



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



**FOURTH REPORT
1996-97 & 1997-98**

VOLUME I



सत्यमेव जयते



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FOREWORD

The National Commission for Scheduled Castes and Scheduled Tribes took the initiative and introduced for the first time, separate chapters on State/UT Governments as Volume-II in its third Report. During investigations and analysis pertaining to SCs & STs it was strongly felt that while the national or macro level picture about the development of SCs/STs gave a broad overview, the regional variations and state specific issues could only be covered by discussing them separately. The Constitution provides that the issues relating to States should be placed before the State Legislatures, which gives the state representatives an opportunity to discuss these matters in their respective Legislatures.

The Commission has been reviewing the working of the Constitutional Safeguards and implementation of various schemes of development for SCs/STs in State level review meetings and through visits of the Commission and its Members. Our 16 State Offices located in various parts of the country have also been functioning as "eyes and ears" of the Commission. Many persons belonging to SCs & STs and their associations approach the State Offices for redressal of their grievances.

In Volume-I of this Report, we have discussed at length the various issues pertaining to SCs and STs and the task ahead, as we step into the 21st Century. The State/UT Governments are playing a major role in improving the conditions of SCs and STs. Some of the issues that deserve special attention are as follows:

- (1) The State Governments have to ensure that funds allotted under SCP and TSP are atleast in proportion to the percentage of their population as per the Planning Commission guidelines and the schemes that are devised are truly helpful to the SC/ST families. It is to be further ensured that there should be no diversion of funds from the SCP and TSP kitty and the utilisation of the Special Central Assistance and grants from Government of India are made for full benefit of the SCs & STs.
- (2) Education at all levels viz., primary, secondary, higher and college and professional education is one subject that has to receive the attention of the policy planners and administrators at the State level. With wide gaps prevailing between levels of literacy amongst SCs/STs and rest of the population, it is of utmost importance that this sector be given the top most priority and the approach is result oriented.
- (3) Land Reforms, which were once given a very high priority by the State Governments are not being accorded the same importance. At the same time many developmental projects are leading to loss of ownership and land alienation amongst the Scheduled Castes

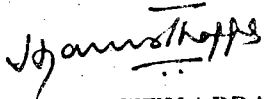
and tribals. Distribution of surplus and available land is to be ensured. Rehabilitation of displaced persons has to be ensured and they should be made partners in the projects. Government should initiate pro-active measures to prevent the owners and cultivators of land from sliding into the category of labourers and marginal holders.

(4) The areas of SC & ST concentration often lack basic infrastructure and other minimum requirements such as roads, electricity, dwellings, safe drinking water, health and nutrition care, facilities for public hygiene and sanitation etc. The women and children are the worst sufferers in this regard. Thus, there is a need to concentrate on these aspects of development and to include in SCP and TSP strategies, schemes and programmes that will overcome these handicaps.

(5) Maintenance of law and order is primarily the duty of the State and UT Governments. While on the one hand increase in registration of crimes is an indicator of growing awareness of rights amongst SCs and STs, at the same time it is indicative of conflicts between individuals and communities that have their origin in social and economic factors. Today land disputes are an important cause behind the atrocities on SCs & STs. The engine of economic development has also created rifts amongst SC communities and other 'backward' communities. In this regard the State Governments have to take action not only at the level of police and administration but to actively involve the public representatives and the community at large in keeping these disputes under control.

While we have mentioned the general issues pertaining to SCs & STs as above, there are other topics which are of specific relevance to a particular State. An attempt has been made to cover broad areas relating to development, atrocities and service safeguards in most of the State/UT chapters but the focus of analysis will vary from State to State. In our last Report we had also included a summary of our observations made during the visit of the Commission to various States/UTs. It is hoped that the State Governments will take necessary action to comply with those directions.

With a strong political will and a well-gearred administrative machinery for implementation of various laws and schemes, and active community participation, I am sure that the State Governments will do their best for Scheduled Castes and Scheduled Tribes, more than half of whom are still below the poverty line. Our efforts should be continued in the direction of "wiping out every tear from every eye" which is a goal set by the founding fathers of the Constitution.


H. HANUMANTHAPPA

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CHAPTER-I

INTRODUCTION

Specific safeguards have been provided in the Indian Constitution for the social, educational and economic advancement of Scheduled Castes and Scheduled Tribes and also for ensuring their adequate representation in services and posts. With a view to ensuring that various provisions of these safeguards are implemented satisfactorily, a Special Officer called the Commissioner for Scheduled Castes and Scheduled Tribes was appointed in November, 1950 under Article 338 (1) of the Constitution. The Commissioner for SCs and STs was empowered to investigate all matters relating to the above safeguards and to report to the President about the working of these safeguards. In July, 1978 a multi-member body called the Commission for Scheduled Castes and Scheduled Tribes was also set up to oversee the various safeguards provided for SCs and STs. The functions of this Commission were modified in September, 1987 and it was renamed as the National Commission for SCs and STs making it a national level advisory body on policy and levels of development of SCs and STs. Keeping in view the magnitude and vastness of the problems of Scheduled Castes and Scheduled Tribes, Article 338 of the Constitution was amended and the National Commission for Scheduled Castes and Scheduled Tribes (hereafter referred to as the Commission) was given Constitutional status under the Constitution (Sixty-Fifth Amendment) Act, 1990. The first Constitutional Commission came into existence on March 12, 1992 with Shri Ram Dhan as Chairman. This Constitutional Commission replaced both the Commissioner for SCs and STs and the Commission set up in September, 1987. The present Commission was constituted in October, 1995 and its composition is as under:-

1. Shri H. Hanumanthappa, MP (Rajya Sabha), Chairperson.
2. Smt. Omem Moyong Deori, Vice-Chairperson
3. Shri Narsingh Baitha, Member
4. Ven. Lama Lobzang, Member
5. Shri Naresh Chandra Chaturvedi, Member
6. Shri B. Yadaiah, Member
7. Shri Anand Mohan Biswas, Member

The Chairperson and Vice-Chairperson of the Commission have the rank of Union Cabinet Minister and Minister of State respectively.

1.2 As provided in amended Article 338 of the Constitution (**Annexure-1.I**), the functions of the Commission include investigation, monitoring and evaluation of various safeguards provided for SCs and STs, inquiry into specific complaints with respect to deprivation of rights and safeguards of SCs and STs and participation in the planning process. Union and State Governments are under obligation to consult the Commission on all major policy matters affecting the SCs and STs. According to the provisions of Amended Article 338 of the Constitution, the Commission, while investigating any matter or inquiring into any complaint, has all the powers of a Civil Court trying a suit and in particular in respect of the following matters:

- a. Summoning and enforcing the attendance of any person from any part of India and examining him on oath.

- b. requiring the discovery and production of any document.
- c. receiving evidence on affidavits.
- d. requisitioning any public record or copy thereof from any court or office.
- e. issuing commissions for the examination of witnesses and documents.
- f. any other matter which the President may by rule determine.

1.3 The Commission is required to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of various safeguards for SC and ST and containing recommendations as to the measures for their welfare and upliftment. The Commission has so far submitted three Reports beside a Special Report.

1.4 The Commission has 16 State Offices located in different States/UTs. The location and jurisdiction of these offices and the designation of the officers heading them are given in **Annexure-1.II**. These offices function as 'eyes and ears' of the Commission as they keep the Commission informed of all important activities and decisions/orders of the State Governments/UT Administrations concerning the SCs and STs. The State offices keep themselves actively associated with the planning process of the States/UTs and also represent the Commission in various Committees/Boards. The representations/complaints received from the SC/ST persons and associations/unions are also dealt with by these offices as per the guidelines given by the Commission and relief is secured in deserving cases. The present Commission has more actively involved the State Offices with its functions particularly in the preparation of Annual Reports which now contain State Chapters also. Meetings of the State Officers of the Commission were also organised in New Delhi in August, 1996 and June, 1997 with a view to stress the need to work more effectively for the upliftment of SCs and STs.

1.5 During the period under report, the Commission continued to discharge its functions vigorously in fulfillment of its constitutional obligations. The Commission held 25 meetings in this period and the important issues concerning SCs & STs were discussed thread-bare. The decisions taken by the Commission in these meetings were followed up on priority basis. Apart from the meetings of the Commission, some other important meetings were also organised by the Commission as given below:

- (i) Meeting of the Liaison Officers of the Ministries/Departments of the Govt. of India at Vigyan Bhawan, New Delhi on 10th July, 1996.
- (ii) Meeting of the Liaison Officers of the Public Sector Enterprises at the Constitution Club, New Delhi on 27th August, 1996.
- (iii) Meeting of the Liaison Officers of the Central Govt. Offices and Public Sector Enterprises located in Calcutta. Meeting was organised at Calcutta on 31st October, 1996.
- (iv) Meeting of the State Home Secretaries/ DGs/ IGs of Police (Officers in-charge of CRE Cell in States) at Vigyan Bhawan, New Delhi on 16th December, 1996.
- (v) Meeting of the Parliamentary Forum for SCs/STs in the Parliament House on 11th December, 1996.
- (vi) Meeting of the Liaison Officers of the Central Govt. Departments, Public Sector Enterprises and Public Sector Banks located in Maharashtra. The meeting was organized at Mumbai on 14.6.97.

- (vii) Meeting of the Senior Officers of National and State Level Scheduled Castes/Scheduled Tribes Finance & Development Corporations at Vigyan Bhawan, New Delhi on 25.7.1997.
- (viii) Meeting of the Liaison Officers of the Central Public Sector Enterprises and Public Sector Banks located in Andhra Pradesh, Kerala, Karnataka and Tamil Nadu. The meeting was organized at Bangalore on 17.10.1997.

The above meetings highlighted the role, functions and powers of the Commission and also helped it in assessing the actual pace of development of SCs and STs in various spheres.

1.6 Realising the importance of its function relating to monitoring and evaluation of the various developmental schemes/programmes being implemented by the Union and the States for SCs and STs, the Commission tried to make its 'Monitoring & Evaluation Wing' fully functional despite staff constraints. With a view to ensuring purposeful monitoring and evaluation, the Commission held State level review meetings with the Chief Secretaries and other senior officers of the States/ UTs of Haryana, Punjab, Chandigarh, Himachal Pradesh, West Bengal, Karnataka, Tamil Nadu, Kerala and NCT of Delhi during the year 1996-97 and Madhya Pradesh, Maharashtra, Rajasthan during 1997-98. These meetings helped the Commission to have a firsthand assessment of the implementation of various schemes and working of safeguards provided to SCs and STs in various spheres and enabled it to suggest to the States more effective and fool-proof measures for the upliftment of SCs and STs.

1.7 As regards the investigative functions of the Commission, it has the powers and competence to investigate all matters relating to the safeguards provided for SCs and STs. Keeping in view the spirit behind this Constitutional provision, the Commission accorded due importance to its function of inquiring into specific complaints with respect to the deprivation of rights and safeguards of the SCs and STs. With a view to streamlining the procedure in this regard, the Commission has adopted specific guidelines for dealing with these complaints from individuals/ associations so as to ensure speedy disposal of cases. Majority of the complaints received in the Commission relate to service safeguards as the SC/ ST employees have become well aware of various provisions of the Constitution and orders/ instructions issued by Govt. for ensuring adequate representation in services/posts. Encouraged by the positive response from the Commission, a large number of SC/ST employees throng the Commission's office daily in order to personally present their grievances. The powers of Civil Court vested with the Commission proved most useful in dealing with the complaints on account of general reluctance on the part of administrative authorities to furnish the requisite information/documents to the Commission in time. The Commission exercised these powers in many cases during the period under report for summoning the concerned authorities with relevant records. This ensured expeditious disposal of cases resulting in providing long-awaited relief in deserving cases.

1.8 The Commission is very much concerned about the cases of atrocities on SCs and STs and has been impressing upon the concerned authorities to curb this social menace by all possible means. The Commission has made it mandatory for all District Magistrates and SPs to bring to the notice of the Commission within 24 hours through NICNET any major incident of atrocity against SCs and STs. The provision of monetary relief and rehabilitation measures to the victims of atrocities and the steps taken for immediate apprehension of culprits are closely monitored by

the Commission. Depending upon the gravity and circumstances, the Commission also visited the places where atrocities had taken place.

1.9 **The Commission is actively associating itself in the planning process at the National and State levels.** The officers of the Commission attend various meetings in the Planning Commission and the Ministry of Welfare and the State/UT Governments. The annual plans of Ministries/ Deptts. of the Govt. of India and the States/UTs are also being looked into by the Commission and useful suggestions are made to the concerned authorities wherever considered necessary.

1.10 The Commission has been reiterating that under Article 338(9) of the Constitution it is obligatory for the Union and State Governments to consult the Commission on all major policy matters affecting the SCs and STs. This position has now been duly appreciated by the authorities and the Commission has been examining bills and other policy matters referred to it by Ministries/ Deptts. of the Govt. of India. However, in the case of orders issued by the AP Govt. regarding categorization of SCs into A,B,C and D Groups, the Commission was not consulted and subsequently these orders were struck down by the AP High Court on this point.

1.11 Commission is finding it extremely difficult to carry out the aforesaid functions and activities smoothly as the manpower and budget placed at its disposal are quite inadequate. The 72 posts of the erstwhile Commissioner for SCs/STs and the non-statutory National Commission for SCs/STs were abolished on 12-3-1992 and have not been revived so far despite protracted correspondence and meetings at the highest levels. Apart from these 72 posts, the Commission has been requesting for 15 new posts for Computer Cell, Legal Cell and Public Relations Cell which are essentially required by the Commission for smooth functioning. These posts are also yet to be sanctioned by the Government. As regards budget, the Commission has been compelled to hold back its plan of modernization of the Hqrs. and State Offices as the Govt. has not sanctioned requisite funds for this purpose. The Government needs to, therefore, provide the requisite manpower and budget to the Commission to facilitate its working and discharge of Constitutional obligations.


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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th June, 1990/Jyaistha 18, 1912 (Saka)

The following Act of Parliament received the assent of the President on the
7th June, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-FIFTH AMENDMENT)
ACT, 1990

(7th June, 1990)

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990. Short title and
Commencement
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 338 of the Constitution,— Amendment of
article 338
 - (a) for the marginal heading, the following marginal heading shall be substituted, namely :—

“National Commission for Scheduled Castes and Scheduled Tribes”;

(b) for clauses (1) and (2), the following clauses shall be substituted, namely :—

“(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any documents;

THE GAZETTE OF INDIA EXTRAORDINARY

- (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses and documents;
 - (f) any other matter which the President may by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.”;
- (c) existing clause (3) shall be renumbered as clause (10).

Sd/-
(V. S. RAMA DEVI)
Secy. to the Govt. of India

ANNEXURE-1.II
(Ref. para-1.4)

**Location and jurisdiction of State Offices of the National Commission for
SCs and STs**

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

CHAPTER II

50 YEARS OF INDEPENDENCE- A RETROSPECT AND THE TASK AHEAD

The country is celebrating its golden jubilee of Independence. As we look back at these 50 years and the nation's 'tryst with destiny', we have to think of the issues that were dominant in the minds of the Constitution makers and to see what has been the achievement so far. Necessarily we have to analyse the areas where the progress has been less than satisfactory and the areas which need to be given importance and attention during the coming years.

2.2 The debates held in the august house of the Constituent Assembly clearly reflected the concern of our founding fathers and Constitution makers for the welfare of the weak and down-trodden, especially the SCs & STs. As Mahatma Gandhi had said "for the sin committed against them in older days by your father and forefathers, become Harijan Sevaks to wipe off the sin". After having suffered the yoke of foreign rule and exploitation for centuries, the progress of Independent India depended on all the sections of the society developing together. The Constitutional makers debated various issues like abolition of untouchability and removal of social disabilities, freedom of conscience, free profession, practice and propagation of religion, prohibition of discrimination on grounds of religion, race, caste and freedom of speech etc. They called for special protection for SCs/STs, promotion with special care of the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and protect them from social injustice and all forms of exploitation, administration of tribal and scheduled areas, special grants for tribal areas, political safeguards and reservation for SCs/STs in legislatures, cabinet, local bodies and reservation in services, extension of reservation after 10 years in legislative representative bodies. Constitutional arrangements for monitoring and evaluating the safeguards for SCs/STs were also discussed in detail. Most of the ideas relating to the welfare of SCs & STs found place in the Constitution which was adopted on 26th January 1950.

What the Constitution makers visualised

2.3 Views as expressed by the Constitution makers are highlighted below:

Shri S. Nagappa

I am prepared for the abolition of the reservation, provided every Harijan family gets ten acres of wet land, twenty acres of dry land and all the children of Harijans are educated, free of cost, upto the University course and given one-fifth of the key posts either in the civilian departments or in the military departments.

Sardar Vallabhai J. Patel

Why should not a member of any community be the Prime Minister of this country? Why should not Mr Nagappa who today challenged the Brahmin be so? I am glad to hear that the ownership of 20 acres of land does not entitle him to be a scheduled caste man... the poor people are oppressed continuously and have not been saved yet and given protection. We are trustees, we have given a pledge to share in power under the Pune pact. Have we fulfilled that pledge.

Rev. J.J. Jesome D' Souza

There is an impression that reservation is anti-democratic and that it should somehow be got rid of in the course of the next ten or twelve years. I beg to say that I do not agree with this. Reservation in itself is one way of securing a satisfactory working of the electoral principle.

Shri V.I. Muniswamy Pillai

Once you give reservation on population basis, I also claim that representation in the Cabinet also must be in that proportion.

Shri H. J. Khandekar

If along with reservation in respect of legislative, a similar reservation is provided in respect of local bodies, Municipalities and Districts Boards too, it will help much to improve their lot. If you look at the Cabinet of a province where twenty four to twenty-five percent of the people are Harijan you will find that there is only one Harijan in the Cabinet. But it is a matter of regret that in a province where the caste Hindus, that is to say the Brahamin, are in a minority and in such a small minority as two percent of the population, ten ministers out of twelve are Brahamins. Would you not consider this an injustice?

"Hundreds of Harijans applied recently for Indian Administrative Service and Indian Police Service and they were interviewed. But it is to be regretted that none of them was selected for the posts. The reasons stated is that none of them was fit for the posts. You are responsible for our being unfit today."

Dr. B. R. Ambedkar

If at the end of the ten years, the Scheduled Castes find that their position has not improved or that they want further extension of this period, it will not be beyond their capacity or their intelligence to invent new ways of getting the same protection which they are promised here.

For the Scheduled Tribes I am prepared to give for longer time. But all those who have spoken about the reservation to the Scheduled Castes or to the Scheduled Tribes have been so meticulous that the thing should end by ten year.

Dr. Dharam Prakash

It would not be proper to give reservation for Hindu, Muslims, Christians and Sikhs on the ground of that they are minorities. But among Hindu, Harijan deserved for such reservation as long as "they reach the same level of culture as other sections of the population.

Dr. P. Kakkan

The poor Harijan candidates hitherto did not get proper appointments in Govt. services. The higher Officers selected only their own people, but not the Harijans. Even in the matter of promotions we did not get justice.

Shri T. Channiah

I want this reservation for 150 years which has been the period during which opportunities have been denied to them.

Dr. H.J. Khandekar

I am afraid if these things are continued, even if this clause is brought into operation, the Scheduled Castes will never get a chance, as the word "backward" would be interpreted in such a way that we people would get no chance in the services because the people of other castes will also claim to be backward and get the chances on reserved posts.

Dr. B.R. Ambedkar

As per the Report of the Minorities Committee which was accepted by the House was "all India and provincial services, the claims of all minorities shall kept in view in making appointments to these services consistently with the consideration of efficiency in the administration. But the Advisory Committee was not in favour of treating Muslims and Christians as minorities. What the House has now accepted that the only minorities to be provided for in this matter are the Scheduled Castes and The Scheduled Tribes obviously the Drafting Committee is bound by the decision of the House and to alter the article in terms of such decision.

Monitoring Arrangements in the Constitution

2.4 Thus it may be seen that reservation for the SCs & STs in legislatures, Cabinet and in Municipal Boards and local bodies was suggested during the debates on the subject. Further, it was also felt that not only there should be specific and clear cut provisions in the Constitution but there should be a monitoring agency to monitor and oversee the implementation of these safeguards. Initially it was suggested that there should be Special Officer for Minorities for the Union and each State who would investigate all matters relating to the safeguards provided for Minorities. Later on after much debate **Shri K.M. Munshi** moved an amendment that **there should be a Special Officer of SCs & STs to be appointed by the President who would investigate into matters relating to the safeguards provided for the SCs & STs and report to the President and the President shall cause of such reports to be laid on the table of the Parliament.** Many other suggestions came there after. Finally the amendment as moved by Shri Munshi was adopted and incorporated as Article 338 of the Constitution.

Development over 50 years

2.5 We will now look to some data and indicators regarding population, literacy, occupational profile, representation in services to get an overview of the development that has taken with place regard to SC/STs in the last 50 years. The **Table 2.1** below indicates the population of Scheduled Castes and Scheduled Tribes since Independence.

Table-2.1
Population of Scheduled Castes and Scheduled Tribes since independence
(Population in millions)

Year	Total population	SC Population	Percentage of SC to total	ST population	Percentage of ST to total
1951	356	52	14.61	19	5.3
1961	439	65	14.60	30	6.90
1971	548	80	14.50	39	6.90
1981	685	106	15.50	54	7.90
1991	846	138	16.33	68	8.08

2.6 It may be seen from the **Table-2.1** that the Scheduled Caste (SC) population which was 14.61 percent of total population as per 1951 Census, has increased to 16.33 percent as per 1991 census. The Scheduled Tribe (ST) population which was 5.3 percent to total population as per 1951 Census has increased to 8.08 percent as per 1991 census. This also shows that population of STs has increased more than that of SCs over a period of four decades.

Literacy

2.7 The trend of male, female and total level of literacy among Total population and SCs and STs in the Country from 1961 Census and onwards are given in **Table -2.2**

Table-2.2
Sex wise literacy trend among SCs, STs and total population

YEAR	TOTAL			Scheduled Castes			Scheduled Tribes		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9	10
1961	34.44	12.95	24.02	16.96	3.29	10.27	13.83	3.16	8.54
1971	39.45	18.72	29.46	22.36	6.44	14.67	17.63	4.85	11.39
1981	65.50	29.85	43.67	31.12	10.93	21.38	24.52	8.05	16.35
1991	64.13	39.29	52.21	49.91	23.76	37.41	40.65	18.19	29.60

Source: Census Reports

2.8 **Table-2.2** presents a comparative picture of literacy between total and SC/ST population (sex wise) for three decades from 1961 to 1991. It may be seen from this Table that although the literacy rate has increased in total population, the rate of increase is more among total population than that amongst SCs/STs. Hence, special care has to be given in years to come on this aspect as it is one of the major indicators of social development.

Occupational Diversification

2.9 Occupation classification of main workers from 1961 to 1991 is given in **Table 2.3** below.

Table-2.3
Occupational classification of main workers from 1961 to 1991 census among SCs/STs and Total population.

Items	Total				SC				ST			
	1961	1971	1981	1991	1961	1971	1981	1991	1961	1971	1981	1991
Cultivators	52.78	43.38	41.53	39.74	37.76	27.87	28.17	25.44	68.18	57.56	54.43	54.50
Agricultural Labourers	16.71	26.32	25.16	19.66	34.48	51.74	48.22	49.06	19.71	33.04	32.67	32.69
Household Industry	6.38	3.55	3.99	2.56	6.56	3.33	3.31	2.41	2.47	1.03	1.42	1.04
Other Workers	24.13	26.75	29.32	38.04	21.20	17.06	20.30	23.08	9.64	8.37	11.84	11.76

2.10 It may be observed from these figures that cultivators decreased in all categories over a period of three decades from 1961 to 1991. But the decrease has been sharp among general and ST categories compared to SCs. Although, number of agricultural labour has increased in all categories, increase has been more among SCs. In household industries, the share of all the communities has decreased, but decline is much more among SCs than amongst general categories and STs. Other workers occupation includes industry and service sectors. The number of 'other workers' has witnessed an increase in all sections of the main workers though the increase in general categories has been much more than amongst SC and ST categories. Keeping in view the new economic policies and reforms, special care is required to be given for SCs/STs in providing employment in industrial and service sectors.

Population below poverty line

2.11 The percentage of SC, ST and all population below poverty line from 1977-78 to 1987-88 is given in **Table-2.4**.

Table-2.4
Percentage of SC, ST and All Population Below Poverty Line

Year	SC	ST	All Population
1977-78	56.30	68.10	48.30
1983-84	50.10	57.20	37.40
1987-88	41.50	49.90	29.90

2.12 The Planning Commission has recently adopted the methodology out-lined in the report of the Expert Group to estimate the incidence of poverty at national and state level separately for rural and urban areas. The percentage of population below poverty line in respect of total, SCs and STs is given below:

Year	Scheduled Castes		Scheduled Tribes		All Population	
	Urban	Rural	Urban	Rural	Urban	Rural
1993-94	49.48	48.11	41.14	51.94	39.09	38.20

2.13 It may be seen from the above table that although there has been reduction in the incidence of poverty from 1977-78 among all section of society including SCs and STs, but reduction was less in case of SCs & STs. About one half of SC/ST population continues to live below poverty line even today.

Employment profile of Scheduled Castes and Scheduled Tribes

2.14 Table 2.5 below indicates Employment Profile of Scheduled Castes and Scheduled Tribes in Central Government, for the years 1965 and 1995.

Table 2.5
Employment Profile of Scheduled Castes and Scheduled Tribes in Central Government

Group	Total		SC		%age to total		ST		%age to total	
	1965	1995	1965	1995	1965	1995	1965	1995	1965	1995
Class I	19379	65408	318	6637	1.64	10.12	52	1891	0.27	2.89
Class II	30621	108857	864	13797	2.82	12.67	103	2913	0.34	2.68
Class III	1082278	2341863	96114	378172	8.88	16.15	12390	133179	1.14	5.69
Class IV (excluding sweepers)	1132517	1041082	101073	221380	17.75	21.26	38444	67453	3.39	6.48
Total (excluding sweepers)	2264795	3557210	298369	619986	13.17	17.43	50989	205436	2.25	5.78
sweepers	*	177527	*	78719	*	44.34	*	12269	*	6.91
Grand Total	2264795	3734737	298369	698705	13.17	18.71	50989	217705	2.25	5.83

* Figures relating to sweepers in 1965 included in the figures for Class IV Group

2.15 Although, the share of SCs in all the Groups of Services from 1965 to 1995 has increased, it could not increase upto the desired level except in Group C & D categories. In case of STs in none of the categories, they have got their prescribed share.

Share in Governance

2.16 Some analysis has been made in the following paragraphs regarding representation of SCs & STs in different important organisations like Universities, High Courts and Supreme Courts, Embassies, Governor's and Lieutenant Governors of the States and UTs etc. The analysis broadly shows that representation of SCs and STs in these important posts continues to be meagre since independence.

Table-2.6

Representation of teachers belonging to different Social Groups in Social Sciences and Science faculties in more than 150 Universities of the country

Category	Social Science Faculty	Science Faculty
Minority	1.7	3.2
SC/ST	1.2	0.5
OBC	6.8	2.3
Upper Caste	90.30	94.00

Source: Anntata Aarakshan Hi kyon (Ultimately: Why Reservation ?) by Dr. P.S. Verma published by Samajik Anusandhan Avam Punarachna Sansthan.

2.17 The representation of SCs/STs in the higher education institutions is very important for building of confidence among them that they are at par with others. But the available data on their representation presented in **Table-2.6** gives a sad commentary. This **Table** shows that SC/ST share in Social Sciences and Science faculties is 1.2% and 0.5% respectively. Although problem is serious in both the streams, it is more acute in science faculty. This is only a drop in the ocean. They are entitled to enjoy at least share equal to their population in total population. The representation of SCs and STs in teaching posts with Central Universities is also dismal.

2.18 **Table-2.7** indicates the representation of different categories of service in the Embassies.

Table-2.7

Representation of SCs, STs, OBCs and others in different categories of posts in the Indian Embassies

(in percentage)

Category	SC	ST	OBC	Upper Caste
Group A	8.0	1.00	0.00	91.00
Group B	4.20	0.60	5.00	94.00
Group C	4.30	1.20	1.50	93.00
Group D	7.0	1.00	0.20	91.83

Source: Antata Aarakshan Hi Kyon (Ultimately: Why Reservation) by P.S. Verma

2.19 The share of SCs and STs in Indian Embassies is negligible as the above table depicts. Generally in Govt. and Public Sector in India, the representation of SC/ST in Group 'D' has been more than population percentage. But in Embassies they are on margin whereas the representation of upper castes who dislike Group 'D' category of work is more than 90 percent.

2.20 **Table-2.8** below gives information about representation of SC, ST and other communities in various posts of Judges in the High Courts of different States.

Table-2.8

Representation of different social groups as Judges and additional judges in the High Courts.

Year	Total	SC	ST	Others
March 1982	325	4 (1.23%)	-	321 (98.77%)
March 1993	547	13 (2.38%)	4 (0.73%)	530 (96.89%)

Source: Antata Aarakshan Hi Kyon (Ultimately: Why Reservation) by P.S. Verma

2.21 As there is no reservation in judiciary for SC/ST, their share is negligible as the **Table-2.8** shows. In March 1982 the SC judges were little more than one percent where as none of the judge belonged to ST. Over a decade although there share has increased, even then it is almost nothing in comparison to their population.

2.22 **The Table 2.9** below indicates the representation of SCs/STs as judges in High Courts in different States/UTs in 1996.

Table-2.9
Representation of SCs/STs as Judges in High Courts in Different States/UTs in 1996.

S.No	Name of State/UT	As on	Total	Number of Judges	
				SCs	STs
1	Gujarat	1.1.1996	27	-	-
2	Sikkim	1.1.1997	03	-	-
3	Allahabad	1.1.1996	N.A.	2	-
4	Himachal Pradesh	1.1.1996	7	-	-
5	Kerala	1.1.1996	25	1	-
6	Guwahati	1.1.1996	13	1	2
7	Tamil Nadu	1.1.1996	20	2	(include ST also)
		1.8.1997	38	4	-do-
8	Punjab & Haryana	N.A.	29	-	-
9	Andhra Pradesh	1.1.1996	N.A.	-	2
10	Karnataka	1.1.1996	N.A.	3	1
11	Delhi	1.1.1996	28	-	-

2.23 The above position clearly shows that the representation of SCs/STs in High Courts continue to be negligible. This gives a poor picture as even-after 50 years of independence the SCs and STs are on the margin in judicial system. It is high time that provision is made for SC/ST reservation in Indian judiciary.

2.24 **Table-2.10** below presents the share of different castes and communities in top service, both government and non-governmental, along with their population at two points of time i.e. 1935 and 1989. It may be seen from the table that in 1935 Brahmin population was 3.5 percent and their share in service was 3 percent. Within 5 decades, the population has increased to 5.20 percent but corresponding percentage in service has increased to 70.20 percent. It means that they have benefitted the most from 1935 to 1989. On the other side of the spectrum, Dalits including SC/ST and backward population were 64 percent in 1935 but their share in service was merely 1 percent. Over a period of half century although their share has increased to 8 percent but even then it is far below the desired level.

Table-2.10
Percentage of different castes/communities in class I services both Governmental/Non-Governmental along with their population at two points of time

Castes	Year 1935		Year 1989	
	Population. (in %)	Share in Services(in %)	Population. (in %)	Share in Services(in %)
Kayasth	0.85	40.00	1.03	7.00
Musalman	21.00	35.00	10.13	3.20
Christian	4.00	15.00	2.08	1.00
Brahmin(Tyagi Bhumihari)	3.5	3.00	5.20	70.20
Rajput	2.5	2.00	3.80	1.70
Baniya (Arora Khatri)	1.20	1.00	1.78	3.50
Sikh	1.40	1.60	1.60	1.90
Other(Maratha other Jat)	1.60	0.9	5.50	2.50
Dalit(SCs,STs and Backward)	64.00	1.00	68.85	8.00

Source: Dalit Peeda by P.S. Verma, Vimukt Jati Trading Private Ltd., New Delhi, 1992

2.25 **Table-2.11** below gives information about level of development amongst tribals and non-tribals in selected states as per survey reports of R.G.I. published in 1988 and data published in Sarvekshana

Table-2.11
Indicators of Development: Tribals / Non-Tribals

State	Per Capita Monthly expenditure		Literacy Rates %		Infant Mortality Rates (per 1000)	
	Tribals	Non-Tribals	Tribals	Non-Tribals	Tribals	State Average (rural)
A.P.	128.83	156.55	13.2	45.11	130	87
Bihar	128.94	206.21	21.2	38.54	91	100
Gujarat	143.94	179.41	26.0	60.91	116	101
M.P.	122.83	224.34	15.6	43.45	*154	127
Maharashtra	142.33	157.77	24.2	63.05	117	76
Rajasthan	147.83	205.95	15.7	38.81	105	111
Orissa	124.16	131.17	18.8	48.55	**177	127

*IMR of Mandla district.

**IMR of Koraput district (tribal dominated)

Source : 1. SRS, RGI, 1988;

2. Sarvekshana, 59th Issue- April, 1994

2.26 In **Table-2.11**, given above, an attempt has been made to look at the indicators of the socio-economic development of tribals, for whom special provisions have been made in the Constitution, as compared with non-Tribals. The three indicators reveal that in the area of social well being i.e. health and medical care, and income and expenditure, and literacy, the tribals in the major populous States of India are much behind their non-tribal brethren.

Crimes against Scheduled Castes and Scheduled Tribes

2.27 The crimes committed by non-SC/ST against SCs/STs from 1981 to 1991 have been given in the **Table-2.12**.

Table-2.12
Crimes against SC/ST committed by Non-SC/ST members

S.No.	Year	No. of cases	
		SC	ST
1.	1981	14318	3432
2.	1984	15987	4290
3.	1985	15373	4055
4.	1986	15416	3945
5.	1991	17646	4778

2.28 The above table shows that crimes against the SC from 1981 to 1991, in a decade have increased by 23.24% whereas the crime against ST has increased by 39% during the same period. Hence, concerted efforts have to be made to check such crimes against SCs/STs, which continue unabated and include murders, rape, arson and even blinding of school children.

Planned Development for SC & STs - A Critique

2.29 Planners and administrators have been aware of the special problems of Scheduled Castes and Scheduled Tribes. Reference to these problems is contained in the plan documents right from the beginning. The attempt has been to fashion policies and programmes in accordance with the constitutional provisions as well the Panchsheel of tribal development evolved by the first Prime Minister of India, Jawaharlal Nehru.

2.30 In the Second Five Year Plan, 43 special multi-purpose blocks were established in some of the tribal areas of the country. The Renuka Ray team (1959) laid stress on economic development, communications, health and education. Subsequently the Dhebar Commission (1961) defined the objective of development among tribals as "advancement" and integration of tribals. According to the Commission, the problem was not to disturb the harmony of tribal life and simultaneously work for its advance. The Shilu Ao Team (1969) emphasised that "the disabilities to which the tribals have been subject over the centuries-poverty, mal-nutrition, neglect, ill-treatment, exploitation and worse-take time to overcome", that the results achieved in the sphere of development had not been commensurate with expenditure and that a reasonable share of the benefits from the general development programmes should be apportioned for tribal development.

2.31 The development programmes tended to be formulated in an adhoc manner without any proper perspective and in the nature of welfare schemes. The special programmes for scheduled castes and scheduled tribes were conceived as supplement to the total development effort under general sectors of development; but, in practice, these special programmes merely substituted the benefits available to SCs and STs under normal development schemes. This resulted in much lower investment for their development than envisaged as visible from the following **Table-2.13**.

Table-2.13
Plan Outlays for SCs/STs

Plan period	Plan outlay (Rs. in crores)				
	Total	ST	%age	SC	%age
First Plan	1,960	19.93	1.00%	6.13	0.35%
Second Plan	4,672	42.92	0.90%	28.56	0.61%
Third Plan	8,577	50.53	0.60%	40.82	0.48%
Fourth Plan	15,779	79.85	0.50%	72.19	0.46%
Fifth Plan	39,426	1,157.67	3.00%	204.90	0.52%
Sixth Plan	1,09,292	3,640.25	3.33%	3,722.97	3.41%
Seventh Plan	180,000	6,744.85	3.75%	7,233.32	4.02%
Eighth Plan	181,735	14,873.43	8.18%	22,380.80	12.32%

Source: Ministry of Welfare

2.32 As we look back on the historical planning process, we find that attention to development of SCs was even less than that to STs. For instance, no new administrative structural arrangement was brought about, like the special multi-purpose block of the fifties and tribal development blocks of the sixties. Perhaps, the assumption was that the SC people would be able to obtain a share of the general developmental benefits as the Planning process progressed, as the SCs live intermixed with the rest of the population. But since the 'trickle-down' theory did not prove to be valid as examination of the matter in the late sixties showed, devisal of special mechanism for SC development also became necessary. The Special Component Plan commenced in 1980 following on the heels of the TSP in the previous Plan period. The essential features of the SCP are mentioned below:

- (i) quantification of funds from the Central and State resources in proportion to SC population percentage in a State.
- (ii) creation of administrative infra-structure to operationalise the SCP and
- (iii) project report for the project area in consonance with the natural resource endowment, aptitudes of the people and funds availability.

Share of SCs/STs in Visible Progress

2.33 In the first instance, the prime requisite of both the strategies is that funds should be earmarked for the two special Plans from out of the Central and States Plans in proportion to the population percentage of SCs and STs. At the Centre, each Ministry should set apart funds to the extent of 15% for SCs and 7.5% for STs. In the States, from out of the State Plan, funds should be set apart in a State in proportion to the percentage of SCs and STs in that State. **The earmarked funds should be made over to the concerned Ministry at the Centre and the nodal Department in the State to be utilised as warranted by the needs and aspirations of the Scheduled Castes and Scheduled Tribes. Extreme care has to be observed in taking up programmes and schemes, the test being their relevance and usefulness to the SCs/STs.**

2.34 **The Commission has been urging the need for a comprehensive Bill on the reservation both for appointments and seats in educational institutions.** While the draft Bill has already been prepared but it is yet to be placed before the Parliament and get its approval for becoming an Act. Thus, in order to give reservation a clear and an ambiguous legal status an enactment, which would have penal provisions for misuse, deliberate misinterpretation and non-implementation of reservation policy, is required to be passed on top priority. **While various policies of Central and State Govts., including national policy on education, universalisation of primary education, adult and informal education and schemes for Ashram schools, hostels, Scholarships, uniform, mid-day meal, book banks etc. have improved the position of education yet a far more intensive and extensive effort is required to ensure that the children who go to school stay there and do not drop out.** As regards land problem the Commission had earlier recommended that the Central Govt. should prepare a model regulation/law to check the growing land alienation amongst SCs/STs which would be adopted by all the States. **Commission reiterates this recommendation so that States follow a uniform pattern. Further, acquisition of land for public purposes specially setting up of industrial complexes and irrigation projects in tribal areas should be minimal, and taken recourse to as a last resort. If really essential, the land should be acquired only after a suitable package for rehabilitation which includes making him a partner in the project has been worked out. A focus on overall socio-economic development with provisions of basic needs is an other vital issue which needs to be considered in all policy decisions of the Government.**

2.35 The country's progress today is visible in the sectors, setting up major projects running into thousands of crores of rupees. There is a great deal of advancement, scientific research, nuclear research. A good number of financial institutions have been set up for the economic development of the people of the country. These are mainly State Financing Corporations, IDBI, EXIM Banks etc. The country's progress today is visible in the sectors of high tech. Industries exports, imports, electronic industries, computers, motor cars, cellular and cordless telephones, financial institutions, export processing zones and other scientific research, share market, luxury goods like colour T.V. Refrigerator, Washing Machines, A.Cs. etc. Large areas have been covered under irrigation, modern agriculture equipments are supplied to the beneficiaries for increasing the agricultural production and other perks in high class and public undertakings.

2.36 The share of SCs and STs in the above mentioned indicators of visible progress of India is dismal. All efforts are concentrated only in providing reservation in services which also has not reached prescribed limit.

2.37 The Commission observed that representation should be ensured for SCs and STs in respect of above areas for visible progress of these target groups. Emphasis should be given for promotion of entrepreneurs to bring occupational diversification and upward mobility among SCs/STs. They should be encouraged to take up self employment in all sectors of economic development through training, education and provision of financial and other facilities. SCs and STs should be promoted in areas like small contracts by evolving a special policy for first generation contractors emerging from traditional labour communities. Many activities are considered necessary for the development of SCs and STs, and there should be policy to contain built in safeguards to ensure a fair share of the benefit to these groups. This should be built in mechanism to provide substantial share and role to such representations from the SC/ST from the target groups for ensuring the effective working of all these safeguards.

2.38 The most important cause for non-development of SC/STs is non-allocation of resources for their development on a priority. There is an urgent need to set up a national level Development authority, dealing with all development matters pertaining to SC/STs, at par with the Planning Commission under the Chairmanship of Prime Minister and a non-official Vice-Chairman and similar set up in States with Chief Minister as Chairman and a non-official as Vice-Chairman. Resources equivalent to the population percentage of SC/STs should be set apart and transferred to this authority to enable it to plan and implement developmental and welfare schemes for SC/STs. The same set up needs to be put in at State and District level also. Once the resources are in the hands of this body and it is vested with powers to monitor and control the implementation of these schemes, it will lead to focused attention on the development of SC/STs.

2.39 This Authority should be responsible for formulating and approving national and State Plans, Annual Plans, Five Year Plans and perspective Plans—based on the developmental needs of the SCs and STs and their priorities from the point of view of the SCs and STs, keeping in view the vital dimensions of socio-economic liberation, educational equality and human condition of life.

2.40 So far, reservations have been provided only in Govt. service. There is no reservation in Defence forces, scientific establishments, judiciary etc. After 50 years of Independence, when enough qualified SC/ST candidates are available, Commission sees no reason for keeping these sector out of the purview of reservation, denying opportunities to SC/STs.

2.41 The Government is seriously contemplating bringing about reservation for women in Parliament/State Legislatures/other public bodies. Commission is of the view that adequate representation for SC/STs should be ensured within this equality of women.

2.42 The task ahead is clearly therefore to focus on the basic needs and requirements of SCs/STs and give them the social dignity and the economic capability to come at par with other sections of the society and become part of the main stream which had been the charter visualised by the Constitutional makers, 50 years ago. Such a strategy would not only control the feeling of alienation, frustration and rising militancy and civil strife but would also make the SCs & STs active partners in nation building.

2.43 Many of the above issues have been discussed by the Commission in its earlier Report. An extract entitled 'Retrospect' contained in the Third Report submitted to the President on 4.2.98 is reproduced as **APPENDIX-2.I** for ready reference.

**(Extracts of Report submitted on 4/2/98)
RETROSPECT**

**Even
after
50 years**

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

**“Will” is
missing**

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

**Inadequate
allocation**

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

Diversion

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

Tardy

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

Land

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

Disparity in distribution

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

Tribes

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

Segregation

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

Reservation in Services

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

a Special Report to the President of India on Deptt. of Personnel & Training O.Ms. dated 30.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 which:

- (a) reverts the promoted SC candidate;
- (b) Shifts vacancy based roster to post- based ignoring Court direction;
- (c) takes away the relaxations and concessions;
- (d) does not fall in line with the Constitutional amendment ; and
- (e) discarding Spécial Recruitment Drives

Apathy

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

Legal Hassles

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

Subversion of Institutional arrangements

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

Partnership in Governance

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

Poor educational facilities

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

Prevalence of Untouchability

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

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

Caste clashes

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

Protection

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

Scheduled Castes are being discarded as interested parties and other witnesses are turning hostile. The conviction rate is very poor, defeating the very purpose of the Act.

False Caste cases

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

Mandatory consultation

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

Constraints

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

Support

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

CHAPTER III

CONSTITUTIONAL SAFEGUARDS AND PROTECTIVE MEASURES

As discussed in the earlier chapter, the founding fathers of our Constitution felt that the inequitable forces in the socio-economic system and political organisations had created imbalance in the society and placed certain people, particularly the SCs/STs in the disadvantageous position. The Constitution of India provides to all the citizens, social, economic and political justice and equality of status and opportunity Article 46 under the Directive Principles of State Policy provides that "the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". For achieving this objective social, economic, educational, cultural, political and service safeguards and protective measures were provided in the Constitution for the deprived, weaker and vulnerable sections to ensure their all round development so as to bring them into the mainstream of the nation and at par with other sections of the society.

Social Safeguards

3.2 **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 vi.z. the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.3 **Article 23** prohibits traffic in human beings and begar and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SCs & STs but since the majority of bonded labour belong to SCs/STs this article has a special significance for SCs/STs. 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 years, incidence of bonded labour still exists and preventive and rehabilitation activities need to be geared up further.

3.4 **Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State laws to prevent child labour. Since substantial portion of child labour engaged in hazardous employment belongs to SC/ST, this article is significant for SCs/STs. It may be mentioned that despite the existence of these legal instruments and publicity to check this evil, child labourers are engaged in Glass Bangle Industry, Carpet weaving, and Beedi industry etc. The pitiable conditions of these children and the

violation of these laws have been covered in the Mass Media i.e. Press and television. Unfortunately, the anti-child legacy still continues and steps to completely eradicate this evil, special steps of social awareness through voluntary efforts on one side and strict compliance and vigilance on the part of the Labour Department of the Central and State Government is needed.

3.5 **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus . The term Hindu includes persons professing the Sikh, Jain and Buddhist religion and Hindu religious institutions shall be construed accordingly. This provision is also relevant as some sects of Hindus used to claim that members belonging to SC/ST had no right to enter the temples. Though this social evil of inherent nature is gradually getting vanished yet incidents of prohibiting SC/ST people from entering the temples are sometimes reported in the press and have also been brought to the notice of the Commission. Collective efforts of all sections of society can bring about a harmonious solution for the eradication of this evil(s).

Economic Safeguards.

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

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

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

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

3.9 **Article 275(1)** provides that "there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of State such Capital and recurring sum as may be necessary to enable that State to meet the cost of such schemes of development as may be

undertaken by the State with the approval of the Government of India for the purpose of promoting the Welfare of Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State”.

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

Educational and Cultural Safeguards

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

3.12 Article 29(1) provides that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.” This article has special significance for all the Scheduled Tribes. Santhals have a script of their own viz., Olchiki. However, this provision need not be understood to educate the tribals only in their language and thereby making them isolated. They should be educated in the language of the State as well as national languages to expose them to outside knowledge.

3.13 Article 350(A) “It shall be the endeavour of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.” Most of the tribal communities have their own languages or dialects which usually belong to a different family of languages than the one to which the State's official language belongs. However, facilities should be provided to teach in the national language and in English, besides in the mother tongue and local dialect.

Political Safeguards

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

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

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

3.17 **Article 334** lays down the provision relating to the reservation of seat for SCs and STs in the Lok Sabha and the State Vidhan Sabhas (and the representations of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination). This provision has been extended by amending the Constitution every ten years. At present this provision expires in the year 2000.

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

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

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

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

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

Article 371B contains special provisions with respect to Assam.

Article 371C contains special provisions with respect to Manipur.

Article 371F contains special provisions with respect to Sikkim.

Article 371G contains special provisions with respect to Mizoram.

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

Service Safeguards:

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

3.23 **Article 16(4)A** The Supreme Court in their judgement dated 16.11.1992 in Indira Sawhney case held that the existing policy of reservation in promotion is not sustainable under Article 16(4) of the Constitution. The Supreme Court, however, allowed that the existing policy of reservation may continue for a period of five year i.e. up to 15.11.1997.

3.24 The Government of India, however, considered it necessary to continue with reservation in promotion in the case of SCs/STs as their representation in services had not reached the required level. Accordingly Article 16 was amended vide Constitution (Seventy-Seventh Amendment) Act, 1995 empowering the Government to provide for reservation in promotion for SCs&STs by inserting Clause 4A as under:

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

3.25 Keeping in view the spirit of the amendment it was expected that reservation in promotion would be extended to all levels in all classes and 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 Group A & B. Upon consultation on this issues, the National Commission for Scheduled Castes and Scheduled Tribes sent its comments to Department of Personnel Govt. of India stating that reservation in promotion should be extended to all levels including within Group A. However, the DoPT's OM No.

36012/18/95-Estt. (Res.) Part II dated 13.8.97 did not incorporate any such provision and merely extended the 'existing policy of reservation'.

3.26 In this regard it is observed that the Govt. of India has not implemented amendment in its true spirit. The order was issued ignoring the advice of the Commission and a separate report in this regard has already been submitted to the President. **The Commission recommends that the reservation in promotion should be extended to at all levels in all classes of posts by modifying the DOPT O.M. dated 13.8.97.**

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

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

- a. Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
- b. requiring the discovery and production of any document.
- c. receiving evidence on affidavit.
- d. requisitioning any public record or copy thereof from any court or office.
- e. issuing commissions for the examination of witnesses and documents.
- f. any other matter which the President may by rule determine.

3.29 The Commission is required to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of various safeguards for SCs and ST and containing recommendations as to the measures for their welfare and upliftment. The Commission set up under the Constitution Sixty-fifth Amendment Act, 1990 has so far submitted Three Reports besides a Special Report. Out of three reports

submitted so far by this Commission, no report has been placed in either house of Parliament. The reason for this is stated to be delay in preparation of action taken report from various Ministries/Departments of Govt. of India and State Governments. As per the existing provisions each report is to be placed in Parliament alongwith action taken report. Government of India has not been able to place the reports before Parliament for want of action taken report. Consequently these reports are not accessible to Members of Parliament and other Public Institutions and the valuable suggestions/recommendations contained in these reports remain unknown to all concerned and become infructuous. **Commission, therefore, recommends that the report of the Commission should be placed before each house of Parliament within three months of its submission to the President and the action taken report placed before the Parliament within six months of its submission. This may be done by suitably amending the clauses of Article 338.**

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

3.31 The inequitable forces working in the social and economic system in the country became instrumental for exploitative practices in the society. Hence it was thought necessary to provide safeguards in the educational, economic, political and other fields so that the fruits of development could be shared by all the segments of society irrespective of caste and creed. On the basis of Constitutional provisions and Presidential directives various Acts have been passed at different times, by the Central and the State Governments.

3.32 Some proposals for amendments alongwith the observations and recommendation are also being given in a separate Chapter of this report.

Protective and Anti-Exploitative Measures

3.33 The provisions made in pursuance of **Article 17** under the Untouchability (offences) Act 1955 were not found to be effective, hence more stringent punishments were incorporated in the Act by amendment in the year 1976. The Act was also renamed as the Protection of Civil Rights Act, 1955. Offences under PCR Act are cognizable as well as non-compoundable. The Act also charged Central Government with the responsibility to co-ordinate the measures taken by the State Governments and place a report on the table of each House of Parliament every year on the working of PCR Act, 1955. The Central Government has so far laid 14 reports covering period upto 1993.

For carrying out the provisions of this Act Central Government have framed Rules viz. PCR Rules, 1977.

Atrocities on Scheduled Castes and Scheduled Tribes and the SC&ST (Prevention of Atrocities) Act, 1989.

3.34 Since PCR Act, 1955 did not cover all cases of atrocities on SCs/STs vital step to prevent atrocities on SCs & STs was taken by enactment of another law by the Parliament in 1989 viz. the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PAA). This Act which received the assent of President on 11.9.1989 came into operation w.e.f. 30.1.1990. After enactment of SC and ST (Prevention of Atrocities) Act, 1989 from 31.1.1990, the Ministry of Welfare, the Nodal Ministry for matters relating to Scheduled Castes and Scheduled Tribes, has so far submitted only one report to the Parliament on the working of this Act. This report relates to the year 1990. On an average about 35,000 to 40,000 cases of crimes and atrocities on SCs/STs are registered in the country. Some States like U.P, Rajasthan, Maharashtra, Madhya Pradesh, Bihar, Karnataka and Andhra Pradesh are more atrocity prone.

3.35 **State Governments which are primarily responsible for maintaining Law and Order in the State should take adequate steps for maintaining peace and harmony in rural and urban areas, and in particular, to minimise the crimes and atrocities on SCs and STs. One of the most effective ways would be to deal with complaints without delay, complete investigation in time and take necessary legal action to punish the guilty. For ensuring justice to SCs/STs it is necessary that investigation of complaints are initiated soon after the FIR is lodged. Regular monitoring & examination of cases investigated at the police level also needs to be done so that genuine cases are not closed.**

3.36 A large number of cases are pending before Courts and there has been increase in pendency between the years 1993 to 1996. Pendency is mainly due to delay in prosecution and disposal of cases.

3.37 Various policies and programmes on land, forests, excise policy, money lending, bonded labour and rehabilitation of displaced SCs/STs have been framed by the States/Central Government. Highlights of some of the measures for protection of these people are given in the following para

Forest

3.38 National Forest Policy 1988 envisages peoples' involvement in the development and protection of forests. The requirements of fuelwood, fodder and small timber such as house building material of the tribals and other villagers living in and near the forests are to be treated as first charge on forest produce. The forest communities are to be motivated to identify themselves with the development and protection of forests from

which they derive benefits. The Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) have issued guidelines to the States on many aspects touching upon the life of tribal people. This include, (a) involvement of village communities and voluntary agencies for regeneration of degraded forest land; (b) review of disputed claims over forest land arising out of the forest settlement; (c) disputes regarding Pattas/leases/grants/involving forest land and their settlement; (d) encroachment of forest lands and measure for their containment; (e) conversion of forest villages into revenue villages; (f) payment of compensation for loss of life and property due to predation/depredation by wild animals; (g) elimination of intermediaries and payment of fair wages to the labourers for forestry works etc. **It is however, necessary to ensure that the policy guidelines are observed in true spirit to ensure minimum hardships to the tribal people. It is, therefore, necessary to monitor and review implementation of these through an institutionalised mechanism.**

Land Alienation:

3.39 The process of alienation of lands of SCs & STs to non-SCs and STs has been going on for decades, but has accelerated after Independence. In the present situation, the main reasons for alienation of lands of Scheduled Tribes appear to be;

- (i) Marginal lands having low agricultural productivity compounded by inadequacy of physical and financial inputs and technical know-how.
- (ii) Inadequacies and delays in the legal process to check encroachments and fraudulent transfers.
- (iii) Complexities in restoring land even after favourable Court verdicts.
- (iv) Pressure on land transfer/acquisition for public projects in the field of irrigation, industries, mining, housing etc.
- (v) Lack of comprehensive and up-to-date land records.

3.40. The mere existence of laws/regulations intended to check land alienation are not sufficient deterrents in themselves. Given their existing level of awareness and lack of capacity to engage in litigation, the SCs and STs are unable to effectively seek protection under the laws. Hence it is important to take effective steps to check this process. Some of the suggestions in this regards are:

- (i) **A machinery needs to be set up to detect cases of alienation of lands and set the law in motion.**
- (ii) **There is a need to simplify legal procedure and the laws and cut proceedings in terms of both time and money and provide for full legal aid wherever possible.**
- (iii) **The survey, settlement and updating of land records should be expedited and firm proof of ownership be placed in the hands of SCs & STs as land holders.**

- (iv) The registration of transfers of land should be subject to clearance under the relevant act or regulations.
- (v) Deterrent punishment needs to be meted out to those non-SCs & STs who continue to be in the possession of land of SCs & STs despite orders of eviction.

3.41 There is no doubt that all these steps would be effective only if the State Governments give adequate attention to the question of land alienation in particular and land reforms in general. The Commission is of the view that the thrust given to land reforms in 70s has gradually subsided. It has come to notice that a substantial number of cases are pending in Courts in different States for a long time and due to delay in disposal the SCs & STs are not getting physical and legal possession of land. In a number of cases, Pattas of ownership/tenancy rights have not been given after land allotment. These issues and legal battles over land have also become a cause for crimes and atrocities on the SCs&STs; a situation of growing concern.

3.42 The Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienation Lands) Act 1975 came into effect retrospectively from 1960. The rules were framed in 1986 w.e.f. 1.1.1982. Thereafter 8647 cases have been instituted in the State; but lands could be recouped only in a few cases.

3.43 Under a proposed amendment, settlers who acquired more than one hectare of land are being given an option to avoid eviction by paying an amount to be fixed by the government. The affected tribals are to be compensated by allotting proportionate alternative land and financial assistance. The Commission is strongly of the view that such an amendment will defeat the very purpose and objective for which the Act was promulgated. The tribals will lose their land, face dislocation and even greater hardships in the process. On the other hand action should be taken to restore the land to the STs and settlers should be given the equal area of land and the compensation.

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

Excise Policy in Tribal Areas

3.45 The Government is concerned about the damage caused to the economy of STs by commercial vending of liquor, resulting in impoverishment of Scheduled Tribe families.

Recognising the seriousness of situation the Ministry of Social Welfare had issued the following guidelines in 1975 on excise policy in the ST areas:

- (i) Commercial vending of alcoholic beverages should be discontinued in ST areas.
- (ii) Scheduled Tribes may be permitted to brew their traditional alcoholic beverages for consumption at home and on religious and social occasions.
- (iii) Attempts may be made to wean the STs away from the habit of drinking alcoholic beverages and for this purpose official and non-official voluntary organisations may be encouraged to work in the ST areas.

In the light of above, following suggestions are made:

- (1) **The existing guidelines should be strictly enforced.**
- (2) **In Scheduled Areas, entry of excise contractors should be completely banned.**
- (3) **In ST areas, if the majority of the population of a village is opposed to commercial liquor shops, such shops should not be established.**

3.46 The West Bengal Govt. in their Excise Policy have provided that:-

- (i) No new liquor shop in predominately tribal areas (i.e. Mouzas) should be opened.
- (ii) Existing country spirit shops located in tribal concentrated mouzas would be shifted gradually to non-tribal areas.
- (iii) Pachari shops may be retained or set up in tribal mouzas only if they are run by tribals. Other pachari shops in tribal mouzas should be abolished and
- (iv) Home-brewing pachari licenses may be issue on receipt of application.

Money Lending:

3.47 The problem of indebtedness among the SC/ST population is serious. It is the result of a system of economic malaise. At the household level, it is indicative of poverty, of an imbalance between income and minimum consumption requirements as well as lack of resources for carrying on gainful activity. Some of the reasons of indebtedness among SCs & STs are:

- (1) Abject poverty.
- (2) Lack of awareness about sources of institutional finance and existing legal protection.
- (3) Complicated lending procedures of banks/co-operative societies and uncooperative attitudes of Government/bank officials.

(4) Lack of supply of essential commodities and agricultural inputs at fair prices. Non-payment of fair prices for forest and agricultural products.

(5) Lack of employment opportunities.

3.48 Though most States have enacted laws to regulate the business of money lending and have given debt relief, the enforcement of these protective laws is weak. Further, the powers vested in the Government under the Fifth Schedule to the Constitution have not been used to prevent exploitation by money lenders. The following points may be relevant to eradicate the indebtedness among SC/ST.

(i) Stricter enforcement of existing Acts/Regulations on money lending and debt relief.

(ii) Present loaning/financial systems under IRDP etc. do not take care of consumption needs. Thus loans for productive purposes should include consumption credit to take care of the social and economic requirements of the weaker sections of the society to which the SCs & STs belong.

Minimum Wages:

3.49 The present inequity even in the statutory minimum wages should be removed. The Minimum Wages Act should contain a provision to the effect that the daily wage of ordinary labourers in all economic activities shall be so determined following the principle that the earnings of one person in a family should be sufficient for the maintenance of the entire family.

3.50 Any reduction of working hours with pro rata cut in the daily wage should be prohibited except in those situations where work is not of continuing nature and the quantum available is not sufficient to keep even a single person fully engaged for the whole day.

Inclusion in and Exclusion from the Schedules of Castes and Tribes

3.51 Article 341 and 342 of the Constitution of India prescribe the procedure to specify Scheduled Castes and Scheduled Tribes with respect to any State or Union Territory. The relevant Constitutional articles are quoted below:-

3.52 **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”.

3.53 **Article 341 (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 a notification issued under the said clause shall not be varied by any subsequent notification”.

3.54 **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 purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case maybe”.

3.55 **Article 342 (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”.

Criteria for including communities in the lists of Schedule Castes

3.56 No criteria for inclusion of a community in the list of Scheduled Castes or Scheduled Tribes have been spelt out in the Constitution. The criteria followed for inclusion of communities in the Schedules have been adopted by the Government is based on socio-economic situation and realities. The criteria followed for specification of a community as a Scheduled Caste are extreme social, educational and economic backwardness arising out of the traditional practice or untouchability. The criteria for inclusion of any community in the Schedule of Castes has been discussed at length in 28th report (1986-87) of the Commissioner for Scheduled Castes and Schedule Tribes. The report has cited the Census report of 1931 with regard to tests for classifying any caste as Depressed Classes (the term in use at that time). For clarification of the expression “traditional practice of untouchability” these tests are re-iterated below:-

- i. Whether the caste or class in question can be served by clean Brahmans or not.
- ii. Whether the caste or class in question can be served by the barbers, water-carriers, tailors, etc., who serve the caste Hindus.
- iii. Whether the caste in question pollutes a high caste Hindu by contact or by proximity.

- iv. Whether the caste or class in question is one from whose hands a caste Hindu can take water.
- v. Whether the caste or class in question is debarred from using public conveniences, such as roads, ferries, wells or schools
- vi. Whether the caste or class in question is debarred from the use of Hindu temples
- vii. Whether in ordinary social intercourse a well educated member of the caste or class in question will be treated as an equal by high caste men of the same educational qualifications.
- viii. Whether the caste or class in question is merely depressed on account of its own ignorance, illiteracy or poverty and but for that would be subject to no social disability.
- ix. Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subject to no social disability.

3.57 "From the point of view of the State the important test is the right to use public convenience-roads, wells, and schools, and if this be taken as the primary test, religious disabilities and the social difficulties indirectly involved by them may be regarded as contributory only. Some importance must be attached to them, since obviously if the general public regards the persons of certain groups as so distasteful that concerted action is resorted to in order to keep them away, persons of those groups do suffer under a serious disability".

Criteria for including communities in the list of Scheduled Tribes

3.58 In respect of the Scheduled Tribe, the tribe should fulfil the following conditions for inclusion in the list of Schedule Tribes:-

- i. indication of primitive traits
- ii. distinctive culture
- iii. geographical isolation
- iv. shyness of contact with community at large
- v. backwardness

3.59 In the Constitution (Scheduled Castes) Order, 1950 (as amended from time to time) it has been mentioned that no person professing a religion different from Hindu or Sikh or Buddhist religion can be deemed to be a member of Scheduled Castes. There is, however, no religious bar for being treated as Scheduled Tribe.

3.60 The Govt. has been receiving recommendations and claims over the past several years for inclusions/exclusion and other modification in the orders specifying Scheduled Castes and Scheduled Tribes. Recently the issue was referred to the Commission by the Ministry of Welfare and it was learnt by the Commission that the question of inclusion/exclusion of around 1300 communities is presently under the consideration of the Govt. The matter was earlier examined by Lokur Committee in 1965 and a Joint Committee of Parliament Chaired by Shri A.K. Chanda. However, the Commission noted with concern that no decision could be taken on the recommendation of the Chanda Committee till date.

3.61 The matter is highly sensitive and complex because SC/ST status renders the enlisted communities eligible for reservation and other safeguards as well as benefits under various developmental programmes. The Govt. should, therefore, evolve an objective fool-proof mechanism for determining the socio-economic situations and realities so that only the genuine claims (including those for inclusion of ostensible synonyms) are accepted. Such a mechanism should be as transparent as possible.

3.62 It has been observed of late that apart from the associations/organisations working for the community welfare in various fields as also political organisations and their leaders are recommending a large number of cases of inclusion of new communities in the lists of Scheduled Castes and Scheduled Tribes. Although these recommendations are based on some ground realities in the context of the present day social set-up, there is every possibility of vested interests aiming at the building up of favourable vote banks. After implementation of Mandal Commission Report by the Government of India and the introduction of reservation in services for the OBCs the combined reservations in Central Government Services have increased to 49.5%. The Supreme Court in the Case of Indira Sawheny has ruled that total reservation cannot exceed 50%. The Government should, therefore, be utmost vigilant in examining these recommendations/claims. The aforesaid criteria for inclusion of communities in the list of Scheduled Castes and Scheduled Tribes should be followed scrupulously for this purpose. The whole exercise must be based on a credible methodology which should be acknowledged as fair and uniform and which provides for specialist assessment.

3.63 As already mentioned in the earlier reports, there have been some anomalies in determining the exact status of some communities already included in the lists of Scheduled Castes and Schedule Tribes. Also, the laid-down criteria may no longer hold good in relation to some communities at present. In the circumstances, the question of deletion from the SC/ST lists also assumes importance although, for obvious reasons, demands for deletions are few.

3.64 The Govt. of India should set up a regular body having a number of experts/public representatives to study and examine the issues relating to inclusions/exclusions of communities from the lists of Scheduled Castes and

Scheduled Tribes on a regular basis. The recommendations of such a body should form the basis for taking decision in this matter. As per the Constitutional provisions, the Commission should also be consulted by the Government before taking a final decision.

3.65 In the subsequent chapters we look at the implementation of the Constitutional Safeguards pertaining to services, education, crimes & atrocities and development schemes for the socio-economic development of SCs and STs.

CHAPTER IV

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

Role of education as a means of direct social and economic upliftment cannot be ignored in India. For any organised Service Sector every employee should have some basic minimum formal school education. Indian social structure is such that Scheduled Castes and Scheduled Tribes were always the target of exploitation and subjugation because of illiteracy, poverty, superstition and ignorance. Since these groups of population consist of about 25% of the total population in India, the makers of the Constitution forethought about the development of these communities, specially, and made special provisions in the Articles 46, 15(4), 29(2) and 350(A) and ensured that they get all the opportunities and access to educational institutions and be formally educated.

Constitutional Provisions

4.2 The Directive Principles of the State Policy include universal education to all children upto the age of 14 years and special provisions for educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes. As per Article 15(4) the Government can make special provisions for advancement of any socially and educationally backward classes or Scheduled Castes and Scheduled Tribes. In Article 29(2) ensures that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only on religion, race, caste, language or any of them. In Article 350(A), the State government and the local Authorities have been directed to take steps to provide adequate facilities for instructions in the mother tongue at the Primary Stage of education to children belonging to linguistic minority groups. As most of the Tribal communities have their own languages other than State's Official Language, it is recommended by various expert committees that tribal children should be imparted training in their tongue atleast in class I and class II. However, it is important that these children also acquire knowledge of the regional, national language and English to have access to higher education and better employment opportunities.

4.3 In compliance of the above provisions several steps and educational schemes were taken up by the Union and the State Govts. after Independence and after inception of the First Five Year Plan, which are as follows:

Educational Schemes during the Five Year Plans

4.4 In the First and the Second Five Year Plans the educational schemes for SCs and STs were as follows:

1. Scholarships (Pre-matric and Post-matric)
2. Opening of schools in Tribal areas
3. Grant of books, hostel fees
4. Opening of Residential Schools, Balwadis, Community Centres etc.

4.5 Gradually the educational development programmes broadened and more schemes were introduced. Presently various schemes which are under operation are:

(a) Central and Centrally Sponsored Schemes:

1. Post-matric scholarships for SCs and STs
2. Hostel for Scheduled Caste girls

3. Hostel for Scheduled Tribe girls
4. Pre-matric scholarship for children of those engaged in unclean occupations
5. Book-Bank for Scheduled Caste and Scheduled Tribe students
6. Coaching and Allied Scheme
7. National Overseas Scholarships
8. Hostel for Scheduled Caste boys
9. Hostel for Scheduled Tribe boys
10. Education complex in low literacy pockets having literacy less than 2%.
11. Schemes for upgradation of merit to SC/ST students
12. Ashram Schools in TSP areas.
13. Vocational Training for Scheduled Tribes.

(b) State Sector Schemes

1. Scholarships and stipends at school level
2. Supply of text-book, stationery, equipment, uniforms, sport materials etc.
3. Administration of Balwadis, Primary Schools, Middle Schools, Higher Secondary Schools
4. Attendance Prizes to SC/ST students
5. Residential Schools
6. Hostels
7. Amenities to boarders in private hostels and financial assistance for sharing rental accommodation.
8. Merit Scholarship
9. Re-imbursment of examination fees and tuition fees at various levels of education.
10. Study excursion
11. Mid-day meals
12. Loans to Students for pursuing education
13. Vocational craft classes
14. Coaching and Study Centres
15. Award of teachers for their contribution in Primary education

4.6 An analysis of the Central Sector Schemes in detail will be taken up after we look at the present status of educational development amongst Scheduled Castes and Scheduled Tribes.

4.7 The current year is the 50th Year of Independence of India and commencement of Ninth Five Year Plan. Thus it is appropriate time to assess various indicators of educational development of Scheduled Castes and Scheduled Tribes. The overall position of literacy among General, Scheduled Caste and Scheduled Tribe population in respect of different States/ UTs may be seen at **APPENDIX-4.I**.

4.8 The trend of male, female and total level of literacy among Total population and SCs and STs in the Country from 1961 Census and onwards is given in **Table 4.1**

Table-4.1
Literacy Trend from 1961 to 1991

YEAR	TOTAL			Scheduled Castes			Scheduled Tribes		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9	10
1961	34.44	12.95	24.02	16.96	3.29	10.27	13.83	3.16	8.54
1971	39.45	18.72	29.46	22.36	6.44	14.67	17.63	4.85	11.39
1981	65.50	29.85	43.67	31.12	10.93	21.38	24.52	8.05	16.35
1991	64.13	39.29	52.21	49.91	23.76	37.41	40.65	18.19	29.60

Source: Census Reports

4.9 It can be seen from the above table that the rate of growth of literacy among SCs has been increasing steadily, and has gathered momentum since 1981, but the gap in the literacy rate between SC and total population has been widening. The table also depicts that the growth rate of literacy has accelerated considerably during 1981 to 1991 which is more than 1% on an average per year in case of Scheduled Caste male. In the case of females, also the growth rate is encouraging though the gap between male and female literacy has increased in every decade.

4.10 As for Scheduled Tribes the table depicts that growth of literacy among STs increased more than three times during 1991 as against 1961. At the same time it is very discouraging to note that the gap in the literacy rate between STs and total population has been widening steadily. From the year 1971 the literacy rates among STs both in case of males as well as females has become more than double. At the same time it is discouraging to note that during the period literacy gap between male and female has widened.

Scheduled Castes and Educational Development

4.11 Position of state-wise literacy of SCs and STs from 1961 to 1991 may be seen at ANNEXURE-4.I & 4.II . States which are still lagging behind in comparison to the 52.21% total literacy rate among Sch. Castes and Sch. Tribes in India as per 1991 Census are as follows:

Table -4.2

S.No.	States/UTs	Literacy rate(1991 Census)	
		SC	ST
1	2	3	4
1	Andhra Pradesh	39.59	17.16
2	Assam	53.94	49.16
3	Bihar	19.49	26.78
4	Gujarat	61.07	36.45
5	Goa	58.73	42.91
6	Haryana	39.22	-
7	Himachal Pradesh	53.20	47.03
8	Karnataka	38.06	36.09
9	Madhya Pradesh	35.08	21.54
10	Maharashtra	56.46	36.79
11	Meghalaya	44.27	46.71
12	Orissa	36.78	22.31
13	Punjab	41.09	-
14	Rajasthan	26.29	19.44
15	Tamil Nadu	46.74	27.89
16	Tripura	56.66	41.37
17	Uttar Pradesh	26.85	35.70
18	West Bengal	42.29	27.78
19	Arunachal Pradesh	57.27	34.45
20	Dadra & Nagar Haveli	77.64	28.21

Note: In other States/UTs SC/ST literacy rate is more than 52.21%

4.12 It can be seen that even after 50 years of independence, in 12 States Scheduled Caste population could not achieve even 50% literacy. Among these States Bihar(19.49%), Rajasthan(26.29) and Uttar Pradesh(26.85%) have not been able to cross 30% literacy rate. Another important aspect to be noted in the context of educational development of SC/ST is that its development in India is not uniform in all States. There are imbalances not amongst backward or advanced States but also among one region and another and also among different castes/tribes in the States. The States should, therefore, collect such data of educational imbalances so that special focus may be laid to bridge the educational gaps between areas, sexes and communities. This would also help in the policy planning process.

4.13 It can also be seen from the table that 62% SC literates belong to Uttar Pradesh and Madhya Pradesh states. Though Uttar Pradesh have highest Scheduled Castes population, literates among them consist of only 27%.

4.14 Haryana (390.22%) and Punjab (41.09%) together have 80% S.C. literates ranking 7th and 5th place respectively in the states mentioned above.

4.15 The above **Table-4.2** also depicts that seven States and one U.T., viz Andhra Pradesh, Rajasthan, Madhya Pradesh, Orissa, Bihar, West Bengal, Tamil Nadu, and U.T. Dadra and Nagar Haveli have less than 29.60% ST literate population in India.

Female literacy amongst Scheduled Castes

4.16 States/UT Adms. wise female literacy among Sch. Castes from 1961 to 1991 may be seen in **ANNEXURE -4.III**. Following table depicts the States having less SC female literacy in comparison to All India total general female (39.29%) literacy rate and SC female (23.76%) literacy rate in India.

Table-4.3

S.No.	States/UTs	SC Female literacy rate 1991 Census
1	2	3
1	Bihar	7.07
2	Rajasthan	8.31
3	Uttar Pradesh	10.69
4	Madhya Pradesh	18.11
5	Orissa	20.74
6	Andhra Pradesh	20.92
7	Haryana	24.15
8	Karnataka	25.95
9	West Bengal	28.87
10	Punjab	31.03
11	Meghalaya	31.19
12	Tamil Nadu	34.89

4.17 It can be seen from the above table that out of 25 states in India, 12 states as mentioned above have less S.C. female literacy rates as compared to total female literacy rate of 39.29% in the country. In two states namely Bihar and Rajasthan, female literacy levels have been reported to be less than 10%. As stated in the **Third Report of the National Commission for SC/ST (1994-95 & 1995-96)** it is reiterated that states have to strengthen the existing educational

infrastructure and the states have to ensure that school atmosphere is made more conducive for education and learning by introducing new methods and innovative schemes both for children and teachers. Adequate support system will have to be introduced at work places, villages etc. so that children do not have to forgo education to provide help to mothers and enable them to earn for the family.

Enrolment among Scheduled Caste children at Primary and Middle Level

4.18 Enrolment of SC at the pre-primary, primary and middle level is the most important indicator which would determine the further course of educational development of SC communities. Since the enrolment figures of SCs at the pre-primary level is not available. The information furnished by the Ministry of Human Resource Development (Deptt. of Education) given at ANNEXURE 4.III has been analysed. The comparative picture of enrolment ratio in respect of SC for primary and middle level for the year 1995-96 is given below:

Table-4.4

Year	Gross Enrolment ratio of (SC)		Gross Enrolment ratio ((Total)	
	I-V Primary	VI-VIII Middle	I-V Primary	VI-VIII Middle
1995-96	111.91	61.33	104.30	67.60

4.19 It is observed in the report of the Ministry of Human Resources Development, 1996-97 that while the gross enrolment at the primary stage in the country as a whole and in most of its states exceeds 100%, there are quite a few state where the ratio is considerably less. These include Uttar Pradesh , Bihar, Rajasthan, Haryana , Jammu & Kashmir and Meghalaya. At the upper primary stage, these states in addition, Andhra Pradesh ,Orissa and Sikkim have GERs lower than the National average. Most of the States have literacy rates lower than the National average also.

Dropout at Primary and Secondary level

4.20 Enrolment in primary or middle school is not the real indicator of the achievement on the educational front. What is important is how many children are studying in middle schools, secondary schools and above.

Dropout rate amongst Scheduled Caste children

4.21 Dropout rate at primary, middle and secondary levels during 1981-82 and 1990-91 is as follows:

Table-4.5

Level of Education	Drop-out rate in	
	1981-82	1990-91
1	2	3
Primary	59.21	49.35
Middle	74.76	67.77
Secondary	85.72	77.65

4.22 It is seen that during the period 1981-82 to 1990-91 drop out rate has come down by 10% at Primary level, 7% at middle level and 8% Secondary level, depicting a very slow pace of improvement. **The State Govts/UT Admns. should gear up their machinery and all officials**

and non-officials should put up co-ordinated efforts to check this wastage. All educational schemes should be formulated keeping in view the ethos of the community ensuring their maximum participation. Special incentives to the poor parents can play an important role in sending the children to the schools.

4.23 Regarding state-wise dropout figure among SC student 1990-91 it can be seen from ANNEXURE- 4.IV that in primary classes 50% to 81% dropout has been registered in 10 states viz. Sikkim, Manipur, Punjab etc. In middle classes the less dropout rates registered in 19 states and at secondary stage the same has been registered in 21 states. **Therefore, States should take steps seriously to control the dropout among Scheduled Caste children.**

Scheduled Tribes and Educational Development

4.24 State-wise literacy rate among Scheduled Tribes during 1961 to 1991 is shown in ANNEXURE-4.III. States lagging behind in comparison to total literacy and ST literacy in the country as per 1991 Census are as follows:

Table-4.6

S. No.	State/ U.T.	Literacy rate 1991 census	Decennial growth		
			1971 over 1961	1981 over 1971	1991 over 1981
1	Andhra Pradesh	17.16	0.92	2.49	9.34
2	Rajasthan	19.44	2.50	3.80	9.17
3	Madhya Pradesh	21.54	2.52	3.06	10.86
4	Orissa	22.31	2.10	4.50	8.35
5	Bihar	26.78	2.48	5.35	9.79
6	West Bengal	27.78	2.37	4.29	14.57
7	Tamil Nadu	27.89	5.11	11.54	7.43
8	Dadra & Nagar Haveli	28.21	4.50	7.76	11.55
9	Arunchal Pradesh	34.45	-	8.84	20.41
10	Uttar Pradesh	35.70	-	5.96	15.25
11	Karnataka	36.09	6.70	5.29	15.95
12	Gujarat	36.45	2.43	9.02	15.31
13	Maharashtra	36.79	4.33	10.55	14.50
14	Tripura	41.37	5.02	8.04	17.30
15	Goa	42.91	-	-	-
16	Meghalaya	46.71		5.1	15.15
17	Himachal Pradesh	47.03	7.26	10.04	21.16
18	Assam	49.16	2.44	-	-

4.25 The above table depicts that in ascending order eight States and one U.T., viz Andhra Pradesh (17.16%), Rajasthan (19.44%), Madhya Pradesh (21.54%) Orissa(22.31%), Bihar (26.78%), West Bengal (27.78%), Tamil Nadu (27.89%) and U.T. Dadra and Nagar Haveli (28.21%) have less than 29.60% ST literate population in India. Slightly better placed States having more than 30% ST literates States but less than 52% of total literacy rate in India are Arunachal Pradesh (34.45%), Uttar Pradesh (35.70%), Karnataka (36.09%), Gujarat (36.45%),

Maharashtra (36.79%), Tripura (41.37%), Goa (42.91%), Meghalaya (46.71%), Himachal Pradesh (47.09%) and Assam (49.16%).

4.26 As for growth rate of literacy the table shows that during the decade of 1981-91 the growth rate has accelerated more than double in comparison to previous decades. But the same has registered less growth in the year in the States of Tamil Nadu, Orissa, Rajasthan, Andhra Pradesh and Bihar.

Female literacy amongst Scheduled Tribes

4.27 States/UT Admns. wise female literacy among STs during 1961 to 1991 may be seen at ANNEXURE-4.II. Following table depicts the States having less ST literacy in comparison to total general female literacy(39.29%) and total ST female literacy (18.19)% in India as per 1991 Census.

Table-4.7

S.No	States/UTs	Female Literacy			
		1991 census	1971 over 1961	1981 over 1971	1991 over 1981
1	Rajasthan	4.42	0.21	0.71	3.22
2	Andhra Pradesh	8.68	0.65	1.33	5.22
3	Orissa	10.21	0.81	2.18	5.45
4	Madhya Pradesh	10.73	1.21	1.42	7.13
5	Bihar	14.75	1.67	2.90	7.00
6	West Bengal	14.98	1.33	1.92	9.97
7	Dadra & Nagar Haveli	15.94	3.79	0.58	7.52
8	Uttar Pradesh	19.86	-	2.01	9.16
9	Tamil Nadu	20.23	1.75	9.52	6.23
10	Karnataka	23.57	4.86	2.36	13.54
11	Maharashtra	24.03	2.46	7.73	12.09
12	Gujarat	24.20	2.06	13.49	4.56
13	Arunachal Pradesh	24.94	-	5.61	17.63
14	Tripura	27.34	3.45	6.51	15.07
15	Himachal Pradesh	31.18	3.79	2.29	18.36

4.28 It can be seen that States/UTs having ST female literacy less than total female literacy in India (18.19%) are Rajasthan(4.42), Andhra Pradesh(8.68), Orissa (10.21), Madhya Pradesh (10.73), Bihar (14.75), West Bengal(14.78) and UT Dadra and Nagar Haveli (15.94) and out of 26 States and UTs, 58% States are still considerably lagging behind in case of female ST literacy against total ST female literacy in India. All the above 15 States and UT have registered 3 to 11 times acceleration in literacy rate during last decade.

4.29 The trend of SC and ST literacy shows that despite many schemes being implemented the literacy and education among Sch. Castes and Sch. Tribes is far from being at par with other section of society. Thus it is suggested that these States should concentrate on implementing various educational schemes in right earnest so that wide disparity in literacy could be bridged during 9th Plan period.

Enrolment among Scheduled Tribe children

4.30 Progress of enrolment ratio of ST children at Primary and middle education for the year 1995-96 is as follows

Table-4.8

Year	Enrolment Ratio (ST)		Enrolment Ratio(total)	
	Primary	Middle	Primary	Middle
1995-96	113.03	50.04	104.30	67.60

4.31 As stated earlier in case of enrolment of SC in primary level the enrolment of ST in case of primary level also do not reflect the true picture. **The enrolment ratio was 113.03% at primary level during 1995-96 but it was reduced to 50.04% at middle level. In this way the wastage at middle level is reported to be colossal. This needs to be checked immediately.** The wastage at middle level in respect of many other states is also alarming which is reflected at ANNEXURE 4.V. **The States/UT Admns. should gear up their machinery to check fall in enrolment ratio at middle level.**

4.32 It has been ascertained from Ministry of Human Resource Development (Department of Education) that the enrolment figures in primary level is much higher than the population of age group 6-11 in certain cases. This is due to the reason that children of high age groups are also admitted in primary level so in the above table it is seen that the enrolment in primary stages in some of the states is much higher than hundred percent enrolment.

Drop out rate amongst Scheduled Tribe children

Table-4.9

Level of education	Year	
	1981-82	1990-91
Primary	74.00	62.52
Middle	84.99	78.57
Secondary	91.65	85.01

4.33 The above table shows that in case of Scheduled Tribe students also there is a decline in drop out rate to the tune of 11% in case of Primary level, 6% in case of Middle and 7% in case of Secondary level.

4.34 Thus it can be seen that though apparently there is slight decrease in drop out rate of SC/ST students, but the comparative drop out rate from primary to middle and middle to secondary has not improved much. In fact it registers increase in the year 1990-91 from primary to middle which is 15.55% for SC and 10.99% for ST during 1981-82 and 18.42% for SC and 16.05 for ST.

4.35 It can be seen ANNEXURE-4.VI that more than 60% drop-out in primary classes amongst STs have been registered in 11 States viz. Sikkim, West Bengal, Manipur, Tripura, Rajasthan, Orissa, etc., in middle education 16 States have registered more than 70% drop-out. In secondary level 21 States have registered more than 60% drop-out and West Bengal, Tripura, Andhra Pradesh and Bihar have registered more than 80% drop-out. These figures depict a very grim situation about school education among Tribals in the country which requires urgent and serious remedial measures at State Level.

4.36 The unsatisfactory condition of SC/ST education has been attributed to glaring lacunae in the findings of the 6th All India Educational Survey. Some of the observations of the Survey Report are as follows:

1. Gap between total number of habitations and availability of Primary Schools.
2. Imbalance in the growth of number of schools in rural and urban areas.

4.37 "Out of a total 10,59,191 habitations in the rural areas in 1993 of the country only 5,32,962 habitations had primary schools, 1,45,824 had upper primary schools, 53,174 had secondary schools and only 11,955 had higher secondary schools. Thus there are more than five lakh habitations in this country, forming nearly 50% of the total rural habitations, which do not have primary schools".

4.38 Another impediment in the progress of SC and ST education is shortage of teachers in the schools, specially in tribal areas. A recent evaluation Report on ITDP by Programme Evaluation Organisations Planning Commission has observed that position of teachers in schools is unsatisfactory. Example of shortage of teachers in the districts studied by the Planning Commission has been shown in the following table:

Table-4.10

S. No.	State (ITDP)	Primary level		Middle level	
		Schools	Teachers	Schools	Teachers
1.	Bihar	93	93	81	90
2.	Gujarat	98	94	NA	NA
3.	Madhya Pradesh				
	i) Kota	63	50	71	
	ii) Mandla	89	60	100	
4.	Maharashtra				
	i) Talura	100	97.2	100	
	ii) Kiwat	97	90.78	100	
5.	Orissa				
	i) Longher	72	83.75	77	90
	ii) Nowrangpur	98	79	90	89
6.	Rajasthan	93	87	76	79

4.39 It is observed in the report that as per "Operation Black Boards" norms each Primary School is required to have at least two rooms, two teachers and teaching materials". From the above table it seems many of the Primary Schools are run with one teacher. As per Fifth Educational Survey 1986, of the 5,28,730 Primary Schools, 0.43% are without teachers and 28.91% are single teacher schools. **Thus it is suggested that it should be ensured by the State Govts. that basic educational needs like school facilities, adequate teachers, school buildings, teaching materials are made available in every SC/ST habitations, specially in tribal areas.**

Progress of Central/Centrally Sponsored Schemes of Ministry of Welfare

Post-Matric Scholarship for SCs & STs(Centrally Sponsored Scheme(C.S.S.)-100%)

4.40 The Post-Matric Scholarship Scheme is the most important Centrally Sponsored Scheme meant for providing financial assistance to SC and ST students to enable them to pursue Post-Matric studies. All eligible students whose parents/guardians who satisfy the means test prescribed under the rules are entitled to the scholarship on admission to any recognised educational institution. The scheme is implemented by the State Government/Union Territory

Administration according to the rules framed by the Government of India and the students get the scholarships through the State/UT to which they belong irrespective of the place of their study. The existing Rates of maintenance allowance and conditions of eligibility for Post-Matric Scholarships, as revised w.e.f. 1.10.95, are given in **Table-4.11**. A copy of Ministry of Welfare circular letter No. 11017/1/92- SCH. CELL dated 14.2.96 regarding present rates of PMS etc. effective from 1.10.95 is available at **ANNEXURE 4.VII**.

Table-4.11
Maintenance allowance Rate
(Rs. per month)

Course/Group	Pre-revised maintenance allowance rates		Revised maintenance allowance rates	
	Hostellers	Day Scholars	Hostellers	Day Scholars
(1)	(2)	(3)	(4)	(5)
A*	280	125	425	190
B*	190	125	290	190
C*	190	125	290	190
D*	175	90	230	120
E*	115	65	150	90

Detail of courses under groups A to E under the Scheme

- A Degree and Post Graduation level course in Medical (including B.A, M.Sc. etc.) Engineering, Agriculture, Veterinary Science, Fisheries etc.
- B Diploma level courses in Medical, Engg. etc. Commercial Pilot Licence course, Degree and post-graduation level courses in Business Admn. Nursing/Pharmacy etc. Post-graduate courses in SciOence subjects. Other diploma courses in professional and technical subjects.
- C Certificate courses in Engg./Technology etc. Diploma courses in Agriculture, Pharmacy, Veterinary Science, Fisheries, Dairy Development etc. Degree/Post graduate and Diploma courses in Teacher's training, Library Science, Physical Education etc. Post-graduate courses in Arts and Commerce subjects.
- D General courses upto graduate level (2nd year and onwards)
- E Classes XI and XII in 10+2 system. Intermediate courses and first year of general courses upto graduate level.

4.41 The revised maintenance allowance rates are higher than pre-revised rates by approximately 50% in case of professional and technical courses spread in Groups A to C; and by approximately 30% in case of non-professional and non-technical courses in Groups D and E.

II. Revision of Income Ceiling for Eligibility

4.42 The following table shows the pre-revised and revised income ceilings :

Income ceiling limit of parents/guardians (per annum)		Scholarship eligibility towards maintenance allowance and fees
(1)	(2)	(3)
<u>Pre-revised</u> Rs.18,000 Rs.24,000	<u>Revised</u> Rs.33,400 Rs.44,500	Full maintenance allowance and full fees. (i) Full maintenance allowance and fees in group A (ii) Half maintenance allowance and full fees for courses in Groups B,C,D and E.

The revised income ceilings account for consumer price index for Industrial Workers upto October, 1995.

4.43 It has also been recommended to have revision of income ceiling once a every two years and to link it with consumer price index for Industrial Workers.

III. Relaxation of Restrictive clause of providing benefit of the Scheme to two children of same parents/guardians in case of girls.

4.44 The scheme, before modifications, provided for scholarship to only two children of same parents/guardians, if otherwise eligible. This condition has been relaxed for girls and now any number of girls of the same parents/guardians can get benefit of the scheme.

4.45 Post Matric Scholarship Scheme over the years has picked up and now it is estimated to be covering about 20 lakh Scheduled Caste and Scheduled Tribe students. The following table shows the progress since 1992-93.

Table-4.13

Year	Budget Allocation	Central Assistance Released	No. of Beneficiaries
1992-93	46.00	54.20	15,30,880
1993-94	72.40	74.79	14,90,316(Excluding Bihar)
1994-95	96.35	96.35	15,34,063
1995-96	145.00	144.86	17,90,355
1996-97	149.00	179.93	21,48,291(anticipated)

4.46 Keeping in view the efforts involved in sanctioning and disbursing of Scholarship by the State/UTs among students of different disciplines, the Ministry of Welfare has streamlined the sanctioning and disbursing procedures under the scheme. **The Commission is of the view that efforts may be taken to ensure timely disbursement of scholarship money to the beneficiaries and necessary steps may be taken to sort out various problems in the implementation of the scheme.** Due to liberalisation of economic policy many specialised courses are coming up. Scheduled Caste and Scheduled Tribe students should be imparted training to up-grade their technical knowledge in order to enjoy the gains of modern technological advancement in various fields. As there is no reservation in private organisations major chunk of this target groups are deprived of such benefits due to heavy fees to be borne by them for taking admission in special and super-special courses. As a result they are deprived off campus recruitment by various private organisations. In other terms these target groups are facing denial of such opportunities which are being enjoyed by the other communities. **Therefore Commission recommends that SC/ST students should be given concession in fees as well as reservation in special and super-specialised courses so that they can avail of the facility in serving in the modern technical fields.**

4.47 During State review of Madhya Pradesh it was observed by the Commission that the quantum of Pre-Matric Scholarships given to male SC/ST students is Rs.250 and the quantum of Post-Matric Scholarship for SC/ST students is Rs.150. It is observed that the decrease in the amount of scholarship at Post-Matric level is punishment for the students who are preparing for examination. It is also suggested that the State Government should enhance the amount.

4.48 Total expenditure incurred, under any Centrally Sponsored Scheme, from Central Assistance, State Plan funds or Non-Plan funds of the State Govt., in the last year of the Five Year

Plan becomes the committed liability of the State Govt. during each year of the next Five Year Plans. This expenditure is met from Non-Plan budget of the State Govt. for each year of Five Year Plan. This way the Non-Plan expenditure under each Centrally Sponsored Scheme keeps on raising from one Five Year Plan to the next Five Year Plan. It has been observed during the discussions with the State Govts. that the Non-Plan funds provided by Ministry of Finance on the basis of Finance Commission Award do not match with the Non-Plan requirement of the State Govt. While allocating Non-Plan funds for various schemes the Finance Department of the States generally allocate less funds for Schemes for SCs & STs. Consequently, SC and ST Welfare Departments in the States do not find adequate resources to meet the Non-Plan share as well as Plan share from their own budget for the Centrally Sponsored Scheme and thus do not implement the schemes to meet the targets. The educational schemes like Pre-Matric Scholarships (State Sector) and Government of India Post Matric Scholarships to SCs and STs (CSS) which generally have largest number of beneficiaries get the low priority. Since committed liabilities are not met by the State Govts. due to financial constraint and Central Govt. is not providing funds due to strict financial discipline imposed by the Ministry of Finance and Welfare, Scheduled Caste and Scheduled Tribe boys and girls are facing hardship due to non-payment of scholarship amount under Post-Matric and Pre-Matric Scholarship Schemes. **Commission therefore recommends that States should get their full requirement of Non-Plan funds for Post-Matric Scholarships and Pre-Matric Scholarships to Children of Those Engaged in Unclean Occupation as a part of Finance Commission Award. If States are not able to meet the requirement from Non-Plan side the Central Govt. may continue to release funds under these schemes to protect the interest of Scheduled Castes and Scheduled Tribes for their educational development.**

Girls' Hostels (C.S.S.-50:50)

4.49 The scheme was introduced during Third Five Year Plan. Under the scheme State Govts./UTs. Are provided assistance for construction of hostel buildings for SC/ST Girls studying in middle and higher level of education.

(A) Girls hostels for Scheduled Castes

4.50 Outlay for VIII Plan for this scheme is Rs.26.00 crore for five years. In 1994-95, the entire allocation of Rs.6.20 crores was released to States/UTs for construction of 73 hostels with an inmate capacity of 7208. The outlay under the scheme for the year 1995-96 was Rs.7.00 crores out of which an amount of Rs.5.65 crores was released. Capacity provided for SC girls of Andhra Pradesh state is 6080 followed by Orissa (390) Karnataka (550) Assam (72) Jammu & Kashmir (48) Punjab (68). States like Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar where literacy rate of SC women is less than 20% as per 1991 census, did not come forward with adequate proposals for raising the capacity of hostels for SC girls as in 1993-94.

(B) Girls Hostels for Scheduled Tribes

4.51 Out of Rs.1555.00 lakhs provided in the annual budgets during the Eighth Plan, Rs. 1271.00 lakhs has been released to the State/UTs for construction of 300 ST girls hostels for Scheduled Tribes. During 1996-97 an amount of Rs. 3.18 lakhs was released for construction of 68 girls hostel for STs.

4.52 The Commission observed that the proposals of the State/UTs are not sent to the Ministry of Welfare in time. On account of such delay, Ministry of Welfare is not able to provide matching Central Assistance in time to States/UTs. Hence, efforts should be made for timely submission of the proposals to the Ministry of Welfare to get the matching assistance in time. States/UT Admns. should take adequate steps for the proper maintenance of the hostel buildings.

Pre-Matric Scholarship for children of those engaged in unclean occupations (C.S.S. - 50:50)

4.53 This scheme was started during 1977-78 with the objective to provide financial assistance to the children of those engaged in scavenging of dry latrines, flaying and tanning to pursue Pre-Matric education. The funds under the scheme are shared on 50:50 basis. The scholarship is provided for 10 months in a year. An ad-hoc grants of Rs. 500 per annum to all hostellers and day-scholar is also provided. The child restrictions of the same parents with few conditions and income ceiling has been removed. During 1996-97 Rs.14.04 crores was released by the Centre against budgetary allocation of Rs.7.50 crores benefitting about 3.26 lakhs students.

4.54 The Central Assistance released and beneficiaries covered under the scheme since 1992-93 are given below:

Table-4.14

Year	(Rs. in lakhs)		No. of Beneficiaries
	Budget Allocation	Central Assistance released	
1992-93	11.00	6.39	99,254
1993-94	14.00	5.61	1,30,715
1994-95	10.00	6.23	1,76,253
1995-96	7.50	8.92	2,83,676
1996-97	7.50	14.04	3,26,348 (prov)

4.55 During State review of Madhya Pradesh the Commission observed that the response of the State Govt. towards the scheme has been unsatisfactory. It is also noticed that many families engaged in unclean occupations are also not aware of this scheme. It is suggested that the states may make efforts for making the scavengers aware of the scheme and ensure maximum utilisation of the programme. The States should also monitor the progress made in conducting survey under the National Scheme of Liberation and Rehabilitation of Scavengers. The National Commission for Safai Karamchari was set up on 12th August, 1994, and the Commission has recommended to the Central Govt. specific programmes for elimination of inequalities in the status, facilities and opportunities for Safai Karamcharis under a time bound programme. The Safai Karmachari Commission monitors the implementation of the scheme of Pre-Matric Scholarship for Children of Those Engaged in Unclean Occupations, at the National level.

Book Bank for Scheduled Caste and Scheduled Tribe students(C.S.S.-50:50)

4.56 This Scheme was started during 1978-79 with the purpose to provide text books required by SC/ST students pursuing medical, engineering, agriculture, veterinary and polytechnic courses. Under the scheme, each set of text books is to be shared by two students. The scheme is implemented through the State Governments/UTs. The Central assistance under the scheme is provided to the States on a matching basis. During 1995-96, as against allocation of Rs3.60 crores, Rs.2.64 crore were released and 26,567 students were benefitted. During 1996-97 as against allocation of Rs.3.60 crores, Rs.1.83 crores have been released benefitting 18927 students.

4.57 It is observed that State Govts. are sending budget proposals very late to Centre. Thus release of grant from Centre also become late. While implementing schemes State Govt. do not allocate matching share of 50% and the scheme is run only on grants received from Centre. It is also observed that the scheme is not being implemented upto desired level. **Therefore the State Govts. should take steps for effective implementation of the scheme and follow the Govt. of India guidelines strictly.** It is also observed that earlier since number of SC/ST students was less all of them used to get books from Book Banks. At present with the availability of various

educational incentives number of SC/ST students have increased but number of books remained same because of less allocation of funds and thus books are kept in the library and all the students were not able to issue books during examinations. Sometimes even teachers also withdrew books from the library, defeating the very purpose of Book Bank Scheme.

Coaching and Allied Scheme (C.S.S.-50:50)

4.58 The scheme is in operation since 5th Plan period. The purpose of the scheme is to provide coaching for various competitive examinations held by recruiting bodies such as UPSC, State Public Service Commission, Public Sector Undertakings, Banking Services Recruitment Boards and similar agencies. The scheme is under 50:50 funding pattern. Coaching is provided to SC/ST candidates in three broad categories i.e. Civil Services, Medical and Engineering Entrance Examination and other Service Examinations including State Services.

4.59 Coaching is imparted in the Pre-examination Training Centres (PETCs) which are run either by the States/UT Admns. or Universities. The UT Admns and the Universities are eligible for 100% assistance. A few private coaching institutions are also receiving grants under this scheme but these are confined to Delhi. (So far, PETCs run by 22 States/UTs, 18 Universities and 4 private coaching institutions have been receiving assistance under this scheme. The pre-examination coaching is provided to the SC and ST candidates in three broad categories of examinations. These are Civil Service examinations including State Civil Services. (The Scheme provides for a monthly stipend of Rs.400/- for hostellers and Rs. 100/- per month for day scholars. The norms for payment of remuneration to the teachers in the training centres have been fixed for some examinations such as Civil Services Examinations). An All-India meeting with the Heads of State Social Welfare Departments and Universities was organised on 29.6.1996 to review the implementation of the scheme. Some of the suggestions made included (i) spreading out the coaching centres where concentration of SC/ST population exists and facilities for coaching do not exist; (ii) Careful selection of students (iii) Coaching to be made available in relation to the a viability of reserved vacancies; and (iv) Constitution of Monitoring Committee at State/District level and award to the best PETC. During 1995-96, Central Assistance of Rs.0.94 crores was released to the State Govts./Universities and private coaching institutions. During the year 1996-97 Rs.1.07 crores has been released out of the total provision of Rs.3.00 crores. It appears that the State Govts. and Universities and Private Coaching Institutions are not coming forward to make full use of this scheme. **The State Govts./Universities should come forward to make use of the scheme which would ultimately increase the intake of SC/ST candidates in different services.**

4.60 During the review of Tamil Nadu, State, it is observed that the performance of the students of PETCs were not very good and training for entrance examinations for Medical Colleges, Engineering Colleges etc. was not satisfactory. The principal, PETC explained that the poor results were on account of the students not having good marks at 10+2 level, as 50% weightage is given to the 10+2 marks and 50% weightage to the entrance examination marks. It is suggested that the State Govt. should analyse the results and marks of the students in detail at regular intervals and take steps to remedy the situation. PETC being run in Chennai is giving coaching for IAS/IPS examinations. It has so far produced 65 successful candidates of which three were women.. It is suggested that the State Govt. should encourage girl students for appearing in these examinations.

4.61 In Karnataka two Training Centres at Bangalore, one for Banking Services and another one for General Services, are being run by the State Government. Apart from these two Centres, three Pre-Examination Training Centres are functioning, one each at Gulbarga, Dharwad and

Mysore for General Services to train Scheduled Caste and Scheduled Tribe candidates appearing for competitive examinations. Further one Pre-Examination Training Centre exclusively to train Schedule Caste and Scheduled Tribe candidates appearing for IAS/IPS examination started at Bangalore, is being continued. During the current year Rs. 40 lakhs have been provided for training 260 SCs and STs appearing for all India and State Civil Services Examinations and Banking Service Examinations. For the Ninth Plan period Rs.200.00 lakhs are provided to benefit 1300 students.

4.62 It is observed that number of students passed and details regarding curriculum etc. are not being monitored in the Centres. It is also observed that the training programmes are conducted only for three months which is not enough for Scheduled Caste and Scheduled Tribe students, who require extensive coaching. Since most of the beneficiaries are from rural areas in the absence of hostel facilities they find it very difficult to continue their training. Senior lecturers are also not invited for teaching the students in these centres. **It is suggested that the State Govt. should analyse the results and marks of the students in detail at regular intervals and take steps to remedy the situation.**

National Overseas Scholarships (Central Sector- Non-Plan-Direct implementation)

4.63 The objective of the scheme is to provide scholarships to meritorious SC/ST students, Denotified, Nomadic & Semi-nomadic tribe, SC converts to other religion and the children of landless Agricultural Labourers and Traditional Artisans pursuing for advanced degree and Post-Doctoral studies abroad. Passage grants are also provided to students who are in receipt to a merit scholarship from a foreign Govt. or Institution. As reported the scheme is in operation since 1954-55 and 525 candidates had availed this scheme.

4.64 Ministry of Welfare operates two schemes viz. National Overseas Scholarships and passage grants for Higher Studies Abroad. This is a non-Plan Scheme and Scholarships are provided to SC/ST meritorious students and Dr. Ambedkar Overseas Fellowships provide four Scholarships to students for all communities.

4.65 It is reported that approval of the Committee of Non-Plan (CNE) is being sought for continuing the scheme of National Overseas Scholarship of Ministry of Welfare.

4.66 As for Dr. Ambedkar Overseas Fellowships no Scholarship has been provided to any student during last two years.

Boys Hostels (C.S.S.-50:50)

(A) Boys Hostels for Scheduled Castes

4.67 The Centrally Sponsored Scheme for Boys hostels for SCs was started during 1989-90 on the pattern of girls' hostel. The outlay for 8th Plan under the scheme was Rs.33.00 crores. For the year 1995-96 an amount of Rs.14.82 crores was released for boys hostel for SCs for construction of 104 SC hostels. During 1996-97, Rs.9.40 crores was released for SC boys hostel for construction of 90 hostels.

(B) Boys Hostels for Scheduled Tribes

4.68 For the year 1995-96 Rs.3.65 crores was released for boys hostel for STs for construction of 34 hostels. During 1996-97 Rs.2.25 crores were released for ST boys hostel for construction of 59 hostels.

4.69 It has been observed that monitoring and evaluation of the scheme had not been done regularly either by the State Govt. or by the Central Govt. Conditions of hostels were also not found satisfactory. It is therefore suggested that the state should monitor and evaluate the functioning of these hostels and take remedial measures to improve their working. During the visit of Haryana, Himachal Pradesh, Karnataka, Kerala, and Delhi observations of the Commission in this regard are as follows:

Haryana

4.70 During the visit of the Commission in Haryana in connection with the review of the above scheme for the SC population the Commission observed that one of the causes of high drop-out rate among SCs was lack of hostel facilities in the States. **The State was advised to create more hostel facilities for SC students at different levels to check the high drop-out rate among them.**

Himachal Pradesh

4.71 In Himachal Pradesh it was found that out of a total 33 hostels for SC and ST 19 were Post-Matric hostels with intake capacity of about 1000. But number of Post-Matric students availing hostel facilities was around four hundred. One of the reasons for low admission in hostels was attributed to more expenditure than the scholarship amount paid to them under Govt. of India's scheme. **The Commission suggested that State Govt. may consider sanctioning additionality over the scholarship rates in order to increase the turn over of educated youth. It is also pointed out that some other State Govts. were also adopting same procedures to help the SC/ST students.**

Punjab

4.72 At the time of State Review meeting regarding developmental programmes the **Commission recommended the State Govt. to find out the reasons for the drop-out and if necessary adequate facilities and incentives may be provided to the SC students including the hostels and coaching etc. so that adequate number of educated youths are available to fill the various posts reserved for them. It is also recommended that the State Govt. should take more steps to check drop-out rates among SC at all levels.**

Educational Complex in low literacy pockets having literacy less than two percent

4.73 There are certain areas where the literacy among the ST women was less than 2% as per 1981 census. 48 such Districts have been identified in 8 States of Andhra Pradesh, Arunachal Pradesh, Bihar, Gujarat, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh. The objective of the scheme started in 1993-94 to impart and consolidate literacy and promote the educational development of SC/ST girls who are the first generation learners in areas of extremely low literacy i.e. less than 2%, which do not have tradition of learning. In case of SC females the scheme is to be implemented through Panchayati Raj Institutions and in case of ST females it is to be implemented through reliable and interested NGOs. Against the target of 21 residential schools for SCs during 1996-97 20 residential schools had been sanctioned. These included 11 schools in 8 Zilla Parishads of Madhya Pradesh (one each in Satna, Panna, Chhattarpur, Rajgarh, Shajapur, Rewa and Sidhi, four in Guna district and three residential schools in three Zilla Panchayats of Uttar Pradesh (one each in Deoria, Lalitpur and Pratapgarh). The complexing meant for 50 girls studying in Classes I-V with a provision for training in Crafts/Vocational studies. Ministry of

Welfare provide full assistance for setting up the complex. Beside free food and lodging, students are provided with two sets of uniforms every year, periodical medical check up, and education for the parents of girls in the evening. Incentive of Rs.30 per month to the parent of girl students is also provided. During 1993-94 to 1995-96 Central Assistance of Rs.3.22 crores was released for setting up 52 educational complexes and Rs.1.20 crores was provided during 1996-97 for 5 new and 33 old complexes for ST girls.

4.74 The scheme seeks to establish model schools with the inherent advantage of the residential complexes and most importantly to provide a demonstration effect through quality education which would motivate further community initiative in education of the SC/ST girls in the most disadvantaged areas. In order to assess to what extent success has been achieved in this direction, **the Commission recommends that while opening schools, especially, in the tribal areas specific steps are to be taken to ensure that some schools are opened in the areas where Primitive Tribal Groups are residing and that quality education is provided in these schools so that parents may be motivated to send the children to these schools.**

Upgradation of Merit to SC/ST students (C.S.-100%)

4.75 The purpose of the scheme is to help SC/ST students studying in Class IX to XII by providing them extra coaching both remedial and special with a view to removing their social and educational deficiencies and facilitating their admission to professional courses such as Medical and Engineering etc. where entry is based on competitive examinations. The scheme is funded by Central Govt. on 100% basis. This scheme was transferred to the Ministry of Welfare by the Deptt. of Education (MHRD) in the middle of 1993-94. During 1995-96 and 1996-97 Rs.022 crore and Rs.08 crore have been released benefiting 884 and 280 SC/ST students respectively.

4.76 As reported by the Ministry of Welfare in the Annual Report 1996-97 only Five States namely Andhra Pradesh, Himachal Pradesh, Haryana, Orissa and Tripura availed of the financial assistance of the Ministry of Welfare for this schemes. Accordingly only Rs. 0.8 crores could be released to these States during 1996-97 against the budget outlay of Rs. 1 crore. Since the scheme is on 100% Central Assistance to States/UTs. To provide extra coaching, both remedial and special, with a view to remove the socio-economic deficiencies to provide professional courses for the SC/ST boys and girls, **Ministry of Welfare should take special efforts in consultation with the State and UT Admns. for meaningful implementation of the scheme, and for educational development of SC/ST boys and girls in professional courses where the target group could come out successful in competitive examination for better employment in the field of medicine and engineering etc. Commission observed that the Ministry has been implementing the scheme half heartedly. Hence it is recommended that all efforts should be made to make the scheme successful.**

Ashram Schools in TSP Areas (C.S.S.-50:50)

4.77 Centrally Sponsored Scheme of Ashram School was started during 1990-91 with the objective to extend educational facilities like residential schools for ST students in an environment conducive to learning. The scheme covers primary, secondary and senior secondary level of education. The funds under the scheme are shared by the Centre and the State on 50:50 basis to meet expenditure on construction of Ashram School buildings, hostels and Staff quarters while expenditure on maintenance is borne by the States/UTs. As against allocation of Rs.13.00 crores, during Eighth Plan Rs.10.76 crores has been released to the States/UTs for construction of 294 schools. During 1996-97 Rs 3.87 crores have been released for construction of 15 Ashram schools.

Vocational Training for Scheduled Castes and Scheduled Tribes (C.S.- 100%)

4.78 The main aim of this scheme is to develop the skills of the tribal youths in order to gain employment/self-employment opportunities. The scheme was introduced in 1992-93 as Central Sector Scheme and is being implemented through the State Govts. The capacity of the Vocational Training Centre is 50 with hostel facilities for 25 of them. The Centre should have a provision for training in 3 trades, the course of each trade having a duration of 4 months. At the end of one year's training the trainee is to be attached to master craftsman for a period of 3 months to sharpen his skills by practical experience. After this, the trainee is expected to emerge as a multi-skilled person capable of exploiting the existing employment potential to his/her best advantage. There are provisions of monthly stipend and grant for raw material for the trainees. During 1992-93 to 1995-96 Central Assistance amounting to Rs. 8.13 crores was released for setting up 60 Vocational Centres in various States. For the current year out of budget provision of Rs. 3.00 crores an amount of Rs 2.97 crores have been released during 1997 for construction of 13 centres.

4.79 The basic purpose of the scheme is to train the tribal youths so that he/she may be in a position to exploit the existing employment potential to his/her advantage. The importance of this scheme becomes all the more important as in some tribal areas the tribal youths are being allured to take up naxalite activities. This scheme would help the tribals to wean them away from terrorist activities. Vocational Training for Scheduled Castes is being imparted by various NGOs which are getting Grant-in-aid from the Ministry of Welfare. **The Commission recommend that the State Government should follow up the scheme to ensure that trained SC/ST candidates get gainful employment.**

Higher Education

4.80 It is a matter of satisfaction that Higher Education system in India has witnessed a steady growth since Independence. At the time of independence in 1947 there were only 20 Universities and 500 Colleges in the Country. At present there are 166 central/State Universities, 37 Deemed Universities, and 9278 Colleges. The enrolment of Students in Universities in higher education is estimated to be approximately 79.5 lakhs. In spite of this from higher level educational infrastructure it has been observed that the enrolment of SC/ST in different general, technical and non-technical is not satisfactory. The situation is alarming in technical and professional courses where most of the SC/ST seats remained unfilled. This issue was highlighted in the previous reports of the National Commission for the SC/ST. The specific issues relating to the problem of SC/ST and cause of their poor intake in different profession and non-professional courses are discussed in the subsequent paragraphs.

4.81 Enrolment figures for Scheduled Caste/Scheduled Tribe students at all courses of under-graduate, Post-graduate and Technical courses and Professional Courses during 1978-79 and 1995-96 are given in the following table.

Table-4.15

Year	No. of Students		
	Total	SC	ST
1978-79	25,43,449	1,80,058 (7.08%)	41,082 (1.62%)
1995-96	79,55,811	10,58,514 (23.31%)	3,57,477 (4.49%)

4.82 It can be seen from the above table that phenomenal growth has been registered in respect of enrolment in Under-graduate, Post-graduate and Technical and Professional courses during last

17 years which is 6 times in case of Scheduled Castes and 9 times in case of Scheduled Tribes as against 3 times increase in enrolment of general students in these courses. In spite of this growth Scheduled Caste students constitute 23.31% and Scheduled Tribes students constitute 4.49% of the total enrolment.

Enrolment of Scheduled Castes in higher education other than the professional Education.

4.83 During 1967-68 number of Scheduled Castes enrolled for higher education was 139000 during 1995 the number increased to 496 872 registering three times increase during the last 27 years.

4.84 From ANNEXURE-4.VIII it can be seen that highest number of enrolment of Scheduled Caste students has been registered in Maharashtra 108022 (21.74%), followed by Uttar Pradesh 69178 (13.92%). Tamil Nadu 44936 (9.04%), Andhra Pradesh 38174 (7.68%), Karnataka 38410 (7.63%), Gujarat 33779 (6.80%) and West Bengal 25117 (5.06%) have registered 9% to 5% enrolment. The States which have registered less than 1% Sch. Castes enrolment are Arunachal Pradesh, Goa, Jammu & Kashmir, Manipur, Meghalaya, Sikkim, Tripura, UT Dadra & Nagar Haveli, Daman & Diu and Pondicherry. **Thus State Govts./UT Adms. having less than 5% enrolment of Sch. Caste students should take appropriate measure so that Sch. Caste children get easy access to higher education.**

Enrolment of Scheduled Tribes in higher education other than professional education.

4.85 During 1967-68 number of Scheduled Tribes enrolled for higher education was 26000. During 1995 the number increased to 170239 registering 6 times increase during the last 27 years.

4.86 ANNEXURE-4.VIII depicts that highest number of enrolment of Scheduled Tribe children have been registered in Gujarat 33282 (19.55%), followed by Assam 23024 (13.52%) and Maharashtra 21203 (12.45%). Madhya Pradesh 14275 (8.39%), Bihar 11349 (6.67%), Karnataka 10393(6.10%), and Rajasthan 9677 (5.68%) have registered 8% to 5% enrolment. Kerala, Tamil Nadu, Uttar Pradesh, West Bengal, UT Andaman & Nikobar Islands, Dadra and Nagar Haveli, and Daman and Diu have registered less than 1% enrolment. **Thus the States and UT Admn. registering less than 5% enrolment of Sch. Tribe students in higher education and specially the states and UTs having more tribal population, should provide special coaching facilities to ST students. Better hostel and Schooling facilities at middle level in tribal areas will also facilitate the enrolment.**

Admission to Universities and Colleges

4.87 An SC and ST Cell was established in UGC during 1979. The Cell is supposed to collect basic information regarding course-wise admission and appointment of SC/ST candidates by reservation. There are 176 Universities and 39 Deemed Universities in India. Out of which information pertaining to 7 Central Universities and 22 Deemed Universities furnished by the UGC may be seen in ANNEXURE-4.IX. It can also be seen from the ANNEXURE-4.IX that in comparison to SC(16.33%) and ST (8.08%) population, except a few, in almost all the Universities representation of SC/ST students in non-professional and professional courses and in hostels is very low. Satisfactory representation in non-professional courses have been reported in case of SCs from Banaras Hindu University (14.78%), Viswa Bharati(17.6%) and Gandhigram Rural Institute (16.4%). The representation of Scheduled Castes have been informed as better in respect of professional courses of Deemed Universities are, Dayalbagh Educational Institute (20.7%), National Dairy Research Institute (17.1%) and Gandhigram Rural Institute (16.8%). As for representation of SCs in hostels, the University of Hyderabad (17.95%), Viswa Bharati (22.9%) and Tata Institute of Social Science; (20.1%), are in better position.

4.88 The position in respect of Scheduled Tribes shows that in non-professional courses except the University of Nagaland (98.1%), other Universities either have not informed the status of admission or the representations of Sch. Tribes have shown less than the ST population of (8.08%). In respect of professional courses NEHU (67.4%) only have shown good representation. Nagaland University (97.2%), NEHU (58.3%), Tata Institute of Social Sciences (8.0%) have reported fair representation of STs in hostels.

4.89 As discussed in the above paragraphs it is clear that enrolment of SC/ST in higher education in professional and other than professional courses is not very much encouraging. To remedy the situation we shall have to lay more stress at the primary, middle and secondary levels. There are plethora of schemes at the Central and the State levels but their implementation appears to be tardy in many respects. **It is, therefore, suggested that State Govts. /UT Admns. should lay more stress on primary to secondary level education so that talented students may be picked up and put up in the different technical and professional courses. The problem of non-availability of SC/ST trained personnel for different posts in colleges and other specialised institutions can be solved if we gear up our machinery at primary to secondary level.** Keeping this situation in mind the National Commission for SC/ST convened a meeting with the Vice Chancellor of Delhi University and Principals of Colleges in the month of January 1997 and reviewed the position of representations of SC/ST in teaching jobs and non-teaching posts. The Commission expressed its dissatisfaction about the representation of SCs/STs in different posts. While reviewing the position it is also observed that **Delhi University should follow the policy of reservation at admission stage and give encouragement and necessary coaching and financial help to SC/ST students so that they compete for the teaching position in the Universities.** This applies to other State/Central Universities in the country also. **The Commission also stressed that Universities and Colleges should set up SC/ST Cells as per Govt. of India directions for monitoring admission in hostels and providing coaching facilities and recruitment in teaching /non-teaching posts.**

4.90 In another important meeting which was convened with the Chairperson of UGC and Secretary, Deptt. of education, Ministry of HRD, the National Commission for SC/ST expressed anguish over the poor representation of SC/ST in teaching and non-teaching posts in different Universities and Colleges. **It was desired that UGC should review the representation of SCs/STs in various courses in different universities and stressed that UGC should collect information about the admission for the academic year 1996-97 and 1997-98 discipline-wise. It may be mentioned here that the UGC should also strengthen its Cell at the Headquarter and it should ensure that year wise data is collected regularly so that it may keep the policy planning mechanism at the Central and at the State level.**

Specific cases of harassment faced by SC/ST School students as reported to the Commission

4.91 Besides lack of facilities, the SC/ST students are also subjected to various types of harassment by the school authorities of different States. During the reporting years representations received in the Commission regarding various types of harassment in the educational institutions, 20(35%) pertain to harassment in schools. Types of harassment reported are:

4.92 Denial of admission in Class-I in a Delhi School on the ground that the school does not come under the locality where the students reside. A Scheduled Caste girl denied admission in Class-III by the Central School, Orissa on the pretext that there is no seat, similarly a SC boy was denied admission in Class-I by Kendriya Vidyalaya, Delhi. Another SC boy was denied admission in a private school in Lucknow in Class-I, and in Central School, Dehradun. There are

cases where SC parents wanted to admit their wards in better schools in Orissa, and Delhi but were denied admission. In one case one SC student who had passed CBSC(Xth) 1996 in 2nd Division was denied admission in XIth on the pretext he did not secure 50% marks in aggregate. One SC boy was refused admission in Class-XI in Kendriya Vidyalaya, Ajmer though he secured 80% marks in Class-X, in Military School. Another SC student of Delhi, unsuccessful in the compartment examination in the Year 1995-96 in Class-X, cleared all the subjects in the year 1995-96 itself, but denied admission in 11th Class in Kendriya Vidyalaya.

4.93 In case of two cases one SC student of UP was not disbursed scholarship in 10th Class because Distt. Social Welfare Deptt. did not release the amount till 1996, and in another case one SC girl of Rajasthan, inspite of approaching to the school authority before the last date for submission of application, denied permission for appearing in Pre-Matric Scholarship examination on the pretext that she should have come to school on the last date of submission of application. One ST student of MP denied scholarship in 11th and 12th class in the pretext that Govt. of India scholarship in MP had been stopped. In Rajasthan except SC girls all the girls studying in State Primary School, Jaipur were disbursed scholarship.

4.94 There are some representations which bring forth the irresponsible attitude of the school authorities and the administration such as labour welfare school in Tamil Nadu was reported to be closed since two months after summer vacation. It is alleged that school building is not maintained and repaired and the students have not been provided text books. Similarly an aided Higher Secondary School in Tamil Nadu is reported to be lacking basic facilities like class rooms, toilets, drinking water, laboratory, etc. Another glaring case of harassment by school authority is that a principal of a Girls' High School, Agra was reported to have transferred all the 400 SC students of her school to a distant school causing the girls lots of difficulties because of long distance of that school from their residences. Another example of personal bias is reported to be that the Principal of one Kendriya Vidyalaya in Deoti, UP did not permit one SC student of 10th Class to appear for Board Examination on the pretext that being weak he would not be able to pass High School Examination. Yet in another case one SC student was not issued school leaving certificate and demanded money for that. With Commission's intervention when he was issued the certificate, it was too late for him. Because of lapse of time the student was deprived of the job in the Army. National Open School was opened for facilitating working students for continuing studies. Previously the University was changing registration fee of Rs.20/- and examination fee Rs.25/- per subject. Presently registration fee has been raised to Rs.400 and examination fee Rs.50/- per subject. This has defeated the objective of opening of the National Open School. In Haryana one SC student submitted form in National Open School along with full fees. The authorities cancelled his application and informed him that his fees would be refunded but till date the school had not refunded his fees. In Champaran, Bihar SC teachers of Primary Schools have not been issued result of Primary Teachers' Training Examination 1995. As a result they are getting less pay paid to untrained teachers.

4.95 These are some of the negative aspects which have come to the notice of the Commission. There may be many more cases of harassment in the country which have not been reported. These factors also play a detrimental role in the development of better school education among SC/ST persons. **Therefore steps should be taken to curb the negative attitude of the school authorities and teachers.**

Harassment faced by Scheduled Caste and Scheduled Tribe College Students

4.96 Several representations have been received in the Commission during the reporting period pertaining to discriminations meted out by Colleges and Universities and some are discussed as

follows. It is noticed that in many cases college authorities do not abide by the instructions of Delhi University SC/ST Cell regarding admission of SC/ST students. As per rule the SC/ST students have to register their names in the SC/ST Cell established in Delhi University after passing out from schools. On the basis of marks, the Cell distributes the slip for admission in a particular college in the faculty of subject mentioned by them. On the basis of that slip the colleges are supposed to admit candidates in that college. But cases have been reported that colleges do not follow the procedure and SC/ST students are harassed and not given admission to the colleges for which admission slip was issued by the SC/ST Cell. Some cases are as follows:

4.97 One SC girl was allotted slip for admission in Mata Sundri College, Delhi in Ist year B.A. She was refused admission and harassed. Only after Commission's intervention she was given admission in that college. There was a news item reported in Rashtriya Sahara dated 24.6.96 in this regard. It is reported that many colleges in Delhi like St. Stephen's, Hindu, Shri Ram, and Ambedkar violated University rules. It is reported that even students who have secured 55% marks are denied admission. Some of the reasons offered by them were that one Scheduled Caste student did not have mathematics as one of the subject in 12th examination. In another case one SC student denied admission in B.Com. honours in Shri Ram College of Commerce on the pretext that the gap year is over. For Journalism course after entrance test is over 2700 SC/ST students were issued registration slip, against which 500 students were interviewed and 400 students could get admission at last.

4.98 Some cases have also been reported pertaining to violation of rules regarding relaxation of marks at the time of admission in professional schools and colleges. viz., it is reported that one SC student was denied admission in a Law School in A.P. on the basis of interview result. Eligibility condition of marks for law course was 50% marks in all the core subjects. She secured 48% marks. Still she had to appear in the test and ultimately was rejected. It is reported by one SC candidates that in A.P. UGC guidelines on relaxation of marks for Post-graduate SC/ST candidates appearing in State-NET and UGC-NET for pursuing research studies, are not observed.

4.99 In many States, College authorities also reported to have harassed SC/ST students in case of admission. For example one SC student had applied for B.Pharmacy in Delhi University in the year 1996-97 but denied admission without any cause. Only with the intervention of the Commission he got admission in B.Pharmacy course. There are cases where Scheduled Caste students faced harassment in case of readmission in colleges. In another case a SC student of Delhi denied admission in college and permission for appearing in next examination in May 1996 as he could not appear in the examination held in February, 1996 because of illness, another SC student of Maharashtra denied admission in LL.B as he could not produce T.C. of M.Sc. One SC candidate after securing 60% marks in 12th class examination denied admission in B.Sc(Hons.) Physical Therapy and B.Sc.(Hons.) Occupational Therapy by the Institute of Physically Handicapped, New Delhi. Another SC student inspite of passing test and interview was denied admission in Post-graduate Diploma course in JNU, Delhi without offering any reason. After intervention of the Commission, he was ultimately selected. Another SC student passed Plus Two Commerce '96 from CBSE, Delhi Board, with 72% aggregate marks. She applied for admission in +3 Commerce in Revanshaw College, Cuttack, but denied admission. One ST student was denied admission in B.Com (Hons.) course Hindu College, Delhi though he submitted all the informations required by the College. However, he ultimately got admission when the Commission took-up the case. It is reported that in West Bengal there is no reservation in the Master of Business Management Degree Course, in Jammu University no reservation is given in awarding doctoral fellowship/ research fellowship, Bihar Birla Institute of Technology do not observe reservation policy and denied admission of SC/ST student in their choice courses, in

Banaras Hindu University one SC student denied admission in Ph.D., Biology on the pretext that UGC Rules not to be implemented unless clear instructions are received from UGC regarding Science Courses.

4.100 In two cases in U.P. SC students of Diploma Course in Industrial Instrumentation had to pay Rs.1060/- instead of Rs.500/- and they were told that concession of fees for SC/ST had been stopped. One SC student of B.Tech. was not given scholarship by the B.R. Ambedkar Regional Engineering College, Jabalpur, one SC girls inspite of securing Ist Division in M.Pharma examination was not awarded research fellowship without any reason even though she applied for the same for three times. In one representation it is alleged that funds under Centrally Sponsored Scheme of Post-matric Scholarship are being misutilised in Bihar, in one representation it is alleged that one SC student of M.Phil in Central University, Hyderabad was sanctioned Rs.5000/- as merit scholarship in the year 1995 and a cheque was issued to him in this regard. Till date he has not received the scholarship amount. All India Federation of SC/ST and Ministries Employees Welfare Associations, Delhi have represented that revised rates of Post-matric Scholarship Scheme are not implemented.

4.101 A case of non-implementation of reservation policy in M.Phil. and Ph.D courses by Delhi University was brought to the notice of the Commission. Some SC student who had passed M.A. in Hindi had applied for M. Phil. course in Hindi in the North Campus. As per UGC guidelines, reservation for SCs and STs has to be provided in all courses at all levels. Accordingly, out of 30 seats for M. Phil (Hindi) course 5 seats were to be reserved for SC and two seats were to be reserved for ST candidates but the Head of Department of Hindi in Delhi University is reported to have given to admission to 3 SC students only. This appears to be a clear case of violation of reservation policy meant for SCs & STs. **The Commission urges that Delhi University should review the decision of the Academic Council at the earliest and provide reservation in M. Phil/ Ph.D courses at the earliest. Other Central Universities should also follow the guidelines regarding the reservation in admission in M.Phil. courses in letter and spirit.**

4.102 It is reported that Ambedkar Delhi hostel established in 1984 for SC/ST do not provide facilities for SC/ST and hostel fund is being mis-appropriated. It is alleged that he was not issued T.C. as he could not deposit the donation the donation amount of Rs.4000/- demanded by the College. In a similar case in West Bengal a Scheduled Caste was student denied permission to appear in subsequent examination and when applied for re-admission in Hotel Management Course denied admission. In College of Business Study, Delhi University, all the 45 SC/ST students were not issued admit card and it is alleged that the principal of the college out of biased attitude failed all the candidates, this type of discrimination in awarding marks has been alleged against examiners of Punjab University, and in Rajasthan also.

4.103 It is observed that many Universities do not follow the UGC guidelines regarding relaxation and facilities to be provided to the SC/ST students. It is also important on the part of the Universities and Professional Institutions that they strictly follow the various guidelines of UGC issued from time to time. This would help in raising the educational standard of the backward class students as well as minimise their harassment. **Commission suggests that a National Level Survey should be made on the implementation of higher educational facilities provided to SC/ST students and the working of the Universities during Ninth Plan, ensuing that the Universities adhere to the reservation guidelines.**

Summary of major recommendations:

4.104 Following recommendations are made with regard to the education sector:

School Education

1. The linkages between schools, anganwadis and health care programmes and facilities should be established. Anganwadis, if located next to the schools can function as crèche and also after-care centre for school going children. Such a support system will enable women to leave siblings and school going children while going to work themselves. It will help enrolment and also reduce the incidence of drop-out.
2. Primary Schools should be opened on priority in the tribal areas to provide facility in each village. The construction of school buildings should be undertaken on a priority basis from the normal funds for education, as well as under the Jawahar Rozgar Yojana, Tribal Welfare Schemes, etc.
3. Residential Schools (middle and above levels) including Ashram Schools should be provided at block levels and hostels should be established in urban towns and cities where facilities for higher and professional education are available. Adult literacy classes should also preferably be started in these schools for better interaction with the parents.

Higher Education

4. Scholarships for higher education for technical professional courses should be provided. Sometime it is found that in some states Post-Matric Scholarships given is less than the amount of Pre-Matric Scholarships. Therefore it is suggested that State Govts. should utilise matching grants where funds are inadequate. Since committed liabilities are not met by the State Govts. due to financial constraint and Central Govt. is not providing funds due to strict financial discipline imposed by the Ministry of Finance and Welfare, Scheduled Caste and Scheduled Tribe boys and girls are facing hardship due to non-payment of scholarship amount under Post Matric and Pre Matric Scholarship Schemes. **Commission therefore recommends that States should get their full requirement of Non-Plan funds for Post- Matric Scholarships and Pre-Matric Scholarships to Children of Those Engaged in Unclean Occupation as a part of Finance Commission Award. If, States are not able to meet the requirement from Non-Plan side the Central Govt. may continue to release funds under these schemes to protect the interest of Scheduled Castes and Scheduled Tribes for their educational developments.**

5. The States and UT Admn. registering less than five percent enrolment of SC/ST students in Higher Education and specially the States and UTs. having more SCs/STs population, should provide special coaching facilities to SC/ST students. Better hostel and schooling facilities at middle level in tribal areas will also facilitate the enrolment. The Commission recommends that a National Level Survey should be made on the implementation of higher educational facilities provided to SC/ST students and the working of the Universities during Ninth Plan, ensuring that the Universities adhere to the reservation guidelines.

Educational and Vocational Training

6. Greater emphasis should be given to Vocational Training and skill development simultaneously from 10+2 standard onwards to open up further job opportunities for SCs/STs.

Existing job opportunities as well as future potential jobs needs to be identified and skill imparted to the students belonging to the SC/ST in vocations that provide employment opportunities. The SC/ST students should also be given concession in fee as well as reservation in special and super-specialised courses so that they can avail of the facilities in serving in the modern technical fields.

Girls Education and Hostels

7. For improving the enrolment of girls, incentives for girls education may be introduced by State Government by providing facilities for care of both the siblings and school going children until the evening.

8. It is found that in many states hostels for girls are very less in number. And where there were hostels, facilities in the hostels are found to be very poor. Hence efforts should be made for submission of proposal to the Ministry of Welfare to get the matching central assistance in time so that State/UT Admn. may take adequate steps for proper maintenance of the hostel buildings and provide adequate facilities conducive to education.

APPENDIX-4.1

(Ref. para-4.7)

LITERACY RATES - 1991

S.No	State/Union Territory	Total			Scheduled Castes			Scheduled Tribes		
		Person	Male	Female	Person	Male	Female	Person	Male	Female
1	Andhra Pradesh	44.09	55.13	32.72	31.59	41.88	20.92	17.16	25.25	8.68
2	Arunanchal pradesh	41.59	51.45	29.69	57.27	66.25	41.42	34.45	44.00	24.94
3	Assam	52.89	61.87	43.03	53.94	63.88	42.99	49.16	58.93	38.98
4	Bihar	38.48	52.49	22.89	19.49	30.64	7.07	26.78	38.40	14.75
5	Goa	75.51	83.64	67.09	58.73	69.55	47.51	42.91	54.43	29.01
6	Gujarat	61.29	73.13	48.64	61.07	75.47	45.54	36.45	48.25	24.20
7	Haryana	55.85	69.10	40.47	39.22	52.06	24.15	-	-	-
8	Himachal Pradesh	63.86	75.36	52.17	53.20	64.98	41.02	47.09	62.74	31.18
9	Jammu & Kashmir	-	-	-	-	-	-	-	-	-
10	Karnataka	56.04	67.26	44.34	38.06	49.69	25.95	36.01	47.95	23.57
11	Kerala	89.81	93.62	86.17	79.66	85.22	74.31	57.22	63.38	51.07
12	Madhya Pradesh	44.20	58.42	28.85	35.08	50.51	18.11	21.54	32.16	10.73
13	Maharashtra	64.87	76.56	52.32	56.46	70.45	41.59	36.79	49.09	24.03
14	Manipur	59.89	71.63	47.60	56.44	65.28	47.41	53.63	62.39	44.48
15	Meghalaya	49.10	53.12	44.85	44.27	54.56	31.19	46.71	49.78	43.63
16	Mizoram	82.27	85.61	78.60	77.92	77.54	81.25	82.71	86.66	78.70
17	Nagaland	61.65	67.62	54.75	-	-	-	60.59	66.27	54.51
18	Orissa	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.21
19	Punjab	58.51	65.66	50.41	41.09	49.82	31.03	-	-	-
20	Rajasthan	38.55	54.99	20.44	26.29	42.38	8.31	19.44	33.29	4.42
21	Sikkim	56.94	65.74	46.69	51.03	58.69	42.77	59.01	66.80	50.37
22	Tamil Nadu	62.66	73.75	51.33	46.74	58.36	34.89	27.89	35.25	20.23
23	Tripura	60.44	70.58	49.65	56.66	67.25	45.45	40.37	52.88	27.34
24	Uttar Pradesh	41.60	55.73	25.31	26.85	40.80	10.69	35.70	49.95	19.86
25	West Bengal	57.70	67.81	46.56	42.21	54.55	28.87	27.78	40.07	14.98
26	A & N Islands	73.02	78.99	65.46	-	-	-	56.62	64.16	48.74
27	Chandigarh	77.81	82.04	72.34	55.44	64.74	43.54	-	-	-
28	D & N Haveli	40.71	53.56	26.98	77.64	88.03	66.61	28.21	40.75	15.94
29	Daman & diu	71.20	82.66	59.40	79.18	91.85	67.62	52.91	63.58	41.49
30	Delhi	75.29	82.01	66.99	57.60	68.77	43.82	-	-	-
31	Lakshadweep	81.78	90.18	72.89	-	-	-	80.58	89.50	71.72
32	Pondicherry	74.74	83.68	65.63	56.26	66.10	46.28	-	-	-
INDIA		52.21	64.13	39.29	37.41	49.91	23.76	29.60	40.65	18.19

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

ANNEXURE-4.I
(Ref. para-4.11)

State/UT wise literacy rate Scheduled Castes during 1961,1971,1981 & 1991

S.No	State/UT	1961	1971	1981	1991
1	Andhra Pradesh	8.47	10.66	17.64	31.59
2	Arunachal Pradesh	NA	36.28	37.14	57.27
3	Assam	24.41	25.79	NA	53.94
4	Goa	NA	-	-	58.73
5	Bihar	5.96	6.53	10.4	19.49
6	Gujarat	22.46	27.69	39.78	61.07
7	Haryana	NA	12.6	20.14	39.22
8	Himachal Pradesh	8.47	18.82	21.5	53.2
9	Karnataka	NA	13.89	20.59	38.06
10	Kerala	24.44	40.21	55.96	79.66
11	Madhya Pradesh	7.89	12.49	18.97	35.08
12	Maharashtra	15.78	25.27	35.56	56.46
13	Manipur	22.37	26.44	33.63	56.44
14	Meghalaya	NA	25.66	25.78	44.27
15	Mizoram	0		84.44	77.92
16	Nagaland				
17	Orissa	11.57	15.61	22.41	36.78
18	Punjab	9.64	16.12	23.66	41.09
19	Rajasthan	6.44	9.14	14.04	26.29
20	Sikkim	NA	17.42	28.06	51.03
21	Tamil Nadu	14.66	21.82	29.67	46.74
22	Tripura	13.42	20.51	33.89	56.66
23	Uttar Pradesh	7.14	10.2	14.96	26.85
24	West Bengal	13.58	17.8	24.37	42.29
25	Andaman & Nicobar				
26	Chandigarh	NA	24.38	30.07	55.94
27	Dadra & Nagar Haveli	26.6	33.18	51.2	77.64
28	Delhi	20.86	28.15	39.3	57.6
29	Goa, Daman & Diu	NA	26.14	38.38	79.18
30	Lakshadweep				
31	Pondicherry	11.11	18.17	32.36	56.26

ANNEXURE-4.II
(Ref. para-4.11)

State /UT wise literacy rate of Scheduled tribes during 1961,1971,1981 & 1991

S.No.	State/UT	1961	1971	1981	1991
1	Andhra Pradesh	4.41	5.33	7.82	17.16
2	Arunachal Pradesh		5.2	14.04	34.45
3	Assam	23.58	26.02	NA	49.16
4	Bihar	9.16	11.64	16.99	26.78
5	Goa				42.91
6	Gujarat	11.69	14.12	21.14	36.45
7	Haryana				
8	Himachal Pradesh	8.63	15.89	25.93	47.09
9	Jammu & Kashmir				
10	Karnataka	8.15	14.85	20.14	36.01
11	Kerala	17.26	25.72	31.79	57.22
12	Madhya Pradesh	5.1	7.62	10.68	21.54
13	Maharashtra	7.21	11.74	22.29	36.79
14	Manipur	27.25	28.71	39.74	53.63
15	Meghalaya	NA	26.45	31.56	46.71
16	Mizoram			59.63	82.71
17	Nagaland	14.76	24.01	40.31	60.59
18	Orissa	7.36	9.46	13.96	22.31
19	Punjab				
20	Rajasthan	3.97	6.47	10.27	19.44
21	Sikkim			33.13	59.01
22	Tamil Nadu	5.91	9.02	20.46	27.89
23	Tripura	10.01	15.03	23.07	40.37
24	Uttar Pradesh	NA	14.49	20.45	35.7
25	West Bengal	6.55	8.92	13.21	27.78
26	Andaman & Nicobar	11.1	17.85	31.11	56.62
27	Chandigarh				
28	Dadra & Nagar Haveli	4.4	8.9	16.66	28.21
29	Daman & Diu	NA	12.73	26.48	52.91
30	Delhi				
31	Lakshadweep	22.27	41.37	53.13	80.58
32	Pondicherry				

ANNEXURE-4.III
(Ref.Para-4.16)

State/UT wise Female literacy amongst Sch. castes and Sch. Tribes during 1961,1971,1981 & 1991

S.No.	State/UT	SC				ST			
		1961	1971	1981	1991	1961	1971	1981	1991
1	2	3	4	5	6	7	8	9	10
1	Andhra Pradesh	3.4	7.42	10.26	20.92	1.48	2.13	3.46	8.68
2	Arunachal Pradesh		18.01	22.38	41.42		1.7	7.31	24.94
3	Assam	16.09	15.74		42.99	15.72	17.16		38.98
4	Bihar	0.92	10.32	2.51	7.07	3.18	4.85	7.75	14.75
5	Goa				47.51				29.01
6	Gujarat	10.72	14.95	25.61	45.54	4.09	6.15	19.64	24.20
7	Haryana		3.09	7.06	24.15				
8	Himachal Pradesh	1.97	9.74	20.63	41.02	1.75	5.53	12.82	31.18
9	Jammu & Kashmir	1.09	4.18	11.7	-				
10	Karnataka	3.04		11.55	25.95	2.81	7.67	10.03	23.57
11	Kerala	17.38	33.43	49.73	74.31	11.92	19.4	26.02	51.07
12	Madhya Pradesh	1.33	3.88	6.87	18.11	0.97	2.18	3.6	10.73
13	Maharashtra	5.7	12.85	21.53	41.59	1.75	4.21	11.94	24.03
14	Manipur	12.19	12.96	24.95	47.41	17.67	18.87	30.35	44.48
15	Meghalaya		11.91	16.3	31.19		22.79	28.91	43.63
16	Mizoram			53.33	81.25			55.12	78.7
17	Nagaland	19.57			-	10.57	18.65	32.99	54.51
18	Orissa	3.44	5.17	9.4	20.74	1.77	2.58	4.76	10.21
19	Punjab	2.16	8.16	15.67	31.03				
20	Rajasthan	0.78	1.25	2.69	8.31	0.28	0.49	1.2	4.42
21	Tamil Nadu	5.69	11.38	18.47	34.89	2.73	4.48	14	20.23
22	Sikkim		9.65	19.65	42.77			22.37	50.37
23	Tripura	4.1	10.06	23.24	45.45	2.31	5.76	12.27	27.34
24	Uttar Pradesh	1.14	2.46	3.9	10.69		10.70	8.69	19.86
25	West Bengal	4.61	9.13	13.7	28.87	1.76	3.09	5.01	14.98
26	Andaman & Nicobar Island					6.45	11.01	23.24	48.74
27	Chandigarh		1.21	25.31	43.54				
28	Dadra & Ngr Haveli	20.14	24.43	44.47	66.61	0.41	7.84	8.42	15.94
29	Goa,Daman & Diu		17.38	27.84	67.62		35.09	18.89	41.49
30	Delhi	6.80	14.32	25.89	43.82				
31	Lakshadweep					10.61	28.94	42.92	71.72
32	Pondicherry	4.38	9.6	21.21	46.28				
India		3.29		1.93	23.76	3.16		8.04	18.19

Drop-out rates of Scheduled Castes-1990-91

	Drop-out rate at Primary stage			Drop-out rate at Middle stage			Drop-out rate at Secondary stage		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1 Andhra Pradesh	62.41	67.76	64.72	79.39	86.89	82.63	84	88.63	86
2 Arunachal Pradesh									
3 Assam	48.85	56.8	52.27	65.9	65.18	65.58	63.38	61.09	62.42
4 Bihar	67.53	72.52	69.94	83.63	88.63	84.97	88.12	93.15	89.39
5 Goa	53.67	51.72	52.81	68.07	73.3	70.42	78.06	84.49	81.07
6 Gujarat	23.05	44.17	32.46	52.35	70.37	60.05	65.19	79.26	71.29
7 Haryana	30.62	41.65	36.01	52.31	70.65	59.64	73.4	86.86	78.12
8 Himachal Pradesh	39.1	40	39.5	42.04	50.33	45.64	62.85	74.3	67.78
9 Jammu & Kashmir	24.5	25.3	24.86	34.67	28.43	32.33	77.68	81.63	79.09
10 Karnataka	48.78	57.11	52.54	61.93	80.03	70.99	70.31	81.34	75.03
11 Kerala	2.91	5.04	3.94	9.92	7.83	8.91	54.01	47.93	51.05
12 Madhya Pradesh	33.44	53.08	41.17	58.87	78.44	65.62	51.87	85.28	61.58
13 Maharashtra	35.3	48.92	41.73	52.17	68.43	59.66	65.84	79.4	71.96
14 Manipur	79.8	82.87	81.33	84.29	85.96	85.14	81.31	82.07	81.7
15 Meghalaya	20.86	15	17.96	69.59	71.81	70.62	18.52	43.08	30.57
16 Mizoram									
17 Nagaland									
18 Orissa	57.42	57.32	57.36	74	81.24	76.75	78.48	86.47	81.54
19 Punjab	36.43	41.53	38.72	60.9	69.35	64.66	75.82	83.66	79.34
20 Rajasthan	63.22	71.07	66.02	72.12	85.46	74.99	79.97	81.82	82.07
21 Sikkim	96.91	67.86	94.76	86.72	85.85	86.33	91.99	90.93	91.51
22 Tamil Nadu	23.14	29.57	26.16	49.03	50.83	19.85	73.39	82.33	77.32
23 Tripura	56.92	61.63	59.1	72.06	79.14	75.38	85.39	89.58	87.29
24 Uttar Pradesh	30.7	57.41	40.06	59	69.88	61.76	68.22	84.58	72.2
25 West Bengal	59.3	63.71	61.03	74.66	84.92	79.26	88.15	89.83	88.81
26 Andaman & Nicobar									
27 Chandigarh	16.33	36.39	25.02	99.58	24.14	60.97	25.49	17.97	21.9
28 Dadra & Nagar Haveli	45.9	52.94	49.61	16.67	10.34	5.63	44.9	34.15	40
29 Daman & Diu									
30 Delhi	50.8	55.17	52.82	44.96	53.33	48.81	58.98	73.39	65.36
31 Lakshadweep									
32 Pondicherry					25.49	14.23	74.3	83.38	77.65
INDIA	46.27	53.86	49.35	64.34	73.24	7.77	74.3	83.38	77.65

ANNEXURE-4.V

(Ref. para-4.31)

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

S.No	State /UT	Class(I-V) 1995-96			Class (VI-VIII) 1995-96		
		S.C.	S.T.	General	S.C.	S.T.	General
1	Andhra Pradesh	131.4	122.96	94.9	55.08	34.6	47.7
2	Arunachal Pradesh	26.2	116.26	110	17	48.9	53.3
3	Assam	248.5	184.18	128.8	176.16	104.7	79.1
4	Bihar	77.8	77.4	75.1	26.62	28.34	35.3
5	Goa	40.4	12.38	95.1	62.79	16.1	89.6
6	Gujarat	182.9	140.91	81.1	97.32	55.3	71.6
7	Haryana	107		85.6	57.36		64.2
8	Himachal Pradesh	45.4	101.09	110.8	76.8	66.4	101.8
9	Jammu & Kashmir	90.6		81.2	70.34		60.5
10	Karnataka	148.5	149.52	127.4	70.04	65	92.6
11	Kerala	105	121.32	96.9	116.46	100.4	103.3
12	Madhya Pradesh	112.2	77.18	101.4	59.19	31.4	68.4
13	Maharashtra	263.3	129.71	122.9	159.53	56.5	85
14	Manipur	165	125.38	96.4	92.86	67.9	66.4
15	Meghalaya		111.86	114.4		47.2	48.6
16	Mizoram		125.02	118.1		71	67.4
17	Nagaland		151.62	127.3		61.7	51.9
18	Orissa	123.7	89.64	95.6	57.29	32.9	56.2
19	Punjab	132.4		91.5	72.65		69.7
20	Rajasthan	85.5	86.84	103.4	50.93	51.7	56.9
21	Sikkim	108.4	100.35	40.6	47	43.4	50.7
22	Tamil Nadu	165.6	132.15	152.6	98.34	66	109.1
23	Tripura	145.7	143.95	123.5	65.01	50.9	62
24	Uttar Pradesh	68.8	82.54	89.1	35.7	41	54.7
25	West Bengal	123.5	123.09	125.5	70.59	76.8	97.2
26	Andaman & Nicobar		48.47	72.9		42.3	71.1
27	Chandigarh	87.3		38.2	68.83		35.6
28	Dadra & Nagar Haveli	79.6	116.02	112.7	96	44.9	50.6
29	Daman & Diu			90.8			83.7
30	Delhi	87		72.1	70.83		69.3
31	Lakshadweep		136.14	125.3		104	96.6
32	Pondicherry	154.4		124.5	157.03		111.3
INDIA		111.91	113.03	104.3	61.33	50.04	67.6

Drop-out rates of Scheduled Tribes -1990-91

S.No	STATE/ U.T.	Drop-out rate at Primary stage			Drop-out rate at Middle stage			Drop-out rate at Secondary stage			
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	
1	Andhra Pradesh	66.65	71.95	68.64	85.6	90.92	87.57	90.1	93.3	91.29	
2	Arunachal Pradesh	62.21	58.19	60.71	77.67	77.81	77.72	80.32	87.44	82.93	
3	Assam	65.13	67.1	66	72.15	74.95	73.34	72.11	75.76	73.66	
4	Bihar	70.96	71.8	71.26	85.12	86.81	85.71	90.72	92.37	90.99	
5	Goa										
6	Gujarat	53.98	66.51	59.39	75.35	83.26	78.66	84.59	88.9	86.39	
7	Haryana										
8	Himachal Pradesh	37.4	35.76	36.74	38.51	51.88	43.75	61.94	65.96	63.39	
9	Jammu & Kashmir										
10	Karnataka	55.24	78.71	56.71	41.46	66.7	54.17	66.45	74.56	69.89	
11	Kerala	9.26	17.22	13.16	34.82	35.85	35.31	68.25	64.11	66.3	
12	Madhya Pradesh	31	52.27	38.59	67.52	84.47	75.98	81.61	91.79	85.66	
13	Maharashtra	56.24	63.88	59.48	70.86	80.25	74.84	80.62	88.19	83.71	
14	Manipur	77.96	78.8	78.34	84.76	85.82	85.25	85.13	87.18	85.94	
15	Meghalaya	68	67.95	67.98	78.95	85.14	81.87	71.5	70.96	71.25	
16	Mizoram	57.91	58.37	58.13	76.75	53.81	55.31	45.08	42.29	44.03	
17	Nagaland	45.83	49.23	47.47	61.93	57.95	60.09	75.04	73.56	74.42	
18	Orissa	78.03	74.14	76.81	84.39	86.05	84.94	86.84	91.86	88.56	
19	Punjab										
20	Rajasthan	73.01	84.2	75.92	76.83	89.97	79.6	79.8	91.67	81.61	
21	Sikkim	68.22	54.97	62.81	81.6	73.36	78.1	88.09	85.97	87.18	
22	Tamil Nadu	37.82	50.55	43.71	51.48	50.89	51.24	62.83	71.4	66.4	
23	Tripura	70.78	73.72	72.03	84.23	86.88	85.34	91.01	94.3	92.37	
24	Uttar Pradesh	15.81	64.42	37.31	47.61	74.09	55.47	44.41	77.85	54.06	
25	West Bengal	62.47	69.68	65.07	81.97	88.52	84.2	92.22	92.42	92.28	
26	Andaman & Nicobar	7.67	17.1	12.09	35.54	30.3	33.2	64.8	64.21	64.54	
27	Chandigarh										
28	Dadra & Nagar Haveli	35.79	63.57	48.36	62.31	74.51	67.26	89.19	91	87.09	
29	Daman & Diu										
30	Delhi										
31	Lakshadweep			10	7.64	29.66	44.92	37.07	69.69	78.12	73.72
32	Pondicherry										
INDIA		60.28	66.14	62.52	75.67	82.19	78.57	83.34	87.71	85.01	

ANNEXURE-4.VII
(Ref. Para 4.40)

No.11017/1/92-SCH.CELL
GOVERNMENT OF INDIA/ BHARAT SARKAR
MINISTRY OF WELFARE/ KALYAN MANTRALAYA

New Delhi dated 14th February, 1996

To

All State Govts. and UT Admns.

Sub: Centrally Sponsored Scheme of Post-Matric Scholarship to students belonging to Scheduled Castes and Scheduled Tribes revision of maintenance allowance rates, income ceilings, study tour charges etc. implementation of revisions in the scheme with effect from 1.10.1995.

Sir/Madam

I am directed to say that the question of revisions in the existing maintenance allowance rates, income ceilings, study tour charges, relaxation of restrictive clause for girls and provision of allowance to students pursuing correspondence courses including distance and continuing education under the scheme was under consideration of the Government of India for quite some time.

2. The Government of India have now decided on the following revisions which will come into force w.e.f. 1st October, 1995 repeat 1st October, 1995.

Revision in maintenance allowance rates:

The following table shows the existing vis-a-vis the revised maintenance allowance rates:-

(Rs. per month)

Course/Group	Existing maintenance allowance rates		Revised maintenance allowance rates	
	Hostellers	Day Scholars	Hostellers	Day Scholars
(1)	(2)	(3)	(4)	(5)
A*	280	125	425	190
B*	190	125	290	190
C*	190	125	290	190
D*	175	90	230	120
E*	115	65	150	90

II. Revision of Income Ceiling for eligibility (per annum)

The following table shows the existing and revised income ceilings:-

Income ceiling limit of parents/guardians(per annum)			Scholarship eligibility towards maintenance allowance and fees	
Existing		Revised		
Rs.18000		Rs.33400		Full maintenance allowance and full fees
Rs.24000		Rs.44500	(i)	Full maintenance allowance and full fees for courses in Group 'A'
			(ii)	Half maintenance allowance and full fees for courses in Groups 'B', 'C', 'D' and 'E'

The revised income ceiling account for Consumer Price Index for Industrial Workers upto October, 1995.

Government of India have also decided to have revision of income ceiling once in every two years and to link it with Consumer Price Index for Industrial Workers.

III. Relaxation of Restrictive Clause of providing benefits of the scheme to two children of same parents/guardians, in case of girls.

At present only two children of same parents/guardians can get benefits of the scheme if otherwise eligible. This condition has been relaxed for girls and now any number of girls of the same parents/guardians can get benefits of the scheme.

IV. Revision of Study Tour Charges

The existing amount of upto Rs. 100/- per annum towards required study tours has been raised upto Rs.500/- per annum.

V. Provision of Allowance for books to students pursuing correspondence course including distance and continuing education, besides existing reimbursement of compulsory course fees.

The book allowance of Rs. 500/- per annum will now be provided with effect from 1.10.1995 besides existing compulsory course fee to students pursuing correspondence courses including distance and continuing education.

3. The State Government/Union Territory Administrations are accordingly requested to take immediate necessary action to implement the above decisions. The revised proposals towards receiving Central Assistance during 1995-96 (w.e.f. 1.10.1995) on account of above decisions, may be very urgently furnished to this Ministry, after making adjustment to the extent of Central Assistance already received during 1995-96.

4. The State Government/Union Territory Administrations are also requested to give wide publicity to the above decisions through various media-outfits and through State and District Administrations including various academic institutions.

Yours faithfully

sd/-

(Dr. R.K. Shrivastava)
Director(SCD)

ANNEXURE-4.VIII
(Ref. para-4.84)

Enrolment rates in the Higher Education as on 30th Sept. 1995

S.No	State /UT	General	Scheduled Caste	Scheduled Tribes
1	Andhra Pradesh	354144 (6.40)	38174 (7.68)	7076 (4.16)
2	Arunachal Pradesh	3703 (0.07)	49 (0.01)	2838 (1.67)
3	Assam	176945 (1.39)	16020 (3.22)	23024 (13.52)
4	Bihar	533940 (9.65)	18896 (3.80)	11349 (6.67)
5	Goa	16034 (0.29)	71 (0.01)	2 (0.00)
6	Gujarat	397022 (7.18)	33779 (6.80)	33282 (19.55)
7	Haryana	109118 (1.97)	7145 (1.44)	0 (0)
8	Himachal Pradesh	53480 (0.97)	5448 (1.10)	1978 (1.16)
9	Jammu & Kashmir	44087 (0.80)	1375 (0.28)	0 (0)
10	Karnataka	421071 (7.61)	38410 (7.63)	10393 (6.10)
11	Kerala	165438 (2.99)	15473 (3.11)	354 (0.21)
12	Madhya Pradesh	258120 (4.67)	21397 (4.31)	14275 (8.39)
13	Maharashtra	963633 (17.42)	108022 (21.74)	21203 (12.45)
14	Manipur	21893 (0.40)	1564 (0.31)	3013 (1.77)
15	Meghalaya	11617 (0.21)	343 (0.07)	7568 (4.45)
16	Mizoram	5714 (0.10)	0 0	5675 (3.33)
17	Nagaland	5576 (0.10)	0 0	5055 (2.97)
18	Orissa	133562 (2.41)	9284 (1.87)	6665 (3.92)
19	Punjab	157126 (2.84)	15785 (3.18)	10 (0.01)
20	Rajasthan	135293 (2.45)	14574 (2.93)	9677 (5.68)
21	Sikkim	1445 (0.03)	49 (0.01)	275 (0.16)
22	Tamil Nadu	354745 (6.41)	44936 (9.04)	1755 (1.03)
23	Tripura	13144 (0.24)	1897 (0.38)	860 (0.51)
24	Uttar Pradesh	704259 (12.73)	69178 (13.92)	1882 (1.11)
25	West Bengal	330994 (5.98)	25117 (5.06)	1059 (0.62)
26	Andaman & Nicobar	2014 (0.04)	0 0	64 (0.04)
27	Chandigarh	11554 (0.21)	308 (0.06)	113 (0.07)
28	Dadra & Nagar Haveli	0 0	0 0	0 0
29	Daman & Diu	671 (0.01)	35 (0.01)	121 (0.07)
30	Delhi	137410 (2.48)	8298 (1.67)	673 (0.40)
31	Lakshadweep	0 0	0 0	0 0
32	Pondicherry	9246 (0.17)	1245 (0.25)	0 0
	INDIA	5532998 (100)	496872 (100)	170239 (100)

Source: Ministry of Human Resource Development Deptt. of Education: 1996-97

ANNEXURE-4.IX
(Ref. para-4.87)

State-wise status of Admission of SC/ST person in Central Universities and Deemed Universities during 1996-97

S. No	Name of State/University		Non-Professional	Professional	No. of Students in hostel
Central Universities					
1	Andhra Pradesh				
	1 Univ. of Hyderabad	Total	NA	NA	1443
		SC	NA	NA	259(17.95)
		ST	NA	NA	75(5.20)
2	Assam				
	2 Assam University	Total	648	--	-
		SC	50(7.7)	-	-
		ST	3(0.5)	-	-
	3 Tejpur University	Total	34	93	75
		SC	1(2.9)	7(7.5)	2(2.7)
		ST	1(2.9)	1(1.1)	2(2.7)
3	Delhi				
	4 Delhi University	Total	NA	NA	-
		SC	4242 (NA)	546(NA)	-
		ST	831(NA)	165(NA)	-
	5 Jamia Millia	Total	3102	2639	
		SC	58(1.87)	339(12.81)	
		ST	13(0.48)	96(3.64)	
4	Nagaland				
	6 Nagaland University	Total	161		36
		SC	1(0.6)		1(2.8)
		ST	158		35(97.2)
5	Pondicherry				
	7 Pondicherry University	Total	1217		458
		SC	158(13)		62(13.5)
		ST	8(0.7)		7(1.5)
6	Uttar Pradesh				
	8 Aligrah Muslim University	Total	5385	1722	13569
		SC	66(1.23)	14(0.8)	28(0.21)
		ST			01(0.07)

9 Banaras Hindu University	Total	4926	2423	NA
	SC	728(14.78)	230(9.48)	NA
	ST	71(1.44)	51(2.10)	NA
7 West Bengal				
10 Visva Bharati	Total	738	750	499
	SC	130(17.6)	103(13.6)	114(22.9)
	ST	26(3.5)	23(3.1)	20(4.0)
11 Jawahar Lal Nehru Univ.	Total	1345		2615
	SC	151(11.23)		205(7.80)
	ST	90(6.68)		119(4.55)
8 Meghalaya				
12. N.E.H.U	Total	17222	2051	412
	SC	385(2.2)	14(0.7)	10(2.4)
	ST	14647(85.1)	1383(67.4)	240(58.3)

Deemed Universities

1 Andhra Pradesh					
	1 C.I.E. & F.L.	Total	NA	NA	87
		SC	NA	NA	2(2.3)
ST		NA	NA	1(1.2)	
2.Sh. Satya Sai Instt. of Higher learning	Total	281	70	1112	
	SC	4(1.4)		Residential type University	
	ST	1(0.4)		All are provided accommodation	
3 Rashtriya sanskrit Vidyapith	Total	NA	NA	212	
	SC	NA	NA	5(2.4)	
	ST	NA	NA	10(4.7)	
2 Delhi					
4 Jamia Hamdard	Total	53	178	500	
	SC	1(1.9)	5(2.8)	11(2.2)	
	ST		1(0.6)	2(0.4)	
5 Sh. Lal Bahadur Shastri Rashtriya Sanskrit	Total	NA	NA	90	
	SC	NA	NA	-	
	ST	NA	NA	-	
3 Uttar Pradesh					
6.Dayalbagh Educational Instt	Total	588	464	229	
	SC	71(12.1)	96(20.7)	14(6.1)	
	ST	1(0.2)	5(1.1)	2(0.9)	

	7. Forest Research Instt.	Total	-	23	53
		SC	-	-	-
		ST	-	-	-
4	Bihar				
	8 Birla Instt. of Tech. Ranchi	Total	74	5.9	Residential
		SC	2(2.7)	20(4.0)	Type
		ST	4(5.4)	14(2.8)	
	9. Indian Instt. Of Mines	Total	24	266	606
		SC	-	36(13.5)	73(12.0)
		ST	-	20(7.5)	49(7.9)
5	Haryana				
	10. National Diary Research Instt.	Total	-	105	257
		SC	-	18(17.1)	18(12.7)
		ST	-	4(3.8)	4(1.6)
6	Karnataka				
	11. National Instt. of Mental Health & Neuro-Sciences	Total	-	70	71
		SC	-	8(11.4)	8(11.3)
		ST	-	2(2.9)	2(2.9)
7	Madhya Pradesh				
	12. Lakshmi Bai National Instt. of Phy. Education	Total	-	167	424
		SC	-	21(12.6)	63(14.9)
		ST	-	4(2.4)	32(7.5)
8	Maharashtra				
	13. Gokhale Instt. of Politics & Economics	Total	55	-	32
		SC	2(3.6)	-	2(0.6)
		ST	-	-	-
	14. Tilak Maharashtra Vidyapeeth	Total	NA	NA	-
		SC	NA	NA	-
		ST	NA	NA	-
	15. International Instt. for Population Science	Total	-	48	79
		SC	-	1(2.1)	1(1.3)
		ST	-	1(2.1)	1(1.3)
	16. Decan College	Total	NA	NA	76
		SC	NA	NA	2(2.6)
		ST	NA	NA	1(1.3)
	17. Tata Instt. of Social Science	Total	-	207	174
		SC	-	32(15.5)	35(20.1)
		ST	-	11(5.3)	14(8.0)

9	Punjab 18. Thapar Instt. of Social Science	Total	-	296	623
		SC	-	46(15.5)	90(14.5)@
		ST	-	-	*
@ include ST hostlers, * included in SC hostlers					
10	Rajasthan 19. Jain Visva Bharati Instt.	Total	57	NA	50
		SC	-	NA	-
		ST	-	NA	-
11	Tamilnadu 20. Gandhigram Rural Instt.	Total	390	143	618
		SC	64 (16.4)	24 (16.8)	89 (14.4)
		ST	-	-	-
		21. Sri Avinashilingam Instt. for Home Science & Higher Education for Women	Total	916	279
	SC	98(10.7)	14(5.0)	68(8.5)	
	ST	2(0.2)	-	2(0.3)	

CHAPTER - V

ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

According to the 1991 Census, the SCs and STs numbered 1382.23 lakhs and 677.58 lakhs and represented 16.37% and 8.08% respectively of the total population of the country (excluding the State of Jammu & Kashmir). In 1981, the Scheduled Caste and the Scheduled Tribes constituted 15.47 percent and 7.85 percent of the total population respectively. The decennial growth rate of the Scheduled Castes (30.04%) and Scheduled Tribes (26.00%) population during 1981-91 has been higher than that of the total population (23.79%). The rural urban ratio as per 1991 census was 74 : 26 for total population, 81 : 19 for the Scheduled Castes and 93 : 7 in the case of Scheduled Tribes. State wise details of SC/ST population and literacy are given at ANNEXURES - 5.I, 5.II & 5.III.

5.2 The percentages of SC and ST people below the poverty line are much larger than those in the rest of the society. The data collected by the Planning Commission from NSSO Surveys made in 1977-78, 1983-84 and 1987-88 in this regard are reproduced below:

Table 5.1
Percentage of SC/ST and all population below poverty line during 1977-78 to 1987-88 as per previous Estimates of Planning Commission

Year	SC	ST	All population
1977-78	56.30	68.10	48.30
1983-84	50.10	57.20	37.40
1987-88	41.50	49.90	29.90

5.3 The Planning Commission has been estimating the incidence of poverty for use in the planning process. In September, 1989 it decided to give a re-look to the methodology for estimation of poverty and constituted an Expert Group on Estimation of Proportion and Number of poor under the chairmanship of Prof. D. T. Lakdawala. The Expert Group suggested certain changes for estimation of poverty and submitted its report in July, 1993. Based on the Expert Group report Planning Commission has revised the estimates of poverty since 1973-74. The revised estimates are given in the table below:

Table-5.2
Revised estimates of poverty by the Planning Commission

Year	Rural	Urban	Combined
1973-74	56.44%	49.01%	54.88%
1977-78	53.07%	45.24%	51.32%
1983-84	45.65%	40.79%	44.48%
1987-88	39.09%	38.20%	38.86%
1993-94	37.27%	32.36%	35.97%
SC	48.11%	49.48%	For 1993-94
ST	51.94%	41.14%	

5.4. It may be seen from the earlier figures of the Planning Commission as given in Table I and the revised figures as now brought out by the Planning Commission that there is a variation in the percentage of the poor in the two estimates. It is evident from the report of the Expert Group that earlier figures underestimated the incidence of poverty in the country. It is further observed by this Commission that the Expert Group has not made estimates of poverty amongst the Scheduled Castes and Scheduled Tribe population separately. However, based on the methodology of the Expert Group Planning Commission has prepared estimate of Rural and Urban poor among SC/ST for the year 1993-94 which are given at Table-5.2. It is apparent from these estimates that about half of SC population and more than 50% ST people continue to live in conditions of abject poverty. The National Commission for SC and ST urges upon the Government to prepare estimates of the poor among the SC and ST 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.

5.5. The occupational classification of main workers in different census periods reveal that majority of the SC/ST population depend on agriculture. The details of classification of workers during 1961, 1971, 1981 and 1991 census are given in the following table:

Table 5.3:

Occupational classification of main workers from 1961 to 1991 Census among SC/ST and General population.			
(in percentage)			
Year	General	SC	ST
1. Cultivators			
1961	52.78	37.76	68.18
1971	43.38	27.87	57.56
1981	41.53	28.17	54.43
1991	39.74	25.44	54.50
2. Agricultural Labour			
1961	16.71	34.48	19.71
1971	26.32	51.74	33.04
1981	25.16	48.22	32.67
1991	19.66	49.06	32.69
3. Household Industry			
1961	6.38	6.56	2.47
1971	3.55	3.33	1.03
1981	3.99	3.31	1.42
1991	2.56	2.41	1.04
4. Other Workers			
1961	24.13	21.20	9.64
1971	26.75	17.06	8.37
1981	29.32	20.30	11.84
1991	38.04	23.08	11.76

5.6. It may be observed from these figures that nearly half (49.06%) of the SC and One-third (32.69%) of the ST main workers 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 marginal decline in the proportion of agricultural labourers in case of SC/ST main-workers during the same period. Agricultural labour is characterised by seasonal and low-wage employment with high dependence on monsoon. In the development context of SC and ST, the problems faced by agricultural labourers deserve immediate attention as they form one of the most neglected class of rural economy.

5.7 Occupational classification of the main workers also show that the number of 'Other Workers' has witnessed an increase in all sections of the main workers, though the increase in general population has been much sharper than that of SC and ST population. These occupations include industry and service sectors. Keeping in view the fact that Indian economy is undergoing structural changes in which secondary and tertiary sectors are growing at a faster rate than primary sector, employment opportunities would occur in these sectors. In this context it may also be mentioned that in the recent past the Government of India has initiated several steps towards economic reforms. Some of the important policy changes in this direction include increased role of private sector in the economy. A number of sectors have been opened for the private participation including Multi-National Corporations. Measures have been taken by the Government to reduce the number of employees in the Public Sector Enterprises so as to check their losses. The economic restructuring programme also include reduction in the budget deficits by enforcing strict economy measures including restraint in recruitment of Government Staff. These steps are likely to reduce the employment opportunities for the educated Scheduled Castes and Scheduled Tribes. Therefore, Ministry of Labour should undertake a comprehensive survey of the impact of economic reforms on the job opportunities on the whole and in case of Scheduled Castes and Scheduled Tribes in particular. To provide gainful employment to SC/ST, their education and training should be given high priority for their absorption in the emerging areas of the economy. Necessary changes have to be made in the existing pattern of general education to make it vocational and technical education oriented.

Development Measures

5.8. In the context of welfare and development of SCs and 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 in services and education to the Scheduled Castes and Scheduled Tribes have been discussed separately in the third and fourth chapter. In this Chapter, attention is sought to be focused on the economic development measures.

5.9 Since the beginning of the planning era in the country, removal of poverty and unemployment and growth with equity have been declared the main objectives of our five year plans. In case of SC/STs, during the First Plan, emphasis was laid on increasing educational facilities, the Second Plan accorded priority to socio-economic development. The Third Plan focused attention on providing institutional services such as schools, housing, hospitals, etc., and

the Fourth Plan aimed at consolidation, improvement and expansion of services. The Fifth Plan witnessed the adoption of a new policy in the context of welfare and development of STs, commonly known as Tribal Sub-Plan (TSP) strategy. In the Sixth Plan, the concept of Special Component Plan (SCP) was introduced for the development of SCs. In the Seventh Plan, specific schemes for the welfare and development of SCs and STs were implemented. The Eighth Plan, apart from according priorities in the areas of planning, administration, flow of benefits to target groups, highlighted the need for complete eradication of the sub-human practice of manual scavenging.

I. Economic Development of Scheduled Tribes

Tribal Sub-Plan

5.10 The Tribal Sub-Plan strategy was adopted during the Fifth Five Year Plan and comprised of identification of tribal majority development blocks, earmarking of funds under various sectoral programmes for these identified areas 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 conceived of as area based approach the sub-plan includes beneficiary oriented programmes also. The Tribal Sub-Plan strategy continues as of date during in the 20 States/UTs of Andhra Pradesh, Assam, Bihar, Gujarat, Jammu & Kishmir, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tamil Nadu, Sikkim, Tripura, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands and Daman and Diu. On the basis of the concentration of ST population in a particular area, 194 Integrated Tribal Development Projects, 252 Modified Area Development Approach Pockets and 78 clusters have been identified and set up. In addition to this, 75 primitive tribal groups have also been identified. The State/UT wise details of the above can be seen in the following table:

Table 5.4
State-wise list of Identified Primitive Tribes

1. Andhra Pradesh Gadaba 1) Gutob Gadaoa 2) Bodo Gadaba Poraja 3) Bondo Poraja 4) Khond Poraja 5) Parengi Poroja Khonds 6) Kutia Khond 7) Dongria khond 8) Kondasavara 9) Thoti 10) Chenchus 11) Konda Reddi 12) Kolams	2. Bihar 1) Asur 2) Birhor 3) Birijia 4) Korwa 5) Mal Paharia 6) Parhaiya 7) Savar 8) Sauria Paharia Patna 9) Hill Kharia 3. Gujarat 1) Kathodi 2) Kolgha 3) Padhar 4) Kotwalia 5) Siddi	4. Karnataka 1) Jenu Kurubas 2) Koraga 5. Kerala 1) Cholanaikkan 2) Kurumbas 3) Kadar 4) Kthunayakan 5) Koraga 6. Madhya Pradesh 1) Abujhmarias 2) Baigas 3) Bharias	4) Pahadi Korwas 5) Kamaras 6) Sehrias 7) Birhor 7. Maharashtra 1) Katkari/Kathodi 2) Kolam 3) Madia Gond 8. Manipur 1) Maram
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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	10. Rajasthan Saharia 11. Tamilnadu 1) Kattu Naickens 2) Kotas 3) Kurumbas 4) Irulas 5) Paniyas 6) Todas	12. Tripura 1) Reangs 13. Uttar Pradesh 1) Buxa 2) Raji 14. West Bengal 1) Toto 2) Birhor 3) Lkodha	15. Andaman & Nicobar Islands 1) Shompens 2) Onge 3) Great Andamanese 4) Jarawa 5) Sentinelese
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5.11. The policy of earmarking separate funds for the welfare and development of STs has led to more resources being made available for financing the TSP. The size of TSP has been consistently increasing, it has risen from a mere Rs. 751.33 crores for the whole of Fifth Plan to an outlay of Rs. 3061.23 crores in the Annual Plan 1994-95 and Rs. 3867.07 in 1995-96. The increased flow of funds under TSP during the Fifth Plan onwards can be seen in the following Table 5.5:

Table 5.5
Flow of funds to TSP from State Plans

Plan period	(Rs. In crores)		
	State Plan	Flow to TSP	% flow
Fifth Plan	17692.88	751.33	4.25
Sixth Plan	42390.60	3718.56	8.77
Seventh Plan	73952.90	7076.81	9.57
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

* 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 finalised for these states..

5.12. It may be seen from the above figures that as compared to 7.5% ST population the States have provided an outlay of around 8% during the Annual Plan 1996-97. However, higher outlays are reflected sometimes by notional quantification and also the Commission has noted that often substantial reductions are made at the time of spending these outlays. Moreover, the persistent wide gap in development of STs and the rest of population in literacy, health, income and other matters indicate that the higher outlays have not resulted into the corresponding improvement in the condition of STs. State wise allocation of funds from State-Plan and Tribal Sub-Plan during 1992-93 to 1996-97 may be seen at ANNEXURE-5.IV.

Finding of evaluation report of Planning Commission on Allocation of funds under TSP and utilisation

5.13. The Tribal Sub-Plan strategy was evolved to ensure adequate allocation of funds and investment for improving socio-economic conditions of the Scheduled Tribes. A number of development schemes have been initiated over the years for this purpose. A package of services ranging from educational facilities and health care to food security, safe drinking water, income generating schemes has been designed and implemented by the States. Besides, Central and State Governments enacted protective laws to check the exploitation of the tribals. Availability of enough funds and its optimum utilisation are crucial for achieving the objectives of the TSP. An attempt is made to examine whether the funds allocated to TSP were adequate in accordance with the guidelines and to assess the extent and pattern of utilisation of such funds.

Allocation of funds for TSP

5.14. For the TSP strategy to be effective in bringing the levels of living of tribals at par with the rest of the population, allocation of funds to TSP is a necessary condition. Accordingly, the State Governments have been allocating funds to TSP from the State Plan Funds for the execution of tribal development programmes. Allocation to TSP has increased from Rs. 759.33 Crores (i.e. 4.29% of total State Plan outlay) in the Fifth Five Year Plan to Rs. 14873.43 Crores (8.18%) in Eighth Five Year Plan.

5.15. According to the guidelines, the States are required to allocate plan funds to TSP at least in proportion to the share of tribal population. 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 tribals and non-tribals.

Table 5.6
Utilisation of TSP Outlay

(In Percentage)						
State	Tribal Population (1981)	7 th Plan State Plan Outlay to TSP	Utilisation of 7 th Plan TSP	Tribal Population (1991)	8 th Plan State Plan Outlay to TSP	Utilisation of 8 th Plan TSP
1	2	3	4	5	6	7
Andhra Pradesh	5.93	4.2	107.2	6.31	4.5	73.70
Bihar	8.31	26.5	91.06	7.66	28.9	92.64
Gujarat	14.22	10.5	99.96	14.92	10.9	95.95
Madhya Pradesh	22.97	19.7	N.A.	23.27	23.0	94.97
Maharashtra	9.19	6.5	132.50	9.27	7.2	95.19
Orissa	22.43	26.6	44.57	22.21	24.4	77.88
Rajasthan	12.21	10.6	100.29	12.44	8.7	90.66
All India	7.85	9.57		8.08	9.86	

Note * Utilisation rates asked on outlay and expenditure of (a) One year for Orissa; (b) Two years for Bihar; (c) Three Years for Rajasthan; and (d) four Years for Andhra Pradesh., Gujarat, Madhya Pradesh. and Maharashtra

5.16 **Table 5.6** reveals that only Bihar and Orissa have been following the recommended allocation principles, while all other states are allocating plan funds less than proportionately

to TSP. 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 proportional to the share of tribal population.

5.17 However, more than proportionate allocation to TSP by Bihar and Orissa should not be taken to interpret that these two states are indeed spending a substantially larger amount of financial resources for the tribals, as allocation need not necessarily get translated into actual spending. Column 4 and 7 in above table give the rates of utilisation of allocated to TSP for these states.

5.18. During the Seventh Five Year Plan only four states, viz., Andhra Pradesh, Gujarat, Maharashtra and Rajasthan spent a little more than or fully the funds allocated to TSP. Madhya Pradesh did not report any utilisation rate for the Seventh Plan. However, it is interesting to note that Orissa which allocated plan funds to TSP more than the population of tribal population spent only 44.57% of allocated funds in the Seventh Five Year Plan. Table 5.7 makes the position clear.

Table 5.7
Per Capital Allocation and Spending of Plan Funds TSP Per Year

	State	Per Capita Allocation		Per Capita Spending	
		7 th Plan	8 th Plan	7 th Plan	8 th Plan
1.	Andhra Pradesh	169	292	181 (107)	215 (73.70)
2.	Bihar	535	425	487 (91)	394 (92.0)
3.	Gujarat	252	387	252 (100)	371 (95.95)
4.	Madhya Pradesh	236	298	NA (NA)	282 (95.19)
5.	Maharashtra	182	379	241 (132)	361 (95.19)
6.	Orissa	755	476	336 (44.5)	370 (77.88)
7.	Rajasthan	200	299	201 (100.3)	271 (90.66)

(figures in parenthesis indicates percentage of spending over allocation)

5.19 The utilisation rates of Plan funds allocated to TSP are very low in the states of Andhra Pradesh, Bihar and Orissa, particularly so in the Eighth Five Year Plan.

Sectoral Allocation of TSP Funds

5.20. It is noted that most of the States are not adhering to the guidelines of allocating plan funds to TSP. In general, most of them are allocating and spending plan funds less than proportionately for tribal development. One argument put forward by the States is that they make a distinction between "Divisible" and "Non/divisible" component of plan funds and only the divisible component is quantified for TSP. In other words, the general state plan funds are also spend for the benefits of tribals and the Scheduled Area. If this be so, funds allocated to TSP must be spent primarily for the development of tribals. In other words, TSP,

funds should be used primarily in beneficiary oriented programmes targeted for tribals. The Commission is of the view that instead of clubbing non-divisible funds under TSP, only divisible funds should be shown and expenditure incurred in full for the benefit of Tribals.

Table 5.8
Allocation of TSP Funds in Major Sectors

(In Percentages)

State	Agricultural & Rural Dev.	Irrigation & Power	Social Sectors	Others
ALLOCATION (1992-96)				
AP	17.00	21.07	12.18	48.81
Bihar	24.70	30.60	15.00	29.70
Gujarat	25.87	19.59	14.01	40.53
MP	30.12	21.20	28.35	20.33
Maharashtra	30.61	40.88	20.38	18.13
Orissa*	20.45	39.55	11.92	28.08
Rajasthan*	23.31	48.54	17.56	10.59

* Outlay for 3 Years only

5.21. In practice, however, as **Table 5.8** reveals, the pattern of allocation does not confirm that such a principle of allocation of TSP funds was being followed by the states. In table 8, the category 'others' includes mostly the programmes which are targeted to tribal families/individuals. A large proportion of the TSP funds has been allocated to irrigation and power, particularly in construction of minor irrigation facilities. Since in many ITDPs both tribals and non-tribals live together, benefits from minor irrigation cannot be targeted to tribals alone. In the case of programmes relating to agriculture and rural development, benefits can be targeted to tribal families, though the available information is inadequate to establish if the benefits are actually flowing to them alone.

5.22 In the case of social sectors the amount of TSP funds allocated does not seem to be adequate for accelerated development of tribals. It is well-known that the development gap between tribals and non-tribals in the areas of education, health, nutrition, water supply and housing is quite large. To bridge this gap within a reasonable period, investment in these sectors must be substantial. In general allocation of TSP funds to social sectors does not bear a relationship with degree of social deprivation of tribals vis-a-vis non-tribals.

5.23 Mere allocation of funds to a sector does not necessarily imply that funds are actually being spent for the intended purpose. It has already been noted that Bihar and Orissa spend significantly less than what was allocated to TSP. In the case of some states, independent investigations reveal that the benefits of much of what is being spent in the name of tribals actually flow to non-tribals. Examples of such leakage are galore in the book "Everybody Loves a Good Drought" (Penguin Books India, 1996) brought out by P. Sainath who extensively toured the poor and drought affected parts of the country and evaluated the methods of implementation and impact of various development programmes.

Some Observations

5.24 The Commission reviewed the development programmes of the States of Karnataka, Kerala, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu,

West Bengal and Chandigarh and discussed inter-alia with the senior officers of the State the implementation of the Tribal Sub Plan. The Commission found that a number of States are not providing outlays to the Tribal Sub Plan in proportion to the States' of ST population. It was further notice 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 recommends that all the States should allocate funds to the Tribal Sub Plan 3% more than the States' ST population percentage in accordance with the recommendation of the working group set up at the time of formulation of Eight Five Year Plan. The State Governments should normally monitor the progress of the implementation of Tribal Sub Plan to ensure that the funds allocated are fully utilised and no diversion of funds takes place from TSP to other sectors of development

5.25 As is evident, the states are, in general, not adhering to the allocative principal recommended by the Working Group (Eighth Plan). While this allocative principle may be taken as indicative, it is necessary for the states to formulate objective criteria for allocating plan funds to TSP based on the ground realities in the States. The development gaps between tribals and non-tribals vary across states, and so the resource requirements to bridge the gaps. The inter-State variation in the levels of deprivation of tribals vis-a-vis the rest of the population may also exist in each area of social concern. It is possible to assess quantitatively the relative deprivation of tribals vis-a-vis the rest of the population for each state if information on the relevant parameters in each area of social concern is available. In the absence of any alternative reliable data, information on some indicators of development collected from various official/non-official sources are presented in **Table-5.9** to illustrate the point.

Table 5.9
Indicators of Development : Tribals Vs. Non-Tribals

State	Per Capita Monthly Expenditure (Rs.)		Literacy Rates %		Infant Mortality Rates (Per 1000)	
	Tribals	Non-Tribals	Tribals	Non-Tribals	Tribals	State Average (Rural)
1. A.P	128.83	156.55	13.2	45.11	130	87
2. Bihar	128.94	206.21	21.2	38.54	91	100
3. Gujarat	143.94	179.47	26.0	60.91	116	101
4. M.P	122.83	224.34	15.6	43.45	154*	127
5. Maharashtra	142.33	157.77	24.2	63.05	117	76
6. Rajasthan	147.83	205.94	15.7	38.81	105	111
7. Orissa	124.16	131.17	18.8	48.55	177**	127

* IMR of Mandla district.

** IMR of Koraput district (tribal dominated)

Source : SRS, RGI, 1988;

5.26 The three indicators broadly reveal the level of development in three areas of social concern, viz. material well-being, education and health. The relative deprivation of tribals in the area of material well being (measured in terms of expenditure) is quite high in the states of Bihar, MP and Rajasthan. While allocating TSP funds to different sectors, these states must allocate sufficient funds to income generating projects/programmes for tribals so as to bridge the gap in the levels of well-being within a reasonable time period.

5.27 The relative deprivation of tribals in areas of education is all pervasive. Thus, general Central guidelines for allocating funds to education could be framed. In the area of health, though the tribals are worse off than others, the relative deprivation is not very significant,

except for A.P., M.P., Maharashtra and Orissa. These states, therefore, should allocate relatively more funds for tribal health .

5.28 Finally, an attempt is made here to work out a general allocative principle for allocating State Plan funds to TSP. The method suggested should be taken as illustrative. Let us take the estimates of income, literacy rate and infant mortality rate as three indicators of well-being. At the All India level these estimates, as per the report of the National Council of Applied Economic Research (NCAER, 1996), are as follows (Table 5.10):

Table 5.10
Indicators of well-being

	Per Capita Income(Rs.)	Literacy rate (%)	IMR (per 1000)
Tribals	3504	39.3	98
Others	5113	59.4	79

*Figures given above are as per NCAER survey and not based on Census data.

5.29 Apart from Government schemes and programmes, there is a need to involve the community substantially in the development of social sectors such as health, nutrition, child care, recreation, household hygiene, public sanitation and other related activities. This is likely to have the desired results in term of response from the tribal families and may specially benefit tribal areas in view of far flung nature of settlements in tribal and hilly areas. The TSP strategy has to focus on the social priorities with full involvement of the community and co-operation of genuine and effective NGO's.

Special Central Assistance (SCA) for Tribal Sub-Plan.

5.30 The Special Central Assistance is given by the Ministry of Welfare to the Tribal Sub-Plan of State Govt./UT Administration to fill in the gaps in their financial outlays. 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.

5.31 The criteria for allocation of Special Central Assistance have been fixed on the basis of certain norms for ITDP, MADA Pockets, Clusters, Primitive Tribal Groups and Dispersed Tribal Groups. The allocation of SCA for TSP for the Eighth Plan and allocation and releases in 1992-93 to 1996-97 are as follows:

Table 5.11
Allocation of SCA for TSP for the Eighth Plan and Amount released
(Rs. In lakh)

Year	Allocation	Amount released
8 th Plan(1992-93 to 1996-97)	1,25,000,00	
1992-93	25,000,00	25,000,00
1993-94	29,500,00	29,484.50
1994-95	27,500,00	27,500,00
1995-96	33,000,00	33,000,00
1996-97	33,000,00	33,000,00

5.32 State-wise release of funds under Special Central Assistance to TSP for the years 1992-93 to 1996-97 may be seen at ANNEXURE-5.V.

5.33 It has been noted that the release of SCA to States/UTs show that quantum of assistance under SCA over the years has been increasing and has emerged as an important source of finance for the implementation of TSPs of the States. The States/UTs should utilise the funds available under SCA in a manner that will make the schemes more viable and effective in terms of productivity and generation of income. As stated earlier the attitude of the States in not claiming SCA and spending for the benefit of ST people is a matter of serious concern. This does not speak well of the Governments who should pay special attention for development of ST population.

Backlash of Development Projects:

5.34 The problem of the tribal people coming under the adverse influence of establishment of large projects such as - industrial, irrigation, hydel are most acute. The tribal people are passing through a unique phase in their history and have no experience in their tradition to guide them against the challenges put forward due to displacement by virtue of establishment of various projects in the tribal areas.

5.35 The STs have always been on the fringe of the economic development plans, hardly, if ever, able to get into the mainstream. In fact, some major developmental projects like irrigation and multi-purpose dam projects have added to the miseries of the tribals by way of displacement from their socio-economic and cultural milieu. The process of liberalisation which is being unleashed in the recent years may further marginalise these disadvantaged groups including STs unless proper safeguards are built into the process. It is in this context that issue of overall economic benefits to tribals has to be considered. Details of operational holdings in respect of SCs and STs as brought out in Agricultural Census by Deptt. of Agriculture in their publication in 1992 are given at ANNEXURE 5.VI. These are the issues which still need attention:

- i. Infrastructure development in tribal areas particularly in the sectors of Transport, Communication, Power and Vocational Education is a basic pre-requisite for general economic development.
- ii. Conscious efforts have to be made to ensure that the benefits of liberalisation in terms of proper sharing and employment generation go to the STs and the Tribals in TSP areas. Investment, especially infrastructure in these areas by the private sector should be encouraged with safeguards to ensure that STs are not exploited and are adequately trained for skill development to ensure employment.
- iii. Special schemes should be framed for tribal women, especially for upgrading their skills through transfer of technology with reference to agriculture and other areas populated by them, vocational training, extension of credit, development of entrepreneurship etc.
- iv. Research on development activities suited to tribal life-style be undertaken by all development departments on a large scale in tribal/TSP areas.

- v. Intellectual property rights of tribals, particularly bio-medicines, herbs, medicinal and aromatic plants etc. should be protected and profit earned by large scale marketing of processed and products based on traditional tribal knowledge should be ploughed back into tribal development by being channelled directly to the tribes concerned in form of share in royalty and licence fee.
- vi. The Government of Tamil Nadu has a scheme whereby all Public Sector Enterprises and large business concerns getting loans and facilities from the Government have to evolve an apprenticeship scheme whereby a specified number of SC and ST youth, both men and women, are given vocational training suited to the work being done in the units. After the training, which is free of cost, these SC/ST apprentices have necessarily to be absorbed in jobs in those industrial/business units. This should be followed in other States/UTs.
- vii. A large population of Scheduled Tribes live in the North-East. Because of law and order problems funds allocated do not reach the tribal people. Conscious efforts should be made to ensure that the funds for development purposes are not diverted for law and order maintenance but are used for providing economic benefits to STs. This would also be true of other areas e.g. TSP areas where STs live and where law and order or other problems exist and funds are diverted for other purposes. Measure for development of units for processing, preserving and marketing the produce should taken for value addition.
- viii. Large scale displacement of Tribals due to the setting up of various projects have aggravated the miseries of many tribal Communities. The Commission re-iterates its recommendations made in the last report that tribals should be made partners in the large development projects located in these areas.

5.36 The issue of intellectual propriety rights in regard to the process and product relating to various medicinal plants has assumed urgency in the new liberalised economic scenario of the country and in the world context. The case in point is that or the Onge tribe of Andaman & Nicobar Islands who seem to have been deprived of their rights in patenting of a plant contract to cure cerebral malaria and other diseases. A good example of the positive use of intellectual property rights in the Tropical Botanical Garden and Research Institute of the Government of Kerala which has helped the Kani tribe of the Agarthlar Hills in South Kerala to get Intellectual Propriety Rights over herbal drug developed from Arogyapacha Plant which the Kani tribe had helped the Institute in identifying. It appears that the Institute has transferred the know how of the drug to a Pharmacy which would purchase raw material from the tribals under a six year renewable licence. 50% of the licence fee and 2% of royalty on the sale of the drug will go to the Kani tribe. It is understood that 50% tribal families belonging to this tribe are now cultivating the plant for commercial use. Similar proposals could be thought off to ensure that the tribals benefit from their indigenous knowledge of various plants and process for development of drugs. It is important that the various Ministries in the Government of India like Ministry of Environment & Forest, Department of Scientific & Industrial Research and the Deptt. of Bio-technology in the Ministry of Science & Technology consider various issues including legislative measures for protecting the intellectual propriety rights for the benefit of the tribals in the new economic regime.

Institutional Finance

5.37 Commercial Banks play a predominant role in flow of funds to various sectors in the economy. At present, loans from commercial banks are linked to subsidy under various programmes under IRDP. Besides loan component of income generating schemes of IRDP type including those in which subsidy is given from Special Central Assistance, short term, medium term and long term production loans are obtained privately by cultivators, artisans etc. other than under Governmentally sponsored schemes. No figures are readily available regarding flow of institutional finance to ST borrowers even in TSP areas. It is not possible to assess the flow of credit during any given period of time. In the absence of statistics relating to the flow of credit to STs the effects of financial flow from Commercial Banks could not be assessed.

5.38 In this regard the Commission recommends as under:-

- i. Separate statistics regarding flow of credit from institutional sources and the number of ST beneficiaries should be maintained by the Reserve Bank of India, NABARD, all commercial banks, co-operative banks.
- ii. The Department of Banking should introduce quarterly monitoring of actual flow of credit to STs as against target set for the banks and share the information on quarterly basis with the Ministry of Welfare.
- iii. 10% of credit in priority sectors is targeted to weaker sections as per the present policy. However, banks have not been meeting even the target of 10% credit to weaker sections. The flow was 8.1% in 1992, 8.5% in 1993 and 8.9% in 1994 and 8.7% in 1995. This has declined 1995-96 to 8.6% by December, 1995. As a matter of fact only 4% of the total credit extended by banks at present flows to weaker sections. The Department of Banking should ensure not only that higher targets are set specifically for advancing credit to STs but also that these targets are regularly met.
- iv. NABARD should open a line of credit to State Tribal-Co-operative Federations as in the case of Girijan Co-operative Co-operation, Andhra Pradesh.
- v. Credit may be extended to STs on the basis of community land as certified by the Village Chief attested by SDO concerned as in Many tribal societies land ownership is on the basis of the community.
- vi. The National Scheduled Castes and Scheduled Tribes Finance Development Corporation (NSFDC) has till the end of February, 1996 from its inception, extended credit to 1,68,890 SCs and 33,474 STs. Thus, the coverage of STs is not adequate. This imbalance has to be remedied and attempts should be made and corrective measures taken by NSFDC to see that at least one-third of the total credit flows to STs.
- vii. The margin money loan assistance now being given by the Scheduled Caste Development Division of the Ministry of Welfare should also cover the STs.

Co-operatives

5.39 The tribals of our country, unaccustomed to any other mode of economic or commercial activity, are still dependent almost wholly on agriculture and forest related activities for their livelihood. Their land holdings are not substantial and are unirrigated dry lands, and a large majority of them are only marginal farmers. Logistically too, the tribal areas are remote and very often inaccessible. Consequently, they remain unaffected and unexposed to the progressive and scientific concepts of farming forcing them to trust their own age old methods of cultivation and marketing. It is not surprising then that they continue to be exploited and pushed to extreme economic backwardness and dependence.

5.40 The tribals also depend on collection and sale of minor forest produce (MFP) as an additional but important source of their income. Here again their ignorance and gullibility continue to be exploited to the maximum by the private traders. The money lender thrives on these conditions of tribal economic dependence. The tribal economy, in short, is a pathetic scenario.

5.41 The importance of a co-operative movement among the tribals, in their present circumstance, is only too obvious. Establishment of co-operative institutions to effectively take care of the economic and commercial needs of the tribals, therefore, assumes paramount importance. Though number of steps such as establishment of LAMPS at the block levels, Tribal Development Co-operative Corporations at the State level and TRIFED at the national level have been taken, the effectiveness of these organisations in ensuring a better remuneration and a better market for the various tribal and forest produce is limited. These institutes need to be reorganised and strengthened to enable them to provide support of services for high quality performance and production on scales that free market economy requires.

5.42 A number of studies were made in the past for strengthening co-operative movement among the tribals. A Social Welfare Team of the Committee on Plan Projects (1959) recommended that "commercial exploitation of forests be entrusted to co-operatives rather than to contractors". The Dhebar Commission (1961) recommended that "the sale and marketing of the produce and supply of tribal peoples requirements of reasonable price should receive special attention through co-operatives." The Working Group on Co-operatives for the Backward Classes (1961) attributed the slow development of co-operative movement in tribal areas to structural weakness, operational defects, management problems, faulty procedures and adoption of business methods/practices not suitable to tribals. A Study Team headed by Shri K.S. Bawa suggested organisation of LAMPS in tribal areas to provide tribal members production as well as consumption credit, undertake marketing of agricultural and minor forest produce (MFP) and distribute consumer goods as well as agricultural inputs so that the tribals could secure all facilities under same roof. In the report of the Committee on Organisation of Co-operatives for Rural Poor (1991) Shri S.R. Sankaran suggested a number of steps to improve the effectiveness of the existing co-operative institutions for the tribals.

5.43 A blue print for the action plan for the IX Five Year Plan period of this important area is required to be worked out. The basic objective of the plan should be to create the right atmosphere for the tribals to form their own co-operative societies and decide their own marketing strategies. To achieve this objective the following suggestions are made.

5.44 There were 3671 LAMPS as on 31.3.94 established in tribal areas of the country. However, half of them were unviable. Though the LAMPS are meant for the tribals in many cases the tribal members are few and as such the decision making is almost always with the non-tribal members. As per data available on 31.3.94 the total membership in all LAMPS was 47.49 lakhs of which 28.33 lakhs only were STs, details regarding LAMPS may be seen at **ANNEXURE 5.VII**. The Annexure also reveals that while STs formed 61.85% of the total number of borrowers, only 36.71% of short term loan and 57.04% of medium term loan flowed to ST members during 1993-94. Various evaluation reports have pointed out that essential infrastructure is lacking in most LAMPS and that they have limited impact on the socio-economic development of tribal people. The Sankaran Committee report had suggested various measures for strengthening and reactivating LAMPS. These are given at **ANNEXURE 5.VIII**. Implementation of these measures should be immediately taken up. The following recommendations are made:

- i. Integrated service should be ensured by LAMPS to meet the production, marketing and consumption needs of tribals.
- ii. Avenues of economic development such as agriculture, animal husbandry, consumer goods and other village industries and handicrafts should also be covered by LAMPS as a part of integrated economic development programme.
- iii. NABARD should open a separate line of credit to Tribal Development Co-operative Corporations as it has done in the case of Girijan Co-operative Corporation for passing on the same to LAMPS.
- iv. State TDCCs may also give funds to LAMPS for advancing consumption needs of LAMPS.
- v. The procedure for extending loans to tribals should be simplified. Self-help group like elders committees may be organised by LAMPS for mobilising all resources. A network of village level liaison workers may be created by engaging educated tribal youth to act as a link between tribal farmers and LAMPS.
- vi. An information campaign has to be under taken to explain to the tribals about the demand for various items of MFP, the prevailing market rates, the end use of these MFP in order to make them aware of the economic potential of the items being collected by them. Such campaign is relevant in the case of medicinal herbs which are available in the forests.
- vii. Simultaneous with the information campaign mentioned above, effort should also be taken to spread the message and benefits of co-operative movement among the tribals.
- viii. Most of the States have recognised the exclusive rights of the tribals for collection of MFP. Wherever this has not been done, the concerned State Governments should take immediate steps to confer such rights to the tribals. Similarly the State TDCCs or similar Government Co-operative established for the purpose of helping the tribals to market their produce should be given exclusive right to deal with MFP

items. In the present circumstances, the private traders who are mainly dealing with these items exploit the tribals by providing them low price for their produce.

- ix. While conferring exclusive rights to the co-operatives to deal in MFP items is an important step, it is also necessary for these co-operative to have a well delineated commercial policy for realising the market potential of these items. Co-operative bodies such as Tribal Co-operative Marketing Development Federation of India Ltd. (TRIFED), the State TDCCS, the LAMPS etc. have to come together and work out detailed plans for optimal exploitation of MFP in the country.
- x. There are a number of co-operative bodies already working in the area of procurement and sales of tribal produce. There is, however, a need to pool their resources and work in tandem for realising the ultimate objective of providing better remuneration to the tribals for their produce. TRIFED which is an apex co-operative body already has a mandate in this direction and they should take initiative in this matter and come up with their recommendations in this regard.

5.45 Apart from the support from State and Central level tribal organisations, networking between LAMPS, State and Central level federations and other special commercial and trading bodies needs to be established. Professional guidance and training to grass-root level institutions must be provided by the State level institutions.

Agriculture

5.46 As per the 1991 census 42.54% of the ST population were main workers. Of them, 54.43% were cultivators and 32.67% were agricultural labourers. About 87% of the main workers, therefore, were wholly or largely dependent on agriculture. 42.9% of the operational holdings of STs belong to marginal farmers (below one hectare) and 24.1% belongs to small farmers (1 to 2 hectares). Only 2.2% have large operational holdings (10 and above hectares). But the area operated by the marginal ST farmers is only 9.9% of the total area operated by STs; 16.5% of area operated by STs belongs to semi-medium farmers (2 to 4 hectares), 31.2% to medium farmers (4 to 10 hectares) and 16.6% to large farmers (10 and above hectares).

5.47 It is obvious that agriculture is the mainstay of the STs and the majority of them are either cultivators and/or agricultural labourers. Productivity of staple crops is important in the context of food security which has to be provided to the STs. It is well known that generally the productivity in the TSP area is lower than the State averages for most of the crops. There are some tribal specific crops like niger, jawar etc. the following recommendations are made:

- i. The Department of Agriculture should introduce monitoring of statistics of productivity in TSP as compared to non-TSP areas. They should also regularly monitor productivity of crops preferred/exclusively cultivated by STs. The trends of productivity emerging out of the statistics should be studied carefully and steps taken to remove the lacunae in order to raise the productivity.
- ii. ICAR should focus its research activities specifically on crops grown by tribals under poor resource conditions. Development of coarse grains with longer shelf life hybrid seed for increased production, organic manure's and farming practices to utilise the bio-mass available in tribal areas, dry-land farming practices will be useful to the STs.

- iii. While developing and transferring the agricultural technology for STs, ICAR should see that their food security is not compromised. Therefore, research studies may focus on those types of agriculture which can ensure food security to the STs.
- iv. While tribal economy is almost exclusively agriculture based, majority of tribal farmers still employ age old primitive methods for cultivation. ICAR should study their agricultural practices and the crops grown by them to target research activities on their improvement.
- v. Research centres may be opened in tribal areas by ICAR.
- vi. Comprehensive packages should be developed for tribes practising shifting cultivation. The present Centrally Sponsored Scheme of the Ministry of Agriculture for shifting cultivators in the North Eastern States may be extended to all other States where STs practise shifting cultivation.
- vii. Special emphasis should be given to development of horticulture and floriculture.
- viii. Transport subsidy for seeds which is available for the farmers in the North East States should be extended to the tribal farmers in other States because most of them are located in difficult hilly terrain.
- ix. Compact demonstration of high yielding varieties of seeds and package of scientific agricultural practices should be given priority over distribution of mini kits as far as STs are concerned.
- x. ST persons, especially women, who are landless and depend on the agriculture sector for employment should also be drawn into the schemes of the Ministry of Agriculture, particularly in the sphere of training, of agricultural tools and equipments used by the agricultural labour etc. for upgrading their skills.

Animal Husbandry

5.48 Animal Husbandry occupies an important position in the economy of the tribals. It is a secondary source of livelihood in tribal areas. If the animals like pigs, goats and poultry apart from the milch and draught cattle are reared by the tribals. Many STs have benefited under anti poverty programmes in this sector. However, animal husbandry which has potential of boosting the income of the tribals has not yet been fully tapped. In fact, statistics regarding the benefits flowing to STs under various programmes are not readily available.

5.49 In this connection the Commission recommends that adequate data base should be built up regarding the benefits flowing to the STs, the concerned Ministry as well as the State Government Departments should draw TSP and the infrastructure for delivery of health services for animals in the rural areas and particularly tribal areas, needs to be strengthened. There should be relaxation in the norms for setting up stockman's centres as in the case of PHCs and Sub-centres for these areas. Special strategy has to be evolved for up-gradation of the livestock in tribal areas. A Scheme of barefoot veterinarians involving local rural/tribal youth may be formulated by imparting them necessary training. Moreover, people's awareness has to be created and participation of the people ensured through Panchayati Raj bodies.

IRDP and other programmes of Ministry of Rural Areas and Employment and poverty alleviation

5.50 Ministry of Rural Development has not uniformly been setting separate physical and financial targets for SCs and STs in all its programmes and their Sub-schemes. This should be done and per capita flow of benefits, physical and financial, in each State and each scheme should be regularly monitored. Any trends going against the interest of STs should be analysed and remedial measures taken immediately. The remedial measures should be scheme specific all State specific, if necessary.

(i) IRDP

5.51 Percentage of coverage of STs has declined from 17.05 in 1993-94 to 15.26% in 1994-95 and 13.32% in 1995-96. Per capita investment on STs is less than per capita investment in general and even lesser when compared within per capita investment on SCs (e.g. in 1993-94, the figures Rs. 7449/- general, Rs. 6552/- ST, and Rs. 8670/- SC).

5.52 Per capita investment over the years has been inadequate on small framers, even lesser on marginal farmers and the least on agricultural labourers and rural artisans. More STs are likely to fall in the third category than the second, are in the second rather than the first (e.g. in 1993-94 the figures were Rs. 10569 - SF, Rs. 9164 - MFF, Rs. 8210 Rs. 8089 - RA). All these trends need analysis & remedial measures.

(ii) JRY and EAS

5.53 In JRY alone, ST share has remained a steady 18% to 19% but under EAS, the more and more employment generation funds are now flowing, the ST share fell from 33.27% in 1994-95 to 28.06% in 1995-96. Here too the ST share has fallen from 28% in 1994-95 to 22% in 1995-96. These trends should be reversed.

(iii) IAY and MWS

5.54 The monitoring system is faulty. Figures do not tally as major ST states such as Andhra Pradesh, Rajasthan, Bihar etc. are not giving break-up of ST beneficiaries.

(iv) DWCRA

5.55 DWCRA is basically a programme for the upliftment of rural women living below poverty line. Therefore, members of SC & ST get due preference in the programme groups of 10-15 women are formed under the programme and each group receives a revolving funds of Rs. 25,000. The revolving fund is used for income generating groups formed and SC/ST membership during the VIII Plan (Upto the end of 1995-96) is as under:

**Table - 5.12
Representation of SC/ST in DWCRA Groups**

Year	Group formed	Total	Membership				Combined % SC&ST
			SC	%	ST	%	
1992-93	9029	125744	92155	24.98	32175	25.72	50.22
1993-94	15430	268525	121524	46.26	57447	21.43	66.69
1994-95	37884	591696	234481	39.63	1683	15.49	55.12
1995-96	22277	481651	481651	42.38	47273	9.81	53.19

5.56. It may be seen, the cumulative % age of SC & ST coverage each year of VIII Plan was more than 50%.

Economic Development and Panchayati Raj Institutions

5.57. The 73rd Amendment to the Constitution has awarded reservation for SCs and STs as a Member and Chairperson in the Panchayati Raj Institutions. As a result of this, about 7 lakhs elected representatives including women would be from these sections of society. Article 243 (G) of the Constitution which deals with the powers, authority and responsibility of the Panchayats says "subject to the provision of the Constitution, the legislature of the state may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as Institution of Self Government and such law may contain provision for the development of powers and responsibility, upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to preparation of plans for economic development and social justice and may be entrusted to them including those in relation to the matters listed under the 11th Schedule". The 11th Schedule devolves 29 subjects to the Panchayats ranging from land development to maintenance to community assets.

5.58. Thus the elected representatives of SCs/STs would prepare and execute economic development and social justice plans themselves. The Commission recommends that the States should award functional, financial and administrative autonomy so that these institutions would function as institutions of self-government as envisaged under the Constitution.

5.59. Besides, the provision of the Panchayat (Extension to the Scheduled Area) Act 1996 has been extended to the Scheduled Areas and it has come into force from 24th December 1996 in the States of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan.

5.60. The Act empowers the Gram Sabha to approve the programmes and projects for social and economic development including identification of beneficiaries under such programme, the gram Sabha or Panchayat at the appropriate level shall be consulted for granting prospecting licences or mining lease or minerals and their prior recommendation obtained for acquisition of land in the Scheduled Areas or development projects or for resettlement of Project affected Members of the Scheduled Tribes. In addition to that, Panchayats at the appropriate levels shall be endowed with ownership of minor forest produce.

5.61. Since the Panchayati Raj Institutions are yet to stabilise on a firm footing, the Commission recommends that the concerned States should take appropriate measures to translate the legislation into reality immediately so that tribals have full say in their socio-economic affairs.

II. Economic Development Of Scheduled Castes

5.62. According to 1991 Census the SCs numbered 1382.23 lakhs and represented 16.37% of the total population of the country (excluding the State of Jammu & Kashmir) of which 11.23

Crore (81.28%) lived in rural areas. The population of the Scheduled Castes in the country is distributed in 22 States and 5 Union Territories. In some of the States such as Punjab (28.31%), West Bengal (23.62%) and Uttar Pradesh (21%) the Scheduled Castes comprise a sizeable proportion of the total population. According to 1991 Census 11.23 Crore of the SC population lived in rural areas. In absolute numbers the highest concentration of Scheduled Castes is in Uttar Pradesh (2.93 crore), West Bengal (1.61 core), Bihar (1.16 crore), Tamil Nadu (1.07 Core), Andhra Pradesh (1.06 Crore) and Madhya Pradesh (0.96 crore). There are 119 blocks in the country with a high concentration i.e. above 40% of the Scheduled Castes population. These blocks are located in the States of Bihar, Himachal Pradesh, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal..

Special Component Plan for Scheduled Castes

5.63 The strategy of Special Component Plan (SCP) for the development of SCs was adopted during the Sixth Plan. The strategy envisaged provision of outlays from the State and Central Plan in proportion to the SC population, for schemes and programmes under different Heads of Development which are of direct relevance to the development of Scheduled Castes. These efforts of the State Government are supplemented by Special Central Assistance by the Government of India. Another important component of the strategy was mobilisation of institutional finance for bankable projects in which Scheduled Castes Development Corporation were to play a catalytic role.

5.64 During the period under Report, twenty four States/UTs viz., Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Chandigarh, Delhi and Pondicherry formulated their SCPs. State wise details of the outlays under SCP during Eighth Five Year Plan period (i.e.1992 -93 to 1996-97) may be seen in ANNEXURE- 5.IX

5.65 An analysis of the State/UT-wise SCP outlays indicate that in a large number of States which include Andhra Pradesh, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh, West Bengal, Delhi and Chandigarh, the provision under SCP has been less than the proportion of SC population during 1996-97. During the Annual Plan 1994-95 also most of these States, excluding Kerala, had earmarked funds under SCP less than the proportion of their SC population. The Commission also notes with concern that during 1995-96 in case of a large number of States such as Andhra Pradesh, Assam, Goa, Karnataka, Kerala, Rajasthan, Chandigarh and Delhi the flow of funds to SCP from State Plans in terms of percentage, has been less in 1995-96 as compared to corresponding flow in 1994-95. The details about expenditure under SCP as given in ANNEXURE 5.IX reveal that out of 24 States and UTs as many as 16 could not spend the amount earmarked under the plan during 1994-95.

5.66 The total outlay and expenditure from the States Plan under SCP during the Sixth, Seventh and Annual Plans of 1990-91 to 1996-97 were as follows:

TABLE - 5.13
Outlays and expenditure under SCP from State Plan

Plan Period	State Plan outlay	SCP outlay	% of outlay	(Rs. in Crores)		
				Actual Exp.	%to Exp.	% to outlay
VI Plan	47149.89	3614.66	7.66	2978.70	6.32	82.41
VII Plan	89322.89	7385.42	8.27	6916.62	7.74	93.65
Annual Plans						
1990-91	23255.49	2377.82	10.23	2105.83	9.07	88.56
1991-92	28041.04	3066.37	10.93	2936.45	10.47	95.76
VIII Plans						
1992-93	30684.47	3090.36	10.07	2892.89	9.43	93.61
1993-94	32728.54	3487.89	10.65	2933.98	8.96	84.12
1994-95	36842.12	4059.45	11.02	3466.94	9.41	85.40
1995-96	46958.01	5913.86	12.59	---- Not Available ----		
1996-97	54400.83	6007.00		-do-		

Source: Ministry of Welfare

5.67 The Ministry of Welfare has been repeatedly impressing upon the States/UTs to increase their SCP outlays at least in proportion to their SC population. However, as against 16.48% (1991) SC population in the country, the outlay, under SCP during 1996-97 works out to 11.02% of State Plan outlay. During the Eighth Plan period it has always been less than the ratio of SC population in the country. From the table above, it may be seen that while the outlays under SCP has been increasing over the years, the SCP funds have never been fully utilised. The Commission feels that it is not only the flow of funds to SCP from the State Plan outlays which should be at least proportionate to the SC population, but the actual expenditure under the plan has to be brought up to the same level. This was also impressed upon the State/UT Governments during the review meetings.

Impact of Special Component Plan

5.68 One of the major gains since the adoption of SCP strategy is that it has ensured allocation of funds and flow of funds to be utilised exclusively; for the development of SCs and over a period of time it has also contributed towards increasing the size of SCP in terms of financial allocation.

5.69 However, significant improvements in the conditions of SC population has not taken place in bridging the gap in development of the SCs and the other sections of the society. The inter-decennial trend in literacy rates and occupational trends (based on 1981 Census and 1991 Census) given below indicate that on major development indicators, the SCs have been unable to bridge the development gap. The table below indicates that in case of female literacy, this gap has widened during 1981-91.

TABLE 5.14
Literacy rate among SCs and the rest of the population

Year	Rest of the population (Non- SC Population SC/ST)		SC Population	
	Persons	Female	Persons	Female
1981	41.22	29.51	21.39	10.93
1991	57.69	44.82	37.41	23.76

5.70 The occupational profile of the SC population reveals that dependence on agriculture based activities is still quite high. Diversification of occupation, particularly in respect of agricultural labourers, has taken place only marginally through the economic development programmes under SCPs of State and UTs.

5.71 National Commission has held meetings with some of the States/UTs such as Karnataka, Kerala, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu, West Bengal and Chandigarh to review the development programmes of these States. During the review the Commission discussed in detail the Special Component Plans of the States. It was observed by the Commission that large number of states are not allocating funds to the SCP in proportion to the Scheduled Castes population of the State. Further, it was also noticed that the allocated funds remain unutilized in some of the States. The Commission has found that in some of the states outlays provided to large projects such as power, roads, etc. are shown under SCP in the SC population ratio. Such notional quantification of outlays defeats the purpose of SCP strategy and therefore, the State Governments should include in SCP only those programmes/schemes which are directly relevant for the development of these sections of people. The Commission recommends that all the States should allocate funds to the SCP in proportion to the states SC population and closely monitor the programmes to ensure their full utilisation. The State Governments should improve in their SCP on those programmes which are directly relevant for the development and welfare of the Scheduled Castes. In this connection it is important that regular review meetings should take place at the level of Chief Secretary to monitor the progress of the expenditure of the allocated funds and also ensure that no diversion take place.

5.72 The Commission has also found in its review meetings that the monitoring of the Special Component Plan was not adequate and effective in most of the States. To improve monitoring of the programme out of the 24 States/UTs that formulate Special Component Plan 18 States/UTs have since opened separate budget heads. The remaining 6 states namely, Jammu & Kashmir, Karnataka, Rajasthan, West Bengal, Goa and Chandigarh have yet to open separate budget heads for SCP. Twelve states, namely, Assam, Bihar, Goa, Gujarat, Madhya Pradesh, Maharashtra Punjab, Rajasthan, Tripura, Tamil Nadu, Uttar Pradesh and Delhi have made their departments concerned with SC welfare and development as nodal department for formulation and implementation of SCP. Fourteen states namely, Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Sikkim, Tripura, Maharashtra and Uttar Pradesh have set up monitoring committees at State and District levels. The Commission recommends that all the State Governments should open separate budget head for SCP allocation immediately to prevent diversion and mis-utilisation of funds earmarked for SCs and that the department concerned with SC welfare and development should be made responsible as nodal agency for formulation and implementation of SCP.

5.73 One of the major weaknesses of the special component plan has been the lack of formulation of the schemes directly relevant for the Scheduled Caste and the routine implementation of the programmes under SCP. There is lack of any time bound goal for bridging the gap in the inequalities between Scheduled Caste and the rest of population in respect of socio-economic development. The Commission has noticed that in many cases the funds allocated under Special Component Plan have been diverted to meet the requirements of the other sectors. It shows a lack of commitment on the part of the State Governments and absence of any urgency to fulfil the Constitutional obligations for setting up an egalitarian society. The

lacklustre implementation of SCP can be highlighted by citing the case of Punjab, the State with the highest SC population ratio of 28%. As compared to its SC population percentage the State Government earmarked a flow of 13.80 percent, 11.94 percent and 11.08% during 1994-95, 1995-96 and 1996-97 respectively for the SCP. The expenditure figures in the Annual Plans 1994-95 and 1995-96 show that even the inadequate outlay earmarked during three years have been further reduced by almost half of original allocation during the course of implementation of the Special Component Plan. The State government require to give high priority in their development plan to the SCP so that the funds earmarked for the SCP are not diverted to other sectors. For better impact of the program the State Governments should ensure that all the schemes under SCP are in accordance with the specific needs and priorities of SC people. More funds should be allocated to the schemes in the core sectors like agriculture, animal husbandry, dairy development, fisheries, small and cottage industries, leather, weaving, textiles, hand-loom, etc. by formulating appropriate schemes under the SCP.

Special Central Assistance for SCP

5.74 The Special Central Assistance (SCA) for SCP is an important instruments of funding operated by the Union Ministry of Welfare for economic development of SC people. The SCA is utilised to give an added thrust to the developmental programmes undertaken by the State Governments; in order to plug the gaps and vital missing inputs in family oriented income generating schemes. The SCA released to 24 States/UTs during 1992-93 to 1996-97 may be seen at ANNEXURE- 5.X

5.75 The allocation of SCA is decided on the basis of the norms such as SC population in the State/UT, relative backwardness of the State/UT, percentage of SC families covered by composite economic development programmes in the plan, percentage of SCP to the annual State Plan as compared to the percentage of SC population in the State, the programmes for specifically vulnerable groups and also the implementation of SCP during the previous year. The guidelines for utilisation of SCA stipulate that States/UTs can utilise SCA for infrastructure development programmes in blocks having 50% or of SCs subject to the condition that the SCA allocation should be made use of in such a way as to encourage larger efforts for development of SCs on the part of States/UTs. Moreover, the State Governments are not to substitute the obligations of State Governments under Plan and Non-Plan allocation with SCA funds. The amount of SCA released to the States/UTs from 1992-93 onwards is given below:

Table 5.15
SCA for SCP released to the States/UTs and its Utilisation
(Rs. in Crores)

Year	Release	Utilisation
1992-93	248.80	232.79
1993-94	272.12	257.56
1994-95	273.85	301.78
1995-96	275.00	290.71
1996-97	275.00(Provisional)	267.72

(Source: Annual Report 1996-97 Ministry of Welfare)

5.76 The total amount of SCA for SCP released by the Union Ministry of Welfare indicates that the amount is stagnant around Rs. 275 Crore since 1993-94. In other words it may be said that the amount of Central Assistance has decreased in real terms keeping in view the annual

rate of inflation in the India economy during the same period. The Commission recommends that the Central Government should regularly provide a suitable step-up to the total amount of SCA for Special Component Plan to keep up with not only the rising prices but also to enable the States to expand their activities for the welfare of the SCs.

5.77 The Union Ministry of Welfare has examined the utilisation of SCA by the States/UTs during 1990-91 to 1993-94 and has found that though the utilisation is satisfactory by and large, there is undue delay by the States in releasing funds to the implementing agencies which result in funds lying unspent at the end of financial year. The Ministry has noticed unspent balances in respect of States of Uttar Pradesh, Tamil Nadu Rajasthan, West Bengal and Bihar. The Ministry has reported that Government of Bihar at the end of 1993-94 has Rs. 70.50 Crore had unspent balance out of SCA released to the State Government in the previous years. During its review meetings with the State Governments the Commission has also been impressing upon the State Governments to utilise the SCA funds efficiently and timely. In this connection the Commission urges upon all the States to ensure timely release of funds to the implementing agencies so that the scarce funds do not remain idle.

5.78 The Ministry had introduced a scheme of disincentive during 1995-96, by which an amount equivalent to the unspent balance available with the States/UTs at the commencement of the subsequent year was to be deducted from the amount due to be allocated to those States/UTs in the subsequent year. The Standing Committee on Labour and Welfare in its meeting on 14-8-96 had suggested that instead of awarding disincentives to the defaulting States, the Ministry should monitor the Programme thoroughly and stress upon the State Governments to utilise the amount allocated under Special Component Plan fully. The recommendation of the Standing Committee has been accepted by the Ministry of Welfare. In this connection the Commission reiterates its recommendation made in its previous Report that the Ministry may consider providing additional SCA as an incentive to the States which perform better in utilisation of Special Central Assistance during the preceding year. The Commission also suggests that the Ministry may examine in depth the cases of some of the defaulting States to identify the bottlenecks in the utilisation of the SCA for Special Component Plan. In case the under utilisation is due to negligence the concerned officials the State Government should hold them responsible.

Special Component Plan of Central Ministries/Departments

5.79 The Central Ministries has a very important role in implementing the strategy of Special Component Plan as the Centre have a special responsibility for the development of the Scheduled Castes and Scheduled Tribes. The Ministry of Welfare has pointed out in its Annual Report 1996-97 that only 13 Central Ministries/Departments have reported the preparation of Special Component Plan for SCPs out of the 67 Central Ministries/Departments. It may also be observed that the funds allocated by many of the Central Ministries to the SCP are not proportionate to the SC population in the country.

5.80 The Commission feels that Centre should make a larger contribution in the funds required for the development of the Scheduled Castes as the States on their own have not been able to make much dent in bridging the inequalities in development of the SCs and the rest of the population. In this regard it is a matter of concern that out of the 67 Central Ministries only about the 13 to 14 Central Ministries/Departments are reporting quantification of funds for allocation under SCP and even the funds allocated by these Ministries are not proportionate to

the SC population. The Commission urges upon all the Central Ministries to identify appropriate schemes which are relevant to the development of Scheduled Castes and prepare their Special Component Plan earmarking funds at least in proportion to the SC population. The Ministries should also show in their annual reports separately the amount earmarked for Special Component Plan, its utilisation, achievement of physical targets and description of major schemes implemented by these Ministries for the welfare and development of the people belonging to SC communities. The Commission further recommends that the Ministry of Finance should lay a separate report on Special Component Plan in the Parliament while presenting the Annual Budget of the Union Government as some of the State Government are doing at the time of presenting their Budgets in the Assemblies.

5.81 Among the Central Ministries, the Ministry of Rural Areas and Employment has been implementing various poverty alleviation programmes which are of special significant for the development of the Scheduled Castes. Some of the important poverty alleviation programmes benefiting the SCs and STs are discussed in the following paragraphs.

Integrated Rural Development Programme

5.82 Under the programme, the target group includes the SCs, STs, small and marginal farmers, agricultural labourers, rural artisans and those who are living below the poverty line i.e. a family whose annual income from all sources is less than Rs.11,000. At least 50% of the assisted families should be from SC and ST category. During the 8th Five Year Plan about 95 lakh families have been assisted under IRDP out of which 48.83 lakhs belong to the scheduled Castes and Scheduled Tribes

5.83 The Ministry has taken steps to enhance the average level of investment per family by introducing Family Credit Plan on a pilot basis from 1991-92 which was extended to 213 districts in 1994-95. To bring about a qualitative improvement in the programme the Ministry has decided to fix credit targets from 1995-96, instead of physical targets in terms of the number of beneficiaries. As a result of these interventions the average level of investment per family has increased from Rs.7889 in the beginning of the Eighth Plan Period to Rs.14,400 during 1996-97 (up to November, 1996). The scheme of Family Credit Plan (FCP) should be extended to cover all the districts. However the investment of Rs.14,400 does not appear to be adequate to bring a person out of the abject poverty conditions in which SC/ST persons are living.

5.84 The concurrent evaluation of IRDP as carried out by the Ministry relating to the period September, 1992 to August, 1993, published in 1996, has brought out that only 15.96% of the old beneficiary families could cross the poverty line of Rs.11,000. However, the analysis by income group of families reveal that in case of those within initial income of Rs.8501 to Rs.11,000, 48.22% of the beneficiary family are able to cross the poverty line of Rs.11,000. Thus it is seen from the concurrent evaluation report that the improvement in the income of the poor has not been very significant from the assistance received under these programmes. Only those persons were able to cross the annual income level of Rs.11000 who were quite close to threshold level even before receipt of assistance under IRDP. Therefore, the quantum of assistance needs to be increased significantly so that the poorer among the poor can also cross the poverty line. The programme content need to be given wider publicity as the targeted group is not well aware of the benefits available under the programme. Concurrent evaluation has shown that 57% of the beneficiaries were not aware of the benefit of group life insurance scheme under this programme.

Moreover the linkage of IRDP with TRYSEM and DWCRA was found to be poor. In all only 2.09% of the families reported that their members were assisted under DWCRA and only 2.02% of the beneficiaries have received training under TRYSEM. The state-wise details relating to physical progress under IRDP during 1995-96 are given at the ANNEXURE- 5.XI.

Training of Rural Youth for self-employment

5.85 The Training of Rural Youth for self-employment (TRYSEM) is a component of IRDP under which the rural youth in the age group of 18 to 35 years coming from families below the poverty line are trained in various skills so that they may eventually take up self-employment or wage employment in some economic venture. As in the case of IRDP, the coverage of SC and ST categories should be atleast 50% of the total youth trained.

5.86 During the Annual Plans 1995-96 and 1996-97 (upto Nov.96) 2.91 lakhs and 1.47 each youth were trained under TRYSEM. This included 1,33,930 and 59,480 number of SC/ST youth during these two years respectively. According to the Annual Report 1996-97 of the Ministry of Rural Areas and Employment out of the trained youth 1,41,115 (48%) in 1995-96 and 52,312 (35%) in 1996-97 got employment. These figures show that more than half of the youth failed to get employment after their training. An important reason for such a high rate of failure is the lack of proper linkages relating to finance and marketing arrangements under the programme. There should be constant review of the market to study the extent to which activities for which training is being imparted can generate self-employment.

5.87 The concurrent evaluation of the IRDP by the Ministry of Rural Areas and Employment has shown that out of IRDP beneficiaries only 2% had received training under TRYSEM. It shows the lack of linkage between IRDP and TRYSEM. The Commission is of the view that since each and every youth trained under TRYSEM is a potential IRDP beneficiary according to the guidelines of the programme the SCDCs functioning in various States/UTs could play a major role in the matter of coverage to SC and ST youth trained under the TRYSEM by establishing closer links with the training institutes.

Wage Employment Programme

5.88 The Jawahar Rozgar Yojana (JRY) is one of the most important programme of wage employment in the rural sector currently in operation in the country. The programme is a Centrally Sponsored Scheme and the expenditure is shared between the Centre and States in the ratio of 80:20.

5.89 Since the introduction of the JRY in 1989-90 till 1995-96 the States utilised an amount of Rs. 21335.58 crore. For this period the target was to generate 5936.40 million mandays and the actual employment generated was of order of 5823.54 million mandays representing 98.19% achievement. The Scheduled Castes had a share of 37.43% in the total employment generated during the period. The figures relating to achievement of the schemes in terms of employment generation lack credibility as the inspections at village level show that such records were not maintained by the Panchayats.

Million Wells Scheme

5.90 Under the Million Wells Schemes open irrigation wells, irrigation tanks and harvesting structures are provided to the beneficiaries. A provision for land development has also been made under the scheme. During 1995-96, a total of 1,42,685 wells were constructed with an expenditure of Rs.538.29 crores. The Ministry has reported, in its Annual Report 1996-97 that during first seven months of the Annual Plan 1996-97 (upto Oct,1996) a total 51521 wells were constructed out of which 18248 (35%) belonged to the Scheduled Castes. Inspection of the scheme at the field level show that there are many deficiencies in its implementation. The wells constructed under the scheme fail where the sub-soil water is very deep. For better utility of the scheme it should be modified to include borewells also. The Ministry should undertake periodical review of the wells constructed under the scheme to ensure that irrigation benefits are not cornered by the large farmers in the villages.

Indira Awas Yojana

5.91 According to 1991 Census, 3.41 million households are without shelter and 10.31 million households are living in unserviceable houses. Taking into consideration the population growth, rate of annual growth of homelessness and housing Unit that were likely to be added at present growth of housing stock the Ministry of Rural Areas and Employment have estimated that the total housing shortage to be tackled by 2002 AD is about 17.67 million units which includes about 10.3 million units needing upgradation and 7.37 million household without shelter. The Indira Awas Yojana aims at providing free of cost dwelling units to SCs and STs and freed bonded labourers in rural areas. During the period 1995-96 the Central Government decided to construct one million houses under the scheme for which an allocation of Rs.1,368.34 crores (including state share) was made. During the year 1996-97 356855 houses were constructed against the target of 1123560 representing an achievement of 31.76% only. Of the constructed houses 187565 (52%) belonged to SC. Since this programmes is catering to an important need of the SC population in rural areas the Ministry should ensure that the targets under this programme do not fall short the way they did in 1996-97. State-wise details of the houses constructed under the scheme are given at ANNEXURE- 5.XII.

Employment Assurance Scheme

5.92 The Employment Assurance Scheme (EAS) is in operation in the rural areas of the country since October,1993. Under the scheme 100 days of assured employment is provided to the rural poor who are in need of employment. Initially the scheme was implemented in 1,778 blocks of 261 districts. The Ministry has now decided to extend the scheme to all the blocks in the country in the next two years.

5.93 Considering the fact that a significant proportion of SC and ST workers are agricultural labourers and have no assured employment throughout the year there is a possibility of their exploitation by the contractors, middlemen etc. In this context, in addition to regular inspection of works the extent to which SCs and STs are being provided assured employment also need to be regularly monitored. During the year 1995-96 the States generated 3467.27 lakh mandays.

Rural Water Supply

5.94 The Scheduled Castes in many parts of the country have been traditionally discriminated against in the matter of access to drinking water. In many parts of the rural areas the Scheduled Castes continue to have separate wells or source of drinking water the quality of which is considerably poor as compared to the general source of drinking water in the village. In successive five year plans allocations have been made for provision of safe drinking water. National Drinking Water Mission was launched in 1986. However, despite all these efforts for the last fifty years entire population could not be provided with drinking water. Funds for provision of drinking water in the rural areas are being provided under Accelerated Rural Water Supply Programme. In addition to earmarked funds of a minimum of 35 per cent of ARWSP funds for the coverage of SCs/STs during 1991-92, Government had decided to give special assistance of Rs. 60 crore for coverage of SC/ST habitations as part of DR. Baba Saheb Ambedkar Centenary Programme. Out of this Rs.56.70 crores were released in 1991-92, Rs.2.23 crore in 1992-93 and Rs. 0.75 crore in 1993-94.

5.95 The Coverage of rural population as per survey and coverage of villages as reported by the States are as under:

Table 5.16
Coverage of rural population under Drinking Water

Total Rural population (as per 1991 Census)	Coverage up to 1995-96	%coverage on 31 March 96	(Number in lakhs)		
			Target	1996-97 Coverage(*)	
Total	6286.91	5133.71	81.66	276.50	84.48
SC	1128.68	875.23	77.54	55.99	17.62
ST	627.51	535.58	85.35	35.85	8.29

5.96 It may be seen that the coverage of SC population in the provision of drinking water has been the least (77.54%) upto 31.3.96. In other words more than 20% of the SC population does not have access to safe drinking water. This may also be add that many a times the sources of drinking water provided by the Government dry up and the population is continued to be shown as covered with drinking water. The Commission recommends that Ministry should take up a comprehensive survey to identify the problem of drinking water among SC/ST and take immediate appropriate steps to solve it.

Agriculture

5.97 Occupational profile of the Scheduled Caste show that they are predominantly dependant upon agriculture for their livelihood 49.06 percent of them as agricultural labour and 25.44 percent as cultivators mainly with very small holdings. In the case of General Population there has been substantial decline in the proportion of those engaged as agricultural labour during 1981 to 1991, however, in the case of SCs the decline is only marginal. The information from Ministry of Agriculture also show that the average size of holding of the SC cultivators (1.47 hectares) is around half the size of holding of the other social groups (2.4 hectares) The proportion of irrigated area was also low as compared to the holding of the other social groups. As land is the most valuable and scarce the resource in the rural areas the importance of development of agriculture and land reforms is vital to the development of the SCs. The Ministry of Agriculture has been implementing various beneficiary as well as area oriented

programmes for welfare of SCs. However, the Ministry has not given details of their SC development programme. As mentioned above land reforms in our country are very important in the context of economic development of the rural poor. The cumulative achievement under the implementation of Land Ceiling Laws upto the quarter ending December, 95 indicates that 74,86,818 acres of area has been declared surplus and out of which 65,60,765 acres have been taken possession of representing more than 87% of the declared surplus area. In regard to area distribution, it is observed that out of 51,79,595 acres of area distributed so far, the share of SCs was 17,91,854 acres which represented 34.59% of the total area distributed. Out of the total 50,51,496 beneficiaries, the SCs numbered 18,17,322 accounting for 35.98%. The commission notes with concern that the total area involved under litigation has been 10.97 lakh acres and that higher acreage of land under litigation have been reported from the States of Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal in which the proportion of SC and ST population is quite high.

Integrated Child Development Service Scheme

5.98 As per 1991 Census India has around 15 Crores children constituting 17.5% of Indian population who are below the age of 6 years. A large number of these children live in conditions of poverty, poor environment sanitation and inadequate access to primary health care. Department of Women & Child Development is implementing the programme of Integrated Child Development Service (ICDS) Scheme to improve nutritional and health status of the children belonging to vulnerable groups including pre school children, pregnant women and nursing mothers. The Department has reported that ICDS covers 37 lakhs expectant and nursing mothers and 18.60 lakh children under 6 years of age of this disadvantaged group. The Central Government's expenditure on the implementation of the scheme during the 8th plan period was estimated at Rs. 2247 Crores. The entire expenditure of the Centrally Sponsored ICDS project except the supplementary nutrition component is borne by Government of India in the form of grant-in-aid to states. For the year 1996-97 a plan provision of Rs. 503.94 Crores has been made. The programme is of special significance to the Scheduled Castes and Scheduled Tribe children as they form one of the major section of the society which is malnourished. The Department has reported that while selecting the location for the project, preference is given to those areas which are predominantly inhabited by vulnerable and weaker sections of the society i.e. Scheduled Castes & Scheduled Tribes and low income families residing in economically backward areas, drought prone areas and areas in which the development of social services require strengthening. The ICDS scheme has been universalised during 1995-96 with sanctioning of ICDS in all 5320 community blocks and 301 major urban slums in the country. However, the field visit to the ICDS centres show that the supplementary food supplied to the centres is not adequate and regular. In many areas the children belonging to Scheduled Castes are not allowed to attend these Centres or are not allowed to sit along with the children belonging to the rest of the population. The Department of Women and Child Development should take effective steps to stop discrimination against Scheduled Caste children in the ICDS Centres. The annual report of the Department has not given the details of the Scheduled Castes and Scheduled Tribes beneficiaries under this programme. The Department is requested to collect the information pertaining to the SC/ST beneficiaries under this programme and also other programmes relating to the women development and incorporate them in its annual report for evaluation of these programmes by the National Commission for SCs and STs.

Institutional Finance

5.99 The efforts for economic development of the Scheduled Castes and Scheduled Tribes are being made by providing facilities for income generation activities. The role of the financial institutions in this context is very vital in each area of activity which is being pursued by the Scheduled Castes and Scheduled Tribes. While the Government is providing subsidy through various schemes and programmes and training for skill formation for self-employment and income generation activities in various sectors, the financial institutions have to provide credit to supplement the Government effort. The Institutions catering to the credit requirement of SCs and STs are: National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC), Scheduled Caste Development Corporation (SCDC), Public Sector Banker, Co-operative Societies and Regional Rural Banks. These Institutions have greatly reduced the dependence of the weaker sections of the society on the private money lenders and are providing yeoman's service in saving them from exploitation. Reserve Bank of India should conduct a survey of indebtedness of the weaker sections of the society particularly SC and ST and ascertain the share of the institutional credit vis-a-vis the private money lenders and also identify the bottlenecks in the availability of credit to SCs and STs in the different regions of the country

National Scheduled Castes and Scheduled Tribes Finance and Development Corporation

5.100 The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) was set-up in February 1989 as a Government Company and since then has emerged as an important financial institution in the context of economic development of SCs and STs. The Corporation extends concessional finance to SCs and STs and its funds are channelled through the State level SC ST Corporations and other channelling agencies. The NSFDC has sanctioned loans for various schemes in sectors such as agriculture, horticulture, minor irrigation, animal husbandry, small industries, handlooms, transport and services. The cumulative disbursements have been to the tune of Rs.7147.43 crores by the end of financial year 1996-97. The State/UT wise details of the beneficiaries assisted under the schemes in which the NSFDC played a major role in financing is given at ANNEXURE -5.XIII.

5.101: Since NSFDC is the apex body for channelling the development programmes for SC/ST, the Commission feels that the central Government should consider providing bank status to this Corporation so as to augment its resource base and expand the horizon of its operations in the field of SC/ST upliftment. National Commission for SC/ST held a meeting with the NSFDC and Scheduled Caste Development Corporations (SCDCs). The recommendations of the Commission are given after discussion on SCDC.

Scheduled Castes Development Corporation

5.102 The Scheduled Caste Development Corporations (SCDCs) have been set-up in 19 States and four Union Territories with a view to mobilising financial resources for schemes to be implemented for the economic development of SC persons living below the poverty line. The States and UTs in which such Corporations are functioning include Andhra Pradesh, Assam,

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

5.103 During the year 1992-93, 1993-94 and 1994-95 these Corporations have assisted 5.35 lakhs, 7.54 lakhs and 5.83 lakhs SC families respectively in the country.

5.104 The National Commission for SC and ST held a meeting with the NSFDC and Scheduled Caste Development Corporations (SCDCs) in New Delhi on 25.7.1997. The recommendations/findings of the Conference are as follows:

- i. The SCDCs did not get the share Capital contributions from the State Governments in time which hampers their smooth functioning. Therefore the Commissions recommends that there should be regular flow of funds to SCDCs like that to DRDA, so that funds allocated are fully utilised. In this connection it is suggested that regular quarterly release of funds to SCDC may be followed.
- ii. It was brought to the knowledge of the Commission that in case the loan was not disbursed in time out of funds received from NSFDC panel interest is charged on the Corporation. The Commission feels that penalising the SCDCs by NSFDC should be stopped since, in most of the cases, delay in utilising NSFDC funds is on account of late or non-receipt of funds from State Government out of States/Central Share and the State guarantee.
- iii. The Commission further recommends that establishment cost of the Corporation, interest subsidy and bad debt can not be met out of Service charge of 2%. To meet this either NSFDC rates may be reduced from 4% or rate of interest charged by the State level Corporation may be increased from 8% to 7% or 8%. This will help the Corporation to meet the expenditure on interest subsidy and bad debts also. Alternately SCA or revenue grant for establishment cost should be increased while share capital contribution may be reduced, if necessary, as situation of paid-up share capital gradually approaches the authorised share capital.
- iv. Since non-utilisation of funds released to the Corporation is mostly account of late release by the State Govt., the funds allotted to the Corporation may be released by the Govt. of India to this Corporation directly.

- v. Income ceiling for eligibility of NSFDC scheme (Costing upto Rs. 30 lakhs) is Rs. 22000/- p.a. It is not possible for poor person to provide seed money @ 5% to 8% of the project cost. It is suggested that income ceiling should be removed.
- vi. Under the NFDC scheme of term Loan, promoters contribution is not insisted for the project cost upto Rs. 1 lakh. For the project cost above Rs. 1 lakh. And upto Rs. 10 lakh the promoters contribution is 5%, while for each project costing above Rs. 10 lakh, the promoters contribution is 8% . Insisting of seed money contribution compels the poor beneficiary, in majority of cases, to seek capital loan from private money lenders who charge exorbitant rates of interest. Hence, seed money to the beneficiary should also be provided by the NSFDC/SCDC or out of SCA.
- vii. Some time the proposals forwarded by SCDCs to Banks are rejected, treating them as non-viable . Therefore, Banks may, at the beginning of the financial year, bring out a list of viable schemes so that proposals sent by the Corporation are not rejected.
- viii. The Training Schemes taken up by the Corporations should be extended to wage employment also and not restricting to self -employment schemes.
- ix. Professional calibre of SCDC Officers and Staff is poor. NSFDC could assist the Corporations in providing training to them. In this connection the Government may consider for setting up a separate cadre of all SC/ST Corporations.
- x. Basic objective of SC/ST Corporations is to act as promoter, catalyst guarantor. Therefore, NSFDC and State SC/ST Corporations should be given the status of Banking Institution, since these Corporations are functioning as Banks with reference to SC/ST beneficiaries.
- xi. It is suggested that assets of the beneficiary may be hypothecated to the Corporation and State's Guarantee should not be insisted upon.

Public Sector Banks

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

provide information on the loans sanctioned and disbursed during the year to the weaker sections of the society to make an assessment of the working of the public sector Banks' advances to the priority sectors. The Table 5.17 below gives details of Public Sector Banks' advances to priority sector:

TABLE-5.17
Public Sector Banks Advances to priority sector
(As on last Friday of March, 1995)

Priority Sector	Number of Borrower Accounts (in lakhs)			Amount Outstanding (Rs. in crores)		
	Total	SC/ST	%age	Total	SC/ST	%age
1	2	3	4	5	6	7
1. Direct Agriculture	207.10	55.84	26.96	20812.47	2693.98	12.94
2. Indirect Agriculture	5.95	1.90	31.93	2700.46	116.26	4.30
3. Small Scale Industries	32.25	9.15	28.37	25842.80	764.19	2.95
4. (a) of which Cottage, Khadi & Vill. Ind, Tiny Industry etc.	11.17	2.29	20.50	7733.98	174.93	2.26
5. Other priority Sectors	116.43	32.26	27.70	12438.70	1854.01	14.90

Note : Provisional Data
Source : Banking Division, Ministry of Finance.

5.106. Under the differential rate of interest schemes, the total number of accounts at the end of March, 95 was 22.99 lakhs with an outstanding amount of Rs.701.84 crores. The SCs and STs accounts number 11.56 lakhs with an outstanding amount of Rs.42079 crores and the percentage of advances to SCs/STs under DRI accounted for 59.96.

5.107 From the Annual Reports of the All India Financial Institution, viz., Industrial Development Bank of India (IDBI), Industrial Finance Corporation of India Ltd.(IFCI), Small Industries Development Bank of India (SIDBI), Export Import Bank of India(IRBI), National Housing Bank(NHB) and National Bank of Agriculture and Rural Development(NABARD), it was observed that an assessment of their operations in the form of direct/indirect advances to SC/ST beneficiaries or entrepreneurs has not been given. The Commission urges these Financial Institutions to include in their Annual Reports appraisal of the schemes and total advances made by them for the benefit of SCs/STs.

National Scheme of Liberation and Rehabilitation of Scavengers and their dependants

5.108 The National Scheme was launched in March, 1992 to eliminate the sub-human practice of manual removal of nightsoil as head load by the end of the Eighth Five Year Plan. Identification, training and thereafter rehabilitation of scavengers in alternative occupations are

the three distinct operational component under the scheme. The SCDCs functioning in various States/UTs are the nodal agencies for the implementation of the scheme at the ground level. The National Commission for Safai Karmacharis has been set-up to specifically look into the interests of Safai Karmacharis. The Commission has since been functioning actively as a watch-dog agency for the welfare and development of the Safai Karmacharis. This Commission is expected to closely supervise and monitor the implementation of the National Scheme of Liberation and Rehabilitation of Scavengers and their dependants. The National Commission for SC/ST support the steps being taken by them to deal with the problem.

Major Recommendations

5.109 On the basis of discussions on various issues relating to economic development of Scheduled Castes and Scheduled Tribes, the broad recommendations are summarised below:

(i) **The Ministry of Labour should undertake a comprehensive survey of the impact of economic reforms on the job opportunities on a whole and particularly in the case of SCs and STs.(para 5.7)**

(ii) **All the States implementing tribal sub-plan(TSP) should allocate funds to the TSP 3 percent more than the States ST population percentage in accordance with the recommendations of the working group set up at the time of formulation of Eighth Five Year Plan. The State Govts. need to monitor the progress of implementation of tribal sub-plan closely to ensure that the funds allocated are fully utilised and no diversion takes place from TSP to other sectors.(para 5.24)**

(iii) **Infrastructure development in tribal areas particularly in sectors of transport, communication, power and vocational education should be given high priority. Conscious efforts are required to ensure that the benefits of liberalisation in terms of profit sharing and employment generation reached the tribal areas. (para 5.35)**

(iv) **While locating large projects in the tribal areas an adequate rehabilitation package for the affected people should be prepared. In this connection, it is recommended that tribal should be made partners in these large development projects. (para 5.35)**

(v) **Institutional finance should be made available to the STs and SCs on more liberal terms and conditions and RBI and other financial institutions should maintain record of the information of flow of credit to the SCs and STs and publish the same on regular basis. Flow of credit to the SC/ST should be enhanced under the priority sector advances of the Banks.(para 5.38)**

(vi) Department of Agriculture and Co-operation should make efforts for activating strengthening and broad basing the LAMPS, at the same time ensure easy access of LAMPS to the tribals by simplifying procedure.(para 5.44)

(vii) Exclusive rights for collection of MFP should be given to the tribals by the States wherever this has not been so far and TRIFED should ensure better remuneration to the tribals for their produce.(para 5.44)

(viii) ICAR is required to direct its research activities to the tribal areas by taking up research on crops grown by tribals, opening research centres in the tribal areas, developing comprehensive packages for the tribes practicing shifting cultivation and transferring the agriculture technology to the STs. (para 5.47)

(ix) The States should give functional, financial and administrative autonomy to the Panchayati Raj Institutions set up after 73rd Amendment of the Constitution, to enable these institutions to function as institutions of self Governance. The Panchayats at the appropriate levels should be endowed with ownership of minor forest produce.(para 5.58 & 5.60)

(x) All States should allocate funds to the SCP in proportion to the States' SC population and closely monitor the programmes to ensure their full utilisation and only those programmes should be included in the SCP which are directly relevant for the development and welfare of the Scheduled Castes.(para 5.71 & 5.73)

(xi) All the State Govts. should open separate budget head for SCP allocation immediately to prevent diversion, mis-utilisation of funds earmarked for SCs and the department concerned with SC welfare and development should be made responsible as nodal agency for formulation and implementation of SCP.(para 5.72)

(xii) The Central Govt. should regularly provide a suitable step-up to the total amount of SCA for Special Component Plan and the States should ensure timely release of funds to the implementing agencies so that the scarce funds do not remain idle. The Union Ministry of Welfare may examine in the depth the cases of some of the States defaulting in utilisation of SCA for the SCP to identify the bottlenecks in the utilisation of SCA.(para 5.76, 5.77 & 5.78)

(xiii) The Union Ministry of Finance should lay a separate report on Special Component Plan in the Parliament while presenting the Annual Budget. (para 5.80)

(xiv) The Ministry of Rural Areas and Employment should take up a comprehensive survey to identify the problem of drinking water among SC/ST and take immediate steps to solve it.(para 5.96)

(xv) NSFDC and SCDCs should be given the status of Banking Institutions. These institutions need to simplify the procedure for granting loans by removing income ceiling. Further these institutions need to be strengthened financially as well as improving professional calibre of the staff.(para 5.104)

ANNEXURE-5.1
(Ref. para 5.1)

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

S. No.	State/UT	Total		Scheduled Castes				Scheduled Tribes			
		1981	1991	1981	%	1991	%	1981	%	1991	%
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
STATES											
1.	Andhra Pradesh	5,35,49,673	6,65,08,008	79,61,730	14.87	1,05,92,066	15.93	31,76,001	5.93	41,99,481	6.31
2.	Arunachal Pradesh	6,31,839	8,64,558	2,919	0.46	4,052	0.47	4,41,167	69.82	5,50,351	63.66
3.	Assam	1,98,96,843	2,24,14,322	12,41,526	6.24	16,59,412	7.40	21,85,845	10.99	28,74,441	12.82
4.	Bihar	6,99,14,734	8,63,74,465	1,01,42,368	14.51	1,25,71,700	14.55	58,10,867	8.31	66,16,914	7.66
5.	Goa	10,86,730	11,69,793	23,432	2.16	24,364	2.08	10,721	0.99	376	0.03
6.	Gujarat	3,40,85,799	4,13,09,582	24,38,297	7.15	30,60,358	7.41	48,48,586	14.22	61,61,775	14.92
7.	Haryana	1,29,22,618	1,64,63,648	24,64,012	19.07	32,50,933	19.75	-	-	-	-
8.	Himachal Pradesh	42,80,818	51,70,877	10,53,958	24.62	13,10,296	25.34	1,97,263	4.61	2,18,349	4.22
9.	Jammu & Kashmir	59,87,389	77,18,700	4,97,363	8.31	6,41,200	8.31	-	-	N.A.	N.A.
10.	Karnataka	3,71,35,714	4,49,77,201	55,95,353	15.07	73,69,279	16.38	18,25,203	4.91	19,15,691	4.26
11.	Kerala	2,54,53,680	2,90,98,518	25,49,382	10.02	28,86,522	9.92	2,61,475	1.03	3,20,967	1.10
12.	Madhya Pradesh	5,21,78,844	6,61,81,170	73,58,533	14.10	96,26,679	14.55	1,19,87,031	22.97	1,53,99,034	23.27
13.	Maharashtra	6,27,84,171	7,89,37,187	44,79,763	7.14	87,57,842	11.09	57,72,038	9.19	73,18,281	9.27
14.	Manipur	14,20,953	18,37,149	17,753	1.25	37,105	2.02	3,87,977	27.30	6,32,173	34.41
15.	Meghalaya	13,35,819	17,74,778	5,492	0.41	9,072	0.51	10,76,345	80.58	15,17,927	85.53
16.	Mizoram	4,93,757	6,89,756	135	0.03	691	0.10	4,61,907	93.55	6,53,565	94.75
17.	Nagaland	7,74,930	12,09,546	-	-	-	-	6,50,885	83.99	10,60,822	87.70
18.	Orissa	2,63,70,271	3,16,59,736	38,65,543	14.66	51,29,314	16.20	59,15,067	22.43	70,32,214	22.21
19.	Punjab	1,67,88,915	2,02,81,969	45,11,703	26.87	57,42,528	28.31	-	-	-	-
20.	Rajasthan	3,42,61,862	4,40,05,990	58,38,879	17.04	76,07,820	17.29	41,73,124	12.21	54,74,881	12.44
21.	Sikkim	3,16,385	4,06,457	18,281	5.87	24,084	5.93	73,623	23.27	90,901	22.36
22.	Tamil Nadu	4,84,08,077	5,58,58,946	88,81,295	18.35	1,07,12,266	19.18	5,20,226	1.07	5,74,194	1.03
23.	Tripura	20,53,058	27,57,205	3,10,384	15.12	4,51,116	16.36	5,83,920	28.44	8,53,345	30.95
24.	Uttar Pradesh	11,08,62,013	13,91,12,287	2,34,53,339	21.16	2,92,76,455	21.05	2,32,705	0.21	2,87,901	0.21
25.	West Bengal	5,45,80,647	6,80,77,965	1,20,00,768	21.99	1,60,80,611	23.62	30,70,672	5.63	38,08,760	5.59
UNION TERRITORIES											
1.	Andaman & Nikobar Islands	1,88,741	80,661	-	-	-	-	22,361	11.85	26,770	9.54
2.	Chandigarh	4,51,610	6,42,015	63,621	14.09	1,05,977	16.51	-	-	-	-
3.	Dadra & Nagar Haveli	1,03,676	1,38,477	2,041	1.97	2,730	1.97	81,714	78.82	1,09,380	78.99
4.	Daman & Diu	-	1,01,586	-	-	3,89	3.83	-	-	11,724	11.54
5.	Delhi	62,20,406	94,20,644	11,21,643	18.03	17,94,836	19.05	-	-	-	-
6.	Lakshdweep	40,249	51,707	-	-	-	-	37,760	93.82	48,163	93.15
7.	Pandicherry	6,04,471	8,07,785	96,636	15.99	1,31,278	16.25	-	-	-	-
	INDIA	68,51,84,692	84,63,02,688	10,59,96,149	15.47	13,82,23,277	16.33	5,38,14,483	7.85	6,77,58,380	8.08

Source- Census of India 1991

ANNEXURE-5.II
(Ref. para 5.1)

TOTAL RURAL AND URBAN POPULATION SCHEDULED CASTE POPULATION AND SCHEDULED TRIBE POPULATION IN STATES AND UNION TERRITORIES BY RESIDENCE - 1991.

S. No.	India/State Union Territory	Total/Rural/Urban	Total Population	Population of Scheduled Castes	Population of Scheduled Tribes
1.	2.	3.	4.	5.	6.
01	INDIA**	T R U	846302688 628691676 217611012	138223277 112343797 25879480	67758380 62751026 5007354
01	INDIA (Excluding Jammu and Kashmir)	T R U	838583988 622812376 215771612	138223277 112343797 25879480	67758380 62751026 5007354
01	INDIA (Excluding Assam and Jammu and Kashmir)	T R U	816168666 602885849 213283817	136563865 110913666 25650199	64883939 59973718 4910221
STATES					
01	ANDHRA PRADESH	T R U	66508008 48620882 17887126	10592066 8758641 1833425	4199481 3880254 319227
02	ARUNACHAL PRADESH	T R U	864558 753930 110628	4052 2858 1194	550351 518222 32129
03	ASSAM	T R U	22414322 19926527 24877995	1659412 1430131 229281	2874441 2777308 97133
04	BIHAR	T R U	86374465 75021453 11353012	12571700 11437136 1134564	6616914 6153659 463255
05	GOA	T R U	1169793 690041 479752	24364 12747 11617	376 89 287
06	GUJARAT	T R U	41309582 27063521 14246061	3060358 1899394 1160964	6161775 5663178 498597
07	HARYANA	T R U	16463648 12408904 4054744	3250933 2675277 575656	- - -
08	HIMACHAL PRADESH	T R U	5170877 4721681 449196	1310296 1227321 82975	218349 212940 5409
09	JAMMU & KASHMIR **	T R U	7718700 5879300 1839400	N.A. N.A. N.A.	N.A. N.A. N.A.
10	KARNATAKA	T R U	44977201 31069413 13907788	7369279 5645186 1724093	1915691 1629496 286195
11	KERALA	T R U	29098518 21418224 7680294	2886522 2351924 534598	320967 309764 11203
12	MADHYA PRADESH	T R U	66181170 50842333 15338837	9626679 7522394 2104285	15399034 14652730 746304
13	MAHARASHTRA	T R U	78937187 48395601 30541586	8757842 5552004 3205838	7318281 6405814 912467
14	MANIPUR	T R U	1737149 1331504 505645	37105 17705 19400	632173 578930 53243

15	MEGHALAYA	T	1774778	9072	1517927
		R	1444731	4972	1312093
		U	330047	4100	205834
16	MIZORAM	T	689756	691	653565
		R	371810	456	358113
		U	317946	235	295452
17	NAGALAND	T	1209546	-	1060822
		R	1001323	-	933145
		U	208223	-	127677
18	ORISSA	T	31659736	5129314	7032214
		R	27424753	4578669	6670506
		U	4234983	550645	361708
19	PUNJAB	T	20281969	5742528	-
		R	14288744	4562442	-
		U	5993225	1180086	-
20	RAJASTHAN	T	44005990	7607820	5474881
		R	33938877	6102496	5220549
		U	10067113	1505324	254332
21	SIKKIM	T	406457	24084	90901
		R	369451	21333	83486
		U	37006	2751	7415
22	TAMIL NADU	T	55858946	10712266	574194
		R	36781354	8428040	505208
		U	19077592	2284226	68986
23	TRIPURA	T	2757205	451116	853345
		R	2335484	379664	839264
		U	421721	71452	14081
24	UTTAR PRADESH	T	139112287	29276455	287901
		R	111506372	25823388	271028
		U	27605915	3453067	16873
25	WEST BENGAL	T	68077965	16080611	3808760
		R	49370364	13605405	3612448
		U	18707601	2475206	196312
UNION TERRITORIES					
26	ANDAMAN & NIKOBAR	T	280661	-	26770
		R	205706	-	26168
		U	74955	-	502
27	CHANDIGARH	T	642015	105977	-
		R	66186	14140	-
		U	575829	91837	-
28	DADRA & NAGAR HAVELI	T	138477	2730	109380
		R	126752	2243	105864
		U	11725	487	3516
29	DAMAN & DIU	T	101586	3891	11724
		R	54043	2395	9192
		U	47543	1496	2532
30	DELHI	T	9420644	1794836	-
		R	949019	207709	-
		U	8471625	1587127	-
31	LAKSHADWEEP	T	51707	-	48163
		R	22593	-	21478
		U	29114	-	26685
32	PONDICHERRY	T	807785	131278	-
		R	290800	77727	-
		U	516985	53551	-

** The 1991 Census was not held in Jammu and Kashmir. Total rural and urban population in column 4 include projections for Jammu and Kashmir as on 1-3-1991, made by the Standing Committee of Experts on Population Projections (Oct, 1989). The projected population figures exclude population of area under unlawful occupation of Pakistan and China where Census could not be taken. However the figures of Scheduled Castes and Scheduled Tribes in columns 5 and 6 exclude those of Jammu and Kashmir as the projected figures for Scheduled Castes and Scheduled Tribes are post avail.

ANNEXURE 5.III

(Ref. para 5.1)

Literacy Rates 1991

State/Union Territory	General			Scheduled Castes			Scheduled Tribes		
	Person	Male	Female	Person	Male	Female	Person	Male	Female
Andhra Pradesh	44.09	55.13	32.72	31.59	41.88	20.92	17.16	25.25	8.68
Arun Pradesh	41.59	51.45	29.69	57.27	66.25	41.42	34.45	44.00	24.94
Assam	52.89	61.87	43.03	53.94	63.88	42.99	49.16	58.93	38.98
Bihar	38.48	52.49	22.89	19.49	30.64	7.07	26.78	38.40	14.75
Goa	75.51	83.64	67.09	58.73	61.55	47.51	42.91	54.43	29.01
Gujarat	61.29	73.13	48.64	61.07	75.47	45.54	36.45	48.25	24.20
Haryana	55.85	69.10	40.47	39.22	52.06	24.15	-	-	-
Him. Pradesh	63.86	75.36	52.17	53.20	64.98	41.02	47.09	62.74	31.18
Jammu & Kashmir	-	-	-	-	-	-	-	-	-
Karnataka	56.04	67.26	44.34	38.06	49.69	25.95	36.01	47.95	23.57
Kerala	89.81	93.62	86.13	79.66	85.22	74.31	57.22	63.38	51.07
Mad. Pradesh	44.20	58.42	28.85	35.08	50.51	18.11	21.54	32.16	10.73
Maharashtra	64.87	76.56	52.32	56.46	70.45	41.69	36.79	49.09	24.03
Manipur	59.89	71.63	47.60	56.44	65.28	47.41	53.63	62.39	44.48
Meghalaya	49.10	53.12	44.85	44.27	54.56	31.19	46.71	59.78	43.63
Mizoram	82.27	85.61	78.60	77.92	77.54	81.25	82.71	86.66	78.70
Nagaland	61.65	67.62	54.75	-	-	-	60.59	66.27	54.51
Orissa	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.21
Punjab	58.51	65.66	50.41	41.09	49.82	31.03	-	-	-
Rajasthan	38.55	54.99	20.44	26.29	42.38	8.31	19.44	33.29	4.42
Sikkim	56.94	65.74	46.69	41.03	58.69	42.77	59.01	66.80	50.37
Tamil Nadu	62.66	73.75	51.33	46.74	58.36	34.89	27.89	35.25	20.23
Tripura	60.44	70.58	49.65	56.66	67.25	45.45	40.37	52.88	27.34
Uttar Pradesh	41.60	55.73	25.31	26.85	40.80	10.69	35.70	49.95	19.86
West Bengal	57.70	67.81	46.56	42.21	54.55	28.87	27.28	40.07	14.98
A&N Islands	73.02	78.99	65.46	-	-	-	56.62	64.16	48.74
Chandigarh	77.81	82.04	72.34	55.44	65.75	43.54	-	-	-
D& N Haveli	40.71	53.56	26.98	77.64	88.03	66.61	28.21	40.75	15.94
Daman & Diu	71.20	82.66	59.40	79.18	91.85	67.62	52.91	63.58	41.49
Delhi	75.29	82.01	66.99	57.60	68.77	43.82	-	-	-
Lakshadweep	81.78	90.18	72.89	-	-	-	80.58	89.50	71.72
Pondicherry	74.74	83.68	65.63	56.26	66.10	46.28	-	-	-
INDIA	52.19	64.20	39.19	37.41	49.91	23.76	29.60	40.65	18.19

Source: Census of India 1991 final population total (Paper 2 of 1992)
Census was not held in J & K.

ANNEXURE-5.IV
(Ref. para 5.12)

**STATE/UT-WISE PERCENTAGE OF ST POPULATION AND FLOW OF FUNDS
FROM STATE PLAN AND TRIBAL SUB PLAN DURING 1994-95, 1995-96 AND 1996-97.**

		ST Popn Percentage (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	N.A	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	28.33	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	0.21	3842.00	2.60	0.07	4520.00	2.87	0.06
18	WEST BENGAL	5.59	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 & DIU	11.51	26.26	2.22	8.45	34.53	2.80	8.11
	ALL INDIA	8.08	34501.05	3061.23	8.87	40549.26	3867.07	9.54

Source - Annual Report - Ministry of welfare -1996-97

ANNEXURE 5.IV
(Contd.)
(Ref. para 5.12)

S.NO	States /UTs	% of ST Population (1991 Census)	1996-97		
			State Plan outlay	Flow to Tribal Sub Plan	%
1	2	3	4	5	6
1	ANDHRA PRADESH	6.31	2942.78	55.19	1.87
2	ASSAM	12.82	1183.74	113.68	9.60
3	BIHAR	7.66			
4	GUJARAT	14.92	3077.44	339.70	11.04
5	HIMACHAL PRADESH	4.22	9000.00	81.00	9.00
6	JAMMU & KASHMIR	11.00			
7	KARNATAKA	4.26	3700.00	79.81	2.16
8	KERLA	1.10	2086.45	30.45	1.46
9	MADHYA PRADESH	23.37	3197.48	623.24	19.49
10	MAHARASHTRA	9.27	7083.90	535.00	7.55
11	MANIPUR	34.41	277.03	126.93	45.82
12	ORISSA	22.21	1917.26	432.35	22.55
13	RAJASTHAN	12.44	3200.00	342.22	10.69
14	SIKKIM	22.36			
15	TAMIL NADU	1.03	3700.72	39.42	1.07
16	TRIPURA	30.95	346.91	107.28	31.00
17	UTTER PRADESH	0.21			
18	WEST BENGAL	5.59	3080.98	54.86	1.78
19	A & N ISLANDS	9.54			
20	DAMAN & DIU	11.54	23.91	3.06	12.79
	Total (All TSP State)	7.85	36718.60	2964.19	8.07

Source - Ministry of Welfare T D Division

N.R. - NOT REPORTED

STATEMENT SHOWING STATE-WISE RELEASES UNDER SCA TO TSP AND UTILISATION DURING VIII THE FIVE YEAR PLAN

(Rs. in Lakhs)

1992-93					1993-94			1994-95			1995-96			1996-97			TOTAL 1992-97		
S. No.	State U.T.	Amount released	Expr. Reported	Un-spent Balance	Amount released	Expr. Reported	Un-spent Balance	Amount released	Expr. Reported	Un-spent Balance	Amount released	Expr. Reported	Unspent Balance	Amount released	Expr. Reported	Un-spent Balance	Amount released	Expr. Reported	Un-spent Balance
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	A.P.	1529.34	1561.18	-31.84	1539.22	1545.58	-6.360	1947.10	1947.10	0	2140.32	2166.31	-25.99	2287.52	1885.95	401.57	9443.50	9106.12	337.38
2	ASM	1077.61	956.61	121	1087.57	1038.75	48.82	1112.67	1110.27	2.40	1545.19	823.8	721.39	127.71	939.89	-812.18	4950.75	4869.32	81.43
3	Bihar	3175.25	3175.25	0	3497.39	0	3497.39	1748.70	274.22	1474.48	274.22	8.30	265.92	3364	0	3364	12059.56	3457.77	8601.79
4	GUJ	1855.84	1983.02	-127.18	2234.77	2103.66	131.11	2491.56	2056.98	434.58	3060.26	2559.24	501.02	2642.95	2948.24	-305.29	12285.38	11651.14	634.24
5	H.P.	403.39	365.84	37.55	755.03	461.48	293.55	450.57	761.87	-311.3	541.62	493.35	48.27	622.44	541.20	81.24	2773.05	2623.74	149.31
6	J&K	296.14	0	296.14	518.6	335.49	183.11	550.63	321.5	229.13	756.64	989.15	-232.51	681.54	798.01	-116.47	2803.55	2444.15	359.40
7	KAR	327.42	327.42	0	439.76	439.76	0	409.03	381.45	27.58	659.99	411.47	248.52	569.5	391.98	177.52	2405.70	1952.08	453.62
8	KER	207.23	192.74	14.49	167.25	152.25	15	126.3	185.97	-59.67	181.2	153.16	28.04	153.71	0	153.71	835.69	684.12	151.57
9	M.P.	6785.01	5782.91	1002.1	8117.65	7719.51	398.14	7535.72	6983.85	551.87	9579.66	6635.34	2944.32	7695.71	8939.27	-1243.56	39713.75	36060.88	3652.87
10	MAH	1815.21	1502.78	312.43	2234.35	3139.68	-905.33	2196.34	2971.31	-774.97	2930.82	2752.52	178.3	3160.78	2797.17	363.61	12337.50	13163.46	-825.96
11	MAN	383.41	434.48	-51.07	417.12	411.73	5.39	432.81	438.4	-5.59	574.53	574.53	0	653.22	660.14	-6.92	2461.09	2519.28	-58.19
12	ORI	3378.03	3391.92	-13.89	3603.23	3611.04	-7.81	3956.55	3493.54	463.01	4958.1	5437.66	-479.56	4411.44	4411.44	0	20307.35	20345.6	-38.25
13	RAJ	1679.46	1644.42	35.04	2664.68	2620.05	44.63	2202.79	2180.02	22.77	2819.04	2993.91	-174.87	2467.3	2461.44	5.86	11833.27	11899.84	-66.57
14	SKM	60.93	60.15	0.78	73.67	72.89	0.78	75.1	69.26	5.84	100.19	82.91	17.28	138.41	0	138.41	498.30	285.21	163.09
15	T.N.	270.72	263.58	7.14	214.05	227.2	-13.15	256.88	300.02	-43.14	274.44	274.44	0	238.81	0	238.81	1254.90	1065.24	189.66
16	TRJ	414.94	408.18	6.76	372.37	372.37	0	480.01	480.01	0	564.97	564.97	0	594.48	671.32	-76.84	2426.77	2496.85	-70.08
17	U.P.	58.4	39.81	18.59	69.22	31.39	37.83	70.41	0	70.41	104.08	0	104.08	90.39	0	90.39	392.50	71.2	321.3
18	W.B.	1171.67	1646.33	-474.66	1319.06	940.37	378.69	335.83	1335.83	-1000	1763.21	1763.21	0	1558.07	0	1558.07	6147.84	5685.74	462.1
19	ANI	86.13	71.91	14.22	77.22	53.13	24.09	85.5	68.54	-16.96	112.21	89.11	23.1	95.18	108.78	-13.60	456.24	391.47	64.77
20	D&D	23.87	23.87	0	28.29	28.28	0.01	35.5	35.5	0	59.31	59.31	0	49.82	49.82	0	196.79	196.78	0.01

Details in the Agricultural Census for the year 1985-86

Department of Agriculture & Co-operation in its publication in the year 1992 has brought out agricultural census for the year 1985-86. The publication in the year 1997 in yet to be brought act The information in regard to operational holdings, land use, irrigation facilities, cropping patterns are briefly brought out as under:

(a) **Operational Holdings :**

The number of operational holdings and area operated in India by social groups in 1980-81 and 1985-86 is shown in Table 1.

Number of Operational Holdings and Area Operated in India by Social Groups, 1980-81 and 1985-86.

Social Groups	Number of Holdings (in thousands)		%change	Area Operated (Thousand hectares)		% Change
	1985	1986		1980-81	1985-86	
Scheduled Castes	10052(11.3)	12041(12.4)	(+)19.8	11522(7.0)	12639(7.7)	(+)9.7
Scheduled Tribes	6854(7.7)	7648(7.9)	(+)11.6	16704(10.2)	17234(10.5)	(+)3.2
Others	71977(81.0)	77466(79.7)	(+)7.6	135571(82.8)	134689(81.8)	(-)0.7
All Social Groups	88883 (100.0)	97155(100.0)	(+)9.3	163797(100.0)	164562(100.0)	(+)0.5

Scheduled Caste holdings, according to the Agricultural Census 1985-86 accounted for 12.4 percent of the total number of holdings in the country as against 11.3 percent in 1980-81, which indicates a rise of about 19.8 percent. As against this, the area operated increased by 9.7 percent during this period. Scheduled Tribe holdings, which formed 7.9 percent of holdings in 1985-86, accounted for 7.7 percent in 1980-81, thereby indicating an increase of 11.6 percent. The area covered by this category increased by about 3.2 percent during this period. The Scheduled Caste operators, both in terms of number and area, gained more between 1980-81 and 1985-86. However, they had proportionately less area to operate as compared to Scheduled Tribes.

The distribution of holdings by all social groups by major size classes in 1980-81 and 1985-86 may be seen in Table 2. Marginal holdings accounted for the largest proportion in terms of number of holdings in the case of Scheduled Castes and Scheduled Tribes as well as others both in 1980-81 and 1985-86. This proportion was higher in the case of Scheduled Castes in terms of numbers accounting for as much as 70.7 percent in 1985-86 as against 68.9 percent in 1980-81 thus registering a marginal increase of 1.8 percent. The Scheduled Tribe operational holdings also increased from 39.8 percent in 1980-81 to 41.3 percent in 1985-86. In the case of other size classes, namely, small, semi-medium, medium and large holdings, the proportion of such holdings to the total was corresponding proportion in the case of Scheduled Castes. For instance, large holdings formed nearly 2.8 percent in the case of Scheduled Tribes as against 0.7 percent in the case of Scheduled Castes during 1985-86. This would indicate that the Scheduled Tribes were in a better position as compared to the Scheduled Castes in terms of size of holdings.

The distribution of holdings by all social groups in India for each major size class in 1980-81 and 1985-86 as percentages to the total number of holdings in each major size class may be seen in Table 3. In the case of marginal holdings the share of Scheduled Castes was 15.2 percent in 1985-86 as against 5.6 percent for Scheduled Tribes and 79.2 percent in the case of others. Both in the case of Scheduled Castes and Scheduled Tribes, this has meant an increase of 1.4 percent and 0.2 percent respectively over 1980-81. This proportion decreased with the increase in the size of holdings in the case of Scheduled Castes. There was no such uniform pattern in the case of Scheduled Tribes. For instance, while in the case of small holdings only 10 percent was accounted for by the Scheduled Tribes, in the case of semi-medium holdings and medium holdings it was 11.6 percent and 11.8 percent respectively. In the case of large holdings, it was as high as 11.1 percent. This again indicates that the Scheduled Tribes operational holders were in a better position as compared to the Scheduled Castes.

istribution of holdings by All Social Groups in India by Major Size Classes, 1980-81 and 1985-86.

Table 2 (Number in Thousands)

Major Size Classes	Social Groups							
	Scheduled Castes		Scheduled Tribes		Others	All Social Groups		
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Marginal	6923 (68.9)	8508(70.7)	2728 (39.8)	3161(41.3)	40471(56.2)	44478(57.5)	50122(56.4)	56147(57.8)
Small	1644 (16.3)	1923(16.0)	1551(22.6)	1795(23.5)	12877(11.9)	14204(18.3)	16072(18.1)	17922(18.4)
Semi-Medium	952 (9.5)	1067(8.8)	1405(20.5)	1545(20.2)	10098(14.0)	10640(13.7)	12455(14.0)	13252(13.6)
Medium	438 (4.4)	456(3.8)	936 (13.7)	936(12.2)	6694(9.3)	6524(8.4)	8068(9.1)	7916(8.2)
Large	95(0.9)	87(0.7)	234 (3.4)	212(2.8)	1837(2.6)	16.19(2.1)	2166(2.4)	1918(2.0)
All size	10052 (100.0)	12041 (100.0)	6854 (100.0)	7648 (100.0)	71977(100.0)	77466(100.0)	88883(100.0)	97155(100.0)

Table 3

Distribution of holdings by All Social Groups in India for each Major Size Class, 1980-81 and 1985-86.

Major Size Classes	(Number in Thousands)							
	Scheduled Castes		Scheduled Tribes		Social Groups Others		All Social Groups	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Marginal	6923 (13.8)	8508 (15.2)	2728 (5.4)	3161 (5.6)	40471 (80.8)	44478 (79.2)	50122 (100.0)	56147(100.0)
Small	1644 (10.2)	1923 (10.7)	1551 (9.7)	1795 (10.0)	12877 (80.1)	14204 (79.3)	16072 (100.0)	17922(100.0)
Semi-Medium	952 (7.6)	1067 (8.1)	1405 (11.3)	1545 (11.6)	10098 (81.1)	10640 (80.3)	12455 (100.0)	13252(100.0)
Medium	438 (5.4)	456 (5.8)	936 (11.6)	936 (11.8)	6694 (83.0)	6524 (82.4)	8068 (100.0)	7916(100.0)
Large	95(4.4)	87(4.5)	234 (10.8)	212 (11.1)	1837 (84.8)	1619 (84.4)	2166 (100.0)	1918(100.0)
	10052 (11.3)	12041 (12.4)	6854 (7.7)	7648 (7.9)	71977 (80.0)	77466 (79.7)	88883 (100.0)	97155(100.0)

The distribution of operated area by all social groups in India for major size classes in 1980-81 and 1985-86 may be seen in Table 4. Unlike in the case of number of holdings in which marginal holdings had the highest share both in the case of Scheduled Castes and Scheduled Tribes, which went on decreasing with the increase in the size of holdings, no such pattern was found in the case of distribution of operated area. In the case of Scheduled Castes, the largest proportion of 23.7 percent was found in the case of marginal holdings followed by semi-medium holdings (22.8 percent) and the lowest in the case of large holdings (11.2 percent.) in the case of Scheduled Tribes, medium holdings accounted for the largest share, namely, 32.3 percent, and marginal holdings had the lowest share, namely 8.8 percent. Both in the case of marginal and small holdings, this proportion showed an increase in 1985-86 as compared to 1980-81.

Table - 4

Distribution of Operated Area by All Social Groups in India by Major Size Classes, 1980-81 and 1985-86.

(in thousand hectares)

Major Size Class	Social Group							
	Scheduled Castes Operated Area		Scheduled Tribes Operated Area		Other Social Groups Operated Area		All Social Groups Operated Area	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Marginal	2510(21.8)	3000(23.7)	1309(7.8)	1512(8.8)	15916(11.7)	17530(13.0)	19735(12.1)	22042(13.4)
Small	2324(20.0)	2713(21.5)	2220(13.3)	2563(14.9)	18625(13.8)	20432(15.2)	23169(14.1)	25708(15.6)
Semi-Medium	2576(22.4)	2878(22.8)	3850(23.1)	4225(24.5)	28219(20.85)	29563(21.9)	34645(21.2)	36666(22.3)
Medium	2554(22.2)	2636(20.8)	5596(33.5)	5570(32.3)	40393(29.8)	38938(28.9)	48543(29.6)	47144(28.6)
Large	1557(13.4)	1413(11.2)	3729(22.3)	3365(19.5)	32419(23.9)	28224(21.0)	37705(23.0)	33002(20.1)
All Size Classes	11521(100.0)	12639(100.0)	16704(100.0)	17234(100.0)	135572(100.0)	134689(100.0)	163797(100.0)	164562(100.0)

Average Size of Holdings by Social Groups

The distribution of average size of holdings by all social groups in India according to major size classes in 1980-81 and 1985-86 may be seen in Table 5.

The average size of holding for the Scheduled Tribes was 2.25 hectare as against 1.05 hectare for Scheduled Castes. The average size of Scheduled Tribe operational holding was more than double the average size of the Scheduled Caste operational holding. In each of the size classes, the average size for Scheduled Tribes was more than that of the Scheduled Castes except for large holdings. Comparison between 1980-81 and 1985-86 reveals that in the case of Scheduled Castes, there had been a reduction in the average size in all the size classes except for marginal and small holdings. In the case of Scheduled Tribes also such trend was noticed in all classes except the marginal and small holdings, where it was at the same level, namely 0.48 and 1.43 hectares respectively. From this table, it may be seen that all social groups have more or less same size of holdings.

Table 5

Average Size of Holdings in India by All Social Groups according to Major Size Classes, 1980-81 and 1985-86 (in hectares)

Major Size Classes	Scheduled Castes		Scheduled Tribes		Other Social Groups		All Social Groups	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Marginal	0.36	0.37	0.48	0.48	0.39	0.39	0.39	0.39
Small	1.41	1.41	1.43	1.43	1.45	1.44	1.44	1.43
Semi Medium	2.71	2.70	2.74	2.73	2.79	2.43	2.78	2.77
Medium	5.84	5.78	5.98	5.95	6.03	5.97	6.04	5.96
Large	16.44	16.24	15.88	15.87	15.65	17.43	17.41	17.21
All Size Classes	1.15	1.05	2.44	2.25	1.88	1.74	1.84	1.69

Distribution by Type of Holdings

The number and area of operational holdings by type of holdings for Scheduled Castes and Scheduled Tribes may be seen in Table 6 and Table 7 respectively. About 90 percent of the 12 million operational holdings operated by Scheduled Castes are 'individual' holdings, while the corresponding percentage for Scheduled Tribes was 89.3. Others accounted for 87.3 percent. In the case of joint holdings, the lowest proportion of 10 percent was accounted for by Scheduled Caste operators while Scheduled Tribes had a share of 10.7 percent. 'Institutional' holdings were almost negligible in the case of both Scheduled Castes and Scheduled Tribes operational holdings while others had a very small proportion of 0.2 percent.

Regarding the area of operational holdings, out of a total of 12.6 million hectares operated by Scheduled Castes, as much as 10.7 million or 84.9 percent was accounted for by individual holdings. The share of Scheduled Tribes in 'individual holdings' was 84 percent, while others had a share of 83.2 percent. As in the case of number of holdings, in the case of area also, Scheduled Castes had the lowest share of 14.9 percent of 'joint holdings' while Scheduled Tribes and others had a share of 15.8 percent each. 'Institutional Holdings' were minimum for Scheduled Caste and Scheduled Tribe holdings accounting only for 0.2 percent each, while others had one percent share.

Table - 6

Number of Operational Holdings by All Social Groups in India by Type of Holdings, 1985-86. (Number in Thousands)

Major Classes	Size	Type of Holdings								
		Individual			Joint			Institutional		
		SC	ST	Others	SC	ST	Others	SC	ST	Others
Marginal		7750	2885	39282	757	275	5111	1	1	86
Small		1716	1642	12426	207	152	1754	-	Ng	24
Semi-Medium		924	1369	9184	142	176	1436	Ng	Ng	20
Medium		376	771	5493	79	165	1015	Ng	Ng	17
Large		62	160	1252	25	51	352	Ng	Ng	16
All classes	Size	10828(90.0)	6827 (89.3)	67637(87.3)	1210 (10.0)	819(10.7)	9668 (12.5)	2	3	160 (0.2)

Table - 7

Area of Operational Holdings by All Social Groups in India by Type of Holdings, 1985-86.

Major Classes	Size	Type of Holdings											
		Individual			Joint			Institutional			Total		
		SC	ST	Others	SC	ST	Others	SC	ST	Others	SC	ST	Others
Marginal		2706	1393	15455	291	119	2047	Ng	Ng	28	3000	1512	17530
Small		2422	2341	17922	290	221	2477	Ng	1	34	2713	2563	20433
Semi-Medium		2484	3720	25499	393	504	4009	1	1	56	2878	4225	29564
Medium		2163	4553	32729	472	1015	6107	1	1	104	2636	5570	38939
Large		955	2468	20482	411	874	6604	16	23	1139	1413	3365	28224
All classes	Size	10732	14475	112087	1888	2733	21243	19	26	1360	12639	17234	134690

Tenancy of Operational Holdings

The distribution of number of operational holdings for Scheduled Castes in India by tenancy status for major size classes, 1985-86 may be seen in Table 8.

Table 8

Distribution of Number of Operational Holdings for Scheduled Castes in India by Tenancy Status for Major Size Classes, 1985-86.

Major Size Classes	Total no. of holdings	(Number in thousands)			
		Wholly owned and self-operated	Wholly leased - in	Wholly otherwise operated	Partly owned, partly leased-in and partly other-wise operated
Marginal	8003(100.0)	7667(95.8)	72(0.9)	80(1.0)	184(2.3)
Small	1923(100.0)	1811(94.2)	17(0.9)	16(0.8)	79(4.1)
Semi-Medium	1067(100.0)	1014(95.0)	7(0.7)	6(0.6)	40(3.7)
Medium	456(100.0)	432(94.7)	4(1.0)	2(0.4)	18(3.9)
Large	87(100.0)	84(97.7)	Neg.	Neg.	2(2.3)
All Size Classes	11536(100.0)	11008(94.5)	101(0.9)	104(0.9)	323(2.8)

The distribution of area operated by Scheduled Castes in India by tenancy status for major size classes in 1985-86 may be seen in Table 9.

Table - 9

Distribution of Area Operated by Scheduled Castes in India by Tenancy Status for Major Size Classes, 1985-86.

Major Size Classes	Total Area	Wholly owned and self operated	Partly owned	Wholly leased in	Wholly otherwise operated	Partly leased in	Partly otherwise operated
Marginal	2992(100.0)	2845(95.1)	47(1.6)	28(0.9)	28(0.9)	33(1.1)	13(0.4)
Small	2713(100.0)	2552(94.1)	65(2.4)	25(0.9)	21(0.8)	35(1.3)	15(0.5)
Semi-Medium	2878(100.0)	2734(95.0)	72(2.5)	19(0.7)	14(0.5)	24(0.8)	15(0.5)
Medium	2636(100.0)	2503(94.9)	78(3.0)	18(0.7)	10(0.4)	17(0.6)	11(0.4)
Large	1413(100.0)	1371(97.1)	28(2.0)	3(0.2)	2(0.1)	5(0.4)	3(0.2)
All Size Classes	12632(100.0)	12005(95.0)	289(2.3)	92(0.7)	75(0.6)	113(0.9)	57(0.5)

The distribution of number of operational holdings for Scheduled Tribes in India by tenancy status for major size classes, 1985-86 may be seen in Table 10.

Table - 10

Distribution of Number of Operational Holdings for Scheduled Tribes in India by Tenancy Status for Major Size Classes, 1985-86.

Major Size Classes	Total number of holdings	Wholly owned and self-operated	Wholly leased in	Wholly otherwise operated	Partly partly leased-in and partly otherwise operated
Marginal	3076(100.0)	2830(92.0)	30(1.0)	106(3.4)	110(3.6)
Small	1795(100.0)	1638(91.3)	11(0.6)	40(2.2)	106(5.9)
Semi-Medium	1545(100.0)	1430(92.6)	7(0.5)	22(1.4)	86(5.5)
Medium	936(100.0)	875(93.5)	3(0.3)	6(0.7)	51(5.5)
Large	212(100.0)	197(92.9)	Neg.	1(0.5)	13(6.1)
All Size Classes	7564(100.0)	6971(92.2)	52(0.7)	175(2.3)	366(4.8)

The Scheduled Castes, the wholly owned and self operated holdings accounted for 94.5 percent of the total number of holdings for this group, while in terms of area, it was 95 percent. About 0.9 percent of the total holdings were leased-in covering an area of 0.7 percent while wholly otherwise operated holdings had a proportion of 0.9 percent and 0.6 percent respectively for number and area of holdings. There was not such difference in the distribution of wholly owned and self-operated holdings (both in number and area) among the different size groups of holdings for the Scheduled Castes, the actual figures varying from 94.2 percent to 97.7 percent in the case of number of holdings and 94.1 percent in the case of number of holdings and 94.1 percent to 97.1 percent in the case of area. The large holdings had negligible holdings under 'wholly leased in' category while in terms of area it accounted for 0.2 percent. The marginal and small holdings had the highest proportion of 'wholly leased-in' are (0.9 percent). There was more leasing in the case of marginal and small holdings for Scheduled Castes.

The distribution of area operated by Scheduled Tribes in India by tenancy status for major size classes, 1985-86 may be seen in Table 11.

Table 11

Distribution of Area Operated by Scheduled Tribes in India by Tenancy Status for Major Size Classes, 1995-96.

Major Size Classes	Total Area	Wholly owned and self operated	Partly owned	Wholly leased in	Wholly otherwise operated	Partly leased in	Partly operated otherwise
Marginal	1511(100.0)	1384(91.6)	38(2.5)	13(0.9)	47(3.2)	11(0.7)	17(1.1)
Small	2536(100.0)	2337(91.2)	97(3.8)	16(0.6)	54(2.1)	22(0.9)	37(1.4)
Semi-Medium	4225(100.0)	3909(92.5)	170(4.0)	17(0.4)	55(1.3)	25(0.6)	49(1.2)
Medium	5570(100.0)	5203(93.5)	242(4.3)	18(0.3)	33(0.6)	21(0.4)	48(0.9)
Large	3365(100.0)	3136(93.3)	176(5.2)	8(0.2)	11(0.3)	11(0.3)	22(0.7)
All Size Classes	17233(100.0)	15975(92.7)	722(4.2)	72(0.4)	201(1.2)	90(0.5)	173(1.0)

LARGE SIZED ADIVASI MULTI-PURPOSE SOCIETIES
IMPORTANT ITEMS OF DATA AS ON 31 MARCH 1994(AMOUNT IN RS. LAKHS)
MEMBERSHIP IN THOUSANDS

STATE/UNION TERRITORY	TOTAL NUMBER			OF WHICH					MEMBERSHIP		
		VIABLE	POTENTIALL Y VIABLE	DORHANT	DEFUNCT	TOTAL	SC	ST	SMALL FARMERS	MARG. FARMERS	RURAL ARTISANS
	1	(I)	(II)	(III)	(IV)	2	(I)	(II)	(III)	(IV)	(V)
ASSAM	39	0	0	0	0	30	2	27	0	0	0
BIHAR	474	418	56	0	0	710	67	368	401	0	56
GUJARAT	248	203	28	14	3	219	16	157	0	0	5
JAMMU & KASHMIR		-	-	-	-	-	-	-	-	-	-
KARNATAKA	19	19	0	0	0	47	0	47	10	9	2
MADHYA PRADESH	1073	0	0	0	0	1586	325	932	0	0	0
MAHARASHTRA	984	264	674	46	0	439	27	200	51	72	4
NAGALAND	4	4	0	0	0	4	0	4	0	0	0
ORISSA	223	210	13	0	0	889	131	509	386	396	16
RAJASTHAN	268	190	76	2	0	478	42	303	369	40	7
TAMIL NADU	17	5	12	0	0	59	2	46	31	14	1
TRIPURA	56	56	0	0	0	132	7	112	5	0	0
UTTAR PRADESH	102	98	4	0	0	30	7	1	7	0	2
WEST BENGAL	116	68	36	10	2	143	31	112	0	0	0
ARUNACHAL PRADESH	27	27	0	0	0	15	0	0	0	0	0
DADRA & NAGAR HAVELI	6	6	0	0	0	11	0	10	0	0	0
DAMAN & DIU	1	0	1	0	0	4	0	4	3	1	0
MIZORAM	14	14	0	0	0	1	0	1	0	0	0
TOTAL	3671	1582	900	72	5	4797	637	2833	1263	432	93

% of ST membership = 59.05%

**RECOMMENDATIONS OF SANKARAN COMMITTEE ON ACTIVATING
LAMPS**

1) The whole process of establishment and management of cooperatives in tribal areas should be based on following parameters:

(a) Cooperatives should be set up on voluntary basis and tribals engaged in cooperative endeavour should formulate and develop their own code conventions, rules and norms and the Government efforts should be supportive of it.

(b) There should be a direct nexus between the LAMPS and the tribals by ensuring that management and decision making process remains in the hands of tribals.

(c) Cooperative organisation at grass-root level serving tribals should provide integrated services to meet the production, Marketing and consumption needs of tribals in its area of operation.

ii) Each LAMPS should prepare a time bound action programme to bring all tribals in its area of operation within its fold. Each tanda (hamlet) in its area may be taken as a unit to prepare such action programme. In each tanda (hamlet), self-help groups may be organised both for mobilisation of resources through thrift and savings and also for business planning exercise to be undertaken by LAMPS.

iii) The LAMPS should embrace all the avenues of economic development such as agriculture, animal husbandry, minor forest produce and processing, consumer goods as well as other village industries and handicrafts as a part of an integrated programme of economic development.

iv) Care should be taken to ensure that in tribal areas non-tribals do not dominate co-operatives and monopolise them for their benefit. Therefore, the majority of the Board of Management of a LAMPS should belong to tribal communities and the chairman and vice-chairman of a LAMPS should be a member of tribal community.

v) Duplication of institutions should be avoided by abolition of primary marketing societies wherever LAMPS can perform these functions.

vi) With a view to break the reluctance of tribals to join co-operatives, it is necessary that loan procedure followed by LAMP is simplified and made more flexible.

vii) The support organisation consisting of state level organisations should be made more responsive to the needs of tribals co-operatives functioning at grass root level.

TRIFED in consultation with the state level organisations should work out marketing strategy for various items of tribal produces.

(ix) A proper procurement plan should be worked out for all commodities produced in tribal areas. Marketing arrangement and linkage with national level organisations like

TRIFED, NAFED and State Marketing Federations should be defined. TDCCs and TRIPO could help to reinforce the supply line for other commodities like cloth, salt, fertilizers etc., for reinforcing the availability of essential consumer goods for tribal community.

ANNEXURE 5.IX

(Ref. para 5.64)

STATE-WISE OUTLAY AND EXPENDITURE UNDER THE SPECIAL COMPONENT PLAN DURING THE PERIOD 1992-93 TO 1996-97

(Rs. in Crores)

S.No	State/ UT	% OF SC POPUL TO TOTAL	1992-93				
			State Plan Outlay	SCP Outlay	%OF COL 5 TO 6	SCP Expr.	%OF COL 7 TO 8
1	2	3	4	5	6	7	8
1	A.P.	15.93	1995.80	166.56	8.35	182.78	109.74
2	Assam	7.40	892.80	57.85	6.48	36.61	63.28
3	Bihar	14.55	2215.00	180.09	8.13	95.05	52.78
4	Goa	2.08	153.41	2.16	1.41	2.2	101.85
5	Guj.	7.41	1875.00	71.34	3.80	57.19	80.17
6	Har.	19.75	830.00	108.20	13.04	104.67	96.74
7	H.P.	25.34	490.50	60.43	12.32	53.36	88.30
8	J & K	8.31	820.00	64.11	7.82	64.11	100.00
9	Kar.	16.38	1915.00	176.02	9.19	160.49	91.18
10	Kerala	9.92	913.00	123.44	13.52	83.08	67.30
11	M.P.	14.55	2450.33	261.56	10.67	180.68	69.08
12	Mah.	11.09	3484.17	170.68	4.90	202.81	118.82
13	Man.	2.02	210.84	1.85	0.88	2.96	160.00
14	Orissa	16.20	1750.00	219.80	12.56	212.26	96.57
15	Punjab	28.31	1150.00	164.06	14.27	113.11	68.94
16	Raj.	17.29	1410.00	237.22	16.82	234.32	98.78
17	Sikkim	5.93	110.00	5.95	5.41	5.95	100.00
18	T.N.	19.18	1766.00	293.00	16.59	300.44	102.54
19	Tripura	16.36	240.00	32.16	13.40	23.58	73.32
20	U.P.	21.05	4039.92	404.99	10.02	367.56	90.76
21	W.B.	23.62	1541.00	185.73	12.05	100.05	53.87
22	Chad.	16.51	68.00	9.47	13.93	9.92	104.75
23	Delhi	19.05	920.00	88.51	9.62	84.91	95.93
24	Pond.	16.25	90.00	14.47	16.08	14.93	103.18
	Total	16.33	31330.77	3099.65	9.89	2693.02	86.88

ANNEXURE 5.IX

(Contd.)

1993-94					1994-95				
State Plan Outlay	SCP Outlay	%OF COL. 10 TO 9	SCP Expr.	%OF COL. 12 TO 10	State Plan Outlay	SCP Outlay	%OF COL. 15 TO 14	SCP Expr.	%OF COL. 17 TO 15
9	10	11	12	13	14	15	16	17	18
1851.00	208.77	11.28	215.00	103.0	2130.00	284.82	13.37	216.97	76.18
956.16	63.84	6.68	54.19	84.9	978.83	73.33	7.49	62.14	84.74
750.00	104.00	13.87	94.74	91.1	900.00	166.69	18.52	152.23	91.33
170.00	2.20	1.29	1.66	75.5	182.00	4.25	2.34	2.59	60.94
1900.00	80.43	4.23	71.50	88.9	2240.00	78.87	3.52	74.13	93.99
920.00	125.33	13.62	100.19	79.9	1025.50	142.56	13.90	136.10	95.47
564.82	68.75	12.17	65.67	95.5	666.32	77.86	11.69	67.05	86.12
887.25	50.94	5.74	37.53	73.7	950.00	54.83	5.77	49.26	89.84
3025.00	280.69	9.28	258.93	92.2	2800.00	303.81	10.85	289.21	95.19
1003.00	98.07	9.78	87.96	89.7	1260.60	126.62	10.04	99.15	78.31
2400.00	271.49	11.31	218.27	80.4	2754.00	310.78	11.28	231.87	74.61
3804.00	196.60	5.17	216.80	110.3	4400.00	390.28	8.87	335.90	86.07
253.13	2.82	1.11	1.79	63.5	214.50	4.35	2.03	2.04	46.90
1450.00	214.53	14.80	115.48	53.8	1950.00	148.00	7.59	160.06	108.15
1250.00	195.00	15.60	105.88	54.3	1450.00	200.07	13.80	87.42	43.69
1704.76	274.35	16.09	273.23	99.6	2450.00	389.85	15.91	363.24	93.17
120.00	5.96	4.97	5.96	100.0	135.00	8.40	6.22	1.66	19.76
2102.21	563.61	26.81	335.28	59.5	2750.75	523.06	19.02	443.19	84.73
310.00	39.11	12.62	30.45	77.9	290.00	25.99	8.96	25.99	100.00
4250.00	456.91	10.75	388.92	85.1	4763.00	492.24	10.33	482.49	98.02
1550.00	237.13	15.30	229.54	96.8	1706.00	174.35	10.22	232.49	133.35
80.00	2.34	2.93	2.26	96.6	80.00	11.12	13.90	11.12	100.00
1075.00	95.75	8.91	81.60	85.2	1560.00	140.31	8.99	84.44	60.18
108.00	17.53	16.23	16.48	94.0	135.00	21.94	16.25	20.80	94.80
32484.33	3656.15	11.26	3009.31	82.3	37771.50	4154.38	11.00	3631.54	87.41

ANNEXURE 5.IX

(Contd.)

1995-96					1996-97				
State Plan Outlay	SCP Outlay	%OF COL. 20 TO 19	SCP Expr.	%OF COL. 22 TO 20	State Plan Outlay	SCP Outlay	%OF COL. 25 TO 24	SCP Expr.	%OF COL. 27 TO 25
19	20	21	22	23	24	25	26	27	28
3159.00	314.90	9.97	266.65	84.68	2724.00	300.57	11.03	267.46	88.98
1326.40	98.20	7.40	79.18	80.63	1183.74	78.49	6.63	78.49	100.00
2500.00	470.91	18.84	110.34	23.43	2143.91	260.30	12.14	144.17	55.39
210.00	2.86	1.36	2.65	92.66	191.76	3.24	1.69	2.12	65.43
2240.82	97.16	4.34	86.96	89.50	2844.46	101.42	3.57	94.43	93.11
1250.00	186.37	14.91	148.22	79.53	1375.00	177.21	12.89	148.10	83.57
750.00	90.25	12.03	94.37	104.57	900.00	109.29	12.14	104.26	95.40
1165.00	95.99	8.24	70.00	72.92	1150.00	74.74	6.50	70.00	93.66
3575.00	338.79	9.48	315.38	93.09	4360.00	391.10	8.97	259.43	66.33
1550.00	142.00	9.16	153.77	108.29	2207.27	209.65	9.50	196.03	93.50
2900.00	283.16	9.76	231.66	81.81	3144.80	339.38	10.79	328.91	96.91
6069.00	550.00	9.06	550.00	100.00	7783.63	541.95	6.96	459.49	84.78
300.00	8.91	2.97	0.00	0.00	350.00	3.84	1.10	2.20	57.29
1650.00	178.57	10.82	166.58	93.29	2205.50	244.01	11.06	231.43	94.84
1650.00	227.68	13.80	90.50	39.75	1850.00	205.00	11.08	75.59	36.87
3200.00	486.67	15.21	450.56	92.58	3200.00	487.12	15.22	462.75	95.00
192.00	7.15	3.72	6.30	88.11	194.00	4.22	2.18	4.20	99.53
3200.00	618.25	19.32	483.30	78.17	3719.05	652.39	17.54	416.90	63.90
350.00	37.12	10.61	25.99	70.02	346.91	32.53	9.38	32.53	100.00
5702.00	809.28	14.19	538.66	66.56	7075.00	1420.00	20.07	930.02	65.49
2207.30	278.14	12.60	124.44	44.74	3080.94	146.85	4.77	115.17	78.43
100.00	2.47	2.47	2.47	100.00	105.34	5.90	5.60	4.97	84.24
1720.00	149.80	8.71	109.45	73.06	2090.00	185.22	8.86	164.21	88.66
175.52	28.52	16.25	23.79	83.42	175.52	32.58	18.56	30.95	95.00
47142.04	5503.15	11.67	4131.22	75.07	54400.83	6007.00	11.04	4623.81	76.97

ANNEXURE 5.X
(Contd.)

S.N.	STATE/UT	1994-95		1995-96		1996-97	
		RELEASED	UTILIZED	RELEASED	UTILIZED	RELEASED	UTILIZED
1	Andhra Pradesh	3255.36	3228.51	3425.41	3323.13	2915.22	3510.00
2	Assam	273.34	228.00	222.65	206.89	163.52	191.99
3	Bihar	0.00	744.24	0.00	1581.21	2678.61	2200.00
4	Goa	3.95	2.36	2.09	2.91	2.09	2.04
5	Gujarat	956.68	686.31	278.90	631.74	278.90	664.58
6	Haryana	538.05	480.99	623.00	491.78	520.00	572.51
7	Himachal Pradesh	195.72	385.22	193.63	224.38	180.29	244.80
8	Jammu & Kashmir	100.00	74.73	83.77	127.64	95.23	38.74
9	Karnataka	1873.76	1850.76	2350.09	2220.05	1884.01	1968.79
10	Kerala	508.81	554.66	492.73	443.13	404.93	458.90
11	Madhya Pradesh	2097.57	2986.70	2425.33	2102.70	1910.39	1419.18
12	Madharashtra	1575.89	1673.66	1745.47	1598.00	1448.87	1505.90
13	Manipur	6.09	6.09	5.90	5.22	5.11	5.78
14	Orissa	1332.84	1575.66	1311.82	1215.76	1265.07	1354.52
15	Punjab	1626.72	839.29	571.68	670.93	883.28	610.47
16	Rajasthan	887.37	3602.00	1828.26	2311.73	1619.91	1757.37
17	Sikkim	4.22	4.02	3.57	3.72	3.39	3.39
18	Tamil Nadu	2655.66	2193.12	2803.55	2655.66	2271.54	1186.10
19	Tripura	100.97	100.97	72.26	63.88	72.54	80.70
20	Uttar Pradesh	6297.51	6373.84	5839.03	6040.07	5920.49	6025.24
21	West Bengal	2813.37	2813.37	2955.22	2955.22	2752.50	2742.85
22	Chandigarh	17.40	18.60	14.86	17.88	16.23	18.22
23	Delhi	244.42	130.17	231.16	151.52	190.42	190.42
24	Pondicherry	19.31	24.99	19.62	26.68	17.46	19.64

ANNEXURE- 5.XI

(Ref. para 5.84)

No of families covered under IRDP during 1996-97

No		1996-97				
		Total	SC	%	ST	%
1	2	3	4	5	6	7
1	Andhra Pradesh	75341	22340	29.65	7434	9.87
2	Arunachal Pradesh	2870	-	0.00	2870	100.00
3	Assam	8923	979	10.97	2344	26.27
4	Bihar	95539	30552	31.98	14132	14.79
5	Goa	621	6	0.97	-	0.00
6	Gujarat	28650	4350	15.18	6960	24.29
7	Haryana	10671	4963	46.51	-	0.00
8	Himachal Pradesh	4063	1456	35.84	289	7.11
9	J & K	3994	95	2.38	122	3.05
10	Karnataka	55866	16489	29.52	4552	8.15
11	Kerala	26523	9874	37.23	645	2.43
12	M.P.	46264	8798	19.02	13441	29.05
13	Maharashtra	59652	12501	20.96	7961	13.35
14	Manipur	2479	93	3.75	1720	69.38
15	Meghalaya	2020	7	0.35	2013	99.65
16	Mizoram	396	-	0.00	396	100.00
17	Nagaland	702	-	0.00	702	100.00
18	Orissa	36048	9452	26.22	9345	25.92
19	Punjab	4353	2213	50.84	-	0.00
20	Rajasthan	199339	5323	27.52	4891	25.29
21	Sikkim	1013	55	5.43	434	42.84
22	Tamil Nadu	43248	20246	46.81	506	1.17
23	Tripura	359	48	13.37	129	35.93
24	U.P.	198324	100089	50.47	1945	0.98
25	W.B.	62793	20323	32.37	3687	5.87
26	A & N Islands	135	-	0.00	-	0.00
27	D. N. H.	5	1	20.00	4	80.00
28	Daman & Diu	140	25	17.86	43	30.71
29	Laksadweep	20	-	0.00	20	100.00
30	Pondicherry	712	216	30.34	2	0.28
	INDIA	791063	270494	34.19	86587	10.95

ANNEXURE-5.XII

(Ref. para 5.91)

PERFORMANCE UNDER INDIRA AWAAS YOJANA DURING 1996-97

S.No.	States/UTs	Houses Constructed (Nos.)			Expenditure (Rs. Lakhs)		
		SC	ST	TOTAL*	SC	ST	TOTAL*
1	2	3	4	5	6	7	8
1	Andhra Pradesh	5970	1734	13134	1087.68	217.53	2775.36
2	Arunachal Pradesh	0	63	63	0.00	8.36	8.36
3	Assam	139	529	853	174.71	247.83	967.75
4	Bihar	43196	17233	76452	5647.21	1797.93	9884.04
5	Goa	15	0	456	3.76	0.00	49.04
6	Gujarat	2208	9081	14197	342.98	1500.34	2318.63
7	Haryana	2490	0	3655	525.32	0.00	757.65
8	Himachal Pradesh	436	113	836	132.19	17.72	245.30
9	Jammu & Kashmir	NR	NR	6450	NR	NR	851.44
10	Karnataka	12050	2615	18093	2073.24	492.05	3328.50
11	Kerala	6613	1377	11171	912.09	62.21	1476.19
12	Madhya Pradesh	10118	15830	39255	873.71	1234.24	3193.99
13	Maharashtra	6491	6434	19282	1429.72	1104.89	4125.85
14	Manipur	36	234	379	4.42	30.30	47.09
15	Meghalaya	0	340	340	0.00	34.58	34.58
16	Mizoram	0	229	229	0.00	45.61	45.61
17	Nagaland			0			
18	Orissa	13478	12357	29931	2089.19	1909.23	4728.20
19	Punjab			0			
20	Rajasthan	6338	6262	18501	653.08	660.82	2150.73
21	Sikkim	104	168	448	22.91	37.01	100.70
22	Tamil Nadu	9196	93	10860	4213.25	36.23	4251.49
23	Tripura	122	247	369	735.00	1493.00	2228.00
24	Uttar Pradesh	61115	416	77896	9513.42	37.82	11831.63
25	West Bengal	7404	2382	13897	1166.90	379.91	2264.62
26	A & N Islands	0	9	9	0.00	2.38	2.38
27	D & N Haveli	0	40	40	0.00	7.45	7.45
28	Daman & Diu	NR	NR	12	NR	NR	0.58
29	Lakshadweep	0	0	0	0.00	2.42	2.42
30	Pondicherry	46	0	47	13.21	0.00	14.39
	Total	187565	77786	356855	31614.09	11361.88	57401.97

*Includes others also.

Source : Annual Report 1996-97 Ministry of Rural Areas and Employment.

ANNEXURE 5.XIII

(Ref. para 5.100)

Loans sanctioned and disbursed by NSFDC during 1996-97

State	Cost of Schemes	NSFDC Sanctioned	Disbursed	Amount Utilised	Beneficiaries		
					SC	ST	Total
Andhra Pradesh	1264.50	864.45	657.07	0.00	1830	125	1955
Arunachal Pradesh	38.84	28.61	30.85	26.94	0	15	15
Assam	152.93	129.98	0.00	0.00	0	75	75
Bihar	686.44	531.11	497.40	0.00	200	485	685
Chandigarh	19.00	13.20	31.08	3.96	10	0	10
Dadra N. Haveli, Daman & Diu	46.25	39.25	47.10	29.83	10	15	25
Delhi	195.36	131.85	46.69	0.00	88	0	88
Goa	32.86	27.70	19.02	17.50	13	0	13
Gujarat	557.86	378.55	566.00	126.83	155	60	215
Haryana	311.40	224.30	220.25	0.00	140	0	140
Himachal Pradesh	173.36	123.37	119.10	85.35	45	16	61
Jammu & Kashmir	227.00	179.00	135.00	6.61	40	10	50
Karnataka	1456.60	969.97	455.45	365.15	4041	1010	5051
Kerala	261.02	206.35	133.25	41.72	292	54	346
Madhya Pradesh	1717.95	1332.91	771.40	152.92	240	460	700
Maharashtra	1636.04	1221.95	1198.37	334.70	681	276	957
Manipur	147.90	94.69	53.83	0.00	2	49	51
Mizoram	49.03	41.17	23.04	0.00	0	27	27
Nagaland	83.90	71.17	45.01	66.71	0	44	44
Orissa	229.70	184.54	0.00	0.00	139	179	318
Pondicherry	35.58	24.92	19.60	12.20	34	0	34
Punjab	842.00	643.75	237.90	0.00	825	0	825
Sikkim	40.05	33.99	95.99	0.00	16	26	42
Tamil Nadu	1011.83	659.90	345.14	374.65	285	27	312
Tripura	196.90	166.61	81.95	119.78	149	145	294
Utter Pradesh	2975.40	1979.20	822.00	0.00	10095	0	10095
West Bengal	413.00	344.95	494.94	42.89	203	37	240
Total	14802.70	10647.44	7147.43	1807.74	19533	3135	22668

Source: NSFDC

CHAPTER VI

LAND

Introduction

Land is an important factor determining socio-economic status and power in society. Making the SC/ST people owners of land can be the most important and effective way of empowering them. Possession of land gives status, stability and determines their life style, social, economic and political equation. Land ownership by SC/ST enables them to stand on their own feet, and also deprives the rich of their free or cheap labour. Land disputes have been one of the most important cause of atrocities on SCs/STs. In this Chapter efforts have been made to present position about land ceiling laws, regulations to check land alienation, distribution of land to SCs & STs and maintenance of land records.

6.2 Majority of our country's population lives in rural areas. Among Scheduled Castes and Scheduled Tribes also more than 85% belong to rural areas. Agriculture is the basic economy in rural areas. Livelihood of people in rural areas depends on agriculture as cultivators or as agricultural labourer. As per 1991 Census about 40% of the rural population is engaged as cultivators while only 25% of Scheduled Castes are engaged as cultivators. In contrast 49% of Scheduled Castes population is engaged as agricultural labourers while only 20% of total rural population is engaged as agricultural labourers. The position relating to ST population is however better since 55% of them are cultivators and 33% are agricultural labourers. This clearly points out that the percentage of land owners, amongst SC is much less than that amongst the total rural population.

SCs/STs AND LAND HOLDING

Occupational distribution

6.3 Changing trends in occupational distribution of main workers in SC, ST and total population from 1961 Census to 1991 Census is given in Table-6.1 below:

Table-6.1

S. No	Category of workers	General				Scheduled Castes				Scheduled Tribes			
		1961	1971	1981	1991	1961	1971	1981	1991	1961	1971	1981	1991
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Culti-vators	52.78	43.38	41.53	39.74	37.76	27.87	28.17	25.44	68.18	57.56	54.43	54.50
2	Agri. Labour	16.71	26.32	25.16	19.66	34.48	51.74	48.22	49.06	19.71	33.04	32.67	32.69
3	House-hold Industry	06.38	3.55	3.99	02.56	06.56	03.33	03.31	02.41	02.47	01.03	01.42	01.04
4	Other workers	24.13	26.75	29.32	38.04	21.20	17.06	20.30	23.08	09.64	08.37	11.84	11.76

Source: Census Reports

6.4 Table-1 reveals that Scheduled Castes and Scheduled Tribes rural population, who depend mainly on agriculture and allied activities for their livelihood have been losing the land in their possession over the years. From the status of cultivators, even though small farmers, the SC people were gradually joining the band of other workers. There could be many factors for this adverse mobility of SC population from cultivators category to agriculture labour or other workers. Some of these are (1) forcible eviction of these people from their lands (2) non conferment of ownership rights, (3) Tardy implementation of allotment of ceiling surplus and other categories of land to the SCs. In majority of the cases the holdings of SCs are marginal or small in size. In a situation where majority of SCs & STs live below poverty line and hardly have any other material possessions, as symbols of social status, the significance of their possessing land needs no emphasis.

Land Holdings

6.5 Agriculture Census provides data about land holding and other uses by various categories of population. The latest published results of Agriculture Census relate to the Census year 1985-86. Though Agriculture Census is held every five years but results of the Census held after 1985-86 are not yet available. A comparative picture of operational land holding among general population and SCs/STs population as emerged during Agriculture Census from 1970-71 to 1985-86 is given in Table-6.2.

Table-6.2

Agricultural Census year	No. of holdings(in million) in all size classes					
	All social groups		Scheduled Castes		Scheduled Tribes	
	Number	%age increase	Number	%age to All Groups	Number	%age to All Groups
1970-71	71	-	Separate agricultural Census of SC/ST holding was done for the first time in 1980-81 only			
1976-77	81.6	14.9				
1980-81	88.9	8.9	10.05	11.3	6.85	7.7
1985-86	97.2	9.3	12.04	12.4	7.65	7.9

Source: Report of Agricultural Census 1985-86

6.6 The above Table highlights the irregular increase in number of operational holdings over different Census period for all size classes and social groups, though percentage increase in the land holding among SCs as well as STs in 1985-86 has shown slight improvement over the Census year 1980-81. The total number of operational holdings for all size classes and all social groups increased from 71 million in 1970-71 to 81.6 million in 1976-77, registering an increase of 14.9%. There was an increase of 8.9% in the total number of holdings from 1976-77 to 1980-81. The number of holdings which went up to 88.9 million in 1980-81 further increased to 97.2 millions during 1985-86, registering an increase of 9.3%. The Scheduled Caste holdings which were 10.05 million in 1980-81 and had a share of 11.3% of the total holdings also went up to 12.04 millions(12.4%) in 1985-86. The share of ST holdings which was 6.85 million (7.7%) in 1980-81 increased to 7.65 million (7.9%) in 1985-86.

6.7 **Table-6.3** gives percentage distribution of operational holdings by major size of classes amongst SCs, STs and non-SCs/STs as per Agricultural Census 1980-81 and 1985-86.

Table-6.3

Percentage distribution of operational holdings by major size classes

S.No.	Major size Classes	Scheduled Castes		Scheduled Tribes		Non SC/ ST	
		1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
1	Marginal	68.9	70.7	39.8	41.3	56.2	57.5
2	Small	16.3	16.0	22.6	23.5	11.9	18.3
3	Semi-medium	9.5	8.8	20.5	20.2	14.0	13.7
4	Medium	4.4	3.8	13.7	12.2	9.3	8.4
5	Large	0.9	0.7	3.4	2.8	2.6	2.1

Source: Report of Agriculture Census 1985-86

6.8 It may be seen that the percentage of land holding in semi-medium, medium and large size classes has decreased from 1980-81 to 1985-86 level among all social groups. On the other hand the number of holdings in marginal and small farmers category has increased from 1980-81 to 1985-86 amongst all social groups. However relating the information contained in Table-3 with that in Table-2, it is observed that the number of holdings amongst various social groups has no doubt been increasing but more and more people, having medium and large size holding have been losing their lands. The most affected are the Scheduled Tribes since decrease in percentage of medium and large size class holding from 1980-81 to 1985-86 is more among STs than among SCs, and non-SCs/STs. As mentioned earlier results of 1990-91 Agriculture Census are not yet available. A survey was conducted by NSSO about land holdings of SCs/STs. Results of this survey are also not available even after lapse of 7 to 8 years of conducting the surveys. The concerned Ministries should take necessary steps to ensure that the results of surveys/census studies conducted at any point of time are published within shortest possible time frame so that the data available from the studies are put to best use for planning.

Land holdings and area operated

6.9 **Table-6.4** gives information about number of operational holdings and area operated by SCs, STs and non-SCs/STs and average size of holding among these groups as per Agriculture Census 1980-81 and 1985-86.

Table-6.4

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

Social Group	Number of Holdings (In Lakhs)		Area Operated (In lakh hec.)		Average land holding (in Hect.)	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
I	2	3	4	5	6	7
Scheduled Castes	100.52 (11.3)	120.41 (12.4)	115.22 (7.0)	126.39 (7.7)	1.15	1.05
Scheduled Tribes	68.54 (7.7)	76.48 (7.9)	167.04 (10.2)	172.34 (10.5)	2.44	2.25
Others	719.77 (81.00)	774.66 (79.7)	1355.71 (82.8)	1346.89 (81.8)	1.88	1.74
All Social Groups	888.83 (100.00)	971.55 (100.00)	1637.97 (100.0)	1645.62 (100.0)	1.84	1.69

Source: Report of Agriculture Census 1985-86.

Note : Figures in brackets () indicate percentage to All Social Groups

6.10 It is seen from **Table-6.4** above that the area operated by various social groups has generally increased from 1980-81 to 1985-86 excepting that the areas under operation by non-SCs/STs has marginally decreased. Though number of holdings as well as area and the operation have increased from 1980-81 to 1985-86 average land holding has decreased among all social groups from 1980-81 to 1985-86. 11.3% of the total holdings in 1980-81, 12.4% in 1985-86 belong to Scheduled Castes, but percentage of total area under operation with SCs constitute only 7% in 1980-81 and 7.7% in 1985-86, against 15% of Scheduled Castes population in the country. The average size of holdings by SCs, STs, non-SCs/STs and by all social groups according to major size classes in 1980-81 to 1985-86 is given in the **Table-6.5** below:

Table-6.5

Average size of holdings

(Area in hectares)

Major size class	Scheduled Castes		Scheduled Tribes		Non-SCs/STs		All Social Groups	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
Marginal	0.36	0.37	0.48	0.48	0.39	0.39	0.39	0.39
Small	1.41	1.41	1.43	1.43	1.45	1.44	1.44	1.43
Semi-medium	2.71	2.70	2.74	2.73	2.79	2.43	2.78	2.77
Medium	5.84	5.78	5.98	5.95	6.03	5.97	6.04	5.96
Large	16.44	16.24	15.88	15.87	15.65	17.43	17.41	17.21
All size classes	1.15	1.05	2.44	2.25	1.88	1.74	1.84	1.69

Source : Report of Agriculture Census 1985-86

6.11 The average size of Scheduled Caste holding came down from 1.15 hectares in 1980-81 to 1.05 hectares in 1985-86. In the case of Scheduled Tribes, the average size of holding declined from 2.44 hectares in 1980-81 to 2.25 hectares in 1985-86. It is also seen from the above table that the average size of holdings for the Scheduled Tribes was more than twice the average size of S.C. holdings during 1980-81 as well as during 1985-86. It was also higher than the average size of holdings for non-SC/ST persons which was 1.88 and 1.74 hectares during 1980-81 and 1985-86 respectively.

6.12 Statements showing State-wise distribution of number of operational holdings separately for Scheduled Castes and Scheduled Tribe by major size classes in 1985-86 are given in **ANNEXURE-6.1 & 6.II** respectively. Similarly statements showing State-wise area of operational holdings separately for SCs and STs by major size classes in 1985-86 are given in **ANNEXURE-6.III & 6.IV** respectively. Following **Table-6.6** indicates the ranking of States according to the percentage distribution of Scheduled Castes/Scheduled Tribes in each major size class in each State.

Table-6.6

Statement showing ranking of States according to percentage of Scheduled Castes/Scheduled Tribes land holders in each major size class as per Agriculture Census 1985-86

Rank	States having largest concentration of Scheduled Castes in each major size class					States having largest concentration of Scheduled Tribes in each major size class				
	large	medium	semi-med-ium	small	margi-nal	large	medium	semi-medium	small	margin-al
I	2	3	4	5	6	7	8	9	10	11
I	Raj. 7.1%	Skm. 17.5%	Man. 33.4%	Man. 33.3%	Skm. 100%	Nag. 29.0%	Nag. 33.9%	Ar.P. 30.9%	Man. 35.7%	Ker. 74.4%
II	Guj. 2.0%	Guj. 13.8%	Guj. 24.3%	J&K 30.9%	Ker. 98.7%	Skm. 7.6%	Ar.P. 28.4%	Meg. 27.1%	Mah. 30.2%	W.B. 71.7%
III	M.P. 1.2%	M.P. 10.3%	Pun. 22.0%	Kar. 30.0%	Bih. 91.2%	Ar.P. 6.2%	M.P. 18.4%	Mah. 26.5%	Meg. 30.0%	Him. 60.6%
IV	Kar. 1.2%	Hasr. 10.25%	Raj. 20.7%	Mah. 27.3%	Tri. 87.4%	M.P. 4.7%	Mah. 16.5%	Him. 25.0%	Asm. 29.8%	Tri. 56.7%
V	Mah. 1.0%	Mah. 9.4%	Har. 20.5%	Guj. 27.0%	U.P. 83.4%	Raj. 3.1%	Guj. 15.45%	M.P. 23.4%	Kar. 28.7%	U.P. 54.8%
VI	A.P. 0.3%	Pun 8.0%	Mah. 20.2%	Har. 25.6%	T.N. 81.6%	Mah. 2.8%	Skm. 15.38%	Skm. 23.1%	Tri. 28.3%	Bih. 54.6

Source: Report of Agriculture Census 1985-86

6.13 **Table-6.6**, which is an abstract of statements at ANNEXURES I & II reveals that the largest concentration of Scheduled Castes is in marginal size class. In Sikkim almost all Scheduled Castes land holders belong to marginal category while (98.7%) of Scheduled Castes in Kerala. (91.2%) of Scheduled Castes in Bihar followed by (87.4%) of Scheduled Castes in Tripura, (83.5%) of Scheduled Castes in Uttar Pradesh and (81.6%) of Scheduled Castes in Tamil Nadu belong to marginal size class. Similarly the largest concentration of Scheduled Tribes in also in marginal size class. Kerala State has highest concentration (74.4%) of Scheduled Tribes in this class, which is followed by West Bengal (71.7%), Himachal Pradesh (60.6%), Tripura (56.7%), Uttar Pradesh (54.8%) and Bihar (54.6%).

6.14 While considering large size holdings the Scheduled Tribes are in better position. 29% of the tribals in Nagaland belong to large size class holding, while 7.1% of Scheduled Castes in Rajasthan belong to this category. Other States having laser concentration of Scheduled Tribes in large size class are Sikkim (7.6%), Arunachal Pradesh (6.2%), Madhya Pradesh (4.7%), Rajasthan (3.1%) and Maharashtra (2.8%). Amongst Scheduled Castes, the situation is not appreciable in case of large size holdings. Only 0.3% in Andhra Pradesh, 1% in Maharashtra 1.2% in Karnataka and Madhya Pradesh each, 2% in Gujarat and 7.1% Scheduled Castes in Rajasthan belong to large size holding class.

6.15 An analysis of the data in Tables 6.2 to 6.6 relating to operational holdings for different social groups and major size classes as brought out by the Agricultural Census of 1985-86 (latest available) thus reveals the following:

- (1) Out of 97.2 million operational holdings in the country the share of Scheduled Castes was 12.4% and that of the Scheduled Tribes was 7.9%.

- (2) Marginal holdings accounted for the largest proportion so far as number of holdings was concerned, for each social group. It was 70.7% for Scheduled Castes, 41.3% for Scheduled Tribes and 57.5% for others.
- (3) The Scheduled Tribes were in a better position as compared to the Scheduled Castes in terms of number as well as size of holdings. The proportion of small, semi-medium, medium and large size holdings to the total holdings was much higher for the Scheduled Tribes as compared to that of the Scheduled Castes. Large holdings formed nearly 2.8% in the case of Scheduled Tribes as against 0.7% in the case of Scheduled Castes during 1985-86.
- (4) In terms of the area operated by different social groups out of the total area operated, the Scheduled Castes had the least area (7.7%) to operate as against 10.5% for Scheduled Tribes and 81.8% for others.
- (5) The average size of holdings of Scheduled Castes during 1985-86 was 1.05 hectares which was much less than that of the Scheduled tribes (2.25 hectares) and that of others (1.69 hectares).

6.16 Due to non-availability of authentic data after Agriculture Census 1985-86, the Commission is greatly handicapped in commenting on the present position regarding land holdings. Ministry of Agriculture should take necessary steps to ensure that the results of Surveys/Census studies conducted at any point of time are published within a reasonable time so that the results are effectively utilised in time.

LAND REFORMS

6.17 The national land reforms policy was framed mainly with the intention of bringing about suitable changes in the economic structure of the rural society so as to remove imbalances in the distribution of available land to the various social groups. Although the main objectives of the land reforms policy like abolition of intermediary tenures, tenancy reforms, ceiling on ownership of agricultural holdings, consolidation of holdings, compilation and updating of land records and distribution of ceiling surplus and other types of land to the landless had been clearly set during the Sixth Plan and a time schedule was laid down for achieving objectives, the position in the implementation of various reforms has been hardly satisfactory.

6.18 The Working Group on Development and Welfare of Scheduled Castes during the Eighth Five Year Plan (1990-95) in their report (August 1990) had observed that "though intermediaries were abolished, the time taken in bringing in legislations in respect of other aspects and resulted in frustration of the original intentions very much". The Working Group has further observed, that the tenancy law, except in one or two pockets like West Bengal, has not provided the security to the target sections, as expected, as there was no practice of recording of the enjoyment of cultivation properly in most of the areas. Even where it had been done the landlords had managed to use the arm of the law to get rid of the tenants to a large extent under the guise of personal cultivation.

6.19 In respect of implementation of ceiling laws, the Working Group observed that the agricultural ceiling laws have been a mere failure. As against the estimated availability of surplus land of about 30 million hectares, only a little over 7 million acres had been declared surplus so far. Against this 4.5 million acres of land was distributed to about 4 million beneficiaries.

6.20 As per information available in the Annual Report of the Ministry of Rural Area and Employment for the year 1996-97 the process of land being declared surplus since the inception

of ceiling laws of agricultural holdings has been a continuous phenomenon. The total extent of land declared surplus in the entire country till 30.9.96 was 74.94 lakh acres. Out of this 64.84 lakh acres have been taken possession and 52.13 lakh acres distributed to 51.21 lakh beneficiaries. About 36% of the beneficiaries belong to the Scheduled Castes and about 14% belong to Scheduled Tribes. The State-wise break of land declared surplus possession taken and land distributed (cumulative up to 30.9.96) is given at ANNEXURE-6.V.

6.21 The following table gives overall view of the progress of land reforms in terms of implementation of ceiling laws up to September, 1996.

Table-6.7

Statement showing progress about land declared surplus, land taken possession and land distributed along with the number of beneficiaries among SCs, STs and others as on 30.9.96

Area declared surplus	74.94 lakh acres
Area taken possession	64.84 lakh acres
Area distributed among	
SC	18.08 lakh acre
ST	7.31 lakh acre
Others (Non-SC/ST)	26.74 lakh acre
Total	52.13 lakh acre
No. of beneficiaries among	
SC	18.49 lakh
ST	7.19 lakh
others (Non-SC/ST)	25.53 lakh
Total	51.21 lakh

Source: Annual Report 1996-97, Ministry of Rural Areas and Employment

6.22 State-wise position regarding Ceiling laws as intimated to this Commission by the States/UTs are given below:

Andhra Pradesh The Andhra Pradesh Ceiling on Agricultural Holding Act was enacted in 1961. As the pace of its implementation was tardy and slow, it was replaced in 1973 by a revised Act called Andhra Pradesh Land Reforms(Ceiling on Agricultural Holdings) Act, 1973. This was also included in the IXth Schedule of Constitution. A salient feature of this Act is that a family unit consisting of not more than 5 members is entitled for a standard holding. If the number of members exceed 5, every member is entitled for 1/5th of standard holding. This act came in to force on 1.1.1975.

Bihar The Ceiling of Land in the State is fixed according to provisions of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961. The following is a prescribed Ceiling on Land per family.

- (a) 15 acres of land, irrigated or capable of being irrigated by flow irrigation/tube-well/ lift irrigation, maintained or controlled by the Centre or State Govt.
- (b) 18 acres of land irrigated by private lift irrigation or private tube-well and capable of providing water for more than one season.
- (c) 25 acres irrigated or capable of being irrigated by works and capable of providing water for one season.
- (d) 30 acres of land other than the land mentioned above.
- (e) 37 acres of hilly, sandy forest land, sub-merged under water or any other kind of land, more of which field paddy, rabi or cash crop

(f) 45 acres of land, even land perennially sub-merged under water or other kind of land, none of which field paddy, rabi or cash crop.

Gujarat

The Ceiling of Land holding with each family is determined as per the provisions of Gujarat Agricultural Land Ceiling Act, 1960.

Kerala

As per Kerala Land Reforms Rules no family is entitled to retain more than 20 acres of land. This principle is being followed in the State irrespective of irrigation facilities or quality of lands.

Tamil Nadu

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (58 of 61) came into force on 6th April, 1960. The Ceiling Area for a family was fixed at 30 standard acres and additional 5 standard acres for each member subject to overall Ceiling of 60 standard acres. The Ceiling area was reduced to 15 standard acres per family by enacting the Tamil Nadu Land Reforms Act, 1970 (17 of 1970). This Act prescribed an overall Ceiling of 30 standard acres. The standard acres of Ceiling is calculated with reference to classification of land - wet/ dry/irrigated dry.

Tripura

The Tripura Land Revenue and Land Reforms Act 1960 was enacted by Parliament in 1960. The Act included a provisions to enforce ceiling on agriculture land. The Ceiling law was revised following the National Guidelines in 1974, with retrospective effect from 24.1.1971. The pre-revised ceiling limit in the 1960 Act was 25 standard acres for a family of 5 members. The revised ceiling limit prescribed for different categories of persons is given below:

(a) in the case of an adult un-married person, 2 standard hectares;

(b) in the case of a person who is the sole surviving member of a family, 2 standard hectares;

(c) in the case of person having a family consisting of two or more but not more than five members-4 standard hectares;

(d) in the case of a person having a family consisting of more than five members, 4 standard hectares plus 0.06 standard hectare for each member in excess of five so however, that the total ceiling limit for such person shall not in any case exceed 7.20 standard hectares.

**Dadra &
Nagar
Haveli**

As per Dadra & Nagar Haveli Land Reform Regulation, 7.5 ha. of land shall be regularised in case of land capable of two or more crops or (ii) 11 ha. in case of land capable of yielding only one crop and (iii) 16 ha. in case of other land. On implementation of the said Regulation, a total of 2941 ha. 90 acre surplus land was distributed to landless labourers.

**Daman &
Diu**

There is no Ceiling on land in Daman & Diu.

Delhi

Under the provision of Section-3 of the Delhi Land Holdings (Ceiling) Amendment Act, 1976 no person either by himself or if he has a family, together with any other member of his family shall, whether as a Bhumidar or an Asami or party in another, is entitled to hold land in excess

(A) a) 7.25 ha, in case of land which is assured of irrigation and is capable of yielding atleast 2 crop in a year

b) 5.8 ha. in case of land which is assured of irrigation from Govt. source of irrigation and is capable of yielding at least two crops in a year

(B) a) 10.9 ha. in case of land which is assured of irrigation from private sources of irrigation and capable of at least one crop in a year

- b) 8.7 ha. in case of land which is assured of irrigation from Govt. source of irrigation and capable of at least one crop
- c) 21.8 ha. in case of any other land and including orchard

Pondicherry The Ceiling of land has been fixed as per Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 and as per the Act, 6 standard has been fixed.

6.23 The implementation of Ceiling laws has not been given due importance by the States. These Laws were originally framed 30-40 years ago and in some cases those laws were amended as back as 20-25 years ago. There is urgent need to implement these laws. Since the quality of land and size of land holdings vis-a-vis the population varies from State to State. States have separately passed Ceiling laws but sufficient efforts are not made in enforcing these laws.

6.24 Large number of areas declared surplus are yet to be taken possession by the State Govts. Such areas are mainly pending in litigation in various courts. Delay in distribution of surplus land will not only cause hardships to the poor persons awaiting source of livelihood, it will also decrease the fertility of land awaiting distribution. **The State Govts. should take immediate steps for early redemption of the lands which are in litigation in the courts, by making suitable changes in the law itself. Similarly the lands which are free from encumbrances and awaiting distribution should be distributed among eligible SC & ST and other poor families so that they can make use of land at the earliest for their livelihood.**

Distribution of Government Wasteland and Bhoodan Land

6.25 As mentioned in Annual Report of the Ministry of Rural Areas and Employment (on the basis of information furnished by the States/UTs to that Ministry in the conference of State Revenue Secretaries held in New Delhi on the 26 November 1996) 142.87 lakh acres of Government Wasteland have been distributed among 88.48 lakh beneficiaries. This was perhaps for the first time that the State Governments reported the number of beneficiaries under the programme for distribution of Government Wasteland. However, the quantum of land reported earlier by the States as having been distributed till November 1995 was 127.97 lakh acres which means that during Nov.95 to Nov.96 14.90 lakh acres has been distributed. The State-wise position of distribution of Government Wasteland to all beneficiaries is given at ANNEXURE-6.VI. **There is, however, no information about distribution of Wasteland and Bhoodan Land among SCs & STs. This should be included in future, so as to enable the Commission and other agencies to monitor and evaluate the progress made in this regards.**

6.26 The allotment of land under any scheme of the Government should be made in the name of women allottee or in the joint name of allottee and his/her spouse. In the situation where land has already been allotted but the patta or ownership rights have yet to be issued the same may be done in the joint name of wife and husband, except where only one spouse is living.

Conferment of Ownership Right to the Tenants

6.27 The Annual report of the Ministry of Rural Areas and Employment reveal that the programme for conferment of ownership rights to the tenants and protecting the rights of the tenants/ sharecroppers from eviction-at-will does not seem to be getting adequate attention in the States. States are also not giving specific/accurate and separate figures for the number of tenants who have been conferred ownership rights on the tenanted land those who have been only recorded as tenants, to prevent eviction at will. The information, whatever, furnished also gives no data about SC/ST Tenants separately. **Since SC/ST beneficiaries are the target Ministry of Rural Areas & Employment may revise its monitoring system so that information collected from State Govt and other agencies include specific information about SC/ST beneficiaries.**

Central Sector Scheme for Computerisation of Land Records

6.28 In 1988-89, pilot projects for computerisation of land records were taken up as a sub scheme of agrarian studies and during the Seventh Plan period, a total amount of Rs. 4.83 crore was released to cover 24 districts under the programme in the entire country.

6.29 During the Eighth Plan period Rs. 48.00 crore was allocated exclusively for the computerisation programme. Out of the aforesaid amount, till the end of 1995-96, Rs. 39.26 crores had been released to the States/UTs to finance a total number of 223 projects. In the financial year 1996-97, the total allocation under Computerisation of Land Records amounts to Rs. 20.00 crore which has been fully released to the States/UTs to cover additional 100 project districts in addition to providing second/third/fourth/final instalments to the on-going projects. As observed in the 1996-97 Report of Ministry of Rural Areas & Employment in spite of correspondence, field visits and a National Level Conference held in connection with speedy and effective implementation of the programme of Computerisation of Land Records, the physical and financial progress reported by the States has not been entirely satisfactory. The National Level Steering Committee on Computerisation of Land Records, in its last meeting held in New Delhi on 27 November 1996 had taken note of this and urged the States/UTs to take up appropriate and corrective steps to improve upon the process of implementation of the programmes. **In the interest of poor land holders, many of which belong to SC/ST, Ministry of Rural Areas and Employment may ensure maximum utilisation of this scheme by all States/UTs for maintaining up-to-date land records in each district.**

Centrally Sponsored Scheme for Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR)

6.30 The scheme was first approved by the Cabinet during 1987-88 for States of Bihar and Orissa. In the year, 1989-90 the scheme was extended to other States and funds were released to various States during 1989-90, 1990-91, 1991-92 and 1992-93 covering an expenditure under the scheme during Seventh Plan amounting to a total of Rs. 13.95 crores against an outlay of Rs. 20.81 crores. Eighth Plan provision for SRA&ULR was Rs. 175.00 crore, and till 1995-96 a total amount of Rs. 79.08 crores has been released. Budgetary allocation for the financial year, 1996-97 was Rs. 18.80 crore. **Even though Centre is giving grants every year States have not taken up this Scheme most seriously. Since proper maintenance of land records is in the vital interests of Scheduled Castes and Scheduled Tribes, who are less educated and socially, as well as economically weak, Ministry of Rural Areas and Employment may**

impress upon the States/UTs to make optimum use of the funds available under the both these schemes, expeditiously.

Conference of State Revenue Ministers convened by Ministry of Rural Areas and Employment in January,1997

6.31 As mentioned earlier a conference of State Revenue Secretaries organised by Ministry of Rural Areas and Employment was held in New Delhi on 26th and 27th Nov. 1996. The Conference discussed 21 important issues. These included Distribution of land, Tenancy reform and other Land related issue. The whole perspective of Land Reforms Programme and Scheme for Updating of Land Records, which are required to be taken up during 9th Plan period were discussed in this Conference. These issues which were deliberated in Revenue Secretaries Corporation further discussed in the conference of State Revenue Ministers held in New Delhi on 28th January 1997. The major recommendations, having general as well as vital importance for SCs and STs, made in the Conference of the State Revenue Ministers organised by the Ministry of Rural Areas & Employment are highlighted below:

- (1) The land taken possession and already vested with the State Govt. but subsequently got involved in litigation be distributed among the landless on short term licence basis subject to automatic cancellation of such licence/s as soon as such lands are divested by the order of the court/final Appellate Court so that these are effectively utilised by the landless rural poor, unless the court has any direction to the contrary (Recommendation No.6).
- (2) Top priority should be given to SC/ST families while allotting ceiling surplus land, Bhoodan land and government wasteland. Out of the total beneficiaries, 40% should be exclusively assigned to women and, in rest of the cases, the allotment should be made jointly in the names of the husband and wife (Recommendation No.7).
- (3) The States may prepare action plan and undertake special drives for distribution of pending Bhoodan land, and govt. wasteland, free from all encumbrances and fit for cultivation to the eligible rural poor by 30th September,1997. Land not found fit for cultivation should be developed taking the benefit of any of the on-going rural development/area development schemes(Recommendation No.8).
- (4) For restoration of alienated tribal land, the state Govts. Should take a special drive by gearing up the revenue machinery and increasing the involvement of Panchayati Raj Institutions and other Non-governmental Organisations(NGOs) in the process(Recommendation No.9).
- (5) The State Govts. may consider creation of a legal cell at Tehsil/Sub-divisional headquarter/block headquarter for early disposal of pending tribal land alienation cases. The actual cost incurred in the matter of legal aid received by the tribal as should be borne by the State Govts. and its reimbursement could be attempted through availing of existing mechanisms(Recommendation No.10).
- (6) The States which have not made effective legislations on restoration of alienated tribal land may do so without further delay and those States which have legislation enacted may implement the same vigorously and effectively (Recommendation No.11).

- (7) Steps may be taken to complete the work of patta distribution by forest officials on cultivated forest lands by tribals and others, holding forest land continuously for the qualifying period i.e. before 1980, after completion of necessary formalities as required under the Application of Forest (Conservation) Act, 1980 as well as per guidelines issued by the Ministry of Environment and Forest vide No.13.1/90-FP(1) dated 18.9.90 (Recommendation No.12).
- (8) The State Govts. should submit quarterly progress reports on distribution of ceiling surplus land, Bhoodan land and government wasteland in the prescribed time schedule i.e. by 25th of the succeeding quarter (Recommendation No.13).
- (9) The Gram Panchayat may be involved in prevention of alienation of tribal land and restoration of same (Recommendation No.22).
- (10) The State Govts, as far as possible may not divert agricultural land for non-agricultural purposes which is one of the basic objectives of agrarian policy and basic economic strategy for protection of the peasants as well as rural economy (Recommendation No. 31).
- (11) The management of the village common land, wherever it has not been done so far, may be entrusted to the Gram Panchayat. The State Governments may also consider entrusting regeneration of village common land to watershed associations wherever they have been formed or are getting formed. The Gram Panchayat/watershed associations may be required to take up the development and regeneration of the land. The landless poor and other weaker sections of the village population including members of SC s/STs may be actively involved in the development and regeneration of village common land, with an arrangement for an equitable share in the usufructs derived from the land (Recommendation No.32).
- (12) The recommendations of the National Level Conference organised by Lal Bahadur Shastri National Academy of Administration at NIRO, Hyderabad on 18th and 19th January, 1997 on "Land Reforms: Agenda for the Ninth Five Year Plan" will be duly examined by the States for giving final shape to their Ninth Five Year plan proposals on land reforms including preparation of schemes/proposals under SRA & ULR and Computerisation of Land Records (Recommendation No. 38).

6.32 The Commission strongly recommends that the Ministry of Rural Areas and Employment should monitor the implementation of the recommendations made in the Revenue Ministers' Conference and review the position with the State Govts. on regular basis.

LAND ALIENATION

6.33 The Tribals have continuously been deprived of their land by the vested interests, money-landers and particularly by those who have settled in tribal areas, because of employment or otherwise. The problem of alienation of Tribal lands has been drawing great attention of the Government. The Laws have been made and implementation of those laws have also been studied by various authorities and suggestion made for amendment of those Laws. The States having large tribal population, viz., Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh,

Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Tripura, Uttar Pradesh, and West Bengal enacted special Acts/Regulations to prevent alienation of tribal land to non-tribals and for restoration of alienated land to the tribal. List of such Act/Regulations is at ANNEXURE-6.VII. However, these laws/regulations are generally applicable to tribals living within the Scheduled and tribal areas. Although administration of these areas is governed by special provisions available under the Fifth and the Sixth Schedule, respectively, to the Constitution and in spite of specific provisions under various enactments passed by the State Governments to prevent alienation of tribal land, the practice of alienation continues in almost all the States having legislative and executive measures. The main reason for the state of affairs is that the laws enacted by various State Governments are not fool proof and the loopholes in them enable the unscrupulous vested interests to take advantage to harass and exploit the poor tribals. For instance, in some States like Orissa, Bihar etc., the laws contain a provision that tribal land may be transferred to a non-tribal with the approval of a competent authority. The civil courts have jurisdiction over cases of litigation involving transfer of tribal lands to non-tribals. Legal procedures are cumbersome and courts take unusually long periods in disposing off the cases when the poor tribal is completely fed up and tired and is compelled to wash off his hands over the land which is not only his mainstay but is very dear to him. It is because of these factors that in spite of available legal provisions the States have not been able to effectively check transfer of tribal lands to non-tribals and also to restore alienated lands to the tribals. Though some results have been achieved, the progress, by and large, in this respect is very slow in almost all the States as will be evident from Table-6.8 below.

Table-6.8
Statement Showing Area of Tribal Land Alienated & Restored as on 30-11-96
(Area in acres)

S. No.	State /UT	Area alienated		Area Restored		Area rejected		Balance Area		Possession given to Tribals	
		No. of cases	Area alienated	No. of cases	Area restored	No. of cases	Area rejected	No. of cases	Area	No. of cases	Area
1	A.P.	65925	277354	26039	105020	26531	129845	13219	42380	23848	96648
2	Assm	2065	4338	1609	1060	17	20	379	3268	NR	NR
3	Bih.	85360	104560	44268	43324	31595	49021	11416	12433	42291	45118
4	Guj.	38538	118839	32149	102476	4076	3754	2313	9609	36225	109230
5	H.P.	3	5	0	0	0	0	0	0	0	0
6	Kar.	42582	130373	22040	69465	16687	47159	3731	13460	21834	67862
7	M.P.	53806	158403	48388	148978	29596	97123	5418	9426	NR	NR
8	Mah.	45634	NR	20906	105632	NR	NR	757	4994	20029	99486
9	Ori	97355	93985	48440	50366	47741	42622	5192	3721	7043	46611
10	Raj.	593	3445	213	363	55	884	325	218	NR	NR
11	Tri.	28440	24639	27729	6074	17176	16418	1648	7479	NR	4924
TOTAL		460300	915443	271835	632759	173474	389847	44398	106989	151270	469879

Source: Annual Report 1996-97, Ministry of Rural Areas & Employment.

6.34 As will be seen from the above table information about cases of alienation of Tribal Land and its restoration is not available in respect of all the States. Besides information furnished by Govt. of Assam, Madhya Pradesh, Maharashtra, Rajasthan and Tripura is incomplete. Figures related to number of cases/areas restored, rejected and balance area should add up to the number of cases/area of alienation registered. But these figures do not match in respect of most of the cases. An overall view, which may change on reconciliation of figures, however indicate a very

high level (37.7%) of rejection of cases of land alienation registered in the 11 States. The area involved in the cases rejection is also as high as 42.6%.

6.35 The position of alienation of Tribal Land in the State of Kerala is discussed below which is indicative of the many problems being faced by the Tribals in the State.

Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Amendment Bill, 1996

6.36 The issue relating to problem of STs whose land had been alienated had come up for discussion during the review of the programmes for SCs and STs in Kerala by the Commission in November, 1996. The Revenue Commissioner Kerala mentioned that the Kerala ST (Restriction of Transfer on Lands and Restoration of Alienated Lands) Act, 1975 actually came into force in 1986 with retrospective effect from 1982. In the meanwhile a number of persons, encouraged under policies and programmes taken up by various Govts. of the State, purchased or occupied Tribal Lands in the districts of Wynad, Palakkad and Idukki. As the settlers had occupied and invested substantially on this land, it was not possible to evict them. Therefore, State Govt had proposed an enactment to compensate the tribals by incorporating necessary provisions in the Kerala ST(Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975. Chairman, National Commission had observed during the review meeting that the amendment would perhaps be in conflict with the original objectives of the Act. He advised the State Govt. to have a re-look at the issue.

6.37 Chief Secretary, Govt. of Kerala sent a reply in December, 1996 which inter-alia mentioned:

- 1) The Kerala Scheduled Tribes (Restriction on Transfer of lands and Restoration of Alienated Lands) Act, 1975 provides for the invalidation of all transactions made in the tribal-owned lands after 1-1-1960 and the date of coming into force of the Act. Even though the Act was passed in 1975, the Rules were framed only in 1986 and the Act was brought into force in 1986 with retrospective effect from 1-1-1982.
- 2) Under the provisions of the Act the lands alienated were to be restored to the members of the Scheduled Tribes on payment of compensation as assessed and fixed by the competent authority. The members of the Scheduled Tribes were to be given loan from State Government which had to be repaid in 20 annual instalments.
- 3) Though the Revenue Divisional Officers started the inquiry in 1986 the disposal was delayed due to several reasons. The time for applying for restoration was extended again and again till 31-12-1995. Of the 8000 odd applications filed, 4738 applications were allowed for an extent of 7967 acres of land. However, Government found that the restoration of the lands would now be very difficult and would lead to major law and order problems. More than 50% of the transactions are for less than one acre and about 75% are for less than one hectare. In these areas huge improvements have been made and many of the lands have changed hands several times and some of these areas have become towns.
- 4) In view of the very complex nature of the problem, and the impracticability of implementation of the existing provisions of the Act, the State Legislature has now unanimously passed an amendment Bill. Before the Bill was introduced, several rounds of discussions were held by the Revenue Minister with the tribal organisations, jurists and social activists. The amendment envisages provision of an extent of land equal to that of the alienated lands. The intention is to provide land in the same village as far as possible to the tribals to ensure that the traditional settlement concept is maintained. The transactions made before the framing of the Rules and date of enforcement (24-1-1986)

for less than one hectare alone would be validated. The extent above one hectare is invalidated, until the non-tribal pays the value of the land to the Government. Any transactions made after 24-1-1986 are invalidated and such transactions will invite penal provisions of law.

- 5) The amendment also envisages a scheme for the overall development of the alienated lands to be given including infrastructural requirements like housing, water supply, sanitation, health care etc. The lands required for the purpose have already been identified. It has also been decided to involve Tribal leaders, Tribal organisations, social activists and organisations to confirm the suitability of the lands identified and to oversee the implementation of the scheme.
- 6) With regard to directions given by a Single Bench of the Hon'ble High Court in the existing O.P., the said directions have been stayed by a Division Bench and the entire matter is now pending before a Full Bench of the Hon'ble High Court constituted for the purpose.

6.38. Govt. of Kerala referred the above Bill to the MHA for assent of the President of India. In this context Ministry of Welfare being the Nodal Ministry for matters relating to STs made formal reference of the Bill to this Commission under Article 338 (a) of the Constitution. The provisions of the above Bill were examined in the Commission in detail. It was noticed that the successive Govts. in the State had not taken steps to implement the Kerala Scheduled Tribes(Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 and non-STs kept on alienating/encroaching upon the lands belonging to STs. By bringing in the amendment to the original Act, the State Govt. was contemplating to legalise/regularise the transfer of lands which had been alienated by non-STs from STs, in spite of existence of relevant Act. **The Commission thus conveyed the following observations to the Ministry of Welfare on the proposed amendment:**

1. The Act, as it stands today, was notified on 20.1.86 with retrospective effect from 1.1.82. Even this date is a fairly delayed one as the original Act passed in 1975 received the assent of the President on 11.11.75.
2. The amendment by adding section 5-A legalises/regularises all transfer of land from STs to non-STs which have not been restored to STs. This in effect would nullify the objectives of the original Act which was to restrict transfer of lands from STs to non-STs and restore the land of any transfer to them.

6.39 **Ministry of Home Affairs, Ministry of Welfare and the State Govt. of Kerala may take necessary steps as per advice of the Commission and intimate the same to the Commission in due course.**

Land Transfer Regulations

6.40 Measures taken by various state Governments to check transfer of land from tribals to non-tribals in the State and in the Scheduled Areas of the State, as per information available in the Commission, are discussed below:

Andhra Pradesh

The Andhra Pradesh Scheduled Areas Land Transfer Regulation Act of 1959 came into force in 1977. As per this Act, non-tribal is eligible to hold the land in such areas after 1959. Any transfer of land in tribal area is null and void and the non-tribals will be evicted. There is provision for penalty too. The Social Welfare Department in its G.O. No.17, Social Welfare (C) Department, dated

15.2.1990, have issued orders revising the allocation of sites among various sections of population as below:

Scheduled Castes	: 50%
Scheduled Tribes	: 10%
Backward Classes	: 30%
Other poor	: 10%

Bihar

Three Tenancy Laws viz. Chotanagpur Tenancy Act, 1908, Santhal Parganas Tenancy (supplementary provision) Act, 1949 and the Bihar Scheduled Areas Regulation, 1969 are in operation in Bihar State. These Acts provide for prevention of illegal alienation and restoration of illegally alienated land of the members of the Sch. Tribes. The Chotanagpur Tenancy Act, 1908 is operative in the districts of the North and South Chotanagpur divisions whereas the Santhal Parganas Tenancy(Supplementary Provision) Act, 1949, is operative in the districts of Dumka, Sahibganj, Godda and Deoghār. The Bihar Schedule Areas Regulation, 1969 is applicable in such tribal Sub-plan areas which are co-terminus with the Scheduled area. There is a ban on sale of tribal land to non-tribals. Any type of illegal occupation of tribal land has to be restored to tribals by district authorities. Alienation of tribal land has been taking place in various ways such as by way of sale, by way of land acquisition for public purposes, by way of mortgage, lease and by other modes. In the modes, other than land acquisition 80% of the land alienated has gone to non-tribals. It has been found that STs are generally unaware of the protective laws in respect of alienation of lands. Even where awareness is more, the tribals poverty and the cumbersome process of law prevented recourse to the legal process.

The State Govt. of Bihar had taken measures to detect land alienation and to restore it. Every Additional Collector, Sub-Divisional Officer, Deputy Collector and Asstt. Settlement Officer has been empowered to take cognisance of such illegal alienation and to restore possession. Deputy Commissioner is a party in every restoration proceeding in which a Sch. Tribe is a party. The Chotanagpur Tenancy Act has been extended to municipal area also. Authorities have been directed to act quickly in giving physical possession in case disposed off in favour of tribals.

Gujarat

Vide Notification dated 4th April, 1961, Govt. of Gujarat applied provisions of section 73-A of the Land Revenue code to all the villages in the Scheduled areas in the State in which survey settlement had not been introduced and to which the provision of section 73-A had not been made applicable before the issue of the Notification dated 4th April, 1961. The State Govt. has also strengthened the existing revenue machinery by creating special units in predominantly Sch. Areas of the State under the scheme LND-8 or protection against alienation of land by the tribals. These units are headed by Dy. Collectors and functioning in (1) Vyara (2) Rajpipala (3) Dahod and (4) Himatnagar. They are empowered to detect the unauthorised alienation and restore possession to the original occupants.

Karnataka

Karnataka SC/ST(Prohibition of Transfer of certain lands) Act, 1978 prohibits transfer of lands granted by the Govt. to SC/ST and provides for restoration of such transferred lands before or after the passing of the Act.

According to the Annual Reports of the Revenue Department: following is the position regarding restoration of land to the original SC/ST grantees under the Karnataka SC/ST(PTCL)Act, 1978

Upto the Year	Cases detected	Land involved (in acres)	Land restored (in acres)	No. of persons benefitted
1990-91	311	883	2104	873
1994-95	42263	115262	63077	20091
1995-96	3819	15111.2	6388	1969

It can be clearly seen that more than 1 lakh acres of SC/ST land was under unauthorised occupation and only 50% of the land i.e. only 69465 acres out of 1,30,373.24 acres has been restored so far. Between 1990-91 and 1994-95 42,000 cases have been detected. Much needs to be done for detection as well as restoration of alienated lands of SCs and STs.

Madhya Pradesh

Land Reforms have been implemented in all over M.P. No amendment have been made in Madhya Pradesh Land Revenue Code, 1959. The frame work of land management is under consideration of M.P. Government. But the provisions for the restoration of alienated tribal land have been made under Section 170-A and 170-B of the Code. According to these provisions, in notified areas where tribals live predominantly, a tribal can not transfer or otherwise alienate his land to non-tribal. In non-notified areas also such transfers can not be effected without the specific permission of the Collector. No land belonging to a tribal can be attached or sold in execution of any decree of a Court.

A special campaign called "Adhikar Abhiyan" was launched w.e.f. 14.11.88 to ensure the delivery of possession of land to the Patta holder, who have been given Pattas from time to time under various schemes. To operate this programme successfully an Amendment was made in Section 250 of M.P. Land Revenue Code, 1959. According to this amendment, Tahsildars and Revenue Officer have been empowered to deal with such cases suo-moto in which allottees of land are not in possession at the spot, or are dispossessed. As the result of this Adhikar Abhiyan 77390 beneficiaries have given possession of 9184.412 hectares of land. Government has introduced a scheme in which Grant-in-aid at the rate of Rs.1000/- per hectare is admissible to the beneficiaries of Adhikar Abhiyan belonging to STs and SCs for development. Financial assistance of Rs. 98,49,756 was distributed to 14500 persons.

Maharashtra

To check land alienation the following laws have been enacted for restoration of the alienated land to the Tribals in Maharashtra State.

1. The Maharashtra Land Rev. Code and Tenancy Laws.(Amendment Act, 1974)

2 The Maharashtra Restoration of Lands to Sch.Tribes Act, 1964.

6.41 Regulations to check alienation of tribal land, restoration of alienated land etc. have been promulgated in different States but tribal people have not enjoyed effective protection. These

regulations were promulgated long ago and our experience of working with those regulations should be guiding principles for our future policy. The Schemes for allotment of land are also becoming ineffective since land allotted to SCs & STs has been in the process of alienation or encroachment by non-SCs/STs persons. If timely steps are not taken to check alienation of land and for restoring alienated/encroached lands the whole exercise of planning for land based schemes for SCs & STs, a source of livelihood for majority of SC/ST people, will end up in a chaos. **As dependence upon private money lenders is a major cause of direct or indirect alienation of land specific schemes have to be formulated for associating with each scheme of allotment of land so that the allottees do not have to depend upon the private money-lenders for making proper and economical use of the allotted land. It is also recommended that there may be a common Central Law/ Directives for providing (a) complete ban on transfer of land from SC/ST to non-SC/ST, including transfer of land through the process of marriage by non-SC/ST with SC/ST women (b) regulation of transfer of land from one SC person to another SC person or one ST person to another ST person, (c) rights of pre-emption in favour of SC/ST allottees of land and (d) prohibition of sale of land belonging to SC/ST by Financial Institutions and Government Agencies for realisation of their dues. Commission also recommends that a provision for deterrent punishment should be provided for those indulging in acquisition of tribal land and or re-alienation of lands restored to SC/ST people.**

DISPLACEMENT DUE TO MAJOR PROJECTS AND REHABILITATION

6.42 Advancement of every society is measured in terms of development of Human and Natural Resources, infrastructural development including establishment of various projects to use the natural resources for benefit of mankind. Major projects in Industrial, Irrigation and Power Sectors are always established in the areas out side the Urban settings. These areas are generally Tribal Areas or largely inhabited by tribals. Each time a major project is set up, a part of the tribal area is acquired for the same which leads to displacement of tribals. Since Project Reports for setting up major projects did not have any element for rehabilitation of those displaced due to setting up of the projects, Ministry of Home Affairs had issued guidelines for including rehabilitation plan for displaced tribals as part of the Project Report. In spite of those guidelines projects were planned either without caring for the problem of the tribals likely to be displaced or for giving adequate attention to the needs and problems of displaced tribals and their rehabilitation. The erstwhile Commissioner for Scheduled Castes and Scheduled Tribes, predecessor to the National Commission for Scheduled Castes and Scheduled Tribes, had raised this issue time and again with Central Government as well as the State Governments concerned. Development and welfare of human beings can not be ignored in the name of development of the society. Beside needs and problems of the human beings likely to be displaced by the projects their emotional feelings have also to be given due consideration.

6.43 This issue was again discussed in detail in the 29th and 30th Report of the Commissioner for SCs & STs. Last three Reports of this Commission had also highlighted the plight of the tribals displaced due to establishment of various projects. **Commission, therefore, recommends that Ministry of Welfare in consultation with the Ministry of Industries, Irrigation, Energy etc. should bring out Central directives to regulate the process of formulation and clearing of Projects to be set up in any part of the Country so that the vital issue relating to displacement and rehabilitation is properly taken care of by the concerned authorities. Commission further re-iterates its earlier recommendation that**

tribals (and others) displaced or likely to be displaced due to various projects should be made partners of the projects.

6.44 The Twenty Point Programme which was introduced by the Central Government in 1975 was revitalised when the new 20-Point Economic Programme was announced by the then Prime Minister on 14.1.1982. Point-7 thereof was stipulated to accelerate programmes for the development of the Scheduled Castes and Scheduled Tribes. In 1986 a revised 20-Point Programme was announced which became effective from 1.4.1987. Point 11 of the revised programme provides for justice to the Scheduled Castes and Scheduled Tribes. It inter-alia envisages (i) to ensure possession of lands allotted to the Scheduled Castes and Scheduled Tribes; (ii) to revitalise the land allotment programme; and (iii) to ensure rehabilitation of tribals displaced from their habitats.

6.45 The S.C. residents of village Chhawala, Dhoolsiras, Daulatpur and Ujjawa of Delhi had represented to this Commission regarding denial of ownership rights to them over the land allotted to them under the 20-Point Programme. They have stated that the land was allotted to them during the year 1975-76 and they have been cultivating the land since then. It is also stated that the land at the time of allotment was a barren land and these villagers with their hard labour and hard earned money made the land cultivable and started producing crops over the land. The S.C. residents of these villages have been approaching various authorities for grant of ownership rights of the land allotted to them under Prime Minister's Twenty Point Programme long back.

6.46 It was brought to the notice of this Commission by the petitioner that the Govt. of N.C.T of Delhi had decided to start developmental activities such as construction of shops hospital school, parks and other activities such as expansion of training camps for BSF on their land by invoking Section-4 of Land Acquisition Act 1894. The allottees of these land have requested that they should be given ownership rights of the land before starting of any developmental activity. Another similar case received from Bhoomiheen Kisan Majdoor Sanghrash Samiti, Delhi for allotment of ownership right. Since many S.C. persons have been approaching the Commission for the last over 2 years. Commission had taken up the issue with the Govt. of National Capital Territory of Delhi. Development Commissioner, Delhi and SDM Najafgarh appeared before the Commission on 18.12.96. Subsequently Dy. Commissioner (South-West) Delhi, J.S. Revenue and SDM (Najafgarh) appeared before the Commission on 24.2.97 and agreed that there was no problem to grant Bhumidhari rights to the genuine cultivators. The residents of the above mentioned villages have been pressing hard to this Commission for allotment of ownership rights of the land allotted to them.

6.47 The matter was discussed in a meeting with Chief Secretary and other officers of Govt. of NCT of Delhi held in Nov. 96 to review the programmes for SC/ST in Delhi. The Chairman National Commission had also written a d.o. letter to the Chief Minister of Delhi requesting him to issue necessary instructions that immediate action be taken to confer ownership rights to allottees and adequate protection be provided to them to enjoy the rights of ownership so as to facilitate them to claim the compensation even if the land is acquired for developmental projects.

6.48 The issue was discussed thread-bare with the Chief Secretary, Delhi, Revenue Secretary, Delhi and other concerned officers of Delhi Govt. in a meeting held in the Commission. Revenue Secretary mentioned that there were certain legal provisions due to which conferment of Bhumidari rights on the SCs allottees of land under 20-Point Programme could not be implemented. After detailed discussion the Revenue Secretary and Chief Secretary agreed to review the whole situation and take measures for amendment of the existing Acts relating to

Land Reforms and Land Acquisition Act so that the allottees of land under 20-Point Programme or similar other programme get right over the land within prescribed time frame. Chief Secretary assured the Commission that a comprehensive plan of action will be finalised and intimated to the Commission. In a written reply the Revenue Secretary-cum-Development Commissioner, Delhi Government has inter-alia submitted the following reply:

In addition to the legal infirmity under which the various courts have held that the Bhumidari rights cannot be conferred to the allottees. The past experience of the Government also shows the following:

- (i) The allottees have sold out these lands by way of General Power of Attorney and Agreement to sell and again they have become landless.
- (ii) In most of the cases the lease of the applicants have not been validated after initial allotment. Hence there was a question mark regarding the status of the applicants after lapse of lease period.
- (iii) Many beneficiaries who were identified by the village Pradhans did not fulfil the income criteria for allotment. The Government has already instituted Inquiry Committees in each of the districts.

Keeping all the administrative as well as legal difficulties in view, it is not possible for the Government to confer them the Bhumidari rights as stated above. These are quasi-judicial proceedings and it has to be done by following due process of law.

6.49 Chairman had pointed out during the discussions that the revalidation of the lease of the land allotted to the poor and uneducated SC persons under 20-Point Programme was a responsibility of the Government. If revalidation procedure had not been followed by the Government, there were no reason to harass the SC allottees. From the document submitted by the villagers and the information furnished by Delhi Government it is evident that the SC persons allotted land under 20-Point Programme in village Chhawala and Dhoolsiras and other villages of Delhi were not given ownership rights as per provisions under Delhi Land Reforms Act, 1954. Their cases were being dragged on in the courts of Revenue Officers etc. There were also attempts to take forcible possession of their lands by Mafia and anti social elements. In the meanwhile Delhi Government initiated steps to acquire their lands for some developmental projects. It is observed that SC allottees of land under 20-Point Programme were being subjected to various kinds of harassment viz;

- (i) Ownership rights not given as per provisions of the Delhi Land Reforms Act, 1954.
- (ii) In absence of ownership rights the allottees cannot take the advantage of various land development schemes available to land owners. These allottees have been put to number of economic pressures and in some cases private loans taken by them for development of their lands, agricultural inputs etc, has compelled some of them to transfer their lands to the private money lenders.
- (iii) Due to increasing developmental activities and increasing land prices, many land Mafia were attempting to take forcible possession of their lands.
- (iv) Land allotted under 20-Point Programme should not have been considered for acquiring Land already acquired once by the Government for allotment to poor people under 20-Point Programme should not have been acquired

again in the name of any developmental project. By doing so the Government was contemplating to displace the people once rehabilitated by it. Secondly Government was trying to avoid payment of compensation or grant of relief and rehabilitation to SC allottees of land whose land was proposed to be acquired.

- (v) Since the SC allottees of land have not been issued record of rights they were unable to claim compensation on account of acquisition of their land for Government purposes.

6.50 Commission therefore recommends that the SC allottees of land under 20-Point Programme may be granted ownership rights from the actual date of eligibility as per provisions of Delhi Land Reforms Act, 1954. The acquisition proceedings should be suspended till grant of ownership rights is completed. Thereafter, if it is considered really necessary to acquire their land the allottees should be given adequate compensation in the form of alternate land and assistance for development of the land. Commission also recommends that NCT Government may examine the desirability of amending Delhi Land Reforms Act, 1954, if necessary, since the act was enforced over 40 years ago and the existing provisions of the Act were not suitable to the present days conditions.

RECOMMENDATIONS

6.51 On the basis of various issues discussed in the foregoing paras Commission makes the following recommendations:

- 1) Agriculture Census is conducted every 5 years and the reports published on the basis of Agriculture Census are the main authentic data relating to land in the country. Last Agriculture Census was held in 1990-91. The results of this Census are not yet available. State Govts. have implemented various programmes after adoption of SCP approach in 6th Plan & TSP approach in 5th Plan. These programmes would have brought about changes in the socio-economic conditions, including land status of SCs & STs. It is therefore desirable that up-to-date land data is available for preparing the programmes, schemes, and action plan relating to land with specific reference to SCs & STs. The Ministry of Agriculture may take suitable steps to gear up the machinery in this regard. (Ref. para 6.16)
- 2) The implementation of Ceiling laws has not been given due importance by the States. These Laws were originally framed 30-40 years ago and in some cases those laws were amended as back as 20-25 years ago. There is urgent need to implement these laws. Since the quality of land and size of land holdings vis-a-vis the population varies from State to State. States have separately passed Ceiling laws but sufficient efforts are not made in enforcing these laws. (Ref. para 6.23)
- 3) Large number of areas declared surplus are yet to be taken possession by the State Govts. Such areas are mainly pending in litigation in various courts. The State Govts. should take immediate steps for early redemption of the lands which are in litigation in the courts, by making suitable changes in the law itself. Similarly the lands which are free from encumbrances and awaiting distribution should be distributed among eligible SC & ST and other poor families so that they can make use of land at the earliest for their livelihood. Delay in distribution of surplus land will not only cause hardships to the poor persons awaiting source of livelihood, it will also decrease the fertility of land

awaiting distribution. (Ref. para 6.24)

- 4) **Up-to-date information about Wasteland and Bhoodhan land available for distribution and distribution made and the number of beneficiaries during each year is not available. The Ministry of Rural Areas and Employment which is the Nodal Ministry on the subject has also pointed out that information on the subject was not being reported by the State Govt. It is also noticed that the available data does not give any information about SC/ST beneficiaries and land alienated to them out of Wasteland and Boodhan land, though priority in such allotment is accorded to SCs & STs beneficiaries. The information about SC/ST beneficiaries should also be reported by the State Government so as to enable the Commission and other agencies to monitor and evaluate the progress made in this regard. (Ref. para 6.25)**
- 5) **The allotment of land under any scheme of the Government should be made in the name of women or joint name of allottee and his/her spouse. In the situation where land has already been allotted but the patta or ownership rights have yet to be issued the same may be done in the joint name of wife and husband, except where only one spouse is living. (Ref. para 6.26)**
- 6) **The programme for conferment of ownership rights to the tenants and protecting the rights of the tenants/ sharecroppers from eviction-at-will does not seem to be getting adequate attention in the States. States are also not giving specific/accurate and separate figures for the number of tenants who have been conferred ownership rights on the tenanted land those who have been only recorded as tenants, to prevent eviction at will. The information, whatever, furnished also gives no data about SC/ST Tenants separately. Since SC/ST beneficiaries are the target Ministry of Rural Areas & Employment may revise its monitoring system so that information collected from State Govt and other agencies include specific information about SC/ST beneficiaries. (Ref. para 6.27)**
- 7) **In the interest of poor land holders, many of which belong to SC/ST, Ministry of Rural Areas and Employment may ensure maximum utilisation of the scheme of computerisation of land records by all States/UTs for maintaining up-to-date land records in each district. (Ref. para 6.29)**
- 8) **Even though Centre is giving grants every year States have not taken up the scheme for strengthening of Revenue Administration of land records most seriously. Since proper maintenance of land records is in the vital interests of Scheduled Castes and Scheduled Tribes, who are less educated and socially, as well as economically weak, Ministry of Rural Areas and Employment may impress upon the States/UTs to make optimum use of the funds available under the both these schemes, expeditiously. (Ref. para 6.30)**
- 9) **The Commission strongly recommends that the Ministry of Rural Areas and Employment should monitor the implementation of the recommendations made in the Revenue Ministers' Conference and review the position with the State Govts. On regular basis. (Ref. para 6.32)**
- 10) **The Commission thus conveyed the following observations to the Ministry of Welfare on the proposed amendment of Kerala Scheduled Tribes (Restrictions on Transfer of Lands and Restoration of Alienated Lands:**

(a) The Act, as it stands today, was notified on 20.1.86 with retrospective effect from 1.1.82. Even this date is a fairly delayed one as the original Act passed in 1975 received the assent of the President on 11.11.75.

(b) The amendment by adding section 5-A legalises/regularises all transfer of land from STs to non-STs which have not been restored to STs. This in effect would nullify the objectives of the original Act which was to restrict transfer of lands from STs to non-STs and restore the land of any transfer to them.

Ministry of Home Affairs, Ministry of Welfare and the State Govt. of Kerala may take necessary steps as per advice of the Commission and intimate the same to the Commission in due course. (Ref. para 6.38)

- 11) As dependence upon private money lenders is a major cause of direct or indirect alienation of land specific schemes have to be formulated for associating with each scheme of allotment of land so that the allottees do not have to depend upon the private money-lenders for making proper and economical use of the allotted land. It is also recommended that there may be a common Central Law/ Directives for providing (a) complete ban on transfer of land from SC/ST to non-SC/ST, including transfer of land through the process of marriage by non-SC/ST with SC/ST women (b) regulation of transfer of land from one SC person to another SC person or one ST person to another ST person, (c) rights of pre-emption in favour of SC/ST allottees of land and (d) prohibition of sale of land belonging to SC/ST by Financial Institutions and Government Agencies for realisation of their dues. Commission also recommends that a provision for deterrent punishment should be provided for those indulging in acquisition of tribal land and or re-alienation of lands restored to SC/ST people. (Ref. para 6.41)
- 12) Commission, therefore, recommends that Ministry of Welfare in consultation with the Ministry of Industries, Irrigation, Energy etc. should bring out Central directives to regulate the process of formulation and clearing of Projects to be set up in any part of the Country so that the vital issue relating to displacement and rehabilitation is properly taken care of by the concerned authorities. Commission further re-iterates its earlier recommendation that tribals (and others) displaced or likely to be displaced due to various projects should be made partners of the projects. (Ref. para 6.43)

ANNEXURE-6.I

(Ref. para 6.12)

**Statewise Distribution of Number of Operational Holdings for Scheduled Castes in India
according to major size classes, 1985-86**

(Number in thousands)

S.No.	State/UT		Major size class					Total
			Marginal	Small	Semi-Medium	Medium	Large	
1	2		3	4	5	6	7	8
1	A.P.	Area in class	705	181	92	25	3	1006
		"(% to Total)	70.08	17.99	9.15	2.49	0.30	100.00
2	Asm	Area in class	69	28	14	3		114
		"(% to Total)	60.53	24.56	12.28	2.63	0.00	100.00
3	Bih.	Area in class	1240	72	35	11	1	1359
		"(% to Total)	91.24	5.30	2.58	0.81	0.07	100.00
4	Goa	Area in class	Neg	Neg	Neg	Neg	Neg	Neg
		"(% to Total)						
5	Guj.	Area in class	50	41	37	21	3	152
		"(% to Total)	32.89	26.97	24.34	13.82	1.97	100.00
6	Har.	Area in class	17	10	8	4		39
		"(% to Total)	43.59	25.64	20.51	10.26	0.00	100.00
7	H.P.	Area in class	141	27	10	2		180
		"(% to Total)	78.33	15.00	5.56	1.11	0.00	100.00
8	J&K	Area in class	55	30	10	2		97
		"(% to Total)	56.70	30.93	10.31	2.06	0.00	100.00
9	Kar.	Area in class	222	150	86	36	6	500
		"(% to Total)	44.40	30.00	17.20	7.20	1.20	100.00
10	Ker.	Area in class	387	4	1			392
		"(% to Total)	98.72	1.02	0.26	0.00	0.00	100.00
11	M.P.	Area in class	441	235	181	100	12	969
		"(% to Total)	45.51	24.25	18.68	10.32	1.24	100.00
12	Mah.	Area in class	272	176	130	61	7	646
		"(% to Total)	42.11	27.24	20.12	9.44	1.08	100.00
13	Man.	Area in class	1	1	1			3
		"(% to Total)	33.33	33.33	33.33	0.00	0.00	100.00
14	Ori.	Area in class	336	93	45	9	1	484
		"(% to Total)	69.42	19.21	9.30	1.86	0.21	100.00
15	Pun.	Area in class	23	12	11	4		50
		"(% to Total)	46.00	24.00	22.00	8.00	0.00	100.00
16	Raj.	Area in class	219	167	146	124	50	706
		"(% to Total)	31.02	23.65	20.68	17.56	7.08	100.00
17	Skm	Area in class	1					1
		"(% to Total)	100.00	0.00	0.00	0.00	0.00	100.00
18	T.N.	Area in class	176	112	39	9	1	337
		"(% to Total)	52.23	33.23	11.57	2.67	0.30	100.00
19	Tri.	Area in class	36	8	2			46
		"(% to Total)	78.26	17.39	4.35	0.00	0.00	100.00
20	U.P.	Area in class	2523	354	120	27	2	3026
		"(% to Total)	83.38	11.70	3.97	0.89	0.07	100.00
21	W.B.	Area in class	1051	223	98	16		1388
		"(% to Total)	75.72	16.07	7.06	1.15	0.00	100.00
22	All UTs	Area in class	4					4
		"(% to Total)	100.00	0.00	0.00	0.00	0.00	100.00
	ALL India	Area in class	8508	1923	1067	456	87	12041
		"(% to Total)	70.66	15.97	8.86	3.79	0.72	100.00

Source:

Report of Agriculture Census 1985-86

ANNEXURE-6.II

(Ref. para 6.12)

Statewise Distribution of Number of Operational Holdings for Scheduled Tribes in India
according to major size classes, 1985-86

(Number in thousands)

S.No.	State/UT		Major size class					Total
			Marginal	Small	Semi-Medium	Medium	Large	
1	2		3	4	5	6	7	8
1	A.P.	Area in class	241	122	106	49	6	524
		"(% to Total)	45.99	23.28	20.23	9.35	1.15	100.00
2	Ar.P.	Area in class	13	15	25	23	5	81
		"(% to Total)	16	18.52	30.86	28.40	6.17	100.00
3	Asm	Area in class	147	94	57	16	1	315
		"(% to Total)	46.67	29.84	18.10	5.08	0.32	100.00
4	Bih.	Area in class	500	149	146	100	21	916
		"(% to Total)	54.59	16.27	15.94	10.92	2.29	100.00
5	Guj.	Area in class	113	92	89	55	7	356
		"(% to Total)	31.74	25.84	25.00	15.45	1.97	100.00
6	H.P.	Area in class	20	8	4	1		33
		"(% to Total)	60.61	24.24	12.12	3.03	0.00	100.00
7	Kar.	Area in class	66	52	38	21	4	181
		"(% to Total)	36.46	28.73	20.99	11.60	2.21	100.00
8	Ker.	Area in class	32	9	2			43
		"(% to Total)	74.42	20.93	4.65	0.00	0.00	100.00
9	M.P.	Area in class	615	393	441	347	88	1884
		"(% to Total)	32.64	20.86	23.41	18.42	4.67	100.00
10	Mah.	Area in class	132	166	146	91	15	550
		"(% to Total)	24.00	30.18	26.55	16.55	2.73	100.00
11	Man.	Area in class	24	20	11	1		56
		"(% to Total)	42.86	35.71	19.64	1.79	0.00	100.00
12	Meg.	Area in class	59	51	46	13	1	170
		"(% to Total)	34.71	30.00	27.06	7.65	0.59	100.00
13	Nag.	Area in class	8	19	19	42	36	124
		"(% to Total)	6.45	15.32	15.32	33.87	29.03	100.00
14	Ori.	Area in class	451	265	182	62	5	965
		"(% to Total)	46.74	27.46	18.86	6.42	0.52	100.00
15	Raj.	Area in class	279	173	152	97	22	723
		"(% to Total)	38.59	23.93	21.02	13.42	3.04	100.00
16	Skm	Area in class	4	3	3	2	1	13
		"(% to Total)	30.77	23.08	23.08	15.38	7.69	100.00
17	T.N.	Area in class	30	16	9	3		58
		"(% to Total)	51.72	27.59	15.52	5.17	0.00	100.00
18	Tri.	Area in class	68	34	17	1		120
		"(% to Total)	56.67	28.33	14.17	0.83	0.00	100.00
19	U.P.	Area in class	17	5	5	4		31
		"(% to Total)	54.84	16.13	16.13	12.90	0.00	100.00
20	W.B.	Area in class	312	86	32	5		435
		"(% to Total)	71.72	19.77	7.36	1.15	0.00	100.00
21	All UTs	Area in class	31	23	13	2		69
		"(% to Total)	44.93	33.33	18.84	2.90	0.00	100.00
22	ALL India	Area in class	3161	1795	1545	936	212	7649
		"(% to Total)	41.33	23.47	20.20	12.24	2.77	100.00

Area in class

Source: "(% to Total) Report of Agriculture Census 1985-86

ANNEXURE-6.III

(Ref. para 6.12)

Statewise Distribution of Area of Operational Holdings for Scheduled Castes in India
according to major size classes, 1985-86

(Number in thousands)

S.No.	State/UT	Major size class						Total
		Marginal	Small	Semi-Medium	Medium	Large		
1	2	3	4	5	6	7	8	
1	A.P.	Area in class	291	253	235	140	39	958
		"(% to Total)	30.38	26.41	24.53	14.61	4.07	100.00
2	Asm	Area in class	34	39	37	17	2	129
		"(% to Total)	26.36	30.23	28.68	13.18	1.55	100.00
3	Bih.	Area in class	299	99	94	60	15	567
		"(% to Total)	52.73	17.46	16.58	10.58	2.65	100.00
4	Goa	Area in class	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.
		"(% to Total)						
5	Guj.	Area in class	27	60	101	121	48	357
		"(% to Total)	7.56	16.81	28.29	33.89	13.45	100.00
6	Har.	Area in class	8	15	23	22	7	75
		"(% to Total)	10.67	20.00	30.67	29.33	9.33	100.00
7	H.P.	Area in class	56	37	26	12	2	133
		"(% to Total)	42.11	27.82	19.55	9.02	1.50	100.00
8	J&K	Area in class	22	39	28	9	1	99
		"(% to Total)	22.22	39.39	28.28	9.09	1.01	100.00
9	Kar.	Area in class	113	218	231	210	85	857
		"(% to Total)	13.19	25.44	26.95	24.50	9.92	100.00
10	Ker.	Area in class	41	5	2			48
		"(% to Total)	85.42	10.42	4.17	0.00	0.00	100.00
11	M.P.	Area in class	194	334	496	573	177	1774
		"(% to Total)	10.94	18.83	27.96	32.30	9.98	100.00
12	Mah.	Area in class	126	251	354	349	102	1182
		"(% to Total)	10.66	21.24	29.95	29.53	8.63	100.00
13	Man.	Area in class	Neg.	1	3	2		6
		"(% to Total)						
14	Ori.	Area in class	142	126	117	52	14	451
		"(% to Total)	31.49	27.94	25.94	11.53	3.10	100.00
15	Pun.	Area in class	12	17	29	22	4	84
		"(% to Total)	14.29	20.24	34.52	26.19	4.76	100.00
16	Raj.	Area in class	114	237	413	768	880	2412
		"(% to Total)	4.73	9.83	17.12	31.84	36.48	100.00
17	Skm	Area in class		1	1			2
		"(% to Total)	0.00	50.00	50.00	0.00	0.00	100.00
18	T.N.	Area in class	242	154	104	47	9	556
		"(% to Total)	43.53	27.70	18.71	8.45	1.62	100.00
19	Tri.	Area in class	17	13	4			34
		"(% to Total)	50.00	38.24	11.76	0.00	0.00	100.00
20	U.P.	Area in class	842	484	320	148	28	1822
		"(% to Total)	46.21	26.56	17.56	8.12	1.54	100.00
21	W.B.	Area in class	417	330	261	83		1091
		"(% to Total)	38.22	30.25	23.92	7.61	0.00	100.00
22	All UTs	Area in class	2	Neg.	Neg.	Neg.	Neg.	2
		"(% to Total)	100.00					100.00
23	All India	Area in class	3000	2713	2878	2636	1413	12639
		"(% to Total)	23.74	21.47	22.77	20.86	11.18	100.00

Source:

Report of Agriculture Census 1985-86

ANNEXURE-6.IV
(Ref. para 6.12)

**Statewise Distribution of Area of Operational Holdings for Scheduled Tribes in India
according to Major Size Classes, 1985-86**

(Number in thousands)

S.No.	State/UT		Major size class					Total
			Marginal	Small	Semi-Medi	Medium	Large	
1	2		3	4	5	6	7	8
1	A.P.	Area in class	117	176	279	280	93	945
		"(% to Total)	12.38	18.62	29.52	29.63	9.84	100.00
2	Ar.P.	Area in class	9	23	71	136	97	336
		"(% to Total)						
3	Asm	Area in class	76	124	148	85	11	444
		"(% to Total)	17.12	27.93	33.33	19.14	2.48	100.00
4	Bih.	Area in class	203	210	408	599	332	1752
		"(% to Total)	11.59	11.99	23.29	34.19	18.95	100.00
5	Guj.	Area in class	57	134	252	318	90	851
		"(% to Total)	6.70	15.75	29.61	37.37	10.58	100.00
6	H.P.	Area in class	9	11	11	6	2	39
		"(% to Total)	23.08	28.21	28.21	15.38	5.13	100.00
7	Kar.	Area in class	34	76	105	124	66	405
		"(% to Total)	8.40	18.77	25.93	30.62	16.30	100.00
8	Ker.	Area in class	10	11	6	2	1	30
		"(% to Total)	33.33	36.67	20.00	6.67	3.33	100.00
9	M.P.	Area in class	276	574	1216	2106	1406	5578
		"(% to Total)	4.95	10.29	21.80	37.76	25.21	100.00
10	Mah.	Area in class	72	238	399	537	208	1454
		"(% to Total)	4.95	16.37	27.44	36.93	14.31	100.00
11	Man.	Area in class	15	26	28	7		76
		"(% to Total)	19.74	34.21	36.84	9.21	0.00	100.00
12	Meg.	Area in class	32	68	117	72	13	302
		"(% to Total)	10.60	22.52	38.74	23.84	4.30	100.00
13	Nag.	Area in class	3	24	49	260	596	932
		"(% to Total)	0.32	2.58	5.26	27.90	63.95	100.00
14	Ori.	Area in class	240	378	496	358	75	1547
		"(% to Total)	15.51	24.43	32.06	23.14	4.85	100.00
15	Raj.	Area in class	130	247	426	581	351	1735
		"(% to Total)	7.49	14.24	24.55	33.49	20.23	100.00
16	Skm	Area in class	2	3	8	14	10	37
		"(% to Total)	5.41	8.11	21.62	37.84	27.03	100.00
17	T.N.	Area in class	14	22	25	20	5	86
		"(% to Total)	16.28	25.58	29.07	23.26	5.81	100.00
18	Tri.	Area in class	38	55	44	6		143
		"(% to Total)	26.57	38.46	30.77	4.20	0.00	100.00
19	U.P.	Area in class	6	7	14	22	4	53
		"(% to Total)	11.32	13.21	26.42	41.51	7.55	100.00
20	W.B.	Area in class	150	122	86	28	1	387
		"(% to Total)	38.76	31.52	22.22	7.24	0.26	100.00
21	All UTs	Area in class	19	35	37	9	2	102
		"(% to Total)	18.63	34.31	36.27	8.82	1.96	100.00
22	All India	Area in class	1512	2563	4225	5570	3365	17235
		"(% to Total)	8.77	14.87	24.51	32.32	19.52	100.00

Source: Report of Agriculture Census 1985-86

ANNEXURE -6.V
(Ref. para-6.20)

State-wise area of land declared surplus, possession taken and area distributed among SC and ST beneficiaries

(As on 30.9.1996)

S.No	State/UT	Area Declared surplus	Area taken possession of	Area distributed to individual benef.	Total No. of benef.	SC beneficiary.		ST beneficiary	
						Area	Number	Area	Number
1	A. P.	795665	634262	594352	521563	226890	216537	118653	81228
2	Assam	612380	575837	479878	441804	45746	43406	58476	41809
3	Bihar	488257	342134	303217	372529	179161	229832	39333	42384
4	Guj.	231172	158953	133999	31376	83247	14584	29276	13061
5	Har.	93511	85348	87259	27392	37623	11753	0	0
6	H.P.	282581	281652	3340	4400	2305	2934	139	261
7	J & K	455575	450000	450000	450000	0	0	0	0
8	Kar.	267758	155026	117147	31415	71133	18953	3578	974
9	Kerala	137833	94856	64283	145106	25197	62174	5165	7435
10	M.P.	355828	299218	185313	72131	49433	21528	73577	26997
11	Mah.	729548	663445	554870	140580	161715	41945	97952	29217
12	Man.	1830	1685	1682	1258	128	96	97	72
13	Orissa	176459	165618	154298	135219	49075	45561	64689	50010
14	Punjab	222594	105146	103487	28287	44015	11301	0	0
15	Raj.	601922	558179	452174	77899	145317	28453	44173	848
16	T.N.	193657	171114	162369	135269	62096	59729	237	183
17	Tripura	1995	1944	1599	1424	218	256	448	359
18	U.P.	561377	527036	390501	346209	263815	236599	1487	797
19	W.B.	1270965	1202009	965293	2151632	359519	800870	186958	419849
20	D.N.H.	9406	9305	6851	3353	53	30	6795	3321
21	Delhi	1132	394	394	654	277	495	0	0
22	Pond.	2326	1160	1022	1359	612	797	0	0
23	Total	7493771	6484321	5213328	5120859	1807575	1848833	731033	718805

ANNEXURE-6.VI

(Ref. para 6.25)

Statement showing distribution of Government Wasteland and Bhoodan Land in different States
as reported by Revenue Secretaries in the Conference held on 26-11-1996

(Area in Lakh acres)

S.No	States	Distribution of Government Wasteland			Distribution of Bhoodan Land				
		As reported earlier(1995)	As reported on 26.11.96	No. of beneficiaries (Lakh)	Donated	Distributed	Balance Area	%age distributed	
1	A.P.	30.4	44.51	24.66	1.96	1.09	0.87	55.61	
2	Asm	3.75	5.89	7	0.01	0.01	0	100	
3	Bih.	9.75	12.16	11.28	21.18	7.03	14.15	33.19	
4	Goa	0.05 NR	NR						
5	Guj.	13.81	13.93	NR	0.34	0.27	0.07	79.41	
6	Har.	0.03 NR	NR		0.02	0.02	0	100	
7	H.P.	0.17 NR	NR		0.01	0.001	0	100	
8	Kar.	13.72	25.8	3.85	0.11	0.05	0.06	0	
9	Ker.	4.57	4.63	5.75	0.02	0.02	0	100	
10	M.P.	1.71	0.79	NR	4.1	2.6	1.5	63.41	
11	Mah.	10.23 NR	NR		1.1	0.83	0.27	75.45	
12	Man.	0.32	No programme as such						
13	Miz.	0.74 NR	NR						
14	Ori.	6.64	6.89	4.28	6.39	5.8	0.59	90.77	
15	Pun.	1.1 NR	NR		0.05	0.01	0.04	20	
16	Raj.	0.93	0.93	NR	6.06	2.36	3.7	38.94	
17	T.N.	2.07	2.65	2.58	0.25	0.21	0.04	84	
18	Tri.	1.32 NR	NR						
19	U.P.	22.28	24.39	29.01	4.37	4.21	0.16	96.34	
20	W.B.	4.32 NR	NR		Neg	0	0	0	
21	Delhi	0.06	0.3	0.07					
22	Total	127.97	142.87	88.48	45.97	24.52	21.45	53.33	

Source: Annual Report 1996-97, Ministry of Rural Areas and Employment

Note: Remaining States/UTs have not furnished the information

LAND LAWS IN TSP STATES

S. No	State	Legislation in force	Main features
1	Andhra Pradesh	The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 as amended	The Act applies to Scheduled Tribes in Scheduled Areas. Protection to be extended to Scheduled Tribes living outside Scheduled Areas.
2	Assam	Assam Land Revenue Regulations, 1886 as amended in 1981.	The Chapter X of the Regulation create Tribal Belts & Blocks. Transfer, exchange and lease of land in these blocks and belts is restricted in the interest of tribals.
3	Bihar	(a) Chhota Nagpur Tenancy Act. 1908 (b) Santhal Pargana Tenancy (Supplementary Provisions) Act, 1949 (c) Bihar Scheduled Areas Regulation, 1969.	These Acts apply to Scheduled Tribes in the State. Chhota Nagpur Tenancy Act applies to North and South Chhota Nagpur Divisions. This Act applied to District of Santhal Pargana Division. This Act applies to all Scheduled Areas in the State.
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 Tribes Lands) Act, 1978.	The Act covers only land assigned by the Govt. The Act should be extended to cover all lands held by the STs.
7	Kerala	The Kerala Scheduled Tribes (Regulation of Transfer of Land and Restoration of Alienated Lands) Act, 1975	The Act has been made applicable from 1st June, 1982 by a notification brought in January, 1986
8	Madhya Pradesh	1. The Madhya Pradesh Land Rev. Code 1959. 2. Madhya Pradesh Land Distribution Regulation Act, 1964	The Section 153 of the code protects Scheduled Tribes against alienation of land. This Act is in force in the Scheduled Areas of Madhya Bharat region.
9	Manipur	The Manipur Land Revenue and Land Reforms Act, 1960	Under Section 158 of the Act, no land belonging to STs can be transferred to non-STs without permission of Deputy 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 in only 3 years. This period expired in 1977. Though suo-moto provisions for filing

cases by revenue officers exists under the laws, the State Govt. has been requested to permit STs themselves to apply even beyond the limited period of 3 years.

- | | | |
|-------------------------|--|--|
| 11 Orissa | <p>(a) The Orissa Scheduled Areas Transfer of immovable property (By ST) Regulation, 1956.</p> <p>(b) The Orissa Land Reforms Act, 1960 as amended</p> | <p>Prohibits transfer of S.T. land in Scheduled Area. Prohibits Transfer of land of Scheduled Tribes living outside Scheduled Areas</p> |
| 12 Rajasthan | <p>(a) The Rajasthan Tenancy Act, 1955</p> <p>(b) The Rajasthan Land Revenue Act, 1956</p> | <p>The Act of 1955 prohibits transfer of land of STs. by way of sale, gift, mortgage, subletting, exchange etc.</p> <p>State Govt. is proposing to amend Section 91 of this Act to authorise Tehsilder to suo-moto proceed against trespassers into ST land.</p> |
| 13 Sikkim | <p>Revenue Order No.1 of 1977.</p> | <p>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.</p> |
| 14 Tamil Nadu | <p>Standing Orders of the Revenue Board-BSO,15-40.</p> | <p>The BSO 15-40 apply only to Malayali and Sholage tribes of Tamil Nadu. They prohibit transfer of land assigned to these tribes without approval of Divisional Commissioner. The State has no legislation prohibiting transfer of ST land as yet. The draft bill has been prepared and is under process.</p> |
| 15 Tripura | <p>Tripura Land Revenue and Land Reforms Act, 1960 as amended.</p> | <p>Section 187 of the Act prohibits transfer of ST land to others without permission of the Collector. Transfer after 1.1.1969 only, however, are covered under restoration provisions by an amendment</p> |
| 16 Uttar Pradesh | <p>U.P Land laws (Amendment) Act, 1982 amending U.P. Jamindari Abolition and Land Reforms Act, 1950</p> | <p>The amending Act has never been applied being locked up in a writ case in Allahabad High Court (Swarn Singh Vs. State Govt.) since 23.9.1981. State Govt. should move the court for vacation of stay order</p> |
| 17 West Bengal | <p>West Bengal Land Reforms Act, 1955 as amended.</p> | <p>Chapter 11-A of the Act prohibits alienation of tribal land and provides for the restoration .</p> |

CHAPTER VII

SERVICE SAFEGUARDS

At present the Government of India provides reservation to the extent of 15% for SCs and 7.5% for STs in the case of Direct Recruitment through open All India Competition and also in the promotions. Details may be seen at ANNEXURE-7.I The reservations for Scheduled Castes and Scheduled Tribes have been provided for by the Government of India through instructions and executive orders and not through Legislation. The scheme of reservation as formulated by the Department of Personnel and Training and Ministry of Home Affairs earlier is basically applicable to services under the Government of India. Reservations in the services under the Public Sector Banks and Public Sector Enterprises are governed by separate instruction issued by the Banking Division of Ministry of Finance, and by the Department of Public Enterprises and the concerned administrative ministries. There are many other establishments, which are either statutory or non-statutory, where reservations are provided through executive instructions.

7.2 However, the Commission has experienced that the reservation policy is not being followed scrupulously in the absence of legislation which could provide for any deterrent and penal action against defaulters.

7.3 Therefore, the demand for enacting legislation in the matter of reservation for Scheduled Castes and Scheduled Tribes has been voiced from time to time on different occasions by various agencies.

7.4 In this connection a Draft Bill on Scheduled Castes and Scheduled Tribes (Reservation of Appointments or posts and of seats in Educational Institutions), Bill 1996 has been prepared by the Ministry of Welfare which was received by the Commission for comments. The Bill was discussed in the Commission and the comments were sent to the Ministry of Welfare. **The Commission recommends that the whole issue of reservation in services should be given a legal basis without any further delay, and the Bill may be introduced in the Parliament by the Ministry of Welfare as early as possible. The Ministry should ensure that a penal clause is incorporated in the proposed enactment, providing action against official responsible for deliberate misuse, misinterpretation or non-implementation of reservation policy. Alternatively, the President may consider issuing an ordinance so that the Constitutional safeguards provided to the Scheduled Castes and Scheduled Tribes to have a clear, unambiguous legal status.**

Representation of Scheduled Castes and Scheduled Tribes in Services

(a) Representation of SC/ST in Central Government

7.5 According to the information received from the Department of Personnel and Training, the group-wise representation of Scheduled Castes and Scheduled Tribes in Central Government services as on 1-1-95 was as follows:-

Table-7.1

Representation of Scheduled Castes and Scheduled Tribes in Central Government Services as on 1.1.1995

Group	Total	SC	%age	ST	%age
A	65,408	6,637	10.15	1,891	2.89
B	1,08,857	13,797	12.67	2,913	2.68
C	23,41,863	3,78,172	16.15	1,33,179	5.69
D (excluding sweepers)	10,41,082	2,21,380	21.26	67,453	6.48
Sweepers	1,77,527	78,719	44.34	12,269	6.91
Total	35,57,210	6,19,986	17.43	2,05,436	5.78

7.6 The above table shows that the representation of Scheduled Castes in Groups 'A' and 'B' has not yet reached the prescribed level of 15% in the Central Government. In groups C and D, the percentage of reservation of the Scheduled Castes has exceeded 15%. In the case of Scheduled Tribes, the percentage in all groups is below 7 ½. It is a matter of serious concern that even in groups C and D, the prescribed percentage of 7 ½ for Scheduled Tribes is yet to be reached. As recommended in the earlier Report of the Commission for the years 1994-95 and 1995-96 both short-term and long-term measures need to be taken up for increasing the representation of Scheduled Castes and Scheduled Tribes in services.

(b) Representation of SC/ST in Central Public Sector Enterprises

7.7 The representation of Scheduled Castes and Scheduled Tribes in various groups of posts under the Central Public Sector Enterprises as on 1-1-1996 as furnished by the Deptt. of Public Enterprises is given below:-

Table-7.2

Representation of Scheduled Castes and Scheduled Tribes in Central Public Sector Enterprises as on 1.1.96

Group	Total No. of Employees	No. of SCs	% age	No. of STs	% age
1	2	3	4	5	6
A	1,98,625	16,710	8.41	4,505	2.27
B	1,64,402	15,921	9.68	5,788	3.52
C	11,32,860	2,16,801	19.14	98,816	8.72
D (Excluding Safai Karamacharis)	4,77,254	1,06,934	22.41	50,958	10.68
Total	19,73,141	3,56,366	18.06	1,60,067	8.11
Safai Karamacharis	24,623	21,506	87.34	800	3.25
Grand Total	19,97,764	3,77,872	18.91	1,60,867	8.05

7.8 It may be seen from above figures that the representation of Scheduled Castes and Scheduled Tribes in groups 'C' and 'D' under the PSEs has crossed the prescribed level. However, the position in groups 'A' and 'B' is far from satisfactory in respect of both Scheduled Castes and Scheduled Tribes. More vigorous efforts are, therefore, required to be made to increase the representation of Scheduled Castes and Scheduled Tribes in groups 'A' and 'B'.

(c) Representation of SC/ST in Public Sector Banks

7.9 A comparative statement showing the total number of employees and the representation of Scheduled Castes and Scheduled Tribes in all the four cadres of employees in the Public Sector Banks in 1969 and as on 1.1.1996 is given at ANNEXURE-7.II. It shows the representation of Scheduled Castes and Scheduled Tribes was negligible at the time of nationalisation of banks and it increased rapidly after the banks were brought under Public Sector. The information regarding representation of Scheduled Castes and Scheduled Tribes in services under the Public Sector Banks as on 1-1-1996 is given in the following Table:-

Table-7.3

Representation of the Scheduled Castes and Scheduled Tribes in Public Sector Banks as on 1.1.1996

Cadre	Total No. of Employees	No. of SCs	% age	No. of STs	% age
(i)	(ii)	(iii)	(iv)	(v)	(vi)
a) Officers	252898	28,102	11.11	9,235	3.65
b) Clerks	473133	69,493	14.69	22,269	4.71
c) Sub Staff (including Sweepers)	218980	62,400	28.49	12,794	5.84
Grand Total	945011	159,995	16.93	44,298	4.69

7.10 It would be observed that the representation of Scheduled Castes in the officers cadre is still considerably below the prescribed percentage while it has nearly reached the prescribed level in the clerical cadre. The efforts for increasing the intake of Scheduled Caste in officers cadre are, therefore, required to be continued and properly monitored. In order to see that posts in officers cadre at all levels are filled up. Reservation is provided in all posts and class of posts by the constitutional 77th amendment under new article 16(4)(A). The representation of Scheduled Castes in the sub-staff category has crossed the prescribed percentage of reservation. As regards Scheduled Tribes, their representation continues to be low as compared to the prescribed percentage in all the cadres. More effective steps are, therefore, required to be taken for increasing their representation. Pre-Examination Training Centres for Scheduled Castes and Scheduled Tribes can play an important role in this respect and, therefore, more intensive training must be ensured in these Centres.

(d) Representation of SC/ST in Teaching and Non-teaching posts in the Central Universities.

7.11 The reservation for Scheduled Castes and Scheduled Tribes is available upto the Lecturer's grade in teaching posts and in all grades in the non-teaching post under the Central Universities. Reservation has not been introduced in Reader and Professor's posts. As University Grant Commission is the apex body responsible for implementation of the Government Directives in the central Universities the matter was taken up with University Grant Commission in a meeting held in the office of the National Commission for Scheduled Castes and Scheduled Tribes and it was impressed upon University Grant Commission for enforcement of reservation to the Reader and Professor level also. The University Grant Commission have furnished information regarding representation of Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts in the Central Universities during 1995-96 as on 1-1-996 which may be seen at ANNEXURE -7.III, University-wise position, in brief, is as under:-

i. University of Hyderabad:- In the cadre of Lecturer, out of total 73 incumbents the number of SC was 8 (11%) and ST was one (1.4%) which is quite inadequate. In non-teaching posts, the representation of SC was not satisfactory in Group 'B' posts whereas position of STs was unsatisfactory in all the Groups.

ii. Assam University:- It is noted that out of a total of 25 Lecturers, SCs were 6 (24%) and STs were 3 (12%). The position was satisfactory in non-teaching posts also except in Group 'A' posts.

iii. Tezpur University:- Out of a total of 15 Lecturers, none belonged to SC and there was only one Lecturer from ST category. The position in the non-teaching side is also very dismal as there is no Scheduled Castes or Scheduled Tribes in Group 'A' and 'B' and even in Group 'C' the representation of SCs is far below the mark.

iv. Delhi University:- Out of total 133 Lecturers, SCs were 3 (2.26%) and ST was one (0.75%). In Group 'A' non-teaching posts, the representation of SCs was negligible and in Group 'B' and 'C' it was not satisfactory. The representation of Scheduled Tribes was 'nil' in Group 'B' and 'negligible' in Groups 'A', 'C' and 'D'.

v. Jamia Millia Islamia:- In the Lecturers' posts the representation of Scheduled Castes and Scheduled Tribes was nil and information for non-teaching posts was not available with the UGC. Obviously the reservation policy is not being implemented by the University in recruitment to the grade of Lecturer.

vi. Jawahar Lal Nehru University:- Out of the total 74 Lecturers, the Scheduled Castes were 5 (6.7%) and the Scheduled Tribes were 3 (4.05%). The representation of Scheduled Castes was not satisfactory in Group 'A' and 'B' non-teaching posts and it was negligible in all groups in the case of Scheduled Tribes. The position is thus far from satisfactory.

vii. NEHU, Shillong :- The representation of Scheduled Tribes was 53.3% in the grade of Lecturer but that of Scheduled Castes was nil. In the Non-teaching posts, the representation of SCs was nil in group 'A' and it was negligible in Group 'B', 'C' and 'D' whereas the representation of STs in Group 'A', 'B', 'C' and 'D' was 84.2%, 56%, 71% and 79% respectively.

viii. Nagaland University:- All the 16 Lecturers belonged to ST and in non-teaching posts the representation of STs was 93% in Group 'A' 100% in Group 'B' 92.7% in Group 'C' and 93.7% in Group 'D'.

ix. Pondicherry University:- Out of the total 56 Lecturers, 11 (19.6%) belonged to SC and none to ST category. In non-teaching posts, the representation of SCs was not satisfactory in Group 'A' and 'D'. The representation of STs in Group 'B' and 'C' in non-teaching posts was nil and in Group 'A' and 'D' it was negligible. Efforts should therefore be made to increase the representation of STs.

x. Aligarh Muslim University:- Out of total 535 Lecturers, there was no lecturer belonging to SC or ST. In the non-teaching posts, the representation of SCs was nil in Group 'A' and it was negligible in Group 'B' and 'C' whereas the representation of STs was nil in Group 'A' and 'B' and was negligible in group 'C' and 'D' posts. Evidently, the reservation policy is not being followed by the university.

xi. Banaras Hindu University:- The information regarding representation of Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts was not available with the UGC.

xii. Visva Bharati:- Out of total 140 Lecturers (including Lecturers in the scale of Rs. 2200-4000, 3000-5000, and 3700-5700, SCs were 11 (7.9%) and STs 2 (1.4%). In non-teaching posts the position of SCs was not satisfactory in Group 'A' and 'B' and representation of STs was nil in Group 'A' and was negligible in Group 'B' and 'C'. This shows the lack of seriousness in the implementation of reservation policy.

7.12 It may be observed from the above details that the Central Universities have not seriously implemented the reservation policy despite clear out instructions and guidelines of UGC in this regard. Some of these Universities do not seem to have taken any action in this regard. This is a matter of serious concern. **The Commission, therefore, strongly recommends that Ministry of HRD and UGC should take immediate remedial measure and ensure proper implementation of the reservation policy by the Universities.**

Delhi University Review:

7.13 In view of the large number of representations/complaints from the Scheduled Castes and Scheduled Tribes employees and their associations belonging to the Delhi University, alleging violation of the reservation policy by the University, the Commission decided to hold a meeting with the Vice-Chancellor and other senior functionaries including the Heads of various Departments of the University and also the Principals of various Colleges. The meeting was held on 27-1-97 in University Campus and was presided over by the Chairman of the Commission. During the course of the discussion the Commission expressed dismay at poor representation of Scheduled Castes and Scheduled Tribes in the teaching posts in the University and wanted to know the reasons thereof even after about half a century of Independence.

7.14 Many Principals raised the question of non-availability of suitable candidates for the posts of Lecturers especially in science subjects and professional courses. The Chairman observed that the posts have to be clearly identified as reserved and applications invited accordingly and that it would not be correct to judge the response by advertising the posts

without specifically indicating the fact that posts were reserved for SC/ST persons as the candidates belonging to these categories were not likely to apply for general category posts.

7.15 Taking a serious note of the dismal position about the implementation of reservation policy, the Commission impressed upon the University authorities to take immediate steps for its improvements. **The Chairman of the Commission emphasised that the reservation policy should be implemented by working out the backlog for Scheduled Castes and Scheduled Tribes and that the question of cut-off date for implementing the reservation policy in Delhi University needed to be examined and settled by the Delhi University, U.G.C. and Ministry of HRD (Deptt. of Education).** The Chairman also advised the University authorities to set-up Scheduled Castes and Scheduled Tribes cells in the University and Colleges as per Govt. of India directions for monitoring admissions, hostel and coaching facilities and recruitment in teaching/non-teaching posts

7.16 The minutes of the above meeting taken by the Commission were sent to Delhi University and UGC for necessary action. **The Commission recommended that the UGC should take immediate remedial measures for ensuring proper implementation of reservation policy by the Delhi University and also by all other Universities.**

UGC Review meeting:

7.17 The National Commission for Scheduled Castes and Scheduled Tribes discussed the various issues pertaining to the implementation of reservation policy in Central Universities with the Chairman, UGC and Secretary, Deptt. of Education, Ministry of HRD in a meeting held on 13-8-97. Although Central Universities, like other autonomous organisations under Central Govt. are required to provide 15% and 7.5% reservation for Scheduled Castes and Scheduled Tribes respectively in the recruitment and promotions upto group A level posts in Non-teaching positions, however from the information given in preceding paragraphs it may be seen that representation of Scheduled Castes and Scheduled Tribes is extremely poor in almost all the Central Universities.

7.18 To improve the representation of Scheduled Castes and Scheduled Tribes the UGC has issued guidelines from time to time and has taken stringent measures by issuing instructions on 9-10-96 to the effect that the grants meant for staff positions may be released only after ascertaining the full implementation of reservation policy for SCs/STs. However, at present UGC was with holding only 10% of the salary of staff in view of the instructions issued by them on 9-10-96. The Commission feels that withholding of only 10% of the grant amounts to dilution of UGC's own instructions on this issue to a substantial extent. However, **UGC should evaluate the impact of the instructions of 9-10-96 and also that of the SRDs launched by the Universities.**

7.19 It was noted by the Commission that reservation in direct recruitment in the case of teaching posts was restricted to the level of Lecturer, keeping the posts of Readers and Professors outside the purview of reservation. **The Commission feels that such restriction of reservation policy is not in order and therefore, urges upon the UGC to issue instructions for extending reservation in direct recruitment at all levels including Readers and Professors.**

7.20 The UGC has appointed standing Committees to regularly review the implementation of reservation policy. It has agreed to associate the Commission also in review meetings of the Standing Committees.

7.21 The Commission recommends that relaxation of 5% marks in the Master Degree Courses should be given to SC/ST candidates for appointment to the level of teachers and also for appearance in National Eligibility Test.

7.22 The Rastogi Committee has recommended that those candidates who have 55% marks in the Master 's Degree and have obtained a Ph. D. after 1993 should be exempted from qualifying in the NET/SLET to be eligible for the post of Lecturer. The Commission recommends that UGC may accept this recommendation of the Rastogi Committee in the case of Scheduled Castes and Scheduled Tribes candidates.

7.23 The Commission feels that the UGC guidelines dated 21.6.93 which stipulate that reservation at the level of Registrar are applicable if there are 4 or more equivalent position in UGC, are likely to be misused. Therefore, UGC should look into the necessity of revising these guidelines.

(e) Representation of SC/ST in the Judicial Services and Judges of High Courts.

7.24 The Commission made an attempt to have a look at the representation of Scheduled Castes and Scheduled Tribes in Judicial Services and in the positions of High Court Judges. In this context, the Commission approached the Ministry of Law & Justice (Department of Justice) who asked the Chief Secretaries of States/UTs and the Registrars of High Courts to furnish the requisite data to the Commission. In the process, the Commission could get the details from some of the States which are furnished in the following table:-

Table 7.4

Representation of SC/ST in the Judicial Services

	Total	SC	%age	ST	%age
Gujarat (As on 1-1-1996)					
Judges in High Court	27	Nil	Nil	Nil	Nil
State Higher Judicial Service	95	3	3.16	Nil	Nil
State Judicial Service	46	39	9.60	7	1.72
ii) Haryana (As on 1-1-1996)					
Haryana Superior Judicial Service	81	1	1.23	-	-
Haryana Civil Service (Judicial Branch)	114	22	19.21	-	-
iii) Himachal Pradesh (As on 1-1-1996)					
Judges in High Court	7	Nil	Nil	Nil	Nil
HP Higher Judicial Service	27	4	14	1	4
HP Judicial Service	59	4	7	Nil	Nil
iv) Kerala (As on 1-1-1996)					
High Court Judges	25	1	4	Nil	Nil
Kerala Higher Judicial Service	82	7*	8.53*		
Kerala Judicial Service	281	31*	11.03*		
* Combined both for SCs/STs					

v) Tamil Nadu (As on 1-1-1996)					
High Court Judges	20	2*	10.00		
State Judicial Service	560	96*	17.14		
Combined both for SCs/STs					
vi) Sikkim (As on 1-1-1996)					
High Court Judges	3	Nil	Nil	Nil	Nil
Sikkim Superior Judicial Service	5	Nil	Nil	1	20
Sikkim Judicial Service	6	4	66.67	1	16.67
vii) Delhi (As on 1-1-1996)					
High Court Judges	20	Nil	Nil	Nil	Nil
Delhi Higher Judicial Service	82	8	9.75	1	1.22
Delhi Judicial Service	158	28	17.72	1	0.6
viii) Rajasthan (as in Feb, 98)					
High Court Judges	25	Nil	Nil	Nil	Nil
ix) Orissa (as in Feb, 98)					
High Court Judges	16	1	6.25	Nil	Nil
x) Jabalpur, Madhya Pradesh (as in Feb, 98)					
High Court Judges	30	Nil	Nil	Nil	Nil
xi) Calcutta, (as in Feb, 98)					
	Total	SC	%age	ST	%age
High Court Judges	39	Nil	Nil	Nil	Nil
xii) Mumbai, (as in Feb, 98)					
High Court Judges	50	02	1	Nil	Nil
xiii) Karnataka (as on 1.1.96)					
High Court Judges	N.A	3		1	
xiv) Punjab & Haryana					
High Court Judges	29	Nil	Nil	Nil	Nil
xv) Tamilnadu (as on 1.8.97)					
	Total	SC & ST	%age	ST	%age
High Court Judges	38	4	10.53	Nil	Nil
xvi) Guwahati (as on 1.1.96)					
High Court Judges	13	Nil	Nil	2	15.38

7.25 It would be observed that the representation of Scheduled Castes and Scheduled Tribes even in the case of State Judicial Services is very poor although reservation for Scheduled Castes and Scheduled Tribes is applicable in these services. **All possible steps are, therefore, required to be taken to increase the representation of SCs/STs in Judicial Services.**

Achievement under the Special Recruitment Drive 1996

7.26 Backlog vacancies reserved for Scheduled Castes and Scheduled Tribes are those reserved vacancies which by virtue of not being filled up in a year are carried forward to the next year. The Govt. of India has been launching Special Recruitment Drives (SRDS) for filling up of backlog vacancies reserved for SCs and STs in the Central Ministries/Departments, Central PSEs, Banks and Insurance Corporations with a view to filling up of these vacancies within a definite time frame. The process of SRD 1996 was spread over the period from 15-7-96 to 31-3-97. The information furnished by the Department of Personnel and Training about the vacancies identified for the SRD, vacancies filled up and the vacancies which remained unfilled is given in the table below:-

Table-7.5

Progress of SRD

Item	No of post in different Group of services				
	A	B	C	D	Total
A. Government of India Departments					
1. Scheduled Castes					
Backlog	493	853	5604	1910	8860
Recruitment	124 (25.15)	415 (48.65)	2473 (44.12)	1037 (54.29)	4049 (45.69)
Still Backlog	369 (74.84)	438 (51.34)	3131 (55.87)	873 (45.70)	4811 (54.30)
2. Scheduled Tribes					
Backlog	511	617	5785	3009	9922
Recruitment	58 (11.35)	283 (45.86)	1673 (28.91)	1184 (39.34)	3198 (32.23)
Still Backlog	453 (88.64)	334 (54.13)	4112 (71.08)	1825 (60.65)	6724 (67.76)

	Backlog Vacancies	Recruitment made	Remaining Backlog Vacancies
B. Banks			
Scheduled Castes	603	331 (54.89)	272 (45.10)
Scheduled Tribes	881	391 (44.38)	490 (55.60)
C. Public Sector Enterprises			
Scheduled Caste	2996	354 (11.81)	2642 (88.18)
Scheduled Tribe	2708	202 (7.45)	2506 (92.54)

Note : Figures in Brackets indicate percentages.

7.27 It would be observed from the above tables that the achievement under SRD 1996 is far too inadequate under the Central Government as well as under the Banks and Public Sector. In particular, the achievement under the Public Sector Enterprises is negligible as 88.18% of the total vacancies identified as backlog of SC and 92.54% of the total backlog of ST remained unfilled. It is obvious that the process of SRD was not taken up with due seriousness and was treated as a routine exercise. The position about representation of Scheduled Castes and Scheduled Tribes in Government, Banks and PSEs was discussed in the previous section in this chapter. It was observed that representation of Scheduled Castes and Scheduled Tribes have not reached the prescribed levels at higher positions in particular in the Government, Public Sector Banks and PSEs and also in judiciary. Although SRDs have not brought forth the desired result, however, they helped in reducing the backlog and shortfall in representation of Scheduled Castes and Scheduled Tribes.

7.28 As we have stated earlier the Special Recruitment Drives were taken up by the Govt. of India with a view to filling up the backlog of vacancies reserved for Scheduled Castes and Scheduled Tribes as these vacancies remained unfilled through the normal process of recruitment. The earlier the Department of Personnel and Training OM No.36012/6/88-East(SCT) dated 25.04.89, thus provided for filling up backlog vacancies and the limit of 50% on reserved vacancies was not made applicable to the SRD. In spite of the above, in many departments and PSEs, there are a large number of backlog vacancies as seen above. However, the Department of Personnel and Training have issued recently **O.M. No.36012/5/97-Estt. (Res) dated 29.08.97** putting a 50% limit on all vacancies including backlog vacancies besides discontinuing the Special Recruitment Drive.

7.29 The Commission was not consulted prior to the issuance of this order though such consultation is mandatory under the Constitution. While the Scheduled Castes and Scheduled Tribes are still struggling to achieve the prescribed level of reservation in Groups A & B in most Departments and even in C & D in some Departments, the imposition of 50% limit on both backlog vacancies and current vacancies will adversely affect the filling up of backlog vacancies. Hence, **the Commission recommends the Department of Personnel and Training order dated 29.8.97 should be struck down forthwith.**

Reservation in Promotions

7.30 As explained in detail in the previous report of the Commission the reservation for Scheduled Castes and Scheduled Tribes in promotion was held as unconstitutional in the Indira Sawhney case by the Supreme Court who had however allowed it to continue till 15-11-97. Consequent to the judgement in this case, the Constitution was amended through the Constitution (77th Amendment) Act, 1995 and Article 16 (4A) was incorporated in the Constitution. The new article enables the State to make provisions for reservations in matters of promotion to any class or classes of posts in 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.

7.31 Keeping in view the spirit of the amendment it was expected that reservation in promotion would be extended to all levels in all classes and posts including those above the lowest rung of Group A upto which the present policy of reservation in promotion is restricted. It is clear that Scheduled Castes and Scheduled Tribes are not adequately represented in services, especially in Groups A & B.

7.32 However, the the Department of Personnel and Training's OM No.36012/18/95-Estt.(Res) Part II dated 13.08.97 did not incorporate any such provision and merely extended the reservation in promotion as at present". Upon consultation, the Commission had sent its comments stating that reservation in promotion should be extended to all levels, including within Group A. However, the suggestions and comments of National Commission were ignored and order dated 13.08.97 was issued. **The Commission recommends that reservation for Scheduled Castes and Scheduled Tribes in promotion should be extended to all classes of posts in accordance with the spirit of 77th Amendment.**

7.33 Earlier the Department of Personnel and Training had issued instructions on 30-1-97 vide O.M. No. 20011/1/96 Estt. (D) modifying its instructions for fixing of seniority and also on 22-7-97 vide O.M. No.36012/23/96/Estt. (Res) withdrawing relaxation in promotion to the Scheduled Castes and Scheduled Tribes. The Department of Personnel and Training has issued **OM No.20011/1/96-Estt.(D) dated 30.01.97** vide which the earlier instructions for fixing of seniority were modified. According to earlier instructions persons promoted through an earlier selection will en bloc be senior to those promoted through subsequent selection. As a result of the modification made vide OM dated 30.01.97 the General/OBC candidates were to regain their seniority over the earlier promoted SC or ST candidates if the former was senior in the lower grade. These orders are supposed to have been issued in accordance with the judgement of the Supreme Court dated 10.10.95 in the case of Union of India & Other Vs. Virpal Singh Chauhan etc. Though the order had serious consequences in affecting the seniority of Scheduled Castes and Scheduled Tribes candidates in the services, the National Commission for Scheduled Castes and Scheduled Tribes was not consulted, though such consultation is mandatory as per article 338(9).

7.34 Further, the Supreme Court in the case of Jagdish Lal & Other Vs. State of Haryana & Others (JT 1997(5) SC 387) on 07.05.97 has apparently given a judgement which restores the earlier concept of seniority. The Government of India has not withdrawn these instructions based on the latest verdict of the Supreme Court in the Jagdish Lal case.

7.35 As regards **O.M.No.36012/23/96/Estt.(Res) dated 22.07.97** it may be stated that in accordance with the Constitutional provisions and the need for filling up the posts/vacancies reserved for Scheduled Castes and Scheduled Tribes the Government of India had been giving certain relaxations and concessions to Scheduled Castes and Scheduled Tribes both in direct recruitment and promotions. Details of such relaxations and concession are given in brief at **ANNEXURE-7.IV**. However, the Department of Personnel and Training has withdrawn these relaxations on the plea of the judgement of Supreme Court in the cases of Indira Sawhney and S.Vinod Kumar, and issued orders vide O.M.No.36012/23/96/Estt.(Res) dated 22.07.97.

7.36 It has to be reiterated that even after 50 years of Independence and inspite of provisions of relaxation and concession to Scheduled Castes and Scheduled Tribes in both direct recruitment and promotions the representation of Scheduled Castes and Scheduled Tribes is not as per the prescribed levels especially in groups A and B. By withdrawing these concessions and facilities the opportunities for promotions of the Scheduled Castes and Scheduled Tribes employees have been further reduced. Furthermore, no provisions have been made by the Department of Personnel and Training as to how the vacancies that are now going to remain vacant on account of non-availability of suitable persons will be filled up.

7.37 The present promotion policy of promotion provides for fixed percentage in promotion is 15% for SCs & STs 7.5% of STs. This however creates an anomaly, especially when the regional population is at great variance and relevant persons are not available in feeder cadres. An analysis of this may be seen with reference to the tribals of North East, detail of while have been given in ANNEXURE-7.V. The Commission had earlier also recommended the need to consider this anomalous situation and take effective steps to correct the promotion percentage.

Disposal of complaints/representation received in the Commission.

7.38 The representation /complaints are scrutinised with reference to the guidelines adopted by the Commission in this regard. It has been reported in the Commission's Report in 1993-94 that during that year the Commission received 5453 complaints pertaining to service matter of which 2183 were addressed to authorities other than the Commission and hence no action was taken. Out of the balance 3270 complaints there were some cases of purely administrative nature. Such cases were also disposed of advising the petitioners to take up their grievances with the concerned authorities directly. Action was taken on the remaining complaints.

7.39 A total of 5220 complaints were received in the Commission's Headquarters and State offices during the two years period of 1994-95 and 1995-96 and 3388 complaints were received in 1996-97 on which action was taken up by the Commission. The item-wise classification of these cases is given below:-

Table - 7.6

Representation Relating To Service Matters Received In The Commission

	<u>1994-95 and 1995-96</u>	<u>1996-97</u>
i) Appointment	1375	723
ii) Promotion	1480	873
iii) Transfer	485	292
iv) Harassment/discrimination	940	606
v) Others (disciplinary cases) adverse ACR cases, pay, appointment on Compassionate grounds and seniority etc.	940	894
Total	5220	3388

7.40 Out of the total 3388 cases, taken for investigation during 1996-97, 1255 cases were settled and 2133 cases were being processed. The investigation of a large number of complaints/representation and the discussions held in the Commission at various levels and with the officers from other organisations have thrown up certain important issues. The Commission has also come across some important cases during the period under report. Some of these cases and issues are briefly discussed in the following paragraphs.

Harassment in Delhi Development Authority

7.41 The Government of India in the Department of Personnel & Training have issued instructions vide O.M. No. 36026/3/85-Estt. (SCT) dated 24-6-1985 that the SC and ST officers should not be subjected to harassment and discrimination on the grounds of their social origin. In spite of these instructions, the harassment of Scheduled Castes and Scheduled Tribes employees continues is evident from the two cases mentioned below:-

7.42 One person belonging to SC community and working as Field Investigator in LP Branch under the Delhi Development Authority represented to the Commission alleging that he was abused by caste name and threatened to be removed from service by the then Commissioner (LM), DDA and that he was subjected to harassment. The Petitioner was served relieving orders on 23-6-94. He protested against his relief from LP Branch on the ground that no transfer orders had been issued to him and proceeded on leave from 24-6-94 to 27-7-94. He joined duty again on 28-7-94 in LP Branch. The leave and joining was sanctioned by LP Branch to Planning Deptt. and thereafter relieved him on 15-2-95. He joined duties on Planning Department on 16-2-95. Although the petitioner attended office regularly from 2-8-94 but he was not given salary for the period from 2-8-94 to 15-2-95 as this period was not regularised even after repeated requests of the petitioner.

7.43 The Commission took up the matter with DDA and the Commissioner-cum-Secretary, DDA intimated to this Commission on 16-7-96 that attempts were made to regularise the period from 2-8-94 to 15-2-95 by treating it as compulsory waiting and that the orders for release of salary were also issued but the Finance Department of DDA did not agree to payment of salary.

7.44 It was a clear case of harassment of an SC employee. This Commission took the view that since the applicant had been attending office regularly in LP Branch and since his case had been recommended by Commissioner-cum-Secretary, DDA, the period from 2-8-94 to 15-2-95 should have been treated as compulsory waiting and his salary and other dues paid accordingly.

7.45 As regards the allegation of abusing by a senior officer by castes name, an FIR was lodged with the Police Station on the intervention of the Commission.

Harassment in Kendriya Vidyalaya

7.46 (ii) One SC lady teacher (PGT) in a Kendriya Vidyalaya in New Delhi submitted a petition to the Commission complaining against the Principal of the School about misbehaviour, harassment and practice of untouchability. The Commission took up the matter for investigation. A report was obtained from the Kendriya Vidyalaya Sangathan and the Commissioner of the Sangathan was also summoned in the Commission. The enquiries made by the Commission revealed that the lady teacher was being subjected to harassment and humiliation by Principal. The Commission therefore communicated the following observations to the Sangathan:-

- (a) The KVS authorities must initiate action against the Principal on the findings of the inquiry conducted by one of the Education officers of the Sangathan.
- (b) The Principal should be shifted immediately from the school.

(c) If the KVS authorities fail to take action, Commission may have to register a case against the Principal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7.47 The Sangathan failed to take action as above. The Commission therefore got a case registered against the Principal with the local police under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act., 1989 which is in progress. The Sangathan has also since transferred the Principal outside Delhi and initiated disciplinary proceedings against him.

7.48 It would thus be observed that the Scheduled Castes and Scheduled Tribes employees are being harassed and victimised by some authorities in violation of the instructions of the government. **The Commission therefore recommends that the top administrative authorities should be much more vigilant and responsive in this regard to ensure that the Scheduled Castes and Scheduled Tribes employees are not harassed and humiliated in any way.**

Promotion in Institutions Receiving Grants-in-Aid from Govt.

7.49 A Scheduled Caste candidate working as TGT in a Senior Secondary School aided by the Government of Delhi represented to the Commission that he had applied for the post of PGT (Economics) which was lying vacant since 1-11-94. Despite being eligible, the school management did not consider his case. The matter was taken up with the school management who contended that the school needed an additional post of PGT in English in lieu of the vacant post of PGT in Economics. The Chairman of the Managing Committee of the said school was summoned before the Commission and it was revealed that the school management had evidently projected the demand for two PGT teachers in Economics and the petitioner had applied for promotion as PGT in Economics in November 1994 as he was going to acquire his MA in Economics within 5 days. But the management went ahead to recruit a fresh person instead of waiting for 5 days and promoting the petitioner the Commission noted during investigation that even the petitioner as TGT was assigned to teach Economics to Class XI, which should actually be assigned to a PGT.

7.50 As the post of PGT (Economics) was lying vacant since November, 1994 and the petitioner was qualified and eligible to be promoted. The Commission was of the view that the action of the School Management in not promoting the petitioner to the available vacant post without any valid reason tantamount to discrimination and injustice to a Scheduled Caste teacher and asked the school management to promote the petitioner at the earliest. **The Commission recommend that the Government of Delhi should ensure that the interests of Scheduled Castes and Scheduled Tribes employees are properly taken care of by the management of aided schools.**

Dereservation of Vacancies in the O/o the Commissioner, Customs and Central Excise.

7.51 As per the instructions issued by the Government of India, a vacancy reserved for Scheduled Castes or Scheduled Tribes may be filled up by a general candidate in case of non-availability of suitable SC or ST candidate by de-reserving it in accordance with the prescribed procedure.

7.52 It was brought to the notice of the Commission by the Central Excise and Customs SC and ST Welfare Association; Bangalore that the above instructions had been violated by the O/o

the Commissioner, Customs and Central Excise, Bangalore while promoting general candidates against the vacancies reserved for Scheduled Castes and Scheduled Tribes in the grade of Superintendent (Group 'B') during the period from 1987 to 1992-93 and therefore, the aforesaid vacancies should be restored to Scheduled Castes and Scheduled Tribes. The association also alleged that the above organisation was conducting DPCs in a piecemeal manner depriving there-by the Scheduled Castes and Scheduled Tribes candidates of the full benefit of extended zone of consideration. The matter was taken up for investigation by the Commission and it was found that some vacancies of Superintendent (Group 'B') reserved for Scheduled Castes and Scheduled Tribes were filled up by general candidates without getting the vacancies dereserved under the prescribed procedure. The records made available to the Commission indicated that the matter had been examined by CAT, Bangalore also in two separate cases and the organisation was directed to get the ex-post-facto approval for dereservation of the reserved vacancies filled by general candidates during the years 1987 to 1992-93 and to observe the procedure of clubbing of vacancies where more than one supplementary DPC was conducted in a year. Taking into account all the facts, the Commission issued directions that "as per the guidelines the National Commission for Scheduled Castes and Scheduled Tribes has to be involved and opinion taken on the dereservation cases and the department has to review all promotions since 1987 onwards and have a DPC for giving benefit of the reserved points to Scheduled Castes and Scheduled Tribes".

7.53 The Commission recommends that the Ministry of Finance should intervene in the matter and restore justice to the aggrieved Scheduled Castes and Scheduled Tribes employees as early as possible.

Amendment in Recruitment Rules by DoPT.

7.54 The instructions contained in the Department of Personnel and Training OM No. AB/14017/22/89-Estt. (RR), dated 15-5-1989 lay down that (i) where service rules are being framed for the first time or are being modified, it should be ensured that the interest of Scheduled Castes and Scheduled Tribes candidates is not allowed to be adversely affected; and (ii) wherever through amendment of rules a pre-existing advantage enjoyed by Scheduled Castes and Scheduled Tribes earlier had been extinguished it should be restored although it may not however be possible to lay down a general policy in this regard without taking into account the circumstances of each case.

7.55 In early 1996, two SC officers working as Superintendent of Police on ad-hoc basis in CBI submitted petition to the Commission alleging that the post of Dy. SP was being classified from Group 'B' to Group 'A' post and that the purpose of the reclassification of the said post was to deny regular promotion to the Scheduled Castes and Scheduled Tribes officers in the grade of SP as the benefit of reservation for Scheduled Castes and Scheduled Tribes was not admissible in promotions within Group 'A'. They requested for continuance of pre-existing benefit of reservation in promotion to the grade of SP in pursuance of the instructions contained in the DOPT OM, cited above.

7.56 The Commission took up the matter with CBI who informed the Commission about the assurance given by the Department of Personnel and Training that reservation will continue even in the revised recruitment rules which were based on the re-classification of the post of Dy. S as Group 'A' post. When approached by the Commission, the Department of Personnel and Training, however, informed that the reservation for the Scheduled Castes and Scheduled Tribes Officers holding the post of Dy. SP as on 31-1-97 would not be applicable in the revised recruitment rules as the post of Dy. SP had been classified as Group 'A' w.e.f. 1-2-1997.

7.57 The Commission is constrained to observe that the Department of Personnel and Training has gone back about their assurance given to the CBI for protecting the promotional interests of Scheduled Castes and Scheduled Tribes Dy. SPs to the cadre of SP. The above decision of the Department of Personnel and Training is contrary to their own instruction, cited above, as the reclassification of the post of Dy. SP in CBI as Group 'A' post has debarred the Scheduled Castes and Scheduled Tribes Dy. SPs from the benefit of reservation in promotion to the grade of SP. **The Commission therefore strongly recommends that the revised recruitment rules for the posts of SP should be reviewed and a saving clause should be incorporated therein to the effect that the Scheduled Castes and Scheduled Tribes officers holding the post of Dy. SP on 31-1-1997 would be entitled to reservation benefit for promotion to the grade of SP.**

Single Vacancy in Delhi University.

7.58 The General Secretary, Delhi University & Colleges Scheduled Castes and Scheduled Tribes Employees Welfare Association brought to the notice of the Commission, a case of violation of the policy of reservation by not following the reservation roster at the time of promotion to the posts of Daftri and Hawaldar, by the V.P. Chest Institute under the University of Delhi. The Commission took up the matter with the Director of the Institute who examined the relevant rosters. The Commission also sought the views of the Liaison Officer of the University.

7.59 After a detailed examination of the documents submitted by the Institute, it was found that the general category candidates had been promoted to one post each of Daftri and Havildar against the vacancies which should have been given to Scheduled Caste candidates according to the reservation roster as the first point reserved for SC candidate had been carried forward. Since eligible SC candidate was available for the both the post, there was no reason why the points should not have been given to them.

7.60 The Commission observed that the Institute had violated the instructions contained in Government of India, Deptt. of Personnel & AR OM No. 1/9/74-Estt. (SCT) dated 29-4-75 and OM. No. 36011/39/81-Estt (SCT) dated 30-11-81 which lay down that where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be for SC or ST, it should be treated as unreserved and the reservation carried forward to subsequent three recruitment years and in the subsequent year (s) even if there is only one vacancy it should be treated as reserved against the carried forward reservation from the initial recruitment year. In the circumstances the Commission has asked the Institute to promote the SC employees against the two carried forward reserved points as aforesaid so as to restore justice to them. Delhi University should ensure compliance of Commission's directions to the Institute.

Reservation Roster in DDA.

7.61 It was brought to the notice of the Chairman of this Commission by a Member of Parliament in Nov., 1996 that reservation policy was being violated by the Delhi Development Authority and that one SC person working as Junior Engineer (Civil) was denied promotion to the post of Asstt. Engineer on account of faulty maintenance of reservation roster.

7.62 The case was taken up by the Commission with DDA and a team of Officers conducted inspection of reservation roster for the post of Asstt. Engineer. Taking a serious view of the

matter, the Vice-Chairman DDA was also called in the Commission. The inspection of rosters and other records revealed that three carried forward vacancies for SC had not been taken into account while effecting promotion to the grade of AE in 1996. While the actual number of vacancies reserved for SC category was 8, only five vacancies were shown reserved for this category in the DPC meeting held in 1996. Had the 8 vacancies been treated as reserved for SC, the petitioner would have got promotion to the grade of AE on account of his seniority.

7.63 The position indicated above shows that it is evidently a case of denial of promotion to an SC candidate on account of improper maintenance of reservation roster by DDA authorities. The Commission has therefore asked DDA to rectify their roster and promote the petitioner with retrospective effect.

Promotion in Delhi Tourism & Transport Development Corporation

7.64 It was brought to the notice of this Commission in June, 1996 by some Scheduled Castes and Scheduled Tribes Storekeepers working in Delhi Tourism & Transport Development Corporation that they were not being promoted to the post of Assistant Grade-I(Store) as they were not having the qualification of graduation. The matter was taken up by this Commission with the CMD of the Corporation. The CMD appeared in person before the Chairman of this Commission in October, 1996 and agreed to have a fresh look on the condition of graduation qualification as one of the essential eligibility conditions for promotion of Store-Keeper to AG-I. The Corporation informed the Commission in January, 1997 that in pursuance to the advice of the Commission, DT & TDC had amended the recruitment rules for the posts of Assistant Grade-I (Store) and Assistant Grade-I(Sales) so as to provide the promotional avenues to non-graduate Storekeepers as well and that the Corporation was considering the promotion of the candidates who were left out for want of graduation degree.

Role of Liaison Officer

7.65 In its Third Report, the Commission highlighted the role of the Liaison Officers as they have been assigned very important function with a view to ensuring a compliance by the appointing authorities of the reservation orders issued from time to time. The institution of Liaison Officer an in-built mechanism to assist the administrative authorities in proper implementation of the reservation policy. Realising the fact that this institution was not functioning effectively, the Commission decided to interact with the Liaison Officers closely. The Commission therefore organised the following meetings of the Liaison Officers during the period under report.

- (i) Meeting of the Liaison Officers of the Ministries/ Departments of the Government of India at Vigyan Bhawan, New Delhi on 10th July, 1996.
- (ii) Meeting of the Liaison Officers of the Public Sector Enterprises at the Constitution Club, New Delhi on 27th August, 1996.
- (iii) Meeting of the Liaison Officers of the Central Government Offices and Public Sector Enterprises located in Calcutta. The meeting was organised at Calcutta on 31st October, 1996.
- (iv) Meeting of the Liaison Officers of Central Govt. Departments, PSEs and Public Sector Banks located in Maharashtra. The meeting was organised at Mumbai on 14.6.1997.

(v) Meeting of Liaison Officers of Central PSEs and Public Sector Banks located in Andhra Pradesh, Kerala, Karnataka and Tamil Nadu States organised at Bangalore on 17.10.97.

7.66 The above meetings threw up some important views and points towards the effective implementation of reservation policy by ensuring active participation of Liaison Officers in the administrative process. A circular dated 7-10-96 (ANNEXURE-7.VI) was issued in this regard to the Ministries/Departments and PSEs on the basis of the two meetings held in Delhi.

7.67 The Commission has also actively involved the Liaison Officers in its function of investigation of complaints/representations received from Scheduled Castes and Scheduled Tribes employees and their Associations/Unions with respect to deprivation of their rights and safeguards. They are also assisting the Commission in checking the menace of false caste certificates. The Commission is also receiving half-yearly reports from all Liaison Officers to keep itself abreast about the actual position of implementation of the reservation orders by various authorities.

7.68 **The Commission feels that the Liaison Officers should be provided with all possible assistance by the Ministries/Departments/PSEs to enable them to work more effectively to ensure adequate representation of SCs/STs in services/posts at the earliest. The Department of Personnel & Training should conduct orientation training programmes for the Liaison Officers as frequently as possible.**

Role of Scheduled Castes and Scheduled Tribes Associations

7.69 The Government of India have issued orders from time to time to safeguard the interests of the employees belonging to the Scheduled Castes and Scheduled Tribes and protect them from discrimination based on their social origin. However, it is evident from the large number of complaints being received in the Commission that the guidelines and the orders of the Government of India are not being followed scrupulously giving rise to discontentment among the employees belonging to these categories. Therefore, SC & ST employees have formed their Registered associations/Organisations in a large number of Public Sector Enterprises/banks etc. to safeguard their interests. However, the purpose of forming such associations is not served if they are not given an opportunity for hearing by the management concerned. A number of such associations have approached to National Commission or Scheduled Castes and Scheduled Tribes with a grievance that they are not in a position to function due to lack of required response from the respective management's or Departments. Keeping in view the fact that these associations can play a vital role in taking up the grievances of Scheduled Castes and Scheduled Tribes employees and their redressal the Commission held discussion with the Secretaries of the Ministry of Labours, Industry, Welfare, Personnel & PG & Pensions and Department of Banking and Public Enterprise.

7.70 During the discussion the Commission impressed upon the participants that the existing mechanism of Liaison Officer was not functioning effectively for redressal of the grievances of Scheduled Castes and Scheduled Tribes employees. Moreover general union were also not sensitive to the reservation issues since there were differences between the general union and Scheduled Castes and Scheduled Tribes Associations because at many times their interests were conflicting. In this connection the Department of Personnel and Training opined that it was not possible to recognise the Scheduled Castes and Scheduled Tribes unions under the CSS rules because the rules do not permit recognition of the denominations formed on the basis of caste, community etc.

7.71 In this connection the Commission noted that instructions have already been issued by the Banking Division, Department of Economic Affairs for giving regular hearings to the associations formed by the SC and ST employees in the Banks and Financial Institutions. Keeping in view the important role that Scheduled Castes and Scheduled Tribes association can play the Commission feels that providing a forum to these associations to discuss the general as well as individual grievances of the SC & ST employees will help in reducing the problems being faced by them and generate a congenial atmosphere for smooth functioning of the offices and organisations. Therefore the Commission feels that there is a need to give due hearing to the associations formed by SC & ST employees for expeditious redressal of their grievances.

7.72 In this regard the National Commission for SC & ST has recently requested the Departments of Public Enterprises and Banking to issue a circular, prepared by the National Commission for Scheduled Castes and Scheduled Tribes to all the PSEs under their control for provision of certain minimum facilities to Scheduled Castes and Scheduled Tribes association. A copy of the circular is enclosed at ANNEXURE 7.VII. **The Commission recommends to all the Government Department, Public Sector Enterprises to provide following minimum facilities to the SC & ST employees association :-**

(i) **Quarterly/Periodical meetings at Headquarters and Regional/Project/Field/Zonal Offices level with the Scheduled Castes and Scheduled Tribes Associations to discuss the individual grievances of the SC & ST employees and also the general issues pertaining to the service conditions of the employees belonging to these communities.**

(ii) **Minutes of these meetings may be recorded and follow up action taken on the decisions arrived at in these meetings. The Association may be informed of the follow up action taken by the management on the minutes.**

(iii) **The Management/Department may also consider providing appropriate office space, telephone and other necessary facilities for the effective functioning of these associations at various level such as Hqs-Regional/Project/Zonal/Field etc.**

7.73 In view of the position explained above the Commission urges upon that all the Departments/Public Sector Enterprises/Insurance Companies may be directed to implement the above recommendation of the Commission and also inform the SC & ST Associations regarding the same.

Dereservation Proposals

7.74 As earlier pointed out in this chapter, dereservation is not permissible in direct recruitment to services/posts in any group. In the cases of promotion a vacancy reserved for SC or ST may be dereserved and filled up by a general category candidate if suitable candidate belonging to SC or ST, as the case may be is not available to fill up such a vacancy. Except in cases of promotion by selection from Group 'C' to Group 'B' within Group 'B' and from Group 'B' to the lowest rung of Group 'A', the reservation for Scheduled Castes and Scheduled Tribes is carried forward to three subsequent recruitment.

7.75 The instructions issued by the Department of Personnel and Training provide that before putting a proposal for dereservation, the appointing authority is required to ensure that all steps

for securing Scheduled Castes and Scheduled Tribes candidate for appointment against a reserved vacancy have been taken. Dereservation is resorted to only when it is inevitable.

7.76 The number of proposals for dereservation received in the Commission during the years 1995-96 and 1996-97 was 618 and 428 respectively. As per the decision taken by the present Commission, an interim reply is sent to the concerned Ministries/Departments and the proposals are analysed & examined thoroughly. If need be they are discussed in the meetings of the Commission. The Commission has recently evolved guidelines to consider the dereservation proposals and take an expeditious decisions thereon.

7.77 From an analysis of the dereservation proposals received from the various Departments, the Commission has observed that because of 100% promotion as per recruitment rules, the Ministries/Departments are not able to fill up the reserved posts as no eligible candidates are available in the feeder cadre in the zone of consideration. The Commission is of the view that the reserved posts at senior levels should not be filled up by general candidates. Efforts should be made by the Deptt. of fill up the posts through direct recruitment wherein inservice people also are not available, by amending the relevant rule. If a candidate of the particular reserved category is not available, the vacancy should be invariably filled by candidate of another reserved category through exchange of quota.

7.78 While dealing with the derservation proposals the Commission has observed that in some cases adequate efforts are not made to consider eligible Scheduled Castes and Scheduled Tribes candidates from the feeder cadre or efforts made to fill up the posts by DR provided for under the rules. It has further been seen that in many cases pots are proposed to be dereserved because of non-availability of candidates in the feeder cadre of posts like LDC, Steno, Mechanic, Investigator Research Officer, etc. In such cases the Commission has taken the stand that the departments should amend their Recruitment Rules and provide for recruitment of SC./ST from the open market through DR so that the reserved posts are not lost to them. In addition the Deptt. have also been advised to arrange for special training coaching when recruitment is through limited departmental examination.

7.79 In some cases, where there were single vacancies in a recruitment year, the proposal for dereservation were forwarded by the departments to this Commission. Such proposals were not required to be sent as the single vacancy does not attract reservations in the initial recruitment year. The single vacancy is carried forwarded to the subsequent three recruitment years and dereservation is required in the subsequent recruitment year if no Scheduled Castes and Scheduled Tribes candidate is available for promotion.

7.80 In the cases of promotions by seniority cum fitness where Scheduled Castes and Scheduled Tribes candidates are not available/eligible in the feeder grade on the reference date, but are likely to become eligible during the validity period of the panel, then their cases may be effected from the date of their becoming eligible. The Commission recommends that in cases of Group C & D where promotion is based on selection method and where there already exists a provision for separate zone of consideration for SCs/STs Department should strictly adhere to separate zone of consideration. In case the recruitment rules provide for Direct Recruitment alongwith promotion quota, when the Deptt. should take action as per DOPT OM No. AB 14017/30/89-Estt/ RR dated 10-7-90 where the promotion posts can be temporarily directed to DR quota and filled by eligible SC.ST candidates through DR. In some cases recruitment rules provide for promotion under failing which clause where posts are filled by promotion failing which by transfer on deputation and failing both by direct recruitment. In such cases the deptts

should take recourse to direct recruitment as there is no reservation in transfer on deputation basis.

7.81 From the aforesaid analysis it is clear that **in order to ensure that de-reservation is resorted to as a last step, when really inevitable, the Department of Personnel and Training should re-examine the entire issue and provide for direct recruitment for Scheduled Castes and Scheduled Tribes where the post meant for them cannot be filled in by promotion. The re-examination thus wards a need for amendment of rules in many cases.**

7.82 The issues relating to service safeguards, as analysed above indicate that though there has been a substantial improvement of Scheduled Castes and Scheduled Tribes in service through the mechanism of Reservation, yet more sincere efforts are required at all levels to bring the representation up-to the prescribed levels. There is a strong need to put the entire issue of reservation in a sound legal footing by passing an Act in this regard.

**TABLE SHOWING THE PERCENTAGE OF RESERVATION FOR SCs/STs
IN DIRECT RECRUITMENT AND PROMOTION**

I. DIRECT RECRUITMENT

S.NO	MODE	PERCENTAGE			ROSTER	NO. OF ROSTER POINTS RESERVED			REMARKS (Made effective from)
		SC	ST	OBC		SC	ST	OBC	
1.	Direct recruitment through open competition.	8.33	-	-	-	-	-	-	1943
2.	Direct recruitment through open competition on All India basis.	12.5	-	-	-	-	-	-	1947
3.	Direct recruitment through open Competition on All India basis.	12.5 Contd.	5	-	-	-	-	-	1950
4.	-do-	15	7.5	-	40 point	6	3	-	25.3.1970
5.	-do-	15	7.5	27	200 point	30	15	54	8.9.1993
6.	Direct recruitment otherwise than by open Competition on All India basis.	16.66	-	-	-	-	-	-	1947
7.	-do-	16.66 Contd.	5	-	-	-	-	-	1950
8.	Direct Recruitment otherwise than by open Competition on All India basis.	16.66 Contd.	7.5	-	40 point	7	3	-	25.3.1970
9.	Direct recruitment otherwise than by open Competition on All India basis.	16.66 Contd.	7.5	25.83 Contd.	120 point	20	9	31	8.9.93
10.		In proportion to population percentage of Scheduled Castes and Scheduled Tribes in the State/Region (Except in Delhi)			100 point				

II PROMOTIONS

1.	Limited Departmental Comp. Exam.	12.5	5	-	-	-	1957 (Class I, II, III, IV) 1963 (Class II, III, IV)		
2.	By Selection in Group 'C' & 'D'	12.5	5	-	-	-	1963		
3.	Limited Departmental Comp. Exam. (II, III, IV) Promotion by Selection in III & IV	-	-	-	-	-	1968 Element of DR not exceeding 50%		
4.	Seniority-cum-fitness	15	7.5	-	40 point	6	3	-	27/11/1972 (Element of DR not exceeding 50%)
5.	Selection Method (Group 'C' to 'B'; within 'B' & 'B' to the lowest rung of Group A.	15	7.5	-	40 point	6	3	-	20/7/1974 Element of DR not * exceeding 50%

* The limitation of direct recruitment not exceeding 50% was raised to 66.66 % in 1976 and further raised to 75% in 1989.

However, vide DoPT OM dated 2.7.1997 all the rosters, which were vacancy based running accounts, have been replaced by post based rosters. Comments on the same have been given separately in the Report, as the Commission is of the view that they are not fully in accordance with Supreme Court judgement in the case of R.K. Sabharwal and are per se also detrimental to the interests of SCs & STs.

ANNEXURE 7.II
(Ref. Para 7.9)

**COMPARATIVE STATEMENT SHOWING THE REPRESENTATION OF SCs/STs IN THE SERVICE OF PUBLIC
SECTOR BANKS**

Year	Total Strength	Officer				Total Strength	Clerks				Total Strength	Sub-staff(including/Sweep)			
		SC	%	ST	%		SC	%	ST	%		SC	%	ST	%
1969	24546	33	0.13	-	-	90789	412	0.45	-	-	42809	2632	6.15	-	-
1975	65100	553	0.84	87	0.13	90789	9815	5.30	1271	0.68	90760	14835	16.34	1534	1.69
1980	132964	4047	3.04	864	0.64	184862	35493	11.95	5258	1.77	121808	24556	20.15	2545	2.08
1981	147778	5661	3.85	1303	0.88	296963	41042	12.60	7172	2.20	117034	20395	17.43	4019	3.43
1982	161631	7463	4.62	1741	1.08	325476	45516	12.99	9137	2.60	141036	31619	22.42	6038	4.28
1983	172844	8752	5.06	2309	1.33	350307	50696	13.48	11080	2.95	153280	35154	22.93	6068	3.96
1984	190753	10867	5.70	2799	1.46	376097	55634	13.92	13244	3.31	158465	37834	23.87	6722	4.24
1985	109081	14008	7.03	3542	1.78	399411	59152	14.13	15407	3.65	168386	42068	24.98	7312	4.34
1986	206660	15089	7.30	3810	1.84	418365	39641	13.63	15924	3.70	175541	43781	24.94	7715	4.39
1987	211353	16523	7.81	4148	1.96	434057	63088	14.53	16041	3.69	183900	46752	25.42	8032	4.36
1988	215959	18037	8.35	4748	2.19	435740	60716	13.93	16733	3.85	188290	48100	25.55	8400	4.6
As on 1.1.90	232852	20537	8.81	5759	2.47	463492	65017	14.02	19793	4.27	205635	54146	26.33	11039	5.36
As on 1.1.91	237057	21756	9.17	6432	2.17	468321	66584	14.2	20886	4.45	210229	55902	26.59	11579	5.00
As on 1.1.92	231490	22232	9.60	7004	3.03	447238	63570	14.21	19763	4.42	201197	53850	26.76	10950	5.44
As on 1.1.93	233880	23224	9.93	7357	3.15	449468	64750	14.41	20036	4.46	204858	55820	27.25	11464	5.60
1.1.94	249016	25515	10.24	8333	3.34	470873	66051	14.45	21500	4.56	215819	60098	27.85	12419	5.75
1.1.95	250806	26861	10.71	8818	3.52	473429	66787	14.53	21990	4.364	217509	61012	28.05	12430	5.72
1.1.96	252898	28102	11.11	9235	3.65	473133	69493	14.69	22269	4.71	218980	62400	30.00	12794	5.54

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

ANNEXURE-7.III

(Ref. Para 7.11)

Representation of SCs and STs in teaching and non teaching Posts in Central Universities as on 1-1-96.

S. No	Name of the State/University	Total	Teaching posts @			Non-teaching posts(Group)			
			P	R	L	A	B	C	D
1	2	3	4	5	6	7	8	9	10
ANDHRA PRADESH									
1.	University of Hyderabad	Total	69*	76*	73	64	138	400	469
		SC	-	-	08	10	15	66	107
		%	-	-	11	15.6	10.9	15.5	22.8
		ST	-	-	01	02	02	12	21
		%	-	-	1.4	3.1	1.4	3.0	4.5
*No provision for reservation									
ASSAM									
2.	Assam University	Total	7	23	25	5	9	62	53
		SC	-	-	6	-	2	9	11
		%	-	-	24	-	22.2	14.5	20.8
		ST	-	-	3	-	2	6	5
		%	-	-	12.0	-	22.2	9.7	9.4
3.	Tezpur University	Total	3	3	15	14	5	18	27
		SC	-	-	-	-	-	1	4
		%	-	-	-	-	-	5.6	14.8
		ST	-	-	1	-	-	2	2
		%	-	-	6.7	-	-	11.1	7.4
DELHI									
4.	Delhi University (as on 30.6.96)	Total	314	229	133	174	297	1516	1181
		SC	3	1	3	2	22	184	435
		%	0.96	0.44	2.26	1.15	7.41	12.14	36.83
		ST	-	1	1	2	-	17	19
		%	-	0.44	0.75	1.15	-	1.12	1.61
5.	Jamia Millia Islamia	Total	80	135	209	Not available			
		SC	-	1	-				
		%	-	0.74	-				
		ST	-	-	-				
		%	-	-	-				
Safai Karamcharis have been included in group D wherever they occur									
6.	Jawahar Lal Nehru University	Total	172	130	74	87	205	506	583
		SC	1	3	5	11	18	75	234
		%	0.58	2.31	6.76	12.64	8.78	14.82	40.19
		ST	-	1	3	1	2	5	11
		%	-	0.77	4.05	1.15	0.98	0.99	1.89

MEGHALAYA									
7.	N. E. H. U.	Total	68	74	60	38	159	729	563
		SC	-	-	-	-	1	18	12
		%	-	-	-	-	0.6	2.5	2.1
		ST	11	22	32	32	89	517	445
		%	16.2	29.7	53.3	84.2	56.0	71.0	79.0
NAGALAND									
8.	Nagaland	Total	7	8	16	14	10	55	79
		SC	-	-	-	-	-	-	-
		%	-	-	-	-	-	-	-
		ST	-	2	16	13	10	51	74
		%	-	25	100	93	100	92.7	93.7
PONDICHERRY									
9.	Pondicherry	Total	24	55	56	29	52	165	267
		SC	-	2	11	4	9	28	31
		%	-	3.6	19.6	13.8	17.3	17	11.6
		ST	-	-	-	1	-	-	1
		%	-	-	-	3.4	-	-	0.4
UTTAR PRADESH									
10	Aligarh Muslim University	Total	270	392	535	124	193	2535	3026
		SC	-	-	-	-	01	13	488
		%	-	-	-	-	0.52	0.51	16.1
		ST	-	-	-	-	-	04	09
		%	-	-	-	-	-	0.16	0.3
11	Banaras Hindu University	Total	Not available						
		SC							
		%							
		ST							
		%							
WEST BENGAL									
12	Visva Bharati	Total	57	155*	140	63	210	493	797
		SC	-	2	11	5	20	33	267
		%	-	1.3	7.9	7.9	9.5	17.1	33.5
		ST	-	1	2	-	2	14	97
		%	-	0.6	1.4	-	1.0	2.8	12.2

* Including 84 Professors in truncated Scale (4500-5700)

** Including lecturers scale Rs.2200-4000, 3000-5000, 3700-5700, (In addition Associates/House Tutor/Study Supervisor)

@ P: Professor, R : Reader , L : Lecturer

DIRECT RECRUITMENT

Concessions to SC & ST Applicant:

- (1) Age-relaxation : The maximum age limit prescribed for direct recruitment to a service or post is increased by five years in the case of candidates belonging to SC & ST.
- (2) Fee concession: SC & ST candidates are exempted from payment of fees prescribed for recruitment/selection.
- (3) Provision of Rail/Bus fare: SC&ST candidates called for interview from outstations are to be paid rail/bus fare by the shortest route to and fro.

Relaxation of standards and other steps taken for filling reserved vacancies:

- (4) Relaxation of standards of suitability : In direct recruitment if sufficient Scheduled Castes and Scheduled Tribes candidates are not available on the basis of the general standard to fill all the vacancies reserved for them candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts.

MHA OM No.
1/1/70 - Estt (sct)
dated 25.7.70

DP&AR OM NO.
27/10/71 - Estt (SCT)
dated 5.9.75
& OM No.
D-1458/81-Estt (SCT)
dated 21.5.81

(5) Relaxation of 'experience' qualification in direct recruitment

UPSC/Competent authority could, at its discretion, relax the qualification regarding 'experience' in the case of Scheduled Castes and Scheduled Tribes candidates if at any stage of selection it is of the opinion that sufficient number of Scheduled Castes and Scheduled Tribes candidates possessing the requisite experience are not likely to be available for appointment against the vacancies reserved for them.

MHA OM No.
1/1/70 - Estt (sc)
dated 31.7.70

(6) Separate interview of Scheduled Castes and Scheduled Tribes candidates:

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

(1) Association of Scheduled Castes and Scheduled Tribes Officers with Selection Board/DPC.

An officer of appropriate rank is to be associated with Selection Boards/DPC as far as possible. In the case of Group C & D posts it is mandatory to associate an Scheduled Castes and Scheduled Tribes officer to watch their interests in recruitment and promotions.

(8) Pre-examination training facilities:

Scheduled Castes and Scheduled Tribes candidates appearing for various examinations for selection are provided free coaching/training facilities arranged by the Government. A number of such centres also provide free board/lodging facilities for specified period of training for all India services like IAS, IPS Engineering services, etc.

(9) Concession in Posts filled by Promotion:

Para 6.32 of the
DPC guidelines
circulated vide
OM No.
22011/5/86-
Estt. dated
10.4.1989

(i) In promotion by selection to posts within Group A which carry an ultimate salary of Rs.5700 p.m. in revised scale, the Scheduled Castes and Scheduled Tribes officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion.

Now
withdrawn
by DoPT
OM dated
22.7.97

(ii) In promotion by selection to posts/services in Group 'B' within Group 'B' and from Group 'B' to the lowest rung in Group 'A' selection against vacancies reserved for Scheduled Castes and Scheduled Tribes will be made only from those SCs/STs officers, who are within normal zone of consideration prescribed vide the Department of Personal and A.R. O.M. No 22011/3/76- Estt. (D) dated 24th December, 1980. Where adequate number of SCs/STs candidates are not available within the normal field of choice, it may be extended to five times the number of vacancies and the SCs/STs candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SCs/STs obtain on the basis of merit with due regard to seniority, on the same basis as others, lesser number of vacancies than the number reserved for them, the difference should be made up by selecting candidates of these communities, who are in the zone of consideration, irrespective of merit and 'bench mark' but who are considered fit for promotion.

(iii) As regards promotions made by selection in Group "C" and Group "D" posts/services, Select lists of SCs/STs officers should be drawn up separately in addition to the general select list, to fill up the reserved vacancies. SCs/STs officers who are within the normal zone of consideration, should be considered

for promotion along-with and adjudged on the same basis as others and those SCs and STs amongst them, who are selected on that basis may be included in the general Select List in addition to their being considered for inclusion in the separate Select List drawn up respectively. In the separate Select List drawn up respectively for Scheduled Castes and Scheduled Tribes, officers belonging to the SCs and STs will be adjudged separately amongst themselves and not along-with others and, if selected, they should be included in the concerned separate list, irrespective of their merit as compared to other officers and the "bench mark" determined by the cadre authorities. If candidates from SCs/STs obtain on the basis of their position in the aforesaid general list, lesser number of vacancies than are reserved for them, the difference should be made up by selected candidates of these communities in the Select Lists for Scheduled Castes and Scheduled Tribes respectively.

(10) Relaxation of standards in Departmental Examination :

DoPT Oms' No.
8/12/69-Estt(sct)
dated 23.12.1970
and
No.36021/10/76
Estt.(sct) dated
21.1.97

In Departmental competitive examination and Departmental qualifying examination for promotion, suitable relaxation in standards can be made in favour of SC/ST candidates to fill up the reserved vacancies.

Now withdrawn
by DoPT OM
dated 22.7.97

(11) Age Relaxation in Promotion Posts:

Where an upper age limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in favour of SC & ST except in posts which have arduous field duties or are meant for operational safety and to posts in Para-Military Organisation.

RESERVATIONS POICY IN THE NORTH EAST.

The following is the percentage of population of SCs and STs to total population in the North East (Statewise)

Sl.No.	Name of the State	Total Population	SC Population	% age	ST Population	% age
1.	Arunachal Pradesh	8,64,558	4052	0.47	5,50,35	63.66
2.	Assam	2,24,14,332	1,659,412	70.40	28,74,441	12.87
3.	Manipur.	18,37,149	37,105	2.02	6,32,173	34.41
4.	Meghalaya	17,74,778	9072	0.51	15,17,927	85.53
5.	Mizoram	6,89,756	691	0.10	6,59,565	94.75
6.	Nagaland	12,09,546	Nil	Nil	10,60,822	87.76
7.	Tripura	27,57,205	451116	16.36	8,53,345	30.95
Total		31,546,924	2161448	6.85	7653368	24.26

1. Where recruitment to group C+D in the Central Government Service and PSES is made as per population percentage, the policy is acceptable in the North East States.
2. But where promotion is concerned where 15% for SCs and 7.5% for STs are provided as per policy this is not acceptable/applicable in the North Eastern States as the SCs and STs population in the North Eastern is just the reversed to the rest of the country (i.e. 16.48% are SCs and 8.08 are STS) and the percentage of reservation in promotion is fixed at % of population at all India level. In this way, in west of the States, promotion for SCs quota i.e.15% is impossible as there are no such people in the feeder cadre Similarly for promotion in ST Quota 7.5% west of the ST are deprived of this requests to get promotion as their quota is to less. As such fixing of reservation percentage in promotion in Government Offices/Enterprises in the North East States needs to be revised.
3. The Commission has taken note of this because and the Government should take immediate steps to certify this anomaly and provided justice to ST employees.

No. 4/25/96-SSW-II
Government of India
National Commission for Scheduled Castes & Scheduled Tribes

Vth Floor,
Loknayak Bhawan,
New Delhi-110003.

Dated the 7th October '96

To,
The Secretary of all Central Ministries/Departments.
The Chief Executives of all PSEs.
The LOs of all PSEs

Sub: Meeting of the Liaison Officers of Central Ministries/Departments on 10.7.96 at
Vigyan Bhawan and Liaison Officers of Public Sector Enterprises' on 27.8.96 in
Constitution Club follow up action on points emerging from discussions therein.

Sir,

Creation of Liaison Officers and SC/ST Cell is an inbuilt mechanism to assist and guide the Management/Department to ensure proper implementation of Reservation Policy. However, by efflux of time this inbuilt mechanism is not functioning effectively resulting large number of grievances are pouring in to the Commission.

Commission in order to activate these Liaison Officers held two seminars of the Liaison Officers of all Central Ministries/Departments on 10.7.96 which was inaugurated by the Union Minister of Welfare and another meeting of the Liaison Officers of the Public Sector Enterprises' on 27.8.96 which was inaugurated by Union Minister of Industry. The following points, which emerged during the discussions are being brought to the notice of Secretaries and heads of Departments and Chief Executive Officers of the Public Sector enterprises and their Liaison Officers with the view to make the institutions of Liaison Officers, an effective machinery for implementation of reservation policy and redressal of grievances of SC/ST employee.

2. The duties of the Liaison officers have been listed out in various circulars issued by the DOPT from time to time. However, it has been felt that the machinery of Liaison officers has not been functioning effectively as an inbuilt system for redressal of grievances of SC/ST employees. This can be judged from the number of representations pouring into the Commission for redressal

of grievances regarding implementation of the reservation policy. It is also observed that SC/ST do not have easy access to the Liaison Officer/and for the Heads of Department. Hence it is necessary to make all out efforts to make the working of the Liaison Officers more effective.

3. The Secretaries/Head of Departments and top management in PSE's are responsible and accountable for the implementation of the reservation policy. The Liaison Officers are to assist them in carrying out this responsibility. As the Liaison Officer is expected to be an expert on reservation matters, he should be consulted by senior officers at all stages with regard to direct recruitment, promotion and other service matters. The tenure of a Liaison officer, as far as possible should be three years.

4. As per the existing instructions of the DOPT an officer not below the rank of Deputy Secretary is to be nominated as liaison officer for the work relating to representation of SCs/STs in services. The Liaison Officers should be given proper orientation/ training regarding his role and responsibilities.. A full time Liaison Officer in small Ministries/Departments may not be justified but in a large Ministry/Department like Railways, Posts, Telecommunications, Defence, Home, Industry, etc. There should be full time Liaison Officer so that he can keep a close watch on reservation policy of the Ministry/Department. Similarly, there should be full time Liaison Officer in Public Sector Enterprises where there are large number of employees, especially in cases where the number exceed, 10,000 total employees.

5. The Liaison Officer should ensure that he acquires the necessary knowledge and expertise in the matter of reservation policy and should be in a position to advise the management about the correct implementation of the policy. He should give proper guidance/counselling to the SC/ST employees. The Liaison Officers should visit the subordinate offices, inspect the rosters and ensure implementation of the relevant instructions. They should collect data about SCs/STs on a regular basis from the Ministry/Department and field offices. The Liaison Officer should refer reservation matters to the Commission if there is a difference of opinion between him and the HOD/CEO of the PSE.

6. The SC/ST Cell in the Ministry/Department and PSEs need to be strengthened where they are in existence and to be established where they have not yet been set up. The Cell should be supported by adequate staff proportionate to the strength of the Ministry/Department/PSE. These Cells should work under the direct control of Liaison Officer.

7. The Liaison Officer should interact with the SC/ST employees and the Administration for redressal of grievances and monitoring of reservation matters. The SC/ST employees, should first approach their respective Liaison Officer for settlement of their grievances and only after exhausting the channels available to them within the organisation should they approach the Commission. From henceforth the Commission would forward all the representations/complaints received from SC/ST employees to the Secretaries/Head of Departments and Chief Executive Officers in the PSEs giving them two months time for redressal of grievances and subsequently informing the Commission of the outcome of the efforts made by them. Liaison Officers would also be informed of the representations sent and they should get the replies expedited.

8. The Liaison Officer should keep liaison with Employment Exchange and Universities, Technical Institutions, etc. to find suitable SC/ST persons for filling up of reserved vacancies. Whenever SC/ST persons are not available in adequate numbers to fill up the reserved posts, Liaison Officers should advise the management to sponsor sufficient number of SC/ST persons to get admission into such technical/Professional courses. Moreover, wherever technically qualified persons are not available, the P.S.E. may select the potential candidates, give them scholarships and have them trained. They should contact technical institutions in this regard for advance manpower planning. There is also a need to look into the provisions of recruitment rules and to see how they can be amended/changed wherever necessary to facilitate the recruitment of SC/ST candidates.

9. The cases affecting the SC/ST interests have to be defended properly in courts and SLP filed where court decisions have gone against the reservation policy/matter. Where delays have occurred in filling of an SLP, the responsibility for the delay should be fixed and action taken.

10. The Liaison Officer should be vigilant about persons availing reservation benefits by producing false caste certificate. In all bogus SC/ST cases the services of the persons should be terminated and criminal cases initiated. The Liaison Officer should invariably be associated in verification of the caste certificate to ensure that no recruitment is made on the basis of bogus certificate.

11. The proposal for the institution of an award for the best Liaison Officer is being considered by the Commission. The proposal for training/orientation programmes for the Liaison Officers on general basis is also being taken up by the Commission.

12. The Commission would prepare a Hand Book for Liaison Officers, incorporating all relevant instructions and decisions of the government in this regard.

13. At present no monitoring of SC/ST Cells and the working of Liaison Officer is being done by an agency. It was agreed that the National Commission would henceforth monitor and review the working of the Liaison Officers and the SC/ST Cells in the different organisation.

It is requested that the action may be taken by the Ministry/Departments/PSE's on the above lines and the institution of the Liaison Officers be strengthened and made more effective to ensure proper implementation of the reservations policy and timely redressal of the grievances of the SC/ST employees.

Yours faithfully
sd/-
(S.V. Singh)
Deputy Secretary

4/23/96-SSW-II

To,

The Secretary,
Deptt. of Public Enterprises
C.G.O. Complex
New Delhi

Sub:- Instructions regarding providing regular hearings and others facilities to the Associations formed by the SC/ST employees.

Sir,

I am directed to enclose herewith a copy of the circular letter prepared by the Commission regarding providing the opportunities of hearing to the Associations of SC/ST employees to discuss their grievances and suggestions, recording minutes of such discussions and providing other facilities such as office space, telephone etc. for the effective functioning of these Associations at various level such as Hqrs. Regional/Zonal/Field etc. In this connection it is mentioned that Banking Division of M/o Finance have already issued instructions to all the Public Sector Banks/Financial Institutions for providing opportunity of having meetings with these Associations is enclosed with the circular letter.*

You are requested to issue necessary instructions as per the circular letter to all the Public Section Enterprises so that there is uniformity in the procedure in providing a forum to the SC/ST Associations for being heard.

Action taken in this regard may be intimated to this Commission at the earliest.

Yours faithfully,
Sd/-
(Surinder Singh)
Director

- Copy not enclosed in this Report.

To,

The Joint Secretary (Insurance)
Deptt. of Economic Affairs,
Ministry of Finance,
IInd Floor, Loknaya Bhawan,
New Delhi

Sub:- Instructions regarding providing regular hearings and other facilities to the Associations formed by the SC/ST employees.

Sir,

I am directed to enclose herewith a copy of the circular letter prepared by the Commission regarding providing the opportunities of hearing to the Associations of SC/ST employees to discuss their grievances and suggestions, recording minutes of such discussions and providing other facilities such as office space, telephone etc. In this connection it is mentioned that Banking Division of M/o Finance have already issued instructions to all the Public Sector Banks/Financial Institutions for providing opportunity of having meetings with these Associations and other facilities. A copy of these instructions is enclosed with the circular letter.*

You are requested to circulate our circular letter to all the Insurance Corporation so that there is uniformity in the procedure in providing a forum to the SC/ST Associations for being heard.

Action taken in this regard may be intimated to this Commission at the earliest.

Yours faithfully,
Sd/-
(Surinder Singh)
Director

* Copy not enclosed in this Report.

(Circular letter—Enclosure to letter at ANNEXURE-7.VII)

As you are aware the Constitution provides for special provisions to uplift the persons belonging to Scheduled Castes and Scheduled Tribes. The Government of India have accordingly issued Orders from time to time to safeguard the interests of the employees belonging to the Scheduled Castes and Scheduled Tribes and protect them from discrimination based on their social origin. However, it is evident from the large number of complaints being received in the National Commission for Scheduled Castes and Scheduled Tribes that the guidelines and the Orders of the Government of India are not followed scrupulously, giving rise to discontentment among the employees belonging to these categories. Therefore, SC & ST employees have formed their Registered associations/Organisations in a large number of Public Sector Enterprises/Banks etc. to safeguard their interests. However, the purpose of forming such associations will not be served if they are not given an opportunity for hearing by the management concerned.

In this connection instructions have already been issued by the Banking Division, Department of Economic Affairs on 15.9.1989, 02.02.1995 and 24.05.1996 for giving regular hearings to the associations formed by the SC & ST employees in the Banks and Financial Institutions. A copy of these instructions is enclosed.

It is felt that providing a forum to these associations to discuss the general as well as individual grievances of the SC & ST employees will help in reducing the problems being faced by them and generate a congenial atmosphere for smooth functioning of the offices and organisations. Therefore the Commission feels that there is a need to give due hearing to the associations formed by SC & ST employees for expeditious redressal of their.

In this regard the National Commission for SC & ST urges upon all the Govt. Department, Public Sector Enterprises to provide following minimum facilities to the SC & ST employees association:-

1. Quarterly/Periodical meetings at Headquarters and Regional/Project/Field/Zonal Offices level with the SC/ST Associations to discuss the individual grievances of the SC & ST employees and also the general issues pertaining to the service conditions of the employees belonging to these communities.
2. Minutes of these meetings may be recorded and follow up action taken on the decisions arrived at in these meetings. The Association may be informed of the follow up action taken by the management on the minutes.
3. The management/Department may also consider providing appropriate office space, telephone and other necessary facilities for the effective functioning of these associations at various level such as Hqs-Regional/Project/Zonal/Field etc.

In view of the position explained above, all the Departments/Public Sector Enterprises/Insurance Companies may be directed to implement the above recommendation of the Commission and also inform the SC & ST Association regarding the same.

CHAPTER - VIII

FALSE COMMUNITY CERTIFICATES

Caste and Tribe Status certificate of a person belonging to a specific caste/tribe notified as Scheduled Caste/Scheduled Tribe in relation to a particular State is one of the essential requirements to avail the right of reservation of seats in the House of the People and in the Legislative Assemblies of the State (Articles 330 & 332) and Panchayati Raj Institutions & Municipal Bodies (Article 243 D and 243T) and also in initial appointment to an office or post and in promotion to a post under the State (Article 16(1), 16(4) & 16(4-A). The caste certificate also plays a vital role in the execution of non-statutory benefits under various developmental programmes meant for the members of Scheduled Castes & Scheduled Tribes.

8.2 The terms "Scheduled Castes" & "Scheduled Tribes" have been defined in the Articles 366(24), 341 & 366(25) and 342 which are reproduced as under :

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 purpose of this Constitution.

Article 341 provides:

(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 parts of or groups within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

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 purpose of this Constitution.

Article 342 provides:

(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 parts of or groups 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.

8.3 Government of India has issued a number of circulars from time to time indicating the authorities who would issue the caste status certificates. Instances have come to notice wherein caste certificates of a particular Scheduled Caste/Tribe were not issued strictly in accordance with the principle governing the issue of such certificates. As a result Govt. of India, Ministry of Home Affairs addressed a letter on 22.3.1977 to all the State Governments/UT Administrations clarifying the position. The relevant part of the letter is reproduced as under:

“It is understood that some State Governments, Union Territory Administrations have empowered all their Gazetted Officers to issue such certificates and even Revenue Authorities issue certificates on the basis of the certificates issued by Gazetted Officers, MPs and MLAs etc. If such a practice is followed, there is a clear danger of wrong certificates being issued, because in the absence of proper means of verification such authorities can hardly assure the intrinsic correction of the facts stated in such certificates. In order to check the issuance of false certificates, the question of verification assumes all the more importance.”

8.4 It was emphasised that only the revenue authorities of the locality of which the claimant is the resident would have access to revenue records and be in a position to make reliable enquiries before the issuance of the certificates. In spite of the above clarification and suggestion, the Scheduled Caste/Tribe certificates have been issued to ineligible persons, carelessly or deliberately without proper verification by the officials empowered to issue such certificates. This has resulted in wrong persons availing of the benefits meant for the Scheduled Castes and Scheduled Tribes on a false pretext. Government of India, Ministry of Home Affairs in a letter No. 12025/1/82-SCBCD IV dated 19th June, 1982 addressed to the Chief Secretaries of all the State Governments/UT Administrations specifically communicated the above observation and “requested to take strict measures to detect such cases of non-scheduled caste and non-scheduled tribe persons holding false SC/ST certificates, deprive them of benefits that they are not entitled to, and impose appropriate penalties and take legal action against them and against those who were responsible for the issue of such certificates, strictly and expeditiously..... The State

Governments/UT Administrations may set up special courts for expeditiously trying the cases relating to the issue of bogus certificates with deterrent rapidity and give wide publicity to the names of persons who are convicted of this offence by the Courts.”

8.5 In the Last Report of the Commission, the issues pertaining to Constitutional provisions, orders issued by Ministry of Home Affairs and Department of Personnel & Training in respect of authorities empowered to issue community certificates, its form, check list for issue/verification of community certificate, some of the recent judicial pronouncements, and need for uniform legislation etc. have already been covered. Despite the instructions issued by the Government from time to time, the Commission has observed that the menace of false caste certificates is on the increase, depriving thereby the genuine SCs/STs, of their due benefits. The action taken by the concerned Departments/Organisations and prosecution agencies is often slow and tardy resulting in the fraudulent persons enjoying unfair benefits.

8.6 The Commission continues to receive a large number of complaints regarding the false Community Certificates indicating the persistence of this menace. The false Community Certificate holders are usurping the jobs and other concessions/facilities meant for the genuine SC/ST persons. A considerable number of seats in the educational institutions are also secured by these wrong persons. Moreover, there have been instances of persons being elected to elective offices on the strength of false Community Certificates. The magnitude of the problem of false Community Certificate is being regularly reviewed by this Commission. Both State offices and Head Quarters of this Commission receive the complaints in this regard. In the Head Quarters, as many as 588 complaints have been received during the period from 1992 to 1997 as shown below:

<u>Year</u>	<u>No. of Complaints received</u>
1992	101
1993	90
1994	115
1995	116
1996	82
1997	84
Total	588

8.7 Apart from the Head Quarters of the Commission, its State Offices also received as many as 1489 complaints of false Community Certificates during the above period. The State-wise information is indicated below:

<u>State Offices</u>	<u>No. of Complaints received</u>
1. Andhra Pradesh	656
2. Tamil Nadu	338
3. Tripura	434
4. Karnataka	20
5. Assam	10
6. Uttar Pradesh	6
7. Gujarat	3
8. Madhaya Pradesh	2
9. Meghalaya	5
10. Kerala	2
11. Chandigarh	3
12. West Bengal	9
13. Orissa	1
TOTAL	1489

8.8 The figures given above signify the magnitude of the problem of false Community Certificates. This does not however represent the entire magnitude of the menace as the Commission receives information only in those cases where some employee or association is willing to come forward to disclose the cases of false community Certificates which are brought to their knowledge. In actuality the problem has taken serious proportions which warrants immediate action by the Government. On its part, the Commission has been doing its best for curbing the menace. Wherever the requisite information regarding the position of the case/proposed action against the guilty etc. was not received from the concerned authorities, the Commission invoked its Civil Court Powers for the speedy settlement of the cases.

8.9 Before we analyse some of the cases of false certificates that have come to the notice of the Commission, it is relevant to highlight some of the important observations, made by the High Courts and Supreme Court in this regard.

(i) In the case of M. Venkata Satyanarayana Murthy Vs. The Director, Tribal Welfare and Others (1989 (1) ALT 165) Hon'ble Justice K. Ramaswamy has observed that "Before parting with the case, I feel constrained to emphasis that delay defeats justice. Omission to expeditiously dispose of the social status claims aids exploitation and frustrate benign policy to render justice-social, economic and educational assured under the Preamble, Article 14 to 16, 29 & 46 of the Constitution to the weakest social segments viz. Scheduled Tribes." Article

46 enjoins that the State shall protect them from Social injustice and all forms of exploitation. In *BNR Rao Vs. Principal Osmania University, Hyderabad* at para 14, this court emphasised the duty of the state to evolve speedy procedure to decide the Social Status dispute within shortest period. It was got communicated to the State Govt. in December, 1985 but it does not appear that needed expedition received any attention of the Government. Judicial process has also become a means to delay finality and it is common knowledge that by the date of final hearing, the ineligible persons are completing the course of study due to interim orders in the specialised fields-Medicine, Engineering, etc. and thereafter, the decision becomes fait accompli. In some cases, eligible persons legitimately entitled to the benefits are denied on account of the procedural procrastination. Administrative laxity and judicial process thus become a breeding source to feed exploitation or injustice. The executive and the judiciary should be cognizant to the malady and mandate of Article 46 to prevent exploitation. The registry of this court should also be alive to this telling fact giving top priority to these cases. As soon as the cases are admitted within fifteen days thereafter rule nisi should be got served and notice be given to the Government pleaders to get the record and post the writ petitions after one month on the top of the list for final hearing so that the claim could be decided with minimum delay."

(ii) In *B. Basavalingappa Vs. D. Munichinnappa*, (1965) 1 SCR 316, the question whether Bhovi is a Voddar Caste, the former having been declared by the Presidential notification to be a Sch. Caste, had come up for consideration. The respondent, a Voddar by caste contested election as a Scheduled Caste Bhovi. A constitution Bench examined the scheme of Article 341 and upheld the contention of the appellant that in view of the stringent provisions of the Constitution with respect to a notification issued under clause (1), it is not open to anyone to include any caste as coming within the notification on the basis of evidence - oral or documentary - if the caste in question does not find specific mention in the terms of the notification. It was not open, therefore, to give evidence that a particular caste was a Scheduled Caste not mentioned in the 1950 Order.

(iii) In *Bhaiyalal Vs. Harikishan Singh & Ors.* (1965) 2 SCR 874, wherein the same question had arisen, another Constitution Bench had held that in specifying castes, races or tribes under Article 341(1) of the Constitution, the President has been expressly authorised to limit the notification to parts of or group within the caste, race or tribe to be Scheduled Caste by including them in the Order. That would be applicable in relation to the entire State or in relation to parts of the State where the President is satisfied that on examination of the social and educational backwardness of the race, caste or tribe justifies such specification.

(iv) In *Srish Kumar Choudhary Vs. State of Tripura & Ors.* (1990) SUPP SCC220, a three judge Bench was called upon to consider whether Laskar Community in State of Tripura is a Scheduled Tribe. After examining the scheme of the Constitution it was held that though evidence may be admissible to verify

the entries in the Presidential Order to find a caste/tribe included in a particular tribe or caste, tribal communities, the admissibility of the evidence is confined within the limitations enacted in the order. It was not open to the Court to make any addition or subtraction from the Presidential Order.

(v) In *Kumari Madhuri Patil Vs. Additional Commissioner Tribal Development & Ors.* (1994)6 SCC 241, a two-judge Bench further considered whether Koli, a Backward Class in Maharashtra would be declared as Mahadeo Koli, Scheduled Tribe in Maharashtra. It was held that after the amendment under Scheduled Castes and Scheduled Tribes Order (Amendment Act), 1976 no subtraction or addition to it by way of declaration of castes, tribes or sub-caste, parts of or groups of tribes or tribal communities is permissible, and that the Presidential notification, subject to the amendment by Parliament, is conclusive.

(vi) In *S. Swvlganadoss Vs. Zonal Manager, FCI* (1966) SLP 27571 of 1995 the Supreme Court has decided on 25-1-1996 in a two-judge Bench comprising of Justice K. Ramaswamy and Justice G.B. Pattaniak and has observed that under section 9 of the Code of Civil Procedure, 1908 Civil Courts have no jurisdiction to decide the cases of social status of such nature and are not competent to declaration of social status.

(vii) In *Palghat Jilla Thandan Samudhaya Samrakshana Samity Vs. State of Kerala* (1994)1SCC 357, a bench of three Judges has held that Thandans in Kerala State were declared to be Scheduled Castes. The High Court directed an enquiry whether Ezhavas or Thiyyas who are Other Backward Classes (Tappers) are Thandans. The Supreme Court had held that the enquiry that was ordered by the High Court to find out whether there was community called Thandans distinct from Ezhavas in Palghat District in areas other than the erstwhile Chittur taluk and also in any other place in the erstwhile Malabar District, was not permissible to be made since neither the court nor the State Government has any power to amend or subtract the list notified by the President and, therefore, the direction issued by the High Court was not correct in law.

(viii) In *Nityanand Sharma & Anr. Vs. State of Bihar & Ors.* JT 1996 (2) SC 117, the question whether Lohars are Scheduled Tribe in the State of Bihar had come up for consideration. In Bihar, Lohars were not included in the list of Scheduled Tribes. They claimed the status of Scheduled Tribes. Lohars are only blacksmith while Lohras are the Scheduled Tribe notified by the President. The apex Court held that it was not permissible for the Court to consider whether Lohars are Lohras who are declared to be Scheduled Tribes.

(ix) In *Valsamma Paul Vs. Cochin University & Ors.* (1996) 1 SC 57, the question under consideration was whether a lady belonging to forward class could claim the status by virtue of being married to a backward class (fisherman). It was held that she was not entitled to the said status. The retrogate attempt to grab

the benefit of the distributive justice to the targeted group was held to be prevented.

(x) Whether the Lois other than the Lois residing in the eight villages namely Seking (Awang), Playong, Khurkhul, Koukruk, Laimaram, Kwatha, Laimaram Khunon (Jairenpokpi) and Andro of Manipur are entitled to claim the status as Scheduled Caste was a question before the Supreme Court in Civil Appeal No. 14517 of 1996; Shri Heikham Suichanda Singh & Ors. Vs. the representatives of Lois Kakching, Manipur (A Scheduled Caste Uplift Body) and others ? The Hon'ble Court in its judgement held that though the High Court was right that until the amendment to the list is duly been made, the Lois would be entitled to the status of Scheduled Caste. However, before issuance of the certificate of status, the competent officer should enquire whether the applicant is subjected to the disabilities which the Scheduled Castes have been suffering. All those who satisfy these criteria alone are entitled to the issuance of certificate until the amendment is duly made by the Parliament under Article 341 (2) of the Constitution.

(xi) In case of Director of Tribal Welfare, Govt of Andhra Pradesh Vs. Laveti Giri and other (Civil Appeal No. 4545/95, decided on 18-4-95) Hon'ble Supreme Court held that it is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval. The Hon'ble court further directed that the Govt. of India would have the matter examined in greater detail and bring a uniform legislation with necessary guidelines and rules prescribing penal consequence on persons who flout the Constitution and corner the benefits reserved for the real tribals etc., so that the menace of fabricating the false records and to gain unconstitutional advantages by plain/spurious persons could be prevented. Lest they would defeat the Constitutional objective of rendering socio-economic justice envisaged under Article 46, in the Preamble of the Constitution and under Article 14,15,16, 38, and 39.

8.10 Many of the complaints received by the Commission pertained to false certificates in Public Sector organizations. In this Report, an analysis of some of the important cases, highlighting the lacunae and lapses in the procedures and laxity on the part of administrative authorities in taking action against the false certificate holders has been made as under:

I United Commercial Bank

(1). Shri Shanmugasundram joined the Bank on 4-6-83 on the basis of the letter of appointment dated 19-4-83 issued to him, as a peon. He produced the caste certificate declaring him as belonging to Konda Reddy-ST community. The certificate was issued by Tahasildar, Bhavani, earlier on 21-6-76 and later at the

time of joining on 29-4-83. He was asked to produce the certificate from the competent authority viz. Revenue Divisional Officer (RDO), which he could not do. The Head Office confirmed his service vide letter dated 9-3-84, subject to the condition that he would not be eligible for any benefits of ST. Verification, in the meantime, was carried out by revenue authorities and it revealed that he did not belong to ST community. When the Bank contemplated issuance of charge-sheet, he filed writ petition No. 20674/94 before High Court, Madras and obtained a stay. The writ petition was dismissed on 15-10-96 giving liberty to the Bank to initiate action. While the Bank was in the process of initiating disciplinary proceedings, he filed one more writ petition 19295/96 on 12-12-96 and obtained stay on disciplinary proceedings. The Bank was taking steps for vacating the stay.

(2) Shri R. Parthiban joined the Bank as a Peon on 20-6-83. He declared as per the community certificate dated 8-12-77 issued by Tehsildar, Thiruvarur that he belonged to Konda Reddy ST Community. But at the time of joining, he did not produce any certificate issued by the competent authority i.e. Revenue Divisional Officer (RDO). He was allowed to join provisionally and was given time for production of the certificate which he did not comply. Vide letter dated 26-3-84, Head Office confirmed his service as general candidate forfeiting the benefits available to him as ST community. The District Collector vide report dated 14-2-87 stated that he did not belong to ST community and consequently the certificate produced by him was false. While the Bank was contemplating action against him for producing false caste certificate, he filed a writ petition No. 20155/94 and later in No. 19293/96 obtained stay on disciplinary proceedings. The draft chargesheet was sent to the Branch for serving on him, but it could not be served in view of the stay.

(3) Shri A. L. Alagar Kumar Joined the Bank as a Field Officer on 16-5-83. He produced two caste certificates dated 6-6-83 and 23-7-84 declaring himself as Kattunaicken (ST community) issued by Tehsildar, Usilampatti. He was confirmed in service. But verification of his community revealed as per report dated 7-2-95 submitted by RDO that he did not belong to that community. The Bank was therefore contemplating to initiate disciplinary proceedings against him. He obtained stay of disciplinary proceedings by filing writ petition bearing No. 18651/94 which was dismissed on 15-10-96. Subsequently he filed another writ petition 19132/96 and obtained stay. But, in the meantime, he was issued a chargesheet dated 30-11-96 on the ground that he had procured employment on false certificate. Further action has not been taken because of stay. The Bank was taking action to get the stay vacated.

(4) Shri N. Sundaresan joined the Bank on 23-7-81 as a Clerk and he was later promoted to JMG Scale I with effect from 1-7-86. He declared that he belonged to Konda Reddy community and produced caste certificate dated 25-10-77 issued by Tahsildar, Thiruvarur alongwith the application for appointment in Bank's service. He did not produce the caste certificate issued by the competent

authority (Revenue Divisional Officer) as per the direction of the Bank. The matter was referred to revenue authorities and it is still pending with them. To stall the proceedings, if any, taken for obtaining employment on false certificate, he filed two writ petitions 20036/94 and 19136/96. While the first writ petition was dismissed on 15-10-96, the second one is pending. No charge sheet could be issued since the revenue authorities have not yet given the detailed report.

8.11 All the above 4 selected cases of United Commercial Bank reveal that the Bank authorities allowed the above-said candidates to join service as ST candidates although the community certificates produced by them had not been issued by the competent authority. Further, the Bank authorities also treated them as general candidates when they failed to produce caste certificates from the competent authority. This shows that the matter was not dealt with due seriousness in accordance with rules as a result of which the fraudulent persons continue to be in service against the posts reserved for STs.

II Life Insurance Corporation:

(1) Shri S. Chandramohan was appointed as typist in the year 1984 and produced Scheduled Tribe certificate stating his community as 'Konda Reddy' issued by Tehsildar, Nanguneri, Tamilnadu on 1-7-1980. On 6-6-91 District Collector informed that on verification it was found that the certificate is fabricated and a forged one. The LIC initiated disciplinary proceedings. Shri Chandramohan filed a writ petition in the Hon'ble High Court, Madras (W.P. 101 of 1993) which stayed the disciplinary proceedings.

(2) Shri M. R. Anand was appointed as Assistant on 28-6-1990 on the strength of community certificate that he belonged to 'Konda Reddy' community which is notified as Scheduled Tribe in relation to the State of Tamilnadu. The Scheduled Tribe certificate dated 29-3-1990 was issued by Tehsildar, Purasawalkam, Tamilnadu. On verification, the District Collector Salem on 30-5-1991 intimated that the aforesaid certificate was false. On the basis of the said report, LIC issued show cause notice to Shri Anand on 19-7-1993 for initiating disciplinary proceedings against him. He, however, filed a writ petition before the Hon'ble High Court Madras (W.P. 14 520 of 1993) who stayed all further proceedings pursuant to District Collector's letter dated 30-5-1991 pending disposal of the writ petition filed by Shri Anand.

8.12 Above said two cases of Life Insurance Corporation reveal that the appointing authorities did not get the Scheduled Tribe certificate verified from the competent authority at the time of initial appointment. It is well established law that a caste/community certificate issued by a competent authority under seal continues to be a valid document till it is cancelled by the said authority or a higher authority. In case the community status certificate is cancelled by the competent authority, the disciplinary proceedings can be initiated by the

appointing authority for terminating the services of the concerned employees. In these cases the caste certificates should have been cancelled when it was verified and confirmed that these were false. Had the certificates been cancelled by the competent authority the above said persons would not have been able to get the stay orders.

III Bharat Heavy Plates & Vessels Limited:

(1) Shri N.G.K. Patro was appointed on 24.6.1980 against the reserved point for Scheduled Tribes. He submitted a Scheduled Tribe Certificate stating his Tribe as 'Oriya Holva Caste' issued by Tehsildar incharge, Parvatipuram, Andhra Pradesh. His Scheduled Tribe certificate was referred to the District Collector, Vizianagaram on 4.7.1981 for verification. District Collector submitted a report that Shri Patro did not belong to Scheduled Tribe. The management initiated disciplinary action against Shri Patro on 19-12-1981 but later on, dropped further disciplinary action. At the instance of the then Commissioner for SCs/STs, Government of India, the Management started disciplinary proceedings afresh, and on 5.6.1987 a charge sheet was issued to Shri Patro on the same charges followed with a show cause notice proposing dismissal from service. Shri Patro challenged the show cause notice in the High Court of Andhra Pradesh. The Hon'ble High Court of Andhra Pradesh has finally disposed of the said Writ Petition and passed order (WP 15378 of 1987) on 16-2-95 as follows:

- (i) No independent enquiry was conducted by BHPV to come to the conclusion that Shri Patro is not scheduled tribe, except based on the report of the District Collector, Vizianagaram given in the year 1981.
- (ii) Though a charge sheet was issued earlier in pursuance of the District Collector's report, further action was dropped by BHPV Management in view of its decision in Management Committee meeting.
- (iii) Again in the year 1987, disciplinary proceedings were initiated on the same aspect and not having regard to any fresh material after 1981 on the basis of same report of the District Collector of 1981 upon which action had already been dropped by the Managing Committee.
- (iv) When a fraud is played that has to be detected with diligence in reasonable time and Shri Patro had put in service of 18 long years.
- (v) In these circumstances it is not desirable to continue the disciplinary proceedings any further

8.13 BHPV has filed WA before the Division Bench of High Court Andhra Pradesh which is still pending for disposal. This Commission after discussing the matter with BHPV Management advised them to instruct their counsel to get this matter expeditiously disposed of by filing a petition in the High Court.

(2) Shri I.B. Rajendra Prasad was appointed on 7-5-79 to the post of Asstt. Engineer against the post reserved for Scheduled Tribe. He had produced a Scheduled Tribe certificate issued by Tehsildar, Nuzvid, District Krishna, Andhra Pradesh on 22-11-76, stating his tribe as 'Manya Kapu'. On 15-4-86, the Scheduled Tribe certificate was referred to the District Collector, Krishna District for verification. On 25-6-86, Director of Tribal Welfare, Hyderabad intimated that the community Manya Kapu has never been declared as Scheduled Tribe in the State of AP and as such the Scheduled Tribe certificate produced by Shri Prasad was not valid. He was also directed not to wait for any reply in this regard from the District Collector, Krishna. On the basis of this letter, disciplinary action was initiated against Shri Prasad on 6-6-1987. Shri Prasad challenged the disciplinary proceedings by filing WP in the High Court of A.P. Hon'ble High Court vide its order dated 21-7-90 decide that the community 'Manya Kapu' is not a synonymous to 'Konda Kapu' which is a Scheduled Tribe in the State of AP. Against this decision, Shri Prasad preferred WA before the Division Bench of High Court of Andhra Pradesh. The Hon'ble Division Bench of High Court disposed of the said Writ Appeal (WA 1054 of 1990) vide its order, dated 22-2-96 that, "no action is taken against the appellant making out a case of his having produced a false caste certificate, getting his appointment and promotion on the basis of such certificate and he is allowed to retain the present post but that caste certificate issued in his favour though has been cancelled without affording him opportunity to contest yet would be treated as nonest in the eye of law and no further benefit either to him or his offspring would be allowable on its basis in any field what so ever and that the appellant and his offspring would not be treated as Scheduled Tribes for any purpose hereafter". The Commission has advised BHPV to file SLP before the Supreme Court against the orders of the Division Bench of AP High Court. The SLP was filed by BHPV in the Supreme Court. But the Supreme Court, while hearing, the SLP on 8-12-97, stated that it was not inclined to interfere in the matter in view of the peculiar facts and circumstances of the case and accordingly the SLP was dismissed.

(3) Shri N.S.C. Bose was appointed on 2-4-79 as LDC (Typist) against the post reserved for Scheduled Tribe. His Scheduled Tribe certificate was issued by Tehsildar of Chirala, Andhra Pradesh on 26-10-77 stating his tribe as 'Boya (Valmiki)'. On 6-3-81, District Collector, Prakasam was requested to verify the bonafides of this certificate. On 21-11-1981, District Collector informed that Shri Bose belonged to 'Boya Valmiki' which is Scheduled Tribe. District Collector was again requested to verify the aforesaid certificate in view of the Presidential notification of Scheduled Tribes in relation to the State of Andhra Pradesh.

District Collector vide his letter dated 6-6-92 stated that Shri Bose does not belong to 'Valmiki' which is notified as Scheduled Tribe in relation to the State of Andhra Pradesh. Based on this report, disciplinary action has been started against Shri Bose. Enquiry Officer vide his order dated 10-1-97 concluded that Shri Bose was not guilty either in getting the caste certificate or declaring himself as Scheduled Tribe in many documents as his caste certificate was issued by Tehsildar, Chirala and since the two reports dated 21-11-1981 and 6-6-1992 of the District Collector were contradictory to each other whether he belongs to Scheduled Tribe but are in uniform in one aspect that Shri Bose belongs to 'Valmiki Boya' caste. The Commission has advised the management of BHPV to write to District Collector concerned to issue an order specifically cancelling the community certificate issued in favour of the employee and on cancellation BHPV should take action for terminating his services.

(4) Shri T. Suryanarayana was appointed as Artisan on 8.12.1979 against the reserved point for Scheduled Tribe. He submitted Scheduled Tribe certificate dated 5.12.79 issued by Tahsildar, Purohitunivalasa, Salur Taluk, District Vizianagaram, Andhra Pradesh. On 3.6.81, his Scheduled Tribe certificate was referred to District Collector, Vizianagaram for verification. On 30.10.81 District Collector communicated that Shri Suryanarayana belonged to 'Adi-Andhra' which is notified as Scheduled caste and not as Scheduled Tribe in the State of Andhra Pradesh, Disciplinary proceedings were started and Shri Suryanarayan filed a WP in the High Court of A.P., challenging the disciplinary proceedings. The Hon'ble High Court of AP dismissed the Writ (WP 7595 of 1988) vide order dated 25.7.1988 directing the disciplinary authority to give to the individual reasonable opportunity to produce all materials on which he seeks to rely. The charge framed was finally held proved and the management decided to drop further action against Shri Suryanarayan and adjusted him against the Scheduled Caste vacancy. Taking all the facts into consideration Commission suggested to BHPV Management to write to Collector concerned requesting him to cancel the ST Certificate issued to the employee as per established procedure. After receipt of cancellation order, management should take disciplinary action for dismissal from service.

8.14 All these 4 cases of Bharat Heavy Plates & Vessels Limited reveal that the appointing authorities did not get the Scheduled Tribe certificate verified from the competent authority at the time of initial appointment. Based on the report of the District Collector, disciplinary action has been initiated by the management which is not correct in law as the certificate should have been formally cancelled before taking any action against the concerned persons. The legal wing of the BHPV does not seem to have properly put up the cases before the Hon'ble High Court. As a result, non-Scheduled Tribes are still working against the posts reserved for Scheduled Tribes. All these certificates were issued by respective Tahsildars who have got easy access to the revenue records. It is thus strange that no proper enquiry was conducted before issuing the certificates. The State

Govt. Should therefore ensure that the concerned authorities issue caste certificates with due care and responsibility.

IV Air India

(1) Shri M.J. Piedade was appointed as Driver on 26.6.83 against the vacancy reserved for Scheduled Tribe. He produced Scheduled Tribe certificate issued by Collector, Bombay, Maharashtra on 7.4.83 stating his tribe as Mahadeo Koli. His Scheduled Tribe certificate was referred to Collector, Bombay for verification who indicated that his certificate was not in order. The management started disciplinary action and treated him as general candidate. On 21.2.97 the service of Shri Piedade were terminated on the same ground and a complaint was lodged with the police for initiating criminal case as per the advice of this Commission. He filed a WP before the Hon'ble High Court, Bombay and obtained stay order against the said order. Hon'ble High court has observed (WP 465 of 1977) that, "the said order is passed behind the back of the petitioner and without affording him an opportunity of being heard. In the circumstances, we find that the petitioner has made out a prima facie case for grant of interim relief prayed for in the petition. The impugned order dated 21st February, 1997 is stayed."

(2) Shri L.M. Shriyan was appointed as Office Assistant on 1.9.75 against the vacancy reserved for Scheduled Caste. He produced Scheduled caste certificate issued by Tahsildar Managalore, Karnataka on 30.11.81 stating his caste as 'Moger'. On verification Tahsildar., Mangalore intimated that the certificate produced by Shri Shriyan was false. Disciplinary action was initiated against him on 19.7.84. Considering his number of years of satisfactory service and being the first act of misconduct, his increment was deferred and he was reverted to the post of clerk. Later on as per the advice of the Commission his services were terminated on 21.2.97 on the same ground and a complaint was lodged with SP, Mangalore on 25-9-96 for the initiating a criminal case. He filed a Writ Petition in the High Court, Bombay. On 15th April, 1997, Hon'ble High Court has observed (Writ Petition 371 of 1997) that, " the said order is passed behind his back and without affording him a reasonable opportunity of being heard. In the circumstances we hold that the petitioner has made out a prima facie case for grant of interim relief claimed in the petition. The order dated 21st February 1997 to the petitioner is stayed."

(3) Shri S. Ranganathan was appointed on 3-2-80 as Air Craft Engineer against the vacancy reserved for scheduled tribe. He submitted scheduled tribe certificate issued by Metropolitan Magistrate, Madras, Tamilnadu on 18-8-79 stating his tribe as 'Konda Reddy'. His certificate was referred to District Magistrate, Trichi for verification on 3-5-82 who declared that Shri Ranganathan did not belong to scheduled tribe community. Disciplinary proceedings were initiated on 2-4-83 for the first time and a lenient view was taken considering his age and otherwise satisfactory record and punishment of

reduction of basic pay was awarded on 17-5-89. Later on as per the advice of this Commission his services were terminated on the same charge on 20-2-97 and a complaint was lodged with Commissioner of Police, Chennai on 25.9.96 for initiating criminal case against him. He filed a Writ Petition in the High Court, Bombay. The Hon'ble High Court has observed in Writ Petition 397 of 1997 "the said order is passed behind his back and without affording a reasonable opportunity of being heard." The Hon'ble Court has directed "that pending the hearing and final disposal of the petition, the operation and implementation of the impugned order dated 20-2-1997 be stayed and the respondents be directed to allow the petitioner to continue with his employment."

(4) Shri S.P. Hetya was appointed as a Cleaner on 9th June, 1978 as a general candidate. On 25th July, 1983 he furnished a scheduled tribe certificate certifying that he belonged to scheduled tribe "Christian Mahadeo Koli". His scheduled tribe certificate was referred to the Collector, Thane for verification on 1-9-83. Executive Magistrate, Vasai vide letter dated 12-3-85, intimated that Shri Hetya did not belong to **scheduled tribe community** and his certificate was cancelled. The management intimated to Shri Hetya that the caste certificate issued to him stood cancelled and he would continue to be treated as a general candidate. Later on as per the advise of this Commission services of Shri Hetya were terminated on 21-2-97. Shri Hetya challenged the order of termination of his service in the High Court, Bombay. The Hon'ble High Court has observed in Writ Petition 1221 of 1997 "the petitioner was appointed in the general category and he was continued to be treated as a person belonging to general category all throughout. In such circumstances, the order of termination passed by respondent number 1 (Air India) on 21-2-97 is clearly illegal and unjust. The petitioner's service of about 20 years could not have been terminated in this fashion lawfully." Court further directed "the petitioner shall be re-instated in service and will be entitled to back wages and all other benefits, including the continuity of service."

8.15 All these 4 cases of Air India reveal that the management violated the provisions contained in the relevant orders issued by Government of India from time to time as they did not terminate the services of the said persons when their caste certificates were proved to be false. On the contrary, the management had taken lenient view and awarded minor punishment. At a later stage after the intervention of the Commission, the management terminated their services and that too without following the prescribed procedure. As a result they could obtain stay order from the Hon'ble Court.

V Bharat Heavy Electircals Limited:

(1) Shri Prakalathan, was appointed as unskilled worker in Bharat Heavy Electricals Limited, Tiruchy on 25.2.82 based on the community certificate dated 5.5.1975 claiming that he belonged to Konda Reddy (Scheduled Tribe) community. On 31.12.1983, Bharat Heavy Electricals Limited had taken up this

case with District Collector, Tirunelveli for verification of his community. After the verification on 2.3.1989 the District Collector Tirunelveli cancelled the community certificate based on which Bharat Heavy Electricals Limited issued a chargesheet to the Shri Prakalathan and initiated disciplinary proceedings. On 24.7.1991, Shri Prakalathan filed a Writ Petition in the High Court, Chennai against the order of District Collector and obtained stay order (Writ Petition 4899/1991). Bharat Heavy Electricals Limited restarted the enquiry process on 3.1.1995 as it was not a party in the High Court praying to prevent the Bharat Heavy Electricals Limited to proceed with the Departmental enquiry against him till his Writ Petition No. 4899/1991 against the Government is decided. This Writ Petition was dismissed by the Hon'ble High Court on 18.4.1995. On 18.4.1995 itself the High Court allowed the writ petition No. 4899/91 and remanded to District Collector, Tirunelveli for conducting a fresh enquiry on the community of Shri Prakalathan. On 17.11.1995 the District Collector after holding a fresh enquiry confirmed his earlier cancellation order and Shri Prakalathan immediately filed a second Writ Petition (Writ Petition 748/1996) against the District Collector, Tirunelveli and Bharat Heavy Electricals Limited and obtained stay order.

(2) Shri M.R. Ramarajan was appointed as unskilled worker on 25.2.1982 based on community certificate dated 15.12.1977 issued by the Additional First Class Magistrate, Kulithalai, Tamilnadu claiming that he belonged to Konda Reddy (Scheduled Tribe) community. On 31.12.1983 his case was referred to District Collector, Tiruchy for verification. On 14.10.1988 the District Collector Tiruchy cancelled the community certificate. Shri Ramarajan filed a Writ Petition (Writ Petition 15991/1988) on 14.10.1988 in High Court, Chennai questioning the verification report of the District Collector. On 31.10.1988 Bharat Heavy Electricals Limited chargesheeted him for submitting the false community certificate and an enquiry committee was formed. On 13.7.90 the High Court Chennai disposed of the case staying the departmental action and directed District Collector, Tiruchy to conduct a fresh enquiry. The District Collector, Tiruchy confirmed his earlier cancellation order against which Shri Ramarajan filed second writ petition (Writ Petition 5238/91) in the High Court, Chennai and obtained stay order. The case is pending with the High Court.

(3) Shri R. Navneethakrishnan was appointed as Engineer Trainee on 1.10.1982. He submitted a community certificate issued by Special Tehsildar, Usilampatti, District Madurai mentioning his community as Konda Reddy (Scheduled Tribe). District Collector Chengleput being district of his permanent residence, was requested on 2.2.1989 for verification of his community. District Collector, Madurai was also asked to verify his community as the community certificate was issued by the Special Tahsildar Usilampatti which fell under his jurisdiction. After enquiry and after giving opportunity of personal appearance, District Collector cancelled the community certificate on 20.2.1997. On 20.3.1997 Bharat Heavy Electricals Limited issued chargesheet to Shri Navneethakrishnan. On 31.3.1997 he filed a Writ Petition (Writ Miscellaneous

Petition 7339/97) in the High Court and the Court has granted stay restraining the Bharat Heavy Electrical Limited from proceeding against the employee. On 4.7.1997 Bharat Heavy Electrical Limited filed counter to get the stay vacated and writ was pending in the High Court .

(4) Shri R. Kamalakannan was appointed as a unskilled worker in Bharat Heavy Electricals Limited Tiruchy on 25.2.1982 based on the community certificate dated 8.8.1997 issued by Tahsildar, Thuraiyur and community certificate dated 27.2.1979 issued by the Judicial 1st Class Magistrate, Kulithalai, Tamilnadu claiming that he belonged to Konda Reddy (Scheduled Tribe) community. On 31.12.1983 District Collector Tiruchirapalli was requested for verification of his community status and his original community certificate were sent to Collector on 9.2.1988. The Community Certificate of Shri R. Kamalakannan was cancelled on 22.5.1988. Bharat Heavy Electricals Limited issued chargesheet to Shri Kamalakannan on 1.10.1988. On 5.12.88 the High Court, Chennai (Writ Petition 15545/1988) stayed the proceedings against him. As per the order dated 3.7.90 of High Court, Chennai, the District Collector conducted a fresh enquiry and on 7.2.1991 confirmed his earlier cancellation order of community certificate. Shri Kamalakannan filed second writ petition on 13.3.1991 against the Collector's order and the High Court allowed the petition and remanded for a fresh proceedings by the District Collector. Even though the District Collector, Tiruchy confirmed the cancellation on 5.12.1995 a third writ petition was filed by Shri Kamalakannan on 20.12.1995 and the High Court, Chennai has issued a stay on all further proceedings against Shri R. Kamalakannan. Bharat Heavy Electricals Limited has filed counter on 4.7.1997 to get the stay vacated.

8.16 All these cases of false caste certificate in which stay order have been passed by Hon'ble High Court, Chennai reveal that the verification of Caste/Tribe status was not done at the time of initial appointment. The Competent Authority has taken a long time, in some cases even up to 5 years, in verification of the certificates. As the false caste certificate holders have been able to get stay from the Hon'ble High Court against disciplinary proceeding against them, it appears that the Bharat Heavy Electricals Limited has not been able to put its cases convincingly before the Hon'ble Court.

VI Fertilizer Corporation Of India(FCI)

8.17 The Commission took up for enquiry a complaint from Scheduled Caste & Scheduled Tribe Employees Welfare Association, Fertilizer Corporation of India Ramagundum Unit, Andhra Pradesh regarding production of false caste certificate by two persons viz., Shri J. Mallaiah, Mill Wright Fitter Mechanical and Shri Ramesh Babu, Steno Assistant.

8.18 A detailed inquiry by the Commission had revealed that Shri K.Chalamayya, a senior executive, also the disciplinary authority, had intentionally attempted to protect these two employees who had joined Fertilizer Corporation of India by producing false caste certificates.

8.19 The disciplinary authority of the Fertilizer Corporation of India when examined by the Commission, though claimed to have no knowledge of the law, being a person from technical background, had not sought any advice from the Personnel Department in writing. He had admitted before the Commission that he was aware of the consequences of producing false caste certificates. But he tried to save the two persons by down grading their rank and ordered that they be treated as non-SC/ST candidates in the Fertilizer Corporation of India on 11.9.95. This was in clear violation of the Government of India instructions which lay down that the services of false caste certificate holders should be terminated forth with.

8.20 Commission took the view that it is a clear case of wilful disobedience of directions of law which is punishable under Section 217 of IPC. Therefore, Commission asked the Fertilizer Corporation of India to register a complaint against Sh. Chalamayya and also to start departmental proceedings against him. In compliance of the Commission's advice, Fertiliser Corporation of India filed a complaint against Shri Chalamayya on 1.8.97 in the Court of First Class Judicial Magistrate at Peddapally and served a chargesheet upon him on 14.8.97 for starting the departmental proceedings. Final outcome of the case was awaited.

OBSERVATIONS/ RECOMMENDATIONS

8.21 On the basis of issues and cases about the false Community Certificates discussed above, the Commission makes the following observations / recommendations.

(1) An analysis of the false cases of Scheduled Caste and Scheduled Tribe certificates in which Hon'ble Courts of Law granted stay orders reveal that the appointing authorities are not dealing firmly with the cases of community status certificates.

(2) The instructions issued by the Govt. of India from time to time provide that the appointing authorities should verify the scheduled caste and scheduled tribe certificates through the competent authority of the place of permanent abode of the certificate holder(s) and in case, the verification reveals that the candidate's claim is false, his/her services should be terminated. As these instructions were not being scrupulously observed by the administrative authorities, the Govt. of India, DOPT issued detailed instructions specifying the authorities competent to issue community

certificate and directing the appointing authorities to include the following clause in the offer of appointment to the candidates claiming to be SCs/STs.

“The appointment is provisional and is subject to the caste/tribe certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste /Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.”

It has however been observed that the appointing authorities are not generally incorporating the above clause in the offers of appointment. The Commission, therefore, recommends that non-inclusion of the above clause in the officers of appointment should be treated as a serious lapse and necessary disciplinary action taken against the officers issuing the offer.

(3) The concept of verification and cancellation is quite different. Verification needs an enquiry by the component authority either directly or through the subordinate officers whereas the process of cancellation is quasi-judicial one. Under the process of cancellation, the competent authority holds an enquiry, record the oral and documentary evidences and give reason on findings arrived at. The competent authority directs the issuing authority to prove that the said certificate has not been issued wrongly, as the burden lies on the issuing authority and not on the certificate holder. The certificate holder can not be called upon to justify the validity of the certificate. In case the competent authority is satisfied that the certificate is invalid, may order that the certificate is cancelled and the incumbent may also be prosecuted for procuring the certificate on the basis of false and fabricated documents. On receipt of cancellation order the appointing authority may issue show cause notice and terminate the service as the persons managed to get job reserved for Scheduled Caste or Scheduled Tribe on the basis of false /fake document.

(4) Government of India, Department of Personnel and Training should issue necessary instruction to ensure the compliance of prescribed procedures and guidelines by the appointing authorities so that persons entering into service on the basis of false caste certificates may not be able to get stay against disciplinary proceedings on technical grounds. A clause may be incorporated in the instructions that the cases of technical lapses arising out of non-compliance of guidelines will be seriously viewed and stringent action would be taken against the authority concerned.

Similarly certificate issuing authorities should also be made accountable for issuing false certificates. In this regard, as suggested by the Commission earlier a comprehensive bill to regulate the issue of community certificate relating to persons belonging to SC,ST and OBC should be introduced in the Parliament. This would prove to be a milestone in curbing the menace of false community certificate if it is enacted by the Parliament. The Commission, therefore, recommends that the bill should be introduced in the Parliament as early as possible incorporating the suggestions and recommendations of the Commission.

CHAPTER IX

CRIMES AND ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES

It is a matter of great concern and regret that in our society, its weakest and vulnerable segments continue to suffer from discrimination, exploitation and atrocities. Despite provisions for removal of disabilities and discrimination against SCs & STs provided in the Constitution of India, incidents of atrocities on members of SCs & STs continue to be reported from all parts of the country in varying numbers.

9.2 The main Constitutional provisions are as under :

Article 15 (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 & 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 general public .

Article 17 **Abolition of Untouchability** - "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.

Article 25 Freedom of conscience and free profession, practice and propagation of religion - (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice propagate religion.

9.3 There are special enactments relating to Scheduled Castes and Scheduled Tribes. These are Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The Protection of Civil Rights Act, 1955

9.4 The Untouchability (offences) Act, 1955 was amended and renamed in 1976 as the Protection of Civil Rights Act, 1955. Under the revised Act the practice of untouchability was made both cognizable and non-compoundable and stricter punishment was provided for the offences.

9.5 Under Section 15A (1) of PCR Act, 1955 the responsibility has been legally cast on the State Governments to take such measures as may be necessary for ensuring that the rights arising from abolition of "Untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of "Untouchability". This could be done through provisions of legal aid, appointment of officers for initiating or exercising supervision over prosecutions under the Act, setting up of Special Courts and setting up of Committees at the appropriate levels to assist the State Governments in formulating or implementing such measures. The Central Government was charged with the responsibility of taking such steps as might be necessary to co-ordinate measures taken by the State Government and place a report on the Table of each House of Parliament every year on the working of PCR Act, 1955. So far the Central Govt. has placed 14 reports covering the period upto 1993 in the Parliament.

Untouchability is not only in physical form but is dwelling deep in the minds of the people.

9.6 Data (as per NCRB) given below indicates that, even after 50 years of Independence, Untouchability has not been abolished as provided in Article 17 of the Constitution & incidents continued to be reported.

Cases Registered Under PCR Act

YEAR	CASES
1995	1528
1996	1417
1997	1157

9.7 The main causes for the continuance of untouchability even after 50 years of Independence are :

- (a) the deep rooted caste system
 - (b) carrying on of unclean occupation by the Scheduled Castes,
 - (c) illiteracy,
 - (d) lack of social awareness among the Scheduled Castes
 - (e) rigidity and bias created by religious literature.
- In many cases instead of 'physical' untouchability, there are instances of mental and social distancing.

9.8 Untouchability is a long standing social evil and can be effectively countered by organised and determined social action. Illiterate and poor people smarting for ages under social stigma cannot find dignity in society only through an enactment supported by police action, but the society at large has to do it for them. This is the challenge of our times. Government initiatives can act as catalyst in hastening this process of social change.

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

9.9 The brutal incidents resulting in loss of life and property of SC/ST persons continue to occur. There are numerous incidents involving varied forms of atrocities on the down trodden, often revealing a highly perverted social behaviour such as forcing persons to drink or eat inedible substances such as human excreta, dumping carcasses or other waste matter in their premises, polluting drinking water sources used by them and implicating them in false cases etc. All the measures taken were not found to be effective enough in curbing the incidents of atrocities on Scheduled Castes and Scheduled Tribes. To meet this requirement, a stringent law was enacted under the title The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which for the first time legally defined atrocity on SCs/STs . The SC and ST (POA) Act,1989 specifies the atrocities which are liable to penalties under the Act. These are namely (1) forcing the eating of obnoxious substances, (2) dumping waste matter on land, (3) denudation, (4) wrongful occupation of land. (5) dispossession, (6) bonded labour ,(7) intimidation during voting, (8) mischievous litigation,(9) false information,(10) public humiliation, (11) outrage of modesty, (12) sexual exploitation, (13) fouling of water resource , (14) obstruction of entry to a place of public resort,(15) eviction from habitation (16) mischief with explosives,(17) destruction of buildings and (18) suppression of evidence. These offences under the POA Act carry heavier penalties than similar offences under the Indian penal Code. The offences of custodial rape, highway robbery and house breaking by night which carry a minimum punishment of 10 years under the Indian Penal Code are punishable with imprisonment for life and with fine under

the Prevention of Atrocities Act. The Act also provides for forfeiture of property, externment, and collect punitive fine and provides for Special Courts and Special Prosecutors for expeditious disposal of cases.

Conference of Home Secretaries and Director General/Inspector General of Police of States/UTs on crime and atrocities on SC/ST held on 16.12.96 at Vigyan Bhawan, New Delhi.

9.10 A conference of the Home Secretaries and DGs/IGs of Police of States/UTs on the subject of Crime and atrocities on Scheduled Castes and Scheduled Tribes was organised by the Commission at Vigyan Bhawan, New Delhi on 16.12.96. It was inaugurated by Shri Inderjeet Gupta, Hon'ble Home Minister of India. The meeting was held to review the efforts being made by the States/UTs and in checking the crimes against SCs/STs and specially to ensure the implementation of PCR Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It was emphasised that the preventive measures mentioned in the Act should be enforced to create an environment in which the SCs & STs live with dignity and feel secure. It is imperative that strict vigilance and prompt action is taken as per law. It was also stressed that the Police personnel and all the officers concerned with the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 should be properly trained. Following recommendations were made during the conference :

(1) Since the number of officers at Dy. S.P level are not adequate for investigating into all the cases resulting in delays, Rule 7 of the SC & ST (POA) Rules, 1995 should be amended to make investigations possible by officers lower in rank than Dy.S.P. to facilitate proper investigation. It was recommended to amend the Rule to enable the State Governments to have the power to designate the officers who will conduct the investigation.

(2) It was agreed that Section 4 of the SC & ST (POA) Act, 1989 should be amended to include all the officers including SC/ST for neglecting their duties. As such the words 'but not being the member of SC/ST' in line 2 of the Section should be deleted.

(3) In order to ensure speedy trial & disposal of the case in the courts it was necessary to make prosecution accountable to Police, especially at the district level.

(4) Presently the offences have been listed in Section 3(1) & 3(2) of the SC & ST (POA) Act, 1989. It was suggested by a number of officers that the punishment for all the offences under Section 3(1) is the same though the nature of these offences varies from minor to severe. As such total revision of the offences is required and some offences can then be deleted.

(5) The proper enforcement of the act requires the support of other agencies and can't be done by the police machinery alone. Awareness needs to be created through involvement of NGO's & Panchayats.

(6) The judgement of full Bench, M.P. High Court in Anand Swaroop Tiwari Vs. Ram Ratan Jatav and two others (decided on 23.8.95) may be referred here for the procedure for trial. In this judgement the Court has held that the Special Court has the status & level of Court of Session, but is not a Session Court. It is not bound by the provision of Section 193 Cr.P.C. and can take cognizance in circumstances referred to in Section 190 of Cr.P.C. The judgement of Madhya Pradesh High Court regarding the powers of special courts to take cognizance of the cases directly was circulated to all the officers for action accordingly.

(7) Where the number of registration of cases is high and the pendency is substantial, the state Govts. should take immediate steps to set up exclusive Special Courts and seek financial assistance from the Ministry of Welfare.

9.11 Commission has separately recommended these amendments to the Ministry of Welfare so that necessary changes be made in the Acts and appropriate instructions issued to the concerned authorities. Minutes of the Conference have since been circulated by the Commission to all the State Govts./UTs Administrations also for taking necessary action. Ministry of Welfare and Ministry of Home Affairs which are also concerned with various recommendations should sent the action taken report to the Commission.

9.12 Steps taken by the States/UTs to implement the Provisions of the Act and their suggestions as discussed in the Conference, are given below:

1. Andhra Pradesh

PCR Cell headed by an I.G. of Police has been set up at headquarters level. It is also part of the CID & has therefore, the advantage of the investigative capability and support of the CID Wing which is headed by an Addl. D.G. The PCR Cell is also assisted by an adequate number of officers and staff at field level. The implementation of Provisions of SC/ST (POA) Act are looked after by PCR Cell. The relief and rehabilitation side is looked after by the Department of Social Welfare. The Commissioner Social Welfare has been appointed as the nodal Officer under the rules. Special Courts have been designated in all the districts and special prosecutors have also been appointed. The untouchability prone areas have been identified and proper action is being taken for investigation, prosecution and for providing relief to the victims of atrocities. From 16.1.96, the norms of relief and rehabilitation as prescribed under the Govt. of India Rules are being followed. The cases are also being monitored at the highest level.

It was also mentioned that one of the problems in faster investigation and prosecution was the provision in Rule 7 of the POA Rule that only Dy. S.P. and above can investigate these offences. As there are limited number of officers of this rank many cases get delayed because of this provision. It was also suggested that officers below the rank of Dy.S.P. upto Inspector level should also be given power to investigate these cases to speed up the process.

2. Assam

No such crimes under PCR Act, 1955 and the SC & ST (POA) Act, 1989 have been registered.

3. Bihar

Bihar Govt. have set up Cells at State, division, district & block level for monitoring crimes against SCs/STs. 14 new Police Stations are under consideration. There is SC/ST Cell in the Hqrs. Police Stations have been given copies of acts & rules and 35 districts have been declared as sensitive districts. It was suggested by the Chairman that exclusive Special courts should be set up.

4. Gujarat

Preventive measures are being taken. There is an increase in the crime rate. The Chairman of National Commission directed the officers of Gujarat to set up exclusive special

courts to deal with heavy pendency of cases & seek financial assistance for this purpose from the Ministry of Welfare.

5. Karnataka

There is a separate CRE Cell headed by Additional D.G. and supported by I.G. & other officers.

6. Kerala

In Kerala there is Special Cell set up under the Additional D.G. for looking after crimes and atrocities on SCs & STs and there are three mobile squads in the districts of Wayanad, Kasargod and Palghat.

7. Madhya Pradesh

In 26 districts they have Anusuchit Jati Kalyan (AJK) Police Stations and in other remaining districts they have AJK Cells. Training has been introduced for sensitising officers. In 14 districts the survey of atrocity prone areas has been completed and in other 6 districts it is on. 10 Special Courts have been set up and 15 more are being set up shortly. There is a SC/ST protection Cell at the police Headquarters.

8. Maharashtra

Offences under the PCR Act were declining. The police is registering serious cases under the SC & ST (POA) Act, 1989.

9. Orissa

The number of cases has increased due to an increase in the awareness of people. SC/ST Cell is there and rehabilitation is provided by Social Welfare Department.

10. Rajasthan

It was suggested by the officers that prosecution should be made accountable to the police.

11. Tamil Nadu

There are 4 exclusive Special Courts under PCR Act. Training Programmes are being conducted for the Police officials. Tamil Nadu Govt. has also identified 85 villages as atrocity prone.

12. Uttar Pradesh

There are 68 designated courts ; preventive measures are being taken and DMs and SPs have been made responsible for this. Monetary relief is paid to the victims of the atrocity cases on a prompt basis.

13. West Bengal

All district courts have been designated as Special Courts.

14. Chandigarh

Session Court Chandigarh has been designated as Special Court for trial of cases under the PCR Act and the SC & ST (POA) Act.

15. Pondicherry

There are no cases of atrocities on SC/ST as a harmonious atmosphere prevails. There is a separate PCR Cell at the Hqrs. Three Special Police Stations have also been set up.

9.13 Commission had also conducted State level review meetings in a number of States/UTs during which the following observations were made :-

(i) Only a few States such as M.P., Rajasthan, Andhra Pradesh had set up exclusive Special Courts. The infrastructure of the court was also inadequate to cope up with the high number of cases.

(ii) As per some Judicial observations by Allahabad High Court many of the designated Special Courts are not taking cognizance of the offences directly under SC & ST (POA) Act 1989 because of Sections 190 & 193 of Cr.P.C. There is a need to clarify this issue following the observations of the M.P. High Court and amend rules etc. if necessary.

(iii) A large no. of cases are ending in acquittal because witnesses are not turning up and prosecution is not effective. It is the responsibility of the prosecution officers and the police to ensure that witnesses are present in the Courts. Further, Courts are sometimes treating SC/ST witnesses as interested witnesses. This view needs to be revised.

(iv) The SC & ST (POA) Act, 1989 provides for setting up of monitoring, vigilance and implementation committees at various levels. These committees have not been set up in all the States and where set up, they are not meeting or monitoring cases as regularly as they should.

(v) The Orientation of police personnel and their proper training also needs to be improved. It has also been observed that many police stations don't have the translated copies of the Act. As a result the police officers are not able to use proper sections.

9.14 It was also stressed that an awareness should be created amongst people about the provisions of these Acts and the police authorities should also take quick action. Such a situation only would ultimately help in the prevention of crimes.

Special Courts for Trial of Offences against Scheduled Castes and Scheduled Tribes.

9.15 For the speedy trial of cases registered under the PCR Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 there are provisions for setting up of Special Courts. The offences covered under the SC & ST (POA) Act, 1989 are more serious than those covered under PCR Act and the punishment under SC & ST (POA) Act are also higher than punishments for offences under the PCR Act. Section 14 and 15 of SC & ST (POA) Act provide as follows:

Section 14 - For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazetted, specify for each district a court of session to be a special court to try the 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 Special Public Prosecutor for the purpose of conducting cases in that court.

9.16 As per the information available to the Commission designated Special Courts have been set up in the following States.

1. Andhra Pradesh

Three exclusive Special Session Courts at Chittoor, Guntur and Mahboobnagar were sanctioned during the year 1991, 23 Special Mobile Courts (JFCM) have been sanctioned by the Government of Andhra Pradesh in phased manner.

2. Assam

All the Session Courts of plains Districts and all the Courts of Deputy Commissioner of Hill Districts as Special Courts under SC & ST (POA) Act, 1989 have been notified as Special Courts.

3. Bihar

Designated Special Courts in all the Districts.

4. Goa

Three designated Special Courts at North Goa, Panaji and South Goa.

5. Gujarat

All District Section Courts designated as Special Courts.

6. Haryana

No Special Courts set-up in view of pendency of thirty cases only under PCR and SC & ST (POA) Act.

7. Himachal Pradesh

District and Sessions Courts in 9 Districts - Shimla, Mandi, Sirmour, Solan, Hamirpur, Kangra, Una, Chamba and Bilaspur - designated as Special Courts.

8. Jammu & Kashmir

No information readily available.(however, PCR Act is applicable while SC & ST (POA) Act is not applicable in the State).

9. Karnataka

Beside four exclusive Special Courts at Bijapur, Kolar, Raichur and Gulberga, District, Session Courts in all other districts have been designated as Special Courts.

10. Kerala

Designated Special Courts in 14 districts of the State viz., Trivandrum, Quilon, Pathanamthitta, Alleppey, Kottayam, Thodypuzha, Ernakulam, Trichur, Palghat, Kozhikhode, Telhchery, Manjeri Kapetta and Kasargode.

11. Madhya Pradesh

Beside 10 exclusive Special Courts viz., Dhar, Shajapur, Morena, Shahdol Damoh, Raisen, Mandla, Raipur, Bastar and Bilaspur, the Courts of Sessions Judge have been designated as Special Courts in remaining districts.

12. Maharashtra

Courts of District Session Judge in each district notified as Special Court. Similarly, the Bombay City Civil Court and the Court of Sessions for Greater Bombay notified as Special Court for the district of Greater Bombay.

13. Manipur

District and Sessions Judge Courts of East and West Manipur Districts designated as Special Courts.

14. Meghalaya

Special Courts have been specified in the all Districts for trying offences under the SC & ST (POA) Act, 1989.

15. Orissa

All 13 Districts Sessions Judges and six Additional Sessions Judges have been designated as Special Court.

16. Punjab

In each district the Court of senior-most Additional Sessions Judge designated as Special Court.

17. Rajasthan

Special Courts have been set up for speedy trial of cases under SC/ST (POA) Act in the Districts of Jaipur, Udaipur, Ajmer, Kota, Bikaner, Pali, Alwar, Merta, Pratapgarh, Dausa, Jhalawar, Sawai Madhopur, Baran, Tonk and Sri Ganganagar.

18. Sikkim

The District & Sessions Court (E&N) has been designated as the Special Court.

19. Tamil Nadu

Existing Sessions Courts designated as Special Court in all Districts.

20. Tripura

Court of Sessions Judge designated as Special Court in three districts of West Tripura, North Tripura and South Tripura.

21. Uttar Pradesh

All District Sessions Courts have been designated as Special Courts.

22. West Bengal

All District Sessions Courts have been designated as Special Courts.

23. Andaman & Nicobar Islands

The District and Sessions Judge, Andaman & Nicobar Island Port Blair is designated as Special Court.

24. Chandigarh

Session Court has been designated as Special Court.

25. Daman & Diu

Session Court has been designated as Special Court.

26. Delhi

One Court of Additional Sessions Judge has been notified as Special Court.

27. Pondicherry

Chief Judicial Magistrate, Pondicherry, SDJM, Karaikal and First Class Judicial Magistrate Yanam designated as Special Courts.

9.17 Commission has observed that the designated Special Courts are not in position to do justice with these cases of atrocities against Scheduled Castes and Scheduled Tribes because of prolonged proceedings, lack of interest by witnesses and their preoccupation with other Sessions Cases. **The Commission is of the opinion that there should be exclusive Special Courts, not just designated courts, for speedy trial of the atrocity cases.**

Workshop on sensitisation of police personnel

9.18 The Commission held a workshop with U.P. Police at Ghaziabad on sensitisation of police personnel to Civil Rights of Scheduled Castes and Scheduled Tribes which was organised by the District police Ghaziabad on 31.8.1996. The outcome of the workshop is given below:

- 1) The objective of the PCR Act 1955 and the SC & ST (POA) Act 1989 is primarily to take preventive steps and also to change the attitude of the people towards the down trodden Scheduled Castes & Scheduled Tribes.
- 2) Immediately on receipt of a complaint or a report in the police station the designated police officer should rush to the scene of incident for investigation of the case, so that the correct and first hand information is collected. This will also boost the morale of the SC/ST victims on the one hand and put psychological pressure on the accused and other people of the area.
- 3) Police should register the FIR in the cases covered under SC/ST (POA) Act and PCR Act promptly . These cases may not be closed by the police during investigation. This violates the provisions and the spirit of these two Acts. These cases must be sent for trial in the court.
- 4) The number of cases of atrocities on SC/ST pending for disposal before the courts is very large, while intake of cases is also increasing every year. This problem can be resolved by setting up Exclusive Special Courts in required number in each district.
- 5) It was observed that speedy trial of cases under SC/ST (POA) Act is hampered by treating SC/ST witnesses as interested witness. Further, general category people are reluctant to come forward to give evidence. Sometimes, the prosecution is unable to get evidence for fear amongst witnesses that they may be punished for fabricated evidence. Prosecution should take all possible steps to give confidence and security to the witnesses. Such an approach combined with exclusive Special Courts taking direct cognizance of case will facilitate speedy trial as envisaged in the Act.

Review of cases under IPC & Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

9.19 Commission obtains monthly statistics on different kinds of atrocities on SCs & STs from the Home Department of State Govt./UTs. Data about the cases registered with the Police under five broad categories of atrocities on Scheduled Castes and Scheduled Tribes i.e. (i) Murder, (ii) Grievous Hurt , (iii) Rape, (iv) Arson and, (v) Other Offences under IPC, SC/ST (POA) or PCR Acts was also called from the States and the same relating to 1995, 1996 and 1997 is given below:-

TABLE 9.1
STATEMENT SHOWING CASES REGISTERED WITH THE POLICE UNDER DIFFERENT NATURE OF CRIMES AND ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES FROM 1995 TO 1997

S.N	NATURE OF CRIME	SCHEDULED CASTES				SCHEDULED TRIBES				TOTAL
		1995	1996	1997	TOTAL 1995-97	1995	1996	1997	TOTAL 1995-97	
1	2	3	4	5	6	7	8	9	10	11
1.	Murder	571	543	503	1617	75	94	NA	169	1786
2.	Hurt	4544	4585	3462	12591	688	694	NA	1382	13973
3.	Rape	873	949	1002	2824	369	314	NA	683	3507
4.	Kidnapping & Abduction	276	281	242	799	74	50	NA	124	923
5.	Dacoity	70	90	57	217	18	32	NA	50	267
6.	Robbery	218	213	157	588	27	21	NA	48	636
7.	Arson	500	464	384	1348	40	51	NA	91	1439
8.	PCR Act, 1955	1528	1417	1157	4102	71	72	NA	143	4245
9.	SC&ST (POA) Act, 1989	13925	9620	7831	31376	1480	754	NA	2234	33610
10.	Other Offences	10492	13278	11693	35463	2656	2891	NA	5547	41010
	Total	32997	31440	26488	90925	5498	4973	NA	10471	101396

Statement based on N.C.R.B. Data. No information is available for ST's for the year 1997. For SC's the information covers the full calendar year 1997, except in the case for few States/UT's.

9.20 The above Table 9.1 reveals that during last three years (1995 to 1997) there has been a registration of 90925 cases of crimes and atrocities on Scheduled Castes. These include 1617 cases of Murder, 12591 cases of Grievous Hurt and 2824 cases of Rape. Moreover there are 31376 cases registered under SC/ST (POA) Act, 1989 and 4102 cases under PCR Act, 1955.

9.21 In last two years (1995-96) total number of crimes and atrocities against Scheduled Tribes that have been registered by the police are 10471 and includes 169 cases of Murder, 1382 cases of Grievous Hurt, 683 cases of Rape, 124 cases of Kidnapping and Abduction, 50 cases of Dacoity, 48 cases of Robbery, 91 cases of Arson, 143 cases of PCR Act, 2234 cases of SC & ST (POA) Act and 5547 cases of Other Offences.

9.22 The above statement reveals that the rate of registration of crimes against SCs is much higher than against STs. It also indicates that despite provisions of various Acts including Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 there has been no clear decline in the crimes and atrocities against SC's and ST's. There is a need to step up preventive action stipulated in the POA Act and Rules. Table 9.2 given below gives details of information regarding PCR Act cases.

TABLE 9.2
STATEMENT SHOWING THE DISPOSAL OF CASES BY COURTS AND PENDENCY OF
THE CASES FOR THE YEAR 1996 UNDER PCR ACT, 1955

S.N	States	No. of cases				No. of cases		Still pending at the close of the year
		Brought forward	Received	Total	Disposed	Ending in		
						Acquittal	Conviction	
1.	Andhra Pradesh	2555	491	3046	1568	-	-	1478
2.	Arunachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Nil
3.	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4.	Bihar	48	24	72	1	-	1	71
5.	Goa	Nil	Nil	Nil	Nil	Nil	Nil	Nil
6.	Gujarat	NA	NA	NA	NA	NA	NA	NA
7.	Haryana	NA	NA	NA	NA	NA	NA	12
8.	Himachal Pradesh	10	2	12	-	-	-	12
9.	Jammu & Kashmir	Nil	Nil	Nil	Nil	Nil	Nil	Nil
10.	Karnataka	NA	NA	NA	NA	NA	NA	NA
11.	Kerala	14	28	42	-	-	-	42
12.	Madhya Pradesh	NA	NA	NA	NA	NA	NA	NA
13.	Maharashtra	NA	NA	NA	NA	NA	NA	NA
14.	Manipur	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15.	Meghalaya	Nil	Nil	Nil	Nil	Nil	Nil	Nil
16.	Mizoram	Nil	Nil	Nil	Nil	Nil	Nil	Nil
17.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18.	Orissa	NA	NA	NA	NA	NA	NA	NA
19.	Punjab	NA	NA	NA	NA	NA	NA	NA
20.	Rajasthan	NA	NA	NA	NA	NA	NA	NA
21.	Sikkim	Nil	Nil	Nil	Nil	Nil	Nil	Nil
22.	Tamil Nadu	333	32	365	93	90	3	272
23.	Tripura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24.	Uttar Pradesh	NA	NA	NA	NA	NA	NA	NA
25.	West Bengal	NA	NA	NA	NA	NA	NA	NA
26.	Andaman & Nicobar	Nil	Nil	Nil	Nil	Nil	Nil	Nil
27.	Chandigarh	Nil	Nil	Nil	Nil	Nil	Nil	Nil
28.	Dadar & Nagar Haveli	Nil	Nil	Nil	Nil	Nil	Nil	Nil
29.	Daman & Diu	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30.	Delhi	25	9	34	10	7	-	17
31.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil	Nil
32.	Pondichery	NA	NA	NA	NA	NA	NA	NA

Source : Information received from States/UTs in the Commission's

Table No. 9.2 shows that cases under PCR Act relating to untouchability etc. are still prevalent in a number of states and acquittal is high in most cases.

9.23 **Table 9.3** below shows that information regarding disposal of cases by Special Courts has been received only from a few States. It also reveals large pendencies especially in Andhra Pradesh, Punjab, Tamil Nadu etc. Thus, there is a need to have exclusive Special Courts.

TABLE 9.3
Statement showing the disposal of cases by Special Courts and pendency of the cases of the year 1996 under SCs & STs (POA) Act, 1989.

S.N.	States	No. of cases			Disposed	No. of cases		Still pending at the close of the year
		Brought forward	Received	Total		Ending in	Ending in	
						Acquittal	Conviction	
1.	Andhra Pradesh	689	2229	2918	755	-	-	2163
2.	Arunachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Nil
3.	Assam	5	-	5	-	-	-	5
4.	Bihar	658	363	1021	89	76	13	904
5.	Goa	Nil	Nil	Nil	Nil	Nil	Nil	Nil
6.	Gujarat	NA	NA	NA	NA	NA	NA	NA
7.	Haryana	NA	NA	NA	NA	NA	NA	NA
8.	Himachal Pradesh	14	12	26	5	4	-	21
9.	Jammu & Kashmir	NA	NA	NA	NA	NA	NA	NA
10.	Karnataka	-	-	-	-	-	-	3876**
11.	Kerala	792	595	1387	178	161	17	1209
12.	Madhya Pradesh	NA	NA	NA	NA	NA	NA	NA
13.	Maharashtra	-	-	-	-	-	-	5942
14.	Manipur	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15.	Meghalaya	Nil	Nil	Nil	Nil	Nil	Nil	Nil
16.	Mizoram	Nil	Nil	Nil	Nil	Nil	Nil	Nil
17.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18.	Orissa	2253	544	2797	109	103	6	2688
19.	Punjab	NA	NA	NA	NA	NA	NA	NA
20.	Rajasthan	NA	NA	NA	NA	NA	NA	NA
21.	Sikkim	Nil	Nil	Nil	Nil	Nil	Nil	Nil
22.	Tamil Nadu	639	275	914	176	166	10	738
23.	Tripura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24.	Uttar Pradesh	NA	NA	NA	NA	NA	NA	NA
25.	West Bengal	NA	NA	NA	NA	NA	NA	NA
26.	Andaman & Nicobar	Nil	Nil	Nil	Nil	Nil	Nil	Nil
27.	Chandigarh	-	1	1	-	-	-	1
28.	Dadra & Nagar Haveli	Nil	Nil	Nil	Nil	Nil	Nil	Nil
29.	Daman & Diu	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30.	Delhi	7	7	14	4	4	-	10
31.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil	Nil
32.	Pondicherry	MA	NA	NA	NA	NA	NA	NA

Source : Information received from States/UTs in the Commission's .

Atrocities on SCs & STs by Police Officials

9.24 The PCR Act, 1955 and SC/ST (POA) Act are meant for the protection of the weak and the down trodden. The Police, has a key role in helping the Scheduled Castes and Scheduled Tribes and punishing the guilty. However it is unfortunate that there are instances where the police itself

has perpetrated atrocity on them. The information, received in the Commission is given below in Table 9.4.

TABLE 9.4

Involvement of Police officials and their conviction in the Crimes & Atrocities against SC/ST during 1994 to 1996

Name of Crime	1994 No. of cases	P.O. Involved	P.O. Convicted	1995 No. of Cases	P.O. Involved	P.O. Convicted	1996 No. of cases @	P.O. Involved	P.O. Convicted	Total No. of Cases	P.O. Involved	P.O. Convicted
(a) Death in Police Custody	7	-	10	5	6	3	4	4	4	16	10	17
(b) Rape in Police Custody	1	-	3	-	-	-	-	-	-	1	-	3
(c) Atrocities committed by Police	-	-	-	-	-	-	-	-	-	-	-	-
(d) Cases of Police Excess	-	-	-	-	-	-	-	-	-	-	-	-
(e) Complaints regd. by SCs/STs against Police officials	-	-	-	-	-	-	-	-	-	-	-	-
(f) Complaints regd. by SC/ST against Police inaction on their complaints	-	-	-	-	-	-	-	-	-	-	-	-
Grand Total (All offences)	-	-	-	-	-	-	-	-	-	-	-	-
Total	8	13	13	5	6	3	4	4	4	17	23	20

Note : P.O. : Police Officials involved. @ Information received from the State of Orissa & Rajasthan only.

9.25 The Commission received information of involvement of police officials in crime and atrocities only from State Government of Orissa and Rajasthan. The cases numbered 8 in 1994, 5 in 1995 and 4 in 1996 of the total no. of 23 police officials found to be involved and 20 were already convicted during the last three years. Information have been tabulated in Table 9.4. Commission has asked information from the State Govt./UT to furnish the details regarding crimes and atrocities committed by police officials.

9.26 Table 9.4 indicates the information for the year 1994, 1995 & 1996 has been received only from the State of Rajasthan and Orissa.

9.27 No information has been received from the States/UT Andhra Pradesh, Arunachal Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Andaman & Nicobar Island, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Delhi, Pondicherry and Lakshadweep.

9.28 It is heart rendering to know about the involvement of police in such cases who are actually responsible for protecting the vulnerable weaker sections in the atrocities against SC/ST. Strict measures by the State are a must to ensure that no such incidence takes place by the police themselves.

9.29 Commission also inquired to know about the relief given to the victims under rule 12 of the POA Rules during 1996-97. However, as the required information has not been received, we are not in a position to comment whether relief has been given to deserving cases under POA Rules.

9.30 Commission had asked the States whether they had submitted the annual report to the Central Govt. as required under rule 18 of the POA Rules. None of the States have responded to our request for this information and the Commission is not in a position to state whether any Annual Report has been submitted in compliance of the Rules.

Action taken on the cases of atrocities on SCs and STs received in the National Commission for SCs & STs during the period under Report

9.31 The atrocities and protection of Civil Rights (A.P.C.R) Wing of the Commission deals with all matters relating to the practice of untouchability against members of SC and atrocities committed on SCs & STs. The cases which come to the notice of the Commission through representations/complaints received from SC/ST aggrieved persons or their kins, communications received from the voluntary organisations and Welfare Associations working for the uplift of Scheduled Castes and Scheduled Tribes and from publicmen like M.Ps and M.L.As are examined in the Commission. Incidence of atrocities and untouchability offences also come to the notice of the Commission through the press and other media like Radio and T.V.

9.32 These matters are taken up with the concerned authorities. In important cases Fax or Wireless messages are sent to the district authorities for furnishing detailed reports containing facts of the case and information about the action taken by the local administration. In cases of atrocities of serious nature wireless message are sent to the concerned field officers of the Commission to conduct on the spot inquiries and submit inquiry reports urgently. Recently the Commission, which now has a computerised set up, has directed all the Chief Secretaries of States/UTs to send E-Mail messages within 24 hours /any incident of atrocity and the steps taken by them. In selected cases the Chairman, Vice-Chairperson and Members of Commission also visit the places of occurrence of crimes and conduct detailed inquiries.

9.33 The Commission visited village Ikwara in district Meerut where six persons belonging to Scheduled Caste were killed by a rival gang in village Ikwara on 5.1.97. This incident indicates a new trend of militancy and inter-caste gang rivalry. The Commission immediately contacted and wrote to the State Government and district authorities and the Members visited the area also. The intervention of the Commission ensured that steps were taken by the District Administration to take necessary measures for strengthening the security in the area and providing monetary relief to the families of the victims.

9.34 A violent incident of brutal murder of more than fifty persons including 32 SCs at village Lakshmanpur-Bathe, District Jahanabad in Bihar on 1-12-97 shocked the entire country. The Commission immediately took up the matter with the State Government and a Member visited the site also. The incident revealed the pathetic conditions of the weaker sections of the society and their exploited position. The State Govt. should take prompt action to prosecute the accused and provide all relief and security to the victims and their dependents. Underlying causes of the conflicts such as land disputes, non-payment of minimum labour wages, lack of education, poor infrastructure etc. also need to be taken care of, so as to strengthen the hands of the weaker sections.

9.35 The report received from the district authorities and State offices and the on-the-spot inquiry reports are examined in the APCR Wing. The replies received from State Govts. are analysed to find out whether the action taken by the States/Distt. Administration/Police Authorities is valid and under the framework of the provisions of I.P.C. /SC & ST (POA) Act / PCR Act. Lapses/shortcomings on the part of the concerned officials are brought to the notice of the local administration and they are directed to take quick prompt action and remedial measures

including prompt registration and investigation of cases by the local police, challanning of the cases in courts, application of relevant sections of the PCR Act and the SC & ST (POA) Act, arrest of accused etc.

9.36 Commission has been directing the concerned authorities to take prompt measures for rehabilitation of the victims of atrocity under SC& ST (POA) Rules so that social, economic and legal justice is done to the victim of atrocity including payment of monetary relief to victims of atrocities or their families, provision of rehabilitation measures for them and taking adequate security measures for maintaining law and order in the area.

9.37 During the year 1996 and 1997 total number of 1651 cases of atrocities including on-the-spot enquiry reports were dealt with in the Hqrs. of the Commission. Crimewise classification of the 1651 cases is given in the **Table 9.5** given below:-

TABLE 9.5
Atrocities cases received from victims of atrocities State-wise during the year 1996 and 1997

SN	STATE	MURDER	G.H.	RAPE	ARSON	IPC	PCR	C&R	TOTAL
1	ANDHRA PRADESH	41	1	53	2	20	3	90	210
2	ARUNACHAL PRADESH	-	-	-	-	-	-	-	-
3	ASSAM	-	-	1	-	1	-	1	3
4	BIHAR	17	1	-	2	-	2	64	86
5	GOA	-	-	-	-	-	-	2	2
6	GUJARAT	-	2	4	-	1	-	10	17
7	HARYANA	9	-	7	1	2	-	81	100
8	HIMACHAL PRADESH	3	-	1	-	-	-	3	7
9	JAMMU & KASHMIR	-	-	-	-	-	-	2	2
10	KARNATAKA	1	1	-	-	2	-	19	23
11	KERALA	-	-	1	-	1	-	11	13
12	MADHYA PRADESH	9	-	6	-	3	1	42	61
13	MAHARASHTRA	5	1	-	-	3	-	32	41
14	MANIPUR	-	-	-	-	-	-	1	1
15	MEGHALAYA	-	-	-	-	-	-	-	-
16	MIZORAM	-	-	-	-	-	-	1	1
17	NAGALAND	1	-	-	-	-	-	1	2
18	ORISSA	2	-	-	-	1	-	17	20
19	PUNJAB	5	-	3	-	1	-	17	26
20	RAJASTHAN	11	-	4	1	2	-	119	137
21	SIKKIM	-	-	-	-	-	-	-	-
22	TAMIL NADU	4	-	-	1	6	1	51	63
23	TRIPURA	1	-	-	-	1	-	1	3
24	UTTAR PRADESH	17	5	22	5	14	4	467	587
25	WEST BENGAL	2	-	5	-	-	-	25	32
26	ANDAMAN & NICOBAR	-	-	-	-	-	-	-	-
27	CHANDIGARH	-	-	-	-	-	-	-	-
28	DADAR & NAGAR HAVELI	-	-	-	-	-	-	-	-
29	DAMAN & DIU	-	-	-	-	-	-	-	-
30	DELHI	6	1	3	2	1	-	200	213
31	LAKSHADWEEP	-	-	-	-	-	-	-	-
32	PONDICHERRY	-	-	-	-	-	-	1	1
	GRAND TOTAL	187	12	110	14	59	11	1258	1651

9.38 State/UT-wise specific data pertaining to SCs/STs regarding crimes and atrocities has also been discussed in the State/UT Chapters in Volume-II. On the basis of analysis of data at the macro level and the issues dealt within the Commission general observations and recommendations are as under.

(1) All efforts should be made by the State/UT Govts. to prevent atrocities and appropriate action be taken under SC & ST (POA) Act & Rules.

- (2) SC & ST (POA) Rules, 1995 should be strictly enforced. Implementation of these rules will help in prevention of crimes on SC/ST as they will get the forums at State and district level to discuss various causes and remedies relating to the crimes on Scheduled Castes and Scheduled Tribes.
- (3) There should be an exclusive special court in each district for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as the regular courts which are presently being designated as Special Courts are already over-burdened with other cases. The atrocity cases must be tried by the special courts only and they should not be sent to lower courts for trial.
- (4) The F.I.R. must be promptly registered in each atrocity case and investigations taken up and completed without delay.
- (5) The accused should be arrested as early as possible and the case challaned in the special court. Special Public Prosecutor provided for in the Act, must take all necessary legal steps to ensure that the evidence is effective in proving the case.
- (6) Crimes and atrocities on SC/ST should be covered for relief under Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 State Govts. should provide relief promptly.
- (7) Cases of murder and rape are on the increase. This leads to the entire family of the victim suffering a deep and often unrecoverable loss. Timely action and investigation is required to confirm such incidents & cases.
- (8) The Central & State Govts. should monitor and review the working of these Acts & Rules, as provided for, and send the necessary returns & reports required to be tabled in the Parliament. It is seen that so far only one report regarding SC & ST (POA) Act, 1989 has been submitted by the Ministry of Welfare.
- (9) The provisions of the Acts & Rules need to be given adequate publicity and information, both to give the correct message to all the communities (including non-SC/ST) and to counter mis-information on the subject.
- (10) State/UT Govts. should ensure that timely information regarding major incidents of atrocities & crimes against SC/ST reach the National Commission for Scheduled Castes and Scheduled Tribes within 24 hours of occurrence of the incident through Nic -Net.
- (11) As has been observed in the Chapter, information required by the Commission is not received from many State/UT Govts. In order to facilitate a comprehensive examination of the position, timely receipt of such information is of vital significance.
- (12) The Central Government should consider necessary amendments in the PCR Act, 1955 and Rules and SC & ST (POA) Act 1989 and Rules there under as discussed in the various forums and suggestions already made by the Commission to Ministry of Welfare to make the Act more effective. Some suggestions are also being made separately in another Chapter in this Report.

CHAPTER X

CONSTITUTIONAL AND LEGISLATIVE AMENDMENTS

Throughout the preceding chapters we have analysed and discussed the working of safeguards provided to the Scheduled Castes and Scheduled Tribes and have also suggested changes in certain Acts and Rules. In this Chapter we would like to highlight the strong need for making amendments in Article 338 of the Constitution itself and certain other changes in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act., 1955.

Amendments in Article 338

10.2 As has been discussed earlier, Article 338 was amended by the 65th Constitutional amendment to provide for a multi-member National Commission for Scheduled Castes and Scheduled Tribes. It was given wide powers and responsibilities. The Commission set up in pursuance of this amendment have carried out their responsibilities of investigating and enquiring into the working of safeguards provided to Scheduled Castes and Scheduled Tribes under the Constitution and in other relevant Acts and Rules. The number of complaints that the Commission receives is increasing day by day. However, it has been our unfortunate experience that even after detailed inquiries and investigations, the directions and findings of the Commission are not being implemented by a number of Departments/Authorities. The problem, as we see it, lies not only in the attitudes of the concerned Departments/Managements, but also in the fact that the powers of the Commission, as presently enunciated in Article 338, do not clearly specify that the recommendations and directions of the Commission are binding. Thus, at this stage it is felt that there is a real requirement and full justification for amending Article 338 and giving power to the Commission to issue directions for corrective action and implementation of its findings and at the same time ensuring that action is taken against defaulting public servants who violate the safeguards.

10.3 It has also been observed that the Reports submitted by the Commission are not placed before the Parliament for a long period by the Government and the Constitution does not prescribe any time frame for the same. The Government is also taking a very long time to prepare the action taken report. Thus the suggestions/recommendations of the Commission are accessible neither to the Parliament nor to other public institutions. Over the time they lose their importance and become infructuous. There is necessity of de-linking action taken from laying the main Report in Parliament. Thus it is felt that the Report should be laid in the Parliament within three months of its submission to the President and the action taken report may be submitted within six months. Similar time frame may be prescribed for laying those portions of the Report in the State Assemblies which pertain to the concerned State legislatures.

10.4 Proposals for Amendment in this regard may be seen at **ANNEXURE- 10.I**

Amendments proposed for SC/ST (POA) Act, 1989 Rules 1995 and PCR Act, 1955

10.5 The necessity for making amendments in the SC/ST POA Act, 1989 and PCR Act 1955 have been engaging the attention of this Commission since long. The Commission has held wide ranging discussions regarding the working of these two Acts in several forums. A workshop on 'Sensitisation of Police Personnel' on civil rights of SC/STs was organised at Ghaziabad on 30-1-96. Later a Conference of all the State Home Secretaries and senior Police Officers in charge of crimes and atrocities against SC/STs was organised by the Commission at New Delhi on 16-12-96. The Commission also held meetings with officers of concerned Ministries and Public Prosecutors of Government of NCT Delhi dealing with the cases under these two Acts. During its review meetings with the States/UT Governments, special focus was given on the continuing trend of crimes, and atrocities against SC/STs and the ways and means required to put a curb on them. The Commission has also received suggestions for making amendments in the above Acts from several SC/ST Welfare organisations, National Action Forum for Social Justice.

10.6 The Commission's Headquarters itself has received more than 800 representations regarding crimes and atrocities against SC/STs. On the basis of the above discussions/meetings held in various forums and the suggestions made, the Commission has proposed amendment in the aforesaid Act and rules which may be seen at **ANNEXURE-10.II.**

10.7 The main objective of these amendments is to ensure speedy justice and trial for the victims of atrocities, including certain offences that have not been included so far and to provide for stringent punishment which should act as a deterrent against wilful and caste based crime. The Commission would recommend that the Government of India should consider the proposed amendments to the Constitution and the SC/ST POA Act., 1989, SC/ST POA Rules 1995 and PCR Act., 1955 at the earliest.

AMENDMENTS PROPOSED IN ARTICLE 338 OF THE CONSTITUTION

Existing provisions in Article 338 of the Constitution. Proposed Amendment in Article 338

Clause 5(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards

to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards and issue such directions /findings for corrective action /implementation

5 (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes.

to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Caste and Scheduled Tribes and issue such directions/findings for corrective action /implementation.

5(b) (1) (to be incorporated)

Where the inquiry discloses any violation of safeguards of the SCs and STs or negligence in the prevention of violation of safeguards of the SCs & STs by a public servant, it may recommend to the concerned Government or authority for taking corrective remedial measures and for initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.

Clause 6 - The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to

The President shall cause all such reports to be laid before each House of Parliament within three months of such submission and a Memorandum

be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non acceptance, if any, recommendations shall be placed before each house of the Parliament within Six months of such submission .

Clause 7 - Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State alongwith a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non acceptance, if any, of any of such recommendations.

Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forward to the Governor of the State who shall cause it to be laid before the Legislature of the State within three months and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reason for the non acceptance, if any, of any of such recommendation shall be laid before the legislature within six months.

**AMENDMENTS PROPOSED IN THE SC & ST (POA) ACT., 1989, SC & ST
(POA) RULES 1995 AND PCR ACT, 1955**

(a) Amendments proposed in the SC & ST (POA) Act., 1989

Original provisions in the Act	Proposed Amendments
3(1) Whoever, not being a member of a Sch. Caste or a Sch. Tribe	delete the words 'not being a member of a Sch. Caste or a Sch. Tribe'.
3(1)(vi) Compels or entices a member of a Sch. Caste or a Sch. Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government.	Add the words in the end, 'refuses to pay wages or contract wages for the labour'
3(1)(xii) being in a position to dominate the will of a woman belonging to a Sch. Caste or a Sch. Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed.	Delete the entire section 3(1)(xii) and renumber the sections 3(1) (xiii), 3(1) (xiv) and 3(1) (xv) as 3(1)(xii), 3(1)(xiii) and 3(1)(xiv).
New Section 3(1)(xv),(xvi) and 3(2)(i),(ii)and (iii) to be incorporated	3(1)(xv) - Blackmails the Scheduled Caste and Scheduled Tribe persons 3(1)(xvi) - Boycotts or supports the boycott of SC/ST persons 3(2) -Whoever (i) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribes and uses that position to exploit her sexually to which she would not have otherwise agreed, shall be punishable with rigorous imprisonment for a term which shall not be less than 10 years but which may be for life and shall also be liable to fine

(ii) - is convicted of mass rape and mass murder of SC/ST persons shall be punishable with life imprisonment which may extend to death sentence.

(iii) - commits offences u/s 339 to 377 under I.P.C against SC/ST persons shall be punishable with twice the fine and punishment provided under the I.P.C

4. Whoever, being a public but not being a member of a Sch. Caste or a Sch. Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

delete the words 'but not being a member of a Sch. Caste or a Sch. Tribe' and replace the words 'Six months but may extend to one year' by 'two years.'

4 (1) (to be added)

Abettors of offences are equally punishable, as provided under this Act.

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

Replace the words 'specify' with the word 'create' and the words 'Court of Session to be a special Court' with the words 'Special Court of the level of Sessions Court'.

Sec. 24(to be added)

All offences under this Act are cognizable and subject to summary trial

(b) Amendments proposed in SC & ST (POA) RULES 1995

Original Provisions in the Rules

Proposed Amendments

7(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director General of Police of the State Government.

At the end add
'and trials be completed within three months'.

7(3) (New Section to be added)

It is observed that in some of the States specified Courts are the Courts of Sessions and therefore the trial of offences takes place through committal proceedings in lower Courts which is detrimental for speedy trials. Henceforth the trial may take place in the Special Court itself.

7(4)

Renumber the old section 7(3) as section 7(4)

(c) Amendments proposed in PCR ACT, 1955

Section 3

In last para of section 3 the words 'one month and not more than' and the words 'one hundred rupees and not more than' be deleted.

Section 4

In Section 4 in its last para the words 'one month and not more than' be deleted. Also in the last line of this para the words 'one hundred rupees and not more than' be deleted.

Section 5

In Section 5 in last para the words 'one month and not more than' and in last line the words 'one hundred rupees and not more than' be deleted.

Section 6

In Section 6 the words 'one month and not more than' and words 'one hundred rupees and not more than' be deleted.

Section 7(1)

In Section 7 in the last para of sub-section (1) the words 'one month and not more than' be deleted. Also in the last line of this para the words 'one hundred rupees and not more than' be deleted.

In Sub-Section 7(2)(ii) in the last para the words 'one month and not more than' and the words 'one hundred rupees and not more than' be deleted.

In Sub-Section 7(A)(2) the words 'three months and not more than' be deleted. In last line the words 'one hundred rupees and not more than' be deleted.

New Section 7(3) to be added

New Sub-section 7(1) (3) stating that the abettors of offences be equally punishable as provided under this Act be added.

Section 11

In Section 11 in its Sub-Section 11(a) the words 'six months and more than one year' be deleted and replaced with the words 'two years'. Also in last line the words 'two hundred and not more than five hundred rupees' be deleted and the words 'two thousand rupees' be added.

In Section 11 in its Sub-Section 11(b) the words 'one year and not more than two' be deleted and replaced by 'three' and in the last line the words 'five hundred rupees and not more than one' be deleted and replaced by 'three'.

CHAPTER-XI

SUMMARY OF MAJOR RECOMMENDATIONS

The detailed recommendations have been made in different Chapters. A summary of major recommendations made in each Chapter is given below:

<u>No.</u>	<u>Recommendation</u>	<u>Para No.</u>
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CHAPTER I. INTRODUCTION

- | | | |
|---|--|------|
| 1 | Commission is finding it extremely difficult to carry out the aforesaid functions and activities smoothly as the manpower and budget placed at its disposal are quite inadequate. The 72 posts of the erstwhile Commissioner for SCs/STs and the non-statutory National Commission for SCs/STs were abolished on 12-3-1992 and have not been revived so far despite protracted correspondence and meetings at the highest levels. Apart from these 72 posts, the Commission has been requesting for 15 new posts for Computer Cell, Legal Cell and Public Relations Cell which are essentially required by the Commission for smooth functioning. These posts are also yet to be sanctioned by the Government. As regards budget, the Commission has been compelled to hold back its plan of modernization of the Hqrs. and State Offices as the Govt. has not sanctioned requisite funds for this purpose. The Government needs to, therefore, provide the requisite manpower and budget to the Commission to facilitate its working and discharge of Constitutional obligations. | 1.11 |
|---|--|------|

CHAPTER II. 50 YEARS OF INDEPENDENCE- A RETROSPECT AND THE TASK AHEAD

- | | | |
|---|--|------|
| 1 | The earmarked funds for SCP & TSP should be made over to the concerned Ministry at the Centre and the nodal Department in the State to be utilised as warranted by the needs and aspirations of the Scheduled Castes and Scheduled Tribes. Extreme care has to be observed in taking up programmes and schemes, the test being their relevance and usefulness to the SCs/STs. | 2.33 |
| 2 | The Commission has been urging the need for a comprehensive Bill on the reservation both for appointments and seats in educational institutions | 2.34 |
| 3 | While various policies of Central and State Govts., including national policy on education, universalisation of primary education, adult and informal education and schemes for Ashram schools, hostels, Scholarships, uniform, mid-day meal, book banks etc. have improved the position of education yet a far more intensive and extensive effort is required to ensure that the children who go to school stay there and do not drop out. | 2.34 |

- 4 Acquisition of land for public purposes specially setting up of industrial complexes and irrigation projects in tribal areas should be minimal, and taken recourse to as a last resort. If really essential, the land should be acquired only after a suitable package for rehabilitation which includes making him a partner in the project has been worked out. A focus on overall socio-economic development with provisions of basic needs is an other vital issue which needs to be considered in all policy decisions of the Government. 2.34
- 5 The Commission observed that representation should be ensured for SCs and STs in respect of areas for visible progress of these target groups. Emphasis should be given for promotion of enterpreneurships to bring occupational diversification and upward mobility among SCs/STs. They should be encouraged to take up self employment in all sectors of economic development through training, education and provision of financial and other facilities. SCs and STs should be promoted in areas like small contracts by evolving a special policy for first generation contractors emerging from traditional labour communities. Many activities are considered necessary for the development of SCs and STs, and there should be policy to contain built in safeguards to ensure a fair share of the benefit to these groups. This should be built in mechanism to provide substantial share and role to such representations from the SC/ST from the target groups for ensuring the effective working of all these safeguards. 2.37
- 6 The most important cause for non-development of SC/STs is non-allocation of resources for their development on a priority. There is an urgent need to set up a national level Development authority, dealing with all development matters pertaining to SC/STs, at par with the Planning Commission under the Chairmanship of Prime Minister and a non-official Vice-Chairman and similar set up in States with Chief Minister as Chairman and a non-official as Vice-Chairman. Resources equivalent to the population percentage of SC/STs should be set apart and transferred to this authority to enable it to plan and implement developmental and welfare schemes for SC/STs. The same set up needs to be put in at State and District level also. Once the resources are in the hands of this body and it is vested with powers to monitor and control the implementation of these schemes, it will lead to focused attention on the development of SCs&STs. 2.38
- 7 This Authority should be responsible for formulating and approving national and State Plans, Annual Plans, Five Year Plans and perspective Plans—based on the developmental needs of the SCs and STs and their priorities from the point of view of the SCs and STs, keeping in view the vital dimensions of socio-economic liberation, educational equality and human condition of life. 2.39

- 8 So far, reservations have been provided only in Govt. service. There is no reservation in Defence forces, scientific establishments, judiciary etc. After 50 years of Independence, when enough qualified SC/ST candidates are available, Commission sees no reason for keeping these sector out of the purview of reservation, denying opportunities to SCs/STs. 2.40
- 9 The Government is seriously contemplating bringing about reservation for women in Parliament/State Legislatures/other public bodies. Commission is of the view that adequate representation for SC/STs should be ensured within this equality of women. 2.41
- 10 The task ahead is clearly therefore to focus on the basic needs and requirements of SCs & STs and give them the social dignity and the economic capability to come at par with other sections of the society and become part of the main stream which had been the charter visualised by the Constitutional makers, 50 years ago. Such a strategy would not only control the feeling of alienation, frustration and rising militancy and civil strife but would also make the SCs & STs active partners in nation building. 2.42

CHAPTER III. CONSTITUTIONAL SAFEGUARDS AND PROTECTIVE MEASURES

- 1 The Commission recommends that the reservation in promotion should be extended to at all levels in all classes of posts by modifying the DOPT O.M. dated 13.8.97. 3.26
- 2 Commission therefore, recommends that the report of the Commission should be placed before each house of Parliament within three months of its submission to the President and the action taken report placed before the Parliament within six months of its submission. This may be done by suitably amending the clauses of Article 338. 3.29
- 3 While the Commission has been given wide ranging responsibilities that not only cover the duties of the erstwhile Commissioner for SCs/STs and the Commission for SCs/STs but include matters such as participation in planning process and consultation of all major policy affecting SC&ST, the powers with which it is armed are not adequate to deal with the issues effectively. The suggestions are recommendatory in nature and not binding. The Commission feels that there is an urgent need to re-look at the whole issue and give more effective powers to the Commission under the Constitution itself. 3.30
- 4 State Governments which are primarily responsible for maintaining Law and Order in the State should take adequate steps for maintaining peace and harmony in rural and urban areas, and in particular, to minimise the 3.35

crimes and atrocities on SCs and STs. One of the most effective ways would be to deal with complaints without delay, complete investigation in time and take necessary legal action to punish the guilty. For ensuring justice to SCs/STs it is necessary that investigation of complaints are initiated soon after the FIR is lodged. Regular monitoring & examination of cases investigated at the police level also needs to be done so that genuine cases are not closed.

- 5 Regarding Forest Policy it is necessary to ensure that the policy guidelines are observed in true spirit to ensure minimum hardships to the tribal people. It is, therefore, necessary to monitor and review implementation of these through an institutionalised mechanism. 3.38
- 6 A machinery needs to be set up to detect cases of alienation of lands and set the law in motion. 3.40
- 7 There is a need to simplify legal procedure and the laws relating to land alienation and cut proceedings in terms of both time and money and provide for full legal aid wherever possible. 3.40
- 8 The survey, settlement and updating of land records should be expedited and firm proof of ownership be placed in the hands of SCs & STs as land holders. 3.40
- 9 The registration of transfers of land should be subject to clearance under the relevant act or regulations. 3.40
- 10 Deterrent punishment needs to be meted out to those non-SCs & STs who continue to be in the possession of land of SCs & STs despite orders of eviction. 3.40
- 11 Under a proposed amendment, of the Kerala Scheduled Tribes (Restriction on Transfer of Lands & Restoration of Alienated Lands) Act 1975 settlers who acquired more than one hectare of land are being given an option to avoid eviction by paying an amount to be fixed by the government. The affected tribals are to be compensated by allotting proportionate alternative land and financial assistance. The Commission is strongly of the view that such an amendment will defeat the very purpose and objective for which the Act was promulgated. The tribals will lose their land, face dislocation and even greater hardships in the process. On the other hand action should be taken to restore the land to the STs and settlers should be given the equal area of land and the compensation. 3.43
- 12 With reference to excise policy in Tribal Areas, following suggestions are made:

- (1) The existing guidelines should be strictly enforced. 3.45
- (2) In Scheduled Areas, entry of excise contractors should be completely banned. 3.45
- (3) In ST areas, if the majority of the population of a village is opposed to commercial liquor shops, such shops should not be established. 3.45
- 13 Though most States have enacted laws to regulate the business of money lending and have given debt relief, the enforcement of these protective laws is weak. Further, the powers vested in the Government under the Fifth Schedule to the Constitution have not been used to prevent exploitation by money lenders. The following points may be relevant to eradicate the indebtedness among SC/ST. 3.48
- (i) Stricter enforcement of existing Acts/Regulations on money lending and debt relief. 3.48
- (ii) Present loaning/financial systems under IRDP etc. do not take care of consumption needs. Thus loans for productive purposes should include consumption credit to take care of the social and economic requirements of the weaker sections of the society to which the SCs & STs belong. 3.48
- 14 The present inequity even in the statutory minimum wages should be removed. The Minimum Wages Act should contain a provision to the effect that the daily wage of ordinary labourers in all economic activities shall be so determined following the principle that the earnings of one person in a family should be sufficient for the maintenance of the entire family. 3.49
- 15 Any reduction of working hours with pro rata cut in the daily wage should be prohibited except in those situations where work is not of continuing nature and the quantum available is not sufficient to keep even a single person fully engaged for the whole day. 3.50
- 16 The question of inclusion/ exclusion of communities is highly sensitive and complex because SC/ST status renders the enlisted communities eligible for reservation and other safeguards as well as benefits under various developmental programmes. The Govt. should, therefore, evolve an objective fool-proof mechanism for determining the socio-economic situations and realities so that only the genuine claims (including those for inclusion of ostensible synonyms) are accepted. Such a mechanism should be as transparent as possible. 3.61
- 17 The Govt. of India should set up a regular body having a number of experts/public representatives to study and examine the issues relating to 3.64

inclusions/exclusions of communities from the lists of Scheduled Castes and Scheduled Tribes on a regular basis. The recommendations of such a body should form the basis for taking decision in this matter. As per the Constitutional provisions, the Commission should also be consulted by the Government before taking a final decision.

CHAPTER IV. EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

- 1 As stated in the Third Report of the National Commission for SC/ST (1994-95 & 1995-96) it is reiterated that states have to strengthen the existing educational infrastructure and the states have to ensure that school atmosphere is made more conducive for education and learning by introducing new methods and innovative schemes both for children and teachers. Adequate support system will have to be introduced at work places, villages etc. so that children do not have to forgo education to provide help to mothers and enable them to earn for the family. 4.17
- 2 The State Govts/UT Admns. Should gear up their machinery and all officials and non-officials should put up co-ordinated efforts to check this wastage. All educational schemes should be formulated keeping in view the ethos of the community ensuring their maximum participation. Special incentives to the poor parents can play an important role in sending the children to the schools. 4.22
- 3 States should take steps seriously to control the dropout among Scheduled Caste children. 4.23
- 4 The enrolment ratio was 113.03% at primary level during 1995-96 but it was reduced to 50.04% at middle level. In this way the wastage at middle level is reported to be colossal. This needs to be checked immediately. 4.31
- 5 It is suggested that it should be ensured by the State Govts. that basic educational needs like school facilities, adequate teachers, school buildings, teaching materials are made available in every SC/ST habitations, specially in tribal areas. 4.39
- 6 The Commission is of the view that efforts may be taken to ensure timely disbursement of scholarship money to the beneficiaries and necessary steps may be taken to sort out various problems in the implementation of the scheme. 4.46
- 7 The Commission recommends that SC/ST students should be given concession in fees as well as reservation in special and super-specialised 4.46

courses so that they can avail of the facility in serving in the modern technical fields.

- 8 It was observed by the Commission that the quantum of Pre-Matric Scholarships given to SC/ST students is Rs.250 and the quantum of Post-Matric Scholarship for SC/ST students is Rs.150 in Madhya Pradesh. It is observed that the decrease in the amount of scholarship at Post-Matric level is punishment for the students who are preparing for examination. It is also suggested that the State Government should enhance the amount. 4.47
- 9 The Commission recommends that States should get their full requirement of Non-Plan funds for Post-Matric Scholarships and Pre-Matric Scholarships to Children of Those Engaged in Unclean Occupation as a part of Finance Commission Award. If States are not able to meet the requirement from Non-Plan side the Central Govt. may continue to release funds under these schemes to protect the interest of Scheduled Castes and Scheduled Tribes for their educational development. 4.48
- 10 The Commission observed that the proposals of the States/UTs for setting of Girls Hostels are not sent to the Ministry of Welfare in time. On account of such delay, Ministry of Welfare is not able to provide matching Central Assistance in time to States/UTs. Hence, efforts should be made for timely submission of the proposals to the Ministry of Welfare to get the matching assistance in time. States/UT Admns. should take adequate steps for the proper maintenance of the hostel buildings. 4.52
- 11 The State Govts./Universities should come forward to make use of the scheme which would ultimately increase the intake of SC/ST candidates in different services. 4.59
- 12 It is observed that number of students passed and details regarding curriculum etc. are not being monitored in the Centres. It is also observed that the training programmes are conducted only for three months which is not enough for Scheduled Caste and Scheduled Tribe students, who require extensive coaching. Since most of the beneficiaries are from rural areas in the absence of hostel facilities they find it very difficult to continue their training. Senior lecturers are also not invited for teaching the students in these centres. It is suggested that the State Govt. should analyse the results and marks of the students in detail at regular intervals and take steps to remedy the situation. 4.62
- 13 The Commission recommends that while opening schools, under the Central Sector Scheme of Educational complex in low literacy pockets, especially, in the tribal areas specific steps are to be taken to ensure that some schools are opened in the areas where Primitive Tribal Groups are residing and that quality education is provided in these schools so that parents may be motivated to send the children to these schools. 4.74

- 14 Ministry of Welfare should make special efforts in consultation with the State and UT Admns. for meaningful implementation of the scheme regarding upgradation of Merit amongst SC/ST students, and for educational development of SC/ST boys and girls in professional courses where the target group could come out successful in competitive examination for better employment in the field of medicine and engineering etc. Commission observed that the Ministry has been implementing the scheme half heartedly. Hence it is recommended that all efforts should be made to make the scheme successful. 4.76
- 15 The Commission recommends that the State Government should follow up the scheme of Vocational Training to ensure that trained SC/ST candidates get gainful employment. 4.79
- 16 The State Govts. and UT Admns. Having less than 5% enrolment of Sch. Caste students should take appropriate measure so that Sch. Caste children get easy access to higher education. 4.84
- 17 The State Govts. and UT Admn. Registering less than 5% enrolment of Sch. Tribe students in higher education and specially the states and UTs having more tribal population, should provide special coaching facilities to ST students. Better hostel and Schooling facilities at middle level in tribal areas will also facilitate the enrolment. 4.86
- 18 It is, suggested that State Govts. /UT Admns. should lay more stress on primary to secondary level education so that talented students may be picked up and put up in the different technical and professional courses. The problem of non-availability of SC/ST trained personnel for different posts in colleges and other specialised institutions can be solved if we gear up our machinery at primary to secondary level. 4.89
- 19 Delhi University should follow the policy of reservation at admission stage and give encouragement and necessary coaching and financial help to SC/ST students so that they compete for the teaching position in the Universities. 4.89
- 20 The Commission also stressed that Universities and Colleges should set up SC/ST Cells as per Govt. of India directions for monitoring admission in hostels and providing coaching facilities and recruitment in teaching /non-teaching posts. 4.89
- 21 It was desired that UGC should review the representation of SCs/STs in various courses in different universities and stressed that UGC should collect information about the admission for the academic year 1996-97 and 1997-98 discipline-wise. It may be mentioned here that the UGC should also strengthen its Cell at the Headquarter and it should ensure that year 4.90

wise data is collected regularly so that it may keep the policy planning mechanism at the Central and at the State level.

- 22 The Commission urges that Delhi University should review the decision of the Academic Council at the earliest and provide reservation in M. Phil/ Ph.D courses at the earliest. Other Central Universities should also follow the guidelines regarding the reservation in admission in M.Phil. courses in letter and spirit. 4.101
- 23 Commission suggests that a National Level Survey should be made on the implementation of higher educational facilities provided to SC/ST students and the working of the Universities during Ninth Plan, ensuring that the Universities adhere to the reservation guidelines. 4.103
- 24 Following consolidated recommendations are also made with regard to the education sector: 4.104

School Education

1. The linkages between schools, anganwadis and health care programmes and facilities should be established. Anganwadis, if located next to the schools can function as crèche and also after-care centre for school going children. Such a support system will enable women to leave sibilings and school going children while going to work themselves. It will help enrolment and also reduce the incidence of drop-out.

2. Primary Schools should be opened on priority in the tribal areas to provide facility in each village. The construction of school buildings should be undertaken on a priority basis from the normal funds for education, as well as under the Jawahar Rozgasr Yojana, Tribal Welfare Schemes, etc.

3. Residential Schools (middle and above levels) including Ashram Schools should be provided at block levels and hostels should be established in urban towns and cities where facilities for higher and professional education are available. Adult literacy classes should also preferably be started in these schools for better interaction with the parents.

Higher Education

4. Scholarships for higher education for technical professional courses should be provided. Sometime it is found that in some states Post-Matric Scholarships given is less then the amount of Pre-Matric Scholarships. Therefore it is suggested that State Govts. should utilised matching grants where funds are in adequate. Since committed liabilities are not met by the

State Govts. due to financial constraint and Central Govt. is not providing funds due to strict financial discipline imposed by the Ministry of Finance and Welfare, Scheduled Caste and Scheduled Tribe boys and girls are facing hardship due to non-payment of scholarship amount under Post Matric and Pre Matric Scholarship Schemes. Commission therefore recommends that States should get their full requirement of Non-Plan funds for Post- Matric Scholarships and Pre-Matric Scholarships to Children of Those Engaged in Unclean Occupation as a part of Finance Commission Award. If, States are not able to meet the requirement from Non-Plan side the Central Govt. may continue to release funds under these schemes to protect the interest of Scheduled Castes and Scheduled Tribes for their educational developments.

5. The States and UT Admn. registering less than five percent enrolment of SC/ST students in Higher Education and specially the States and UTs. Having more SCs/STs population, should provide special coaching facilities to SC/ST students. Better hostel and schooling facilities at middle level in tribal areas will also facilitate the enrolment. The Commission recommends that a National Level Survey should be made on the implementation of higher educational facilities provided to SC/ST students and the working of the Universities during Ninth Plan, ensuring that the Universities adhere to the reservation guidelines.

Educational and Vocational Training

6. Greater emphasis should be given to Vocational Training and skill development simultaneously from 10+2 standard onwards to open up further job opportunities for SCs/STs. Existing job opportunities as well as future potential jobs needs to be identified and skill imparted to the students belonging to the SC/ST in vocations that provide employment opportunities. The SC/ST students should also be given concession in fee as well as reservation in special and super-specialised courses so that they can avail of the facilities in serving in the modern technical fields.

Girls Education and Hostels

7. For improving the enrolment of girls, incentives for girls education may be introduced by State Government by providing facilities for care of both the siblings and school going children until the evening.

8. It is found that in many states hostels for girls are very less in number. And where there were hostels, facilities in the hostels are found to be very poor. Hence efforts should be made for submission of proposal to the Ministry of Welfare to get the matching central assistance in time so that State/UT Admn. may take adequate steps for proper maintenance of the hostel buildings and provide adequate facilities conducive to education.

CHAPTER V. ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

- 1 The Ministry of Labour should undertake a comprehensive survey of the impact of economic reforms on the job opportunities on whole and particularly in the case of SCs and STs. 5.7
- 2 All the States implementing tribal sub-plan(TSP) should allocate funds to the TSP 3 percent more than the States ST population percentage in accordance with the recommendations of the working group set up at the time of formulation of Eighth Five Year Plan. The State Govts. need to monitor the progress of implementation of tribal sub-plan closely to ensure that the funds allocated are fully utilised and no diversion takes place from TSP to other sectors. 5.24
- 3 Infrastructure development in tribal areas particularly in sectors of transport, communication, power and vocational education should be given high priority. Conscious efforts are required to ensure that the benefits of liberalisation in terms of profit sharing and employment generation reached the tribal areas. 5.35
- 4 While locating large projects in the tribal areas an adequate rehabilitation package for the affected people should be prepared. In this connection, it is recommended that tribal should be made partners in these large development projects. 5.35
- 5 Institutional finance should be made available to the STs and SCs on more liberal terms and conditions and RBI and other financial institutions should maintain record of the information of flow of credit to the SCs and STs and publish the same on regular basis. Flow of credit to the SC/ST should be enhance under the priority sector advances of the Banks. 5.38
- 6 Department of Agriculture and Co-operation should make efforts for activating strengthening and broad basing the LAMPS at the same time ensure easy access of LAMPS to the tribals by simplifying procedure. 5.44
- 7 Exclusive rights for collection of MFP should be given to the tribals by the States wherever this has not been so far and TRIFIED should ensure better remuneration to the tribals for their produce. 5.44
- 8 ICAR is required to direct its research activities to the tribal areas by taking up research on crops grown by tribals, opening research centres in the tribal areas, developing comprehensive packages for the tribes practicing shifting cultivation and transferring the agriculture technology to the STs. 5.47

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| 9 | The States should give functional, financial and administrative autonomy to the Panchayati Raj Institutions set up after 73 rd Amendment of the Constitution, to enable these institutions to function as institutions of self Governance. The Panchayats at the appropriate levels should be endowed with ownership of minor forest produce. | 5.58
5.60 |
| 10 | All States should allocate funds to the SCP in proportion to the States' SC population and closely monitor the programmes to ensure their full utilisation and only those programmes should be included in the SCP which are directly relevant for the development and welfare of the Scheduled Castes. | 5.71
5.73 |
| 11 | All the State Govts. should open separate budget head for SCP allocation immediately to prevent diversion, mis-utilisation of funds earmarked for SCs and the department concerned with SC welfare and development should be made responsible as nodal agency for formulation and implementation of SCP. | 5.72 |
| 12 | The Central Govt. should regularly provide a suitable step-up to the total amount of SCA for Special Component Plan and the States should ensure timely release of funds to the implementing agencies so that the scarce funds do not remain idle. The Union Ministry of Welfare may examine in the depth the cases of some of the States defaulting in utilisation of SCA for the SCP to identify the bottlenecks in the utilisation of SCA. | 5.77
5.78 |
| 13 | The Union Ministry of Finance should lay a separate report on Special Component Plan in the Parliament while presenting the Annual Budget. | 5.80 |
| 14 | The Ministry of Rural Areas and Employment should take up a comprehensive survey to identify the problem of drinking water among SC/ST and take immediate steps to solve it. | 5.96 |
| 15 | NSFDC and SCDCs should be given the status of Banking Institutions. These institutions need to simplify the procedure for granting loans by removing income ceiling. Further these institutions need to be strengthened financially as well as improving professional calibre of the staff. | 5.104 |

CHAPTER VI. LAND

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| 1 | Agriculture Census is conducted every 5 years and the reports published on the basis of Agriculture Census are the main authentic data relating to land in the country. Last Agriculture Census was held in 1990-91. The results of this Census are not yet available. State Govts. have implemented various programmes after adoption of SCP approach in 6 th Plan & TSP approach in 5 th Plan. These programmes would have brought about changes in the socio-economic conditions, including land status of SCs & STs. It is | 6.16 |
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therefore desirable that up-to-date land data is available for preparing the programmes, schemes, and action plan relating to land with specific reference to SCs & STs. The Ministry of Agriculture may take suitable steps to gear up the machinery in this regard.

- 2 The implementation of Ceiling laws has not been given due importance by the States. These Laws were originally framed 30-40 years ago and in some cases those laws were amended as back as 20-25 years ago. There is urgent need to implement these laws since the quality of land and size of land holdings vis-a-vis the population varies from State to State. States have separately passed Ceiling laws but sufficient efforts are not made in enforcing these laws. 6.23
- 3 Large number of areas declared surplus are yet to be taken possession by the State Govts. Such areas are mainly pending in litigation in various courts. The State Govts. Should take immediate steps for early redemption of the lands which are in litigation in the courts, by making suitable changes in the law itself. Similarly the lands which are free from encumbrances and awaiting distribution should be distributed among eligible SC & ST and other poor families so that they can make use of land at the earliest for their livelihood. Delay in distribution of surplus land will not only cause hardships to the poor persons awaiting source of livelihood, it will also decrease the fertility of land awaiting distribution. 6.24
- 4 Up-to-date information about Wasteland and Bhoodhan land available for distribution and distribution made and the number of beneficiaries during each year is not available. The Ministry of Rural Areas and Employment which is the Nodal Ministry on the subject has also pointed out that information on the subject was not being reported by the State Govt. It is also noticed that the available data does not give any information about SC/ST beneficiaries and land alienated to them out of Wasteland and Boodhan land, though priority in such allotment is accorded to SCs & STs beneficiaries. The information about SC/ST beneficiaries should also be reported by the State Government so as to enable the Commission and other agencies to monitor and evaluate the progress made in this regard. 6.25
- 5 The allotment of land under any scheme of the Government should be made in the name of women or joint name of allottee and his/her spouse. In the situation where land has already been allotted but the patta or ownership rights have yet to be issued the same may be done in the joint name of wife and husband, except where only one spouse is living. 6.26
- 6 The programme for conferment of ownership rights to the tenants and protecting the rights of the tenants/ sharecroppers from eviction-at-will does not seem to be getting adequate attention in the States. States are 6.27

also not giving specific/accurate and separate figures for the number of tenants who have been conferred ownership rights on the tenanted land those who have been only recorded as tenants, to prevent eviction at will. The information, whatever, furnished also gives no data about SC/ST Tenants separately. Since SC/ST beneficiaries are the target Ministry of Rural Areas & Employment may revise its monitoring system so that information collected from State Govt and other agencies include specific information about SC/ST beneficiaries.

- 7 In the interest of poor land holders, many of which belong to SC/ST, Ministry of Rural Areas and Employment may ensure maximum utilisation of the scheme of computerization of land records by all States/UTs for maintaining up-to-date land records in each district. 6.29
- 8 Even though Centre is giving grants every year States have not taken up the scheme for strengthening of Revenue Administration of land records most seriously. Since proper maintenance of land records is in the vital interests of Scheduled Castes and Scheduled Tribes, who are less educated and socially, as well as economically weak, Ministry of Rural Areas and Employment may impress upon the States/UTs to make optimum use of the funds available under the both these schemes, expeditiously. 6.30
- 9 The Commission strongly recommends that the Ministry of Rural Areas and Employment should monitor the implementation of the recommendations made in the Revenue Ministers' Conference and review the position with the State Govts. on regular basis. 6.32
- 10 The Commission thus conveyed the following observations to the Ministry of Welfare on the proposed amendment of Kerala Scheduled Tribes Restrictions on Transfer of Lands and Restoration of Alienated Lands: 6.38
 - (a) The Act, as it stands today, was notified on 20.1.86 with retrospective effect from 1.1.82. Even this date is a fairly delayed one as the original Act passed in 1975 received the assent of the President on 11.11.75.
 - (b) The amendment by adding section 5-A legalises/regularises all transfer of land from STs to non-STs which have not been restored to STs. This in effect would nullify the objectives of the original Act which was to restrict transfer of lands from STs to non-STs and restore the land of any transfer to them.

Ministry of Home Affairs, Ministry of Welfare and the State Govt. of Kerala may take necessary steps as per advice of the Commission and intimate the same to the Commission in due course.

- 11 As dependence upon private money lenders is a major cause of direct or indirect alienation of land specific schemes have to be formulated for associating with each scheme of allotment of land so that the allottees do not have to depend upon the private money-lenders for making proper and economical use of the allotted land. It is also recommended that there may be a common Central Law/ Directives for providing (a) complete ban on transfer of land from SC/ST to non-SC/ST, including transfer of land through the process of marriage by non-SC/ST with SC/ST women (b) regulation of transfer of land from one SC person to another SC person or one ST person to another ST person, (c) rights of pre-emption in favour of SC/ST allottees of land and (d) prohibition of sale of land belonging to SC/ST by Financial Institutions and Government Agencies for realisation of their dues. Commission also recommends that a provision for deterrent punishment should be provided for those indulging in acquisition of tribal land and or re-alienation of lands restored to SC/ST people. 6.41
- 12 Commission, therefore, recommends that Ministry of Welfare in consultation with the Ministry of Industries, Irrigation, Energy etc. should bring out Central directives to regulate the process of formulation and clearing of Projects to be set up in any part of the Country so that the vital issue relating to displacement and rehabilitation is properly taken care of by the concerned authorities. Commission further re-iterates its earlier recommendation that tribals (and others) displaced or likely to be displaced due to various projects should be made partners of the projects. 6.43

CHAPTER VII. SERVICE SAFEGUARDS

- 1 The Commission recommends that the whole issue of reservation in services should be given a legal basis without any further delay, and the Bill may be introduced in the Parliament by the Ministry of Welfare as early as possible. The Ministry should ensure that a penal clause is incorporated in the proposed enactment, providing action against official responsible for deliberate misuse, misinterpretation or non-implementation of reservation policy. Alternatively, the President may consider issuing an ordinance so that the Constitutional safeguards provided to the Scheduled Castes and Scheduled Tribes to have a clear, unambiguous legal status. 7.4
- 2 The Commission, therefore, strongly recommends that Ministry of HRD and UGC should take immediate remedial measure and ensure proper implementation of the reservation policy by the Universities including Delhi University 7.12
7.16
- 3 UGC should evaluate the impact of the instructions of 9-10-96 and also that of the SRDs launched by the Universities. 7.18
- 4 The Commission feels that such restriction of reservation policy is not in 7.19

order and therefore, urges upon the UGC to issue instructions for extending reservation in direct recruitment at all levels including Readers and Professors.

- 5 The Commission recommends that relaxation of 5% marks in the Master Degree Courses should be given to SC/ST candidates for appointment to the level of teachers and also for appearance in National Eligibility Test. 7.21
- 6 The Rastogi Committee has recommend that those candidates who have 55% marks in the Master 's Degree and have obtained a Ph. D. after 1993 should be exempted from qualifying in the NET/SLET to be eligible for the post of Lecturer. The Commission recommends that UGC may accept this recommendation of the Rastogi Committee in the case of Scheduled Caste and Scheduled Tribe candidates. 7.22
- 7 All possible steps are, therefore, required to be taken to increase the representation of SCs/STs in Judicial Services. 7.25
- 8 the Commission recommends the Department of Personnel and Training order dated 29.8.97 should be struck down forthwith. 7.29
- 9 The Commission recommends that reservation for Scheduled Castes and Scheduled Tribes in promotion should be extended to all classes of posts in accordance with the spirit of the Constitution (77th Amendment) Act. 7.32
- 10 The Commission recommends that the top administrative authorities should be much more vigilant and responsive in this regard to ensure that the Scheduled Castes and Scheduled Tribes employees are not harassed and humiliated in any way. 7.48
- 11 The Commission feels that he-Liaison Officers should be provided with all possible assistance by the Ministries/Departments/PSEs to enable them to work more effectively to ensure adequate representation of SCs/STs in services/posts at the earliest. The Department of Personnel & Training should conduct orientation training programmes for the Liaison Officers as frequently as possible. 7.68
- 12 The Commission recommends to all the Government Department, Public Sector Enterprises to provide following minimum facilities to the SC & ST employees association :- 7.72
 - (i)Quarterly/ Periodical meetings at Headquarters and Regional /Project / Field / Zonal Offices level with the Scheduled Castes and Scheduled Tribes Associations to discuss the individual grievances of the SC & ST employees and also the general issues pertaining to the service conditions of the employees belonging to these communities.

- (ii) Minutes of these meetings may be recorded and follow up action taken on the decisions arrived at in these meetings. The Association may be informed of the follow up action taken by the management on the minutes.

The Management/Department may also consider providing appropriate office space, telephone and other necessary facilities for the effective functioning of these associations at various level such as Hqs/ Regional/ Project/ Zonal/ Field etc.

- 13 In order to insure that de-reservation is resorted to as a last step, when really inevitable, the Department of Personnel and Training should re-examine the entire issue and provide for direct recruitment for Scheduled Castes and Scheduled Tribes where the post meant for them cannot be filled in by promotion. The re-examination thus wards a need for amendment of rules in many cases. 7.81

CHAPTER VIII. FALSE COMMUNITY CERTIFICATES

- 1 An analysis of the false cases of Scheduled Caste and Scheduled Tribe certificates in which Hon'ble Courts of Law granted stay orders reveal that the appointing authorities are not dealing firmly with the cases of community status certificates. 8.21
- 2 The instructions issued by the Govt. of India from time to time provide that the appointing authorities should verify the Scheduled Caste and Scheduled Tribe certificates through the competent authority of the place of permanent abode of the certificate holder(s) and in case, the verification reveals that the candidate's claim is false, his/her services should be terminated. As these instructions were not being scrupulously observed by the administrative authorities, the Govt. of India, DOPT issued detailed instructions specifying the authorities competent to issue community certificate and directing the appointing authorities to include the following clause in the offer of appointment to the candidates claiming to be SCs/STs. 8.21
- 3 The appointment is provisional and is subject to the caste/tribe certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste /Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate." 8.21

- 4 It has however been observed that the appointing authorities are not generally incorporating the above clause in the offers of appointment. The Commission, therefore, recommends that non-inclusion of the above clause in the officers of appointment should be treated as a serious lapse and necessary disciplinary action taken against the officers issuing the offer. 8.21
- 5 The concept of verification and cancellation is quite different. Verification needs an enquiry by the component authority either directly or through the subordinate officers whereas the process of cancellation is quasi-judicial one. Under the process of cancellation, the competent authority holds an enquiry, record the oral and documentary evidences and give reason on findings arrived at. The competent authority directs the issuing authority to prove that the said certificate has not been issued wrongly, as the burden lies on the issuing authority and not on the certificate holder. The certificate holder can not be called upon to justify the validity of the certificate. In case the competent authority is satisfied that the certificate is invalid, may order that the certificate is cancelled and the incumbent may also be prosecuted for procuring the certificate on the basis of false and fabricated documents. On receipt of cancellation order the appointing authority may issue show cause notice and terminate the service as the persons managed to get job reserved for Scheduled Caste or Scheduled Tribe on the basis of false /fake document. 8.21
- 6 Government of India, Department of Personnel and Training should issue necessary instruction to ensure the compliance of prescribed procedures and guidelines by the appointing authorities so that persons entering into service on the basis of false caste certificates may not be able to get stay against disciplinary proceedings on technical grounds. A clause may be incorporated in the instructions that the cases of technical lapses arising out of non-compliance of guidelines will be seriously viewed and stringent action would be taken against the authority concerned. Similarly certificate issuing authorities should also be made accountable for issuing false certificates. In this regard, as suggested by the Commission earlier a comprehensive bill to regulate the issue of community certificate relating to persons belonging to SC,ST and OBC should be introduced in the Parliament. This would prove to be a milestone in curbing the menace of false community certificate if it is enacted by the Parliament. The Commission, therefore, recommends that the bill should be introduced in the Parliament as early as possible incorporating the suggestions and recommendations of the Commission. 8.21

CHAPTER IX. CRIMES AND ATROCITIES

- 1 All efforts should be made by the State/UT Govts. to prevent atrocities and appropriate action be taken under SC & ST (POA) Act & Rules. 9.38

- 2 The SC & ST (POA) Rules, 1995 should be strictly enforced. 9.38
Implementation of these rules will help in prevention of crimes on SC/ST as they will get the forums at State and district level to discuss various causes and remedies relating to the crimes on Scheduled Castes and Scheduled Tribes.
- 3 There should be an exclusive special court in each district for trial of cases 9.38
under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as the regular courts which are presently being designated as Special Courts are already over-burdened with other cases. The atrocity cases must be tried by the special courts only and they should not be sent to lower courts for trial.
- 4 The F.I.R. must be promptly registered in each atrocity case and 9.38
investigations taken up and completed without delay.
- 5 The accused should be arrested as early as possible and the case challaned 9.38
in the special court. Special Public Prosecutor provided for in the Act, must take all necessary legal steps to ensure that the evidence is effective in proving the case.
- 6 Relief to SC & ST victims of atrocities provided under Rule 12(4) of the 9.38
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 should be provided promptly.
- 7 Cases of murder and rape are on the increase. This leads to the entire 9.38
family of the victim suffering a deep and often unrecoverable loss. Timely action and investigation is required to confirm such incidents & cases.
- 8 The Central & State Govts. should monitor and review the working of 9.38
these Acts & Rules, as provided for, and send the necessary returns & reports required to be tabled in the Parliament. It is seen that so far only one report regarding SC/ST (POA) Act, 1989 has been submitted by the Ministry of Welfare.
- 9 The provisions of the Acts & Rules need to be given adequate publicity 9.38
and information, both to give the correct message to all the communities (including non-SC/ST) and to counter mis-information on the subject.
- 10 State/UT Govts. Should ensure that timely information regarding major 9.38
incidents of atrocities & crimes against SC/ST reach the National Commission for Scheduled Castes and Scheduled Tribes within 24 hours of occurrence of the incident through NIC-NET.

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| 11 | As has been observed in the Chapter, information required by the Commission is not received from many State/UT Govts. In order to facilitate a comprehensive examination of the position, timely receipt of such information is of vital significance. | 9.38
9.38 |
| 12 | The Central Government should consider necessary amendments in the PCR Act, 1955 and Rules and SC & ST (POA) Act 1989 and Rules as discussed in the various forums and suggestions already made by the Commission to Ministry of Welfare to make the Act more effective. Main suggestions have also been given separately in Chapter X of this Report. | 9.38 |

**CHAPTER X. CONSTITUTIONAL AND LEGISLATIVE
AMENDMENTS**

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| 1 | The Commission recommends that Article 338 be amended as proposed in ANNEXURE 10.I to make the working of the Commission more effective and facilitate laying of the Report in the Parliament and State legislatures within a specified time frame. | 10.2
10.3 |
| 2 | The Commission has proposed amendment to the SC & ST(POA) Act 1989, SC & ST (POA) Rules,1995 and PCR Act 1955 as in ANNEXURE 10.II .The main objective of these amendments is to ensure speedy justice and trial for the victims of atrocities, include certain offences that have not been included so far and to provide for stringent punishment which should act as a deterrent against wilful and caste based crime. | 10.6
10.7 |
| 3 | The Commission would recommend that the Government of India should consider the proposed amendments to the Constitution and the SC & ST (POA) Act., 1989, SC & ST (POA) Rules, 1995 and PCR Act., 1955 at the earliest. | 10.7 |

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