDS, non governmental initiatives is sought to be encouraged. Establishment of Balwadis under the cafeteria approach of the Sarva Shiksha Abhiyan is proposal to be taken for improvement of nutrition, health care and personal hygiene of pre-schoolers as well as school children.

7.7.3 National Programme for Nutritional Support to Primary Education

7.7.3.1 The National Programme of Nutritional support to Primary Education (NP-NSPE), popularly known as Mid-day Meal scheme (MDM), was launched on August 15, 1995. The programme is designed to give a boost to Universalisation of Primary Education by improving enrolment, attendance, retention and the nutritional needs of children studying in classes I-V in all Government and Government-aided and local body schools. The central support under this programme is to provide free of cost foodgrains to children at the rate of (i) 100 grams per school day per student in States/UTs where cooked meal is provided, and (ii) three kilograms per month per child where foodgrains are being distributed subject to minimum 80 per cent of attendance. States such as Gujarat, Kerala, Orissa, Tamil Nadu, Madhya Pradesh (174 tribal blocks) and Pondicherry are providing cooked meals. In Delhi, ready-to-eat food is being distributed in primary schools.

7.7.3.2 The programme has been evaluated recently in ten states by an independent agency, Operations Research Group, New Delhi. The findings state that the programme has given a boost to enrolment in Assam, Madhya Pradesh, Uttar Pradesh and West Bengal, and had a positive impact on attendance and retention in Gujarat, Haryana, J & K, Karnataka, Orissa and Rajasthan. However the scheme has not had a major impact in

arresting drop out rates in northern states. The Scheme has led to increase in educational status of SC/ST and other deprived children in southern states like Andhra Pradesh, Tamilnadu etc.

7.7.3.3 In its Activity Report for 1999-2000 Controller and Auditor General of India has pointed out deficiencies in implementation of this scheme. The observations are –

- Large number of students were not covered under the programme
- Students of higher classes were covered in many places.
- Cooked food was not supplied by most of the States.
- Nutritional value was below standard in many cases.
- There was no target fixed for enrolment.
- Drop-out increased
- There was no system of monitoring and evaluation.

7.7.3.4 The report has also pointed out shortfall in utilisation of allocated budgets. The Department of education has not spent Rs. 725 crores which were provided for various schemes during 1998-1999

7.7.4 National Open School

7.7.4.1 In order to pursue the mission of universalisation of education, achievement of social equity & justice and creation of a learning society, National Open School (NOS) was set up by the Government of India in 1989 to design, develop and offer flexible courses at Secondary/Senior Secondary level through the mode of Distance Education. The target groups for which NOS conducts its activities include, school dropouts, girls and women – unemployed or working adults, Scheduled Castes and Scheduled Tribes, Ex-Servicemen, Mentally/Physically Disabled, etc. The major areas of operation of the NOS include offering secondary and senior secondary courses, vocational courses, open elementary education programme and ABC level need based courses. The distinctive features of NOS programmes are self based learning, flexibility in the choice of subjects, credit accumulation and continuous assessment. New vocational areas e.g. certificates in Computer Applications, certificate in Library Science, X-Ray Technicians Courses have been identified. NOS has envisaged an innovative scheme of On Demand Examination (ODE) and pilot project on ODE (under Open Basic Education (OBE) programme which has been initiated in five accredited institutions of NOS.

7.7.5 Navodaya Vidyalaya Samiti

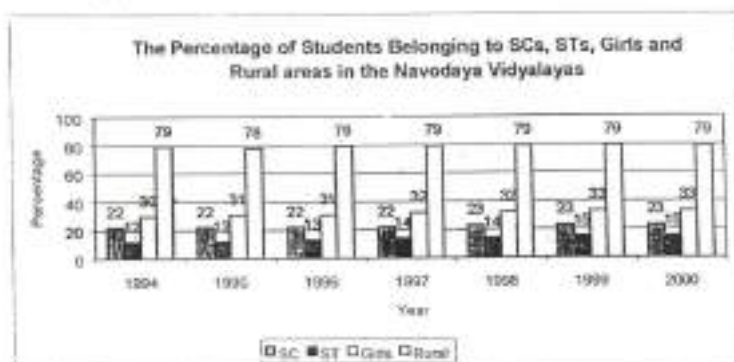
7.7.5.1 The National Policy on Education-1986 envisaged establishment of a Navodaya Vidyalaya in each district of the country. The Navodaya Vidyalaya are fully residential, co-educational institutions covering classes VI to XII. The scheme started with 2 experimental schools in 1985-86 and has now grown to 440 schools (as on 1.3.2001) covering as many district in 32 States/UTs with over 1.25 lakh students on rolls. Salient features of NVS are:

- Good quality modern education for talented children predominantly from rural areas.
- Candidates – Rural, at least 75% Urban, utmost 25%
- Reservation of seats for students from SC/ST categories in proportion to their population in the district subject to the national minimum.

- Reservation of seats for girls – 33%
- Co-educational and fully residential, upto Class-XII.
- Free education including boarding and lodging as well as expenses on Uniforms, Text Books, Stationery etc.

7.7.5.2 The percentage of students belonging to SC/ST categories, girls and rural areas in the Navodaya Vidyalayas during the last five years is well above national norms (15% SC and 7.5% ST).

	SC	ST	Girls	Rural
1994	22	12	30	79
1995	22	12	31	78
1996	22	13	31	79
1997	22	14	32	79
1998	23	14	32	79
1999	23	15	33	79
2000	23	15	33	79



7.7.5.3 Thus the JNVs are serving rural students, especially girls, SC and ST students in excess of national averages. For this they have been also commended by the Standing Committee of Parliament for the Ministry of Human Resource Development in April, 1997 as follows:

“The Committee is happy to note that various norms made for reservation of seats for SCs and STs are fulfilled and hopes that this practice would continue in future also.”

7.7.5.4 Academic Performance of NVS has been above 80% in Class X and XII and a large number of students after passing Class XII have succeeded in pursuing their studies in various Engineering/Medical Colleges, National Defence Academy and other institutes of higher learning in the country.

7.7.5.5 Recognizing the excellent education being imparted by Navodaya Vidyalayas in the review meeting of two Departments of Education, Chaimas, NCSCST has suggested opening of more Navodaya Vidyalayas in SCST concentrated areas.

7.7.6 Vocational Education

7.7.6.1 A Centrally Sponsored Scheme of vocationalisation of secondary education was introduced in 1998 to enhance individual employability, reduce the mismatch between demand and supply of skilled manpower. A Centrally Sponsored Scheme of pre-vocational education at the lower secondary stage has also been introduced from 1993-94, primarily to impart training in simple marketable skills to the students of Classes IX and X, to develop vocational interests and to facilitate students in making a choice of vocational courses at the higher secondary level.

7.7.7 Scheme of community polytechnics

7.7.7.1 The scheme of Community Polytechnic was started during the year 1988-89 where selected diploma level institutions have to work as focal points to promote the transfer of latest technology to the rural community. The activities of the schemes are: -

- (i) To ascertain the felt need of the community through techno-economic survey etc.
- (ii) To provide a platform for technology transfer to rural masses.
- (iii) To provide technical/support services to the local community.
- (iv) To train youth, women and other disadvantaged group of the community in employable skills.
- (v) To disseminate information and create awareness regarding development programmes for creating a problem solving environment.
- (vi) Each Community Polytechnic works through 5 Extension Centres and one Mother Centre at the premises of the Polytechnic. Each Extension Centre caters the needs of 10-12 villages around it.

7.7.8 Technical Education III - Sub sector Development Programme in Technical Education

7.7.8.1 Recognizing the need for revamping technical education as projected in the National Education Policy, the Government launched a major project which was implemented in two overlapping phases in 19 States/UT with the assistance of the World Bank to enable the State Governments and UT Administrations to upgrade their polytechnics in capacity, quality and efficiency. The project is to be completed in three phases. Under phase I completed in 30.9.1998, 279 poly-techniques were covered. Under phase II completed on 31.01.99, 252 poly-techniques have been covered. Phase III has recently started to cover 12 existing and 6 new poly-techniques. The project aims at capacity building and improving employment prospects of students. The first phase of the project started in December 1990 and ended on 30.9.98. The second phase started in January, 1992 and ended on 31.10.99. Phase I of the project included the States of Bihar, Goa, Gujarat, Karnataka, Kerala, Orissa, Madhya Pradesh, Rajasthan and Uttar Pradesh covering 279 polytechnics. Phase-II of the project included the States of Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu, West Bengal, NCT of Delhi and UT of Pondicherry covering 252 polytechnics. The reimbursements received from the World Bank under phase I & phase II of the project was Rs. 999 crores and Rs. 1085 crores respectively. The project was continuously reviewed through a

vigorous monitoring mechanism. The last review of the project by World Bank was held in April, 1999. The World Bank expressed satisfaction on the performance.

7.8 Schemes of Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs

7.8.1 The Ministry of S J & E and Ministry of Tribal Affairs implement the following Central and Centrally Sponsored Schemes for educational development of SCs and STs respectively through State Govt./UT Administration (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) Boys hostel for SCs/STs
- (vi) Ashram Schools in TSP areas.
- (vii) National Overseas Scholarship for SCs/STs (100%)
- (viii) Coaching and allied scheme

7.8.2 The details of the schemes are available in the Annual Reports of the two Ministries as well as on their Websites. Hence these are not repeated here. The schemes have contributed significantly in raising the educational status of SC/ST students by giving them special incentives/financial assistance etc. However the desired results have not been achieved to the full extent mainly because of general lack of awareness about the schemes among the students. It has been found that a large number of petitioners who interact with the Commission and its regional offices across the country are not fully aware of the various schemes. Most of them are ignorant about the way these can be availed of as well as the difficulties/harassment they face in obtaining the various incentives/financial assistance under these schemes. It is important to incorporate the information about the schemes in the Websites as also to disseminate it through electronic and print media. It has been found that the total earmarked allocations are also not fully utilised even under the Central Schemes. On an analysis the major problems in implementation of these schemes are:

- (i) Late receipts of proposals from States resulting in delayed releases and utilisation of Central Assistance.
- (ii) Non provision of full matching share by the States
- (iii) Non availing of Central Assistance by UTs
- (iv) Non inclusion of many eligible institutions/students in proposals from States
- (v) Restricted scope and inflexibility of the schemes viz. Post Matric Scholarships are given to specific courses.
- (vi) Slow progress of construction of hostels both in schemes of hostels for SC/ST boys and girls
- (vii) Wrong and delayed selection of sites viz. Ashram Schools need to be set up in low literacy pockets and primitive concentration areas. Many studies have suggested the need for provision of Ashram Schools in all the tribal villages of scheduled area states.

- (viii) Lack of coordination between Centre and State Govt. run schemes for SCs and STs. Many a times the schemes being funded by the Central Ministries and State Govts. are overlapping. This results in concentration of incentives/facilities in some places and neglect of other areas.

7.9 Observations/findings of the Commission during State Reviews/District Reviews, visits to districts

7.9.1 The Commission has given highest priority to review of educational facilities in various states during its state reviews and district reviews. Extensive discussions have been held with State govt. authorities in-charge of education on the literacy rate of SC/ST, educational facilities being provided by the State Govts. to SC/ST students, implementation of various Central Govt. Schemes. Most of the States are making special effort to create facilities in SC/ST habitation by way of opening primary schools, upgradation of existing primary schools till middle level, disbursement of scholarships for arresting the drop outs, providing uniforms, books, and other facilities to children alongwith free meals. Some of the States, recognizing the need for children in rural areas to look after younger siblings have taken special care for opening Anganwadies adjacent to primary schools. For meritorious and bright students special incentives by way of scholarships as well as admission with total fee reimbursement in public school have also been tried out. Nearly all the States and UTs have residential hostels for both boys and girls for imparting education to SC/ST children.

7.9.2 However while a large number of schemes are being implemented the general effect at ground level is not as per the targets fixed. One of the major reasons which emerged was lack of qualified teachers and large scale absenteeism among teachers in rural and far flung habitations. In the absence of teachers efforts made for constructing the buildings etc. will go waste. It was also found that while States have taken advantage of funds available for construction of hostels, due to lack of maintenance large number of these buildings are in a very shabby condition with no electricity, no proper toilet facility, broken doors and windows and in some places even the caretakers are missing. In most of the hostels, LPG facilities are missing. In such a condition how much education children can imbibe is anybody's guess. It was found that generally students were cooking for themselves and doing all other chores.

7.9.3 Suggestions given by Commission for increasing the education facilities and for enabling the SC/ST students to come up in life are indicated below :-

- (i) Priority for proper maintenance of residential schools and hostels.
- (ii) Proper and specific fixing of targets for increasing literacy level of SCs/STs.
- (iii) Special attention to increase female literacy for which the State Govts. should take initiative to open more girls hostels in low female literacy pockets.
- (iv) Backlog vacancy of SC/ST teachers in most of the States is increasing - Commission has suggested for relaxing the educational norms for posting of teachers in far flung areas and also for making special efforts for clearing the backlog in appointment of SC/ST teachers. For tackling the problems of absenteeism among the school teachers, Gram Panchayats should monitor the records of teachers.
- (v) Need for enhancing the scholarships for students.
- (vi) Posting of one more teacher in all single teacher schools in tribal areas.
- (vii) Special emphasis on vocational and technical education.

- (viii) Delivery mechanism of post matric scholarship needs to be improved - Large number of petition from the students are received in the Commission about delayed and irregular receipt of scholarships. In some cases scholarship have not be giving for years together. Commission has found that State Govts. do not release the funds received from Central Govts. to the institutions for disbursement. A suggestion has been made for direct release of funds by Central Govt. to educational institutions for timely disbursement of scholarships to SC/ST students.

7.9.4 Commission has also found that some of the procedure recently introduced for admission in professional courses are adversely affecting interest of SC/ST students resulting in non-fulfillment of the seats reserved for them in various courses. A representation was received from UP, SC/ST MBBS and BDS students Association alleging that recently introduced 'Negative' marking system in entrance examination for admission in PG Medical courses in UP has resulted in large scale denial of reserved seats to SC/ST students. Due to this system general candidates have benefited as vacant reserved seats have been diverted to them. Commission has pursued this matter with concerned authorities of UP Govt. However they have expressed inability to dispense with the system of negative marking in the medical entrance examination. Commission has found that this system is proving detrimental to the interest of SC/ST students most of whom are first generation students generally from poor and rural families.

7.9.5 A review meeting was held on 15.3.2001 on educational development of SC and ST and implementation of Special Component Plan and Tribal Sub Plan strategies by the two departments viz Department of Elementary and Literacy and Department of Secondary Education and Higher Education by the Commission. After detailed discussion with the two Secretaries of the Department, Chairman UGC and other senior officers of education sector it was agreed that:-

- (i) SCP/TSP funds as per guidelines of Planning Commission, would be allocated and spent for specific needs of SC/ST communities.
- (ii) A survey of educational needs of Low Literacy Tribal Blocks would be undertaken on priority basis.
- (iii) Efforts would be made to open schools on Navodaya pattern in Tribal Blocks.
- (iv) Mid-day Meal Scheme would be strengthened in backward areas.
- (v) More hostels would be opened for catering to the requirement of girl students in SC/ST inhabited areas.
- (vi) The rate of Post Matric and other scholarship will be considered for increase in accordance with the increase in the price index and measures will be taken for its timely disbursement. The suggestion for direct disbursement of funds to the Universities/Colleges would be considered.
- (vii) The vacancies of teachers in schools in SC/ST inhabited areas would be filled up on priority basis.
- (viii) The backlog of vacancies in various Central Universities for SCs/STs would be filled up on priority and reservation should be provided for SC/ST candidates as per Government policy in promotions also by Universities and IITs.

- (ix) Suggestion for continuation of scholarship and hostel facilities to SC/ST students who fail in a class, atleast for another academic year will be formally considered.

7.10 Problems with the current Education System in India

7.10.1 Fifty four years of freedom is an occasion for some serious introspection, especially in the mass education sector. In spite of a commendable expansion of facilities as compared to the neglect of the colonial times, the curse of illiteracy and deprivation has not been wiped out. Though the participation of dalits, tribals and women has improved in the last five decades, the unequal development in a hierarchical social order continues to be reflected in the indicators of educational status of various communities. In nearly forty percent of our districts, female literacy is less than thirty percent. In nearly one in four districts, the female literacy among the Scheduled Castes and the Scheduled Tribes is less than ten percent. Out of the children joining schools, more than one third drop out before completing five years of primary education and more than one half drop out before completing eight years of elementary education. Among those who remain in school, half of them 'barely' attain the educational standards expected of them. Classrooms in most Govt. primary schools are typically uninviting, without electricity, drinking water or toilets, and crammed with students of different ages. Children sit in passive postures, in regimented columns, with often the 'brightest' and the socially advantaged sitting in front. At a given time, a typical school could have at most two teachers trying to 'police' children of all five primary classes, and the best teaching they may undertake is to make them copy or recite from the text-book. A typical school is normally distinguishable from afar- in the form of a ritual cacophonous chorus of children chanting their 'mantras', often shouting their guts out devoid of normal sounds-of joyous laughter.

7.10.2 During the last decade much emphasis has been placed on providing schools, but not on what goes on within them. Country has moved towards achieving high enrolment figures, though many children do not attend school regularly and a sizeable proportion fail, are compelled to repeat classes and ultimately give up. This results in high resource wastage in the system. An irrelevant and uninteresting curriculum, boring teaching by an often bored or frustrated teacher, very little to learn or understand besides whatever is thoughtlessly memorized - this is the 'disabling experience of most children who do manage to attend school. Even among the urban educated groups who send their children to relatively better managed private schools, coping with school is increasingly becoming an arduous task. Despite specialized tuces, guide books, parental help with homework and examinations, most children find school a burden, and a growing number of adolescents are reported to be suffering from depression, low self-confidence and other psychological problems.

7.10.3 It has generally been assumed that governments have failed to achieve universal elementary education owing to the low demand for education, especially among the poor 'who see no reason to send their children to school'. Recent studies have refuted this belief and highlighted the urgency to improve the quality of education. In a survey of some educationally backward Hindi-speaking states of India, it was found that even among poor parents 98 per cent felt it was important for boys to get educated, while 89 percent said this of girls. Noting this in the Public Report on Basic Education (PROBE 1999) stated that "this myth of parental indifference remains astonishingly wide-spread, especially in official circles, where it provides a convenient rationalization for India's low schooling levels. On the contrary, the typical father and mother are very keen that their children should receive a good education. It is another matter that they do not always have

much faith in the system's ability to impart such education". A second myth refuted by the PROBE study is that "most out-of school children are unable to study because they have to work". It was found that only a small minority of children are full-time wage labourers, while the majority of those who work do so as family labourers, at home or in the fields. More significantly, the causal relationship between child labour and educational deprivation is that the children work because they have dropped out of school, and not necessarily the other way round.

7.10.4 Why do children drop out of school? 'School mein theek se padhai nahin hoti, phir kya phayda padhne se? ('What's the point of studying when there is no proper teaching at school?'). This is the comment of a 10-year-old boy from a dalit family in Bihar. Lack of academic support both at home and school, low levels of learning, their irrelevance of the curriculum, high cost of books, stationery and uniforms, fear of punishment, inadequate infrastructure, inconvenient school location and schedules, are some of the factors that contribute. Especially for girls, who are expected to take care of the younger siblings or other household chores, these factors become all the more insurmountable, adding to the 'social distance' of school. In some cases lack of female teachers and separate toilet facilities can also act as a deterrent. However, it has been seen through various initiatives in different countries that the same children come running to school and determinedly continue studying, when an 'enabling' learning environment is ensured. Besides the physical environment, two important components that influence the learning environment and require urgent attention are the curriculum and the teacher.

7.10.5 In recent years there have been attempts to change the elementary school curriculum to make it more child-centred, joyful and activity-based. However, in most cases there have been mere cosmetic changes accompanied by much 'song and dance', with no radical restructuring in the content and design. A crucial aim of children's education should be to promote concept formation and enhance their capacity for theory builders, and from very early in life they begin to construct their own explanations for the world they observe. The predominantly urban middle-class background of curriculum makers has continued to influence the manner in which the village poor and their lives are perceived. There is an implicit bias, that those 'backward' children need to be told how to conduct their lives 'properly', and that only 'positive' situations from their lives must be depicted. Thus either highly prescriptive and moralistic lessons about hygiene, cleanliness, hard work, etc or rather simplistic generalizations about the perceived 'needs' of the rural poor are told in schools. Over-idealised situations abound in school textbooks - of truly democratic Panchayats (local self-governments), benevolent employers, well equipped and functioning village hospitals, and effective government schemes - routinely doled out as facts of 'social studies'. Rural children, unlike those from protected urban homes, are much more conscious of the conflicts and complexities of life, which form a part of their reality. They know very well that these lessons are contrived and untrue, but have no chance to critically question the platitudes they must passively parrot. The village child is also far more knowledgeable about the natural world, and does not need to look at (often badly drawn) 'pictures' to count the legs of a spider, or to identify the eggs of a frog or the leaves of a neem tree. Likewise, a tribal child may learn from her community knowledge details about metal casting, or about medicinal herbs and the rich biodiversity of her forests; which foreign companies might vie to pirate and patent, but which receives no legitimacy from school as being 'valuable' knowledge. Thus the way school curricula are structured, the rural child is offered false platitudes in the name of 'relevance' and, even in matters she knows better, is never allowed an edge over her 'privileged' urban counterparts.

7.10.6 What is taught is crucially linked with how it is taught and, more importantly, with how it is assessed. The examination system is so distorted that it actually discourages good class-room practices, by forcing children to answer contrived meaningless questions, suppressing their own curiosity and expression. It emphasizes on written questions based on trivial recall, and discounts all activity-based learning. There needs to be a shift towards creative child-friendly assessment systems, conducted on a continuous basis, that students also enjoy doing.

7.10.7 The most important resource for quality education, the teacher, happens to have the feeblest voice in matters of concern. The rural primary school teacher occupies the lowest position in the hierarchical administrative structure, and is expected to bear the burden of the crucial task of 'nation building' in complete isolation, with very little support and is blamed for all failures of the system. In addition, teaching seems to be only one of the many assignments of the teacher, and often the least important as far as the administration is concerned. From the census to elections, from family planning programmes to poverty survey the teacher, as the sole multi-purpose village functionary, is expected to perform whatever function the government finds necessary at any time. This problem becomes most acute in the case of village schools having a single or at most two teachers. For days together the school may remain closed because the teacher has been summoned on 'duty', further discouraging children who, in the absence of support at home, actually need much more attention and extra time.

7.11 Conclusion and Recommendation

7.11.1 The details given above regarding educational status of SC/ST in proceedings paras clearly bring out following facts:

- I. Educational status of SCs and STs has improved in last 53 years.
- II. The educational status of Non-SC/ST has progressed at a faster pace as compared to SCs and STs clearly showing the bias of planners and implementers in bypassing the various policy guidelines framed for giving impetus to improvement in educational status of weaker sections of society. This also brings out the urban bias as most of the educational institutions have been set up in and around urban centres.
- III. In Annexure-7.V the number of SC/ST students pursuing studies at graduate/post graduate/in other professional courses has been given. As may be seen from therein the numbers are far from satisfactory. Economic condition most of the time do not permit students of these communities to pursue higher studies. It is felt that Govt. should formulate a new scheme for granting 'Study Leave' to SC/ST community persons desiring to pursue higher studies alongwith their jobs. This provision should be extended in all professions viz. teaching, post graduate studies for doctors, engineers other professions on the lines it is being given to Govt. employees. Govt of India leave rules have a provision for grant of study leave up to a maximum period of 5 years for pursuing higher studies with full pay and other benefits to Govt. servants. Such a facility if extended to SC/ST persons in all types of jobs will go a long way in improving their representation in Group-A and professional jobs.
- IV. Though at primary and middle level enrolment of SC and ST students has improved, however, there are higher drop outs among SC and ST

students than of other categories.

- V. The representation of SC and ST students in 10+2 stage and at graduate, post graduate levels and in professional courses is far below their population percentages.

7.11.2 The system of education which we inherited while attaining our independence had hardly any relevance to the needs of the life situation then prevailing in the country. With the passage of time the educational system continued to drift away from the realities of life. This explains the dilemma of the present day youth who wants to achieve something in life. But the hard work put in by them in attaining academic qualification does not land them with a "job". While the earlier system of Education was tailor made to suit the requirements of furthering "British Raj" i.e. taking care of administration at lower level and maintaining law and order, rightly or wrongly Independent India continued with the education system put in place by "British Raj" and that is perhaps one of the main reasons for disenchantment of youth in present day society as well as lack of employment opportunities for majority of youth from disadvantaged sections of society. While a little bit of education alienates them from their traditional professions, the dismal condition of the lot of traditional artisans has meant a double loss to the society as a whole. Time has come to recognize this paradoxical situation. It is not that vocational and technical education has been totally ignored. Lot of efforts have been put in this area as is evident from large number of ITIs, Poly-techniques and vocational training courses. Current policy documents on education lay great stress on scientific and technological inputs, while promoting high-value skills for the world market, but are silent about enhancement of traditional skills. In predominantly rural agrarian communities there is need to design school curricula that value and upgrade traditional skills and knowledge, and provide opportunities to learn about improved appropriate technologies, such as for water harvesting, local food processing, fish farming, leather tanning, biological pest control, etc.

7.11.3 Many experiments are being carried out in the country and some of the innovative systems of education evolved in various parts of the country have led to spectacular results viz: Eklayya Schools in MP, Marushallas and Lokjumbish in Rajasthan, Mahila Samkyaya Programme in UP, Bihar etc. When will power and a little interest has been shown by the government and by the community, results have been very encouraging. This has been demonstrated in the success stories of Himachal Pradesh where government schools have performed very well and the private schools have remained confined to only few of the district headquarter. This has been achieved due to responsible teachers and interested parents. Individuals in various parts of the country like Tulsi Munda, an aged tribal illiterate woman, in Keonjhar District of Orissa, schools being run by Pratham in Mumbai and surrounding areas, Kanavu who runs a school in Waynad district of Kerala for tribal children all have demonstrated the fact that given the right atmosphere, dedication, enthusiasm and integration of best elements of the community, the objective of education to the children of the depressed classes can also be realized.

- I. The top priority of the Government should be for retention of children from SC and ST community after enrolment in school from Primary Classes onwards. One of the ways in which high drop out rates can be arrested is by strengthening Mid-day-meal scheme. Results have clearly shown, as in Southern states, that prospect of food in school is highly attractive and motivating for children. The scheme must be implemented in rural and tribal areas. If this scheme is run through

women self help groups or PTAs it may lead to arresting high drop out rates on one hand and creating employment opportunities in rural and far flung areas on the other hand. It is strongly recommended that in no case dry ration should be given for attendance in school of children to parents. It is the child nutrition level which is to be improved which will enable him/her to study and become worthy citizens.

- II. As has been demonstrated in the Lok Jumbish Project, it is important to adopt the community based approach where the entire construction plan was demystified and explained to the community. The Building Nirman Samitis undertake construction of the schools and there is confidence that the community can maintain it. Contribution for schools maintenance should be given to schools through the schools bank account. There should only be a social audit of maintenance funds and no financial audit. The community should decide the plan of action and implemented it too. Similarly, resources for teaching learning materials and school sports items should be transferred to the bank accounts of schools. At the school level the Headmaster, Panchayati Raj representatives and Community representative should take all important decision. The experiment in HP to decide school holidays in consultation with school and community representatives with the Deputy Commissioner has contributed in a significant manner in reducing the absentees of children and teachers. The school holidays are declared coinciding with harvesting season when all the adults as well as children have to contribute in fields. The Committee of school Headmaster, Representatives of local Panchayat and community should be made responsible for scrutinizing all request for various types of scholarships and the committees recommendations for grant of scholarships should be binding. As has been recommended by Tenth Five Year Plan working group report on empowerment of SCs, Counseling of parents as well as giving other incentives to them for ensuring that children do not drop out of school should be considered.
- III. It is important to make learning a joyous experience by strengthening Distance Education System through visual media i.e. T.V., Films etc. specially in schools in rural and far flung tribal areas.
- IV. Strengthening and extension of coaching and allied scheme alongwith remedial coaching scheme being run by M/o S J&E and M/ TA as well as UGC for SC/ST students. This is very important keeping in view the present proportion of SC/ST students in higher education.
- V. For promoting girls' education it is important to recognize the role of the mother and her desire to make her daughters self sufficient and improve their life conditions. It has been proved that in case educational programmes are sensitive to need of the girls who are on the threshold of adult hood and once there is realization among girls that they can 'know' they begin an almost feverish process of learning as for them this is the only way to emerge as self confident adults, capable of taking their own decisions.
- VI. Lot of government efforts at present is concentrated on strengthening systems of vocational and technical education as is evident from large

number of IITs, poly-techniques, vocational training institutes being set up. However, inflexibility of curricula and lack of awareness about the pace changing market needs as well as lack of marketing facilities for their products are responsible for government efforts going awry in these areas. It is thus necessary that individual institutions are given greater flexibility in changing their courses as per market requirements in the local/ regional/national/international arenas. Due to various socio-economic reasons the problem of school drop out is continuing. It is important to channelise the energy of these school drop outs in various streams. Perhaps time has come to start vocational education even from middle school level. The training etc. has to move away from traditional sectors like Carpentry, Blacksmith etc. to modern day requirement viz; camera rolling, ticketing, travel guides as majority of modern day youth even of rural areas want to savour so called modern life in urban area.

- VII. Vocational Institutions must also help their students in setting up units and in marketing of their products. Perhaps government should come out with a policy prescription for giving 'Purchase Preference' for the product manufactured by 'Swa-Rojgaris' Sector Industries in the Central/State Govts. purchase networks for offices, schools, hospitals etc. Government still is the biggest purchaser. This scheme of purchase preference will go a long way in providing sustenance to Swa-Rojgaris. Government of course can put strict quality stipulation. In a nutshell vocational education/training and marketing of products or services have to go hand in hand for students from SC/ST categories most of whom may be first time learners in their families.
- VIII. While new schools have to be opened in the areas yet to be covered it is felt that emphasis now should be placed on convergence of educational facilities in an integrated manner viz; an educational complex. Instead of opening middle school, hostels, secondary schools etc. in each and every area if these facilities are opened in a Central place to be selected on the basis of easy accessibility, population coverage (say in radius of 10 kms.) and potential availability of future students, the educational needs may be satisfied in a more coordinated and economical manner. The hostels etc. in such complexes can be utilised in more optimum manner. It is also felt that while planning for such complexes the curriculum etc. can also be designed to serve the community needs of the surrounding areas. Such complexes would also ensure better availability of teachers.
- IX. From time immemorial Indian artisan's craft and skills in various trades like kalamkari of AP, stone carving of Orissa and TN, bunkars of AP, Bihar, MP, Karnataka, embroidery and mirror work from Gujarat etc. are world renowned. In most of these traditional professions lot of SC and ST families are earning their livelihood. While demand for the goods produced by the craftsman in Metropolitan Cities and in Global Markets is increasing day-by-day, those who create these master pieces are getting disillusioned with their traditional profession. The reason in almost all cases are middle men who have made riches from their labour. It is recommended that

craftsman from these communities who may be illiterate should be inducted as teachers in various vocational institutions, and thus help in saving these dying arts. Government scheme of community poly techniques and ITI can dovetail these artists and their arts in their courses. The stone carvers of Sokinda Valley in Keonjhar of Orissa produce beautiful statues which can be kept in various museum.

- X. Privatization, privatization of education especially higher education, is fraught with serious implications for large majority of students, specially from SC/ST community. Reportedly a recent study sponsored by planning Commission has been instituted in the back drop of a report submitted by the PM's Advisory Committee on trade and commerce. It is reported to have suggested withdrawal of Govt. funding from higher education and restricting role of UGC. Though the move for private sector contribution in education is welcome, it is 'Commercialisation, of education which is to be discouraged. While privatization of education with Govt. effort being supplemented and complemented should be welcomed it is marketisation which should be totally discouraged in the interest of 'educational excellence'.

7.11.4 In a nut shell, education in today's world is as important as perhaps food for sustenance of human being. It is important for giving that 'dignity of life' promised in the preamble to the Constitution of India. For SC/ST community education becomes the Mahamantra which would give them their right place in the Indian society. Along with the Government, the community and all of us have to contribute as well as endorse the spirit of education in all our citizens.

ANNEXURE-7.1

**LITERACY RATES OF SCHEDULED CASTES, SCHEDULED
TRIBES SEX-WISE COMPARED WITH NON SC/ST
COMMUNITIES (1991 CENSUS)**

S.No.	State/UT	SC	ST	Non SC/ST Communities	Total Population
1.	2.	3.	4.	5.	6.
*INDIA					
	Persons	37.41	29.6	57.69	52.21
	Male	49.91	40.65	69.53	64.13
	Female	23.76	18.19	44.82	39.29
STATES					
1. Andhra Pradesh					
	Persons	31.59	17.16	48.65	44.09
	Male	41.88	25.25	60.1	55.13
	Female	20.92	8.68	36.88	32.72
2. Arunachal Pradesh					
	Persons	57.27	34.45	53.67	41.59
	Male	66.25	44	61.44	51.45
	Female	41.42	29.24	40.55	29.69
3. Assam					
	Persons	53.94	49.16	53.39	52.89
	Male	63.88	58.93	62.14	61.87
	Female	42.99	38.98	43.69	43.03
4. Bihar					
	Persons	19.49	26.78	43.09	38.48
	Male	30.64	38.4	57.29	52.49
	Female	7.07	14.75	26.62	22.89
5. Goa					
	Persons	58.73	42.91	75.86	75.51
	Male	69.55	54.43	83.94	83.64
	Female	47.51	29.01	67.05	67.09
6. Gujarat					
	Persons	61.07	36.45	65.93	61.29
	Male	75.47	48.25	77.47	73.15
	Female	45.54	29.01	53.56	48.64
7. Haryana					
	Persons	39.22	0	59.78	55.85
	Male	52.06	0	73.15	69.1
	Female	24.15	0	44.3	40.47
8. Himachal Pradesh					
	Persons	53.2	47.09	68.58	63.86
	Male	64.98	62.74	79.77	75.56
	Female	41.02	31.18	57.23	52.13
9. Jammu & Kashmir					
	Persons	N.A.	N.A.	N.A.	N.A.
	Male	N.A.	N.A.	N.A.	N.A.
	Female	N.A.	N.A.	N.A.	N.A.

1.	2.	3.	4.	5.	6.
10.	Karnataka				
	Persons	38.06	36.01	60.64	56.04
	Male	49.69	47.95	71.74	67.26
	Female	25.95	23.57	49.06	44.34
11.	Kerala				
	Persons	79.66	57.22	91.34	89.81
	Male	85.22	63.38	94.94	93.62
	Female	74.31	51.07	87.91	86.17
12.	Madhya Pradesh				
	Persons	35.08	21.54	54.46	44.20
	Male	50.51	32.16	69.36	58.42
	Female	18.11	10.73	38.10	28.85
13.	Maharashtra				
	Persons	56.46	36.69	69.15	64.87
	Male	70.45	49.09	80.39	76.56
	Female	41.59	24.03	57.01	52.32
14.	Manipur				
	Persons	56.44	53.63	63.40	59.89
	Male	65.28	62.39	76.83	71.63
	Female	47.41	44.48	49.31	47.60
15.	Meghalaya				
	Persons	44.27	46.71	62.91	49.10
	Male	54.56	49.78	69.29	53.12
	Female	31.19	43.63	53.81	44.83
16.	Mizoram				
	Persons	77.92	82.71	75.19	82.27
	Male	77.54	86.66	75.43	85.61
	Female	81.25	78.70	73.97	78.60
17.	Nagaland				
	Persons	0	60.59	68.98	61.65
	Male	0	66.27	74.84	67.62
	Female	0	54.51	57.14	54.75
18.	Orissa				
	Persons	36.78	22.31	61.57	49.09
	Male	52.42	34.44	75.57	63.09
	Female	20.74	10.21	46.99	34.68
19.	Punjab				
	Persons	41.09	0	65.10	58.51
	Male	49.82	0	71.73	65.66
	Female	31.03	0	57.65	30.41
20.	Rajasthan				
	Persons	26.29	19.44	44.79	38.55
	Male	42.38	33.29	61.76	54.90
	Female	8.33	4.42	26.11	20.44
21.	Sikkim				
	Persons	31.03	59.01	56.78	56.94
	Male	58.69	66.80	65.91	65.74
	Female	42.77	50.37	45.93	46.69

1	2	3	4	5	6
22.	Tamil Nadu				
	Persons	46.74	27.89	66.80	62.66
	Male	58.96	35.25	77.80	73.75
	Female	34.89	20.23	55.55	51.33
23.	Tripura				
	Persons	56.66	40.37	72.82	60.44
	Male	67.25	52.88	81.32	70.58
	Female	45.45	27.34	63.66	49.65
24.	Uttar Pradesh				
	Persons	26.85	35.70	45.48	41.60
	Male	40.80	49.95	59.67	55.73
	Female	10.69	19.86	29.14	25.31
25.	West Bengal				
	Persons	42.21	27.78	64.98	57.07
	Male	54.55	40.07	74.07	67.81
	Female	28.87	14.98	54.85	46.56
UNION TERRITORIES					
1.	A & N Island				
	Persons	0	56.62	74.73	73.02
	Male	0	64.16	80.40	78.99
	Female	0	48.74	67.42	65.46
2.	Chandigarh				
	Persons	55.44	0	81.95	77.81
	Male	64.74	0	85.22	82.04
	Female	43.54	0	77.71	72.34
3.	D & N Haveli				
	Persons	77.64	28.21	84.64	40.71
	Male	88.03	40.75	90.78	53.56
	Female	66.61	15.94	75.40	26.98
4.	Daman & Diu				
	Persons	79.18	52.91	73.27	71.20
	Male	91.85	63.58	84.86	82.66
	Female	67.62	41.49	61.34	59.40
5.	Delhi				
	Persons	57.60	0	79.23	75.29
	Male	68.77	0	84.96	82.01
	Female	43.82	0	72.16	66.99
6.	Lakshadweep				
	Persons	0	80.58	96.06	81.78
	Male	0	89.50	95.77	90.18
	Female	0	71.72	96.75	72.89
7.	Pondicherry				
	Persons	56.26	0	78.20	74.74
	Male	66.1	0	86.97	83.68
	Female	46.28	0	69.26	65.63

*Excludes figures of Jammu & Kashmir where 1991 Census was not taken

ANNEXURE-7.II

ENROLMENT OF SCHEDULED CASTES AT PRIMARY, MIDDLE,
HIGH/POST BASIC STAGE/SENIOR SECONDARY STAGE

(Figures in 000)

Year	Enrolment of all categories			SC Enrolment			% of SC Enrolment		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
				Primary Stage (Class I-V)					
1980-81	44576	28112	72688	7213	3768	10981	16.18	13.40	15.11
1985-86	51732	34733	86465	8727	5194	13921	16.87	14.96	16.10
1990-91	58095	41023	99118	9737	6057	15794	16.76	14.77	15.93
1995-96	62361	47373	109734	10935	7601	18536	17.53	16.04	16.89
1999-2000	64103	49509	113612	11809	8625	20435	18.42	17.42	17.98
				Middle Stage (Class VI-VIII)					
1980-81	13278	6568	19846	1621	602	2223	12.21	9.16	11.20
1985-86	18132	9992	28124	2537	1082	3619	13.99	10.83	12.87
1990-91	20444	12439	33283	2747	1413	4160	13.18	11.36	12.50
1995-96	24971	16043	41014	3701	2153	5854	14.82	13.42	14.27
1999-2000	25082	16983	42065	3881	2419	6300	15.47	14.24	14.98
				High/Post Basic Stage (Class IX-X)					
1980-81	4953	2189	7142	653	209	862	13.18	9.55	12.07
1985-86	8029	3588	11617	1046	351	1397	13.03	9.78	12.02
1990-91	9678	4862	14540	1236	488	1724	12.77	10.04	11.86
1995-96	10711	6069	16780	1472	657	2129	13.74	10.89	12.69
1999-2000									
				Sr. Secondary Stage					
1980-81	3061	1077	4138	253	37	290	8.27	3.44	7.01
1985-86	3780	1573	5353	332	81	413	8.78	5.15	7.72
1990-91	4326	2032	6358	467	147	614	10.80	7.23	9.66
1995-96	5396	2713	8109	879	338	1217	16.28	12.45	15.00
1999-2000	17246	10968	28214	2560	1479	4039	14.84	13.48	14.32

Source: Selected Educational Statistics

ANNEXURE-7.II (Contd.)

Enrolment of Scheduled Tribes at Primary, Middle, High/Post Basic Stage/Senior Secondary Stage

(Figures in 000)

Year	Enrolment of all categories			ST Enrolment			% of ST Enrolment		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary Stage (Class I-V)									
1980-81	44576	28112	72688	3133	1527	4660	7.03	5.43	6.41
1985-86	51732	34733	86465	4174	2406	6580	8.07	6.93	7.61
1990-91	58095	41024	99119	4958	2911	7869	8.53	7.09	7.94
1995-96	62361	47373	109734	5489	3735	9224	8.80	7.88	8.40
1999-2000	64103	49509	113612	6138	4511	10650	9.57	9.11	9.37
Middle Stage (VI-VIII)									
1980-81	13278	6568	19846	537	205	742	4.04	3.12	3.74
1985-86	18132	9902	28124	893	390	1283	4.93	3.90	4.56
1990-91	20844	12439	33283	1131	576	1707	5.43	4.63	5.13
1995-96	24971	16043	41014	1500	853	2353	6.01	5.31	5.74
1999-2000	25082	16983	42065	1804	1101	2905	7.19	6.48	6.91
High/Post Basic Stage (Class IX-X)									
1980-81	4953	2189	7142	193	73	266	3.90	3.36	3.73
1985-86	8029	3588	11617	303	136	439	3.77	3.29	3.78
1990-91	9678	4862	14540	425	188	613	4.39	3.87	4.22
1995-96	10711	6069	16780	561	289	850	5.23	4.76	5.07
1999-2000									
Sr. Secondary Stage									
1980-81	3061	1077	4138	53	10	63	1.73	0.93	1.52
1985-86	3780	1573	5353	117	29	146	3.10	1.84	2.73
1990-91	4326	2032	6358	142	50	192	3.28	2.46	3.02
1995-96	5396	2713	8109	292	114	406	5.41	4.20	5.00
1999-2000	17246	10968	28214	998	540	1538	5.70	4.92	5.45

Source: Selected Educational Statistics

DROP-OUT RATES OF SCHEDULED CASTES-1990-91

ANNEXURE-III A

S.No.	State/UT	Primary Stage			Middle Stage			Secondary Stage		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	Andhra Pradesh	42.41	67.76	64.72	79.38	64.88	82.63	44	88.63	86.00
2	Assam	0	0	0	0	0	0	0	0	0
3	Bihar	48.63	56.80	53.27	63.96	65.18	65.98	61.18	61.68	62.42
4	Goa	67.53	71.33	68.94	81.61	88.43	84.97	86.12	93.15	89.59
5	Gujarat	53.07	51.75	52.81	68.07	71.38	70.42	78.56	84.48	81.07
6	Haryana	33.05	44.17	31.46	52.34	38.37	60.05	75.19	79.56	71.79
7	Himachal Pradesh	30.62	41.88	36.01	52.31	36.65	59.64	73.46	88.84	78.12
8	Jammu & Kashmir	29.10	40.00	34.3	42.04	56.33	45.64	62.85	74.91	67.78
9	Kerala	34.38	35.38	34.86	34.67	28.45	32.53	37.68	41.63	39.66
10	Karnataka	48.78	57.11	52.44	61.95	80.08	70.95	73.31	81.24	77.07
11	Kerala	2.91	5.04	2.94	9.92	7.83	8.91	84.01	47.63	41.09
12	Madhya Pradesh	33.44	53.08	41.77	58.87	78.44	65.82	51.87	85.28	61.98
13	Maharashtra	35.30	48.92	41.73	52.17	68.47	59.66	65.84	70.40	71.96
14	Madhya Pradesh	39.81	42.87	41.35	84.79	83.96	83.14	81.51	83.07	81.10
15	Mizoram	20.86	13.09	17.96	69.59	71.81	70.62	18.52	43.08	30.57
16	Nagaland	0	0	0	0	0	0	0	0	0
17	Nagaland	0	0	0	0	0	0	0	0	0
18	Oissa	57.42	57.32	57.38	74.66	81.54	76.75	35.88	66.47	51.64
19	Punjab	38.42	41.53	38.71	60.99	69.15	64.66	75.82	83.66	74.54
20	Rajasthan	63.32	74.67	69.07	71.12	83.46	74.99	79.07	91.87	82.07
21	Sikkim	56.31	67.86	61.76	84.75	83.85	86.33	91.99	96.93	91.57
22	Tamil Nadu	31.54	38.57	35.16	49.03	58.67	49.18	71.76	82.53	77.12
23	Tripura	36.62	67.63	39.1	71.06	79.14	75.38	85.39	89.58	87.29
24	Uttar Pradesh	35.70	57.41	49.00	59.00	69.88	61.76	68.72	84.18	71.20
25	West Bengal	59.50	67.71	61.03	74.66	84.55	79.78	88.15	89.83	88.81
26	Andhra Pradesh	0	0	0	0	0	0	0	0	0
27	Chhattisgarh	0	0	0	0	0	0	25.49	17.97	21.90
28	Delhi	45.60	54.5	49.51	0	10.11	0	64.90	34.15	49.06
29	Daman & Diu	0	0	0	0	0	0	0	0	0
30	Dadra	50.80	59.07	52.82	44.96	47.33	46.81	50.98	73.29	62.36
31	Lakshadweep	0	0	0	0	0	0	0	0	0
32	Puducherry	0	6	0	2.33	25.69	14.15	14.15	81.58	31.65
Total		46.27	13.96	49.33	64.34	73.28	67.77	74.38	83.38	73.63

DROPOUT RATES OF SCHEDULED TRIBES-1990-91

S.No.	State/UT	Primary Stage			Middle Stage			Secondary Stage		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1.	Andhra Pradesh	66.03	71.07	68.64	85.60	90.92	87.57	90.10	91.39	91.29
2.	Assam	82.21	88.19	85.20	77.67	79.81	78.74	80.31	81.44	80.85
3.	Bihar	85.13	87.18	86.00	72.13	74.25	73.34	73.11	75.75	74.66
4.	Goa	70.98	71.81	71.26	85.12	1.61	85.71	90.12	92.37	90.99
5.	Gujarat	51.98	66.51	59.30	75.35	81.28	78.05	84.38	88.00	86.39
6.	Haryana	87.40	85.76	86.54	38.51	51.98	43.73	61.84	65.95	63.39
7.	Himachal Pradesh	-	-	-	-	-	-	-	-	-
8.	Jammu & Kashmir	55.24	29.71	36.21	41.46	66.70	54.17	66.43	74.38	60.89
9.	Kerala	9.26	11.25	13.16	34.82	31.85	33.31	68.35	64.11	66.30
10.	Madhya Pradesh	31.06	52.27	36.59	67.52	84.57	75.98	81.41	91.79	85.66
11.	Maharashtra	16.24	41.88	29.48	30.95	80.25	74.64	80.62	88.19	83.71
12.	Madhya Pradesh	31.06	52.27	36.59	67.52	84.57	75.98	81.41	91.79	85.66
13.	Madhya Pradesh	31.06	52.27	36.59	67.52	84.57	75.98	81.41	91.79	85.66
14.	Madhya Pradesh	31.06	52.27	36.59	67.52	84.57	75.98	81.41	91.79	85.66
15.	Madhya Pradesh	31.06	52.27	36.59	67.52	84.57	75.98	81.41	91.79	85.66
16.	Mizoram	48.09	67.05	57.08	78.05	83.14	81.87	71.50	79.96	71.23
17.	Nagaland	37.91	58.37	58.13	56.25	53.81	55.31	45.60	42.29	44.07
18.	Nagaland	45.83	49.23	47.42	61.93	57.55	60.09	75.04	73.26	74.42
19.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
20.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
21.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
22.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
23.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
24.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
25.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
26.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
27.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
28.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
29.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
30.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
31.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
32.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
33.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
34.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
35.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
36.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
37.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
38.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
39.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
40.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
41.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
42.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
43.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
44.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
45.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
46.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
47.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
48.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
49.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
50.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
51.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
52.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
53.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
54.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
55.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
56.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
57.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
58.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
59.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
60.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
61.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
62.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
63.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
64.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
65.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
66.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
67.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
68.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
69.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
70.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
71.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
72.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
73.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
74.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
75.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
76.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
77.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
78.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
79.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
80.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
81.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
82.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
83.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
84.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
85.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
86.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
87.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
88.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
89.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
90.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
91.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
92.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
93.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
94.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
95.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
96.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
97.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
98.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
99.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
100.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
101.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
102.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
103.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
104.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
105.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
106.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
107.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
108.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
109.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
110.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
111.	Nagaland	74.03	74.14	74.08	84.39	86.65	84.94	83.84	81.86	82.56
112.	Nagaland	74.03	74.14	74.08						

ANNEXURE-7.IV

GROSS DROP-OUT RATES IN CLASSES I-V FOR THE YEAR
1999-2000

S.No.	States/UTs	Boys	Girls	Total
1.	Andhra Pradesh	39.42	41.23	40.28
2.	Assamachal Pradesh	49.77	50.81	50.23
3.	Assam	25.85	42.20	33.69
4.	Bihar	56.50	58.64	57.27
5.	Goa	5.83	11.51	8.58
6.	Gujarat	30.51	28.10	29.49
7.	Haryana	16.09	12.78	14.57
8.	Himachal Pradesh	36.63	33.90	35.35
9.	Jammu & Kashmir	55.12	47.39	51.84
10.	Karnataka	30.32	27.19	28.87
11.	Kerala	-9.03	-5.00	-7.05
12.	Madhya Pradesh	16.02	22.97	19.03
13.	Maharashtra	18.99	21.72	20.29
14.	Manipur	43.66	42.90	43.30
15.	Meghalaya	57.63	57.22	57.43
16.	Mizoram	51.96	51.27	51.64
17.	Nagaland	46.78	46.78	46.73
18.	Orissa	27.87	44.38	36.12
19.	Punjab	24.57	20.15	22.49
20.	Rajasthan	46.00	62.68	52.53
21.	Sikkim	61.27	56.35	58.94
22.	Tamil Nadu	42.70	39.19	41.10
23.	Tripura	49.66	49.25	49.47
24.	Uttar Pradesh	53.11	62.16	56.64
25.	West Bengal	49.85	58.48	54.07
26.	A & N Islands	5.52	5.77	5.64
27.	Chandigarh	-67.15	-66.17	-66.70
28.	D & N Havel	23.69	41.29	31.53
29.	Daman & Diu	0.76	6.60	3.59
30.	Delhi	5.36	6.03	5.67
31.	Lakshadweep	1.58	4.08	2.70
32.	Pondicherry	-6.44	-6.19	-6.32
	India	38.67	42.28	40.25

Source: Annual Report -2000-2001 D/o Elementary Education and Literacy, D/o Secondary Education and Higher Education-M/o Human Resources Development.

ANNEXURE-7.V

SCHEDULED CASTES/SCHEDULED TRIBES STUDYING AT GRADUATE, POST GRADUATE AND IN PROFESSIONAL COURSES

S.No.	Course	SC		Total	ST		Total
		Boys	Girls		Boys	Girls	
1.	B.A./B.A. (Hons.)	249850	90040	348890	97924	45626	143550
2.	B.Sc./B.Sc. (Hons)	61535	26205	87744	15469	6704	22173
3.	B.Co./B.Chm.(Hons.)	52996	22688	75684	15882	5033	20935
4.	B.E./B.Sc.(Eng./B.Arch.)	34021	6172	30193	6381	1063	7444
5.	M.B.B.S./Ayurved	7191	4824	12615	2958	1516	4474
6.	B.Ed./B.T.	9366	3638	13004	3378	1450	4828
7.	M.A.	33489	10604	44093	6985	3701	11686
8.	M.Sc.	6877	3257	10134	1434	1469	2904
9.	M.Com.	4967	1467	6434	1328	349	1677
10.	Ph.D./D.Sc./D.Phil	1429	469	1898	468	252	720

Source: Selected Educational Statistics (As on 30th Sept. 1998, 1998-99)

CHAPTER VIII

SERVICE SAFEGUARDS

8.1 Background

8.1.1 The Dalits and the Tribals have suffered discrimination and deprivation of opportunities for economic and social development for centuries and as a result of these deprivations, these communities had hardly any representation in public services at the time of Independence. According to a survey carried out by Shri P.S. Verma in 1992, the total representation of SCs, STs and OBCs was only 1% in 1935, although they represented more than 60% of the country's population. Keeping in view the negligible representation of Depressed Classes in public services, it was agreed in Poona Pact of 1932 that every effort shall be made to secure a fair representation of these communities in the elected bodies and appointments to public services.

8.1.2 After independence, while framing the Constitution it was felt that special provisions were required for SCs and STs to secure their adequate representation in public services. Accordingly, special provisions were made under Articles 16(4), 16(4A), 16(4B) and 335 of the Constitution. Article 16(4) enables the State to make provisions for reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Article 16(4A) and 16(4B) were subsequently inserted by amending the Constitution to provide for reservation in promotion in favour of the Scheduled Castes and Scheduled Tribes. Article 335 provides that the State should consider the claims of the members of the SCs and STs, consistent with the maintenance of efficiency of the Administration, in making appointments to the services in connection with the affairs of the Union or of the States. Thus these provisions have been made in the Constitution with a view to give opportunities to the SCs and STs to have a equitable share in governance and administration of the country.

8.1.3 To give effect to these provisions of the Constitution, executive instructions have been issued from time to time by department of Personnel and Training, which is notified as the nodal Department for this purpose. At present 15% reservation has been provided for SCs in direct recruitment through open competition on All India basis and 16.66% in the posts for which recruitment is otherwise than by open competition on All India basis. For the Scheduled Tribes 7.5% posts are reserved. In the States/UTs, percentage of reservation varies according to the proportion of SC/ST population in the States/UTs. Special instructions have been issued by the Govt. of India to give relaxations and concessions to the members of SCs and STs in their initial recruitment as well as in promotions.

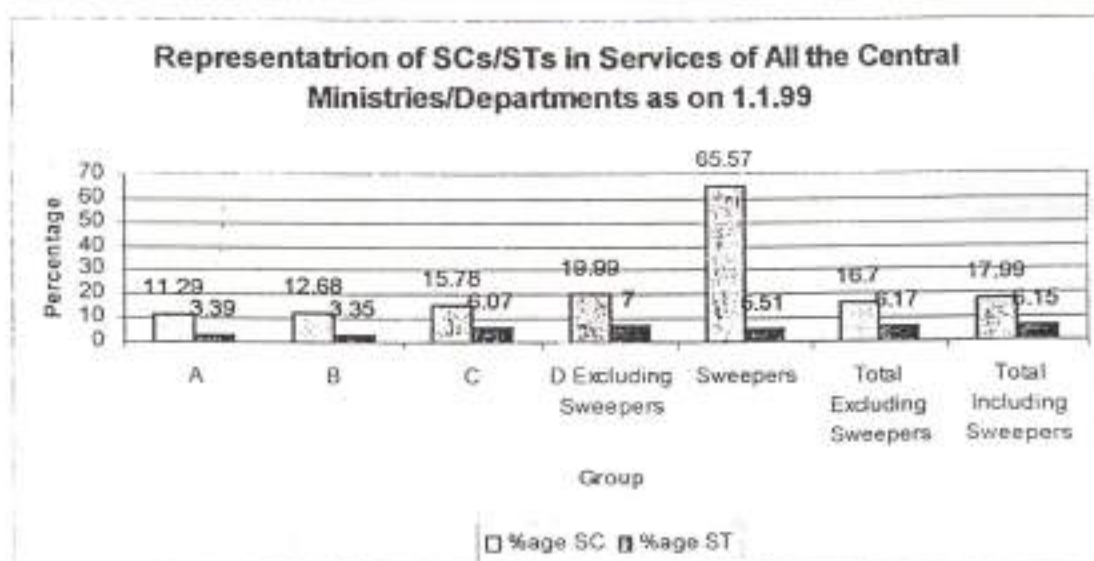
8.1.4 The scheme of reservations is at present based on Executive Instructions. While the principle of positive discrimination has been by and large internalized by the system, there are still some areas of weakness which need to be attended to on priority. The representation of Scheduled Tribes at all the levels and that of the Scheduled Castes in Groups 'A' and 'B' continues to be low for which special efforts have to be made. One of the regrettable aspects of the policy of reservations is that while it is generally accepted in principle, the spirit behind this policy is often ignored. Under the existing scheme failure to strictly enforce the reservation policy does not entail penal action against those responsible for its violation and hence the implementation remains ineffective. The

Commission has been making recommendations for giving statutory basis to the policy of reservation which needs to be considered with due earnestness and sense of urgency.

8.2 Representation of Sch. Castes and Sch. Tribes in the services of Central Ministries, Departments and their Subordinate offices.

8.2.1 The Department of Personnel and Training vide their letter No. 1-28011/23/2000-Ad.III dated 15-12-2000 have furnished to this Commission latest information regarding representation of SCs/STs in services of all the Central Ministries/departments as on 1-1-99. However, the requisite information as on 1-1-2000 was still awaited from some Ministries/Departments. Complete information regarding representation of SCs and STs in Central Govt. services as on 1-1-1999 is given in the table below:-

Group	Total	SC	%age	ST	%age
A	93520	10558	11.29	3172	3.39
B	104963	13306	12.68	3512	3.35
C	2396426	378115	15.78	145482	6.07
D	949353	189761	19.99	66487	7.00
Excluding Sweepers					
Sweepers	96435	63233	65.57	5314	5.51
Total Excluding Sweepers	3544262	591740	16.7	218653	6.17
Total Including Sweepers	3640697	654973	17.99	223967	6.15



It appears from the above table that the representation of Sch. Castes is still not complete in Group 'A' and 'B' posts and that of Sch Tribes is significantly lower in Group 'A' and 'B' posts and the prescribed representation of STs has not been achieved even in 'Group 'C' and 'D' posts. More vigorous efforts are, therefore,

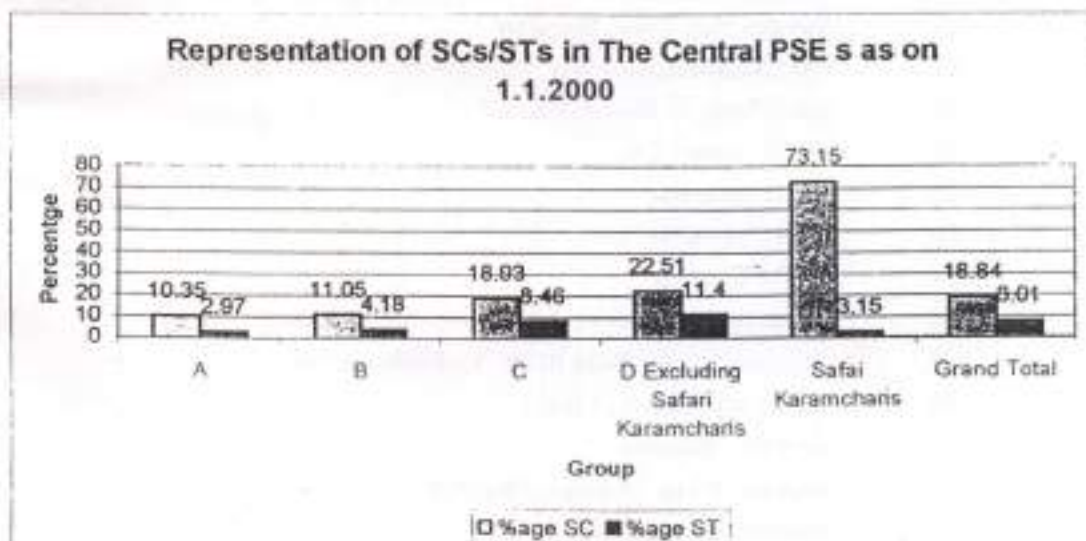
required to be made to increase the representation of SCs and STs in services. The DoPT was requested that information regarding the representation of SCs/STs in group 'A' may be bifurcated into two categories viz. i) lowest rung of Group 'A' and ii) above the lowest rung of Group 'A'. It was informed by the DoPT that collection and compilation of the figures of representation is a time consuming process. Information up to the period 1999 furnished/ by the Ministries/Departments does not clearly indicate the representation of SCs and STs in the lowest rung of Group 'A' and above the lowest rung of Group 'A'. It was assured that the Ministries /Departments will be advised to furnish separate information on representation of SCs and STs in the lowest rung of Group 'A' and above the lowest rung of Group 'A' for the year 2000 i.e. as on 1-1-2001 and onwards.

8.2.2 Representation of SCs/STs in the services of the Central PSEs as on 1-1-2000

The latest information regarding representation of SCs/STs in the Central PSEs as on 1-1-2000, received from the Department of Public Enterprises is given in the following table:-

As on 1-1-2000

Group	Total No of emp.	SCs	%age	STs	%age
A	204127	21125	10.35	6057	2.97
B	175159	19355	11.05	7317	4.18
C	1013917	191931	18.93	85744	8.46
D Excluding Safari Karamcharis	407425	91729	22.51	46463	11.40
Total	1800628	324140	18.00	145581	8.09
Safai Karamcharis	27903	20412	73.15	878	3.15
Grand Total	1828531	344552	18.84	146459	8.01



It is clear from the above table the representation of Sch Castes and Sch. Tribes is below the prescribed percentages of 15% and 7.5% respectively in Group A and B categories.

Both short-term and long-term measures need to be taken up for increasing the representation of SCs and STs in groups A and B.

8.2.3 During the year under report, National Commission for SC/ST took up review meetings with several PSEs, Govt. undertakings and other bodies setup by Govt. of India to assess the implementation of reservation policy . A list of such organisations is as follows:-

1. Indian Farmers Fertilisers Cooperatives, New Delhi
2. Industrial Finance Corporation of India Limited
3. Power Grid Corporation, New Delhi
4. Engineers India Limited, New Delhi
5. Gas Authority of India Limited, New Delhi
6. National Thermal Power Corporation, New Delhi
7. Bharat Heavy Electricals Limited, New Delhi
8. Central Coal Fields Limited, Ranchi
9. Heavy Engineering Corporation, Ranchi
10. MECON, Ranchi
11. Coal India Limited, Calcutta
12. Western Coal Fields, Nagpur
13. BHEL, Nagpur
14. Hindustan Aeronautics Limited, Hyderabad
15. South Eastern Coal Fields Limited, Bilaspur
16. Bhilai Steel Plant, Bhilai
17. Manganese Ore India Limited, Nagpur
18. Cochin Port Trust, Cochin
19. NTPC, Sonbhadra
20. Marmuga Port Trust, Goa
21. Mumbai Port Trust, Mumbai
22. NALCO, Bhubaneswar
23. Indian Instt. of Forest, Bhopal
24. ONGC, Dehradun
25. BPCL, Mumbai
26. HPCL, Mumbai
27. VSNL, Mumbai
28. Dredging Corporation of India, Vishakhapatnam
29. Vishakhapatnam Steel Plant, Vishakhapatnam
30. Hotel Corporation of India
31. Air India, Mumbai
32. Shipping Corp of India, Mumbai
33. Reserve Bank of India
34. Rural Electrification Corporation, New Delhi
35. GOI Tourist Office, New Delhi

8.2.4 Representation of SCs & STs in Public Sector Banks & Financial Institutions

Ministry of Finance, Department of economic affairs (Banking Division) has furnished the information regarding representation of SCs/STs in the Public Sectors Banks and Financial institutions for the last 3 years which is given in the table below:

		As on 1-1-98	As on 1-1-99	As on 1-1-2000
Officers	Total	252072	254511	254692
	SC	29956	30857	31871
	%	11.80	12.12	12.51
	ST	10098	10412	10749
	%	4.00	4.09	4.22
Clerk	Total	465780	460909	456802
	SC	69902	70160	67975
	%	15.00	15.22	14.88
	ST	22416	22321	21755
	%	4.81	4.84	4.76
Sub-Staff (Excl.Sweeper)	Total	183061	179606	178428
	SC	42567	42766	43653
	%	23.25	23.81	24.46
	ST	11275	11138	11154
	%	6.15	6.20	6.25
Sweepers	Total	43509	43508	39406
	SC	22864	22707	20086
	%	52.55	52.18	50.97
	ST	2449	2386	2422
	%	5.62	5.48	6.14

It may be seen from the above table that the representation of Sch Castes in the Officers cadre has not reached the prescribed percentage during the last 3 years. Whereas the representation of Sch Tribes is lagging behind in all the cadres, the representation of Sch. Caste is adequate in the cadres of clerk, sub-staff and sweepers during the last 3 years. Thus it is clear that vigorous efforts are required to be made to achieve the prescribed percentages of Sch. Caste in officers cadre and that of Sch. Tribes in all the cadres of officers, clerks sub-staffs and sweepers. In promotion the public sector banks should follow the RBI's reservation policy to safeguard the interests of SC and ST employees.

8.2.5 Representation of SCs and STs in the services of Public Sector Insurance Companies as on 1-1-2000

Ministry of Finance, Department of Economic Affairs, (Insurance Division) New Delhi have furnished information regarding representation of SCs/STs in the services of Public Sector Insurance Companies like, LIC and GIC and four Insurance Companies viz. National Insurance Co. Limited, New India Assurance Co. Ltd., Oriental Insurance Co. Ltd and United India Insurance Co. Limited. The LIC has collected data relating to staff strength on a financial year basis, as such desired statistics in respect of SC/ST have been furnished as on 31-3-2000 whereas GIC and four insurance companies have furnished information regarding representation of SCs & STs as on 1-1-2000. The desired information has been given in the table below:

**INFORMATION REGARDING REPRESENTATION OF SCs AND STs IN THE
SERVICE AS ON 1.1.2000 IN INSURANCE SECTOR**

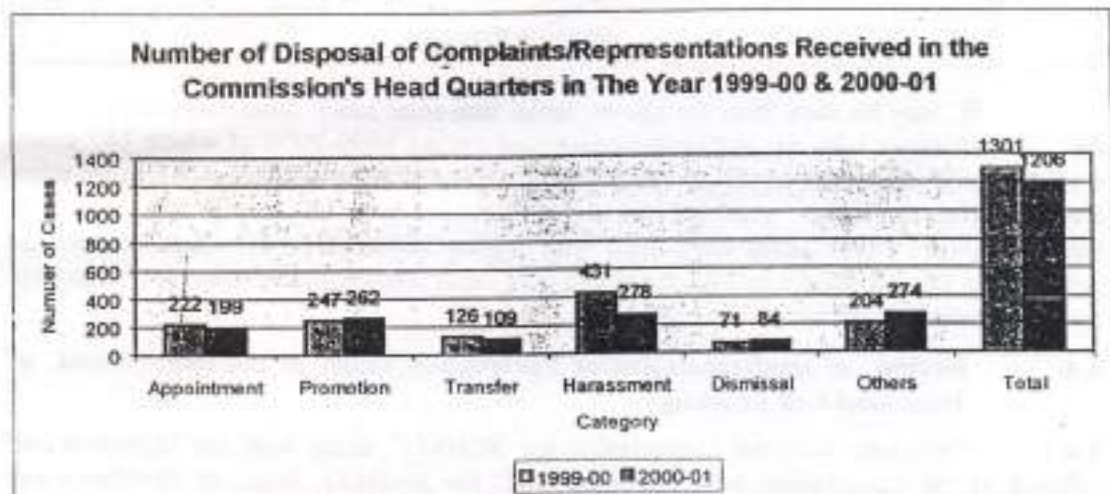
COMPANY/CLASS	TOTAL EMP.	SCHEDULED CASTES	% TO TOTAL	SCHEDULED TRIBES	% TO TOTAL
CLASS-I					
NATIONAL	3698	533	14.41	90	2.43
NEW INDIA	4195	734	17.50	106	2.53
ORIENTAL	3632	535	14.73	106	2.92
UNITED INDIA	4050	719	17.75	123	3.04
GIC	253	33	13.04	4	1.58
LIC (i) other than lowest rung of Group A	7910	1081	13.67	257	3.25
ii) Lowest rung of Group A	8312	1293	15.56	483	5.81
TOTAL	32050	4928	15.38	1169	3.65
CLASS-II					
NATIONAL	2867	263	9.17	59	2.06
NEW INDIA	3418	320	9.36	89	2.60
ORIENTAL	3068	353	11.51	92	3.00
UNITED INDIA	3064	297	9.69	69	2.25
GIC	0	0	0	0	0
LIC	19474	2721	13.97	856	4.39
TOTAL	31891	3954	12.40	1165	3.65
CLASS-III					
NATIONAL	10134	1948	19.22	502	4.95
NEW INDIA	13603	2218	16.31	714	5.25
ORIENTAL	10219	1848	18.08	616	6.03
UNITED INDIA	11605	2427	20.91	618	5.33
GIC	340	69	20.29	19	5.59
LIC	76804	12645	16.46	5632	7.33
TOTAL	122705	21155	17.24	8101	6.60
CLASS-IV					
NATIONAL	2396	759	31.55	185	7.72
NEW INDIA	2690	1091	40.56	222	8.25
ORIENTAL	2403	754	31.38	200	8.32
UNITED INDIA	2462	912	37.04	221	8.98
GIC	119	28	23.53	13	10.92
LIC (excl. sweepers)	9794	2543	25.96	830	8.47
Sweeper	573	320	55.85	41	7.16
TOTAL	20437	6407	31.35	1712	8.38

It may be seen from the above table that in Class-I services the representation of Sch. Castes is slightly lagging behind in the case of National Insurance Co. Limited, Oriental Insurance Co. Limited, GIC and LIC (other than lowest rung of Grade-A). Whereas representation of Sch. Tribes is not satisfactory in Class-I services of all the Public Sector Insurance Companies. In Class-II services of these companies, the representation of SCs and STs has not reached the prescribed level i.e. 15% for SCs and 7.5% for STs. In Class-III services, the representation of Sch. Tribes is still not complete. Thus extra efforts are required to be made to provide adequate representation to Sch. Castes in Class I and II services and to Sch. Tribes in Class I, II and III services.

8.3.1 Disposal of Complaints / Representations received in the Commission's Headquarters

During the year 1999-2000 and 2000-2001 cases pertaining to service grievances of SC/ST employees working in various organizations of Govt. of India, State Govts, PSEs, Banks etc. taken up by the Commission's Headquarters office were 1301 and 1206 respectively, category wise classification, by the nature of the complaints, is given in the table below:-

	1999-2000	2000-2001
Appointment	222	199
Promotion	247	262
Transfer	126	109
Harassment	431	278
Dismissal	71	84
Others	204	274
Total	1301	1206



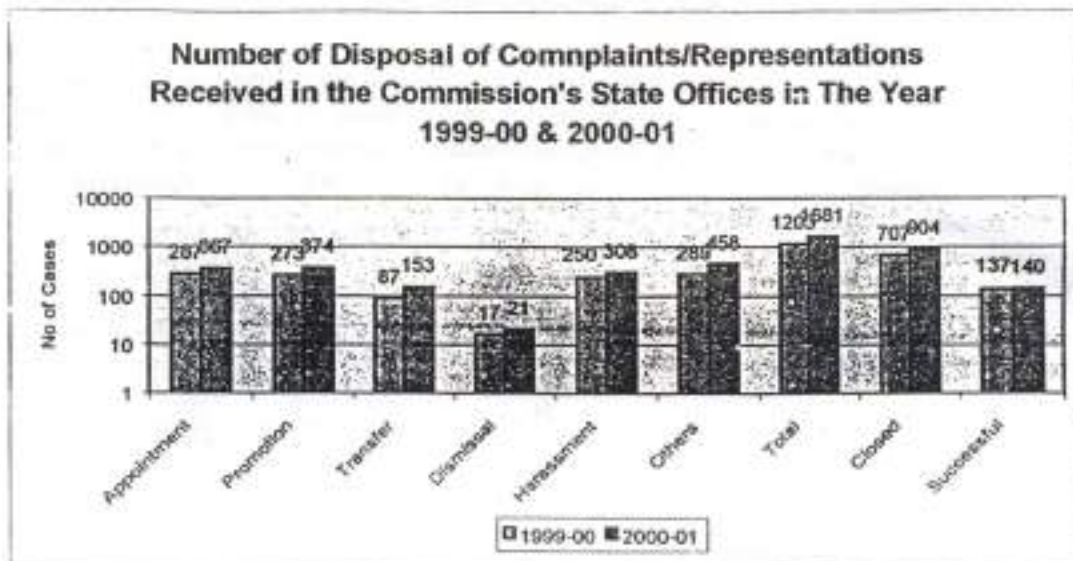
Out of the total cases taken up for investigation, 318 cases for the year 1999-2000 and 256 cases for the year 2000-2001 were finally settled by the Commission's Headquarters after detailed examination and discussions with the officers of the various concerned organization and desired relief was granted to the petitioners in 138 and 94 cases respectively.

8.3.2 Cases of service matter dealt with by the State offices of the Commission during 1999-2000 and 2000-2001

The information regarding nature of cases of service matters taken up by the State offices of this Commission, cases, which were successful, and those cases which were closed during the year 1999-2000 and 2000-2001 is given in the table below:

	1999-2000	2000-2001
Appointment	287	367
Promotion	273	374
Transfer	87	153
Dismissal	17	21
Harassment	250	308
Others	289	458
Total	1203	1681
Closed	707	904
Successful	137	140

**Number of Disposal of Complaints/Representations
Received in the Commission's State Offices in The Year
1999-00 & 2000-01**



It may be seen from the above table that total 1203 cases were taken up by the State Offices with the authorities concerned during 1999-2000 of which 137 cases were declared successful in which relief was provided to the petitioners. 707 cases were closed during the same year and the remaining 359 cases were still being pursued. Similarly total 1681 cases were dealt with during 2000-2001 of which relief was provided to the petitioners in 140 cases and 904 cases were closed during the same year and the remaining 637 cases were still being pursued.

8.4 Review of implementation of Reservation Policy in the Department of Personnel and Training.

8.4.1 Chairman, National Commission for SCs/STs along with the Members and officers of the Commission held a meeting with the Secretary, Dept. of Personnel and Training and other officers of DoPT on 10-1-2001 to review the implementation of the reservation policy and the related issues. The chairman of the Commission emphasized the need for strengthening the system and the institutions responsible for implementation of the reservation policy so that the Constitutional objective of giving adequate representation to the deprived sections of the society in services was achieved. He stated that passing of an Act by the Parliament to implement the reservation would greatly reduce the litigation in relation to the implementation of reservation policy. He further mentioned that on the lines of Political reservation, the percentages of reservation of 15% for SCs and 7.5% for STs should be increased keeping in view the increase in the population ratios of SCs and STs; He felt concerned over the inadequate representation of SCs and STs especially of Sch. Tribes even after 50 years of Independence. Following issues were discussed in detail in the meeting

8.4.2 Reservation Act

The Chairman of the Commission emphasized the need for early enactment of the Reservation Act, which would systematize the implementation of reservation policy. It was further mentioned that this Act should be kept in the 9th Schedule of the Constitution so that it was not open to frequent judicial interpretation. It was informed by the Secretary DoPT that at present the reservation policy was being implemented on the basis of the executive instructions issued from time to time, which had the force of Law and at the same time they had the flexibility to keep up with the

requirements of the time. He mentioned that earlier the Ministry of SJ& E had called for their comments on the Reservation Act and the Department had given its comments to that Ministry. The Joint Secretary, Ministry of SJ & E mentioned that the introduction of bill in this regard in the Parliament was one of the items discussed in the convention of MPs held in December 1999 and it was strongly recommended to enact a law in this regard. In the light of advice given by the Hon'ble Members of Parliament in the convention, the Ministry of SJ & E was considering this subject. Since the subject matter of reservation of posts in services has been entrusted to DoPT vide allocation of Business Rules, 1961, the Commission requested the DoPT to reconsider the matter in the light of the discussions and introduce the bill in the Parliament for the enactment of the Reservation Act.

8.4.3 Review of Five OMs issued by DoPT during 1997:

The Commission was apprised of the position in respect of the five OMs issued by the DoPT during 1997 as follows:-

i) OM dated 30-1-97

Review of OM dated 30-1-97 was under consideration when yet another judgement of the Supreme Court in the case of Ajit Singh-II was pronounced. This necessitated seeking further opinion of the Attorney General of India, which was awaited. The Secretary DoPT stated that position in respect of OM dated 30-1-97 would be placed before the Hon'ble Prime Minister for a decision alongwith the opinion of the Attorney General. The Chairman of the Commission mentioned that the Commission has been receiving several complaints regarding resentment among the SC/ST employees on account of the instructions of DoPT issued vide its OM dated 30-1-97, therefore, DoPT should take immediate action to withdraw this OM and to introduce Constitutional Amendment if so required.

ii) OM dated 2-7-97

Review of OM dated 2-7-97 was at an advanced stage of consideration. The DoPT has consulted the Attorney General and he has given his view that there was nothing wrong in this OM. The Secretary DoPT stated that position in respect of OM dated 2-7-97 would be placed before the Hon'ble Prime Minister for a decision along with the opinion of the Attorney General. The Chairman stated that the change of the rosters has resulted in loss of employment opportunities to the SCs and STs, therefore, DoPT should take steps to withdraw this OM immediately.

iii) OM dated 13-8-97

The Content and Constitutional validity of Article 16(4A) of the Constitution, in pursuance of which the OM dated 13-8-97 has been issued, was under challenge before the Constitution Bench of the Supreme Court. The DoPT was requested to send details of the cases before the Supreme Court for information of the Commission.

iv) OM dated 22-7-97

The Constitution (Eighty-Second Amendment) Act, 2000 has been enacted inserting a proviso under Article 335. Accordingly, instructions have been issued vide OM dated 3-10-2000 which has modified the OM issued on 22-7-97.

v) **OM dated 29-8-97**

Article 16 (4B) has been inserted into the Constitution after the Constitution (Eighty First Amendment) Act, 2000. The instructions issued earlier by DoPT vide OM dated 29-8-97 have accordingly been modified vide another OM issued on 20-7-2000. The Chairman of the Commission stated that since the OM has been modified DoPT should initiate action to identify the backlog vacancies and advise the Departments to carry out a Special Recruitment Drive to clear the backlog.

vi) The Chairman of the Commission mentioned that these OMs have adversely affected the interests of the SC/ST and hence the Commission had to present a Special Report to the Hon'ble President of India on these OMs, which has been placed in the Parliament. He again requested the DoPT to take an early action to modify/withdraw the remaining OMs as has been assured by the Hon'ble Prime Minister in the Parliament on 18-3-1999.

8.4.4 Percentage of reservation

The Chairman of the Commission stated that the percentages of reservation of 15% for SCs and 7.5% STs were fixed keeping in view the census of 1961 by the MHA Resolution No.27/25/68-Estt(SCT) dated 25-3-1970. Since then, there is substantial increase in the ratio of population of SCs and STs and accordingly the political reservation has been revised. Similarly, percentages of reservation for SCs and STs in the services should also be increased keeping in view the present ratio of SCs and STs in the population.

8.4.5 Representation of SCs and STs in the Services.

The Chairman expressed concern over the inadequate representation of SCs and STs in various groups of services under the Govt. of India. He mentioned about the shortfall at the higher levels of posts which was more glaring in the case of Sch. Tribes. Secretary DoPT mentioned that in the case of Group A and B normally UPSC was able to recruit the required number of candidates for the organized services. Secretary UPSC mentioned that there was some problem of getting suitable candidates for the reserved Medical posts, especially in super specialties even with relaxed standards. It was also noted that the DoPT was not compiling information with regard to representation of SCs and STs at Joint Secretary and above levels for the reason that these posts were filled in the Central Govt. on deputation basis and according to the present instructions on reservation there was no provision for reservation for SCs and STs while filling posts on deputation. The Chairman expressed the view that the representation of SCs and STs at such levels is likely to be extremely low and DoPT needed to take action to improve their representation at these levels. While discussing the representation of SCs in various services the chairman also stated that at the time of allotment of cadres to the IAS and other All India Services officers belonging to ST. Special care should be taken to see that they are allotted their home States or a neighboring State. This was important because the Sch. Tribes have a special affinity for their community and the members of their tribe look upto them to help solve their problems. Their posting in a very distant state or region makes them ineffective to work for their community. The Secretary DoPT agreed to consider the suggestion of the Chairman. The issue relating to representation of Sch. Tribes in All India services under the Central Govt. was again discussed by the Chairman with the Secretary DoPT in a meeting held on 20-3-2001. The Chairman mentioned that it has been brought to the notice of the Commission during its visits to various states that

representation of the Sch. Tribes in All India services and other Civil Services is confined to only certain pockets and the vast majority of tribal population, particularly in the Central India, have hardly any representation in these services. The DoPT has been requested that specific measures may have to be devised to enable all the regions in the country to have an equitable representation in these services. The DoPT has also been requested to issue instructions to the concerned officers to furnish information to the Commission on the number of ST candidates selected for each of the services year-wise from different states.

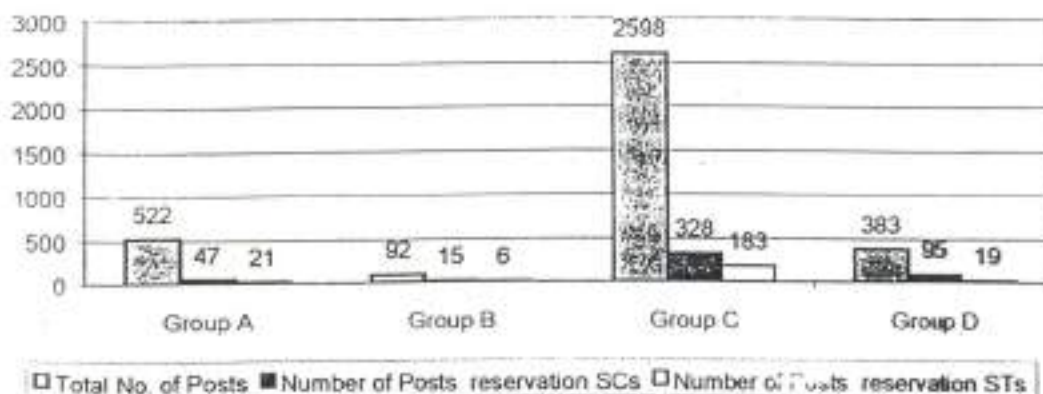
8.4.6 Anomalies arising out of different reservation rosters for direct recruitment at local proportions and national percentage in promotions

It was informed by the DoPT that the provision of reservation proportionate to population of SCs/STs in direct recruitment to Group C and D posts which are normally filled up on regional basis and reservation at uniform percentage in promotion 15% for SCs and 7.5% for STs has been upheld by the Supreme Court in an appeal filed against the impugned judgement dated 29-8-1988 of the Bombay High Court in WP No. 1098 of 1982. Keeping in view this judgement, there was no proposal under consideration of the DoPT to prescribe different percentage of reservation in promotion in respect of central service in different states.

8.4.7 The representation of SCs/STs in the services of the Ministry of Personnel, PG and Pension including their attached offices (excluding SSC) as on 1-1-2000 is given in the table below:-

Category Posts	Total No. of Posts	Number of Posts reservation		%age of employees belonging to	
		SCs	STs	SCs	STs
Group A	522	47	21	10.9%	2.29%
Group B	92	15	6	13.04%	5.43%
Group C	2598	328	183	12.29%	5.08%
Group D	383	95	19	35.24%	3.65%

The Representation of SCs/STs in The Services of Ministry of Personnel, PG and Pension Including Their Attached Offices (Excluding SSC) as on 1-1-2000



It may be seen from the above table that the representation of Sch. Castes was not complete in Group A, B & C and that of Sch. Tribes was inadequate in all the groups of

A,B,C and D in the Ministry of Personnel, which is the nodal Ministry for implementation of reservation policy for SCs and STs.

8.4.8 SC/ST Associations:

The Commission pointed out that certain minimum facilities should be provided to the Associations formed by the SC/ST employees for redressal of their grievances as these associations were playing an important role and the interests of SCs/STs were quite often in conflict with those of other sections of the employees and as such the general trade unions do not take up the matters of interest to the SCs and STs. The Secretary, DoPT referred to the Govt. rules which prohibit formation of Association of the Govt. employees on castes creed or race basis. The Chairman stated that the term Sch. Castes and the Scheduled Tribes have been used in the Constitution itself for giving positive discrimination and that Associations facilitate the management to fulfill their Constitutional obligation and therefore the issue of recognition of SC/ST Association and to provide them certain minimum facilities for discharge of their responsibilities should be favourably considered. In such SC/ST Associations 1/3rd of the positions of office bearers should be filled up by women belonging to these communities.

8.4.9 Brochure on Reservation for SCs/STs

The Commission stressed the need for early action to update the brochure on reservation for SC/ST. The Secretary DoPT mentioned that they were awaiting for the final decision on review of the DoPT OMs of 1997 for their incorporation in the Brochure. It was pointed out that this process may take a long time as the existing brochure is outdated. The DOPT is advised to bring out the updated version of the brochure as early as possible.

8.4.10 Some other issues

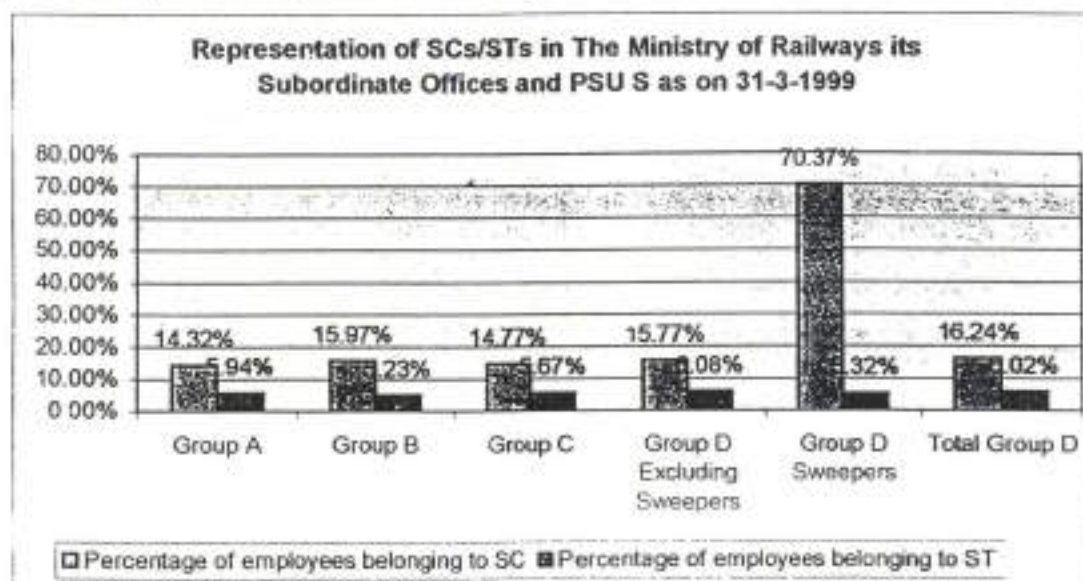
- i) The Chairman of the Commission stated that reservation should be provided at the time of promotion from state civil service to the All India Services.
- ii) There was a need for adequate representation of SCs and STs in the Foreign Training Programmes. Many a times circulars in this regard fail to reach the SC/ST employees. The DoPT informed that the training circulars are issued by that Department to all the State Govts. and the Ministries every year, inviting nominations of suitable officers for various training programmes abroad, which also stipulates that names of suitable officers belonging to SCs and STs may be forwarded in sufficient number so that due representation can be given to them. Thus while proposing nominations for training programmes abroad, the DoPT endeavors to ensure representation to SC/ST officers in each training programme, subject of course to availability of applications from SC and ST officers.

8.5 Representation of SCs/STs in the Ministry of Railways, its Subordinate Offices and PSUs as on 31-3-1999

8.5.1 The information received from the Ministry of Railways, regarding representation of SCs/STs in the services of the M/o Railways and its subordinate offices/PSUs as on 31-3-1999 is given in the following table:-

As on 31-3-99

Category of Posts	Total No. of Staff strength	Percentage of employees belonging to	
		SC	ST
Group A	7885	14.32%	5.94%
Group B	6830	15.97%	5.23%
Group C	902676	14.77%	5.67%
Group D Excluding Sweepers	609597	15.77%	6.08%
Group D Sweepers	55125	70.37%	5.32%
Total Group D	664722	16.24%	6.02%



It may be seen from the above table that the representation of Sch. Castes is still lagging behind in Group A and Group C posts whereas that of Sch. Tribes is not complete in all the groups A, B, C and D posts against the prescribed quota of 15% for SCs and 7.5% STs. The Ministry of Railways may bifurcate the information regarding representation of SCs/STs in group A into two categories viz. i) lowest rung of Group A and ii) above the lowest rung of Group A. The Ministry has replied that the latest information as on 31-3-2000 on these lines was being collected from the zonal Railways /PSUs.

8.5.2 In view of the DoPT OM dated 20-7-2000, which provides that ceiling of 50% would not apply on the backlog vacancies, the Railway Board issued a letter dated 4-8-2000 to all the Zonal Railways/Production Units advising them to undertake the review of backlog /carried forward vacancies of SCs/STs and to take steps to clear the same. As announced in the Budget 2000-2001, special drive for filling the backlog of SC/ST vacancies has been taken up. Recruitment to Group C categories of posts in Railway services is done through 19 Railway Recruitment Boards situated in various parts of the country. RRB, Ranchi has been set up for conducting the written examinations/interviews exclusively for ST candidates. The Ministry of Railways have addressed a circular dated 22-11-2000 to all the Zonal Railways and Productions Units to ensure that all the backlog posts of SCs/STs are filled up in a time bound manner by Special Recruitment Drive. It was mentioned in the circular letter that all out efforts

should be made to clear the backlog existing as on 30-6-2000, within the target date of 30th June, 2001. This will apply to all Groups i.e. Groups A,B,C and D . The backlog of vacancies would be determined with reference to the post-based-rosters.

8.6 Reservation in Private Sector

8.6.1 Liberalisation and privatization of the Central and State Sector Undertakings has brought the issue of reservation in private sector to the forefront. In spite of reservation for SCs and STs in posts /appointments under the State, the representation of these classes is not proportionate to their percentage of population in government departments, PSUs, Universities etc. The Government sector posts are shrinking and PSUs which at one time were able to provide employment to these communities will not be able to do so if they are privatized, if the policy of reservation is not extended to the private sector also.

8.6.2 There are two extreme views on the reservation in private sector. On the one hand there is a demand that compensatory reservation should be extended to private sector by a legislation and the other that disinvestments of PSUs should be stopped. Let us consider the 2nd view first. There is, no doubt, that many PSUs are incurring heavy losses and the State may have to sell its shares to private sector. However, due to pressure of multinationals and industrialists, Governments (Central and State) are planning to disinvest even those PSUs which are making profits and also those engaged in projects of national security. The Governments also find that to achieve the target of disinvestments fixed in the budget, they can get good price for the profit making PSU's rather than loss making ones. In so far as the first view is concerned, the simple solution can be to lay down a binding clause at the time of disinvestments that the new management will observe reservation policy for appointment/post and to make it doubly sure enact a legislation to that effect . This point was discussed by the Central Advisory Board for SCs and STs long time before Parliamentary Committee on the Welfare of SCs & STs was constituted by Parliament . The Parliamentary Committee expressed concern in 1975 that the Ministry of Industry had not issued instructions to the private sector to reserve a certain portion of vacancies in favour of SCs and STs. In 1976 the government examined whether a condition could be imposed at the time of issuing industrial license and sanctioning financial assistance in the form of loans to the private sector compelling them to give representation to the SCs and STs . The Ministry of Law felt that it will not be permissible under the law to impose such a condition. The Ministry of Finance also did not favour the suggestion as a precondition to sanction financial assistance since the Banks could not legally bind the borrowers and enforce it. The High Power Committee under the Chairmanship of the Prime Minister in October, 1978 also did not favour it but directed that private sector may be persuaded to adopt reservation in services for SCs & STs. Nothing concrete came out of these efforts. Modern Food was recently sold by Government of India to Hindustan Lever Limited and reservation policy is no longer followed by Modern Food. Similarly, in Maruti Udyog Limited, GOI has diluted its stake to less than 50 percent and is thus not in a position to insist that reservation should continue. The private sector enjoying Govt. patronage in terms of Concessional land , finance, excise and sales tax rebates etc. may be brought under the purview of reservation policy. The All India confederation of SC/ST organizations also raised this issue before the Hon'ble Prime Minister in their memorandum dated 9-6-99. **The Commission is of the considered view that in consonance with the Constitutional scheme, the principle of positive discrimination should be extended to the private sector also to fulfill its obligation of social equity.** A beginning should be made with all those economic activities which are getting the benefit of institutional finance and /or are being

supported by the state in some other ways. A stage has reached where all corporate bodies established under any law including the Indian Companies Act, the Societies Registration Act, Cooperatives and such other organizations which may be taking advantage of institutional finance, partly or wholly, including those established with foreign collaboration should be obliged to give due representation to members of the SCs and STs in the employment opportunities under them. The scope of due representation to members of SCs and STs should be extended to other private organization also in stages. After all the private sector ultimately depends on the invisible and visible infrastructure created by the state and that should be a good enough reason for accepting the social goals which the state is expected to achieve. Therefore, all these organizations which take advantage of institutional finance should be obliged to actively subscribe to the national goal of social equity and accordingly make due contribution towards achieving the same.

8.7 Impact of the post-based-rosters:

8.7.1 Due to the Commission's intervention, the Parliament has since amended the Constitution to restore the benefits withdrawn through two of the OMs. As far as the other three OMs are concerned, the Commission is pursuing with the Govt. for their reversal as well. Hon'ble Prime Minister had made a statement in the Parliament on 18-3-99., "The Govt. is committed to maintain the system of reservations that has been followed so far and is prepared to bring forward a legislation, even to amend the Constitution, if required to do so." The Chairman of this Commission had addressed a letter to the Prime Minister thanking him for the passage of two Constitution amendment Bills and requesting him to review the other three OMs also.

8.7.2 The Ministry of Personnel Public Grievances and Pensions, GOI vide their OM No. 13012/2/96-Estt (Res) dated 2-7-97 had directed that the existing 200 point, 40 point and 120 point vacancy based roster shall be replaced by post-based rosters. All Ministries/Departments and concerned authorities were requested to prepare the respective rosters based on the principles elaborated in the said O.M. The All India Confederation of SC/ST organizations, New Delhi brought to the notice of the Commission that as a result of the OM dated 2-7-97, the following difficulties have arisen leading to virtual nullification of the Constitutional provision which seeks to secure adequate representation for SCs and STs in Govt. jobs:-

- (a) As per the new roster system, the backlog vacancies meant for reserved categories do not exist
- (b) Preparation and maintenance of separate roster for direct recruitment and for promotion where reservation in promotion is applicable can lead to shrinkage of total number of vacancies available to SCs/STs.
- (c) Discontentment has been noticed among the people who belong to SCs/STs on account of the problems in the implementation of post-based-roster, which has led to lesser representation of SCs/STs in Govt. jobs than before.

8.8 Reservation for Sch. Tribes in NCT of Delhi

8.8.1 The National Commission for SCs and STs received a reference from the Ministry of Tribal Affairs for comments on the proposal of NCT Delhi for setting up a Commission to identify tribals within NCT of Delhi with a view to notify such communities as Sch. Tribes, under Article 342 of the Constitution. After a detailed examination, the Commission communicated its view that the percentage of reservation for STs in Delhi has always been based on the proportion of their population in the country as a whole and the reservations have been extended to the STs at 7.5 percent.

irrespective of the fact whether their place of birth was New Delhi or any other State, and there is no justification to modify this principle.

8.8.2 The Commission discussed this issue with the Lt. Governor, Chief Secretary and other senior officers of NCT of Delhi on 15-1-2001. The Lt Governor and the Chief Secretary clarified that Delhi Administration is committed to maintain the existing proportion of 7.5% reservation to Sch. Tribes in services and educational institutions in the interest of maintaining the cosmopolitan nature of Delhi's population and there is no move to modify this provision. The Chairman had written to the Lt. Governor of Delhi to issue suitable instructions to all concerned in this regard under intimation of the Commission. Accordingly the Govt. of NCT of Delhi in the Department for the Welfare of SC/ST/OBC vide their letter No. F-20/96-97/DSCST dated 16-2-2001 issued instructions to the Directorate of Vigilance, old Secretariat, Delhi under intimation to this Commission that there shall be reservation of 7.5% for STs in Delhi, irrespective of their nativity. It was to be ensured that reservation as stated above is provided to the candidates belonging to STs in Delhi.

8.9 Representation of SC/ST in teaching posts in the Central Universities

8.9.1 The position of representation of SCs and STs in various levels of teaching posts in the Central Universities is indicated in the following table: -

S.No.	Name of the University	Teaching Post		
		Professor	Reader	Lecturer
1	Assam University Year 1998-99			
	Total	21	46	44
	SC	1	-	17
	%	5	-	39
	ST	1	-	4
	%	5	-	9
2	Banaras Hindu University Year 1998-99			
	Total	360	396	329
	SC	1	1	31
	%	0.2	0.2	9.4
	ST	-	-	2
	%	-	-	0.6
3	Aligarh University Year 1998-99			
	Total	233	385	521
	SC	-	-	-
	%	-	-	-
	ST	-	-	-
	%	-	-	-
4.	J.N.U. Year 1998-99			
	Total	183	100	70
	SC	2	3	6
	%	1.0	3.0	8.5
	ST	1	2	2
	%	0.5	2.0	2.8

5.	Jamia Millia Islamia Year 98-99			
	Total	80	128	216
	SC	-	1	-
	%	-	0.7	-
	ST	-	-	1
	%	-	-	0.4
6.	Nagaland University Year 1995-96			
	Total	17	21	54
	SC	-	1	-
	%	-	4.7	-
	ST	3	5	32
	%	-	23.8	59.2
7.	Hyderabad University Year 1999-2000			
	Total	72	87	44
	SC	1	2	13
	%	1.39	2.3	29.5
	ST	-	-	1
	%	-	-	2.2
8.	Pondicherry University Year (1998-99)			
	Total	24	47	62
	SC	-	2	14
	%	-	4.2	22.5
	ST	-	-	-
	%	-	-	-
9.	Visva Bharati University Year 1998-99			
	Total	148	70	188
	SC	1	1	16
	%	0.7	1.4	8.5
	ST	-	-	1
	%	-	-	0.5
10.	Baba Saheb Bhimrao Ambedkar University, Lucknow			
	Total	2	3	8
	SC	-	-	1
	%	-	-	12.5
	ST	-	-	1
	%	-	-	12.5
11.	Delhi University Year 1998-99			
	Total	332	197	140
	SC	3	2	9
	%	0.9	1.0	6.4
	ST	1	-	2
	%	0.03	-	1.4

12.	NEHU Year 1998-99			
	Total	69	75	70
	SC	-	-	-
	%	-	-	-
	ST	9	23	38
	%	13.0	30.6	54.2
13	Tezpur University Year 1998-99			
	Total	9	11	40
	SC	-	-	-
	%	-	-	-
	ST	1	-	2
	%	11.1	-	5.0

8.9.2 UGC has also given updated position in respect of some of the Universities, which reflect identical representation of SCs and STs in the case of Assam University, Hyderabad University, Delhi University, NEHU, Tezpur University; and Vishav Bharti for 1999-2000. In the case of JNU, Nagaland and Pondicherry Universities there is marginal improvement at the level of Lecturer; whereas there is slight deterioration in the case of Banaras Hindu University.

8.9.3 UGC has also given information in respect of Deemed Universities, which are receiving 100% maintenance grants from the UGC. The position seems to be slightly better at Lecturers level for SCs in the case of some of these Universities such as Avinashlingam Institute for Home Sciences Coimbatore, Central Institute for Foreign Languages Hyderabad, Dayal Bagh Educational Institute Agra, Gujarat Vidyapeeth and Tata Institute of Social Sciences. However, in the case of other Deemed Universities the representation of SC/ST is very poor.

8.9.4 A meeting was held under the Chairmanship of Shri Dileep Singh Bhuria, Chairman, National Commission for SCs and STs, on 27th April, 2001 to review the implementation of reservation policy for SCs and STs in the Universities, including Delhi University, coming under the purview of UGC.

8.9.5 The Commission pointed out that the rule of reservation was not being strictly followed in the recruitment of faculty members in various Universities, both Central and State. In a meeting held in 1997 in the National Commission for SCs and STs, a decision was taken that UGC should issue instructions to all the Universities that the rule of reservation should be extended to categories like Readers and Professors, in addition to the post of Lecturers. However, the UGC has informed that this matter has been examined in the UGC and they have expressed their inability to extend the rule of reservation to the posts of Readers and Professors. The Commission observed that the representation of the SC/ST was far from satisfactory in most of the Universities. In certain Universities, which were enjoying 100 percent maintenance grant, no representation was given to these categories. Some of these Universities were even reluctant to give information about the representation of SCs and STs to the UGC, which was evident from the information supplied by the UGC to this Commission. The Secretary, UGC, mentioned that they have given instructions to the various Universities coming under their purview and also to the other State Universities to implement the rule of reservation, but many of the Universities were not following these instructions. It was also pointed out that the UGC and the Ministry of Human Resource Development could only at best advise the Universities in this regard but there was no provision to take any punitive action against

those Universities, which were reluctant to implement the rules as they were governed by their respective statutes.

8.9.6 The Chairman pointed out that as per the Reports appearing in the Press there was a very large number of backlog posts in the Universities. According to Northern India Patrika- Allahabad dated 10-4-2001 over 75000 SC/ST teaching posts were lying vacant in the Universities. The Vice-Chancellor of Delhi University and Secretary, UGC felt that the figures seemed exaggerated but still agreed that there was substantial backlog of vacant posts for SCs and STs. It was decided that the UGC should collect the latest information about the number of posts, which were lying vacant in the Universities. The Chairman stated that the UGC should instruct the Universities to clear this backlog without any further delay, especially keeping in view the 81st Constitutional Amendment which has added Article 16(4)(B) to the Constitution enabling the Government to remove the restrictions in filling up back log vacancies. Therefore, there should not be any difficulty in taking up further action to fill up these vacancies. The Secretary, Higher and Secondary Education was also requested to issue suitable instructions to the concerned authorities and the State Governments concerned.

8.9.7 Reservation in Teaching Posts in IIT's

It was reported that out of nearly 450 faculty members in IIT, Chennai there were only three belonging to SC/ST communities and they had also been selected on the basis of merit and not on the basis of any reservation. The Chairman of the Commission addressed a letter to the Minister of HRD for implementation of reservation in the teaching posts in IITs on 22-1-2001. It was mentioned that the Deptt. Of Education had issued instruction to the IITs for providing reservation to SCs/STs in direct recruitment up to the level of lecturers only. However, as the recruitment in the IITs are being made at the level of Assistant Professor, and not at the level of lecturers, the SC/ST candidates are being deprived of the benefit of reservation in appointments to the teaching faculty of the IITs. In case of direct recruitment's Govt. of India has not imposed any restriction in terms of levels up to which reservations are to be provided. It is only in case of promotions by selection method that the reservations have been restricted to lowest rung of Group A services. The faculty in IITs perform similar functions as the faculty in Engineering Colleges and Science Departments of Universities and Colleges, where facility of reservation is available. It was requested that the position may be reviewed in the light of the existing instructions and the IITs may be advised to extend the benefit of reservation to SCs/STs in recruitment as Assistant Professors. A communication has been received from the Minister of Human Resource Development on 6-4-2001 informing the Commission that the Council of IITs after detailed deliberation on the issue of reservation for SCs and STs in its meeting held on 13-2-2001, has decided to refer this matter to the Review Committee being set up to review the functioning of the IITs.

8.10 Brief of some of the cases dealt by the commission

8.10.1 An Ex. M.P. (Lok Sabha) brought to the notice of this Commission a case of filling up of 12 posts of Assistant Engineers by promotion from Jr. Engineers in DDA. He pointed out that there were 18 posts reserved for STs as per 40 point Roster prior to 02.07.97 and due to non availability of ST candidates these posts can be given to the SC candidates as per the exchange provisions. The matter was taken up with Vice-Chairman DDA on 30-6-99 requesting him to furnish their comments on the points raised in the representation and on non-receipt of the reply, summons were issued to Commissioner (Pers), DDA for his appearance before the Commission. On 21-9-99 DDA informed the Commission that 12 Junior Engineers (Civil) belonging to SC category have been

promoted as Asstt. Engineers (Civil) vide order No. 1137 dated 8-9-99 dated 14-9-99 in exchange against unfilled reserved quota of STs.

8.10.2 A Scheduled caste lady working as AG-I (PA) AAI, represented to the Commission regarding her transfer from Delhi to Calcutta on promotion as PS. She pointed out in her representation that her husband was working as a Medical Officer in the Department of Health and Family Welfare, U.P. Govt. and was posted at Bagpat near Delhi and they were residing in Delhi. She alleged that the Air Port Authority of India had promoted 13 PAs in 1998 and all of them were retained at Delhi Headquarters, even though there were no vacancies and also that in the past no one was transferred on promotion from General Category but in the case of petitioner, she was asked to join at Calcutta. She also mentioned in her representation that she has a newly born baby and being a lady it is not possible for her to join at Calcutta. The matter was taken up with Chairman AAI on 27.09.99 with the request to furnish their comments in the matter. On 27.10.99, the Commission received a reply, which was not convincing. Therefore the Member (P&A) AAI was requested to come to the Commission to discuss the case personally. On 4.11.99, the case was discussed with Member (P&A) by Hon'ble Vice Chairman of this Commission and during the discussions, Member (P&A) AAI agreed to retain the petitioner at Delhi HQRS. On the intervention of the Commission the Petitioner got the desired relief.

8.10.3 One SC person working as Manager Air India Ltd. represented to the Commission on 22.09.2000 regarding his non-promotion to the post of Sr. Manager. He also alleged that he had been superceded by his juniors who belong to General Category. The matter was taken up with Air India Management on 19.10.2000 asking them to furnish the full facts of the case. On 05.01.2001 the Commission received a reply from Air India Management that the petitioner had been promoted to the post of Sr. Manager with effect from 01.01.2001.

8.10.4 An Additional Commissioner, Central Excise who belonged to SC community represented to the Commission on 03.04.2000 regarding, unjustified adverse remarks in his ACRs for the year 1998-99. On 17.04.2000 the Commission took up the matter with Member Personnel, Central Board of Excise and Customs M/o Finance requesting them to furnish their comments. On 11.05.2000 the Commission received a reply from M/o Finance in which they have stated that the adverse remarks in the ACRs of the petitioner for the year 1998-99 have been expunged.

8.10.5 A Clerk-cum-assistant Cashier of Allahabad Bank, died on 04.12.1999 leaving behind his wife, two children and aged parents. His wife belonging to Scheduled Caste community represented to the National Commission for SCs and STs regarding her appointment on compassionate grounds. The matter was taken up with CMD, Allahabad Bank on 26.05.2000. There was no earning member in the family. She was working as labourer to feed her children and aged in-laws. On 28.06.2000 the Allahabad Bank informed National Commission for SCs and STs that the gratuity amount of Rs. 40555 payable to the deceased has been paid to the family of the deceased and the deceased had not opted for pension. The application of the petitioner for appointment on compassionate grounds can be dealt with on merit within the prescribed rules/norms. In response to this, petitioner informed the Commission that she has not received any money from the Bank because her husband was suffering from some disease and had taken loan from the Bank for his treatment. The Bank had adjusted the whole money in question against the loan. On 24.07.2000 the matter was taken up with the Bank to consider her case sympathetically on humanitarian grounds as the family was at the brink of starvation. The Bank was reminded by the Commission on 21.08.2000, 20.09.2000, 16.10.2000, 07.12.2000 and

finally on 14.02.2001. Only after prolonged intervention of the Commission, the petitioner got Employment in the Bank as a Clerk.

8.10.6 One L.D.C., belonging to SC community, working in the Regional Passport Office, New Delhi represented to this Commission vide his representation dated 24-2-2000, seeking redressal of his grievances regarding his promotion to the grade of U.D.C. Commission took up the matter with the Ministry of External Affairs. Ministry of External Affairs vide their letter dated 21-3-2000 furnished the comments/Reply to the Commission. After examination of the case it was found that there was serious violation of rules By the MEA while making promotion from L.D.C. to U.D.C. Summons were issued to the concerned Officer of MEA to appear in the Commission on 12-5-2000 to discuss the case. Director (PU), Ministry of External Affairs appeared in the Commission on 12-5-2000 After detailed discussion, it was agreed that MEA would hold a review DPC to take corrective measures. It was also assured that due care shall be taken to fill up the prescribed reservation Quotas for SC/ST. Officers of the MEA also assured that a Senior Officer of the reserved category would be included in the composition of the DPC, and no reserved seat would be given to General Category in future and holding of single DPC for Several grades at one time would also be avoided. According to the direction of the Commission, MEA vide their letter dated 31-07-2000 intimated that a review DPC meeting was held on 29-06-2000 and necessary corrective action was taken regarding reservation for SCs/STs. The petitioner, along with 14 other SC candidates was promoted to the grade of U.D.C.

8.10.7 A Scheduled Caste person, working as constable in Delhi Police represented to the Commission that although he scored more marks than a general category candidate in the written test for promotion to the post of Head Constable (Executive), Delhi Police did not select him for promotion. The selection was based on an evaluation test comprising a written examination, a out-door test and the service record and seniority of the eligible constables, conducted in accordance with the Delhi Police (Promotion & Confirmation) Rules, 1980. The reply of Delhi Police vide their letter dated 25-9-2000 confirmed that Petitioner, a Scheduled Caste candidate, though scored higher marks than some of the general category candidates but was not selected for the reason that as per roster of reservation for SC/STs, there were only 13 posts for SC candidates. The cut off point for SCs for promotion was fixed at 170.01 marks and the Petitioner who had scored 166.79 marks, was not selected. The Commission perused the final result of promotion list, in order of merit, for the year 1999 and observed that Delhi Police had prepared three separate lists. One for 691 general category candidates, second for 13 SC candidates and third list for 419 ST candidates. There was a common test for all the three categories. It was noted by the Commission that 47 SC candidates had obtained marks higher than the last candidate of General Category who obtained 165.46 marks Non-consideration of the Scheduled Castes candidates who obtained higher marks than General candidates for selection against unreserved vacancies was a clear violation of rules/instruction by the Delhi Police. The instructions of the DoPT as contained in Brochure on reservation for Scheduled Castes and Scheduled Tribes relating to promotion by selection in Groups C and D provide for preparation of separate list for SC and ST candidates for the reserved vacancies. However the names of SC/ST candidates cannot be excluded from the general List. The Commission advised the Delhi Police authorities that the SC/ST candidates selected on their own merit should be considered against the un-reserved vacancies as laid down by the Hon'ble Supreme Court in the R.K. Sabbarwal judgment. The Hon'ble Court, after considering the judgment of Punjab and Haryana High Court in the case of Joginder Singh Sethi and other vs. Punjab Govt. and other relating to the promotions of

Scheduled Castes against the reserved posts, has directed that "when a percentage of reservation is fixed in respect of a particular cadre and the roster indicates the reserve points, it has to be taken that the post shown at the reserve points are to be filled from amongst the member of reserve categories and the candidates belonging to the general category are not entitled to be considered for the reserve post. On the other hand the reserve category candidates can compete for the non-reserve posts and in the event of their appointment to the said post their number cannot be added and taken into consideration for working out the percentage of reservation. Commission also advised to re-draw the list taking into consideration the claims of the SC/ST also against the un-reserved vacancies as directed by the Hon'ble Supreme Court. Delhi Police was asked to rectify these irregularities in April 2001. Reply of Delhi Police was awaited.

8.10.8 A SC candidates working as Foreman (G) in SQAE (L&S) Chandigarh represented to this Commission in January 1999 regarding his promotion. A DPC for promotion from Assistant Foreman to Foreman was held and a panel of 18 candidates was drawn on 5-3-1993 for promotion from Assistant Foreman to Foreman. He was the first candidate among SCs in the panel but his name was kept in the sealed cover due to pending disciplinary case against him. He was exonerated on 14-09-1994 and he was given promotion w.e.f. 25-11-94. 14 candidates were promoted as foreman from General Category in 1993 but no S/C Candidate was given promotion although 2 posts were reserved for SC candidates. His contention was that he was entitled to get promotion as foreman w.e.f. 5-3-1993 but the Deptt. did not pay attention to his request. Matter was taken up with Secretary, Ministry of Defence in April 1999. A reminder was sent in June 1999. The Ministry of Defence vide their letter dated 20-10-1999 refused to give the promotion to Shri Ram Ji Lal from March 1993. The Commission vide its letter dated 16-11-99 again requested the Ministry of Defence to send the copy of Reservation Roster followed in the promotion exercise of 1993 & to explain as to why Shri Ram Ji Lal was not considered for promotion at reserved point. Concerned Officers of the Ministry of Defence were asked to appear in the Commission on 21-6-2000 for discussion. Prior to discussion, Ministry of Defence vide their letter dated 20-6-2000 intimated the Commission that Petitioner has been promoted as Foreman with all consequential benefits w.e.f. 1993 instead of 1994, through a review DPC.

8.10.9 A SC Lady represented to the Commission on 16/12/98 regarding delay in her appointment for more than 3 years as Announcer in AIR, Bareilly (UP), despite completion of all the formalities, right from written test to police verification. The Commission vide its letter dated 9-2-99 requested DG, AIR to furnish full facts/observations & reminded on 17-3-99. AIR vide their letter dated 30-9-99 informed the Commission that the post in question was temporary in nature, and as such appointment of petitioner could not be made and also that proposal for further continuation of temporary posts in AIR was being examined in Consultation with the Ministry of I & B and the offer of appointment could be made to the petitioner only after the decision for continuance of temporary posts is taken. CEO of Parasar Bharti was Summoned to appear in the Commission on 21-7-99 to discuss the case. Prior to discussion of the case, CEO, Parasar Bharti vide his D.O letter dated 23-7-99 informed the Commission that after completion of all the selection procedure in 1997 petitioner was recommended for appointment as Announcer against a reserved vacancy for SC. Approval for continuation of post beyond the financial year 1996-97 could not be granted in accordance with the instruction of the Ministry of Finance (Deptt. of Expenditure). He further stated that keeping in view the request made by the Commission & according to the direction of the CEO, the offer of appointment had been made to Smt. Seema Rani Arya as Announcer Gr. IV as a special case. The offer of appointment was issued to petitioner on 23-7-99.

8.10.10 This case relates to the complaint of Shri S.N.Mallick regarding his appointment as Lecturer in University Law college Utkal University. This case was dealt in the State Office Orissa & the matter was taken up with Utkal University, but no fruitful result was forthcoming. State office Orissa forwarded this case to the Commission to invoke its constitutional powers vested under Article 338 to give justice to the petitioner. The said case was discussed with Deputy Registrar Utkal University on 10-4-2000. During the discussion it was found that one post reserved for SC was filled up & other post reserved for ST could not be filled up due to non-availability of ST candidate. Subsequently two posts of Lecturers in Law were advertised under reserved category in the year 1998. It was mentioned in the advertisement that in the event of non-availability of candidates from a particular reserved community, the post will be filled up as per provision of ORU Act 1975 through exchange of reserved vacancy between the SCs/STs. It was assured by the Dy. Registrar that Shri Mallick will be considered in the next interview to be held in near future after getting the approval of State Govt. to fill up the ST vacancies from SC category. A letter dated 26-4-2000 was issued by the Commission asking Utkal University to appoint Shri Mallick as lecturer in law against the post reserved for ST. According to the direction of Commission & the State Govt. informed that the appointment letter was issued to Shri Mallick on 1-11-2000 to the post of lecturer in law in the constituent law college of the Utkal University.

8.10.11 In November, 2000 a Scheduled Tribe Lady represented to this Commission that her husband, Ex-Departmental Runner, Basgo, Leh (Ladakh J&K) died in harness in 1998. The family pension under PPO No. SGR-189 was sanctioned in her favour. Since there was some dispute about her status as surviving wife of the deceased employee, the department withheld the family pension of the deceased. In addition to this she also requested for compassionate appointment for her son. The matter was taken up with the Director General, Deptt. Of Posts, on 16.1.2001 who in turn intimated the Commission that in view of relaxation of ban on recruitment and the availability of vacancies with 5% ceiling of direct recruitment quota on compassionate grounds, the J&K Circle has decided to appoint the son of the deceased as P.A who has already completed practical training at Leh, HPO. The J&K Circle has issued orders for sending him to Postal Training Center, for induction training in the next batch to the Postal Training Center, Saharanpur. After successful completion of the training, he will be formally appointed as P.A. As regard release of family pension, it was informed that after consultation with the Ministry of Law the Deptt. of Posts have decided to release the family pension in favour of the petitioner.

8.10.12 A Scheduled Tribe, Sub-Divisional Engineer (Phones) posted in the office of the Chief General Manager, Bharat Sanchar Nigam Limited, Maharashtra Circle, Mumbai represented to the National Commission for Sch. Castes and Sch. Tribes in October, 2000 that he has not been promoted as Divisional Engineer (Phones) in spite of the facts that his Junior have been promoted to that grade. The matter was immediately taken up with the Chief General Manager, Bharat Sanchar Nigam Limited, Mumbai to sort out the case for the promotion of the petitioner. After the intervention of the Commission petitioner was given promotion as Divisional Engineer on officiating basis in the month of March, 2001 as per the revised seniority list and posted to Pune Telecom Distt.

8.10.13 A Scheduled Caste person working as TGT (Math), Kendriya Vidyalaya, Noida (UP) brought to the notice of the Commission that his service was terminated w.e.f. 10.3.1999 on account of the false allegation of moral turpitude without any proper enquiry and investigation. The matter was taken up with the Kendriya Vidyalaya by the Commission. The case of the petitioner was investigated by calling the Commissioner of

the Kendriya Vidyalyaya Sangathan to the Commission. When the matter could not be solved, Commission decided to call Addl. Secretary, Deptt. Of Education, Ministry of H.R.D., who is also Vice Chairman of Kendriya Vidyalyaya Sangathan. It was only after the matter was discussed with the Vice-Chairman, KVS the appeal of the petitioners was examined afresh and he was reinstated in service.

8.10.14 A SC person working as Senior Supervisor in Super Bazar Delhi submitted a representation to this Commission in the month of March, 2000 stating that his services have been terminated w.e.f. 1.12.1999 by the Managing Director of Super Bazar without assigning any reason or notice. On receipt of the representation, the commission took up the case with the Super Bazar, the Co-operative Store Limited, Connaught Circus, New Delhi and called for the facts. In reply the Super Bazar informed the Commission that the petitioner had been appointed Senior Supervisor w.e.f. 10.9.1998 without following the prescribed procedures. The Super Bazar also intimated that the Ex-Chairman being a political appointee had made a number of such irregular/illegal appointments and a large number of his decisions have been referred to the Central Bureau of Investigations (CBI) by the Ministry of Consumer Affairs & Food Distribution. The Super Bazar informed that the matter of irregular appointments/promotions was taken up by the Board of Directors of Super Bazar in November, 1999 and decided that all irregular appointments/promotions may be cancelled after examination of their cases. Accordingly all such cases were examined and the persons who had been appointed/promoted in an irregular manner were discharged. The petitioner who belongs to Sch. Caste Category was one of them. In exercise of the powers of Civil Court under Article 338 of the Constitution, the authorities concerned in the Super Bazar, New Delhi were called to the Commission, and on going through the relevant records it was found that the Super Bazar (The Co-operative Store Limited, New Delhi) had made several irregular appointments/promotions without following the prescribed procedure and without considering any reservation roster prescribed for it.

8.10.15 In September, 1999 an SC petitioner Shri Suresh Chandra brought to the notice of this Commission that consequent upon his selection as Deputy Director in the Dte. Of Sugar Technology, Ministry of Food and Consumer Affairs, New Delhi he was subjected to intense psychological harassment. He was singled out for allocation of various type of jobs without adequate clerical/supporting staff. His telephone connections were got cut off. He was made to sit with his Junior Officers and Staff in a section. Every opportunity was utilized to humiliate him. Things came to a head when his probation period was extended by one year, beyond the stipulated date that to after a gap of two years of the completion of the probation period. Matter was referred to the Secretary, Dept. of Sugar & Edible Oils, Ministry of Food & Consumer Affairs. No reply was received from the Deptt., despite repeated reminders. Since the matter seemed to have a direct impact on the career prospects of the petitioner and no response was forthcoming from the Deptt. the Commission, exercising the powers of Civil Court under Article 338 of the Constitution of India, summoned the concerned officers of the respondent Deptt. to appear before the Commission. During the course of hearing the respondent officers were apprised about the harassment caused to the petitioners, who in turn informed the Commission that matter will be looked into and if any discrimination has been meted out to the petitioner the same will be set right. After to the intervention of the Commission Deptt. Of Food & Public Distribution withdrew the OM extending the probation of the petitioner. Other grievances of the petitioner like room allocation, sitting arrangement, telephone facilities etc., have also been redressed and he is now satisfied with the arrangement made and facilities provided.

8.10.16 A Scheduled Caste IAS Officer of Haryana (1988-Batch) represented to this Commission on 7.4.2000 stating that the State Govt. have initiated a criminal case against the ex-Minister for Town and Country Planning and Haryana Urban Development Authority (HUDA) and his name has also been unnecessarily included in the FIR alleging certain irregularities in repair of roads while he was posted as Deputy Commissioner Rohtak, from April 1997 to June 1999. He further stated that in a meeting held in 5.12.95, under the Chairmanship of the then Chief Minister of Haryana, a decision to repair/reconstruct roads damaged due to floods/heavy rains in the Municipal areas of Rohtak, Hisar, Bhiwani, Sirsa and Panipat districts were taken. The Deputy Commissioners of the respective districts were to identify roads and HUDA was assigned the task of the repair of these identified roads. In his representation he has stated that his predecessor had initiated the work of identification of roads before he joined as Dy. Commissioner, Rohtak in April 1997. In the case registered on 31.12.99 against the Minister of State for Urban Development and others, including the petitioner some irregularities were alleged to have been committed in preparation of estimates and execution of the road repair works. Since it was a case of harassment and victimization of a Scheduled Caste officer, the National Commission for SCs/STs called for parawise comments on the complaint of petitioner from the Chief Secretary of Haryana. The Chief Secretary, instead of furnishing parawise comments, intimated vide letter No. 20/4/2000-S(1) dated, 4.5.2000 that a criminal case had been registered against the petitioner and others under Indian Penal Code and Prevention of Corruption Act, 1988 and that after review by the Competent Authority it was decided to extend the period of suspension of the petitioner till further order. The Chief Secretary, Govt. of Haryana was asked to appear before the Commission alongwith the concerned officers of the State Govt. In response Chief Secretary, Haryana submitted a brief note about the case and stated that the case did not fall within the purview of the National Commission for SCs and STs because the matter was subjudice and hence no purpose would be served by a meeting in the Commission. Shri T.V.S.N. Prasad, IAS the predecessor of Shri Anil Kumar as DC of Rohtak District and an officer of SVB Rohtak appeared in the Commission on 20.6.2000. On behalf of Chief Secretary, the Joint Secretary (Political and Services) of Govt. of Haryana appeared in the Commission on 3.8.2000, but the required records/documents were not produced. The Chief Secretary finally appeared in the Commission on 15.9.2000. The State Govt. submitted a reply vide their letter No.20/4/2000-S(1) dated 14th September 2000 to the queries of the Commission. From the available records it appeared that the name of the petitioner was included in the FIR, without proper preliminary enquiry and without sufficient evidence to establish his involvement in irregularities. Initiation of criminal action without prima facie justification seemed to lend credence to the allegation of the petitioner that the State Government's action was on account of other considerations and not so much because of his involvement in the road repair works. The Commission observed that the grounds on which criminal action had been initiated against him, to the exclusion of his predecessor and other officers similarly placed, smacks of vindictiveness on extraneous considerations. Taking all the above facts into consideration, the Commission gave its findings to the State Government advising them to withdraw criminal action against him, to revoke his suspension forthwith and to give him a suitable posting, keeping in view his seniority and experience. The State Govt., however, did not accept the recommendations of the Commission. Based on the findings issued by the Commission petitioner represented to DOP&T, Govt. of India, who keeping in view the recommendations of the Commission and other relevant material, advised the State Govt. to revoke the suspension of the petitioner. Petitioner has since been reinstated in service and given a posting.

CHAPTER IX

ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES

9.11 The Constitution of India seeks to secure for all its citizens, among other things, social justice, equality of status and opportunity and dignity of the individuals. A segment of country's population, belonging to Scheduled Castes, continues to suffer social indignities and economic deprivations. Similarly the Scheduled Tribes, who inhabit remote areas, have not been able to take full advantage of various development programmes and continue to live in economic backwardness and are subject to exploitation by various unscrupulous elements. The strategy of the State is to secure distributive justice, allocation of specific and enhanced resources to support programmes for social, economic and educational advancement of the weaker sections in general and those of SCs & STs in particular to avoid injustice and exploitation.

9.1.2 Article 46 of the Constitution lays down that the state shall protect the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation. Through Article 17 of the Constitution untouchability is declared as abolished and its practice in any form is punishable. The enforcement of any disability arising out of 'Untouchability' has been made an offence punishable in accordance with the law. With a view to give statutory basis to the social safeguards provided in the Constitution, Special laws have been enacted for giving protection to the Scheduled Castes and the Scheduled Tribes from the practice of 'Untouchability' and other forms of the atrocities and discrimination they were traditionally subjected to.

9.2 Protection of Civil Rights Act, 1955

9.2.1 Parliament passed the Untouchability (Offences) Act, 1955 to give effect to the declaration made in Article 17 of the Constitution, and it came into force on 1st June 1955. This Act made penal provision for inflicting social disabilities in certain circumstances. The object of this special social Act was to prevent the social evil of 'Untouchability' and to keep the untouchables at par with other castes of Hindus. Although the Untouchability (Offences) Act has tried to do its best to eradicate the evil of untouchability, it has not been very successful due to certain defects such as provision of compounding the offences, inadequacy of punishment to the offenders, absence of any provision for summary trial, etc. In 1965, the Government of India appointed a Committee under the chairmanship of L. Elayaperumal on untouchability and economic and educational development of the Scheduled Castes. The Committee submitted its report in 1969 and after examining the recommendations made by the Committee, Government of India introduced a Bill known as the Untouchability (Offences) and Amendment and Miscellaneous Provisions Bill, 1972 in Lok Sabha in April 1972. The Parliament amended the Act of 1955 in November 1976, renaming it as the Protection of Civil Rights Act, 1955. This Act came into force from 19th November 1976. In this Act, the term 'civil rights' has been defined as any right accruing to a person by reason of abolition of 'Untouchability' under Article 17 of the Constitution. Offences under the Act have been made non-compoundable. Summary trial has been prescribed in every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months.

Punishment for the offences has been considerably increased. Not only individual offences but group offences also have been covered under the Act by making provision for imposing and collecting fines for practicing untouchability.

9.2.2 Section 15-A of the PCR Act, 1955 imposes a statutory duty on the State Governments to ensure that the rights accruing from the abolition of untouchability are made available to the persons concerned. These measures include the provisions of adequate facilities including legal aid to the persons subjected to any disability arising out of untouchability, the appointments of officers for initiating or exercising supervision over prosecutions for contravention of the provisions of this Act, setting up of Special Courts, Committees, periodic survey of the working of the provisions of the Act, and identification of areas where persons are under any disability arising out of untouchability. It was made mandatory for the Central Government to place an Annual Report on the measures taken by itself and by the State Governments on the table of each House of Parliament. This section is intended to keep a constant watch by the Central Government on the enforcement of the provisions of the Act. The Central Government has tabled 17 reports under the provisions of this Act.

9.2.3 The Annual Report tabled by the Central Government on the implementation of the PCR Act for the year 1997 (17th report) indicates a few significant aspects of the denial of civil rights to Scheduled Castes on the grounds of untouchability. Cases registered under PCR Act have been reported from 18 States/UTs only. The problems of denial of civil rights have not been reported from the North-eastern States, Dadar & Nagar Haveli and Lakshadweep, which are predominantly inhabited by Scheduled Tribes. The States of Assam and West Bengal with sizeable population of Scheduled Castes have not reported any case under PCR Act. The States of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh, Maharashtra and Tamil Nadu, having 36.2% of the Scheduled Castes population of the country, account for 89.30% cases registered under the PCR Act reported in the country. The States of Bihar, Rajasthan and Uttar Pradesh with a combined population of 35.78% of total population of Scheduled Castes of the country have reported only 2.89% cases. The remaining States have reported 10.70% of the PCR Act cases in the year 1997. The data relating to the cases registered in the year 1999 published by Crime Record Bureau, Ministry of Home Affairs, Government of India reflect more or less same trend of registration of cases. However, it is obvious that the registration of cases under the PCR Act is not necessarily an index of the prevalence of the practice of untouchability in these areas.

9.3 The SCs & STs (POA) Act, 1989

9.3.1 The Protection of Civil Rights Act, 1955 and the Indian Penal Code, in spite of its deterrent penal provisions, proved inadequate in curbing the atrocities on the members of Scheduled Castes and Scheduled Tribes, especially offences committed on caste grounds. On 16th August 1989, the Parliament passed another Act named The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to prevent the commission of offences of atrocities against the members of the SCs & STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The President gave his assent to the Act on 11th September 1989 and the Act came into force on 30th January 1989.

9.3.2 The term 'atrocities' has been defined for the first time in this Act. Provision has been made for more stringent punishments for committing such atrocities. The States and UTs have to take specific preventive and punitive measures

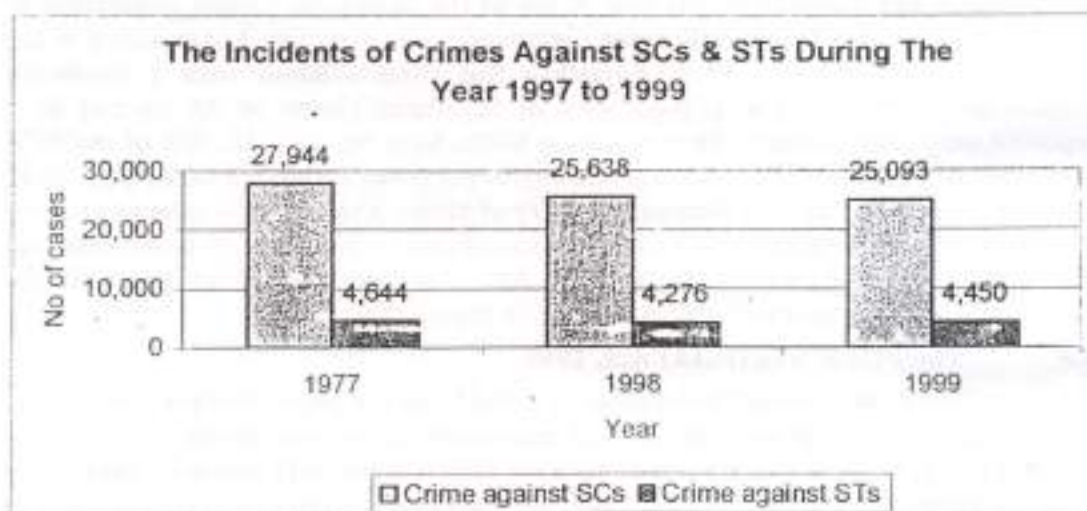
to protect the SCs & STs from being victimized and where atrocities are committed, to provide adequate relief and assistance to rehabilitate them. There are in all Twenty-three acts which when committed on members of Scheduled Castes and Scheduled Tribes by non SCs & STs constitute atrocity and are punishable under this Act. Although these offences are covered under the Indian Penal Code but the offences under the SCs & STs (POA) Act, 1989 carry heavier punishment than under the IPC. This Act also provides for forfeiture of property, internment and collection of punitive fine.

9.3.3 This Act, along with the rules framed thereunder, has laid down elaborate procedure for ensuring protection to SCs & STs by providing for Special Courts, Special Public Prosecutors, prescribing Deputy SP rank of Police Officers for investigation, fixing period for investigation, etc. The rules also provide for setting up SCs & STs Protection Cell, appointment of nodal officer in the rank of Secretary to the Government at the State level and a Special Officer at district level, constitution of vigilance and monitoring committees at State and District levels, besides payment of relief and traveling allowances, etc. to the victims of atrocities and their families.

9.3.4 The incidents of crimes against SCs & STs during the year 1997 to 2000 is given in the table 9.1 below:

Table 9.1

Year	Crime against SCs	Crime against STs
1977	27,944	4,644
1998	25,638	4,276
1999	25,093	4,450



The analysis of above table indicates that there has been a declining trend in crimes committed on members of SCs & STs since 1977 to year 2000 except a slight increase in atrocity committed on STs during 1999 in comparison to the year 1998.

9.3.5 Rewiew of cases registered under IPC, PCR Act and SCs&STs(POA) Act, 1989

The State/UT-wise and category-wise number of crimes committed on members of Scheduled Castes and Scheduled Tribes from 1999 to 2000 are given at Annexures-9.I to 9.IV. State/UT-wise details of cases registered under various

nature of crimes on SCs & STs disposed by the Police during year 1999-2000 is given in **Annexure-9.V and 9.VI** respectively. An abstract data relating to the number of cases (category-wise) of atrocities on SCs and STs registered during 1999 to 2000 is given below in **Table 9.2 and Table 9.3** respectively. This data includes all cases of atrocities on SCs and STs registered under the various sections of IPC, PCR Act, 1955, SCs & STs (POA) Act, 1989 and any other relevant Act.

Table 9.2
Atrocities committed on Scheduled Castes

S.No.	Nature of Crime	Number of cases of crimes during	
		1999	2000
1.	Murder	506 (2.01%)	486 (2.05%)
2.	Grievous Hurt	3241 (12.92%)	3298 (13.89%)
3.	Rape	1000 (3.98%)	1034 (4.36%)
4.	Arson	337 (1.35%)	260 (1.09%)
5.	Other Offences	20,009 (79.79%)	18,664 (78.61%)
	Total	25,093 (100.00%)	23,742 (100.00%)

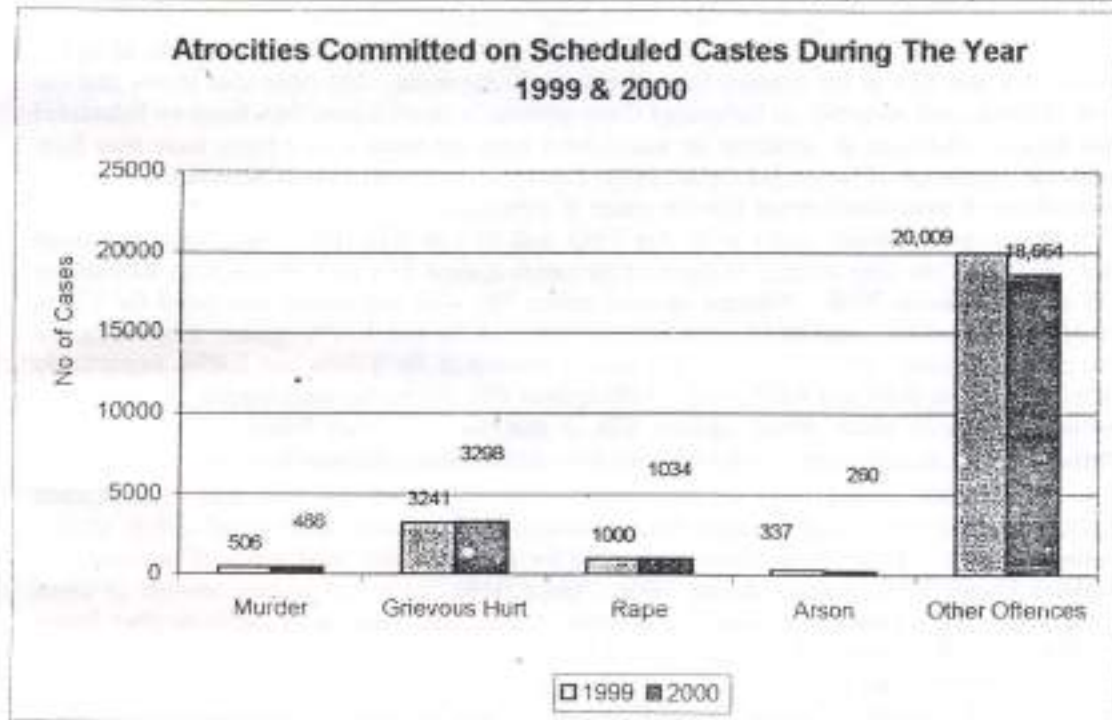
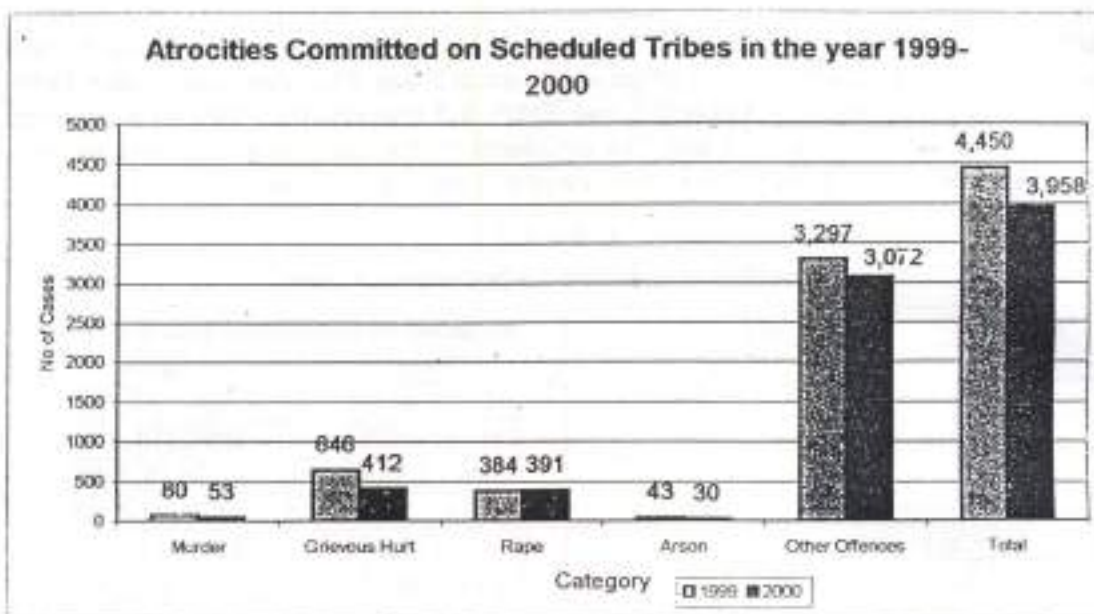


Table 9.3
Atrocities committed on Scheduled Tribes

S.No.	Nature of Crime	Number of cases of crimes during	
		1999	2000
1.	Murder	80 (1.79%)	53 (1.33%)
2.	Grievous Hurt	646 (14.52%)	412 (10.40%)
3.	Rape	384 (8.63%)	391 (9.87%)
4.	Arson	43 (0.98%)	30 (0.76%)
5.	Other Offences	3,297 (74.08%)	3,072 (77.64%)
	Total	4,450 (100.00%)	3,958 (100.00%)



It may be noticed from the above table that by and large the incidents of crime against SCs and STs in the country have shown declining trend. The table also shows that the extent of crimes and atrocities on Scheduled Caste persons is much higher than those on Scheduled Tribe persons. The cases of atrocities on Scheduled Castes are about 6 to 7 times more than STs, though the population of Scheduled Castes in the country is only twice that of Scheduled Tribes. It is also observed from above tables that the cases of atrocities on SCs & STs under other offences, which also include offences under PCR Act 1955 and SCs & STs (POA) Act, 1989 constitute about 79-80% of the total number of cases of atrocities against SCs and 74% against STs during 1999 and 78% during 2000. Whereas heinous crimes like rape and murder accounted for 3.98% and 2.01% respectively, against SCs during 1999 and 8.63% and 1.79% against STs during the same period. Heinous crimes like rape and murder accounted for 4.36% and 2.05% respectively against SCs during 2000 and 9.87% and 1.33% against STs during the same period. A significant phenomenon noticed about crimes against STs is that the Scheduled Tribes women are more vulnerable to rape as compared to other offences like murder, arson, grievous hurt, etc.

9.3.4 It is also evident from the statements at Annexures 9.I. to 9.IV that Uttar Pradesh (6122), Rajasthan (5623) and Madhya Pradesh (4667) have highest incidence of crimes against Scheduled Castes. These three States accounted for 65.4% of the total cases of atrocities on Scheduled Castes in the country during 1999. These three States had highest number of cases against SCs in the previous year also. The position of registered cases of atrocities in other States was: Gujarat (1781), Andhra Pradesh (1749), Karnataka (1277), Tamil Nadu (883), Bihar (820), Orisa (772), Maharashtra (605), Kerala (514), Haryana (121), Himachal Pradesh (54), Punjab (39), Delhi (18). The remaining States/UTs had no case or very negligible incidence of atrocities on SCs.

9.3.5 During the year 2000, Uttar Pradesh (6599), Rajasthan (5199) and Madhya Pradesh (4631) have highest incidence of crimes against Scheduled Castes. The other States, which have cases of atrocities on SCs, are Andhra Pradesh (1582), Tamil Nadu (1296), Karnataka (1218), Gujarat (891), Bihar (741), Maharashtra (489), Kerala (467), Orissa (375), Haryana (105), Himachal Pradesh (52), Punjab (30), Pondicherry (21) and Delhi (13). The remaining States/UTs have no case or very negligible incidences of atrocities on SCs.

9.3.8 Similarly, incidence of atrocities on Scheduled Tribes was highest in Madhya Pradesh (1756) followed by Rajasthan (1221) during 1999, followed by States like Gujarat (367), Orissa (335), Andhra Pradesh (178), Maharashtra (171), Tamil Nadu (105), Kerala (81), Bihar (67), Karnataka (60), Uttar Pradesh (58). The remaining States/UTs have reported either no or negligible cases of atrocities against STs.

9.3.9 During the year 2000, Madhya Pradesh (1845) and Rajasthan (1130) have highest incidence of crimes against Scheduled Tribes. The other States, which have reported the cases of atrocities against STs, are Gujarat (221), Andhra Pradesh (202), Maharashtra (142), Orissa (97), Uttar Pradesh (78), Kerala (63), Bihar (61) and Karnataka (57). Other States/UTs have either no or negligible cases of atrocities against STs. It may also be observed that the incidences of crimes against Scheduled Tribes are increasing in Madhya Pradesh, Andhra Pradesh. The Government of these States may take effective steps to check and control atrocities on members of Scheduled Tribes by non-ST people.

9.4 Registration and disposal of cases by Courts

9.4.1 Sections 14 and 15 of the SCs & STs (POA) Act, 1989 provide for setting up of Special Courts and appointment of Special Public Prosecutor for speedy trial of offences committed against members of SCs & STs. There are two types of Special Courts set up by State Governments, which are exclusive Special Courts and designated Special Courts.

Table 9.4.

Statement showing the details of cases registered under various nature of Crimes on Scheduled Castes and Scheduled Tribes disposed by Courts and pendency of cases during the year 1999.

S.No.	States/UTs	No. of cases B/F.	No. of cases received	Total No. of cases	No. of cases disposed off	No. of conviction cases	No. of acquittal cases	No. of cases pending
1	2	3	4	5	6	7	8	9
1.	Andhra Pr.	-	713	713	100	9	91	613
2.	Arun. Pr.	-	-	-	-	-	-	-
3.	Assam	-	-	-	-	-	-	-
4.	Bihar	4670	1247	5917	646	14	632	5271
5.	Goa	-	2	2	2	-	2	-
6.	Gujarat	680	208	888	113	2	111	775
7.	Haryana	117	103	220	23	2	21	197
8.	Him. Pradesh	131	40	171	32	1	31	139
9.	J & K	-	-	Not Reported	-	-	-	-
10.	Karnataka	3834	839	4673	678	10	668	3995
11.	Kerala*	1964	258	2222	462	6	280	1760
12.	Madhya Pr.	-	-	Not Reported	-	-	-	-
13.	Maharashtra*	7795	827	8622	255	15	238	8367
14.	Manipur	-	-	-	-	-	-	-
15.	Meghalaya	-	-	-	-	-	-	-
16.	Mizorma	-	-	-	-	-	-	-
17.	Nagaland	-	-	-	-	-	-	-
18.	Orissa	4413	1041	5454	198	6	192	5256
19.	Punjab	54	37	91	4	-	4	87
20.	Rajasthan*	5836	2530	8366	2607	239	1993	5759
21.	Sikkim	-	-	-	-	-	-	-
22.	Tamil Nadu	1594	1002	2596	855	40	846	1710
23.	Tripura	-	-	-	-	-	-	-
24.	Uttar Pradesh	70457	5464	75921	2662	355	2307	73259
25.	West Bengal	-	-	-	-	-	-	-
26.	A&N Islands	-	-	-	-	-	-	-
27.	Chandigarh	1	-	1	-	-	-	-
28.	D&N Haveli	5	-	5	1	-	1	4
29.	Dam & Diu	4	1	5	1	-	1	4
30.	Delhi	-	-	-	-	-	-	-
31.	Lakshadweep	-	-	-	-	-	-	-
32.	Pondicherry	8	3	11	3	1	2	8
	Total	101563	14315	115878	8673	700	7420	107204

Note: Governments of Jammu & Kashmir, Madhya Pradesh have not furnished the information.

Figures received from the State Governments of Kerala, Maharashtra and Rajasthan do not reconcile.

Table 9.5

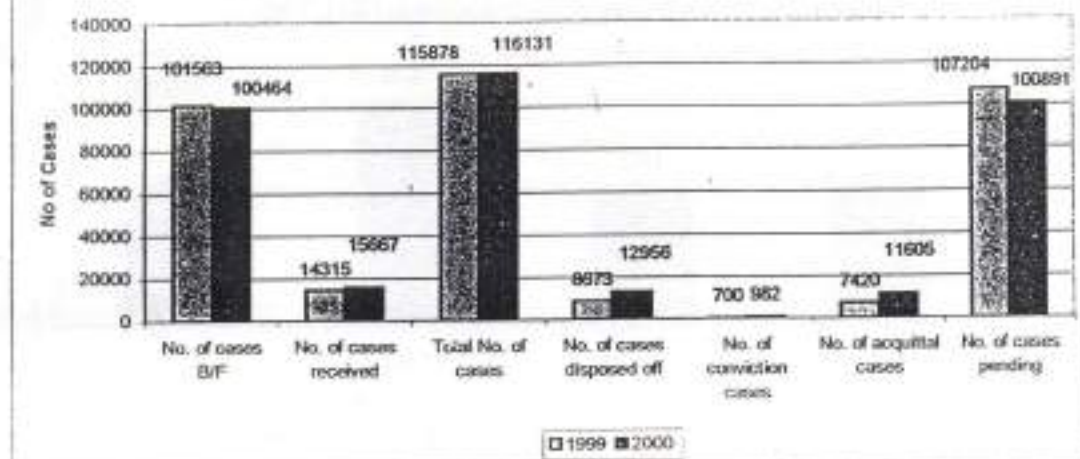
Statement showing the details of cases registered under various nature of Crimes on Scheduled Castes and Scheduled Tribes, disposed by Courts and pendency of cases during the year 2000.

S.No	State/Uts	No. of cases B/F	No. of cases received	Total No. of cases	No. of cases disposed off	No. of conviction cases	No. of acquittal cases	No. of cases pending
1	2	3	4	5	6	7	8	9
1.	Andhra Pr.	-	1912	1912	67	9	58	1845
2.	Arun. Pr.	-	-	-	-	-	-	-
3.	Assam	-	-	-	-	-	-	-
4.	Bihar	-	528	48	-	-	-	480
5.	Goa	-	1	1	1	-	-	1
6.	Gujarat	775	151	926	52	-	52	874
7.	Haryana	239	117	356	19	3	15	337
8.	Himachal Pr.	139	41	180	29	3	26	151
9.	J & K	-	-	-	-	-	-	-
10.	Karnataka	3995	1828	5923	4129	4	4125	1794
11.	Kerala	1760	426	2186	358	12	302	1768
12.	Madhya Prad	-	-	-	-	-	-	-
13.	Maharashtra	8367	700	9067	849	22	795	8218
14.	Manipur	-	-	-	-	-	-	-
15.	Meghalaya	-	-	-	-	-	-	-
16.	Mizoram	-	-	-	-	-	-	-
17.	Nagaland	-	-	-	-	-	-	-
18.	Orissa	5256	631	5887	218	4	214	5669
19.	Punjab	97	13	106	1	-	1	105
20.	Rajasthan	5759	2488	8247	2411	296	1871	5836
21.	Sikkim	-	-	-	-	-	-	-
22.	Tamil Nadu	1710	1211	2921	1111	36	1075	1810
23.	Tripura	-	-	-	-	-	-	-
24.	Uttar Pradesh	72354	5609	77963	3630	592	3068	74303
25.	West Bengal	-	-	-	-	-	-	-
26.	A&N Islands	-	-	-	-	-	-	-
27.	Chandigarh	1	1	2	1	-	1	1
28.	D & N Haveli	4	1	5	-	-	-	5
29.	Dam. & Diu	4	1	4	1	1	-	3
30.	Delhi	-	-	-	-	-	-	-
31.	Lakshadweep	-	-	-	-	-	-	-
32.	Pondicherry	8	9	17	1	-	1	16
	Total	100464	15667	116131	12956	982	11605	100891

Note: Governments of Jammu & Kashmir and Madhya Pradesh have not furnished the information.

Figures received from the State Governments of Kerala, Maharashtra and Rajasthan do not reconcile.

Number of Cases Registered Under Various Nature of Crimes on SCs & STs Disposed by Courts & Pendency of Cases During The Year 1999 and 2000 in the Country



Highest number of cases are pending in Uttar Pradesh (74303) followed by Maharashtra (8218), Rajasthan (5836), Orissa (5669), Andhra Pradesh (1845), Tamil Nadu (1810), Karnataka (1794) and Kerala (1768). The two statements indicate the volume of cases pending in the Courts and also extremely poor rate of conviction.

9.5 Role of the Central Government

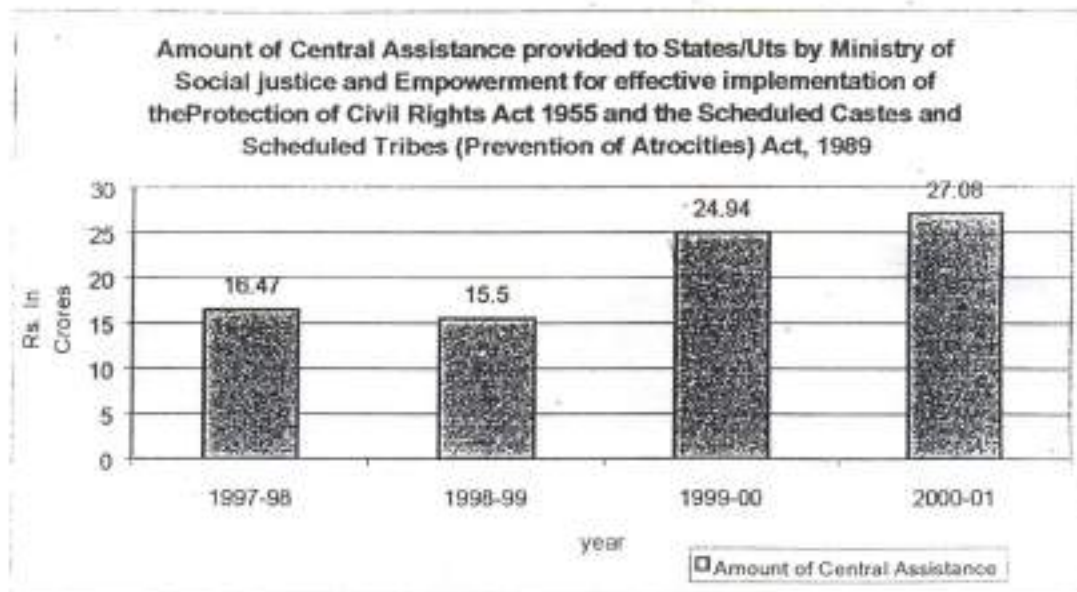
9.5.1 Under the SCs and STs (POA) Act, 1989 the Ministry of Social Justice and Empowerment is required to take necessary steps to co-ordinate measures by the State Government and to place on the Table of both the Houses of the Parliament, each year, a report on the measures taken by itself and by the States/UTs Government in pursuance of the provisions of this Act. The Ministry of Social Justice & Empowerment have placed recently Fourth Report covering the years 1996 and 1997.

9.5.2 The Ministry of Social Justice and Empowerment operates Centrally Sponsored Scheme, under which financial assistance is provided to the States/UTs Governments in the ratio of 50:50 (100% to UT), over and above the committed liability to be born by the State/UT Governments for various measures taken for effective implementation of the Acts and Rules. Such measure may include strengthening of the administration and judicial machinery, publicity and relief and rehabilitation. The year-wise position of sanction of Central Assistance by Central Government is given below:

Table 9.6

(Rs. in crores)

Year	Amount of Central Assistance
1997-98	16.47
1998-99	15.50
1999-2000	24.94
2000-2001	27.08



The State/UT wise details of Central Assistance released by the Ministry of Social Justice and Empowerment under the scheme for implementation of the Protection of Civil Rights Act 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 during 1997-98, 1998-99, 1999-2000 and 2000-2001 are given below in Table 9.7

Table 9.7

STATEMENT SHOWING THE STATE/UT-WISE AND YEARWISE DETAILS OF CENTRAL ASSISTANCE RELEASED UNDER THE CENTRALLY SPONSORED SCHEME FOR IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHT ACT, 1955 AND SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 DURING 1997-98, 1998-99, 1999-2000 AND 2000-2001.

S. No.	State/UTs	Rs. in lakhs			
		1997-98	1998-99	1999-2000	2000-2001
1.	Andhra Pradesh	18.00	294.68	361.33	208.60
2.	Assam	-	-	-	2.00
3.	Bihar	9.50	50.00	-	34.03
4.	Goa	0.70	0.575	-	-
5.	Gujarat	156.24	50.00	270.93	325.79
6.	Haryana	-	21.70	7.83	11.53
7.	Himachal Pradesh	1.00	1.81	-	4.88
8.	Karnataka	15.50	136.68	170.70	150.44
9.	Kerala	2.50	2.00	10.00	41.95
10.	Madhya Pradesh	500.85	682.06	732.96	977.24
11.	Maharashtra	23.00	50.00	100.00	190.44
12.	Orissa	-	3.60	4.00	0.57
13.	Punjab	10.70	20.64	25.00	18.38
14.	Rajasthan	16.00	50.00	50.00	150.00
15.	Sikkim	-	0.25	1.00	-
16.	Tamil Nadu	14.550	100.00	50.00	89.08
17.	Uttar Pradesh	844.51	50.00	636.24	448.19
18.	West Bengal	-	-	-	-
19.	And. & Nico. Islands	-	0.0929	-	-
20.	Delhi	-	1.40	-	-
21.	Dadra & Nagar Haveli	15.88	15.90	30.99	27.00
22.	Pondicherry	18.28	18.60	34.16	28.63
23.	Daman & Diu	-	-	9.01	-
	Total:	1647.00	1550.00	2494.16	2708.75

Table 9.6 shows that the amount of Central Assistance has been increasing in the last four years. This gives an indication that due care is being taken by some of the State Government in improving the criminal justice system relating to implementation of these Acts. But there is still scope for improving infrastructure and other essential facilities at various levels as well as for payment of timely and adequate economic relief to the victims of atrocities. There is need to create awareness and pursue with those States/UTs which have not made use of this budgetary provision in making full payment to victims and develop infrastructure. For example, Government of Orissa does not provide economic relief to the victims of atrocity as per scale laid down in Rule 4 of the SCs & STs (POA) Rules, 1995.

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

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

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

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

The States of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh, Rajasthan, Tamil Nadu and Mizoram have set up Exclusive Special Courts in certain Districts. Undivided Madhya Pradesh with 25 Special Courts has established the highest number of such Courts. In respect of the remaining districts in these States and in other States and UTs existing Court of Session/Additional Session has been designated as Special Court.

9.6.2 As per information available to the Commission the position of State-wise setting up of exclusive Special Courts, specified Special Courts and other measures taken for effective implementation of the protective legislation for SCs and STs are as follows:

1 Andhra Pradesh:

Government have created one SC/ST cell which is functioning in the Social Welfare Department to look after the implementation of relief and rehabilitation under the provisions of SCs & STs (POA) Act, 1989 and rules 1995. A Special Cell in the Police Department in the Office of the CID headed by an Inspector General of Police/Addl. DG?, CID has been established, with supporting staff for speedy investigation, prosecution and for effective disposal of cases of atrocities. There are three exclusive Special Sessions Courts at Chittoor, Guntur and Hyderabad and specified Special Courts in all other districts. The Government of Andhra Pradesh has also sanctioned twenty-three special Mobile Courts.

II Assam:

All the Sessions Courts of plains districts and all the Courts of Deputy Commissioners of hill districts have been notified as Special Courts under the SCs and STs (POA) Act, 1989.

III Bihar

Home department has set up a cell at the Police Headquarters headed by the Inspector General of Police (Weaker Section) for monitoring of atrocity cases on SCs & STs. Though designated Special Courts have been set up in all the districts but their functioning is not effective. A State level Vigilance & Monitoring Committee under the Chairmanship of Chief Minister has also been constituted to review implementation of the Act. The State Government have circulated copies of the Act to all the District Collectors, Superintendent of Police, Sub-Divisional Officers and Police Stations with instructions to ensure proper implementation of the SCs & STs (POA) Act, 1989 and Rules 1995 thereunder.

IV Gujarat:

The review and monitoring of atrocity cases is being done by Vigilance Committee at district level and Secretary, Social Welfare Department at the State level. A high level Committee headed by the Chief Minister of the State to review the cases and proper implementation the provisions of the Act has also been constituted. Three exclusive Special Courts at Ahmedabad (Rural), Palanpur and Kutch District have been set up. In other districts Session Courts have been specified as Special Courts.

V Goa:

A State Level Committee under the provision of the SCs & STs (POA) Act, 1989 has been set up under the chairmanship of the Minister of Social Welfare has been set up. The Sessions Courts of Margoa and Panaji have been designated as Special Courts for North Goa and South Goa districts respectively.

VI Haryana:

All the District Courts have been designated as a Special Courts. No exclusive Special Courts has been set up in view of very low pendency of cases.

VII Himachal Pradesh:

State Level Vigilance and Monitoring Committee meeting is being held regularly. District and Session Courts in nine districts- Shimla, Mandi, Sirmor, Solan, Hamirpur, Kangra, Una, Chamba and Bilaspur have been specified as Special Courts.

VIII Jammu & Kashmir:

Since the SCs & STs (POA) Act, 1989 is not applicable in the State, no Special Court has been established.

IX Karnataka:

There is a separate CRE Cell headed by Addl. DG and supported by IG and other Officers to look after the provisions under the Act. State Level Vigilance and monitoring committee has been constituted under the Chairmanship of the Chief Minister to review the implementation of provisions of the Act and relief and rehabilitation facilities provided to the SC/ST victims. Besides, six exclusive Special Courts at Bijapur, Kolar, Raichur, Mysore, Belgaum and Gulbarga District and Session Courts has been functioning as specified Special Courts in other districts.

X Madhya Pradesh

The State Government has set up high power State level Monitoring and Vigilance Committee under the chairmanship of Chief Minister. District level Committees have been also set up in all districts. SC&ST, PCR Cell under the charge of Addl. Inspector general of Police is functioning at Police Headquarters. Twenty-five exclusive Special Courts were set up in the undivided State. The District and Sessions Courts have been designated as a Special Courts in the remaining districts.

XI Maharashtra:

A State level Committee has been constituted under the chairmanship of the Chief Minister of the State and the members of the Committee are various departmental secretaries and police authorities. The Civil Rights Enforcement machinery in the state is headed by the Inspector General of Police PCR at Mumbai State Police Head Quarters. Courts of District and Session Judge in each district have been specified as Special Courts.

XII Manipur:

District and Session Court of East and West Manipur districts have been specified as Special Courts. The state is free from incidence of atrocities.

XIII Meghalaya:

Specified Special Courts have been set up in all the districts for trying offences under the SCs & STs (POA) Act, 1989.

XIV Mizoram:

One Special Court has been established under the Act for the entire State.

XV Orissa:

The State PCR cell at the State Police Headquarters is functioning under the DG-cum-IG of Police who is monitoring all the cases of atrocities against SCs & STs in the State. No exclusive Special Court has been set up in the State. However, the Courts of District and Sessions Judge in 13 Districts and Additional Sessions Judges in ten Districts have been specified as Special Courts.

XVI Punjab:

A SC/ST Cell headed by SSP is functioning at the Police Headquarters, Punjab, Chandigarh under the supervision of ADG(P) Crime, Punjab and at the district level. SC/ST Cells are also functioning under SSPs. In each district the Court of Senior most Additional Sessions Judge has been designated as Special Court.

XVII Rajasthan:

A Civil Rights Cell in the State Police Headquarters has been functioning to oversee the implementation of the SCs & STS (POA) Act, 1989. The Home Department, Government of Rajasthan has constituted a high level Committee under clauses 16 & 17 of the SCs & STs (POA) Rules, 1995. The State Government is providing monitory relief to the SC & ST victims as per rates fixed by Social Welfare Department on the recommendation of the vigilance committee. Special Courts have been set up in 16 districts. In other districts, Court of Session has been specified as Special Courts.

XVIII Sikkim:

Cases of atrocities are negligible in the State; District Collectors/Police Officers have been directed to look into the complaints of harassment and atrocities on priority basis. The District and Sessions Courts (E & N) has been designated as a Special Court.

XIX Tamil Nadu:

State Government have constituted a State level vigilance and monitoring committee under the chairmanship of the Chief Minister. The ADG(P) (Social Justice) and DIG(PCR) monitor the enforcement of SCs & STs (POA) Act, 1989. Four Special Courts at Tiruchirapalli, Thanjavur, Madurai, Tirunvelli for sixteen districts have been set up and in ten districts Principal Session Court have been designated as Special Court.

XX Tripura:

Court of Session Judges have been designated as Special Court for three districts of West Tripura, North Tripura and South Tripura.

XXI Uttar Pradesh:

The Government of UP has constituted State level/District level Committees. A Special Cell is functioning under the Addl.DG(P) at Lucknow to supervise prosecution. There is no exclusive Special Courts set up in the State. All District and Session Courts have been designated as Special Courts for speedy disposal of cases.

XXII West Bengal:

The atrocity cases on SCs & STs are negligible, however, all districts and Session Courts have been designated as Special Court.

XXIII Andaman & Nicobar Islands:

The District and Session Judge, Andaman & Nicobar Island, Port Blair is designated as Special Court.

XXIV Chandigarh:

The Court of Session has been designated as the Special Court.

XXV Dadra & Nagar Haveli:

The Session Court at Silvassa has been designated as the Special Court.

XXVI Daman & Diu:

The Sessions Court has been designated as the Special Court.

XXVII Delhi:

The Court of the Additional Session Judge, Tis Hazari, Delhi has been specified as Special Court under the SCs & STs (POA) Act, 1989.

XXVIII Lakshadweep & Minicoy:

The Court of Sessions Kozhikode in Kerala State has been designated as the Special Court.

XXIX Pondicherry:

The Courts of Chief Judicial Magistrate, Pondicherry, SDJM, Karaikal and the First Class Judicial Magistrate, Yanam have been designated as the Special Court.

XXX Arunachal Pradesh and Nagaland:

No information is available about setting up of Special Courts from Arunachal Pradesh and Nagaland which being tribal States with a very small SC population have practically no incidents of atrocities.

9.7 Committal Proceedings

9.7.1 In the case of *Gangula Ashok & others Vs. State of Andhra Pradesh*, the Supreme Court has observed that "No Special Court being Court of Session can obviate the interdict contained in Section 193 of the Code of Criminal Procedure (henceforth Code) as there is no provision in the SCs & STs (POA) Act, 1989 empowering the Special Courts to take cognizance of the such offence as a Court of original jurisdiction. It can take cognizance of the offence when the case is committed to it by the Magistrate in accordance with the provision of code.-A complaint or a charge sheet cannot straight away be laid before the Special Court under the Act.-Provisions of the Code of Criminal Procedure could be applicable to the extent, in absence of any contrary provision in the Special Act or any Special Provision including the jurisdiction or applicability of the Court." (Judgment dated January 28, 2000 in CrI.No.94 of 2000 (Arising out of S.L.P. (CrI.) No.3828.

9.7.2 With this judgment of Supreme Court the very purpose for which the SCs & STs (POA) Act, 1989 has been framed will be defeated. The pace of disposal of atrocity cases by the Courts will be slowed down. In order to maintain the spirit of the Act there is a need to amend the provision contained in Section 14 of the Act. Since this is a Central Act the government of India should amend the Act and add specific provision keeping in view the judgment of Hon'ble Supreme Court, so that the cases of atrocities may be tried by the Special Courts directly without committal proceedings.

9.8 Some of the important cases of atrocities dealt in the Commission

9.8.1 During the period 1999-2000 and 2000-2001 more than 2000 representations were received from members of Scheduled Castes and Scheduled Tribes, which were investigated by the Commission either directly or through the local police authorities. Where any heinous crime committed on SCs & STs comes to the notice of the Commission, they are investigated directly by the Commission by holding on the spot enquiry, meeting with the relatives of the victim(s) and also through district administration and local police personnel.

9.8.2 In following cases the Commission made on the spot enquiry and submitted its findings to the State Government concerned for necessary further action.

- i) In the month of February, 1999, the Chairman alongwith the Vice-Chairman, visited Village Narayanapur in District Jahanabad in Bihar where 12 Scheduled Caste persons were killed. The Chairman and Vice-Chairman made on the spot inquiry with the local people and the District Officers. Thereafter they held discussions with Chief Secretary, DG(P) and other senior officers of Govt. of Bihar to enquire into the cause of incident, preventive measures taken by State Government and financial relief provided to victims' families. On the intervention of the Commission the State Government provided exgratia payment to all those families whose kins were killed. The Commission suggested certain long term measures to avoid recurrence of the incident which included ensuring payment of minimum wages, purchase of land

by the Government and its distribution among landless SCs, ownership right to SCs, STs doing farming under Bataidari system, development programmes, opening of residential schools, etc. The Commission has also submitted a Special Report to the President of India on Land Tenure system in the State of Bihar.

- ii) In a caste clash between Dalits and caste Hindus, seven Dalits were set ablaze in Chintamani district, Karnataka, in retaliation to the murder of a caste Hindu youth, according to regional newspapers dated 13-3-2000. Shri Dileep Singh Bhuria, Hon'ble Chairman, National Commission for SCs & STs, visited Kambalpalli and other villages and met the Deputy Commissioner, Kolar district, and all concerned authorities, including the Chief Secretary, Home Secretary and Director General of Police to review the action taken by the State Government. The review revealed that the police had failed in its duty to take prompt action. Due to the intervention of the Commission, the State Government initiated disciplinary action against the erring police officers and decided to set up a Police Station in the neighbouring village. It was also decided to pay compensation to the families of the victims and rehabilitate them. Fifteen Caste Hindus were arrested in this murder case and the State Government also ordered a CBI enquiry. The State Government has been asked to communicate the follow up measures taken to the Commission.
- iii) The Chairman alongwith Vice-Chairman visited Village Hasanpur Balughat, District Lakhi Sarai in Bihar on 2-7-2000, where 11 people, including six people belonging to Scheduled Caste, were killed and made on the spot inquiry from Local District Administration and Police Personnel. On investigation the Commission found that due to failure in performing its duty by the Bihar Mineral Development Corporation, the antisocial elements were extracting mineral and selling for their own benefit, illegally. The Commission sent its report and recommendation to Government of Bihar to avoid recurrence of such incident in future. The Government of Bihar has paid Rs. one lakh to each victim as ex-gratia payments and Rs.5,000 to each for funeral and a house to family of each victim under Indira Awas Yojana and widow pension to each widow under social security.
- iv) A report was published in Local daily "Nai Duniya" that on 2.4.2001 tribal from villages Mehendikhera, Hirapur, Harmodi, Jamasindh, Vishali, etc. of District Devas, M.P. had gathered in village Mehendikhera to protest against demolition of their houses by District authority in connivance of Forest Officials. Police opened fire in which three tribals and one non-tribal died. Chairman visited Mehendikhera village alongwith Collector, SP of district Devas and other officials on 6.4.2001 and also other villages like Hirapur, Vishali, Jamasindh, Semoli, Banad, Parparhi and Katulia and met the members of affected families. In their anxiety to recover the illicitly-felled trees, the district administration unleashed a reign of terror by demolishing their houses, some of which were reportedly 10-15 years old, looting and scattering their food grains, etc. On the intervention of the Commission, the Government of Madhya Pradesh has provided ex-gratia payment of Rs.

1.00 lakh to the families of victims, who died in police firing and also appointed a Committee of three Secretaries to find out the cause of incident. Financial aid of Rs. 10,000 to each family has been paid to those who were seriously injured and Rs.5,000 to simple injured person. One member inquiry committee has been constituted to find out excess committed, if any.

9.8.3 A few important cases are listed below in which investigation has been done through local police authorities and desired justice has been given to the representationist.

i) Case of harassment of SCs lady by Principal in Delhi

Smt. Urmila Azad, A SC PGT (History) of Sarvodaya Kanya Vidyalaya, Shahdara, Delhi submitted a complaint to the Commission regarding harassment by the Principal of the School. The Commission took up the matter with Director, Education, Government of NCT Delhi for investigation and report in the matter. Director, Education sent report stating that allegation leveled by the petitioner could not be proved. On careful examination of the report submitted by Director, Education it was found that report sent by Director, Education was biased and contained no material fact. The enquiry officer appointed by the Director, Education had not taken on record the evidence even of the complainant. The Member in charge of atrocity in the Commission, Shri H.S. Khalsa summoned Director, Education, Government of NCT, Delhi for personal hearing and after hearing both the parties recommended for transfer of the Principal of the School immediately to a school where she does not have to deal with many staff members as her attitude to subordinate was/is not just and fair. In compliance of observation of the Member, the Director, Education intimated to the Commission that said Principal has been transferred to a school where she will have smaller number of staff and the observation of the Commission has been kept in her CR dossier.

ii) Harassment of a SC person by implicating in false case

Shri Ram Babu, R/o B-85, Ram Bagh, Agra, Uttar Pradesh submitted a complaint to the Chairman of the Commission alleging physical assault and harassment of their family members by the local police in connection with the death of a SC boy by a Police jeep which was set on fire by the local people. The police implicated him and his family members in a false case. The matter was taken up by the Commission with the DIG (Police), Agra Range and pursued vigorously. The Commission was not satisfied with the report submitted by the DIG (Police) Agra Range and ordered for reinvestigation. Additional Director General of Police, Special Inquiry Cell, Lucknow, Uttar Pradesh reinvestigated the case and it was confirmed that the petitioner and his family members were falsely implicated in the case. On the basis of inquiry report the Commission recommended for economic relief and rehabilitation to the victim and registration of case against the erring police officials in accordance with provisions contained under Section 4 of the SCs & STs (POA) Act, 1989. The matter was taken up with the Chief Secretary and the Director General of Police, UP for compliance of the recommendation and report. Secretary, Home,

Government of Uttar Pradesh sent a compliance report about the decision taken by the UP Government duly approved by the Governor UP stating that the government has decided to provide economic relief and rehabilitation to Shri Ram Babu and his family. A case against the erring police officials has also been registered under Section 4 of the SCs & STs (POA) Act, 1989 and they have been suspended with immediate effect and after inquiry charge sheet has been filed in the court.

iii) **Case of atrocity on account of foul language, intimidation and sexual harassment of Kumari Gyanbati Singh (ST), President, Janpad Panchayat Pali District Sahdol, Madhya Pradesh**

A case of atrocity committed on Kumari Gyanbati Singh (ST), President, Janpad Panchayat Pali Sahdol was forwarded by MP State Woman Commission, Bhopal to the National Commission for SCs & STs. The Commission took up the matter with the District Police officials for investigation and report. The complainant has alleged that Shri M.K. Shrivastava, Chief Executive Officer, Rural Development Wing, Sahdol, MP misbehaved and abused Kumari Gyanbati Singh. The accused also tried to disturb the cordiality of the Panchayat by pursuing divide and rule policy. A complaint was lodged with the local police station but the local police did not take action even after lapse of considerable period. The National Commission for SCs & STs pursued the matter with the District Administration, Sahdol for investigation and report. The matter was investigated by DM, Sahdol and submitted the report. On perusal of the report it was found that the charges leveled by complainant were correct. The erring Chief Executive officer was booked under relevant Section of the SCs & STs (POA) Act, 1989.

iv) **Harassment of Shri M.P. Singh, a SC officer of Indian Oil Corporation, New Delhi**

Shri M.P. Singh, a Scheduled Caste officer in the Indian Oil Corporation working as Aviation Officer at Indira Gandhi International Airport sent a complaint to the Commission in which he alleged that he was beaten by his colleagues and subordinates belonging to non-SC communities, while on duty. The matter was taken up the Commission with the management of the Indian Oil Corporation at New Delhi. The Management instead of taking action against the erring officials debarred Shri M.P. Singh from entering the office premises and initiated harassment against the complainant. The Commission took up the matter with the Management of Indian Oil Corporation and directed for investigation and report. Accordingly, the Indian Oil Corporation Management re-enquired into the matter and the suspension was revoked and the officer was reinstated.

v) **Rape of a SC woman by a non-SC person at village Tarhara, Bikapur Police Station, District Faizabad, UP**

A complaint was received in the Commission mentioning that Shri Ram Pratap Yadav and Shri Mally Yadav of same village raped Smt. Karam Kala wife of Shri Amar Nath of village Tarhara, Faizabad. The accused

entered the house of Smt. Karam Kala in the absence of her husband on 19.9.1999 and raped her. A case was registered in the local police station on the intervention of SSP Faizabad u/s 452, 376 and 506 IPC and section 3(1)(xii) of SCs & STs (POA) Act, 1989. The District Administration sanctioned economic assistance of Rs. 25,000 to the victim as per provisions contained in the SCs & STs (POA) Rules, 1995. In the mean while, the Yadavs and their associates tried to influence the administration for stopping payment. After receipt of complaint from the victim the National Commission for SCs & STs asked the District Administration and District Police Administration to investigate and report. The District Police Administration admitted that the crime of rape had been committed on the SC woman and the District Social Welfare Officer paid the economic relief to the victim. The case was investigated and challan was filed in the Court against culprits.

vi) **Complaint of National Campaign Committee on Dalit Human Rights, New Delhi regarding safety measures to the marriage party of a Scheduled Caste of Village Adoli, Police Station Khedli, Distt. Alwar, rajasthan**

Complaint of National Campaign Committee on Dalit Human Rights, New Delhi forwarded a representation of Scheduled Caste persons of village Adoli, Police Station Khetali, District Alwar, Rajasthan in which it was requested to take immediate action against the possible miscreants to a marriage party. In the representation it was alleged that some people of the same village always tried to disrupt the marriage party of Scheduled Castes and do not allow the bride groom of Scheduled Caste community to ride the mare on the marriage procession as per tradition. The Commission took up the matter with District Administration and Superintendent of Police District Alwar for providing security to the marriage procession as well as to the bride groom from the village of bride groom to the village of bride and back after the marriage ceremony held on 28.6.99. District Administration took prompt action and made tight security arrangements. Marriage was held as per tradition without disruption.

vii) **Murder of Scheduled Caste labourers in Ferozabad**

The news of murder of four SC labourers belonging to Ferozabad District of Uttar Pradesh was published in "Dainik Jagaran" dated May 3, 2000. Shri Dileep Singh Bhuria, Hon'ble Chairman of the Commission sent a team comprising senior officers of the Commission to take stock of the situation on 7.5.2001. The team met the Senior Police Officers as well as the concerned Senior District Officers and after investigation submitted a report to the Commission. The UP Government transferred the Commissioner of Agra, DIG, Agra Range, District Magistrate and SP, Ferozabad for their failure in handling the incident properly, which resulted in police firing, traffic jams and related escalation of violence in the area. Due to Commission's timely intervention, the affected SC families were provided economic assistance by the State Government, apart from the immediate transfer of concerned senior State Government Officers.

viii) Caste Based Humiliation of SC lady Government official

Smt. Neelam Singh, an SC Government official submitted a complaint to the Commission, alleging caste-based abuses and assault by non-Scheduled Caste neighbours in her locality. Her clothes were allegedly torn in the attack by the neighbours. The area Police Station did not register her complaint, in the first instance. Hon'ble Member of the Commission, Shri Harinder Singh Khalsa took a serious note of the crime against the victim and ordered to summon the concerned Deputy Commissioner of Police. The DCP and ACP appeared before the Commission and regretted the laxity on the part of the area Police Station and the lack of knowledge about the SCs & STs (POA) 1989 Act, which provides for deterrent punishment to non-SC offenders and compensation to the victims. Consequent upon the severe indictment and intervention of the Commission, a case was registered against the accused non- Scheduled Caste persons.

ix) Atrocities on Dalit Boys

Secretary, Tehsil Committee, Communist Party of India, Rajkot, District Ludhiana, Punjab in its petition filed in June, 2000 to the Commission alleged that upper caste Chowdhrys committed a brutal and heinous act on two minor Dalit boys. The incident took place in a remote village of Ludhiana District. The two minor SC boys were brutally tortured, whereas their only fault was a minor theft from a religious place. The boys were tied upside down from the trees, beaten and dragged through village streets. The upper caste culprits pressurized for a compromise to hush up the matter. Keeping in view the serious nature of the crime, the Commission summoned Senior Superintendent of Police, Ludhiana. Shri Harinder Singh Kahlsa, Hon'ble Member of the Commission, found the police enquiry report lopsided, which suppressed many vital aspects of the crime. The Senior Superintendent of Police agreed that the crime took place and Jat landlords were involved. Commission directed the Senior Superintendent of Police to register a case under the SCs & STs (POA) Act, 1989, arrest the culprits and file a challan in a court of Law for prosecution. On the recommendation of the Commission FIR was lodged and culprits were booked under the provision of the Act.

x) Harassment of District Collector Nuapada, Orissa

A representation was received from Shri Bishnupada Sethi, District Collector, Nuapada, Orissa who belongs to Scheduled Caste, alleging that he was physically assaulted by Shri H.K. Bagarty, President, Zila Parishad, Nuapada on 27th September, 2000, in full public view in the presence of Police Officers while he was on duty. The Commission immediately issued wireless message to the State Government for causing arrest of the accused and report. It was informed by the State Government on 19-12-2000 that necessary departmental action had been initiated against the defaulting police officers. It was also informed that the arrest of the accused could not be effected as he had secured anticipatory bail from the High Court. As the reply of the State Government was found to be unsatisfactory, the Chief Secretary, Home Secretary and DGP were called for discussions on 11-1-2001, during the

camp of the Chairman at Bhubaneswar. The Chairman conveyed the displeasure of the Commission on the failure of the State Government to cause arrest of the accused in time, slow progress in investigation of the case and also in departmental proceedings against the erring police officers. The officers were advised to expedite action for cancellation of bail of the accused and file the charge sheet without undue delay. In compliance of observation of the Commission the State Government informed that the charge sheet has been filed against Shri H.K. Bagrthy Chairman, Zila Parishad in the Court of J.M.F.C. Khariar.

9.9 Suggestions for improving the effectiveness of implementation of protective legislation:

The National Commission for SCs & STs have been reviewing the implementation of the PCR Act, 1955 and the SCs & STs (POA) Act, 1989 with the State Governments during the State level review meetings. The Commission had also undertaken Special Studies on the implementation of these Acts in 1999-2000 in the States of Uttar Pradesh and Madhya Pradesh and had submitted a Special Report to the President on 26.2.2001. A National level meeting of the Home Secretaries and the Sr. Police Officer was held in December 1996 to discuss the working of these Acts. On the basis of these Reports and observations the following suggestions are made for making implementation of these Acts more effective:

9.9.1 Preventive and Precautionary Action and Measures

As is evident from the name of the Act itself, the focus of the SCs & STs (POA) Act is on prevention; a number of steps and measures have been provided for in the Act and the Rules, which include setting up of Committees at various levels for monitoring and review of cases, identification of atrocity prone areas, externment of potential criminals and better policing and vigilance in atrocity prone areas. It is, however, observed that in most of the States, either the Committees have not been formed or wherever such committees have been formed, its meetings are not held on regular basis. Such meetings, which have SC/ST elected representatives and the officers concerned with implementation of these Acts, provide the forum and opportunity to work out the preventive strategies and to discuss specific issues relating to effective implementation of the provisions of these Acts. **All the State/UT governments should be instructed to constitute Vigilance and Monitoring Committees at the State and District levels and to take urgent measures to ensure their effective functioning.**

9.9.2 Annual Report to the Parliament

The Act requires submission of Annual Reports to the Parliament by the Ministry of Social Justice and Empowerment. This Provision is not being implemented strictly and the second Report pertaining to 1991-92 was laid in the Parliament in June 1998. **Strict implementation of this provision will ensure better coordination in implementation of the provisions of the Act.**

9.9.3 Centrally Sponsored Scheme for implementation of these Acts

The Ministry of Social Justice and Empowerment operates this scheme for strengthening of administrative, investigative and judicial machinery and for publicity and rehabilitative measures. The scheme provides for contribution of 50% share by the state Government, which most of the State Governments find difficult to allocate because of their poor financial position. **Therefore, it is desirable to increase the central share to**

at least 75% so as to ensure better utilization of this scheme for improving criminal justice system.

9.9.4 Level of Investigation Officers

The SCs & STs (POA) Rules, 1995 provide that investigation in atrocity cases will be done by a police officer not below the rank of Dy. S.P. During the Conference of Home Secretaries and senior police officers held in December 1996, the consensus was that in view of dearth of Dy. S.P. level officers in most of the States, it is difficult to entrust the investigation to only Dy.SP level officers. **The Commission had, therefore, submitted a proposal to the Ministry of Social Justice and Empowerment for amending the Rules so that the Inspectors are also empowered to carry out the investigations. An early decision on this issue is required.**

9.9.5 Registration and Investigation

A large number of cases which deserve to be registered under PCR Act or the SCs & STs (POA) Act are not actually registered under these Acts, either due to ignorance of law or under pressure from the interested parties. Investigations in even those limited number of cases is often carried out in a slipshod manner and with considerable delay. It is necessary to improve the awareness about the provisions of these Acts among the Police officers and the people in general. **The Vigilance and Monitoring Committees at District and State level should meet frequently as prescribed under the Rules and take necessary measures for ensuring timely registration and prompt and proper investigations in atrocity cases.**

9.9.6 Prosecution and Trial of Cases

It has been observed that appointment of prosecutors is often influenced by political considerations. The remuneration paid to the prosecutors is generally too low to attract competent and capable lawyers. **It is, therefore, necessary that remuneration to the public prosecutors be reasonably enhanced and they should be provided basic minimum facilities necessary for effective functioning.** Despite settling up of Special Courts, the disposal of cases is generally very poor and the pendency is rising. For criminal justice system in atrocity case to be effective, punishment must be prompt and sufficient to deter the potential offender. **The various Committees at District and State level should review the pendency regularly, examine the cause of overwhelmingly large proportion of acquittals and take urgent corrective measures to improve the rate of convictions.**

9.9.7 Problem relating to Committal Proceedings

In their judgment dated January 28, 2000 the Apex Court has held that a Special Court set up under the SCs & STs (POA) Act is essentially a Court of Sessions and it can take cognizance of the offence only when the case is committed to it by the Judicial Magistrate in accordance with Section 193 of Cr PC, since there is no specific provision in the SCs & STs (POA) Act especially empowering the Special Courts to take cognizance of the offences without the accused being committed to it for trial. It is understood that Special Courts have been given such powers under certain Acts, such as Narcotics, Drugs and Psychotropic substances Act. If committal proceedings are to be followed it will further delay the disposal of the case and the objective of setting up the Special Courts to take cognizance of offences under this Act without committal proceedings under Section 193 of Cr PC.

9.9.8 Relief and Rehabilitation

The SCs and STs (PA Rules 1995) prescribe standardized norms for relief and rehabilitation to the victims of the atrocities or their families. The Central Government operates a centrally sponsored scheme under which matching share is provided to the State Governments for meeting the cost of such relief and rehabilitation. While most of the States have started implementing this provision, there are a few States who are yet to start payment of rehabilitation package. The provision also seeks to meet the cost of traveling and maintenance of the victims and witnesses to enable them to attend the courts etc. To facilitate effective implementation of the provisions of the Act, this provision needs to be enforced strictly.

9.10 Various reports have shown that the causes of atrocities on SCs and STs are increasingly on account of land disputes, land alienation, forced labour and refusal to pay minimum wages, besides the traditional practice of untouchability and associated social disabilities. The Special development programmes for SCs and STs particularly the policy of reservations in educational courses and in services, is also becoming a source of animosity for other communities and due to increasing education and awareness, the SCs and STs have also started asserting their rights. In any conflict between SCs/STs and other communities the former are at a great disadvantage both socially and economically. They look up to the administration, police and the judiciary to give them protection and justice. **It is, therefore, important that persons at key position, particularly those concerned with their safeguards and development, are chosen with due care, properly sensitized and given all necessary support.**

ANNEXURE 9.1
STATE/UT AND CATEGORY-WISE INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED CASTES
DURING 1999

S.NO.	STATE/UT	MURDER	HURT	RAPE	KIDNAP & ABD.	DACOTTY	ROBBERY	ARSON	PCR ACT	SC & ST (POA) ACT	OTHER OFFENCES	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12	13
1	ANDHRA PRADESH	26	437	61	2	3	6	8	266	522	418	1749
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0	0	0	0	0
3	ASSAM	0	4	2	0	0	0	0	1	0	0	7
4	BIHAR	5	230	22	1	2	0	13	0	276	271	820
5	GOA	0	0	0	0	0	0	0	0	0	0	0
6	GUJARAT	26	363	28	15	9	23	17	9	415	377	1781
7	HARYANA	5	33	26	8	1	0	1	0	18	29	121
8	HIMACHAL PRADESH	2	2	4	0	0	0	0	6	21	19	54
9	JAMMU & KASHMIR	0	1	2	0	0	0	0	1	0	9	13
10	KARNATAKA	11	27	8	0	0	0	8	85	1131	9	1277
11	KERALA	5	177	54	0	0	0	4	3	194	77	514
12	MADHYA PRADESH	55	751	305	36	2	16	56	26	433	2987	4667
13	MAHARASHTRA	7	67	40	6	1	4	10	135	160	175	605
14	MANIPUR	0	0	0	0	0	0	0	0	0	0	0
15	MEGHALAYA	1	0	0	0	0	0	0	0	0	0	1
16	MIZORAM	0	0	1	0	0	1	0	0	0	0	2
17	NAGALAND	0	0	0	0	0	0	0	0	0	0	0
18	ORISSA	10	145	8	4	0	3	3	3	263	333	772
19	PUNJAB	5	9	7	2	0	0	0	1	6	9	39
20	RAJASTHAN	49	154	146	10	0	3	67	19	887	4288	5623
21	SIKKIM	0	4	0	0	0	0	4	0	0	4	12
22	TAMIL NADU	20	165	12	11	0	3	1	109	366	196	883
23	TRIPURA	0	0	0	0	0	0	0	0	0	0	0
24	UTTAR PRADESH	279	672	276	133	19	50	145	1	2597	1950	6122
25	WEST BENGAL	0	0	0	0	0	0	0	0	0	0	0
	TOTAL (STATES)	506	3241	1000	228	36	109	337	665	7289	11651	25062

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
	UNION TERRITORIES											
	26A & N ISLAND	0	0	0	0	0	0	0	0	0	0	0
	27 CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0
	28 D & N HAVELI	0	0	0	0	0	0	0	0	0	0	0
	29 DAMAN & DIU	0	0	0	0	0	0	0	0	0	0	0
	30 DELHI	0	0	0	0	0	0	0	3	10	5	18
	31 LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0
	32 PONDICHERRY	0	0	0	0	0	0	0	10	2	1	13
	TOTAL (UTs)	0	0	0	0	0	0	0	13	12	6	31
	TOTAL (ALL-INDIA)	506	3241	1000	228	36	109	337	678	7301	11657	25093

ANNEXURE 9.II

STATE/UT AND CATEGORY-WISE INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED TRIBES DURING 1999

S.NO.	STATE/UT	MURDER	HURT	RAPE	KIDNAP & ABD.	DACOITY	ROBBERY	ARSON	PCR ACT	SC & ST (POA) ACT	OTHER OFFENCES	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12	13
1	ANDHRA PRADESH	4	48	22			0	1	7	39	50	178
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0	0	0	1	1
3	ASSAM	0	0	0	1	0	0	1	0	0	0	2
4	BIHAR	1	15	6	1	1	0	0	0	14	29	67
5	GOA	0	0	0	0	0	0	0	0	0	0	0
6	GUJARAT	11	55	23	6	1	1	8	1	45	216	367
7	HARYANA	0	0	0	0	0	0	0	0	0	0	0
8	BIHARACHAL PRADESH	0	17	0	0	0	0	0	0	0	2	19
9	JAMMU & KASHMIR	0	0	0	0	0	0	1	0	0	2	3
10	KARNATAKA	3	0	1	0	0	0	0	4	49	3	60
11	KERALA	0	23	10	0	0	1	2	0	14	31	81
12	MADHYA PRADESH	38	216	233	28	0	3	16	3	105	1114	1756
13	MAHARASHTRA	4	13	34	9	1	1	1	13	18	77	171
14	MANIPUR	0	0	0	0	0	0	0	0	0	0	0
15	MEGHALAYA	0	0	0	1	0	0	0	0	0	0	1
16	MIZORAM	0	1	0	0	0	0	0	0	0	0	1
17	NAGALAND	0	0	0	0	0	0	0	0	0	0	0
18	ORISSA	3	105	10	1	0	1	0	7	94	114	335
19	PUNJAB	0	0	1	0	0	0	0	0	4	0	5
20	RAJASTHAN	14	61	40	4	0	1	13	0	175	913	1221
21	SIKKIM	0	8	2	1	0	0	0	0	0	7	18
22	TAMIL NADU	1	70	0	0	0	0	0	10	11	13	105
23	TRIPURA	0	0	0	0	0	0	0	0	0	0	0
24	UTTAR PRADESH	1	14	1	0	0	0	0	0	6	36	58
25	WEST BENGAL	0	0	0	0	0	0	0	0	0	0	0
	TOTAL (STATES)	80	646	383	59	3	8	43	45	574	2608	4449

1	2	3	4	5	6	7	8	9	10	11	12	13
	UNION TERRITORIES											
	26 A & N ISLAND	0	0	0	0	0	0	0	0	0	0	0
	27 CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0
	28 D & N HAVELI	0	0	0	0	0	0	0	0	0	0	0
	29 DAMAN & DIU	0	0	1	0	0	0	0	0	0	0	0
	30 DELHI	0	0	0	0	0	0	0	0	0	0	1
	31 LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0
	32 PONDICHERY	0	0	0	0	0	0	0	0	0	0	0
	TOTAL (UTs)	0	0	1	0	0	0	0	0	0	0	0
	TOTAL (ALL-INDIA)	80	646	384	59	3	8	43	45	574	2608	4450

ANNEXURE 9.III
STATE/UT AND CATEGORY-WISE INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED CASTES
DURING 2000

S.NO.	STATE/UT	MURDER	HURT	FAPE	KIDNAP & ABD.	DACOITY	ROBBERY	ARSON	PCR ACT	SC & ST (POA) ACT	OTHER OFFENCES	TOTAL	Up TO Month
	1	2	3	4	5	6	7	8	9	10	11	12	13
1	ANDHRA PRADESH	29	323	53	9	2	0	8	284	529	345	1582	Dec.
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0	0	0	0	0	Aug.
3	ASSAM	0	4	0	0	0	1	1	0	1	4	11	Dec.
4	BIHAR	4	244	17	5	2	3	12	6	220	228	741	Dec.
5	GOA	0	0	0	0	0	0	0	0	1	0	1	Dec.
6	GUJARAT	11	115	12	11	2	9	3	7	211	510	891	Aug.
7	HARYANA	2	33	20	6	0	0	2	1	19	26	109	Dec.
8	HIMACHAL PRADESH	0	7	6	0	0	1	3	10	16	9	52	Dec.
9	JAMMU & KASHMIR	0	0	3	0	0	0	0	1	1	4	9	Dec.
10	KARNATAKA	10	13	14	2	0	0	-1	95	1073	10	1218	Nov.
11	KERALA	7	126	65	0	1	0	4	0	146	118	467	Dec.
12	MADHYA PRADESH	45	798	289	26	5	8	27	27	539	2867	4631	Dec.
13	MAHARASHTRA	2	16	49	4	1	2	5	98	128	184	489	Dec.
14	MANIPUR	0	0	0	0	0	0	0	0	0	0	0	Dec.
15	MEGHALAYA	0	0	0	0	0	0	0	0	0	0	0	Dec.
16	MIZORAM	0	0	0	0	0	0	0	0	0	0	0	Dec.
17	NAGALAND	0	0	0	0	0	0	0	0	0	0	0	Dec.
18	ORISSA	14	47	6	0	0	0	3	0	147	158	375	Jun.
19	PUNJAB	0	4	8	2	0	0	0	0	13	3	30	Dec./Sep.
20	RAJASTHAN	48	153	128	13	1	3	49	0	454	4341	5190	Dec.
21	SIKKIM	0	0	1	0	0	0	0	0	0	14	15	Dec.
22	TAMIL NADU	12	654	17	1	0	1	0	103	418	90	1296	Dec.
23	TRIPURA	0	0	0	0	0	0	0	0	0	0	0	Dec.
24	UTTAR PRADESH	302	761	346	163	23	65	142	18	2683	2095	6599	Nov.
25	WEST BENGAL	0	0	0	0	0	0	0	0	0	0	0	Dec.
	TOTAL (STATES)	486	3238	1034	242	37	93	260	650	6599	11007	23706	

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
	UNION TERRITORIES												
	26 A & N ISLAND	0	0	0	0	0	0	0	0	0	0	0	Dec.
	27 CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0	Dec.
	28 D & N HAVELI	0	0	0	0	0	0	0	0	0	0	0	Dec.
	29 DAMAN & DIU	0	0	0	0	0	0	0	0	1	0	1	Nov.
	30 DELHI	0	0	0	0	0	0	0	0	12	1	13	Dec.
	31 LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0	Dec.
	32 PONDICHERY	0	0	0	0	0	0	0	17	4	1	21	Dec.
	TOTAL (UTs)	0	0	0	0	0	0	0	16	18	2	36	
	TOTAL (ALL-INDIA)	486	3298	1034	242	37	93	260	666	6617	11009	23742	

ANNEXURE 9.IV

STATE/UT AND CATEGORY-WISE INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED TRIBES DURING 2000

S.NO.	STATE/UT	MURDER	HURT	RAPE	KIDNAP & ABD.	DACOITY	ROBBERY	ARSON	PCR ACT	SC & ST (POA) ACT	OTHER OFFENCES	TOTAL	Up TO Month
1	2	3	4	5	6	7	8	9	10	11	12	13	
1	ANDHRA PRADESH	4	45	17	2	0	0	1	6	83	44	202	Dec.
2	ARUNACHAL PRADESH	0	2	0	4	2	0	0	0	0	5	13	Aug.
3	ASSAM	0	0	0	0	0	0	0	0	0	0	0	Dec.
4	BIHAR	1	6	10	1	0	0	0	0	15	28	61	Dec.
5	GOA	0	0	0	0	0	0	0	0	0	0	0	Dec.
6	GUJARAT	4	30	16	2	0	0	2	0	16	151	221	Aug.
7	HARYANA	0	0	0	0	0	0	0	0	0	0	0	Dec.
8	HIMACHAL PRADESH	0	8	1	0	0	0	0	1	0	1	11	Dec.
9	JAMMU & KASHMIR	0	1	2	0	0	0	0	0	0	1	4	Dec.
10	KARNATAKA	5	3	2	0	0	0	0	1	44	2	57	Nov.
11	KERALA	2	7	28	1	0	0	2	0	7	16	63	Dec.
12	MADHYA PRADESH	22	217	244	26	0	1	12	9	146	1168	1845	Dec.
13	MAHARASHTRA	0	14	26	1	1	0	3	0	13	84	142	Dec.
14	MANIPUR	0	0	0	0	0	0	0	0	0	0	0	Dec.
15	MEGHALAYA	0	0	0	0	1	1	0	0	0	0	0	Dec.
16	MIZORAM	0	1	0	0	0	0	0	0	0	0	0	Dec.
17	NAGALAND	0	0	0	0	0	0	0	0	0	0	0	Dec.
18	ORISSA	1	23	2	1	0	0	0	3	34	33	97	Jun.
19	PUNJAB	0	1	2	2	0	0	0	0	1	0	6	Dec.
20	RAJASTHAN	9	39	38	2	0	0	10	0	54	978	1130	Dec.
21	SIKKIM	1	2	0	0	0	0	0	0	0	5	8	Dec.
22	TAMIL NADU	0	0	0	0	0	0	0	5	4	0	9	Dec.
23	TRIPURA	1	0	0	0	0	0	0	2	0	0	3	Dec.
24	UTTAR PRADESH	3	13	3	3	1	0	0	0	11	44	78	Nov.
25	WEST BENGAL	0	0	0	0	0	0	0	0	0	0	0	Dec.
	TOTAL (STATES)	53	412	391	45	5	2	30	27	428	2560	3953	

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
	UNION TERRITORIES												
	26 A & N ISLAND	0	0	0	0	0	0	0	0	0	1	1	Dec.
	27 CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0	Dec.
	28 D & N HAVELI	0	0	0	0	0	0	0	0	3	0	3	Dec.
	29 DAMAN & DIU	0	0	0	0	0	0	0	0	0	0	0	Nov.
	30 DELHI	0	0	0	0	0	0	0	0	0	0	0	Dec.
	31 LAKSHADWEEP	0	0	0	0	0	0	0	0	1	0	1	Dec.
	32 PONDICHERY	0	0	0	0	0	0	0	0	0	0	0	Dec.
	TOTAL (UTs)	0	0	0	0	0	0	0	0	4	1	5	
	TOTAL (ALL-INDIA)	53	412	391	45	5	2	30	27	432	2561	3958	

ANNEXURE 9.V

STATE/ UTS WISE DETAILS OF CASES REGISTERED UNDER VARIOUS NATURE OF CRIMES ON SCS & STS DISPOSED BY THE POLICE DURING 1999

S.NO.	STATE/UT	No. of cases registered		Total No. of cases		No. of cases Challenged		No. of cases closed After Investigation		No. of cases pending with Police		Remarks
		SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs	
1	ANDHRA PRADESH	1397	Nil	1397	Nil	713	Nil	410	Nil	769	Nil	Combined
2	ARUNACHAL PRADESH	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
3	ASSAM	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
4	BIHAR	1353	92	1353	92	834	46	164	3	807	21	
5	GOA	2	Nil	2	Nil	1	Nil	1	Nil	Nil	Nil	
6	GUJARAT B/F 193	1503	341	1698	420	1347	296	72	4	279	120	
7	HARYANA	141	Nil	141	Nil	103	Nil	38	Nil	Nil	Nil	
8	BHIMACHAL PRADESH	65	Nil	65	Nil	40	Nil	22	Nil	3	Nil	
9	JAMMU & KASHMIR	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
10	KARNATAKA	1162	77	1162	77	704	65	271	15	16	7	
11	KERALA	245	13	245	13	209	31	Nil	Nil	982*	54*	*Includ cases
12	MADHYA PRADESH	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
13	MAHARASTRA 113+57	668	259	901	316	609	218	90	43	102	55	
14	MANIPUR	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
15	MEGHALAYA	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
16	MIZORAM	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
17	NAGALAND	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
18	ORISSA	1063	386	1063	386	760	281	189	114	114	114	
19	PUNJAB	56	Nil	56	Nil	37	Nil	8	Nil	11	Nil	
20	RAJASTHAN	5682	1156	6832	1156	2452	493	2829	533	401	130	
21	SIKKIM	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
22	TAMIL NADU B/F 940	1635	2	2575	2	1002	2	708	Nil	865	Nil	
23	TRIPURA	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
24	UTTAR PRADESH 818	6917	Nil	7753	Nil	5464	Nil	1238	Nil	1033	Nil	
25	WEST BENGAL	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	

UNION TERRITORIES											
26	A & N ISLAND	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII
27	CHANDIGARH	1	NII	1	NII	NII	NII	NII	NII	1	NII
28	D & N HAVELI	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII
29	DAMAN & DIU	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII
30	DELHI	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
31	LAKSHADWEEP	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII
32	PONDICHERY	12	NII	12	NII	6	NII	6	NII	6	NII

ANNEXURE 9.VI

STATE/ UTS WISE DETAILS OF CASES REGISTERED UNDER VARIOUS NATURE OF CRIMES ON SCS & STS DISPOSED BY THE POLICE DURING 2000

S.NO.	STATE/UT	No. of cases registered		Total No. of cases		No. of cases Challenged		No. of cases closed After Investigation		No. of cases pending with Police		Remarks
		SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs	
1	ANDHRA PRADESH	1912	Nil	1912	Nil	833	Nil	475	Nil	604	Nil	
2	ARUNACHAL PRADESH	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
3	ASSAM	Nil	1	Nil	1	Nil	Nil	Nil	Nil	Nil	1	
4	BIHAR	659	9	659	9	288	Nil	91	8	1087	22	
5	GOA	1	Nil	1	Nil	1	Nil	Nil	Nil	Nil	Nil	
6	GUJARAT B/F 193	1411	286	1690	408	1012	249	95	14	563	145	
7	HARYANA	157	Nil	157	Nil	117	Nil	40	Nil	Nil	Nil	
8	HIMACHAL PRADESH	68	1	68	1	40	1	22	Nil	6	Nil	
9	JAMMU & KASHMIR	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
10	KARNATAKA	1186	68	1186	68	530	60	221	22	368	8	
11	KERALA	413	13	413	13	316	12	Nil	Nil	974	28	
12	MADHYA PRADESH	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
13	MAHARASTRA 113+57	561	232	663	287	470	230	58	17	135	40	
14	MANIPUR	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
15	MEGHALAYA	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
16	MIZORAM	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
17	NAGALAND	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
18	ORISSA	1036	318	1036	318	460	171	97	23	479	124	
19	PUNJAB	34	Nil	95	Nil	18	Nil	6	Nil	71	Nil	
20	RAJASTHAN	5450	1229	5450	1229	2201	517	2898	651	251	61	
21	SIKKIM	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
22	TAMIL NADU B/F 940	1104	1	1969	1	1211	1	390	Nil	368	Nil	
23	TRIPURA	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
24	UTTAR PRADESH 818	8462	Nil	9476	Nil	5609	Nil	1594	Nil	2273	Nil	
25	WEST BENGAL	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	

UNION TERRITORIES

26	A & N ISLAND	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII	NII
27	CHANDIGARH	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII
28	D & N HAVELI	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1
29	DAMAN & DIU	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII	1	NII
30	DELHI	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
31	LAKSHADWEEP																
32	PONDICHERY	20	NII	20	NII	6	NII	2	NII	12	NII	2	NII	12	NII	2	NII

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.
CHAPTER II		
SPECIAL CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES		
1	Since Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a Central Act, the Government of India should amend the Act and add specific provision keeping in view the judgement of the Hon'ble Supreme Court, so that the cases of atrocities may be tried by the Special Courts directly without committal proceedings.	2.9
2	Problem of child labour still continues and for complete eradication of this evil, special measures are required for bringing about social awareness through voluntary efforts. At the same time implementation of the legal provisions and vigilance on the part of the Labour Department of the Central and State Governments needs to be intensified.	2.11
3	Most of the tribal communities have their own languages or dialects, which usually belong to a different family of languages than the one to which the State's official language belongs. With a view to improve the accessibility and acceptance of education among tribal communities, it is desirable that they are given education in their own dialect, to the extent possible, and measures are initiated for developing curricula, training material, etc. for this purpose on top priority basis.	2.16
4	With the creation of new States of Jharkhand and Chhatisgarh, which have a high concentration of tribal population, Article 164(1) needs to be suitably amended.	2.17
5	In its Fourth and Fifth Reports, 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 enable that the most downtrodden sections of the society to get their due share and opportunity to contribute in the governance.	2.33
6	After the creation of new States of Chattisgarh and Jharkhand, which have a large tribal population, the Constitution needs to be amended to extend Scheduled Areas to these States and also to provide for tribal Advisory Councils in these States.	2.40
7	Decisions of the Commission are only recommendatory in nature and not binding upon the respondent Department/Organisation of Union or State Government, autonomous body, PSUs, Financial Institution, etc. The Commission, therefore, feels that there is an urgent need to have a fresh	2.45

look on the whole issue and to empower the Commission by giving more powers to it under the Constitution itself to ensure the implementation of the recommendations.

CHAPTER III

ECONOMIC DEVELOPMENT OF THE SCHEDULED CASTES

- 1 The Commission recommends that immediate legislation should be brought forward to safeguard agricultural labour from exploitation, to ensure them minimum wages and cover them under social security in case of an accident or death. 3.4.2
- 2 The Railways should study the pattern of migration of seasonal labour, who mainly belong to SC/ST and run special trains to facilitate transportation of the labour to the places of their destination for employment and back after completion of agricultural operations. 3.4.2
- 3 The Commission strongly recommends effective implementation of land reforms and distribution of surplus land among the SCs and proper recording of the occupancy rights of the tenants to ensure that tillers are not forced out from the land they are cultivating, by suitably amending the tenancy laws and also to ensure that the family members of the deceased under-rayats can inherit the tenancy rights after the death of the tenant. 3.5.4
- 4 Surplus land alone may not be adequate for distribution to tackle the enormous problem of the poverty of the SCs in rural areas. The Government should step up non-farm employment opportunities in rural areas to provide gainful employment to the Scheduled Castes. 3.5.6
- 5 The Government should take steps for training, skill upgradation, co-operatisation and better organization of the traditional occupations of the SCs and to provide them help in the form of access to raw materials, finance and marketing of the products. 3.6.1
- 6 The Commission recommends that adequate representation should be given to the SCs in the scheme of Sanchar Dhabas by providing them financial support and training. 3.8.7
- 7 Since all the programmes of the State Govts. are coordinated under the program of SCP for development of the Scheduled Castes, it is important that this programme is made effective. 3.9.5
- 8 It is recommended that time bound action plans should be prepared to provide them basic civic facilities like water supply, electricity, sanitation at par with other sections of the society, to improve their economic condition and to provide them employment opportunities. The State governments should prepare SC Human Development Index taking into consideration factors like literacy rate, infant mortality rate, incidence of atrocities against the SCs, estimates of consumption expenditure and people below the poverty line to assess the gap in the socio-economic development of the SCs and the other sections of the society. Without such time bound action plans the effort in the form of SCP would continue to be inadequate to make any real dent in improving the condition of the Scheduled Castes. 3.9.7

- 9 States with large SC population, such as Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Delhi have reported under utilization of the SCA released by the Govt. of India. These State Govts should ensure full use of the SCA allocations made to them by the Ministry of SJ&E for the development of the Scheduled Castes. 3.10.5
- 10 The Commission recommends that the annual plans and programmes of the Ministries/Departments, which have expressed their inability to formulate the SCP should be brought before the Standing Tripartite Committee set up by the Planning Commission, so that the Committee can satisfy itself that there are no programmes which these Ministries can implement exclusively for the benefit of the SC. In that case the proportionate funds under the SCP should be placed at the disposal of Ministry of Social Justice and Empowerment for utilisation by the States for development of SCs. 3.11.1
- 11 The information given by NSFDC for the year 2000-2001 shows that out of Rs.117.48 crores disbursed by it, Rs.99.04 crores (84%) remained unutilized. This position is extremely unsatisfactory and the Corporation should review the reasons for such heavy amounts remaining unutilized during the year. 3.13.1
- 12 Diversion of funds aimed at assisting the poor SCs towards administrative expenditure by Haryana SC Development Corporation is a serious matter, which should not be allowed. 3.14.3
- 13 There has been frequent change in the Managing Director of the Karnataka SC/ST Development Corporation during the last three years. Such changes at the MD level hampers smooth functioning of the Corporations. 3.14.5
- 14 The nationalized banks have rendered an important service to the weaker sections of the society. Dilution of the role of the Banks in providing assistance to SCs would result in their increased indebtedness to moneylenders, which would further impoverish these poor people with serious consequences relating to their bondage and land alienation. 3.15.2
- 15 From the point of view of the economic upliftment of the Scheduled Castes it is important that the benefits of the economic reforms and the consequent growth of the economy flow to the Scheduled Castes also, who are the poorest among the poor. 3.16.1
- 16 It is suggested that instead of withdrawing subsidies across the board it would be appropriate that these subsidies are better targeted to the poor, specially the Scheduled Castes. 3.16.2
- 17 Commission recommends that at the time of the signing of any memorandum of understanding with the private parties Govt. of India should add a clause to ensure that the reservation policy would continue to be implemented in the enterprise after its privatization. 3.16.3
- 18 The Commission recommends that the Govt. should issue instructions for setting up more institutes for vocational training in the backward areas with predominant SC population and adequate representation should be given to the SCs in these institutes so that they are able to compete with the other candidates for employment in the organized sector. 3.16.3

CHAPTER IV
SOCIAL INTEGRATION OF SCHEDULED CASTES

- 1 The Central Government and the State Government should ensure wide publicity of the PCR Act so as to improve the awareness about the provisions of the Act among the Scheduled Castes as also non-Scheduled Castes. 4.15.1
- 2 The Central Government should review the adequacy of assistance, including legal aid being provided by the State Governments to the victims of Untouchability and issue guidelines to ensure proper implementation of this provision of the PCR Act. Further the nature and extent of assistance should periodically be evaluated so that these become effective instruments for combating the practice of Untouchability. 4.15.1
- 3 The Central Government should impress upon the State Governments to ensure that the officers appointed under this provision are utilized for initiating and exercising supervision over prosecution of all cases registered under the provision of the Act. The state Governments also need to ensure that special public prosecutors are appointed or earmarked to deal exclusively with the cases under the PCR Act in States where there is no such arrangement. These public prosecutors should be carefully selected and trained and brought under a scheme of reward and admonition for the success or otherwise of their labour. 4.15.1
- 4 The Central Government should take up the issue of setting up of special courts with the concerned State Governments, which have not yet set up such Special Courts. Further the performance of the special courts should be carefully and critically watched in terms of timely disposal of cases and conviction rates. 4.15.1
- 5 The Central Government should request the State Governments to ensure periodical holding of meetings of monitoring committees so as to make them effective. 4.15.1
- 6 The Central Government should draw the attention of the State governments towards this matter and request them to ensure that the working of the provisions of this Act are periodically evaluated and measures adopted for better implementation of the provisions of the PCR Act. 4.15.1
- 7 The Central Government should request the States to complete identification of Untouchability-prone areas on a time-bound basis. So far as the States which have been able to identify such areas the Central Government should call upon them to give preference to such areas while implementing schemes under the special component plan. 4.15.1
- 8 The Central Government should, instead of merely collecting the information received from the State Governments in its annual report, get such information critically examined and follow up action taken simultaneously. 4.15.1
- 9 A compendium of guidelines should be prepared and issued to the State Government/UT Administrations on matters relating to removal of Untouchability which should also be circulated to the other concerned authorities. 4.15.1

- | | | |
|----|--|--------|
| 10 | The Central Government should critically evaluate the impact of the scheme of liberation of scavengers on removal of Untouchability. | 4.15.1 |
| 11 | The State Governments should give wide publicity to the scheme of inter-caste marriages through mass media in order to encourage larger number of youths for inter-caste marriages. | 4.15.1 |
| 12 | The Gram Panchayats can play a very significant role in eradicating the evil of Untouchability. The State Governments should evolve schemes for providing healthy competition at the village/Gram Sabha level for eradication of this evil. | 4.15.1 |
| 13 | The Central Government should review the impact of work being done by voluntary organization and should enlist their support in this matter. There is also a need to draw up a long-term phased programme for eradication of Untouchability at the national level in consultation with the State Governments and the voluntary organizations. In order to bring about a feeling of healthy competition among the social workers, the State Governments should also consider launching a scheme of giving rewards and commendation certificates to select social workers for their outstanding contributions towards eradication of Untouchability. | 4.15.1 |
| 14 | The Government of India should continuously monitor the programmes of scheduled castes/scheduled tribes Thanas and Special Courts in terms of the concrete results that they have produced so far. | 4.15.1 |
| 15 | The all India Radio stations and Doordarshan Kendras should highlight and give wide publicity to the purpose for which the National Commission for Scheduled Castes and Schedule Tribes was constituted and its activities for improving the awareness among the general public in the country about the role of the Commission. | 4.15.1 |

CHAPTER V

ECONOMIC DEVELOPMENT OF SCHEDULED TRIBES

- | | | |
|---|---|--------|
| 1 | Commission reiterates its earlier recommendation that all the States should allocate funds to the Tribal Sub Plan a little more than the States' ST population percentage in accordance with the recommendation of the Working Group Report for the Eight Five Year Plan. | 5.4.7 |
| 2 | This Commission strongly recommends that SCA released by the Ministry of Tribal Affairs, Government of India must be fully utilised for making their development schemes more viable and effective in generating family income. | 5.5.2 |
| 3 | Major portion of SCA should be utilised for infrastructural and community needs, with some provision for individual oriented schemes. | 5.5.3 |
| 4 | SCA should be released directly to the implementing agency i.e. the ITDP's as is being done by the Ministry of Rural Development by releasing funds directly to the DRDAs. | 5.5.4 |
| 5 | In tribal areas one of the serious problems is non-availability of safe drinking water and hence states should give special priority to cover ST habitats. | 5.10.1 |
| 6 | Commission recommends that as per prevailing level of below poverty line, SCs and STs should be proportionately covered under all the Schemes of the Ministry of Rural Development. | 5.12.4 |

- 7 Commission stress the need to under take research study on the 75 PTGs, to find out what has been so far achieved, what is lacking and what ought to be done towards their well being in the future plans. 5.13.3
- 8 Ministry of Tribal Affairs should ensure that funds released to the NGOs and other organisations is utilised properly for which evaluation studies may be undertaken. 5.13.4
- 9 Instances have come to the notice of the Commission of delays in the sanction of the projects and release of funds to the States, by the Ministry of Tribal Affairs, which is ultimately affecting the implementation of the project/works. There is an urgent need to streamline the procedure in consultation with the State Governments so as to ensure that such delays are minimized. 5.14.3
- 10 The Government of India have contributed Rs. 99.50 crores as its share and the paid up capital of TRIFED has already achieved the level of authorised share capital. It is therefore necessary to move the government for increasing the authorized share capital of the corporation. 5.16.2
- 11 The TRIFED should evolve schemes for upgradation of skills, identification of marketable items, value addition and quality improvement of the produce, market linkages etc. with a view to help economic development of tribal communities. 5.16.4
- 12 There is a strong need to provide expert and systems support to Gram Panchayats or village panchayats on the areas of know how, skill and management of MFP. 5.16.6
- 13 We recommend that tribal Self Help Groups in the Scheduled Area should be encouraged to undertake collection, storing and sales of the MFP and Agricultural produce in order to make tribals self sufficient. 5.16.9
- 14 The NABARD, the State Governments and the concerned agencies should ensure that tribals are not exploited and they are paid the prescribed rates for their labour and their products. 5.18.3
- 15 Commission recommends that reservation in dealerships and distributorships of petroleum products should not to be restricted to the reserved constituencies of Parliament or Assemblies. 5.19.2
- 16 It is recommended that the local authorities of the State Government and Oil Companies representatives should be sensitized to become more helpful and sympathetic towards the SC/ST allottees. 5.19.3
- 17 LPG distributorships should be started in rural areas and SC/ST persons should be given preference in the gas connections on subsidised rates. 5.19.4
- 18 It is recommended that 25% reservation should be regulated as per the total quantity of sale of these products at the State level along with number of SC/ST dealership and distributorship awards. 5.19.5
- 19 Commission recommends that in the new Dealers Selection Board, one of the representatives should be from SC or ST community. 5.19.6
- 20 It is recommended that a special drive should be launched to award the backlog/shortfall of dealerships/distributorships to SC/ST persons to 5.19.7

- achieve the prescribed 25% reservation Quota.
- 21 It is strongly recommended that Govt. of Bihar must adopt and start implementation of economic development programmes for ST on Maharashtra pattern by 2001-2002. 5.20.1
 - 22 In the tribal area of Bihar concerned authorities should develop alternative crops rotation on the basis of their food habits and geo-climatic conditions. 5.20.1
 - 23 Commission recommends that State Government of Maharashtra should concentrate on infrastructure and economic development of tribal areas and people in order to control the growth of tribal unrest and Naxalite movement. 5.20.2
 - 24 The State Government of Tamil Nadu should make sincere efforts to fully utilize the allocated amount, as the tribal development performance was not very encouraging in various sectors. 5.20.3
 - 25 It is strongly recommended that Tamil Nadu Government must ensure 100% coverage of safe drinking water under the Tenth Five Year Plan. Drinking water problem may be resolved by reviving the traditional water management systems followed by the tribal community, duly supported with the modern technology. 5.20.3
 - 26 Commission suggests that the shortfall in road formation in the tribal areas must be achieved within stipulated time frame by planning 60 Km. per year road length during the Tenth Five Year Plan in Tamil Nadu. The PWD should ensure to submit road construction proposal for obtaining clearance from the forest department well in time and proper coordination must be ensured so that tribals are not deprived of their benefits. 5.20.3
 - 27 The Commission appreciated the decision of the Government of Tamil Nadu to construct houses at a unit cost of Rs. 32,000 in plain areas and Rs. 34,000/- in hilly areas against the Government of India's unit cost of Rs. 20,000. The Commission recommends that other States should also consider increasing the unit cost suitably so that proper living facility could be made available to the tribal beneficiaries. 5.20.3
 - 28 The Tamil Nadu Government should immediately formulate proposal for seeking approval of Government of India to regularizes the encroachments in forest areas to the eligible tribal encroachers. 5.20.3
 - 29 The Commission recommends that Madhya Pradesh Government should evaluate the programmes, which are being implemented by different agencies for PTGs and prepare PTG wise need based development project and ensure regular monitoring by an independent agency of the implementation of the development programmes. 5.20.4
 - 30 With a view to equip the people's representatives at different levels of Panchayat Raj Bodies, it is necessary to conduct training programmes at the Gram Panchayat, Block, District and State levels for the members on the provisions of the Panchayats (Ext. to the Schedule Area) Act, 1996. General awareness programmes should also be arranged for better understanding of the concepts amongst tribals and various local

- administrative agencies functioning in the State.
- 31 The Commission recommend that land purchase scheme for SC/ST should be implemented in other States also. 5.20.5
 - 32 The Commission recommend that the tribals who have been cultivating or residing in the forest area prior to 1980, should be issued pattas after obtaining approval from the Ministry of Environment and Forest. 5.20.6
 - 33 It is recommended that the Electricity line should be allowed through forest area to electrify tribal habitats and houses. 5.20.8
 - 34 The Primitive Tribal Groups of Andaman & Nicobar namely Jarawas, Sentinelese and shampens inhabit extensive tribal reserve areas and they are practising hunting-gathering subsistence economy. They should be encouraged to take-up settled agriculture and the Administration should provide them agricultural tools and equipment for cultivation and also to develop skills among them to grow fruit trees and herbal plants. 5.20.10
 - 35 A total of Rs. 33.57 crores, including unspent balance of SCA, was available with the State of Assam out of that only 1.39 crores reported to have been utilized till December, 2000 which is only about 4.14%. The Commission would like to advise the State to ensure full utilization of SCA in the remaining period so that implementation of economic development programmes under TSP is not affected. 5.20.16
 - 36 In Sikkim there is a need for promoting small and medium Industries based on local resources to provide employment opportunities to the educated and uneducated unemployed youths. 5.20.17
 - 37 This Commission stressed upon the need to identify the surplus ceiling land on priority in Sikkim and in allotting surplus land the SC and ST should be given priority. 5.20.17
 - 38 Commission recommended that a North-Eastern Forest Policy should be formulated to cater to the specific needs of the N.E. region. 5.20.18
 - 39 It is suggested that the bamboo and cane should be marketed through tribal cooperatives in the North-Eastern region. 5.20.18
 - 40 Tribal Development Cooperative Corporation Ltd. (TDCC) should be revitalised to cater to the needs of the tribals in an effective manner. 5.20.19
 - 41 Concerted efforts are needed for the economic development of tribals by implementing the individual beneficiary income generating schemes, more sincerely and effectively. 5.20.19
 - 42 This Commission recommends that the Commission for Scheduled Areas and Scheduled Tribes should be constituted under Article 339 by the Government without any further delay. 5.24.1
 - 43 Commission stress that National Institute for Tribal Affairs should be made operative and the status of the institute should be that of a deemed University and faculty as well as other staff appointments, Pay scales and service terms and conditions should be on University Grant Commission pattern. 5.25.1
 - 44 All the TRIs should be affiliated to the proposed National Institute of Tribal Affairs for coordination and technical supervision and the Staff of 5.25.2

these Institutes should also be on the terms and conditions of University Grant Commission. The UGC should also provide funds to these Institutes from the Tribal Sub Plan of the U.G.C.

CHAPTER VI

PROBLEMS OF LAND ALIENATION AND DISPLACEMENT AMONG TRIBALS AND THEIR DEPENDENCE ON FORESTS

- 1 National Policy on rehabilitation and re-settlement should be framed immediately to protect the interests of STs and others as alienation of land is not merely a transfer of ownership but it has to be seen as a loss of economic rights. 6.8.5
- 2 The Tribal Research Institutes under the Ministry of Tribal Affairs should undertake surveys/studies on the extent of development activities undertaken around the project areas inhabited by the tribals and the resultant benefits derived by the tribals. The existing projects/industries operating in the Scheduled Areas or in areas inhabited by tribals should contribute a portion at least 20%, of the profits for the development of local scheduled areas, and the tribes. 6.10.7
- 3 All the Scheduled Area States should make suitable amendments in the State Act to give effect to the provisions under the Central Act 40. 6.12.2
- 4 The Ministry of Agriculture should maintain complete details/ statistics relating to watershed development programmes implemented in other states along with North-Eastern States on shifting cultivation. There should be annual report on the extent of area in tribal and SC dominated places where shifting cultivation has been replaced with watershed management alongwith number of beneficiaries. For externally aided projects the Ministry of Agriculture should issue suitable guidelines to the State Govts. and UT Administration that while implementing the projects, tribal and hilly areas are given the first priority. They may also study the effectiveness of the schemes and programmes implemented in the tribal areas. 6.13.2
- 5 The tribals can be trained for cultivation of medicinal plants through appropriate utilization of waste land. Important Indian Plants found in tribal areas should be patented. The expert group constituted for patenting should also make use of the knowledge of tribal medicine man about the medicinal value of plants for patenting. The rights of the tribal farmers should also be protected through royalty for its uses. It is also necessary that Indian Council of Medical Research (ICMR) recognizes this important branch of medicine and the traditional tribal practitioners knowledge and plant species are protected, preserved, regenerated and codified. Under the Indian system of Medicine, this branch of knowledge should be recognised and the tribal users should be encouraged in this activity as a source of employment. 6.14.2
- 6 Adequate details and data are not available with regard to forest villages at present. It is suggested that the Ministry of Tribal Affairs with the association of Tribal Research Institutes should collect data on State-wise number of forest villages, number of families with total population in these villages, the extent of area which is utilised by them for 6.15.1

cultivation and the developmental benefits like approach roads, water facilities, electrification, schools, health institutions etc. available to them.

- 7 To amend the Forest Conservation Act so as to make the Act tribal friendly. 6.15.3
- 8 To recognize all forest villages as revenue villages so that tribal community can be empowered in the real sense. 6.15.3

CHAPTER VII EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

- 1 The top priority of the Government should be for retention of children from SC and ST community after enrolment in school from Primary Classes onwards. One of the ways in which high drop out rates can be arrested is by strengthening Mid-day-meal scheme. Results have clearly shown, as in Southern states, that prospect of food in school is highly attractive and motivating for children. 7.11.3
- 2 As has been demonstrated in the Lok Jumbish Project, it is important to adopt the community based approach where the entire construction plan was demystified and explained to the community. The Building Nirman Samitis undertake construction of the schools and the community maintains it. Contribution for schools maintenance should be given to schools through the school's bank account. The community should decide the plan of action and implemented it too. Similarly, resources for teaching learning materials and school sports items should be transferred to the bank accounts of schools. At the school level the headmaster, Panchayati Raj representatives and Community representative should take all important decision. The experiment in HP to decide school holidays in consultation with school and community representatives with the Deputy Commissioner has contributed in a significant manner in reducing the absentees among children and teachers. The school holidays are declared coinciding with harvesting season when all the adults as well as children can contribute in fields. The Committee of school Headmaster, Representatives of local Panchayat and community should be made responsible for scrutinizing all request for various types of scholarships and the committees recommendations for grant of scholarships should be binding. As has been recommended by Tenth Five Year Plan working group report on empowerment of SCs, Counseling of parents as well as giving other incentives to them for ensuring that children do not drop out of school should be considered. 7.11.3
- 3 It is important to make learning a joyous experience by strengthening Distance Education System through visual media i.e. T.V., Films etc. specially in schools in rural and far flung tribal areas. 7.11.3
- 4 Strengthening and extension of coaching and allied scheme alongwith remedial coaching scheme being run by M/o S J&E and M/ TA as well as UGC for SC/ST students is very important keeping in view the present proportion of SC/ST students in higher education. 7.11.3
- 5 For promoting girls' education it is important to recognize the role of the mother. It has been proved that in case educational programmes are 7.11.3

abwmg 2909/2008

sensitive to the needs of the girls that would help them to take their studies more seriously and to develop as self confident adults, capable of taking their own decisions.

- 6 Government efforts at present are concentrated on strengthening systems of vocational and technical education as is evident from large number of ITTs, poly-techniques, vocational training institutes being set up. However, inflexibility of curricula and lack of awareness about the changing market needs as well as lack of marketing facilities for their products are responsible for government efforts going awry in these areas. It is thus necessary that individual institutions are given greater flexibility in changing their courses as per market requirements in the local/regional/national/international arenas. Due to various socio-economic reasons the problem of school drop out is continuing. It is important to channelise the energy of these school drop outs in various streams. The training etc. has to move away from traditional sectors like Carpentry, Blacksmith etc. to modern day requirement viz; camera rolling, ticketing, travel guides as majority of modern day youth even of rural areas want to savour so called modern life. 7.11.3
- 7 Vocational Institutions must also help students in setting up units and in marketing of their products. Government should come out with a policy prescription for giving 'Purchase Preference' for the product manufactured by 'Swa-Rojgaries'. Government still is the biggest purchaser. This scheme of purchase preference will go a long way in providing sustenance to Swa-Rojgaries. Government of course can put strict quality stipulation. In a nutshell vocational education/training and marketing of products or services have to go hand in hand for students from SC/ST categories most of whom may be first time learners in their families. 7.11.3
- 8 While new schools have to be opened in the areas yet to be covered it is felt that emphasis now should be placed on convergence of educational facilities in an integrated manner through development of educational complexes. It is also felt that while planning for such complexes the curriculum etc. can also be designed to serve the community needs of the surrounding areas. Such complexes would also ensure better availability of teachers. 7.11.3
- 9 From time immemorial Indian artisan's craft and skills in various trades like kalamkari of AP, stone carving of Orissa and TN, bunkars of AP, Bihar, MP, Kamataka, embroidery and mirror work from Gujarat etc. are well known. In most of these traditional professions lot of SC and ST families are earning their livelihood. While demand for the goods produced by the craftsman in Metropolitan Cities and in Global Markets is increasing day-by-day, those who create these master pieces are getting disillusioned with their traditional profession. In almost all cases middle men have made riches from their labour. It is recommended that craftsmen from these communities should be inducted as teachers in various vocational institutions, and thus help in saving these dying arts. Government scheme of community poly techniques and ITI can dovetail these artists and their arts in their courses. 7.11.3

- 10 Privatisation of education especially higher education, is fraught with serious implications for large majority of students, specially from SC/ST community. A study sponsored by Planning Commission has been instituted in the back drop of a report submitted by the PM's Advisory Committee on trade and commerce. It is reported to have suggested withdrawal of Govt. funding from higher education and restricting role of UGC. Though the move for private sector contribution in education is welcome, it is 'Commercialisation, of education which is to be discouraged. While supplementing the Govt. efforts through private initiatives should be welcomed, it is marketisation which should be totally discouraged in the interest of 'educational excellence'.

7.11.3

CHAPTER VIII

SERVICE SAFEGUARDS

- 1 The representation of Scheduled Tribes at all the levels and that of the Scheduled Castes in Groups 'A' and 'B' continues to be low for which special efforts have to be made. 8.1.4
- 2 Commission emphasizes the need for early enactment of the Reservation Act, which would systematize the implementation of reservation policy. This Act should be kept in the 9th Schedule of the Constitution so that it is not open to frequent judicial interpretation. 8.4.2
- 3 SC/ST Associations facilitate the management to fulfill their Constitutional obligation and therefore the issue of recognition of SC/ST Association and to provide them certain minimum facilities for discharge of their responsibilities should be favourably considered. In such SC/ST Associations 1/3rd of the positions of office bearers should be filled up by women belonging to these communities. 8.4.8
- 4 Existing brochure on reservation for SCs and STs is outdated, DOPT is advised to bring out the updated version of the brochure as early as possible. 8.4.9
- 5 The Commission is of the considered view that in consonance with the Constitutional scheme, the principle of positive discrimination should be extended to the private sector also to fulfill its obligation of social equity. 8.6.2
- 6 A stage has reached where all corporate bodies established under any law including the Indian Companies Act, the Societies Registration Act, Cooperatives and such other organizations which may be taking advantage of institutional finance, partly or wholly, including those established with foreign collaboration should be obliged to give due representation to members of the SCs and STs in the employment opportunities under them. The scope of due representation to members of SCs and STs should be extended to other private organization also in stages. 8.6.2

CHAPTER IX

ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES

- 1 Incidence of atrocities on Scheduled Tribes was highest in Madhya Pradesh (1756) during 1999, followed by Rajasthan (1221), Gujarat 9.3.9

(367), Orissa (335), Andhra Pradesh (178), Maharashtra(171) and Tamil Nadu (105). During the year 2000, Madhya Pradesh (1845) and Rajasthan (1130) have highest incidence of crimes against Scheduled Tribes. It may be observed that the incidences of crimes against Scheduled Tribes are increasing in Madhya Pradesh and Andhra Pradesh. The Governments of these States may take effective steps to check and control atrocities on members of Scheduled Tribes by non-ST people.

- 2 Persons at key position, particularly those concerned with safeguards and development of SCs and STs, should be chosen with due care and they should be properly sensitized and given all necessary support. 9.10