



**NATIONAL COMMISSION  
FOR  
SCHEDULED TRIBES**

**EIGHTH REPORT  
FOR THE YEAR  
2012-13**



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**EIGHTH REPORT FOR 2012-13**  
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**D.O. No. 4/6/15-Coord.**

**Dated: November, 2015**

The National Commission for Scheduled Tribes has been set up w.e.f. 19 February, 2004 under the provision of Article 338A of the Constitution. Article 338A, inter-alia, provides that it shall be the duty of the Commission to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards available to the members of the Scheduled Tribes and to make in such reports recommendations as to the measures, that should be taken by the Union or any State, for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

2. In pursuance to the above mentioned provision, the National Commission for Scheduled Tribes has so far submitted Seven Annual Reports and a Special Report on “Good Governance for Tribal Development and Administration”. I have now the honour to submit to you the **Eighth Report** of the National Commission for Scheduled Tribes upon the working of the Safeguards for Scheduled Tribes during the year 2012-13. During the period under review, the Members of the Commission interacted with senior officers and people's representatives at State, district and local levels. The Commission also held sittings with the senior officers of the State Governments, Central Ministries and Departments, Central Public Sector Enterprises and Financial Institutions. The Commission has also deliberated upon various policy measures initiated by the Government. The experiences of the Commission have been included in this Report, which comprises of seven Chapters **(i) Organisational Set-Up & Functioning of the Commission (ii) Service Safeguards (iii) Planning for Development of Scheduled Tribes (iv) Atrocities against Scheduled Tribes (v) Case Studies (vi) Consultation on Policy Related Issues and (vii) SUMMARY OF RECOMMENDATIONS**. The last Chapter collates the recommendations made in first six Chapters of this Report.

3. The first Chapter on '**ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION**' inter-alia dwells upon (i) various aspects of the functioning of the Commission, (ii) needs and constraints faced by the Commission and (iii) laying of the Commission's reports in Parliament. Having

acute shortage of staff, the Commission has not been able to take up matters relating to all duties and functions assigned to it, the outcome of which reflects on the efforts made by the Commission. Requisite manpower was not provided to the Commission in 2004 when National Commission for Scheduled Tribes was set up. About 40% of the total posts allocated to this Commission from the erstwhile National Commission for Scheduled Castes and Scheduled in December, 2004 were vacant. Even now more than 50% of the total posts and almost 90% of the functional posts are vacant. The Ministry of Tribal Affairs which is the Administrative Ministry for this Commission, the Ministry of Social Justice and Empowerment, National Commission for Scheduled Castes and Department of Personnel and Training which are Cadre Control Authorities of various posts in this Commission have failed to provide personnel against these vacant posts. Detailed proposal for strengthening of the Commission submitted in October, 2009 has also not yielded any result so far.

4. The Commission has so far submitted Eight Reports to the President of India. These include Seven Annual Reports and one Special Report. The Commission expresses its displeasure that the Government, in fulfillment of the provision under Clause 6 of Article 338A of the Constitution, has so far laid in both Houses of Parliament, only three Reports, viz; First Report submitted on 8th August, 2006, Second Report submitted on 3rd September, 2008 and Special Report of the Commission. The Commission also has no information whether any of its Reports has been laid in any State Legislature as required under Clause (7) of Article 338A.

5. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its 33rd Report (14th Lok Sabha) submitted to both Houses of Parliament on 23/10/2008 had also taken cognizance of the fact that NCST has not been provided with adequate manpower and none of its Reports submitted by the National Commission for Scheduled Tribes to the President had been placed in the Parliament. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (15th Lok Sabha) in its 11th Report regarding action taken on the 33rd Report (14th Lok Sabha), laid in both Houses of Parliament on 24/03/2011, had mentioned that the **“Committee are disturbed to note that the Ministry of Tribal Affairs have been taking a very long time in consolidating the inputs received from various Ministries/Departments. As such the Committee have no reservation in recommending amendment of clauses 6 & 7 of Article 338A of the Constitution for timely laying of reports of NCST. The Committee, therefore, reiterates their earlier recommendation as also stress for laying of all NCST reports which are long overdue for laying in the Parliament.”**

6. The Constitution of India has made specific provisions for upliftment of the Scheduled Tribes and other weaker sections of the society. These include provisions for reservation for Scheduled Castes and Scheduled Tribes in civil posts and services of the Government. There are several instructions and guidelines relating to implementation of policy of reservation by Govt. Departments and Public Sector Enterprises under them, including Banks, Insurance Companies and Central Universities, etc. **Chapter 2 on 'SERVICE SAFEGUARDS'** discusses some important aspects having vital bearing on the service safeguards available to the members of the Scheduled Tribes. Although



dereservation of posts in direct recruitment is banned since 1989 yet non-availability of ST candidate in various feeder cadre posts has been noticed and consequently, several Ministries and Departments have been seeking dereservation in promotion, which is still permissible. Government has to take strict measures to ensure implementation of reservation at the time of direct Recruitment in each cadre and service.

7. The Tribal Sub-Plan approach for development of the STs and the Scheduled Areas and other areas of tribal concentration is being implemented since the Fifth Five Year Plan. As per the guidelines for the Tribal Sub-Plan, each State Government has to set apart funds out of State Plan, in proportion to the population percentage of the Scheduled Tribes in the State, under the TSP; and submit a Tribal Sub-Plan document showing utilization of those and other funds received or to be received from various sources including those as Special Central Assistance besides Central Assistance under Central Sector and Centrally Sponsored Schemes and Institutional Finance. Similarly, each Ministry and Department of the Central Government is required to set apart certain funds for tribal development and prepare Tribal Sub-Plan document along with the plan proposals for the Annual Plan and the Five Year Plan of the Ministry/ Department. The Commission has observed that these guidelines are not being followed by almost all the States and the Central Ministries/ Departments. The position in respect of each State and some of the Ministries for which information is available in the Commission, has been discussed in **Chapter 3 on PLANNING AND DEVELOPMENT FOR SCHEDULED TRIBES**. The Commission also feels that the unspent amount of the funds so earmarked under Tribal Sub-Plan of the State as well as Central Ministry/ Department may be treated as non-lapsable pool to be utilized for infrastructural development schemes incidental to the Scheduled Tribes and the Tribal Sub-Plan areas. The State level unspent TSP funds may be placed under the control of the Tribal Welfare Department of the concerned State. Similarly, unspent TSP fund in each Central Ministry/ Department may be placed under the control of the Ministry of Tribal Affairs.

8. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 & Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 has been framed to protect the members of these communities from social denigration. There is, however, no substantial reduction in the number of incidents of crimes against Scheduled Tribes. The Commission has also observed that about 16.9% of cases were decided by the Courts during the year 2012 out of which, on an average, only about 22.5% ended in conviction and 77.5% ended in acquittal. The position regarding disposal of PoA cases is worst as only 12.9% of the cases registered under PoA Act were disposed by the Courts during 2012 and the conviction was awarded in 9.7% cases only. It has also been observed that the investigation process is not completed within a reasonable period of time. This is a matter of grave concern; and, there is imperative need to take more effective measures for curbing the incidence of crimes against Scheduled Tribes and ensuring prompt justice to the ST victims of atrocities and timely punishment to the perpetrators of crime. The detail regarding incidence of crimes against Scheduled Tribes and their disposal by Police and Courts have been discussed in **Chapter 4 on ATROCITIES AGAINST SCHEDULED TRIBES**.

9. The Commission receives representations pertaining to grievances and violation of safeguards land rights provided for Scheduled Tribes. These representations are referred to the concerned organizations of the Central Government or the State Governments by the Commission, requesting them to furnish full facts within a given time frame. The facts furnished by the concerned Government or the organization are examined by the Commission and in case, upon enquiry, the Commission feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given timeframe and apprise the Commission of the action taken. The Commission's intervention brought relief in many cases during the Report period 2012-13. A few representative cases have been discussed in **Chapter 5** titled **CASE STUDIES**.

10. Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes. During the year 2012-13, the Commission communicated its views on several policy-related issues, the details of which have been presented in **Chapter 6** on **CONSULTATION ON POLICY RELATED ISSUES**.

11. The recommendations of the Commission on various aspects as highlighted in the respective Chapters have been summarized in **Chapter 7** on **SUMMARY OF RECOMMENDATIONS** to facilitate convenient identification for the purpose of taking up follow up action on them by the Government.

12. Despite increasing handicaps, the Commission has persevered to highlight in this Report, the basic problems of Scheduled Tribes and has made recommendations to improve the efficacy of existing measures to safeguard their rights and the problems being faced by the Commission in fulfilling the mandate assigned to it by the Constitution. **The Commission sincerely hopes that the recommendations and suggestions made in this Report will be given serious consideration by the Government in the overall interests of the Scheduled Tribes. However, the worsening shortage of manpower and infrastructure available with the Commission urgently calls for issuing necessary directives to the Government.**

Yours sincerely,

**(Rameshwar Oraon)**

**Shri Pranab Mukherjee,**  
Hon'ble President of India,  
Rashtrapati Bhavan,  
New Delhi.

# **CHAPTER 1**

## **ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION**

### **1.1 Creation and composition of the National Commission for Scheduled Tribes**

1.1.1 The National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003<sup>1</sup>. By this amendment the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST) w.e.f. **19 February, 2004**. Detailed background information about the historical evolution of the National Commission has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06.

1.1.2 The National Commission for Scheduled Tribes has a Chairperson, a Vice-Chairperson and three other Members. Shri Kunwar Singh joined the Commission as first Chairperson. Smt. Urmila Singh who was Chairperson of the Commission since 18/06/2007 demitted office on 24/01/2010 after her appointment as Governor of the State of Himachal Pradesh. Dr. Rameshwar Oraon, Ex-MP joined the Commission as Chairperson on 28.10.2010. Shri Maurice Kujur, who was Vice Chairperson from 25.04.2008, and Shri Oris Syiem Myriaw, Member appointed from 17.04.2008 continued till completion of the prescribed tenure. Smt. K. Kamla Kumari and Shri Bheru Lal Meena who joined the Commission as Members on 21.07.2010 and 28.10.2010 respectively also continued till completion of prescribed tenure. The third post of Member, vacant since March 2007, remained vacant throughout the period under report.

1.1.3 The term of office of Chairperson, Vice-Chairperson and each member is three years from the date of assumption of charge. The Chairperson has been given the rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.

1.1.4 The first National Commission for Scheduled Tribes (NCST) was constituted in March, 2004 and comprised Shri Kunwar Singh, Chairperson (who assumed office on 15.3.2004), Shri Tapir Gao, Vice-Chairperson (who assumed office on 3.3.2004), Shri Lama Lobzang, (who assumed office on 2.3.2004), Smt. Prem Bai Mandavi, (who assumed office on 4.3.2004) and Shri Buduru Srinivasulu, (who assumed office on 11.3.2004) as Members. The office of Vice-Chairperson had fallen vacant w.e.f. 31.3.2004 consequent upon resignation of Shri Tapir Gao and was vacant till 29.5.2006 on which date Shri

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<sup>1</sup> Available under the link "Acts and Amendments" on NCST website <http://ncst.nic.in>

Gajendra Singh Rajukhedi joined the office of Vice-Chairperson. While Shri Kunwar Singh, Chairperson resigned from his office on 14.2.2007 (A/N), the Members of the first Commission demitted their office in the month of March, 2007 from the date of completion of their three years tenure. Shri Gajendra Singh Rajukhedi also resigned from the office of Vice-Chairperson on 15.05.2007.

1.1.5 The second commission comprised of Smt. Urmila Singh, as Chairperson, Shri Maurice Kujur as Vice Chairperson, Shri Tsering Samphel, and Shri Oris Syiem Myriaw, as Members (Smt. Urmila Singh assumed office on 18.06.2007 and resigned on 24.01.2010 consequent upon her appointment as Governor of Himachal Pradesh), Shri Maurice Kujur, Vice Chairperson remained in office from 25.04.2008 to 24.04.2011, Shri Tsering Samphel, Member who assumed office on 14.06.2007 demitted his office on 13.06.2010. Similarly Shri Oris Syiem Myriaw, Member, who assumed office on 17.04.2008 demitted on 16.04.2011 after completion of three year term.

1.1.6 In the third Commission, Dr. Rameshwar Oraon, assumed office of Chairperson on 28.10.2010, Smt. K. Kamala Kumari, assumed office of Member on 21.07.2010 while Shri Bheru Lal Meena, assumed office of Member on 28.10.2010. The posts of Vice chairperson and one Member in the Commission remained vacant. Smt. K. Kamla Kumari demitted Office after completion of her three-year tenure on 20/07/2013. Similarly, after completion of their respective three year terms Dr. Rameshwar Oraon, Chairperson demitted his office on 27/10/2013 and Shri Bheru Lal Meena, Member demitted his Office on 28/10/2013 (FN).

1.1.7 Dr. Rameshwar Oraon has been re-appointed with 2nd term of three years as Chairperson, National Commission for Scheduled Tribes. Similarly Smt. K. Kamla Kumari and Shri Bheru Lal Meena, were also re-appointed with 2nd term of three years as Members of the Commission. All of them assumed the respective Offices on 01/11/2013. Shri Ravi Thakur, MLA in Himachal Pradesh Assembly has been appointed as Vice-Chairperson of the Commission. Shri Ravi Thakur has assumed the office on 13/11/2013. However due to sudden demise of Smt K.Kamla Kumari on 17/07/2014 and Shri Bheru Lal Meena on 19/08/2014, three posts of Members are presently lying vacant in the Commission.

## **1.2 National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004**

1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004.

### **1.3 Functions and Duties of the National Commission for Scheduled Tribes**

1.3.1 The functions, duties and powers of the National Commission for Scheduled Tribes have been laid down in Clauses (5), (8) and (9) of the Article 338A of the Constitution, inserted by Constitution [Eighty-ninth Amendment] Act, 2003. Clause (5) states that it shall be the duty of the Commission:

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the 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 Tribes;
- (c) to participate and advise on the planning process of socio-economic development of the 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 Tribes; and
- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule, specify.

#### **Expanded Terms of Reference of the Commission**

1.3.2 The Ministry of Tribal Affairs vide Notification dated 23 August, 2005, vested the Commission to discharge some additional functions in relation to the protection, welfare, development and advancement of the Scheduled Tribes. A copy of this notification is placed at **ANNEXURE-1.I**

1.3.3 It would be appropriate to mention here that the Commission does not have the requisite manpower as well as budget provision to deal with even the original duties assigned to it. Besides, there is no budgetary head/ funds available with the National Commission for Scheduled Tribes for taking up the originally vested functions as well as additionally vested functions through outsourcing. Consequently, this Commission has not been able to take up effectively the matters/ issues mentioned in the Expanded Terms of Reference.

1.3.4 It would also be appropriate to mention here that budget provision under IT (Plan Head) has been made for National Commission for Scheduled Tribes within the budget head of the Ministry of Tribal Affairs. It is noted from the

annual reports of the Ministry of Tribal Affairs and the information available on the website of the Ministry that the funds allocated to the Ministry of Tribal Affairs for Research & Training and Monitoring & Evaluation under plan head for Research Information Media and other activities have not been fully utilized every year. On the lines of the funds allocated under IT head of the Ministry, some funds could easily be earmarked for National Commission for Scheduled Tribes for meeting the expenditure relating to Research & Training and Monitoring & Evaluation. **The Commission therefore reiterates its recommendation made in the Seventh Report that Ministry of Tribal Affairs may consider earmarking adequate funds for National Commission for Scheduled Tribes under Research & Training and Monitoring & Evaluation sub-head under the plan head of the Ministry in each financial year enabling the National Commission for Scheduled Tribes to meet the requirements relating to Research & Training and Monitoring & Evaluation and those relating to additional functions vested with the Commission.**

#### **1.4 Powers of the Commission**

##### **(A) Procedural Autonomy**

1.4.1 Clause (4) of Article 338A of the Constitution provides that the Commission shall have the power to regulate its own procedure. The Commission accordingly notified the Rules of Procedure on 17 September 2004. These Rules define the responsibilities of the Chairperson, Vice-Chairperson and Members, and Secretary to the Commission, and further lay down that the Chairperson shall allocate subjects and responsibilities among the Members of the Commission. These Rules, inter-alia, also provide about

- (i) the procedure of investigation and enquiry by the Commission,
- (ii) frequency of meetings of the Commission,
- (iii) the duties of Regional Offices of the Commission,
- (iv) the advisory role of the Commission, and
- (v) monitoring functions of the Commission and its Regional Offices.

1.4.2 A copy of the Rules of Procedure is available<sup>2</sup> on the website of the Commission (<http://ncst.nic.in>). No changes were made to these Rules during the Report period. However, an amendment to the Rules of Procedure was made recently in order to enable the Commission to hold its meetings in absence of adequate quorum as three posts of Members in the Commission were vacant for a long time. A copy of the Notification regarding Amendment of the Rules of Procedure is placed at **ANNEXURE-1.II** It is, however, noteworthy that despite the constitutional provision empowering the Commission to regulate its own procedure in fulfilling the mandate assigned to it, the Commission has not been able to function smoothly and effectively due to various persisting constraints.

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<sup>2</sup> Copy of the Rules of Procedure is available under the link "**Commission and Related Activity**" on the website of the Commission (<http://ncst.nic.in>).

## **(B) Powers to act as a Civil Court**

1.4.3 Clause (8) of Article 338A provides that 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:

- (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,
- (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.

## **Supreme Court's interpretation regarding powers of the Commission**

1.4.4 The interpretation regarding powers of the Commission have been discussed in the 5th Report of the Commission. The Hon'ble Supreme Court vide their judgment dated 31 October, 1996 in Civil Appeal No.13700 of 1996, held that all the procedural powers of a civil court given to the National Commission for Scheduled Castes and Scheduled Tribes by Article 338 (8) of the Constitution of India are for the limited purpose of investigating any matter under Article 338 (5) (a) or enquiring into any complaint under Article 338 (5) (b). Further, the powers of a civil court of granting injunctions, temporary or permanent, do not in here in the Commission nor can such a power be inferred or derived from a reading of Clause (8) of Article 338 of the Constitution. The Hon'ble Supreme Court declared that the Commission has the power to summon and enforce the attendance of any person from any part of India and examine him on oath; it can require the discovery and production of documents and so on and so forth. All these powers are essential to facilitate an investigation or an enquiry, but such powers do not convert the Commission into a civil court.

## **(C) Advisory Role of the Commission**

1.4.5 Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Tribes. The policy matters referred to the Commission are discussed in detail in the meetings of the Commission on the basis of the views expressed by the Members and the notes on the subject matter, indicating historical background, current status and relevant Rules etc., prepared by the Commission's Secretariat; and the views of the Commission<sup>3</sup> are communicated in

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<sup>3</sup> Proceedings of the meetings of the Commission, containing views of the Commission are available under the link " **Meetings of Commission** " on the website of the Commission (<http://ncst.nic.in>)

substantive fashion, also seeking feedback regarding the outcome of such consideration. This activity is set out in Chapter 6 of this Report.

1.4.6 All Ministries/ Departments and the State Governments did not refer the policy matters for advice of the Commission. From the feedback received in the Commission, it was noted that the views of the Commission/ advice rendered by it was not placed by the Ministry of Tribal Affairs or the sponsoring Ministry before the Apex Committees considering the matter; and consequently the views of this Constitutional Commission vested with the duty to safeguard the rights of the Scheduled Tribes could not be reflected while finalizing the views by the Apex Committees. The matter was taken up with the Cabinet Secretariat for issuing necessary directives to all concerned mandating them for meaningful consultation with the National Commission for Scheduled Tribes on major policy and legislative matters affecting the Scheduled Tribes. The Cabinet Secretariat issued instructions vide OM dated 16/2/2012, in which the sponsoring Ministries/ Departments were advised

***to ensure that the National Commission for the Scheduled Castes, and the National Commission for the Scheduled Tribes, as the case may be, shall mandatorily be consulted by them through the Ministry/Department administratively concerned with the Commission before finalization of such notes for consideration of the Cabinet/Cabinet Committees. In all such cases, the administrative Ministry/Department concerned will place the views of the concerned National Commission, as the case may be, as received by them, before the Minister-in-charge of the Ministry/ Department concerned before their final views/ comments on such issues were communicated to the sponsoring Ministry/ Department. Further, the unabridged/ unedited views of the concerned Commission along with the views of the Ministry/ Department administratively concerned with the Commission be included in/ enclosed with the note for consideration of the Cabinet/ Cabinet Committees along with responses thereon by the sponsoring Ministry/ Department.***

1.4.7 The above instructions have since been incorporated as instructions No. 42 in section 3 of the Handbook of Instructions of the Cabinet Secretariat.

## **1.5 Organization of the Headquarters Office and Secretariat of the Commission**

### **(A) Organizational set up of Headquarters Office**

1.5.1 The National Commission for Scheduled Tribes functions from its Headquarters at New Delhi and from the Regional Offices of the Commission located in six States. There are following Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Official Language Unit



4. Research Unit - I
5. Research Unit - II
6. Research Unit . III
7. Research Unit - IV

1.5.2 The main functional units are Research Unit-I, Research Unit-II, Research Unit-III, Research Unit-IV, which deal with all matters pertaining to socio-economic and educational development, service safeguards and atrocities in relation to Scheduled Tribes and Policy Matters related thereto as per distribution of the Ministries/ Departments (including CPSEs and other Organisations/ Offices under their administrative control) and the States and UTs among these four Research Units.

1.5.3 There are 6 Regional Offices (ROs) of the National Commission for Scheduled tribes at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. These ROs keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Tribes in the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/ Union Territory Administration affecting the interests of the Scheduled Tribes are brought by the Regional Offices to the notice of the Commission for necessary action.

1.5.4 To facilitate smooth performance of various natures of duties assigned to the Commission, through the Members, the subject matters relating to safeguards provided for the Scheduled Tribes in relation to specific States/ UTs and Central Ministries/ Departments (and CPSEs under their administrative control) have been allotted to each Member of the Commission. Cases of investigations into specific complaints about discrimination with Scheduled Tribes or violation of safeguards provided for Scheduled Tribes/ holding of sittings in such matters, proposals for de-reservation of posts reserved for Scheduled Tribes and recommendations to various Organisations are finalized with the approval of the Member concerned.

### **(B) Appointment of Members of the Commission**

1.5.5 As per provisions of Article 338A of the Constitution, National Commission for Scheduled Tribes has a Chairperson, Vice-Chairperson and three other Members. Dr. Rameshwar Oraon, Ex-MP joined the Commission as Chairperson on 28.10.2010 and continued during the Report period 2012-13. Shri Maurice Kujur, who had assumed office of Vice Chairperson on 25.04.2008 continued till completion of his three years tenure that ended on 24.04.2011 and the post remained vacant thereafter during 2011-12 and also during 2012-13. Shri Oris Syiem Myriaw, Member appointed since 17.04.2008 also continued till completion of his tenure on 16.04.2011 and thereafter the post is vacant. Smt. K. Kamla Kumari and Shri Bheru Lal Meena who had joined the Commission as Members on 21.07.2010 and 28.10.2010 respectively continued to function during the Report period. However, office of

the third Member, vacant since 16.04.2011, remained vacant throughout the year under report also.

1.5.6 Dr. Rameshwar Oraon has been re-appointed with 2nd term of three years as Chairperson, National Commission for Scheduled Tribes. Similarly Smt. K. Kamla Kumari and Shri Bheru Lal Meena, were also re-appointed with 2nd term of three years as Members of the Commission. All of them assumed the respective Offices on 01/11/2013. Shri Ravi Thakur, MLA in Himachal Pradesh Assembly has been appointed as Vice-Chairperson of the Commission. Shri Ravi Thakur has assumed the office on 13/11/2013. However due to sudden demise of Smt K.Kamla Kumari on 17/07/2014 and Shri Bheru Lal Meena on 19/08/2014, three posts of Members are presently lying vacant in the Commission. The Commission has no information regarding filling of these vacancies.

1.5.7 It is pertinent to mention here that various duties and powers mandated with the Commission have to be performed by the Members of the Commission. This includes directions on the complaints and representation received in the Commission and holding of Sittings, if necessary, in such cases as these powers rest with the Members of the Commission only. Less number of Members means less number of Sittings and less/ poor disposal of complaints relating to grievances of Scheduled Tribes. Similarly, the review of various programmes relating to tribal development is conducted by a Member or a team of Members. More posts of Members in the Commission remaining vacant means less number of reviews and hence poorer feedback from the beneficiaries and field functionaries regarding actual flow of benefits of various programmes having reached the beneficiaries or not.

1.5.8 As term of appointment of each Member in the Commission is fixed as three years, the process to fill the vacancies that may be caused after completion of the prescribed three year term of each Member should in normal course commence much in advance before completion of the term. Similarly, the process to make an appointment against the vacancy caused due to sudden death or actual vacation by the Member or otherwise should be initiated immediately so that actual appointments to the vacant posts takes place within three months of the occurrence of the vacancy. The Commission's efforts to fulfill its mandate are handicapped by inordinate delays in filling the vacancies of Members. **The Commission, therefore, reiterates its recommendations that the term of each Member being fixed, i.e. three years from the date of assuming the charge and the Government being fully aware about the date when the vacancy would be caused, the Government should initiate timely action for appointment of new Members against the likely vacancies and within three month of occurrence of vacancy due to death of the Member or due to any other reason.**

### **(C) Manpower support to the Commission**

1.5.9 The total staff strength of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes at its Hqrs. at New Delhi and the 18

State Offices at the time of its replacement by two Commissions in Feb, 2004 was 340 (including the Joint Cadre and Ministerial posts in headquarter office and State Offices) out of which 113 posts were allotted to the National Commission for Scheduled Tribes. These included 27 posts which were vacant. Besides, 24 additional posts were created in the Commission by the Ministry of Tribal Affairs vide Office Order No.17014/12/99-TDR dated 19 April, 2004. These include 1 post of Chairperson, 1 Vice-Chairperson and 1 Member and their personal staff, Secretary-1, Joint Secretary-1, Superintendent of Police-1, Principal Private Secretary-1, PS-1, Assistant Director (Programming)-1, Law Officer-1, Assistant Director (OL)-1, Sr. Hindi Translator-1, Librarian-cum-Documentation Assistant-1, Accountant-1, and Dispatch Rider-1. The present vacancy position in various categories of posts as on date is given in the **ANNEXURE-1.III AND THE** Organisational Chart of the Commission as on 01/06/2015 placed at **ANNEXURE-1.IV**. Since various Cadre Control Authorities are responsible for providing the personnel for different categories of posts in the Commission, a Statement showing cadre-wise and Group-wise sanctioned posts and vacancy position in the Commission as on 1.6.2015 is given in the TABLES 1.1 below:

**TABLE 1.1**

**STATEMENT SHOWING CADRE-WISE SANCTIONED POSTS AND VACANCY POSITION IN NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**(As on 01/06/2015)**

S.No.	Cadre Control Authority	Classification of Post	Sanctioned Posts	Filled	Vacant
1(a)	DoPT (Through MTA)	Group Aq	3	3	0
	-do-	Group Bq	6	0	6
	-do-	Group Cq	3	1	2
1(b)	DoPT (Through MSJE)	Group Aq	1	1	0
1(c)	DoPT directly	Group Aq	1	1	0
	<b>Total Posts under control of DoPT</b>		<b>20</b>	<b>10</b>	<b>10</b>
2.	Posts under control of MSJE	Group Aq	11	3	8
3.	NCSC	Group Bq	24	8	16
	-do-	Group Cc	63	30	33
	<b>Total Posts under control of NCSC</b>		<b>87</b>	<b>38</b>	<b>49</b>
4.	National Informatics Centre	Group Aq	1	1	0
	<b>Total Posts under control of NIC</b>		<b>1</b>	<b>1</b>	<b>0</b>
5.	Department of Official Language (OL)	Group Aq	1	1	0
	-do-	Group Bq	3	2	1
	<b>Total Posts under control of DOL</b>		<b>4</b>	<b>3</b>	<b>1</b>
6.	NCST/MTA	Group Aq	1	0	1
	-do-	Group Bq	3	0	3
	-do-	Group Cq	1	0	1
	<b>Total Posts under control of NCST/MTA</b>		<b>5</b>	<b>0</b>	<b>5</b>

<b>Total Posts of NCST under control of all Cadre Control Authorities</b>	Group Aq	<b>19</b>	<b>10</b>	<b>9</b>
	Group Bq	<b>36</b>	<b>10</b>	<b>26</b>
	Group Cq	<b>73</b>	<b>35</b>	<b>38</b>
	ALL	<b>128</b>	<b>55</b>	<b>73</b>

DoPT : Ministry of Personnel & Training (Department of Personnel and Training)  
MSJE : Ministry of Social Justice and Empowerment,  
MTA : Ministry of Tribal Affairs  
DOL : Department of Official Language,  
NCSC : National Commission for Scheduled Castes  
NCST : National Commission for Scheduled Tribes

1.5.10 It will be noted from the above Table that out of 128 Posts available with the National Commission for Scheduled Tribes, highest level of control is with National Commission for Scheduled Castes as NCSC is the controlling Authority for 87 Posts. These are Group Bq and Group Cq category posts which are essential for operational efficiency of the Commission. In fact in every Organisation the operational efficiency depends upon the Group Bq and Group Cq staff only as they are instrumental in executing the directives given by the link tanks in the Organisation. Out of these 87 Posts only 38 Posts are filled leaving a huge vacuum of 49 (56%) vacancies. Department of Personnel and Training under the Ministry of Personnel & Training is the next bigger Authority having control over 20 posts in Group Aq Group Bq as well as Group Cq categories. All the Group Aq posts are filled by Department of Personnel and Training either directly or through Ministry of Tribal Affairs or Ministry of Social Justice and Empowerment and all these Group Aq posts are presently filled. 6 out of the above mentioned 20 posts belong to Group Bq category and are filled by posting through Ministry of Tribal Affairs. All these 6 posts are vacant. Similarly, 4 out of 6 Group Cq posts, filled by Department of Personnel and Training by posting through MSJE are also vacant. 11 Group Aq posts in this Commission belong to Joint Cadre of NCST, NCSC and MSJE and Officers for these Group Aq posts are appointed by Ministry of Social Justice and Empowerment and presently 73% (8 out of 11) of these Group Aq posts are vacant. At the time of creation of separate National Commission for Scheduled Tribes in 2004, the Ministry of Tribal Affairs had sanctioned a few posts for serving NCST exclusively. These are one post each of Superintendent of Police, Law Officer, Librarian-cum-documentation Assistant, Accountant and Dispatch Rider. These posts carry lower pay scales/ grade pay as compared to those in other Organisations. Consequently, response to the process for recruitment to these posts has been very poor and proposals of the Commission to upgrade the scales/ grade pay of these posts have not been honored by the Government and therefore these posts have remained unfilled. Since these posts have not been filled, Commission could not take the benefit of creation of these posts. **The Commission recommends that the Ministry of Tribal Affairs, being the administrative Ministry for the National Commission for Scheduled Tribes, should take immediate steps to upgrade the above mentioned posts created by the Ministry so as to enable the Commission to have functional benefits of those posts. Similarly, National Commission for Scheduled Castes, which is the Cadre Control Authority for 87 (68% of the total) posts of the Commission, should take prompt action for filling the vacant Group 'B' and Group 'C' posts in this Commission. In view of the precarious condition about**

**providing manpower in the Commission, the Department of Personnel and Training may also take concrete steps to post in the Commission, requisite number of Group 'B' and Group 'C' Officers against the existing vacancies.**

1.5.11 The need for strengthening of the National Commission for Scheduled Tribes was mentioned in all the previous Reports of the National Commission for Scheduled Tribes. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in para 1.21 of its 33<sup>rd</sup> Report (14<sup>th</sup> Lok Sabha) on the subject **NATIONAL COMMISSION FOR THE SCHEDULED TRIBES . ITS MANDATE AND ACHIEVEMENTS . A REVIEW OF ITS ORGANISATION AND WORKING+** has also made several observations regarding acute shortage of man power and recommended for strengthening the Commission.

1.5.12 A detailed proposal for strengthening the Headquarter office as well as Regional Offices of the National Commission for Scheduled Tribes and requirement for setting up four additional Regional Offices at Hyderabad (A.P.), Nagpur (Maharashtra), Shimla (H.P.) and Ahmedabad (Gujarat) was submitted to the Ministry of Tribal Affairs vide letter dated 21/10/2009. A copy of this letter is placed at **ANNEXURE-1.V**. It was followed by several reminders including DO reminders from the Chairperson, NCST to the Union Minister for Tribal Affairs.

1.5.13 The above issue has also been highlighted time and again in the Reports of the National Commission for Scheduled Tribes submitted to the President and also brought to the notice of the Prime Minister. The Prime Minister's Office vide their UO No. 560/51/C/12/2010-ES.2 dated 24/05/2010 directed the Ministry of Tribal Affairs that **"the Commission be given adequate staff to discharge its duties effectively"**. Despite the above directive from the PMO there is no further progress about the action taken by the Ministry of Tribal Affairs in this regard, as no new post has been sanctioned to enable the Commission to discharge its duties, while extent of vacant posts in the Commission has also increased from year to year. The matter was also discussed in detail in the previous Reports of the Commission, yet there is no progress in sanctioning additional manpower required for the Commission and filling the existing vacancies which account for above 57% of the total existing sanctioned strength of the Commission.

1.5.14 In the meanwhile Ministry of Tribal Affairs has laid the First and Second Report of the Commission in both houses of Parliament. In the Memorandum, explaining Action Taken on the recommendations contained in the report, laid along with the first report, the Ministry has made following statement in respect of this issue:

*The cadres of various posts in the National Commission for Scheduled Tribes (NCST) and its Regional Offices are controlled by the Department of Personnel & Training (DOP&T), Ministry of Social Justice and Empowerment (M/SJ&E) and the National Commission for Scheduled*

*Castes (NCSC). Since the Ministry of Tribal Affairs (MTA) does not control any cadre of the Commission, the vacancies occurring there cannot be filled by MTA. However, the MTA has taken up the issue for the creation of a separate cadre for the MTA, along with that of NCST, with the DOP&T. The DOPT has called for comments on certain issues. The clarifications/ comments have already been conveyed to the DOP&T for further consideration of the case. The DOP&T has been reminded on 17.09.2010, 29.10.2010, 10.01.2011, 07.02.2011, 19.04.2011, 17.11.2011 and on 30.01.2012 with a request to issue necessary orders regarding separate cadre for the MTA, along with that of the NCST. The NCST has also taken up the matter for filling up of vacancies in the Joint Cadre with National Commission for SCs/ Ministry of Social Justice & Empowerment from time to time.*

1.5.15 It is clear from the above statement that the Ministry of Tribal Affairs has tried to pass the buck from Ministry of Tribal Affairs to other cadre controlling Authorities. The National Commission for Scheduled Tribes is a functional body setup to fulfill constitutional obligations but it does not have power of the Ministry/ Department of the Government of India for the purpose of either creation of posts or making appointment to various posts. In fact this Commission is always at the begging end as no authority controlling various cadres which have to provide manpower against the posts allocated to this Commission has taken concrete steps for filling the vacancies in the Commission. In 2004 when manpower of erstwhile National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) was distributed among two successor Commissions namely, National Commission for Scheduled Tribes (NCST) and National Commission for Scheduled Castes (NCSC), 40% of the allocated posts in this Commission were vacant. Today about 60% of the allocated posts are vacant leading to serious functional problems for the National Commission for Scheduled Tribes.

**1.5.16 The Commission deeply regrets to report that notwithstanding the strong recommendation of the Parliamentary Committee, and the directives issued by the Prime Minister Office and continuous follow up by this Commission, neither additional posts have been sanctioned for the Commission nor any methodology evolved to fill the vacant posts in the Commission so far, which has negated all the efforts of the Commission to evolve into an effective guardian of the rights of Scheduled Tribes. The Commission strongly recommends the Government of India to promptly sanction the additional manpower sought by the Commission required to fulfill the mandate assigned to the Commission.**

**(D) Cadre Management in respect of various posts sanctioned to NCST**

1.5.17 The Headquarters of the Commission at New Delhi, comprises (a) Secretarial Staff belonging to the Central Secretariat Service and (b) joint cadre staff comprising posts of i) Director ii) Deputy Director iii) Assistant Director iv)

Research Officer v) Sr. Investigator and vi) Investigators. The staff in respect of i), ii) & iii) above (which are Group 'A' posts of Joint Cadre, is provided by the Ministry of Social Justice & Empowerment, being the Main Cadre Controlling Authority and the staff in respect of posts at (iv), (v) and (vi) is provided by the National Commission for Scheduled Castes, which has been acting as the Cadre Controlling Authority for these posts after the predecessor NCSCST was dissolved. The Staff belonging to CSS, CSSS and CSCS is provided by the Department of Personnel & Training, through Ministry of Social Justice & Empowerment. The Secretarial Staff in the Regional Offices of the Commission is also appointed and provided by National Commission for Scheduled Castes. Some of the Group 'C' posts are filled up by the National Commission for Scheduled Tribes itself. Detailed cadre-wise position has been summed up in TABLE 1.1 above.

1.5.18 Main functional posts of National Commission for Scheduled Tribes are drawn from Joint Cadre which is controlled by Ministry of Social Justice and Empowerment. The present vacancy position in respect of these posts in the Commission is as given in **ANNEXURE-1.III** mentioned in para 1.5.9 above. The functional posts of research Investigators, Senior Investigators, Research Officers, Assistant Directors, Deputy Directors and Directors and support staff in National Commission for Scheduled Tribes, National Commission for Scheduled Castes and SCD division of Ministry of Social Justice and Empowerment comprise the Joint Cadre. Ministry of Social Justice and Empowerment has had delegated the Cadre control of all Group B, C and D posts (i.e. posts other than Group 'A' posts of Assistant Director, Deputy Director and Director) to the erstwhile National Commission for Scheduled Castes and Scheduled Tribes as most of these posts were with the National Commission for Scheduled Castes and Scheduled Tribes. This reduced the burden of Ministry of Social Justice and Empowerment.

1.5.19 After replacement of NCSCST by two separate National Commissions two-third of the posts of the erstwhile NCSCST have been allocated to the NCSC and one-third of the posts have been allocated to NCST and the cadre control of all the Joint Cadre posts of Group 'B' and 'C' level has remained with the NCSC. However, National Commission for Scheduled Castes also has not taken positive steps to fill those posts.

1.5.20 The Commission's functional problems on account of allotment of only one-third of the total staff strength of the erstwhile NCSCST are further compounded by the fact that about 60% of these posts are lying vacant for long and the Commission has not been getting the support of various Cadre Controlling authorities to fill these posts. Pending separation of the Joint Cadre posts the Commission has repeatedly requested<sup>4</sup> the Cadre Controlling authorities i.e. Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes to fill up vacant posts. However, despite all efforts by the Commission to get these posts, particularly the posts belonging to

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<sup>4</sup> Letter No. 1/9/NCST/2005-Admn dated 29/08/2005 addressed to MSJE and DO letter No. 1/9/NCST/2005-Admn. dated 15/02/2006 addressed to Secretary, NCSC followed by reminders

Joint Cadre filled up, not much progress in this direction has taken place; and as a consequence thereof the sufferings of the Commission have increased with the passage of time. The Commission expresses its unhappiness on such a large number of posts being vacant in the Commission.

1.5.21 Ministry of Tribal Affairs which is creator of National Commission for Scheduled Tribes and Administrative Ministry for this Commission is fully responsible to ensure smooth functioning of the Commission by providing requisite manpower and infrastructure as per need. Frustrated with the situation Commission decided to separate its cadre from this Joint cadre. Initiative in this regard was taken by the Ministry of Tribal Affairs by taking up the matter with the Department of Personnel and Training for separation of Central Secretariat Service (CSS), Central Secretariat Stenographer Service (CSSS) and Central Secretariat Clerical Service (CSCS) cadres. The Department of Personnel and Training vide its order F. No. 25/1/2009-CS.I(P) dated 17/07/2012 constituted a new cadre unit of Ministry of Tribal Affairs in respect of various grades of CSS and CSSS by carving out the same from the existing cadre unit of Ministry of Social Justice and Empowerment. As per the order Ministry of Social Justice and Empowerment will continue to be the cadre authority of CSCS cadre of Ministry of Tribal Affairs. It is however, observed that officers in the post of Deputy Secretary in NSCT are posted through Ministry of Social Justice and Empowerment, PPS/PS are posted through Ministry of Tribal Affairs while officers in the post of Under Secretary in NCST are posted directly by Department of Personnel and Training. Consequently, Commission is forced to remain at the mercy of various Ministries for posting of officers belonging to CSS and CSSS in the NCST. Though National Commission for Scheduled Tribes is a constitutional Commission vested to fulfill important mandate in relation to safeguarding the rights of Scheduled Tribes and their development in the country, the Commission, setup in February 2004, is still struggling hard to fulfill the mandate on account of apathy of various Cadre Control Authorities in providing requisite manpower against the sanctioned posts, leave aside the sanctioning of additional manpower requirement sought by the Commission to meet the mandate assigned to the Commission. It will, therefore, be most appropriate that separate cadre for NCST alone or along with Ministry of Tribal Affairs may be created in respect of secretarial posts (CSS, CSSS and CSCS cadres) and the Joint Cadre posts (All Research posts and those in Regional Offices for secretarial support staff) respectively.

1.5.22 Thus, constitution of separate cadre of separation of Joint Cadre posts can also be resolved if Ministry of Tribal Affairs, which is the administrative Ministry for and creator of the National Commission for Scheduled Tribes, takes complete initiative in this direction by taking up the matter with Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes, in consultation with Department of Personnel and Training and the present situation of skeleton manpower making the National Commission for Scheduled Tribes almost dysfunctional can be avoided.

**1.5.23 The Commission is pained to observe that the Ministry of Social Justice & Empowerment, Ministry of Tribal Affairs, the National**



**Commission for Scheduled Castes and the Department of Personnel and Training did not fully appreciate the problems and the severe constraints being faced by the Commission and failed to make concerted efforts to fill up these vacant posts to enable the Commission to discharge its constitutional obligations in an effective manner. The Ministry of Tribal Affairs being administrative Ministry for NCST should take immediate steps to strengthen this Commission by taking necessary steps to ensure prompt filling of the existing vacancies in the Commission and by**

- (i) **Agreeing in principle to the creation of additional posts sought by NCST**
- (ii) **Sanction of 1/3 of additional post in first phase**
- (iii) **Creation of separate cadre out of all Joint Cadre posts for Research and secretariat staff-support posts in NCST or in NCST and MTA.**

**1.5.24 It is also recommended that separate cadre for NCST alone or along with Ministry of Tribal Affairs may be created in respect of secretarial posts (CSS, CSSS and CSCS cadres) and the Joint Cadre posts (Research staff and also secretarial support staff in Regional Offices of NCST) respectively.**

## **1.6 Functional Activities of the Commission**

1.6.1 The Commission receives a large number of petitions from all parts of the country about the grievances relating to (i) alleged violation of service safeguards, (ii) matters relating to alienation of land, admission in professional and technical institutions particularly in medical, engineering etc., and (iii) atrocities. These petitions are referred to the respective organization and the reply received from the organization is sent for information to the petitioner. In most of the cases the petitioners submit rejoinders to the Commission, which are examined with the reply received from the concerned organization. Depending on the nature of the reply received from the respective organization, the Commission, with a view to expedite the disposal of the petition, organizes Sittings/hearings in which the senior officers of the concerned organization are called to appear before it along with the required documents. After detailed interaction with them, the Commission issues the proceedings of the Sittings/hearings, also requesting the organization concerned to take follow up action on its recommendations within a given timeframe. In the interest of disposal of the maximum number of petitions, the Commission generally clubs all the cases/ petitions pending in the Commission in relation to an organization in a single Sitting. This increases the disposal of cases/ petitions in less number of Sittings. This also led to increased awareness in those organizations about implementation of the policies and programmes for STs in letter and in spirit.

1.6.2 During 2012-13, the Chairperson held sittings in respect of 25 cases. The post of Vice-Chairperson vacated on 25/04/2011 on completion of tenure remained vacant during the report period while 14 sittings were held by other Members of the Commission. The proceedings<sup>5</sup> of the discussions of these

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<sup>5</sup> See the link "**Hearings/ Proceedings**" on the web-site of the Commission (<http://ncst.nic.in>)

Sittings are also made available on the Website of the Commission in the interests of petitioners and to maintain transparency and good governance.

1.6.3 As mentioned earlier there are following Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Official Language Unit
4. Research Unit - I
5. Research Unit - II
6. Research Unit . III
7. Research Unit - IV

1.6.4 The main functional units are Research Unit-I, Research Unit-II, Research Unit-III, Research Unit-IV, which deal with all matters pertaining to socio-economic and educational development, service safeguards and atrocities in relation to STs as per distribution of the Ministries/ Departments (including CPSEs and other Organisations/ Offices under their administrative control) and the States and UTs among these four Research Units. The monitoring of the receipts and files in the Commission is being done through computerised File Tracking System. The progress of disposal of receipts/ petitions/ cases dealt in the Commission during the Report period have been discussed later in this Chapter.

1.6.5 With a view to providing information about the functioning of the Commission to the tribal petitioners who visit to the Commission, an Information and Facilitation Centre (I&FC) has been set up at the entry point of the Headquarter office of the Commission. In order to enable the poor tribal people living in different parts of the country to contact the officers of this Commission and also to send their grievances/ complaints, a Toll Free telephone number **1800117777** has been commissioned on which the Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country.

1.6.6 With a view to making the tribal people and other persons/ Associations/ Organisations (which are interested in tribal affairs) and such bodies which have been constituted or entrusted with objectives/duties to promote tribal development, aware about the role, responsibilities and functioning of the Commission, the website of the Commission **<http://ncst.nic.in>** was launched on 12.2.2007. In order to provide greater transparency about functioning and activities of the Commission many new links have been added on the Website of the Commission and the information available on the website of the Commission is updated from time to time.

## **1.7 Meetings of the Commission**

1.7.1 During the report period 2012-13, thirteen meetings of the Commission were held. The meetings were held on 23/04/2012, 13/06/2012, 24/07/2012, 03/08/2012, 01/09/2012, 06/09/2012, 10/10/2012, 17/12/2012, 04/01/2013, 14/01/2013, 21/01/2013, 21/02/2013 and 20/03/2013. The agenda items discussed in the meetings, and proceedings of the meetings are available on the website of the Commission. These may be seen under the main link [Meetings of Commission](#) on the Website of the Commission.

## **1.8 Review of programmes and safeguards for STs in States**

1.8.1 In order to monitor and evaluate the implementation status of various development schemes and progress of investigation and disposal of the cases of atrocities on the members of Scheduled Tribes by the police authorities and the courts, the Commission interacts with the State/UT Governments by holding detailed State level review meetings with the Chief Secretaries and other senior officers, the salient points of which are also conveyed to the political executive in follow up interactions after the meetings. These meetings are generally preceded with visits to the tribal bastis, hostels, Ashram Schools etc. and interactions with the tribals on the impact of the developmental projects. The Commission regards that these visits and meetings are useful in enhancing the interest and involvement of the State/UT Governments, in better understanding of the genuine problems of the Scheduled Tribes and accordingly, in advising them to take suitable initiatives in working out remedial measures and adopting appropriate and relevant strategies.

1.8.2 Information about visits undertaken by the Chairperson, the Vice-Chairperson and the Members of the Commission during 2012-13 is available on the website of the Commission. However, a statement indicating the particulars of the visits undertaken by the Chairperson, the Vice-Chairperson and each Member of the Commission during 2012-13 is placed at **ANNEXURE-1.VI**

## **1.9 Presentation of the Annual Reports to the President of India and laying of the Reports in Parliament**

1.9.1 Clauses (5) (d) and (5) (e) of Article 338A provide that it shall be duty of the Commission to present to the President annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards provided to Scheduled Tribes, and to make recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other necessary measures for the protection, welfare and socio-economic development of the Scheduled Tribes. Clause 6 of Article 338A provides that, ~~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 such recommendations.

1.9.2 The Commission has so far presented seven Annual Reports and one Special Report to the President and this is the Eighth Annual Report. Present status about submission and laying of the Reports in Parliament is given in **TABLE 1.3** below:

**TABLE 1.3**

	Reports of the NCST	Period	Submitted to the President of India on	Laid in the Lok Sabha on	Laid in the Rajya Sabha on
1	2	3	4	5	6
(1)	First Annual Report	2004-05 & 2005-06	08.08.2006	31.08.2012	30.08.2012
(2)	Second Annual Report	2006-07	03.09.2008	26.04.2013	02.05.2013
(3)	Third Annual Report	2007-08	29.03.2010	Yet to be laid*	Yet to be laid*
(4)	Fourth Annual Report	2008-09	27.08.2010	Yet to be laid*	Yet to be laid*
(5)	Fifth Annual Report	2009-10	13.07.2011	Yet to be laid*	Yet to be laid*
(6)	Special Report	2012	18.06.2012	13.12.2013	12.12.2013
(7)	Sixth Annual Report	2010-11	25.10.2013	Yet to be laid*	Yet to be laid*
(8)	Seventh Annual Report	2011-12	20.02.2015	Yet to be laid*	Yet to be laid*

1.9.3 As will be seen from above, three reports only have been laid in Parliament. The first Report of the Commission submitted to the President on 8/8/2006 was laid in Parliament after gap of 6 years from the date of its submission to the President. Similarly, Second Report submitted on 3/9/2008 was also laid about 5 years after its submission to the President. The Commission is rather concerned about the increasingly large time gap between the submission of its Report to the President and its laying before the Parliament/ State Legislature. This delay substantially detracts value from the Commission's recommendations as the Hon'ble Members of Parliament come to know of them many years after submission of the Report to the President. Besides, it also prevents the Commission from timely dissemination of its reports to various Organisations/ agencies including NGOs working for Scheduled Tribes / the senior officers of the Central Government and State Governments, concerned with formulation of programmes and schemes for tribal development, thereby depriving them of the inputs provided by the Commission on various tribal issues. Moreover, as subsequent experience has shown, this has only encouraged the lassitude on the part of those responsible for laying the Report. **The Commission has therefore been emphasizing to de-link the laying of the Report in Parliament from the laying of the Action Taken Memorandum on the recommendations contained in the Report of the Commission.**

1.9.4 The National Commission for Scheduled Tribes has reiterated the above mentioned recommendation in all its previous Reports submitted to the President. The Ministry of Tribal Affairs, in the Action Taken Memorandum laid

along with first two Reports of the Commission in both Houses of Parliament has stated as given below:

*Effort is being made by Ministry of Tribal Affairs (MTA) to lay the Report(s) in Parliament as promptly as possible. Action required to be taken involves soliciting responses from several agencies. Meanwhile, steps have been taken in the Ministry to streamline the procedure for laying the Reports of the Commission in each House of the Parliament. This is essentially a matter of procedure. Hence, it is not considered necessary to go in for amendment of the Clauses 6 & 7 of Article 338 A of the Constitution. As far as States are concerned, they have already been advised to take prompt action in respect of Clause 7 of Article 338 A of the Constitution.*

1.9.5 As the Reports of the Commission have constitutional importance **the Commission remains firmly of the view that it is very important that Reports of the Commission are made public by laying the report in Parliament and the State Legislatures, as the case may be, within a reasonable period of time i.e. not exceeding three months after submission of the report to the President. By amending the provisions in clause 6 and 7 of Article 338A of the Constitution the laying of the Report may be delinked with the process of laying of memorandum of action taken/ proposed to be taken on its recommendations. Memorandum of action taken/ proposed to be taken on its recommendations by the Union Government/ the respective State Government could be separately laid in the Parliament/ State Legislature within a prescribed period after submission of the report to the President. The Commission hopes that the Government will appreciate the concern of the Commission for prompt laying of the reports in the Parliament and the State Legislature and initiate expeditious action to amend the above-mentioned Clauses (6) and (7) of Article 338A of the Constitution on the above lines.**

## **1.10 Compliance of the RTI Act, 2005**

1.10.1 The Commission website contains information about the Commission, its functions and other information related to Schedule Tribes. On its website, the Commission has published up-to-date detailed information about pro-active disclosures under RTI Act and other information of public interest like record of hearings, meetings of the Commission, visits of the Commission; atrocity cases investigation reports, important communications, notices and circulars etc. The Website also provides useful links to several related websites. The website is being maintained by the Computer Cell of the Commission for uploading of contents and its customization.

### **Disposal of RTI Application**

1.10.2 During the Report period 2012-13, the National Commission for Scheduled Tribes received a total of 179 applications seeking information under the Right to Information Act, 2005. Information was furnished in all the applications. 43 out of 179 applications were received and replied by the Regional Offices of the Commission while others were replied by the concerned

PIO of the headquarter Office of the Commission. List of the applications received and dealt during the Report period is available<sup>6</sup> on the Website of the Commission. It will be noticed that information was furnished within specified time limit in 169 out of 179 applications while information could not be furnished in time in 10 applications only. The scrutiny of the replies reveals that in many of these cases information sought was voluminous and needed collection and compilation of information from various sources.

### **1.11 Representation in Court Cases**

1.11.1. For proper implementation of the Constitutional safeguards provided for the Scheduled Tribes and to advise the Union and the State Governments on all major policy matters affecting the Scheduled Tribes, the Commission is on occasion required to file affidavits containing its views in cases relating to important issues concerning the Scheduled Tribes which were dealt in the Commission or filed in various Courts by various parties, including the members of the Scheduled Tribe community and/ or by their associations, involving National Commission for Scheduled Tribes as one of the respondents. A statement showing the particulars of court cases registered during the report year 2012-13 is at **ANNEXURE-1.VI**. Some cases which relate to the matters dealt in the Commission and need specific mention are discussed in the next para.

#### **(1) W.P No. 63527 of 2012 in High Court of Judicature at Allahabad between 'Nayak Jan Seva Sansthan and Union of India and Others'**

1.11.2 A Civil Miscellaneous PIL W.P No. 63527 of 2012 titled as ~~Nayak Jan Seva Sansthan~~ V/s Union of India and Others was filed by Nayak Jan Seva Sansthan Gorakhpur, Uttar Pradesh in High Court of Judicature at Allahabad.

#### **Main issue of the case**

1.11.3 The petitioner challenged the investigation being carried out by the Department of Social Welfare, Government of Uttar Pradesh regarding genuineness of Scheduled Tribes certificates showing certain persons as belonging to Dhuria, Nayak, Ojha, Pathari and Rajgond communities. The main respondent in the Case was the Union of India through the Secretary, Ministry of Tribal Affairs. The Chairman; National Commission for Scheduled Tribes (National Anusuchit Janjati Ayog, New Delhi) is the 3<sup>rd</sup> respondent.

#### **Background**

1.11.4 A representation dated 03/11/2011 was received in the National Commission for Scheduled Tribes from Shri. Rajesh Kumar, S/o Shri Hira Lal, R/o Mohalla Harpur Nai Basti, Post Sardar, District Ballia (U.P.) regarding cancellation of ST certificates issued to Brahmin Nayaks and Brahmin Ojha

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<sup>6</sup> Pl. see the Sub-link 'RTI Applications' under link 'RTI Disclosures' on the website of the Commission (<http://ncst.nic.in>)

community in U.P. It was mentioned that due the State Government of Uttar Pradesh, vide Order dated 03/07/2003, had included Brahmin Nayak and Ojha instead of Nayak and Ojha as synonymous of the Gond Castes in the Scheduled Tribe category and pursuant there to several caste certificates showing them as Scheduled Tribe had been issued. It was alleged that approximately 500 caste certificates had been issued to Nayak and Ojha Brahmins of thirteen Districts of Uttar Pradesh during 03/07/2003 to 30/09/2003 (span of three months). The petitioner Shri requested that the caste certificates issued during the period pursuant to the wrong Government order dated 03/07/2003 may be cancelled.

1.11.5 The Commission convened a Sitting in this matter on 17/10/2012 with the authorities of Social Welfare Department, Govt. of Uttar Pradesh. The State Government representatives informed that a total of 2494 ST certificates had been issued in the name of Nayak and Ojha communities of 13 Districts of U.P. during 03/07/2003 to 30/09/2003. The Commission was also informed that 1838 out of these 2494 ST certificates were issued to Nayaks and Ojha Brahmins and 205 ST certificates were issued to Nayak and Ojha of Gond community. While 402 ST certificates had been cancelled by the Government, 416 ST certificates were under the process of verification.

1.11.6 The Commission observed that the State Government needs to provide a time-frame for settlement of the issue. Further, action should be taken against the officials who were responsible for issuing forged ST certificates and extending benefits to the persons, within terms to Government employment or any other benefit on the basis of forged ST certificate issued by the State Government. The forged ST certificates also need to be withdrawn immediately. The Commission further desired that the State Government may convene a meeting of the concerned District Magistrates for ascertaining the position in the matter.

### **Views of the National Commission for Scheduled Tribes**

1.11.7 As the Writ PIL contained reference to above action of the National Commission for Scheduled Tribes, the Commission filed the para wise reply with the argument that NCST setup under Article 338A of the Constitution, is a Constitutional body and is empowered to investigate and monitor all the matters relating to the safeguards provided to the Scheduled Tribes under the Constitution or any other law for the time being and is competent to enquire into specific complaints with reference to the deprivation of their rights.

### **Judgment in the Case**

1.11.8 Case is pending in High Court.

1.11.9 It is noted from above that a serious matter relating to alleged violation of safeguards and rights of Scheduled Tribes by non- STs was brought to the notice of the Commission and the investigation conducted by the Commission, as per mandate vested with it under the Constitution revealed that a large

number of persons not belonging to the ST communities, specified under Article 342 (2) of the Constitution fraudulently obtained ST certificate due to an order of clarification issued by the State Government of U.P., which was not empowered to issue that clarification. The Commission had, therefore, advised the State Government of Uttar Pradesh to conduct investigation into the ST certificates, issued consequent to the clarification issued by the State Government, and take necessary action against the forged certificate holders and the officials responsible for issuing such certificates. The petitioner had taken up the matter with the State Government but nothing materialized until the investigation was initiated by the Commission. Thus timely intervention by the Commission could bring a big relief to the genuine Scheduled Tribes by ensuring that their rights were not encroached upon fraudulently.

**(2) W.P No. 27474 of 2011 in the High Court of Madras between Dr. Ambedkar Employees & Engineers Sangham, Chennai V/s Chief Secretary, Government of Tamil Nadu and 7 others regarding promotion in TNEB.**

1.11.10 W.P No. 27474 of 2011 in the High Court of Madras, between Dr. Ambedkar Employees & Engineers Sangham, Chennai V/s Chief Secretary, Government of Tamil Nadu and 7 others regarding non implementation of reservation policy in Promotion for Scheduled Castes and Scheduled Tribes in Tamil Nadu Electricity Board and its subsidiaries under the Government of Tamil Nadu. State Government of Tamil Nadu, Tamil Nadu Electricity Board and its subsidiary companies are the main respondent while NCST is the eighth respondent in this case. Shri P.Subramanian of the petitioner Sangham highlighted the Status of non implementation of reservation for SCs and STs in the matter of promotion from a post of Assistant Executive Engineer (Mechanical) to Executive Engineer (Mechanical). There was heavy shortfall in the post of Assistant Executive Engineer also.

1.11.11 There was no reference in the W.P regarding any correspondence on the subject having ever been made with the National Commission for Scheduled Tribes. Also, no relief was sought from National Commission for Scheduled Tribes. The National Commission for Scheduled Tribes, accordingly filed the para-wise comments on the W.P highlighting the facts.

**(3) M.P No. 2 of 2011 in W.P 30217/2011 in the High Court of Madras, between P. Rama Chandran V/s Chief Secretary Government of Tamil Nadu and Ors.**

**Main issue of the case**

1.11.12 A M.P No. 2 of 2011 in W.P 30217/2011, between P. Rama Chandran V/s Chief Secretary Government of Tamil Nadu and Ors. regarding non implementation of reservation in Promotion for Scheduled Castes and Scheduled Tribes in Tamil Nadu Electricity Board and its subsidiaries under the Government of Tamil Nadu was filed in the High Court of Madras. State Government of Tamil Nadu, Tamil Nadu Electricity Board and its subsidiary



companies are the main respondent while NCST is the eighth respondent in this case. The petitioner Shri P.Rama Chandran, Assistant. Executive Engineer highlighted the Status of non-implementation of reservation for SCs and STs in the matter of promotion from a post of Assistant Executive Engineer (Electrical) to Executive Engineer (Electrical). There was heavy shortfall in the post of Assistant Executive Engineer also.

1.11.13 There was no reference in the W.P regarding any correspondence on the subject having ever been made with the National Commission for Scheduled Tribes. Also, no relief was sought from National Commission for Scheduled Tribes. The National Commission for Scheduled Tribes, accordingly filed the para-wise comments on the W.P highlighting the facts.

1.11.14 The above mentioned W.P No. 27474 of 2011 and M.P No. 2 of 2011 in W.P 30217/2011 filed in the High Court of Judicature at Madras point out about the serious issues regarding non-implementation of reservation policy in different categories of posts in Tamil Nadu Electricity Board and its Subsidiaries. Although no relief was sought from the National Commission for Scheduled Tribes yet by making the National Commission for Scheduled Tribes a respondent in both the WP, the two associations have highlighted the stories of serious gaps in the implementation of reservation policies by the State Government Organisations.

**(4) W.P No. 24534 of 2012 filed in the High Court of Judicature at Madras by Shri V. Baskaran, Vice President All India General Insurance SC/ST Employees Welfare Association C/O UIICL Chennai V/s Secretary M/o Finance New Delhi and seven others.**

#### **Main issue of the case**

1.11.15 All India General Insurance SC/ST Employees Welfare Association filed a petition in the High Court of Judicature at Madras against the four Public Sector General Insurance Companies and their apex body the General Insurance Public Sectors Association (GIPSA) for adopting a new promotion policy 2006. Union of India through Secretary Ministry of Finance is the first respondent, Chairman GIPSA is the second respondent, four General Insurance companies are respondent number 3 to 6 while NCSC and NCST are respondent number 7 and 8 respectively. As per the new policy the process of promotion to the next level post was amended by replacing the existing policy of seniority-cum-fitness by the new process of merit-cum-seniority which involved written examination. It was alleged that the adoption of the Promotion Policy of 2006 as amended upto date by the respondent 2 to 6 totally deprives the members of the Scheduled Castes and the Scheduled Tribes of their right to be considered for promotion by excluding the policy of reservation in such promotion. As such, the policy and the subsequent amendments are all affecting the members of the Scheduled Castes and the Scheduled Tribes and hence, by virtue of Article 338A(9) of the Constitution of India, the above major policy matter ought not to have been brought into force

by the respondents 1 to 6 without consulting the 7<sup>th</sup> respondent, which is a constitution mandate.

1.11.16 The petitioner had not submitted any representation (s) in the subject matter to National Commission for Scheduled Tribes before or after filing the W.P. Moreover, no relief was sought from the National Commission for Scheduled Tribes. Therefore, National Commission for Scheduled Tribes had no information to place before the High Court. The National Commission for Scheduled Tribes, therefore, filed the para-wise comments on the W.P accordingly.

**(5) W.P No. 22943 of 2011 in the High Court of Judicature of A.P at Hyderabad between Aadiwasi (Girijana) Udyoagula Samkshema and Samskrutika Sangham and Another V/s Union of India and others.**

**Main issue of the case**

1.11.17 The Aadiwasi (Girijana) Udyoagula Samkshema and Samskrutika Sangham, rep by its President Mokalla Srinivass Rao R/o Andulagudem, (V) of Tekulappally, (M) of Khammam District filed the WP under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased to issue a Writ, Order or direction, more particularly, one in the nature of Writ of Mandamus declaring the provisions of Section 4 (g) Read with the Provisions 4(m) (iii), and 4 (n) of the Act of Panchayats (Extension to the Scheduled Tribes) Act 1996 (Act No. 40 of the 1996) and the Proviso under Section 242-D Read with the Proviso (c) of the 242-I of Andhra Pradesh Panchayat Raj (Amendment) Act, 1998 (Act No. 7 of 1998), and Rule 3, and 4, and Rule 5 and the Rules Published under Part III Sub Clause (4) to (8), vid G.O. Ms, No. 66 Panchayat Raj and Rural Development (MDLI) Department Dt. 24/03/2011 are liable to be quashed as unconstitutional and are in violation of the Art. 244 (1) Fifth Scheduled of the Constitution of India and also the Section 3 (1) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. It was mentioned that the above provisions were violating the fundamental Rights of the Scheduled Tribes living in the Scheduled Areas and also in violation of the provisions of the Fifth Schedule to the Constitution of India and also violating the provisions of the Section 3(1) of the A.P Scheduled Areas Land Transfer Regulation 1959

1.11.18 As the WP seeks to quash the above mentioned provisions the Ministry of Law, Ministry of Panchayati Raj & Rural Development and Government of Andhra Pradesh were the main respondents and National Commission for Scheduled Tribes is respondent no. 8. No relief has been sought from the National Commission for Scheduled Tribes. The Central Government Counsel was accordingly brief for placing the facts before the Hon<sup>ble</sup> Court.

1.11.19 In the process of discharge of the constitutional role, the Commission is sometimes arraigned as one of the respondents by the petitioners who file cases about violation of safeguards and rights of the Scheduled Tribes in

various courts in order to make known the stand taken or proposed to be taken by this Commission on the vital issues relating to the Scheduled Tribes raised in those petitions. The Commission investigates into the complaints received w.r.t. the existing rule position and accordingly makes the recommendation for rectification (as per rule provision applicable in the interest of the STs) of the error committed by the Authorities concerned. Sometimes, the recommendation is as per rule but the Petitioner is not satisfied with the recommendation or the concerned authority is not willing to rectify the error committed and therefore either the Authority concerned or the Petitioner approach the Court involving the National Commission for Scheduled Tribes as one of the Respondents.

1.11.20 It is a fact that the observations and views of the NCST on various issues concerning the STs may sometimes be at variance with the views of the Government. Moreover, the Government does not have oversight role over the views/comments/recommendations of the Commission including those which have been placed before the Courts by the Petitioners as part of their Petitions or which have to be placed before the Courts by the Commission as one of the Respondents. This does not require the Government to suppress the views of the Commission from being made known to all concerned. Therefore, in all such cases the views of the Commission need to be placed before the concerned court, irrespective of the views of the other Govt. respondents. In such cases, the same Government Counsel cannot represent the National Commission for Scheduled Tribes as well as the Ministries/ Departments of the Central Government. In such cases the Commission has to engage the independent services of a Government Counsel/Advocate to represent the Commission in each Court and therefore the Ministry of Law is expected to provide requisite support to the NCST promptly.

1.11.21 However, Ministry of Law did not provide support in some important Court cases in the matters dealt by the Commission.

**1.11.22 This Commission, therefore re-iterates its recommendation made earlier in its previous Reports that, in court cases relating to the subject matters allotted to the Commission, involving NCST is also a respondent and other authorities of the Central Government may be a petitioner party or a respondent, the Commission should file its reply independently through a separate Central Govt. Counsel, so that views of the Commission reach the Court without modifications or curtailments. To avoid delay, it may also be examined whether there is any real need for routing such requests for legal representation through the Administrative Ministry (MTA), as the Ministry has no oversight role to play regarding recommendations / views of the Commission on matters in relation to other Ministries/ Departments/ Organizations.**

## **1.12 Computerized Monitoring System**

1.12.1 At present, NCST office is equipped with PCs, Printers and Scanners etc. All the officers and Sections/Units have been provided with computers for efficient handling of their work, though many of them are outdated and need

replacement. The Computers are networked through NIC and have continuous support from the NIC Networking Group.

1.12.2 In order to establish an effective system for disposal and monitoring of receipts and case files, action was initiated in April 2008 with National Informatics Center (NIC). Personnel & Public Grievances Informatics (PersInfotech) Division of NIC has provided a computerized system by integrating and customizing "Centralized Public Grievance Redressal and Monitoring System (CPGRAMS)+ and "File Tracking System (FTS)" to suit specific requirements of the Commission and to maintain the integrity of the data and its sharing. These systems have evolved as an effective and powerful Complete Grievance Management Tool (CGMT), which is also being utilized as an effective "**Public Grievance Redressal and File Management System (PGRFMS)**". The FTS is a web based application consisting of three modules viz. Diary, File and Dispatch Modules. These applications enables the users in the Commission to maintain a consistent watch over monitoring of files/receipts and their movements at different levels, which plays an important role in the decision making process. All files have been categorised subject-wise to facilitate efficient handling.

#### **(A) Effectiveness of the Monitoring System**

1.12.3 As a result of implementation of the **PGRFMS**, the ease and efficiency in handling and monitoring of large number of files and grievances has been enhanced with the following:

- (i) Registration of grievances into the system, automatic creation of file (with category as Grievance) related to the grievance if one does not exist and the merging of the received receipt in the file thereof.
- (ii) Entry of all receipts in the System and forwarding them to the concerned sections/divisions.
- (iii) Creation and editing of files by the sections/divisions and merging of the receipts in the concerned files for further action.
- (iv) Generation of Reminders to the concerned authorities.
- (v) Effective monitoring through customized features/tools:
  - a. Routine review of files & receipts
  - b. Attention to focus areas of works.
  - c. Search current location / status of any receipt from the FTS.
  - d. Tracking of the movement of files and receipts.
  - e. Management Information System with inter-linking of CPGRAMS and FTS, with facility to search/track any file/receipt based on selected criteria/parameters
  - f. Subject-wise categorization of files facilitating close monitoring of Court/Policy/VIP and other cases etc.

- g. In-built flexibility to generation of various statistical and generic reports of files and grievances for customized requirements.
- h. Status of pendency/disposal of files and receipts in the concerned sections/divisions and focus more attention to long pending cases.

1.12.4 During the year, all pending receipts were registered in the FTS and merged with the concerned files. Similarly, pending files (including those which were inactive) were categorized as ~~inactive~~ if no action was necessary. This permitted greater attention to be paid to the live cases and attendance to fresh ones without undue delay.

### **(B) Linking of Regional Offices with the Computerised Monitoring System**

1.12.5 The **PGRMS** has already been implemented at the NCST Hqrs. The process of linking of the Regional Offices of the Commission has been started. So far, four of the six regional offices of the Commission located at Bhopal, Bhubaneswar, Jaipur and Raipur have been linked to **PGRMS** and training has been imparted to the officials of these Regional offices. The linking of other Regional offices is under process. There are, however, some technical difficulties in connecting the Regional Offices, beside making the system operational due to acute shortage of manpower and computers in the Regional Offices.

### **1.13. Progress of disposal of receipts/ petitions/ cases in the Commission.**

1.13.1 As mentioned earlier, the File Tracking System was introduced in the headquarter office since July, 2008. Centralized diarizing of the Papers/ letters/ representations etc. received in the Commission and opening and movement of files are parts of the FTS. In order to place complete information about current as well as already closed files, details about each file that was closed but not yet destroyed till July, 2008 were also entered in the FTS. Closed files can be re-opened when required (and subsequently closed again). This is a continuous process and therefore, the number of files, including case files relating to grievances, brought forward from previous year, as downloaded now from the FTS, may be different from the information about number of live cases at the end of the year 2011-12 as given in the 7th Report. As all the Regional Offices have not been connected and the data in respect of the Regional offices is in progress of entry, the information in the next paras is limited to the work handled in the Headquarter office of the Commission.

1.13.2 As per computerized FTS of this Commission, 1405 receipts were pending for action, at various levels in the Commission headquarter, on 01/04/2012 and 7394 receipts were received during the report period 2012-13 making a total of 8799 receipts for action during 2012-13. Out of 8799 receipts, 6065 receipts were merged in the concerned files for appropriate action and 2734 receipts only were pending for action at the end of the report period 2012-13.

1.13.3 A total of 3192 files were current as on 31/03/2012 in the Headquarter office of the Commission. 1440 new files were created during the year 2012-13 thus making a total of 4632 files for action during the report period. Action was taken on current files, as well as old files in which follow-up was necessary. Out of these files, 217 files were closed during the report period 2012-13 after completion of action. Remaining 4415 files were current as on 31/03/2013. The fewer disposals of case files during 2012-13 is attributed to acute shortage of manpower in the Commission.

1.13.4 The files dealt in the Commission during 2012-13 covered all matters including administrative matters, RTI matters, court cases, General issues, Policy matters, Annual Plans and Tribal Sub-Plans, proposals for de-reservation of vacancies reserved for Scheduled Tribes and cases of various kinds of grievances etc. As per FTS, 920 files were opened during 2012-13 which related to Grievances of Scheduled Tribes. Broad-category-wise analysis of number of files opened/cases registered during 2012-13 in the Commission headquarter reveal that 604 (66%) out of 920 cases related to various matters of service safeguards, 207(22%) related to economic and social development, 109 (12%) related to atrocity matters. Remaining 520 files opened during the year 2012-13 related to policy matters, consultation/advice, research, parliamentary matters and establishment/ administrative/ finance/ budget/ accounts and other related matters.

#### 1.14. Functioning of the Regional Offices of the Commission

##### (A) Location, Jurisdiction and Duties

1.14.1 The National Commission for Scheduled Tribes has six Regional Offices located at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. The location and jurisdiction of these Offices along with the name and designation of the Heads of Regional Offices (as on 31 March, 2012) are given **TABLE 1.5** below:-

**TABLE 1.5**

<b>S. No</b>	<b>Location &amp; Address of Regional Office</b>	<b>Name &amp; Designation of the Officer Incharge</b>	<b>Jurisdiction of the Regional Office</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Area Hills, <b>Bhopal-462011</b>	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, <b>Bhubaneswar- 751015</b>	Shri R.K. Mishra, Assistant Director Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Puducherry
3.	Room No.101 & 102, 1st Floor, Block-A, Kendriya Sadan Sector-10, Vidyadhar Nagar, <b>Jaipur-302023</b>	Dr. G.S. Somawat, Director Ph:0141 2236462 0141 2235488 (F)	Chandigarh, Gujarat, Haryana, HP, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.

4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, <b>Raipur-492006</b>	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443334 Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co- operative Colony, Kadru, <b>Ranchi-834002</b>	Shri R.K. Mishra, Assistant Director (Addl. charge) Ph: 0651 2341677 0651 2340368 (F)	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, <b>Shillong-793001</b>	Miss. P. Syiemlieh, Assistant Director Ph: 0364 2504202 0364 2221362 (F)	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

1.14.2 All the six Regional Offices of the Commission continued to function with the same jurisdiction and administrative set-up as no new office could be set-up due to non-receipt of sanction for new Offices and for augmentation of the strength of the regional Offices, and continuing vacancies in various existing posts in the commission. Notwithstanding this fact the Regional Offices have endeavored to fulfill the allotted responsibilities. The various duties assigned to the Regional Offices *inter-alia* include:

- (i) to deal with complaints/representations from members of Scheduled Tribes and their welfare associations etc. on various matters, and
- (ii) to conduct on-the-spot enquiries into the cases of atrocity on Scheduled Tribes either on their own or as entrusted to them by the Headquarters and to interact with the concerned administrative/Police authorities and to submit report to the Headquarters,
- (iii) to accompany the Chairperson and Members of the Commission on their tours in the States/UTs under their jurisdiction.
- (iv) to maintain effective interaction and liaison with the State Govts./UT Administrations,
- (v) to provide information and documents about the policies and programmes of the Union Govt. for the welfare and advancement of Scheduled Tribes to the States, NGOs etc. in their respective jurisdiction and to obtain similar information and documentation from the State Government and to provide the same to the Headquarters of the Commission,

### **(B) Performance and significant achievements in working of Regional Offices**

1.14.3 The Regional offices of the National Commission for Scheduled tribes keep a watch on the formulation of policies and issue of guidelines

relating to the welfare of Scheduled Tribes in the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/UT Administration affecting the interests of the Scheduled Tribes are brought to the notice of the concerned authorities for necessary action. Heads of the Regional Offices also represent the Commission in the following State level Committees and provide observations and feedback about working of the policies/ Schemes/ programmes for Scheduled Tribes in the State(s) under their jurisdiction

- i) State Level Monitoring Committee (headed by the Chief Minister of the State concerned) on implementation of the PoA Act, 1989.
- ii) State level Caste Certificate Scrutiny Committee meetings as a special invitee member.
- iii) State level Bankers Committee meeting organized by the Nationalised Lead Bank in the State.
- iv) Nagar Rajbhasha Karyanvayan Samiti meetings.
- v) Central Govt. Employees welfare Co-ordination Committee meetings.

1.14.4 The Regional Offices of the Commission assist the Headquarter in collecting and compiling statistical and other forms of information from the State Governments/Union Territories under its jurisdiction in connection with the visits of the Commission, Review meetings taken by the Chairperson, Vice-Chairperson and/ or Members of the Commission and also for preparation of various chapters of the Annual Reports of the Commission.

1.14.5 The Regional Offices also receive a large number of receipts of various kinds including grievances and matters relating to Scheduled Tribes from the Scheduled Tribe individuals and their Associations. As most of the cases received in the Regional Offices relate to the offices located in the States, action on those receipts/ cases is taken by the concerned Regional Office. Existence of the Regional Offices in the States helps the local Scheduled Tribes and their well wishers to easily approach the Commission (through the concerned Regional Office). The presence of the Regional Office nearer to the local Government and their participation and contributions in various Committees fosters constructive relationship between the Regional Office and the Authorities concerned. Consequently, these Regional Offices play an important role in prompt disposal of the complaints of grievances or violation of safeguards for Scheduled Tribes in the States under the jurisdiction of the Regional Offices. Cases in which Sittings is considered necessary for which invoking of power of Civil Court is required to be exercised by the Member of the Commission, the matters are referred by the Regional Offices to the Headquarter Office for taking further necessary action. Broad category-wise files opened/registered in each Regional Office of the Commission during 2012-13 is given in the **TABLE 1.6** on the next page.



**TABLE 1.6**

**Category-wise No. of Grievance cases dealt by each Regional Office**

S. No.	Regional Office	Service matters	Economic and Social Development	Atrocity matters	Total
(1)	(2)	(3)	(4)	(5)	(6)
1.	Bhopal	118	101	51	270
2.	Bhubaneswar	56	61	27	144
3.	Jaipur	33	19	38	90
4.	Raipur	31	189	09	229
5.	Ranchi	47	47	17	111
6.	Shillong	12	6	0	18
	<b>TOTAL</b>	<b>297</b>	<b>423</b>	<b>142</b>	<b>862</b>

1.14.6 The Regional Offices also maintain liaison with the State, Regional or other local offices under the Central Government and its Organisations. They play an important role during the visit of the Commission, its Members and Senior Officers to the respective States and their visits to the tribal areas, meetings with the local authorities and assisting the Commission and Members in conducting meetings to review the implementation of the safeguards for Scheduled Tribes. These visits also create awareness about existence of the Commission and its role with respect to the Scheduled Tribes in those States.

1.14.7 The financial budget of the Regional Offices is part of the overall Budget of the NCST, and allocation of funds to the Regional Offices is made keeping in view sanctioned staff strength and the jurisdiction of the Regional Office concerned and related requirements under each Sub-head of expenditure.

1.14.8 The disposal of various cases received by each Regional Office is briefly recapitulated below.

**Regional Office BHOPAL**

1.14.9 The Bhopal Regional Office received 1526 receipts of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations as fresh representations, reminders and rejoinders during the year 2012-13, while no receipts were pending for action from the previous year. All the 1526 receipts were disposed off during the year and no receipt remained pending for action at the end of the year 2012-13.

1.14.10 As regards case files there were 444 active files in the Regional Office at the end of the year 2011-12. During the year 2012-13, another 270 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 714 cases for action during the year under report. However, 170 case files were closed during

the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 15 cases were recorded as successfully closed during the year. Remaining 529 case files were still active for further action at the end of the year 2012-13.

#### **Regional Office, BHUBANESWAR**

1.14.11 The Bhubaneswar Regional Office received 503 receipts of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2012-13 while no receipts were pending for action at the end of the previous year making a total of 503 receipts for action during the year. Action was taken on 489 receipts and 14 receipts were pending for action at the end of the year 2012-13.

1.14.12 As regards file work, 88 files were still alive at the end of the year 2011-12 in the Regional Office. During the year 2012-13, another 144 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 232 files for action during the year 2012-13. Out of these 232 files, 60 files were closed during the year 2012-13, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 6 cases were recorded as successfully closed during the year. 166 cases were still active for further action at the end of the year.

#### **Regional Office, JAIPUR**

1.14.13 The Jaipur Regional Office received 1801 receipts of various kinds (including grievances and other matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2012-13, while 57 receipts were brought forward for action from the previous year 2011-12. 1794 receipts out of total of 1801 receipts for action during 2012-13, were disposed off during the year and only 64 receipts were left for action at the end of the report year 2012-13.

1.14.14 There were 265 active files in the Regional Office at the end of the year 2011-12. During the year 2012-13, another 90 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 355 files for action during the year 2012-13. Out of these 355 files, 110 files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 17 cases were recorded as successfully closed during the year. 228 cases were still active for further action at the end of the year.

### **Regional Office, RAIPUR**

1.14.15 The Regional Office, Raipur received 1866 receipts of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2012-13. All these 1866 receipts were disposed off during the year.

1.14.16 There were 239 active files in the Regional Office at the end of the previous year 2011-12 and 229 new case files were opened during the year 2012-13 making a total of 468 cases for action during the year under report. However, 237 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 15 cases were recorded as successfully closed during the year. Remaining 231 case files were still active for further action at the end of the year.

1.14.17 Looking at the disposal of work subject-wise by Raipur Regional Office during the year 2012-13, 64 cases relating to service safeguards were dealt in the office, and out of them, 0 cases were successfully redressed while 27 cases were closed as there was no merit in the grievance. In the remaining 37 cases, final reply was yet to be received from the concerned departments/ Organisations by the close of the report period. 20 cases of atrocities up on Scheduled Tribes were dealt in the Regional Office during the year of which 05 cases were successfully closed. Other 07 cases were closed otherwise. As far as developmental issues are concerned, the Office dealt 384 cases during the year 2012-13, out of which 10 cases were successfully closed while 188 cases were closed being inconsonant as per rules/ scheme. However, 186 such cases were still active for further action at the end of the year.

### **Regional Office RANCHI**

1.14.18 The Ranchi Regional Office received 442 receipts of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations as fresh representations, reminders and rejoinders during the year 2012-13. This also includes the News paper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motu action. Action was taken on all the receipts. As regards disposal of case files during the year 2012-13 there were 108 active files in the Regional Office at the end of the previous year 2011-12. During the year 2012-13 another 111 files were opened which related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 219 cases for action during the year under report. However, 72 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 10 cases were recorded as successfully closed during the year. Remaining 137 case files were still active for further action at the end of the year 2012-13.

## **Regional Office SHILLONG**

1.14.19 The Regional Office Shillong received 603 receipts of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations as fresh representations, reminders and rejoinders beside correspondence relating to Administrative matters during the year 2012-13. This also includes the News paper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motu action. All the receipts have been suitably disposed off during the report year 2012-13.

1.14.20 At the end of the year 2011-12 there were 50 active files in the Regional Office. During the year 2012-13, another 18 files were opened, which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 68 cases for action during the year under report. However, 0 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 2 cases were recorded as successfully closed during the year. Remaining 66 case files were still active for further action at the end of the year.

## CHAPTER 2

### SERVICE SAFEGUARDS

#### 2.1 Constitutional Provisions

2.1.1 The Scheduled Tribes have remained socially, educationally and economically backward due to isolation from the rest of the world. Due to this backwardness, the Scheduled Tribes were not able long reap the benefits of general development. In order to eliminate these handicaps, the framers of the Constitution of independent India advocated positive discrimination in favour of the ST communities in matter of education and employment. The Constitution of India provides for reservation for Scheduled Tribes in civil posts and services under the Government. The essence of relevant articles of the Constitution, pertaining to service safeguards, is summarized, as under:

(i) **Article 16(4)** : This Article provides that "Nothing in this Article shall prevent the State from making any provision for reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State+.

(ii) **Article 16(4A)** : This Article was inserted vide the **Constitution (Seventy-seventh Amendment) Act, 1995** in the year 1995 with the provision: "Nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in this services under the State in favour of the Scheduled Castes & Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State".

**Further amendment of Article 16(4A)** : Article 16(4A), inserted by the Constitution (77th Amendment) Act, 1995, was further amended in the year 2001 to substitute the words " in matters of promotion to any class" by words "in matters of promotions, with consequential seniority, to any class" vide the **Constitution (Eighty-fifth Amendment) Act, 2001**. This amendment was made operative retrospectively from 17 June 1995, i.e. the date of addition of this Article vide the Constitution (Seventy- seventh Amendment) Act, 1995.

(iii) **Article 16(4B)**: This Article inserted vide the **Constitution (Eighty-first Amendment) Act, 2000**, provides that %Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year+.

- (iv) **Article 335:** This Article provides that "The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State". The following proviso was added to this Article by the **Constitution (Eighty-second Amendment) Act, 2000-**

Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

- (v) **Article 320 (4):** Clause (3) of Article 320 of the Constitution, inter alia, provides that the Union Public Service Commission or the State Service Public Commission, as the case may be, shall be consulted on all matters relating to methods of recruitment to civil services and for civil posts, and on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers. Clause (4) of this Article, however, provides that "Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335".

2.1.2 Pursuant thereto, the Government have issued instructions from time to time providing for reservation in matters of employment under the Government, public sector undertakings and other autonomous bodies under the control of the Govt. Compendium of instructions on this subject is available on the Department of Personnel and Training website<sup>1</sup>. There has been no amendment to the above mentioned constitution provisions during the report period.

## 2.2 Constitutional validity of the amendments

2.2.1 The constitutional validity of the above-mentioned amendments i.e. point number (ii), (iii), (iv) & (v) was challenged in the Hon'ble Supreme Court of India in Writ Petition (Civil) No.61 of 2002 in M. Nagaraj & Ors. vs. Union of India & Ors. The Hon'ble Supreme Court observed that the impugned constitutional amendments, by which Article 16(4A) and 16(4B) have been inserted, flow from Article 16(4) and do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons, namely backwardness and inadequacy of representation, which enables the State to provide for

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<sup>1</sup> <http://persmin.gov.in>. Copy Also available on the NCST website <http://ncst.nic.in> subheading 'RTI Disclosureq->Important Circularsq->DOPT Circulars'

reservation keeping in mind the overall efficiency of the State administration under Article 335. The Hon'ble Apex Court further observed that the impugned amendments are confined only to SCs & STs and that they do not obliterate any of the constitutional requirements, namely ceiling-limit of 50% (quantitative limitation), and the concept of creamy layer (qualitative exclusion).

### **Creamy layer among STs and SCs**

2.2.2 The Department of Personnel & Training, in consultation with the law officers of the Government, clarified vide their letter No.36036/2/2007-Estt.Res dated 29 March, 2007 addressed to the Chief Secretaries of all the States and Union Territories that reference to creamy layer in the concluding paragraph and other portions of the judgment mentioned above did not relate to the Scheduled Castes and Scheduled Tribes. Hon'ble Supreme Court also in its judgment dated 10.04.2008 in the case of Ashok Kumar Thakur Vs Union of India & Ors stated that "Creamy layer" principle is one of the parameters to identify backward classes. Therefore, the "creamy layer" principle cannot be applied to STs and SCs, as they are separate classes by themselves.

### **Ceiling on filling of vacancies reserved for SCs, STs & OBCs**

2.2.3 The vacancies which were reserved for a category in an earlier recruitment year according to post-based reservation but remained unfilled in the previous recruitment attempt on account of non-availability of suitable candidates belonging to that category and are still lying unfilled are called **backlog reserved vacancies**. DoPT OM No. 36012/5/97-Estt(Res.) dated 29.08.1997 provided 50% limit on reservation to current as well as backlog reserved vacancies in a recruitment year. These instructions were modified by DoPT OM No. 36012/5/97-Estt(Res.) Vol.II dated 20.07.2000 to the effect that the backlog reserved vacancies of SCs and STs would be treated as a separate and distinct group; and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year. The DoPT vide its OM No. 36033/1/2008-Estt.(Res.) dated 15.07.2008 issued instructions to treat the backlog reserved vacancies of OBCs also as a separate and distinct group the same way as the backlog reserved vacancies of the SCs and STs are treated. Thus, the ceiling of 50% reservation on filling of reserved vacancies now applies only to the vacancies which arise in the current year; and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group.

### **Relaxations and Concessions for Scheduled Tribes.**

2.2.4 As per the extant provision contained in Article 335 of the Constitution concessions were admissible to SCs and STs in all types of direct recruitment and promotion, such as relaxation in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration (larger than what is provided for general category candidates)

etc. However, DoPT vide OM No. 36012/23/96-Estt.(Res) dated 22.07.1997 issued instructions that henceforth there shall be no separate standards of evaluation for candidates of the SCs/STs for promotion, and assessment of all candidates for this purpose will be with reference to uniform standards, and any other instructions of the Government, which provide for lower qualifying marks / lesser standards of evaluation in matters of promotion for candidates belonging to SCs/STs, may also be treated as having been modified to this extent. In pursuance of the enabling proviso of Article 335 of the Constitution, it was decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997; Article 335 of the Constitution was amended vide the **Constitution (Eighty-second Amendment) Act, 2000** and instructions to this effect were further issued vide DoPT OM No. 36012/23/96-Estt.(Res.) Vol.II dated 03.10.2000.

### **2.3 Cadre strength- Direct Recruitment and Promotion-adjustments**

2.3.1 It was clarified by DoPT through an illustration in their O.M. No.36012/2/96-Estt.(Res.) dated 2.7.1997 that the term 'cadre strength' meant the number of posts required to be filled by a particular mode of recruitment in terms of the relevant Recruitment Rules and not the total number of posts in a particular cadre.

2.3.2 As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, where recruitment to a grade is made both by promotion and direct recruitment, i.e. where separate quota for promotion and direct recruitment are prescribed in the Recruitment Rules, reserved vacancies falling in the promotion quota, which cannot be filled due to non-availability of eligible persons belonging to SC/ST in the feeder cadre, may be temporarily diverted to the direct recruitment quota; and filled by recruitment of candidate(s) belonging to SC or ST, as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the subsequent year(s), when a reserved vacancy in the direct recruitment quota becomes available it may be diverted to the promotion quota to make up for the vacancies diverted earlier; and filled from SC/ST candidates in the feeder cadre who might by then become eligible for promotion. To meet this objective, the Ministries/Departments may themselves exercise the power of relaxation of the Recruitment Rules subject to approval of UPSC, wherever necessary.

### **2.4 Reservation in promotion**

2.4.1 In modification of their OM dated 19.08.1993, the Department of Personnel & Training vide their OM No. 36012/18/95-Estt.(Res.), Part-II dated 13.08.1997, issued instructions to all Ministries/ Departments of the Govt. of India to continue reservation in promotion for the Scheduled Castes and Scheduled Tribes in the service/posts under the Central Govt. beyond 15.11.1997 till such time as the representation of each of these two categories in each cadre reached the prescribed percentage of reservation.



2.4.2 The present instructions of the Govt.<sup>2</sup> provide for reservation in promotion by selection for SCs & STs up to the lowest rung of Group A but not within Group A. But when promotions by selection are made from a Group A post to another Group A post, which carries an ultimate salary of Rs.18,300/- (pre-revised), or less, the SC and ST 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. (DoPT O.M. No. 36028/21/2003-Estt.(Res) dated 29.01.2004)

## 2.5 Grounds for Own merit appointments

2.5.1 DoPT vide its OM No. 36011/1/98-Estt.(Res) dated 01.07.1998 had ordered that such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, the SC/ST/OBC candidates are to be counted against respective reserved vacancies only when a relaxed standard like relaxation in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc. is applied in selecting an SC/ST/OBC candidate. Such candidates would be deemed as unavailable for consideration against unreserved vacancies. Exemption from payment of fee availed by such SC/ST/OBC candidates would, however, be not a hindrance in considering them as own merit candidates.

## 2.6 Zone of Consideration

2.6.1 There is a prescribed **zone of consideration in the matter of promotion by selection** i.e. merit-cum-seniority. There is, however, no specified zone of consideration in the case of promotion by non-selection i.e. seniority subject to fitness. The following instructions are applicable for filling up the vacancies reserved for SCs & STs in promotions by selection:-

Scheduled Caste and Scheduled Tribe officers who are within the **normal zone of consideration** (i.e. twice the number of vacancies +4) shall be considered for promotion along with others and adjudged on the same basis as others, and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list against unreserved vacancies.

- (i) If the number of candidates from Scheduled Castes and Scheduled Tribes, other than the candidates selected on their own merit and adjusted against unreserved (UR) vacancies, is less than the number of vacancies reserved for them, the difference should be made up by selecting candidates who are in the zone of consideration irrespective of merit, i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.
- (ii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less, the difference should be made up by selecting

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<sup>2</sup> DoP&AR OM No. 10/41/73-Estt. (SCT) Dated 20.07.1974

candidates of these communities who are in the **extended zone of consideration (i.e. five times the number of vacancies)** irrespective of merit, i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.

**2.6.2 In case of promotion by non-selection**, if the number of Scheduled Caste/ Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste/Scheduled Tribe candidates to the extent required are to be located by going down the seniority list provided they are eligible and found fit for appointment.

2.6.3 The Department of Personnel & Training vide their O.M. No.22011/2/2002-Estt.(D) dated 6 January, 2006 modified the existing provisions relating to the size of the zone of consideration. As per the O.M. the normal zone of consideration for one vacancy will be 5 and for vacancies more than one it will be twice the number of vacancies plus four. The extended zone of consideration for SC/ST will be five times the number of vacancies. As in the case of promotion by non-selection, there is no prescribed zone of consideration for making ad hoc promotions.

2.6.4 The Hon'ble Supreme Court of India in their interim order in Civil Appeal No.4026 of 1988 in the case of UP Rajya Vidyut Parishad SC/ST Karamchari Kalyan Sangh vs. U.P. State Electricity Board & Ors. held that there has to be a separate zone of consideration so far as SC/ST candidates are concerned.

2.6.5 The issue regarding drawl of a Separate Zone of Consideration for SCs and STs was extensively discussed in the Second Report of the Commission for the year 2006-07. The Commission had recommended that in compliance with the Hon'ble Supreme Court's directions, the DOPT should revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res.) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by whatever method and whether on temporary or on regular basis. In the Action taken memorandum laid along with the Second Report in the Parliament, the DoPT quoted to have consulted the Department of Legal Affairs and also had sought the advice of the Ld. Attorney General of India on the issue. The Ld. Attorney General of India has given the following advice:

**(i) The extended zone of consideration for SC/ST candidates is substantially equivalent to a separate zone of consideration for SC/ST candidates. This is subject to the rider that in practice the extended zone appears to be more limited than the separate zone.**

**(ii) Conceptually, an extended zone of consideration would tantamount to a separate zone of consideration for SC/ST candidates as in the extended zone only SC/ST category candidates are considered. However, there has to be a limit how far one can go down in the overall gradation/seniority list.**

2.6.6 The DoPT has stated in the Action Taken Memorandum that in view of the categorical advice of the Ld. Attorney General of India and with the

approval of the competent authority, it has been decided to retain the existing provisions relating to the requirement of extended zone of consideration for filling up reserved vacancies for selection posts as provided in DoPT OM No. 22011/2/ 2002-Estt (D) dated 6.1.2006.

## **2.7 Reservation for SCs and STs beyond 15.11.1997 in financial institutions/ Banks consequent to judgment of Madras High Court dated 09.12.2009- DoPT O.M.No.36012/43/2008-Estt.(Res.) dated 14.01.2010<sup>3</sup>:**

2.7.1 DoP&T O.M No. 36012/18/95-Estt.(Res.) Pt II dated 13.08.1997 provides that reservation for SCs and STs in promotion, as applicable on the date of issue of the O.M., shall continue beyond 15.11.1997 till such time as the representation of each of the above two categories in each cadre reaches the prescribed percentages of reservation, where after, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for respective categories. In their judgment dated 09.12.2009 the Madras High Court, in WA-304, 324 and 342/1998 and WP-4599 and 7031/1998 etc. has directed as given below:

" The respondent Banks are directed to implement O.M. dated 13.08.1997 issued by the Govt. of India within a period of eight weeks from the date of receipt of a copy of this order, keeping in view of the observations made by us supra."

2.7.2 In order to ensure implementation of the above directive of the Madras High Court the Department of Personnel and Training have issued the above OM directing the Department of Financial Services, Ministry of Finance which is the Nodal Department for framing and implementing the reservation policy in Financial institutions/ Banks for taking necessary action in the matter.

## **2.8 Representation of Scheduled Tribes in public services**

### **(A) Representation of Scheduled Tribes in Central Ministries/ Departments**

2.8.1 There are various organized Group ~~A~~ and Group ~~B~~ services in which induction is made through competitive examinations conducted by Union Public Service Commission (UPSC). Personnel recruited through these services are deployed in various Ministries/ Departments of the Government of India and their attached and sub-ordinate offices. In addition, personnel are also posted to various Group ~~C~~ and Group ~~B~~ non-gazetted posts in these Ministries/ Departments. Recruitment to these posts and services is done through Staff Selection Commission (SSC). Besides, various Ministries/ Departments have specialized cadres with local or all India basis service liability and also some Ex-cadre posts to meet the needs of the specific business/ mandate assigned to each Ministry/ Department. These posts are defined as ~~General Civil Services~~ posts. Recruitment to some other specialized or local duty posts are made by the competent authorities under the concerned Ministry/ Department.

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<sup>3</sup> Complete O.M. can be seen on the web site of Ministry of Personnel (<http://persmin.nic.in>).

All the Special provisions relating to reservation in services and posts under the State for Scheduled Tribes are also applicable to all these posts and services.

2.8.2 Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners is the coordinating agency of the Central Government in personnel matters, especially in respect of issues concerning recruitment, training, career development and staff welfare. These include various instructions relating to (i) reservation in services in posts under the Government and (ii) monitoring of implementation of reservation policy are issued by the Department of Personnel and Training. The data relating to employment under each Group of posts in the Ministries/ Departments of the Government of India is also monitored regularly by the Department of Personnel and Training. Representation of Scheduled Tribes in Central Govt services as on 01.01.2012 and 01/01/2013 as per the information made available by the Department of Personnel and Training is given in the **TABLE 2.1** below:

**TABLE 2.1**

**Representation of Scheduled Tribes in Central Ministries/Departments**

Group	As on 01.01.2012			As on 01.01.2013			Variation (in %age representation)
	Total	STs	%age	Total	STs	%age	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A	68298	3504	5.13	64591	3655	5.66	0.53
B	156098	9515	6.10	150850	10083	6.68	0.58
C (Excl Safai Karamchari)	2564454	200150	7.80	2545903	200907	7.89	0.09
Total(Excluding Safai Karamchari)	2788850	213169	7.65	2761344	214645	7.78	0.13
C (Safai Karachari)	54686	3810	6.97	110986	7798	7.03	0.06
Total (Including Safai Karamchari)	2843536	216979	7.63	2872330	222443	7.74	0.11

2.8.3 The above data as on 01/01/2013 relates to 61 Ministries/ Departments of the Government of India while the data as on 01/01/2012 relates to 66 Ministries/ Departments. There is no information whether data included all the Ministries/ Departments as on 01/01/2013 or data from some of them was awaited. It is, however, seen from above that representation of Scheduled Tribes in all the posts taken together has crossed the stipulated percentage of reservation. This is, however, due to the fact that employees belonging to Group C (excluding safai karamcharis) constituted 91% and 92% of the total employees (excluding safai karamcharis) as on 01/01/2012 and 01/01/2013 respectively and the representation of Scheduled Tribes in these Group C posts exceeded 7.5% while representation in Group A and Group B category posts still lacked behind the prescribed representation of 7.5% each year. The data also show that there has been substantial increase (about 103%) in the

strength of Safai Karamcharis (Group ~~Ā~~) alone from 54686 to 110986 from 01/01/2012 to 01/01/2013. The corresponding increase of ST employees among them also has been about 105 % leading to slight increase in representation of ST employees from 6.97% to 7.03%. **The Commission, therefore, recommends that Department of Personnel and Training may issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in all services and posts and also that all vacant posts may be filled urgently and the shortfall in ST quota may be separately filled as per the provisions under Article 16(4B) of the Constitution inserted vide the Constitution (Eighty-fifth Amendment) Act, 2001**

**(B) Representation of Scheduled Tribes in Central Public Sector Enterprises (CPSEs)**

2.8.4 The Department of Public Enterprises, under the Ministry of Heavy Industries and Public Enterprises, acts as a nodal agency for all CPSEs and assists in policy formulation pertaining to the role of CPSEs in the economy as also in laying down policy guidelines on performance, improvement and evaluation, financial accounting, personnel management and in related areas. It also collects, evaluates and maintains information on several areas in respect of PSEs. DPE also provides an interface between the Administrative Ministries and the PSEs. In fulfilling its role, it associates itself with other Ministries and organisations.

2.8.5 In the matter relating to Personnel management in Central Public Sector Enterprises, these CPSEs are also expected to follow the general instructions relating to reservation policy for STs, SCs and OBCs, issued by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners. As per the mandate given to the Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises), that Ministry ensures that the instructions relating to reservation matters issued by the Department of Personnel and Training are properly implemented by the Central Public Sector Enterprises, which are though under the administrative control of one of the Ministry/ Department of the Government of India. Accordingly, Department of Public Enterprises circulates among all the CPSEs, all the instructions relating to reservation matters issued by Department of Personnel and Training in the manner as applicable to the CPSEs.

2.8.6 The DPE annually publishes a Public Enterprises Survey. This survey also monitors representation of ST employees among total employees under each category (Group) of posts in each CPSE every year. This detailed information relating to representation of ST employees based on the Public Enterprises Survey 2012-13 has been received from the Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises) vide their OM e-file No. DPE-GM/0043/2014-GM dated 13/06/2014. As per the Public Enterprise Survey 2012-13 there were 277 CPSEs as on 30/11/2013. Out of these 277 CPSEs there are 182 which have been categorized into four different groups defined as Schedule ~~Ā~~ Schedule ~~Ā~~ Schedule ~~Ā~~ and Schedule ~~Ā~~

CPSEs The detailed information regarding representation of Scheduled Tribes as on 01/01/2013 received in the Commission relates to various levels of posts i.e.

Group ~~A~~q Managerial/Executive Level

Group ~~B~~q Supervisory Level

Group ~~C~~q Workmen/Clerical Level

Group ~~D~~q Semi-skilled/Unskilled

2.8.7 The above information received from DPE is in respect of 182 CPSEs only as against information received for 214 CPSEs as on 01/01/2012. Although it would have been useful to compare the information relating to progress of representation of ST employees at two time intervals, yet the same is not possible because the two data are not similar. However, the available comparison is as given in the **TABLE 2.2** below:-

**TABLE 2.2**

**Representation of Scheduled Tribes in Central Public Sector Enterprises**

Group	Total No. of Employees (As on 1.01.2012) (214 CPSEs)	No. of ST Employees (As on 01.01.2012)	%age	Total No. of Employees (As on 1.01.2013) (182 CPSEs)	No. of ST Employees (As on 01.01.2013)	%age	Variation (in %age representation)
(1)				(5)	(6)	(7)	
A (Managerial/ Executive Level)	197013	10630	5.39	162384	8895	5.48	0.09+
B (Supervisory Level)	151870	11297	7.44	145356	11345	7.80	0.36+
C (Workmen/ Clerical Level)	519050	53024	10.21	465595	50130	10.76	0.55+
D (Semi-skilled/ Un-skilled excl. Safai Karamcharis)	198538	27246	13.72	178494	27126	15.20	1.48+
<b>Total (Excl. Safai Karamcharis)</b>	<b>1066471</b>	<b>102197</b>	<b>9.58</b>	<b>951829</b>	<b>94796</b>	<b>9.96</b>	<b>0.38+</b>
Group D (Semi-skilled/ Un-skilled Safai Karamcharis)	9668	275	2.85	7030	186	2.65	0.20-
<b>Grand Total (Incl. Safai Karamcharis)</b>	<b>1076139</b>	<b>102472</b>	<b>9.52</b>	<b>958859</b>	<b>97682</b>	<b>10.19</b>	<b>0.67+</b>

2.8.8 It is seen from above information that overall representation of Scheduled Tribe employees in all categories of posts in 214 CPSEs as on 01/01/2012 was 9.52%, although there is shortfall in Group ~~A~~q as well Group ~~B~~q since representation of Scheduled Tribes was 5.39% and 7.44% respectively as against mandatory requirement of 7.5% in each Group. Similarly, overall representation of Scheduled Tribe employees in all categories of posts in 182 CPSEs as on 01/01/2013 is 10.19% while representation in Group ~~A~~q category (5.48%) is still below the prescribed reservation level of 7.5% for Scheduled Tribes. The Position is however, satisfactory (7.80%) in Group ~~B~~q level posts

while the position is encouraging in respect of Group C and Group D categories of posts. It is also noticed that the percentage-wise representation of Scheduled Tribe employees in CPSEs has improved from 2011-12 to 2012-13 in all the categories except in Group D (Semi-skilled/ Un-skilled Safai Karamcharis) category. CPSEs wise information about representation of ST employees in various categories of posts as on 01/01/2013 is placed at **ANNEXURE-2.I**

**2.8.9** Since information is not available in respect of all the 277 CPSEs it cannot be said that the representation of Scheduled Tribe employees in each of the CPSEs is satisfactory and that the CPSEs are following the reservation policy for Scheduled Tribes as envisaged in the Constitution and as per guidelines of the Government of India. **It is therefore recommended that the DPE may take suitable steps including computerized monitoring system for timely collection of requisite information from all the CPSEs to be covered by the Public Enterprise Survey each year.**

**(C) Representation of Scheduled Tribes in different cadres of the Public Sector Banks**

2.8.10 The Department of Financial Services, under the Ministry of Finance, acts as a nodal agency for all Banks and assists in policy formulation pertaining to the role of Banks in the economy as also in laying down policy guidelines on performance, improvement and evaluation of their services and HR policies/ personnel management and related areas.

2.8.11 In the matter relating to Personnel management in Banks, the Nationalised Banks are also expected to follow the general instructions relating to reservation policy for STs, SCs and OBCs, issued by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners. As per the mandate given to the Ministry of Finance (Department of Financial Services), that Ministry ensures that the instructions relating to reservation matters issued by the Department of Personnel and Training are properly implemented by all the Nationalised Banks, which are also under the administrative control of the Department of Financial Services. Accordingly, Department of Financial Services propagates among all the Banks, all the instructions relating to reservation matters issued by Department of Personnel and Training in the manner as applicable to the Banks.

2.8.12 The detailed information relating to representation of ST as on 01/01/2012 and 01/01/2013 has been received from the Ministry of Finance (Department of Financial Services) vide their OM F.No. 5/7/2014-Welfare dated 11/07/2014. The detailed information regarding representation of Scheduled Tribes received in the Commission relates to four categories of posts. These are Officer Grade (Groups Aq and Bq), Clerical Grade (Group Cq), Sub-Staff Grade (Group Dq) and Safai Karamchari (Group Dq) in respect of 26

Nationalised Banks and the Reserve Bank of India. As it will be useful to compare the information relating to progress of representation of ST employees at two time intervals, viz; 01/01/2012 and 01/01/2013 respectively the available comparison is as given in the **TABLE 2.3** below:-

**TABLE 2.3**

**GROUP-WISE STATUS OF GROWTH OF REPRESENTATION OF ST EMPLOYEES OF ALL BANKS from 01.01.2012 to 01.01.2013**

S. No	Category of Posts	Status in respect of all Banks as on 1.1.2012			Status in respect of all Banks as on 1.1.2013			Variation (in %age representation)
		Total	ST	%	Total	ST	%	
1	2	3	4	5	6	7	8	9
1	Officers Grade (Group A)	326398*	20510*	6.28	341355*	22081*	6.47	0.14
2	Officers Grade (Group B)	*	*	*	*	*	*	*
3	Clerks (Group C)	314755	20202	6.47	311927	20662	6.62	0.20▲
4	Sub-Staff (Group D)	124699	8919	7.15	122651	8755	7.14	0.01▼
	<b>Total all Banks excluding Safai Karamcharis (Group'D')</b>	<b>765852</b>	<b>49631</b>	<b>6.49</b>	<b>775933</b>	<b>51498</b>	<b>6.64</b>	<b>0.15▲</b>
5	Safai Karamcharis (Group D)	38188	2357	6.17	40416	2307	5.71	0.46▼
6	<b>Total All Banks- All Categories incl.Safai Karamcharis (Group'D')</b>	<b>804040</b>	<b>51988</b>	<b>6.47</b>	<b>816349</b>	<b>53805</b>	<b>6.59</b>	<b>0.12</b>

\* Information in respect of Officer Grade (Gp B) is included in information in respect of Officer Grade (Gp. A) above.

2.8.13 It is seen from the TABLE-2.3 above that overall representation of Scheduled Tribe employees in each category of post in all the Banks taken together, as on 01/01/2013 has increased slightly to 6.59% from 6.47% as on 01/01/2012 but the same is yet below the prescribed reservation of 7.5 percent. Separate information about the representation of Scheduled Tribes in the Officers cadre (Group A) and Supervisory Cadre (Group B) is not available and combined information for Group A and B together has been furnished by the Department. As per this information, representation of Scheduled Tribes in all the posts in Group A and Group B category taken together in respect of all the Banks (6.47%) is also less than the prescribed percentage of 7.5%. Keeping in view the trend and the prevailing situation in most of the Organisations, it can certainly be assumed that the representation of ST employees in Officer Cadre Group A would certainly be less than (6.47%). Even in Group C and D categories of posts, the representation of Scheduled Tribes is far away from 7.5% reservation level.

2.8.14 Considering the representation of ST employees in each Bank individually, except in Dena Bank (11.56%) followed by the State Bank of Bikaner & Jaipur (9.39%) Bank of India (9.13%), and Reserve Bank of India (8.56%) all other Banks are yet to achieve prescribed percentage of reservation



for STs in their services. In the context of overall representation of ST employees State Bank of Patiala has the lowest (2.23) percentage of all its employees. Similarly, percentage of ST employees to total employees in Punjab & Sind Bank is 2.79% only followed by IDBI Bank (4.19%) and Indian Bank (4.57%). Percentage of ST employees to total employees in all other Banks is above 5.00% but below 7.50%. In Group A and B posts taken together State Bank of Bikaner and Jaipur leads with 10.23% of representation of ST employees followed by Dena Bank (9.92%) and State Bank of Mysore (7.63%). On the other hand Punjab & Sind Bank has the lowest (3.06) percentage of ST employees among Group A and B officers followed by State Bank of Travancore (3.19%), State Bank of Patiala (3.57%) and IDBI Bank (4.02%). Since Group A and B posts have all India service liability, recruitment to these posts is held on all India basis and therefore, representation of ST employees should not be so low. As regards representation in Group C and equivalent post Dena Bank leads with 12.5% representation followed by Reserve Bank of India (11.68%) and State Bank of Bikaner and Jaipur (10.17%) in overall also State Bank of Patiala. In order to ensure good representation of Scheduled Tribe employees in each level of posts it is necessary that induction of ST employees in the feeder grade posts should be increased extensively. If there are no candidates in the feeder grade the representation in higher grade through promotion cannot be achieved **As several Banks have poor representation of Scheduled Tribes among Group 'B', Group 'C' as well as Group 'D' posts, Commission recommends that each Bank should take such steps as to ensure higher percentage of ST employees in these categories through direct recruitment**

2.8.15 In a addition to the Public Sector Banks there are five other Financial Institutions. These are NABARD, National Housing Bank, EXIM Bank, SIDBI and IIFCL. Among these FIs, NABARD (8.96%) has the highest representation of ST employees followed by SIDBI (7.25%), EXIM Bank (6.55%), IIFCL (3.77%) and National Housing Bank with 3.19% has the lowest level of representation of ST employees. Group-wise also representation of ST employees is more than 7.5% in each Group of posts. Regarding National Housing Bank

2.8.16 Most of the Nationalised Banks were setup more than 60 years ago and nationalization of these Banks took place in 1969. Therefore, DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Thereafter, detailed instructions were issued for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. The Commission fails to understand the low representation of Scheduled Tribes in respect of each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Commission recommends that the Department of Financial Resources (Banking Division) should direct the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by**

launching Special Recruitment Drive and deputing special recruiting teams in the tribal areas and provide at least one-week long pre-recruitment comprehensive coaching for clerical cadre and four-week long coaching for Officer cadres in batches to improve the intake of ST candidates in recruitment at all levels.

**(D) Representation of Scheduled Tribes in Public Sector Insurance Companies**

2.8.17 The Department of Financial Services, under the Ministry of Finance, acts as a nodal agency for all Financial Institutions including Insurance Companies and assists in policy formulation pertaining to the role of the Public Sector Insurance Companies as also in laying down policy guidelines on performance, improvement and evaluation of their services and HR policies/ personnel management and related areas.

2.8.18 In the matter relating to Personnel management in Insurance Companies, the Public Sector Insurance Companies are also expected to follow the general instructions relating to reservation policy for STs, SCs and OBCs, issued by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners. As per the mandate given to the Ministry of Finance (Department of Financial Services), that Ministry ensures that the instructions relating to reservation matters issued by the Department of Personnel and Training are properly implemented by all the Public Sector Insurance Companies, which are also under the administrative control of the Department of Financial Services. Accordingly, Department of Financial Services propagates among all the Public Sector Insurance Companies, all the instructions relating to reservation matters issued by Department of Personnel and Training in the manner as applicable to these Companies.

2.8.19 The information relating to representation of Scheduled Tribes under each Group of posts in each of the 8 Public Sector Insurance Companies as on 01/01/2012 & 01/01/2013 as provided by the Ministry of Finance, Department of Financial services is given at **ANNEXURE-2.II** . Abstract information relating to total employees and ST employees in each Public Sector Insurance Company is given in **TABLE 2.4** below:

**TABLE 2.4**

**Representation of Scheduled Tribes among all employees in Public Sector Insurance Companies as on 1.1.2012 & 1.1.2013 respectively**

S No.	Name of Insurance Company	Employees as on 1.1.2012			Employees as on 1.1.2013			Variation in Percentage representation
		Total	ST	%age	Total	ST	%age	
(1)	(2)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Insurance Regulatory and Development Authority , Hyd.	144	4	2.78	146	4	2.74	0.04
2	Life Insurance Corporation of India, Mumbai	115468	8537	7.39	118022	8595	7.28	0.11
3	General Insurance Corporation of India, Mumbai	478	29	6.07	463	28	6.05	0.02

4	National Insurance Company Ltd., Kolkatta	15562	929	<b>5.97</b>	15381	947	<b>6.16</b>	0.19
5	The New India Assurance Company, Mumbai	19243	1294	<b>6.72</b>	19046	1325	<b>6.96</b>	0.24
6	Oriental Insurance Company Limited, New Delhi	14694	1004	<b>6.83</b>	14742	1032	<b>7.00</b>	0.17
7	United India insurance Company Limited, Chennai	17057	1109	<b>6.50</b>	16765	1019	<b>6.08</b>	0.42
8	Agriculture Insurance Company Ltd. New Delhi	219	23	<b>11.50</b>	272	21	<b>7.72</b>	3.78
	<b>Grand Total (all Companies)</b>	182865	12929	<b>7.07</b>	184837	12971	<b>7.02</b>	0.05

2.8.20 There are 8 insurance companies and all these companies have nationwide network with a total 184837 employees as on 01/01/2013 as against 182865 on 01/01/2012. This shows an increase of 1972 employees (1.08%) over previous year. Number of ST employees has also increased (by 0.32% only) from 12929 on 01/01/2012 to 12971 on 01/01/2013 but their representation has declined from 7.07% to 7.02%. The major cause for this decline appears to be reduction in staff strength of General as well as ST employees in United India insurance Company Limited. Besides, total staff strength in Life Insurance Corporation of India, Oriental Insurance Company Limited and Agriculture Insurance Company Ltd. has increased but number of ST employees has not increased proportionately and in particular to achieve the prescribed share of 7.5% for Scheduled Tribe employees. On the other hand the total employee strength has decreased during this period in (i) General Insurance Corporation of India, (ii) National Insurance Co. Ltd, and (iii) the New India Assurance Co. Ltd while number of ST employees has slightly increased but it still does not match with the desired level of 7.5 % reservation.

2.8.21 While there has been increase in Group A level officers by over 28%, the corresponding strength of ST Officers in Group A has decreased by over 14% in Agriculture Insurance Company Ltd. During one year from 01/01/2012 to 01/01/2013. Consequently, the total staff strength of Agriculture Insurance Company Ltd. has though increased enormously (by 24.2%) from 219 on 01/01/2012 to 272 on 01/01/2013 but the strength of ST employees has decreased from 23 to 21 thereby reducing the overall percentage of ST employees from 11.50 to 7.72. Life Insurance Corporation of India is the only Insurance company wherein ST employees constitute little less than 7.5% of the total strength on 01/01/2012 and on 01/01/2013 as well but percentage of ST among Group A Officer exceeds 7.5. It gives rise to a doubt that the Insurance Companies are resorting to filling the posts reserved for Scheduled Tribe candidates from general candidates without following the procedure for dereservation and without taking the steps like Special Recruitment Drives for ensuring to fill the vacant reserved posts from ST candidates

2.8.22 There are no Group B employees in Agriculture Insurance Company Ltd. of India. Similarly there are no Group C employees in Insurance Regulatory and Development Authority and Group D (Safai Karamchari) in Insurance Regulatory and Development Authority, General Insurance Corporation of India and the New India Assurance Co. Ltd. Obviously there are no ST employees belonging to Group B and C category of posts in the above mentioned companies. Consequently, it would not possible to fill the posts in

higher groups from amongst ST candidates by promotion and therefore, the representation of ST candidates in Group A posts cannot be achieved up to the desired level unless strict compliance of reservation rule in direct recruitment is followed. **It is hoped that the concerned companies have adequate opportunities for direct promotion from Group 'C' to Group 'A' posts or Group 'D' to Group 'B' posts, as the case may be. If it is not so, the companies should consider for providing Group 'B' posts to open the channels for promotion of these employees who joined the company in Group 'C' posts. Similarly, IRDA has only one ST Officer out of 117 officers in Group 'A' constituting 0.84% only. Insurance Regulatory and Development Authority may take necessary steps to ensure adequate intake of ST Officers in Group 'A' posts through Direct Recruitment or through promotion to achieve prescribed level of share of ST among them.**

**2.8.23 The Commission further recommends that in order to enhance/achieve the representation of STs in each Group of posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan.**

**(E) Representation of Scheduled Tribes in Teaching and Non-Teaching posts in Central Universities and Deemed to be Central Universities**

2.8.24 The provisions relating to ensuring representation of Scheduled Tribes in services and posts under the State, as prescribed under Articles 16(4), 16(4A) and 16(4B) under the Constitution, are also applicable to the Central Universities and Deemed to be the Central Universities. The University Grants Commission (UGC) has the unique distinction of being the only grant-giving agency in the country which has been vested with two responsibilities: that of providing funds and that of coordination, determination and maintenance of standards in institutions of higher education. Accordingly, the University Grants Commission issues instructions relating to reservation for Scheduled Tribes in teaching and non-teaching posts in the Central Universities and the Deemed to be Central Universities. The UGC also monitors the implementation of reservation in those Universities. The statistical data in respect of Teaching & non-Teaching posts reserved for STs in respect of each of the 39 Central Universities and 18 Deemed to be Central Universities for 2012-13 (as on 31/03/2013) has been received from the University Grants Commission.

**Central Universities- Teaching Posts**

2.8.25 There are three broad categories of teaching posts in the Universities. These are Professors, Associate Professors and Assistant Professors/Lecturers. In addition some Universities appoint Guest faculties also. Besides, there are posts relating to laboratories etc. which are part of the teaching system. All these posts are grouped as Other category of teaching posts. The

detailed post-wise representation of STs in Teaching posts for the year 2012-13 (as on 31/03/2013) in respect of each Central University as received from the UGC are given in the statements at **ANNEXURE-2.III**. However, Abstract Statement of total sanctioned strength, existing strength and shortfall in ST representation in various teaching posts in all the Central Universities taken together is given in the following **TABLE-2.5**

**TABLE-2.5**

**ABSTRACT STATEMENT OF TOTAL SANCTIONED STRENGTH, EXISTING STRENGTH AND SHORTFALL IN ST REPRESENTATION IN VARIOUS TEACHING POSTS IN ALL THE CENTRAL UNIVERSITIES**

(As on 31/03/2013)

S. No.	Name/ nature of post in Central Universities	Sanctioned Strength	Existing strength	Expected share for Scheduled Tribes out of existing strength	Actual No. of ST in Position and their %age to total strength in the post of		Shortfall in Scheduled Tribe strength (based on existing strength) in the post of
					Number	Percentage	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	<b>PROFESSOR</b>	2222	2567	187	12	0.47	176
2.	<b>ASSOCIATE PROFESSOR</b>	4430	3041	221	32	1.05	196
3.	<b>ASSISTANT PROFESSOR</b>	8700	3028	212	274	9.05	53
4.	<b>OTHERS</b>	728	591	250	33	5.58	231
	<b>TOTAL</b>	16080	9928	870	351	3.54	656

2.8.26 It is observed from the above statement that the representation of Scheduled Tribes among Assistant Professors in all the Universities considered together, as on 31/03/2013, is commendable as they constitute 9.05 % among the total existing strength of Assistant Professors. But this is not the real situation throughout all the Central Universities and in relation to all the teaching posts. Representation of STs among Associate Professors is 1.05% only while it was just 0.47% only among the Professors, despite the fact that the existing strength of Professor (2567) far exceeds the sanctioned strength of 2222 in all the Universities. It points out that reservation has not been followed while making appointments to the posts of Professor through internal promotion or direct recruitment, even though number of appointments to these posts have exceeded the sanctioned number. On the other hand there has been heavy shortfall in filling the posts of Associate Professors and Assistant Professors/ Lectures in the Central Universities as more than 31% of the posts of Associate Professors and more than 65% of the sanctioned posts of Assistant Professors were vacant as on 31/03/2013. Even among other category of teaching posts, the vacancy position was around 20%. The situation is prevailing almost equally in all the Central Universities.

2.8.27 The tendency of filling more than the sanctioned posts at the highest level and keeping huge vacancies in the lower posts, which form the feeder cadres for the highest posts, goes much against the interests of the Scheduled

Tribes who belong to the weakest section of the Society. The situation indirectly leads to the violation of the reservation policy of the Government of India applicable to the Central Universities. Unless right opportunity is provided to the Scheduled Tribes at the lower stage of the teaching system, viz; Assistant Professors/ Lecturers and Guest Lectures, they cannot reach the higher echelon of the system.

2.8.28 Considering the University-wise representation of Scheduled Tribe in teaching posts, there is no Scheduled Tribe teacher in Aligarh Muslim University (AMU), Central University of Haryana, Central University of Jammu and Central University of Punjab. The lowest representation of Scheduled Tribes (0.37%) is in HNB Garhwal University of Uttarakhand followed by 0.67% in Banaras Hindu University (BHU), as there are only 2 ST Assistant Professors out of 66 Assistant Professors and no ST among 543 Professors and 399 Associate Professors and also none among 209 other teaching Posts in the BHU. Also, BHU has the highest number of Professors (543) much against the sanctioned strength of 246 Professors, yet there is no Professor belonging to ST. Similarly AMU has 342 Professors against the sanctioned strength of 184 but there is no Professor belonging to ST. Similarly Jamia Millia Islamia (JMI) has 228 Professors against the sanctioned strength of 122 but there is no Professor belonging to ST community. Similar is the position in respect of Dr. Hari Singh Gaur Vishwa Vidyalaya, Pondicherry University, HNB Garhwal University, Vishwa Bharti, Assam University, Tejpur University and Manipur University where existing strength of Professor exceeds the sanctioned strength but the representation of Scheduled Tribes is nil except Assam University wherein there is one ST Professor against a total of 67 Professors. In fact, 30 out of 39 Central Universities, for which data has been made available by the University Grants Commission, have no ST professor, although sanctioned strength of Professors in each University is not less than 20. In contrast, the Rajiv Gandhi University in Arunachal Pradesh has two ST Professors out of a total of 24 Professors (against the sanctioned strength of 19 Professors) constituting 8.33 percent of the same. Similarly representation of Scheduled Tribe Professors is 6.25% in M.A.N. Urdu University and Mahatma Gandhi Antar-rashtriya Hindi Vishwa Vidyalaya. On the other hand Sikkim University has appointed 2 Professors against the sanctioned strength of 20 Professors and 1 Professor belongs to Scheduled Tribe community constituting 50% of the total Professors in the University.

2.8.29 As regards representation of Scheduled Tribes among the Associate Professor in Central Universities there is no ST Associate Professor in M.A.N. Urdu University of AP State, Delhi University, Jamia Millia Islamia in Delhi, Dr. Hari Singh Gaur Vishwa Vidyalaya in Madhya Pradesh and 21 other Central Universities. Against this situation, the Rajiv Gandhi University of Arunachal Pradesh has the highest level of representation (22.73%) with 5 ST out of 22 Associate Professors, followed by Tripura University having 16.67% representation with 4 ST out of 24 Associate Professors, Central University of Himachal Pradesh and Central University of Rajasthan each having 7.69% of representation with 1 ST out of 13 Associate Professors in each of these Universities.

2.8.30 Regarding representation of Scheduled Tribes in the posts of Assistant Professors/ Lecturers, total representation in all the Central Universities is 9.05% against the prescribed representation of 7.5%, as mentioned above, although five Central Universities do not have even a single ST in the entire teaching staff strength. Average higher representation is due to the fact that 13 Universities have ST representation between 1.00% and 6.98% while all other 21 Universities have higher than 7.5% representation. Jawaharlal Nehru University in Delhi has the highest (41.18%) representation of Scheduled Tribes among Assistant Professors, followed by BHU (39.39%), Hyderabad University (36.84%), Central University of Tamil Nadu (25.00%), Sikkim University (20.37%) and Vishwa Bharati (19.40%).

**2.8.31 The Commission recommends that all the vacant post of Assistant Professor/ Lecturer in the Central Universities may be filled on priority with due reservation for Scheduled Tribes applicable to the post, being the lowest Group 'A' post among the teaching posts. Increase in representation of Scheduled Tribes in these posts would certainly enhance the intake of Scheduled Tribes in the posts of Associate Professor and Professor in the Universities. Therefore, MHRD may issue necessary instructions for filling all the vacant posts of Assistant Professors/ Lecturers, Associate Professors and Professors in each of the Central University in a time bound manner, and if possible through special recruitment drive.**

#### Central Universities- Non-Teaching Posts

2.8.32 The University wise and Group wise representation of Scheduled Tribes in non Teaching Posts for the year 2012-13 in various Central Universities are as given in the Statement at **ANNEXURE-2.IV** However, Abstract Statement of total sanctioned strength, existing strength and shortfall in ST representation in various non-teaching posts in all the Central Universities is given in the following **TABLE-2.6**

**TABLE-2.6**

S. No.	Name/ nature of post in Central Universities	Sanctioned Strength	Existing strength	Expected share for Scheduled Tribes out of existing strength	Actual No. of ST in Position and their %age to total strength in the post of		Shortfall in Scheduled Tribe strength (based on existing strength) in the post of
					Number	Percentage	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	<b>Group 'A'</b>	1844	1261	86	57	4.52	48
2.	<b>Group 'B'</b>	4141	3018	225	179	5.93	140
3.	<b>Group 'C'</b>	26580	19983	1480	1329	6.65	830
4.	<b>OTHERS</b>	677	671	44	0	0	44
	<b>TOTAL</b>	33242	24933	1835	1565	6.28	1062

2.8.33 As will be seen from the above **TABLE** the number of filled non-teaching posts (existing strength) is much less than the sanctioned strength in each Group of service in all the Universities taken together. The representation

of Scheduled Tribes even out of the filled-up posts (column 6 out of column 4 of the **TABLE**) is less than the prescribed percentage of representation. There is not even a single ST employee among ~~others~~ category of service against the expected share of Scheduled Tribes was 44. In overall there was a shortfall of 1062 Posts reserve for Scheduled Tribes in various Groups of services. The highest shortfall (830) was in Group ~~C~~ services. If all the sanctioned posts in Group ~~A~~, ~~B~~ and ~~C~~ category are filled, the concerned University authorities will have to ensure that while filling up the current reserved posts they will have to fill the backlog vacancies also under each Group of Service.

**2.8.34 The Commission would like to recommend once again that the Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit.**

#### **Deemed Central Universities-Teaching posts**

2.8.35 According to the information available on the Website of the Ministry of Human Resource Development an Institution of Higher Education, other than universities, working at a very high standard in specific area of study, can be declared by the Central Government, on the advice of the University Grants Commission, as an Institution ~~Deemed-to-be-university~~ Institutions that are ~~deemed-to-be-university~~ enjoy academic status and privileges of a university. These ~~Deemed-to-be-University~~ Institutions have expanded the base of higher education in the country and are offering education and research facilities in various disciplines. As per the information available on the website of the University Grants Commission, 130 Institutions have been declared as Deemed to be Universities (As on 23rd June, 2008) under section 3 of the UGC Act 1956 by Ministry of Human Resource Development, Government of India.

2.8.36 The detailed post-wise representation of STs in Teaching posts for the year 2012-13 (as on 31/03/2013) in respect of each Deemed Central University, as received from the UGC are given in the statements at **ANNEXURE-2.V** . The Statement contains the names of 18 Institutions deemed to be Universities against a total of 130 Institutions recognized as deemed to be Universities. Information is stated to be NIL in respect of Jain Vishwa Bharti Institute (Raj.). Since the list dates back to 23/06/2008 the information as on 31/03/2013 cannot be stated and considered as NIL. Information has also not been furnished in respect of Jamia Hamdard University stating it as a Minority Institution. Since Scheduled Tribes may profess any religion including Islam and Christianity, some of the teaching staff employed in Jamia Hamdard University selected from Minority community may belong to Scheduled Tribes. Therefore even though there may or may not be any recruitment on the basis of ST status but some of them might belong to one of the Scheduled Tribe communities. Besides, information under all columns has been furnished as zero (0) in respect of Chennai Mathematical



Institute, Chennai and Sri Sathya Sai Institute of Higher Learning, Anantapur (AP), i.e. zero sanctioned posts, zero position and also zero Scheduled Tribes. It indicates that these Universities which figured in the list of deemed Universities in June, 2008 continue to remain on paper as there was no teaching staff in these two Universities during 2012-13. Therefore, University Grants Commission should have collected the requisite information from the Jamia Hamdard University as well as other Universities recognized as Minority Institutions. Similarly, information is stated to have not been received in respect of (i) Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN), (ii) Gokhale Institute of Politics & Economics, Pune (Mah.) and (iii) Gujarat Vidyapeeth, Ahmedabad (Guj.). As per record available in the National Commission for Scheduled Tribes similar information (not received or NIL information) was received in respect of the above mentioned deemed Universities. It indicates that either these Universities are ignoring the directions of the University Grants Commission by not furnishing the desired information to University Grants Commission or the University Grants Commission is not ensuring that all Universities furnish them the requisite information irrespective of their status as Minority institution or otherwise.

2.8.37 Out of the remaining 11 deemed Universities, Central Institute of Higher Tibetan Studies, Sarnath, Varanasi has the highest representation of Scheduled Tribes (9.68%) as 3 out of 25 lecturers belong to Scheduled Tribes, while there is none out of 5 Readers and 1 Professor. Next is **Tata Institute of Social Sciences, Mumbai having 5.92% representation to Scheduled Tribes. Out of total of 152 teaching staff in the Institute 9 belong to Scheduled Tribes leaving a shortfall of 2 posts.**

2.8.38 **Banasthali Vidyapeeth (Raj.) has the highest number (340) of teaching staff with only 11 (3.24%) of them belonging to Scheduled Tribes with a total shortfall of 15 teachers. Though the Banasthali Vidyapeeth is located in Rajasthan State having a large concentration of Scheduled Tribe population, the poor representation of Scheduled Tribes has no explanation except that the Vidyapeeth was not following the reservation policy, as representation of Scheduled Tribes among lecturer the lowest level of teaching post is even less (2.79% only).**

2.8.39 Indian Law Institute, New Delhi also has no Scheduled Tribe teacher out of total of 12 teachers. Similarly, **there is no teacher out of 92 teachers at various level in Rama Krishna Mission Vivekananda Educational & Research Institute, Howrah (WB), while there is only 1 Scheduled Tribe out of 84 teaching staff in Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, Delhi and 2 Scheduled Tribes only out of total existing strength of 250 teachers in Dayalbagh Educational Institute, Agra (UP) leaving a shortfall of 5 and 16 posts for Scheduled Tribes respectively.**

#### **Deemed Central Universities- Non-teaching posts**

2.8.40 As mentioned above in respect of teaching posts information in respect of non-teaching posts also is available in respect of 11 Institutions deemed to

be Universities. The statement contains information separately in respect of Group Aq Group Bq Group Cq and Group Dq posts. The detailed post-wise representation of STs in Non-Teaching posts for the year 2012-13 (as on 31/03/2013) in respect of each Deemed Central University as received from the UGC is given in the statements at **ANNEXURE-2.VI** .

2.8.41 Here again situation in respect of 5 deemed Universities is same. NIL information is stated in respect of Jain Vishva Bharti Institute, Ladnun (Raj.), information not received in respect of Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN), Gokhale Institute of Politics & Economics, Pune (Mah.) and Gujarat Vidyapeeth, Ahmdabad and Minority Institution status mentioned for Jamia Hamdard University. Information in respect of Institute of Chemical Technology, Mumbai (Mah.) is not correct as information relating to total incumbents in each Group of posts is zero (0) while number of Scheduled Tribes in each Group of posts has been mentioned in the Statement. Besides, information under all columns has been furnished as zero (0) in respect of Central Mathematical Institute, Chennai and Sri Sathya Sai Institute of Higher Learning, Anantapur (AP), i.e. zero sanctioned posts, zero in position and therefore, zero Scheduled Tribes. It indicates that these Universities which figured in the list of deemed Universities in June, 2008 continue to remain on paper as there is no teaching as well as non-teaching staff in these two Universities during 2012-13.

2.8.42 Representation of Scheduled Tribes in none of the Group of posts has reached near 7.5% except in respect of Group Bq posts in Central Institute of Higher Tibetan Studies, Sarnath, Varanasi (UP) wherein Scheduled Tribes constitute 11.54%. the position is again poor in respect of non-teaching staff in Banasthali Vidyapeeth, P.O. Banasthali Vidyapith (Raj.) as overall percentage of Scheduled Tribes is 3.23 only. However, position is nearing satisfaction in respect of Tata Institute of Social Sciences, Mumbai as Scheduled Tribes constitute 6.67% of the total non-teaching manpower strength. Situation in all other Universities is dismal.

2.8.43 It is well known that each University has various Faculties and Departments and number of teaching as well as non-teaching posts in various categories may not be sufficient to fit the Post Based Roster specific to each post. To meet this type of exigencies, the Department of Personnel and Training has issued instructions for grouping of the posts having similar status or similar pay scales/ grade pay to constitute a single Post Based Roster so that each reserved group gets adequately represented in the overall strength. **The Commission therefore, recommends that University Grants Commission may re-issue/ re-iterate the above instructions of the Department of Personnel and Training so that Scheduled Tribe candidates get adequate representation in each category/ group of teaching as well as non-teaching posts in each University as well as 'Deemed to be University'.**

## Minority Educational Institutions

2.8.44 A number of Minority Educational Institutions have come into existence while some other universities/ Institutes have been granted the status of Minority Educational Institution in various parts of the country. It is difficult for the ST/SC students to get admission in these institutions as the policy of reservation for SCs/STs is not applicable to these institutions as per the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006. The difficulty is more pronounced in the case of ST students as most of them belong to remote areas and cannot afford to get quality coaching for securing employment into these institutions by competing with the students of more forward communities. There is, therefore, urgent need for review of the provisions of Central Educational Institutions (Reservation in Admission) Act, 2006. **The Commission therefore, re-iterates its earlier recommendation that the Ministry of HRD and the Ministry of Minority Affairs should consider suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 to ensure that reservation for STs is made applicable in admissions to at least Govt. run educational institutions which have been granted minority status. As Scheduled Tribes may profess any religion while these Minority Education Institutions give preference to those belonging to the Minority community for which the Institution is setup and do not have SC/ ST based reservation, it is recommended that the Scheduled Tribe candidates belonging to the Minority community may be given preference/ reservation in employment within the total strength for Minority communities.**

## 2.9 Recognition of SCs and STs Employees Welfare Associations.

2.9.1 The Commission had taken up the matter of recognition of ST welfare associations with the DoP&T *vide* DO letter No. 17/DoPT/1/2009/RU-I dated 27/07/2009. However, it was mentioned that it has not been found feasible to agree to the suggestion given by NCST regarding grant of recognition to SC/ST Welfare Service Associations under the CCS (RSA) Rules, 1993. Earlier O.M. dated 28.02.2006 from DoP&T mentioned that according to CCS (RSA) Rules, 1993 associations formed on the basis of caste canq be recognized.

2.9.2 These Welfare Associations are established for the benefit of all Scheduled Castes and/or Scheduled Tribes employees of the organization and not for a particular SC or ST community. If recognition can be granted to Associations of all Ex-servicemen, all women, all boys, all disabled persons then why Associations working for all SC/ST communities, irrespective of any specific SC/ST community, cannot be recognized. These Associations act as mediators and bring better coordination between the management and the SC/ST employees and resolving the issues concerning the problems of those employees and also implementing the Government policy relating to reservation for Scheduled Castes and Scheduled Tribes. **Therefore, the Commission recommends that the Department of Personnel and Training**

**may issue necessary instructions to facilitate recognition to the Welfare Service Associations of Scheduled Tribe employees.**

## **2.10 DERESERVATION OF POSTS RESERVED FOR SCHEDULED TRIBES**

### **(1) Existing instructions**

2.10.1 Existing instructions relating to appointment to civil posts require that, the vacancies reserved for Scheduled Tribes are required to be filled from the candidates belonging to Scheduled Tribes only, both in respect of direct Recruitment and promotion<sup>4</sup>. In this connection, instructions have been issued from time to time for launching Special Recruitment Drive (s) for filling the reserved vacancies. However, sometimes, it is not possible to fill a vacancy reserved for ST candidates by promotion because of non-availability of eligible candidate in the prescribed zone of consideration in the seniority list of the feeder grade; and at the same time, it is administratively not possible to keep the post vacant indefinitely as it may adversely affect the performance of a Ministry/ Department/ Organization. Such situations arise because, very often, adequate efforts are not made while making appointment to the posts in the feeder grade (or its next below feeder grade) through direct recruitment from candidate(s) belonging to ST category.

### **(2) Ban on Dereservation in Direct Recruitment**

2.10.2 In view of the alarming situation due to non-appointment of Scheduled Tribes in Direct Recruitment the Govt. of India imposed a ban on de-reserving the post(s) to be filled by direct recruitment<sup>5</sup>. The instructions relating to ban on dereservation in Direct Recruitment provide that in exceptional cases in Group A services where posts cannot be allowed to remain vacant in public interest, the administrative Ministry/Department under which the recruitment was being made shall make a proposal for dereservation giving full justification for such action and consult NCST / NCSC by obtaining comments and place the same for consideration before the Committee comprising the Secretaries in the (i) Ministry of Personnel & Training (ii) Ministry of Welfare (now the Ministry of Social Justice Empowerment or the Ministry of Tribal Affairs, as the case may be) and (iii) the administrative Ministry under which recruitment was being made. The recommendations of the Committee are required to be placed before the Minister in-charge of DoPT for a final decision.

### **(3). Procedure for Dereservation of posts to be filled by promotion**

2.10.3 Since inadequate appointment through Direct Recruitment in the past caused non-availability of ST candidates for promotion, the Government of India, made it permissible to exchange a vacancy in a post reserved for Scheduled Tribes with that of Scheduled Castes or de-reserve the vacancy

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<sup>4</sup> Ministry of Home Affairs Resolution No. 42/21/9/NGSad 13.9.1950

<sup>5</sup> Department of Personnel & Training OM No. 16012/6/88-Estt.(SCT) dated 25.04.1989

subject to adherence to stipulated procedure while making appointment by promotion.

2.10.4 An elaborate procedure was prescribed by DoPT vide OM No. 36011/20/79-Estt.(SCT) dated 02/11/1979 for de-reserving a reserved vacancy and filling the same by a candidate other than ST while making promotion, also ensuring that the rights of Scheduled Tribes, temporarily curtailed by the process of dereservation due to non-availability of eligible ST candidates in the feeder grade in a recruitment year, are restored to them in the next or subsequent recruitment year by carrying forward the reserved point for ST from the previous year. Thus, an additional vacancy out of the vacancies occurring in the next or subsequent recruitment year is reserved for the Scheduled Tribes and is filled by promotion from amongst eligible ST candidates. In case the eligible ST candidate is not available in the next recruitment year, the same procedure of dereservation and filling the carried forward reserved point in the next recruitment year has to be followed.

2.10.5 DoPT, vide OM No. 16/27/74-Estt. (SCT) dated 12/11/1975, *inter- alia*, provide that the Liaison Officers(SCs/STs) should ensure proper working of service safeguards for SCs/STs and that they should concur in the proposals of dereservation after carefully examining them with reference to the DoPT's instructions on dereservation. DoPT, vide OM No. 28/14/74/Estt. (SCT) dated 12/07/76, OM 36011/25/79-Estt (SCT) dated 16/11/79 and OM 36012/17/2002/ Estt. (Res.) dated 06/11/2003 has streamlined the procedure for submission of proposals for dereservation. However, in view of a number of subsequent developments like replacement of vacancy-based rosters by post-based rosters, creation of separate Commissions viz; National Commissions for the Scheduled Castes and the National Commission for Scheduled Tribes respectively in place of erstwhile NCSCST, ban on exchange of reservation between SCs and STs have taken place, it became necessary to modify the Performa for seeking de-reservation. Department of Personnel and Training Vide OM No. No. 3602012/2007-Estt (Res) dated 7th December 2009 issued revised instructions and revised Performa for sending the dereservation proposal.

2.10.6 As per these instructions, the administrative Ministries and Departments have been delegated the power to accord approval to the dereservation of reserved vacancies subject to the following conditions:

- (i) *There is no eligible SC/ST candidate available or likely to be shortly available for promotion in the feeder cadre;*
- (ii) *A copy of the proposal for dereservation in the appropriate prescribed Performa is sent immediately to (i) the Department of Personnel and Training and (ii) the National Commission for Scheduled Tribes in case of post reserved for ST or the National Commission for Scheduled Caste in respect of post reserved for SC as the case may be and thereafter the concerned Deptt. is required to wait for a period of 15 days before going for dereservation;*

- (iii) *The proposal for dereservation has been seen and concurred with by the Liaison Officer of the Ministry/Department concerned;*
- (iv) *The proposal for dereservation has been agreed to at a level not lower than that of the Joint Secretary to the Government of India in the administrative Ministry/ Department (Proper) concerned;*
- (v) *In the event of a disagreement between the appointing authority and the Liaison Officer, the advice of the DoPT has been obtained;*
- (vi) *The proposal contains a certificate that it is being made with the full knowledge and concurrence of the Liaison Officer of the Ministry/ Department concerned.*

2.10.7 The above cited instructions further require that the proposal for dereservation of reserved vacancies in respect of posts under attached/ subordinate offices etc. should not be sent directly. Such proposals should be sent to the administrative Ministry/ Department who will examine the proposals and send them to the Department of Personnel & Training and NCST / NCSC after satisfying itself that the prescribed procedure has been followed.

#### **(4). Examination of dereservation proposals**

2.10.8 Since dereservation in promotion has not been banned, the National Commission for Scheduled Tribes receives a large number of proposals for dereservation in promotions. The National Commission for Scheduled Tribes received 73 proposals for dereservation of 155 posts reserved for Scheduled Tribes from various Ministries/ Departments during the year 2012-13. Detailed list of such proposals is placed at **ANNEXURE-2.VII**. Information relating to Department-wise Proposals for de-reservation received in NCST during 2012-13 is given in the **TABLE 2.7** below. Similarly, information about post-wise Proposals for de-reservation received in NCST during 2012-13 is given in the **TABLE 2.8** below.

**TABLE -2.7**  
**Department-wise Proposals for de-reservation received in NCST during 2012-13**

S. No.	Name of the Ministry/ Department/ Organisation	No. of proposals received	No. of Posts for which dereservation sought
(1)	(2)		(3)
1.	Comptroller & Auditor General of India	50	66
2.	Cabinet Secretariat	4	5
3.	President Secretariat	1	1
4.	Department of Atomic Energy	2	3
5.	Intelligence Bureau	2	7
6.	Indo Tibetan Boarder Police, MHA	1	1
7.	Department of Official Language, MHA	1	1
8.	DGQA( Naval) Department of Defence Production, Min. of Def.	1	1
9.	Department of Defence Research & development, Min. of Def.	1	4

10.	Defence Metallurgical Research Laboratory, DRDO, Min. of Def.	2	2
11.	Defence Services Staff College, Min. of Defence	1	2
12.	Training Academy, Min. of Defence	1	1
13.	Chief Administrative Officer, Min. of Defence	1	1
14.	Forests Survey of India, Min. of Environment & Forests	1	1
15.	JIPMER, Puducherry	1	3
16.	Ministry of Urban Development	1	1
17.	Cochin Port Trust	1	2
18.	Chennai Port Trust	1	52
	<b>TOTAL</b>	<b>73</b>	<b>155</b>

**TABLE 2.8**

**Post-wise Proposals for de-reservation received in NCST during 2012-13**

S. No.	Name of the Post under proposal	Total no of posts	S. No.	Name of the Post under proposal	Total no of posts
(1)	(2)	(3)	(1)	(2)	
1.	Sr. Time Scale (IAAS)	1	19.	Sr. Administration Assistant	4
2.	Sr. Divn. Accounts Officer	1	20.	Assistant.	1
3.	Divisional Accounts Officer	2	21.	Personal Assistant	1
4.	Sr. Accounts Officer	5	22.	Personal Secretary	9
5.	Accounts Officer	3	23.	Steno Gr-1	2
6.	Sr. Audit Officer	9	24.	Assistant Technical Officer	1
7.	Audit Officer	8	25.	Accountant	1
8.	Assistant. Audit Officer	32	26.	Head Clerk	1
9.	Supervisor	1	27.	Upper Division Clerk	1
10.	Sr Research Officer	5	28.	Sr. Cashier	1
11.	Sr. Field Officer	1	29.	Assistant Nursing Suptt.	1
12.	Sr. Administrative Officer	1	30.	Sr. Store Assistant	1
13.	Assistant Director (SO)	1	31.	Marine Engineer	1
14.	Assistant Director (OL)	1	32.	Pilot	1
15.	Section Officer	1	33.	Junior Technical Officer	1
16.	Office Superintendent	1	34.	Driver	3
17.	Assistant Estate Manager	4	35.	Halwai-cum-cook	2
18.	Sr. Assistant	46			
Contd. 5					
				<b>TOTAL</b>	<b>155</b>

2.10.9 As will be seen from **TABLE-2.7** above broadly 18 Ministries/ Departments/ Organisations only submitted the proposals for de-reservation to National Commission for Scheduled Tribes. Therefore, nothing can be said about the status of implementation of reservation policy in other Ministries/Departments. It is seen that 50 proposals in relation to dereservation of 66 number of various posts reserved for Scheduled Tribes were received from various offices/ sub-offices of the Comptroller & Auditor General of India. This followed by the office of the Cabinet Secretariat from where 4 proposals for dereservation of 5 posts. The Department of Atomic Energy, Intelligence

Bureau and DMRL, DRDO under Ministry of Defence had forwarded 2 proposals each for dereservation of 3,7 and 2 posts respectively, which were reserved for Scheduled Tribes. In fact the O/o the Comptroller & Auditor General of India and Ministry of Defence have been seeking the approval of the Commission for dereservation of posts reserved for Scheduled Tribes. It is certainly commendable that various Offices of Comptroller & Auditor General of India are following the reservation policy and seek approval for dereservation. There is however, no information whether the posts, for which dereservation was not agreed by the Commission, remained unfilled till the next recruitment process or such posts were filled from non-ST candidate.

2.10.10 Post-wise proposals, distribution of which is given in **TABLE-2.8** indicate that that Chennai Port Trust had sought the dereservation of 52 posts including 46 posts of Senior Assistant and 3 posts of Office Superintendent. Regarding such a huge proposal for dereservation the Chennai Port Trust in its communication stated that

Ever since the introduction of Post Based Roster System with effect from 02/07/1997 by the Government, no de-reservation was made in any of the categories in Chennai Port Trust although de-reservation was permissible in promotional categories. Wherever reserved community candidates are not available, the practice was to keep the vacancy unfilled till a suitable reserved community candidate becomes eligible for consideration. However, at this point of time it is felt necessary to fill up such of those vacant posts by dereservation considering the exigencies of work attached to that post.

Accordingly, the proposals for dereservation of 52 vacancies reserved for Scheduled Tribes of various Departments of this Port in the category of Personal Assistant-1, Office Superintendents-3, Senior Assistants-45, Senior Assistant (works)-1, Senior Cashier-1 and Stenographer (SG)-1 which are all being kept unfilled for non availability of eligible ST employees in the feeder category, have been forwarded to the Ministry of Shipping on various dates duly filled in the prescribed Proforma with a request for onward transmission to the National Commission for Scheduled Tribes ..

Accordingly, the copies of Proforma sent to the Ministry for Dereservation of 52 posts of various categories are enclosed for kind reference and issue instructions as will be required.+

2.10.11 No proforma containing any of the dereservation proposals was received from the Chennai Port Trust. The Chennai Port Trust was advised to send the proposal through the concerned Administrative Ministry i.e. Ministry of Shipping and Transport. However, no communication on the subject was received from the Administrative Ministry.

2.10.12 Regarding huge size of backlog of ST reserved posts it was explained by the Chennai Port Trust that the percentage of reservation given at entry level in Group C&D post is 1% as per the ratio followed in the State Government of Tamilnadu and in promotion is 7% which causes back log of



reserved vacancies of ST in promotional posts. The above clarification by Chennai Port Trust raises a question regarding basis for reservation in services. This situation has been observed in many regions in which population of Scheduled Tribes is much less than 7.5% as percentage of reservation through direct recruitment is fixed according to the proportion of ST population to the total population in the region while percentage of reservation in promotion is prescribed uniformly as 7.5%. The Organisations located in Northern States/ region of the Country also face the same situation as ST population, as per census 2011, in Haryana, Punjab and Chandigarh is Nil while it is 0.57% in Uttar Pradesh and 2.89% in Uttarakhand. Similarly, ST population percentage is 1.28% in Bihar, 1.45% in Kerala and 1.2% in Tamil Nadu. This issue can be resolved if and only if the Recruitment Rules for various posts provide, beside promotion, an element of direct recruitment in the event of non-availability of ST candidates through promotion and then such recruitment may be made on all India basis. **The National Commission for Scheduled Tribes therefore, recommends that Department of Personnel and Training may consider this problem and issue necessary instructions so that posts reserved for Scheduled Tribes do not remain unfilled for long unnecessary.**

2.10.13 As mentioned in the earlier Reports of the National Commission for Scheduled Tribes, most of these proposals reflect one of the following two situations:-

- (i) The mode of filling a post or chain of posts in a cadre was 100% by promotion from the feeder grade post(s) and there is no ST candidate in the feeder grade and also in the next below feeder grade post(s). This situation might occur either because reservation instructions were not followed for years together while making Direct Recruitment to the lowest grade feeder post(s) or due to non-availability of ST candidates. Consequently, as no ST candidate is available for several years for making appointment by promotion against reserved points in various grades of posts in the channel for promotion, the concerned Ministry/ Department/ Organisation frequently resorted to dereservation. This leads to the situation in which "carried-forward" reserved points would never be filled in the absence of ST candidates in the feeder posts and also absence of suitable provisions in the RRs that a certain percentage of posts be filled up through direct recruitment. This situation also results in non-filling up higher promotion posts reserved for ST by the ST candidates.
- (ii) The eligible ST candidates are not available even after enlarging the zone of consideration (ZoC), upto five times the total number of vacancies to be filled in one recruitment year. In many cases, candidates fulfilling the eligibility conditions for promotion are available outside the extended ZoC.

2.10.14 From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on dereservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a

long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/ feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. **The National Commission for Scheduled Tribes, therefore, recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:**

- (i) **Recruitment Rules for each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (wherever applicable).**
- (ii) **Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion (or, at least provision for relaxation of the same for filling up ST vacancies), so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or deputation/transfer on deputation as the case may be. As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/ Departments themselves subject to approval of UPSC.**
- (iii) **As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.**
- (iv) **No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.**
- (v) **In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.**
- (vi) **In case of non-availability of ST candidates, at all, in the feeder grade, the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.**

## **CHAPTER 3**

### **PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES**

#### **3.1 GENERAL**

3.1.1 The Constitution of India in Article 366 (25) prescribe that the Scheduled Tribes means such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes. While the Constitution is silent about the criteria for specification of a community as a Scheduled Tribe, The words and the phrase 'tribes or tribal communities or part of or groups within tribes or tribal communities' in Article 342 have to be understood in terms of their historical background of backwardness. Primitiveness, geographical isolation, shyness and social, educational & economic backwardness due to these reasons are the traits that distinguish Scheduled Tribe communities of our country from other communities.

#### **3.2 DEMOGRAPHY**

3.2.1 There are over 700 tribes (with overlapping communities in more than one State) which have been notified under Article 342 of the Constitution of India, spread over different States and Union Territories of the country. The largest number of main tribal communities (62) has been specified in relation to the State of Orissa. The main concentration of tribal population is in central India and in the North-eastern States. The Scheduled Tribes have been specified in relation to all the States and Union Territories except Haryana, Punjab, Chandigarh, Delhi, and Pondicherry. The predominantly tribal populated States of the country (having tribal population more than 50% of the total population) are: Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Union Territories of Dadra & Nagar Haveli and Lakshadweep. States with sizeable tribal population and having areas of large tribal concentration are Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The other States and UTs having ST population are Bihar, Goa, J&K, Karnataka, Kerala, Manipur, Sikkim, Tamilnadu, Tripura, UP, Uttarakhand, West Bengal, A&N Islands and Daman & Diu.

3.2.2 The Constitution (Scheduled Tribes) Order,1950 (C.O.22) and the Constitution (Scheduled Tribes ) (Union Territories) Order,1951 (C.O.33) both were comprehensively amended thrice. These Orders were initially comprehensively amended vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (Act No. 63 of 1956) after the re-organisation of States in the year 1956 and again in the year 1976 vide the Constitution the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (No. 108 of 1976). These Orders were lastly amended vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (No. 10 of 2003) soon after the re-organisation of the States of Madhya Pradesh, Bihar and Uttar Pradesh and creation of three new States viz; Chhattisgarh, Jharkhand and Uttarakhand respectively. Consequently, there was variation in the State-wise

ST population in the census reports enumerated after each comprehensive amendment. First Census after independence was held in 1951 followed by regular Censuses after interval of 10 years each in 1961, 1971, 1981, 1991, 2001 and lastly in 2011. Since several Constitution orders have been issued since independence and several Amendments have also been issued since then, there has been increase in the total population as well as increase in Scheduled Tribe population during each Census over the previous Census. Growth of population and the ST population since Census 1961 is illustrated in TABLE 3.1 below:-

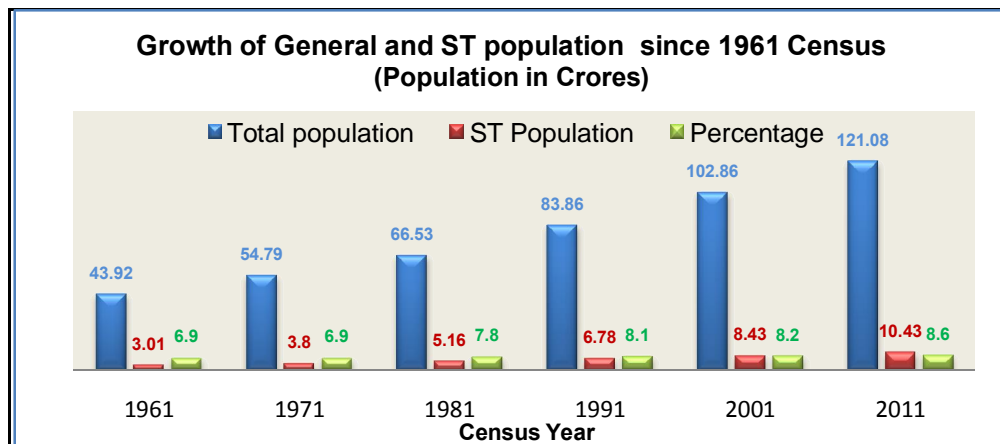
**TABLE 3.1**

**GROWTH OF GENERAL POPULATION AND SCHEDULED TRIBE POPULATION FROM CENSUS 1961 TO 2011**

(Population in Crores)

<i>Census Year</i>	<i>Total population</i>	<i>Scheduled Tribe population</i>	<i>Percentage of Scheduled Tribe population</i>
1961	43.92	3.01	6.9
1971	54.79	3.80	6.9
1981	66.53	5.16	7.8
1991	83.86	6.78	8.1
2001	102.86	8.43	8.2
2011	121.08	10.43	8.6

**CHART 3.1**



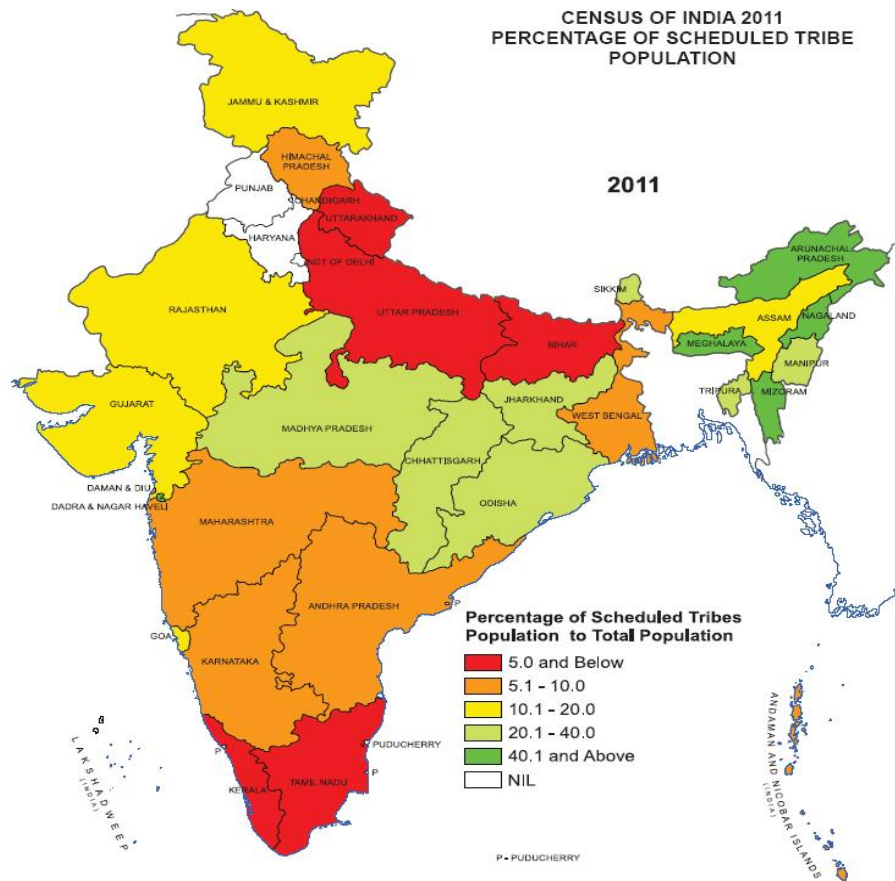
3.2.3 The Scheduled Tribe population of the Country which was 3.01 Crores in 1961 Census and constituted 6.9% out of the total population of 43.92 Crores rose to 7.8% in 1981 Census and 8.1%, 8.2% and 8.6% respectively of the total population of the Country in 1991, 2001 and 2011 Census.

3.2.4 There are several areas of tribal concentration in India. Some areas have no Scheduled Tribe population while other areas have Scheduled Tribe population concentration in various ratios as is shown in the **Map** on the next

page wherein areas having tribal concentration have been shown in different colours based on level of concentration.

3.2.5 Our Census results have shown increase in population of the Country during each inter-Census period. This is also true in the case of Scheduled Tribe population. However, as mentioned above there have been various Amendments to the Constitution (Scheduled Tribes) Orders beside notification of new Orders in respect of certain States. These Amendments have not only included some more communities in the list of Scheduled Tribes but also removed area restriction in regard to specification of certain communities as Scheduled Tribe in relation to various States and parts of the States. These changes have also affected the growth of Scheduled Tribe population differently in different States and UTs, as is evident from the Census Reports for 1981 and onwards.. A statement indicating State/UT-wise population of Scheduled Tribes and their percentage to the total population in the respective State/ UT and to the total ST population in the country, as per Census 1991, 2001 and 2011 and the inter-census decadal growth, is placed at **ANNEXURE-3.I**.

**MAP: STATES AND UTs ACCORDING TO TRIBAL CONCENTRATION AS PER CENSUS 2011**

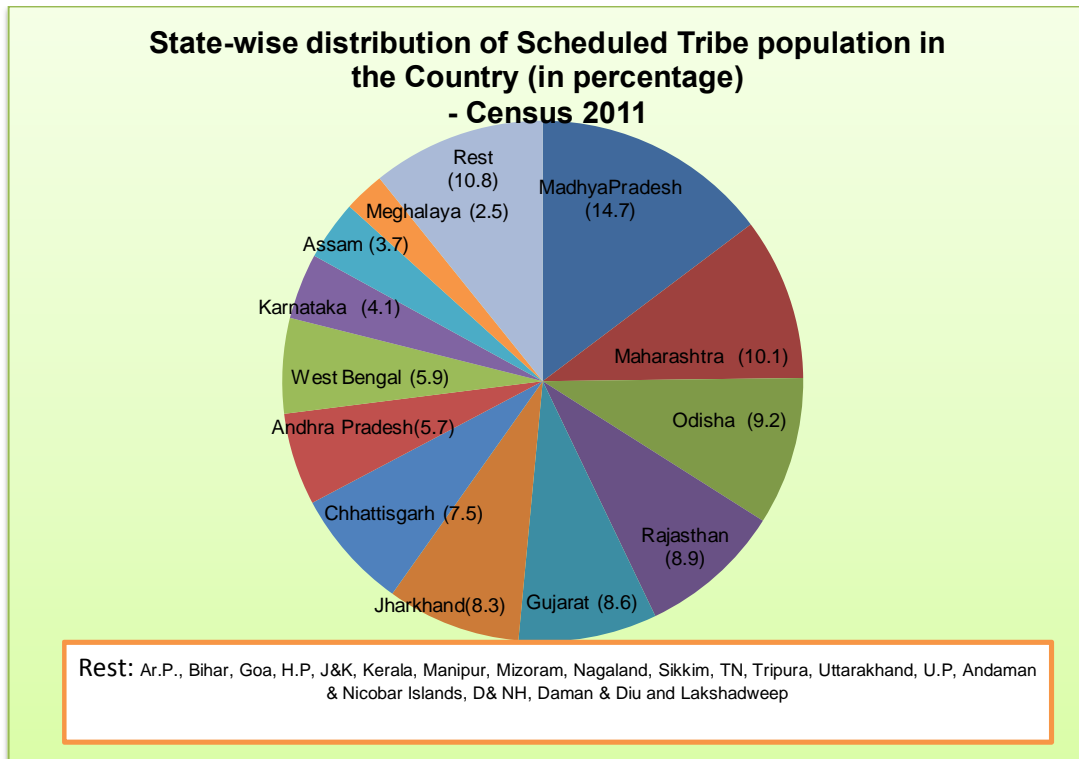


Courtesy: Registrar General and Census Commissioner of India

3.2.6 As will be noticed from the Statement at **ANNEXURE-3.I** the largest section (22.73%) of the total ST population in the Country resided in the Madhya Pradesh State as per 1991 census. The State of Madhya Pradesh was re-organised in the year 2000 paving a way for creation of Chhattisgarh State. Yet again, as per 2001 census, the Madhya Pradesh State had the largest share of ST population (14.51%) in the country and it continued to lead in the 2011 census reports also with 14.69% ST population of the Country residing in Madhya Pradesh alone. In fact the proportion of ST population to the total population in the State of Madhya Pradesh also constituted a high concentration of 25.2% in 2011 census against 20.27% in 2001 census and 23.27% in 1991 census.

3.2.7 In the matter of tribal concentration in the Country as per Census 2011, Madhya Pradesh State which has largest share (14.69%) of the ST population in the Country continues to lead followed by Maharashtra (10.08%), Odisha (9.2%), Rajasthan (8.86%), Gujarat (8.55%) and Jharkhand (8.29%), Chhattisgarh (7.5%), Andhra Pradesh (5.7%), West Bengal (5.9%), Karnataka (4.1%), Assam (3.7%) and Meghalaya (2.45%). Other States and UTs having ST population are Ar.P., Bihar, Goa, H.P, J&K, Kerala, Manipur, Mizoram, Nagaland, Sikkim, TN, Tripura, Uttarakhand, U.P, Andaman & Nicobar Islands, D& NH, Daman & Diu and Lakshadweep. These States in all have 10.8% of the total ST population in the Country. The demographic distribution of the Scheduled Tribe population among different States and UTs in the Country, as per Census 2011 is shown in the following **Pie Chart**:

**CHART 3.2**



3.2.8 In terms of proportion of ST population within each State as per Census 2011, the Manipur State has the highest proportion of ST population i.e. 35.12% followed by Sikkim (33.80%), Tripura (31.76%), Chhattisgarh (30.62%), Jharkhand (26.21%), Odisha (22.85%) and Madhya Pradesh (21.09%). U.P. State has reported the lowest proportion of ST population (0.57%).

### 3.3 Particularly Vulnerable Tribal Groups

3.3.1 The Tribal communities, which constitute 8.61% of the total population as per Census 2011, live in about 15% of the country's area in various ecological and geo-climatic conditions ranging from plains to forests, hills and in-accessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted the mainstream way of life at one end of the spectrum, other most backward tribal communities, which are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population (c) extremely low literacy and (d) a subsistence level of economy, were identified as Primitive Tribal Groups, now called as Particularly Vulnerable Tribal Groups (PVTGs). Initially, 75 Communities were identified as PVTGs in the Fifth Five Year Plan. However, the list has grown to 93 PVTGs after emergence of new States viz; Jharkhand, Chhattisgarh and Uttarakhand due to reorganization of States of Bihar, Madhya Pradesh and U.P respectively in the year 2000. A comparative Statement showing State-wise-PVTG-wise, population reported in each of the Census from 1961 to 2011, as available on the website of the Ministry of Tribal Affairs is placed at **ANNEXURE-3.II**

3.3.2 The National Commission for Scheduled Tribes had received representations complaining that "**Abujh Maria and Hill Korwa**" PVTGs in the **State of Chhattisgarh** were not getting ST certificate since those PVTGs were not specified as Scheduled Tribes. The National Commission for Scheduled Tribes also received a proposal from the Ministry of Tribal Affairs for **inclusion of "Abujh Maria"** and "**Hill Korwa**" in the list of Scheduled Tribes of Chhattisgarh State. The PVTGs are, in fact, most backward tribal communities and their exclusion from the list of Scheduled Tribes mean depriving them of the benefits of various developmental schemes launched for the benefits of all Scheduled Tribes. It was noted that the "Abujh Maria" and "Hill Korwa" Communities were sections of the Mother Tribe Gond and Korwa respectively. However, persons belonging to these Communities were not returned as Scheduled Tribes in 2001 Census as these names did not find place in the list of Scheduled Tribes and subsequently, persons belonging to these Communities faced difficulties in obtaining Caste Certificate as Scheduled Tribes. The Commission decided that the Ministry of Tribal Affairs may immediately take steps to include the names of "Abujh Maria" and "Hill Korwas" along with the respective name of the Mother Tribe in the list of Scheduled Tribes of Chhattisgarh State. The Commission also expressed that Ministry of Tribal Affairs will also scrutinize the entire list of PVTGs, so far identified by the Ministry, with the list of Scheduled Tribes in respect of the concerned State. In case, name of a particular Particularly Vulnerable Tribal Group (PVTG) like Abujh Maria and Hill Korwa, is not included, along with the name of its Mother

Tribe, in the list of Scheduled Tribes, the Ministry of Tribal Affairs will suo-moto prepare a Draft Bill, if necessary, for amendment of the list in respect of each State and send the Draft Bill for comments of the National Commission for Scheduled Tribes before submission of the Legislative proposal to the Cabinet Secretariat, as per Cabinet instructions dated 16/02/2012. It was also decided that the Ministry of Tribal Affairs will get a detailed social, anthropological and ethnographic study conducted in case of those PVTGs whose names or names of their Mother Tribes were not found in the ST list. Another Legislative proposal, if necessary, for inclusion of those PVTGs in the list of Scheduled Tribes may be moved separately and processed as per laid down modalities.

### **3.4 CONSTITUTIONAL PROVISIONS FOR SOCIO-ECONOMIC DEVELOPMENT & PLANNING FOR SCHEDULED TRIBES**

3.4.1 The Constitution of India seeks to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of the individual. The Constitution further provides social, economic and political guarantees to the disadvantaged sections of people. Some provisions are specific to both Scheduled Castes and Scheduled Tribes and some are specific to only Scheduled Tribes. Most important provisions in relation to Scheduled Tribes are embedded in Articles 15 (4), 16, 16 (4A), 16 (4B) 46, 164, 243, 244, 275, 330, 332, 335, 338A, 339 and Fifth and Sixth Schedules to the Constitution. These special provisions aim at safeguarding and promoting the rights of Scheduled Tribes and their development along with development of tribal areas. Attention is invited to the provision contained in Article 164 of the Constitution, which is reproduced as follows:

164. Other provisions as to Ministers.- (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:

Provided that in the States of Chhattisgarh, Jharkhand, 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.

3.4.2 The above provision was kept to protect the interests of the Scheduled Tribes in the States having areas of tribal concentration. The areas of tribal concentration in various parts of the country, during the British regime in India, had been notified as 'Excluded Areas' or 'Partially Excluded Areas' since these areas were excluded from (kept out of) the administrative control of the British Government in India. These areas were later on notified as Scheduled Areas under the Fifth and Sixth Schedule to the Constitution. The States of Bihar, Madhya Pradesh and Orissa having such Scheduled Areas were mentioned in proviso to Article 164(1) of the Constitution, i.e. providing that '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'. After re-organization of the State of Bihar in the year 2000 the



State was split into two States viz; Bihar and Jharkhand States. Then existing entire Scheduled Areas in the undivided State of Bihar were transferred to the newly created Jharkhand State. Similarly after re-organization of the State of Madhya Pradesh in the year 2000 the State was split into two States viz; Madhya Pradesh and Chhattisgarh and then existing Scheduled Areas, which was spread over the entire undivided State of Madhya Pradesh, remained distributed among both newly carved out States. In view of this the proviso under Article 164(1) was amended vide the Constitution (Ninety-Fourth Amendment) Act, 2006 and the name of State %Bihar+mentioned in the original proviso under Article 164(1) was replaced by the name %Chhattisgarh and Jharkhand+.

3.4.3 As there have been various Amendments to the Scheduled Areas in the Country and the provision contained in Article 164(1) has also been amended accordingly. **Keeping in view the spirit behind this proviso the Commission reiterates its recommendation made in its Sixth Report that the proviso under Article 164(1) may be standardized/ expanded to benefit the tribals of all those States which presently have or may, in future have, Scheduled Areas under the Fifth Schedule. For this purpose the existing words “the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa” in Article 164 (1) may be replaced by the words “the States having Scheduled Areas under the Fifth Schedule to the Constitution”. This will avoid the need for amending the Constitution when ever Scheduled Areas are specified in relation to a new State.**

### **3.5 TRIBAL DEVELOPMENT STRATEGY IN RETROSPECT**

3.5.1 The Constitutional provisions have also authorized the Government of India to issue guidelines and directions on these matters to the States and also release Grants-in-aid in various forms and for various purposes depending upon the nature of schemes and measures to be taken up by the State Governments. Consequently, Central and State Governments have launched several schemes for the welfare and development of the Scheduled Tribes.

The first Five-Year Plan emphasized the provision of additional financial resources through a community development approach to address the problems of tribal people rather than evolving a distinct tribal development strategy. The first systematic effort for the development of the tribal areas was initiated in 1955 in the form of Special Multipurpose Tribal Development Projects and accordingly, 43 Special Multipurpose Tribal Development Projects (MTDPs) were initiated. These MTDPs could not fully serve the interests of the tribal people since the schemes were numerous and of a general nature. The modified version of this programme was taken up on a larger scale during the 2nd Five Year Plan when the Tribal Development Blocks were started. This programme was further expanded during the 3rd Five Year Plan and all areas with more than 2/3rd tribal concentration were covered by the end of this period. Although it was agreed, in principle, to extend the programme to all those areas which had more than 50% tribal population, yet it was not possible to do so during the 4th Five Year Plan. The development effort in the then existing Tribal Development Blocks was consolidated by extending the period

of their operation and the area coverage therefore remained practically unchanged up to the end of 4th Five Year Plan. In the meantime, this programme was reviewed on a number of occasions, notably by a Study Team appointed by the Planning Commission under the chairmanship of Shri Shilu Ao. It was found that the development effort from the general sector programmes was not adequate in these areas, particularly in the context of their comparatively lower economic base. It was, therefore, decided to evolve a new strategy for the development of the tribals and the tribal areas.

### **3.6 SCHEDULED AREAS**

3.6.1 The Scheduled Tribes live in contiguous areas unlike other communities. It is, therefore, much simpler to have area approach for development activities and also regulatory provisions to protect their interests. In order to protect the interests of Scheduled Tribes with regard to land alienation and other social factors, provisions of %Fifth Schedule+ and %Sixth Schedule+ have been enshrined in the Constitution.

### **3.7 Fifth Schedule Areas**

3.7.1 The **Fifth Schedule** under Article 244(1) of Constitution defines %Scheduled Areas+ as such areas as the President may by Order declare to be Scheduled Areas after consultation with the Governor of that State. This schedule contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. There are nine States having Scheduled Areas, viz., Andhra Pradesh Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, and Rajasthan. The Governors of these States have special responsibilities and powers. These States have Tribes Advisory Councils (TACs). [In addition, Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory TACs].

3.7.2 The criteria for declaring any area as a %Scheduled Area+ under the Fifth Schedule are:

- Preponderance of tribal population,
- Compactness and reasonable size of the area,
- A viable administrative entity such as a district, block or taluk, and
- Economic backwardness of the area as compared to the neighbouring areas.

3.7.3 The specification of %Scheduled Areas+ in relation to a State is by a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to %Scheduled Areas+. List of orders specifying Scheduled Areas in respect of the above

States as mentioned in the Annual Report of the Ministry of Tribal Affairs are given in the **TABLE-3.2** below:

**TABLE-3.2**

S. No.	Name of Order	Date of Notification	Name of State(s) for which applicable
1	The Scheduled Areas (Part A States) Order, 1950 (C.O.9)	26.1.1950	Andhra Pradesh (including Telengana)
2	The Scheduled Areas (Part B States) Order, 1950 (C.O.26)	7.12.1950	Andhra Pradesh (including Telengana)
3	The Scheduled Areas (Himachal Pradesh) Order, 1975 (C.O.102)	21.11.1975	Himachal Pradesh
4	The Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (CO 109)	31.12.1977	Gujarat and Orissa
5a	The Scheduled Areas (State of Rajasthan) Order, 1981 (C.O.114)	12.2.1981	Rajasthan
6	The Scheduled Areas (Maharashtra) Order, 1985 (C.O.123)	2.12.1985	Maharashtra
7.	The Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (C.O. 192)	20.2.2003	Chhattisgarh and Madhya Pradesh
8.	The Scheduled Areas (State of Jharkhand) Order, 2007 (C.O. 229).	11.04.2007	Jharkhand

### 3.8 Sixth Schedule Areas

3.8.1 The **Sixth Schedule** under Article 244(2) of the Constitution relates to those areas in the north-east which re-declared as tribal areas and provides for District or Regional Autonomous Councils for such areas. These councils have wide ranging legislative, judicial and executive powers. The Schedule also contains provisions relating to the administration of the areas declared as tribal areas. The Tribal Areas in relation to this Schedule are in the States of Assam, (North Cochar Hills District and Karbi Anglong District) Meghalaya, Mizoram and Tripura. There are Autonomous District Councils and Autonomous Regional Councils in these areas, which have a long tradition of self-management systems. These Autonomous Councils not only administer various Departments and developmental programmes but they also have powers to make laws on a variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town police and public health and sanitation, inheritance of property, marriage and divorce and social systems. These Councils are elected bodies and have powers of legislation, administration of justice apart from executive developmental and financial responsibilities.

3.8.2 The advantages of Scheduled Areas are:

- (a) *The Governor of a State, which has Scheduled Areas, is empowered to make regulations in respect of the following:*

- (i) *Prohibit or restrict transfer of land from tribals;*
- (ii) *Regulate the business of money lending to the members of Scheduled Tribes*

*In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.*

- (b) *The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modifications as he may specify.*
- (c) *The Governor of a State having Scheduled Areas therein, shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said area.*
- (d) *Tribes Advisory Council [TAC] shall be established in States having Scheduled Areas. The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. The TAC consists of not more than twenty members of whom, as nearly as may be, three fourths are from the representatives of Scheduled Tribes in the Legislative Assembly of the State. The role of TAC is to advise the State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to it by the Governor.*
- (e) *The Panchayats (Extension to Scheduled Areas) Act, 1996, vide which the provisions of Panchayats, contained in Part IX of the Constitution, were extended to Scheduled Areas, also contains special provisions for the benefit of Scheduled Tribes.*

3.8.3 Paragraph 3 of Fifth Schedule to the Constitution provide that the Governor of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. It has been the experience in the past that the Annual Reports of the Governors on the administration of Scheduled Areas were being received by the Government very late. The National Commission for Scheduled Tribes had also made certain observations in its earlier Reports. The Ministry of Tribal Affairs also followed the matter with the State Government and the State Governors having Scheduled Areas. The position has slightly improved but not yet satisfactory as will be revealed from the **TABLE-3.3** given on the next page.

**TABLE-3.3****Status on receipt of the Governor's Reports on the Administration of Scheduled Areas**

(As on 15.01.2015)

S. No.	States	Governor's Report received for the years					
		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1.	Andhra Pradesh	Received	Received	Received	Awaited	Awaited	Awaited
2.	Chhattisgarh	Received	Received	Received	Received	Awaited	Awaited
3.	Gujarat	Received	Received	Received	Received	Awaited	Awaited
4.	Jharkhand	Received	Received	Received	Received	Awaited	Awaited
5.	Himachal Pradesh	Received	Received	Received	Received	Received	Received
6.	Madhya Pradesh	Received	Received	Received	Received	Received	Awaited
7.	Maharashtra	Received	Received	Received	Received	Awaited	Awaited
8.	Odisha	Received	Received	Received	Received	Awaited	Awaited
9.	Rajasthan	Received	Received	Received	Received	Received	Received
10.	Telangana	Newly found State.					

**Source: Annual Report 2014-15 of MTA**

3.8.4 The position as on 15/01/2015, as available in the Annual Report of the Ministry of Tribal Affairs for 2014-15, revealed that Governor's Report in respect of Andhra Pradesh State is badly delayed as the Reports for the period 2011-12 and onwards were still pending. While Annual Reports in respect of Scheduled Areas in Himachal Pradesh and Rajasthan were up to date, the Report relating to Madhya Pradesh State was received up to 2012-13 and the Annual Reports in respect of all other States was pending beyond the Report period 2011-12. Although National Commission for Scheduled Tribes is a Constitutional Commission setup for safeguarding the rights of the Scheduled Tribes provided under the Constitution, under the Acts of Parliament and any order of the Government yet these Reports are not received in this Commission, either directly from the State Governor or from the Ministry of Tribal Affairs (the Nodal Ministry) despite recommendations made in the earlier Reports of the Commission.

3.8.5 As mentioned above, paragraph 3 of the Fifth Schedule to the Constitution also mandates that the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. There is however, no mention in the Annual Report as well as in the website of the Ministry of Tribal Affairs about the observations and findings regarding the status of Administration in the Scheduled Areas and any recommendation regarding raising the level of Administration and welfare and development of the Scheduled Tribes in the State made in each Report by the concerned State Governor. There is also no mention about any action taken by the Government on those observations and recommendations, if any, made in the Report and any direction issued in that context to the State Government concerned. **As there is no provision in the Constitution regarding laying of the**

**Governor's Report, along with the Memorandum explaining the Action Taken on the recommendations contained in each Governor's Report, on the tables of both houses of the Parliament, the Commission recommends that the Annual Reports of the Ministry of Tribal Affairs should include, in appropriate Chapter, detailed information containing the observations, findings and recommendations made in each Governor Report and the directions issued by the Union Government to the concerned State Government.**

### **3.9 Panchayats (Extension to Scheduled Areas) ACT, 1996**

3.9.1 The provisions of Part IX of the Constitution relating to Panchayats have been extended to the Scheduled Areas in various States through the Panchayats (Extension to Scheduled Areas) Act, 1996 **ANNEXURE-3.III** Section (4) of this Act provides that notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the features mentioned in this Section. Section (4) of the Act, inter alia, provides that:-

- (i) *(a) Every Gram Sabha shall approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level.*  
*(b) Every Gram Sabha shall be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.*
- (ii) *Every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilization of funds by that Panchayat for the plans, programmes and projects.*
- (iii) *The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas.*
- (iv) *The recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for minor minerals in the Scheduled Areas.*
- (v) *The State Legislature shall endeavor to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.*

3.9.2 Some other powers of Gram Sabhas in the Scheduled Areas as provided in Section (4) of the Act relate to (i) safeguarding and preserving the traditions and customs of the tribal people, (ii) planning and management of minor water bodies in the Scheduled Areas. The State Legislature is required to ensure that the Panchayats at appropriate level and the Gram Sabha are endowed specifically with the power-

- (i) *to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant,*

- (ii) *to grant the ownership of minor forest produce,*
- (iii) *to prevent the alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land to a Scheduled Tribe,*
- (iv) *to manage village markets,*
- (v) *to exercise control over money lending to Scheduled Tribes,*
- (vi) *to exercise control over institutions and functionaries in social sectors and,*
- (vii) *to exercise control over local plans and resources for such plans including tribal-sub plans.*

### **3.10 Scheduling and de-scheduling of Tribes:**

3.10.1 Empowered by Clause (1) of Article 342, the President may, with respect to any State or Union Territory, and where it is a State, after consultation with the governor thereof, notify tribes or tribal communities or parts of these as Scheduled Tribes. This confers on the tribe or part of it a Constitutional status for availing the rights and safeguards provided for the Scheduled Tribes in the Constitution, in their respective State/UT. Clause (2) of the Article empowers the Parliament to pass a law to include in or exclude from the list of Scheduled Tribes, any tribe or tribal community or parts of these.

### **3.11 Criteria for specification of a community as a Scheduled Tribe:**

3.11.1 The criteria followed for specification of a community as a Scheduled Tribe are:

- (a) Indication of primitive traits,
- (b) Distinctive culture,
- (c) Geographical isolation,
- (d) Shyness of contact with the community at large, and
- (e) Backwardness.

3.11.2 This criteria is not spelt out in the Constitution but has become well established. It takes into account the definitions in the 1931 Census, the reports of the first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967 (Chanda Committee) 1969.

### **3.12 Procedure for inclusion in or exclusion from the list of Scheduled Tribes**

3.12.1 In June, 1999, the Government approved modalities for deciding claims for inclusion in or exclusion from the lists of Scheduled Tribes. According to these approved guidelines, only those claims that have been agreed to by the concerned State Government, the Registrar General of India and the National

Commission for Scheduled Castes & Scheduled Tribes will be taken up for consideration.

3.12.2 Whenever representations are received in the Ministry of Tribal Affairs for inclusion of any community in the list of Scheduled Tribes of a State/UT, the Ministry forwards that representation to the concerned State Government/U.T. Administration for recommendation as required under Article 342 of the Constitution. If the concerned State Government recommends the proposal, then the same is sent to the Registrar General of India (RGI). The RGI, if satisfied with recommendation of the State Government, recommends the proposal to the Central Government. Thereafter, the Ministry of Tribal Affairs refers the proposal to the National Commission for Scheduled Castes and Scheduled Tribes for their recommendation. If the National Commission for Scheduled Castes and Scheduled Tribes also recommends the case, the matter is processed for the decision of the Cabinet after consulting the concerned administrative Ministries. Thereafter the matter is put up before the Parliament in the form of a Bill to amend the Presidential Order.

3.12.3 In case, there is disagreement between the views of the State Government and the RGI, the views of the RGI are sent to the State Government for reviewing or further justifying their recommendation. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal is again referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/ UT Administration of India may reject the said proposal.

3.12.4 Claims that neither the RGI nor the concerned State Government have supported are rejected. Similarly, those cases where the State Government and the RGI favour inclusion /exclusion, but not supported by the National Commission for Scheduled Castes and Scheduled Tribes are also rejected. The Ministry of Tribal Affairs has recently setup a Task Force to revise the guidelines for Scheduling or De-Scheduling the communities as Scheduled Tribes. The revised guidelines will come into effect after its approval by the Cabinet.

### **3.13 TRIBAL SUB-PLAN STRATEGY**

3.13.1 A detailed and comprehensive review of the tribal problems was undertaken on the eve of the Fifth Five Year Plan. An Expert Committee for the rapid socio-economic development of tribal people set up, under the Chairmanship of Prof. S.C. Dube, by the then Ministry of Education and Social Welfare (then Nodal Ministry for tribal development) in 1972 formulated the Tribal Sub Plan strategy and the same was adopted for the first time in the Fifth Five Year Plan. It was observed that an integrated approach to the tribal problems and needs was necessary in terms of their geographic and demographic concentration if a faster development of the tribal community and the tribal areas is to take place. Accordingly, the tribal areas in the country were classified under three broad categories:



- States and Union Territories having a majority scheduled tribe population.
- States and Union Territories having substantial tribal population but majority tribal population in particular administrative units, such as development blocks and tehsils.
- States and Union Territories having dispersed tribal population.

#### **(A) Criteria for Identification of TSP Areas in the States and UTs**

3.13.2 In the light of the above approach, it was decided that the tribal majority States like Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and U.Ts. of Lakshadweep and Dadra & Nagar Haveli may not need a Tribal sub-Plan, as the entire plan of these States/Union Territories was primarily meant for the S.T. population constituting the majority. For the second category of States and Union Territories, Tribal sub-Plan approach was adopted after delineating areas of tribal concentration into two categories (i) areas having more than 50% tribal concentration and (ii) dispersed tribals. In respect of the former, it was decided to adopt an integrated area development approach with focus on tribals. For dispersed tribals, family oriented programmes were decided to be taken up. The Tribal Sub-Plan strategy adopted for tribal development comprised:

- (i) identification of development block in the State where tribal population was in majority and their constitution into ITDPs with a view to adopting therein an integrated and project based approach for development,
- (ii) earmarking of funds for the Tribal Sub-Plan and ensuring flow of funds from the State and Central Plan sectoral outlays, Special Central Assistance and from Financial Institutions; and
- (iii) creation of appropriate administrative structure in tribal areas and adoption of appropriate personnel policy.

#### **(B) Scheduled Areas and Tribal Sub-Plan strategy**

3.13.3 The Constitution also provides for special administration of certain tribal-predominant areas, specified as Scheduled Areas under the Fifth Schedule to the Constitution, in a number of States. Since the Scheduled Areas specified under the Fifth Schedule to the Constitution are well-defined compact tribal areas, it was decided that the (then existing) entire Scheduled Area in those States should be included in the Tribal Sub-Plan area of the State. In addition to the Scheduled Areas, all the Tribal Development Blocks and CD Blocks, which had more than 50% tribal population and were outside the Scheduled Area of the State, also formed part of the Tribal Sub-Plan areas. In the States which did not have Scheduled Area, the TSP area comprised all the Tribal Development Blocks and all the CD Blocks which had more than 50% tribal population in the State as per 1971 Census.

3.13.4 In order to give them special consideration, the TSP areas were made co-terminus with Scheduled Areas by notifying fresh Constitution Orders specifying revised Scheduled Areas in respect of those States which were originally having Scheduled Areas. After reorganization of the States in the year 2000, the States having Scheduled Areas are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra,

Orissa, and Rajasthan. The TSP areas in these States also have the benefits of special provisions relating to development and administration of Scheduled Areas as provided under the Fifth Schedule and Article 244 of the Constitution.

### **(C) Extension of TSP strategy to dispersed tribals**

3.13.5 In the Sixth Plan, emphasis shifted from Area development only to include welfare of family and beneficiary-oriented development schemes within the general frame work of socio-economic programmes specifically directed at, and designed for, the benefit of the scheduled tribes. The ambit of the Tribal Sub-Plan was thus widened in the Sixth Plan to cover the dispersed tribal areas in all the States. The Modified Area Development Approach (MADA) was adopted for covering smaller contiguous areas of tribal concentration having a total population of 10,000 of which 50% or more were tribals. During the Seventh Plan, the Tribal Sub-Plan strategy was further extended to cover all tribals, including the dispersed tribals, for beneficiary-oriented programmes. Clusters or pockets of tribal concentration comprising of contiguous tribal villages having minimum of 5000 ST population constituting at least 50% of the total population were identified to cover the tribal beneficiaries living outside the Tribal Sub-Plan and MADA areas, thereby trying to assure that 100% tribal population in all the States and UTs having Tribal Sub-Plan were covered under the new strategy. The Planning strategy for tribal development during this Plan continued to be a mix of beneficiary-oriented and infrastructure and human development programmes. Special emphasis was placed on (i) minor irrigation, soil and water conservation, cooperation, rural roads and land reforms, in the infrastructure sector, (ii) drinking water supply, general education, technical education and health in the social services sector and (iii) agriculture, horticulture, animal husbandry, dairy development fisheries, forests and small, village, and cottage industries in the production sector.

### **(D) Preparation of Tribal Sub-Plans of States and UTs**

3.13.6 The salient features in respect of the State/ UT Tribal Sub-Plan are:

- (i) Preparation of a plan meant for the welfare and development of tribals within the ambit of a State or a UT plan is a part of the overall plan of a State or UT, and is therefore called a Sub-Plan.
- (ii) The funds provided under the Tribal Sub- Plan out of State Plan have to be at least equal in proportion to the ST population of each State or UT.
- (iii) Tribals and tribal areas of a State or a UT are given benefits under the Tribal Sub-Plan, in addition to what percolates from the overall Plan of a State/ UT.
- (iv) The Tribal Sub-Plan should:
  - a) Identify the resources for TSP areas;
  - b) Prepare a broad policy framework for development; and,
  - c) Define a suitable administrative strategy for its implementation
- (v) The TSP funds, comprising the TSP component of various departments/ sectors of the States, have to be aggregated in a separate demand head in the budget of the Tribal Development Department of the State.

3.13.7 The TSP strategy has been in operation in 22 States and 2 UTs. The names of States and UTs having Tribal Sub-Plans are given in the following **TABLE 3.4**. After reorganization of Andhra Pradesh State into two States viz; Andhra Pradesh and Telangana, the Tribal Sub Plan is in operation in Telangana State also beside the States and UTs mentioned below.

**TABLE 3.4**

**States & Union Territories having Tribal Sub-Plan**

Andhra Pradesh	Himachal Pradesh	Maharashtra	Tripura
Assam	Jammu & Kashmir	Manipur	Uttar Pradesh
Bihar	Jharkhand	Orissa	Uttarakhand
Chhattisgarh	Karnataka	Rajasthan	West Bengal
Goa	Kerala	Sikkim	A & N Islands
Gujarat	Madhya Pradesh	Tamil Nadu	Daman & Diu

**(E) Integrated Tribal Development approach within TSP**

3.13.8 To focus on the needs of the tribal population under the new Tribal Sub-Plan strategy in a coordinated manner, Integrated Tribal Development Projects (ITDP) were conceived during the Fifth Five Year Plan, and these ITDPs have been continued. In accordance with the situation prevailing in each State, some ITDPs are co-terminus with the district boundaries while some other ITDPs extend to a Tehsil/ Sub-Division or part of the Tehsil/ Sub-Division depending upon the area identified under Tribal Sub-Plan. The Tribal development strategy now comprises the following multi-prong approach:

- (i) Integrated Tribal Development Project (ITDP) areas : These are generally contiguous areas of the size of a block or a tehsil or more within a district, in which the ST population is 50% or more of the total population.
- (ii) Modified Area Development Approach (MADA) pockets : These are identified pockets having 50% or more ST population of a total population of 10,000 or more.
- (iii) Clusters : These are identified clusters of villages, altogether having ST population of 5000 or more, which constitutes 50% or more of the total population of the cluster.
- (iv) Primitive Vulnerable Tribal Groups : These are characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy. Keeping in view the need for special attention towards these communities these Groups originally defined as Primitive Tribal Groups have been rechristened as Particularly Vulnerable Tribal Groups.
- (v) Dispersed tribal population outside the categories at Sr. No.(i) to (iv) above

3.13.9 As on now there are 194 ITDPs, 259 MADA Pockets, 82 Clusters in 24 States and UTs. Besides 75 PVTGs in 17 States and UTs were identified for taking up various development programmes for the most backward among the Scheduled Tribes in the country. However, after reorganization of the States in the year 2000 and emergence of 3 new States viz; Chhattisgarh, Jharkhand and Uttarakhand, the new States continue to have the same PVTGs as were specified in relation to the undivided States. Accordingly the State-wise list of PVTGs stand revised to 93 communities as given in **ANNEXURE-3.II**

### **(F) Administrative set up for Tribal Sub-Plan in the States/ UTs**

3.13.10 Detailed guidelines for preparation of Tribal Sub-Plan by the States and the Central Ministries were issued in the 5th Five Year Plan. Each State Government and Central Ministry/ Department was required to set up a Nodal Department/ Cell to monitor the preparation of Tribal Sub-Plan as part of Annual as well as Five Year Plan exercises. Accordingly, Tribal Welfare Departments in the States were created out of the then existing Social Welfare Departments. Similarly the Directorates of Social Welfare in most of the States were replaced by separate Directorates for Scheduled Castes, Scheduled Tribes and other Backward Classes respectively. The Directorates for Scheduled Tribes in major States were redesignated as Commissioners for Tribal Development and the Commissioners were given the power of Head of Department in the States. Some States also created separate Units namely Directorate of Tribal Area Development and Planning (TADP) for preparation and monitoring of the Tribal Sub-Plan in the States. TSP Cells were also set up in many of the Central Ministries/ Departments for similar objective.

### **(G) Funding of Tribal Development Programmes**

3.13.11 The Planning Commission had issued guidelines for the States to earmark funds for Tribal Sub-Plan, out of the total State Plan outlay, to be placed under a separate Budget Head. As per guidelines issued by the Planning Commission, the Tribal Welfare Departments will be nodal Departments for the formulation and implementation of the Tribal Sub-Plan in the States. Funds for Tribal Sub-Plan are sourced from:

- (i) State Plans
- (ii) Sectoral programmes of Central Ministries/ Departments,
- (iii) Grants under Article 275 (1) of the Constitution and funds under other Schemes of the Ministry of Tribal Affairs.
- (iv) Special Central Assistance (SCA) to Tribal Sub Plan,
- (v) Institutional Finance.

3.13.12 The State Governments have to undertake an exercise to prepare a Tribal Sub-Plan along with the exercise for preparing the Annual/Five-Year Plan of the State. The Tribal Sub-Plan documents should be self-contained in respect of programmes and schemes to be taken up during the Plan period and the input of funds from various sources as indicated above. The States are expected to earmark under the TSP funds from the State Plan which are at least equal to the percentage of the tribal population to the total population in the State. Similarly, the Central Ministries/ Departments were also required to earmark funds in proportion to the population percentage of the Scheduled Tribes in the country, and release those funds for various schemes under the Tribal Sub-Plan.

### **(G-1) Quantification of funds from the State Plan to the TSP**

3.13.13 Ministry of Tribal Affairs and the erstwhile Planning Commission have been constantly pursuing with the State Governments for utilization of Tribal Sub Plan (TSP) funds commensurate to the agreed objectives. Planning Commission has been issuing guidelines for utilization of funds under TSP by the Central Government Ministries/Departments as well as by the State Government. The Guidelines issued from time to time stressed upon the State Governments to earmark outlay for the TSP out of the State Plan in proportion to the ST population in the State. Though, the actual flow of funds to the TSP areas has increased significantly after adoption of this approach since the Fifth Five Year Plan, yet it did not reach the desired level. A fundamental change in the process of formulating the Tribal Sub-Plan on the Maharashtra model was introduced at the end of the 8th Five Year Plan. The State Plan funds, in proportion to the ST population percentage of the State, were required to be separately earmarked and placed under the control of the Nodal Department for Tribal Development in the State; which would place those funds at the disposal of the line Department after approving the Scheme received from that Department. In this way the Nodal Department was expected to ensure full utilization of the TSP funds in the State. For this purpose TSP funds were to be earmarked under a separate budget head of the State Nodal Department. This Model further helped in improving the actual expenditure under Tribal Sub-Plan in the States having TSP. The State Plan expenditure for tribal development, which was just 0.51% during Fourth Plan i.e. prior to adoption of TSP strategy, increased to 9.47% during the Eighth Plan and was approximately 8% during the Ninth Plan reached 10.67% during 2012-13. A statement indicating State/UT-wise TSP formulated for the financial year 2012-13 is at **ANNEXURE-3.IV**.

3.13.14 The population of Scheduled Tribes in the Country constitutes 8.61% of the total population as per Census 2011. Out of 24 States which are having TSP, 13 States have more than 8.6% ST population while Uttar Pradesh has the lowest ST population percentage of 0.57. Kerala, Bihar and Tamil Nadu States have less than 2% ST population. As per the guidelines for delineation of Tribal Sub Plan and earmarking of funds for Tribal Sub Plan out of State Plan funds, each State having Tribal Sub Plan should allocate funds at least in proportion to the ST population percentage in the State to ensure that the Scheduled Tribes get at least that share which is entitled to them in proportion to their population percentage in the State. A Statement showing ST population percentage in States & UTs (in descending order) and TSP Outlay during Annual Plan 2012-13 is placed at **ANNEXURE-3.V**.

3.13.15 It is noted that Madhya Pradesh State, which has largest share (14.69%) of the total tribal population in the country and %age of Scheduled Tribes to the total population in the State as per Census 2011 is 21.09%, has allocated under Tribal Sub Plan 22.0% of the State Plan Funds in 2012-13. This share is slightly above the population share (21.09%) of the Scheduled Tribes in the State. Maharashtra which has the second largest share (10.08%) of Tribal population in the Country has allocated under Tribal Sub Plan 6.40%

only of the State Plan Funds in 2012-13 against Scheduled Tribe population of 9.35% in the State. The Government of India has been canvassing to all the Tribal Sub Plan States for following the Maharashtra model for earmarking of Tribal Sub Plan funds. It is however, noted that Maharashtra State itself is not following the model piloted by it. 3.13.15 It is noted that Madhya Pradesh State which has largest share (14.69%) of Tribal population in the Country and percentage of Scheduled Tribes to the total population in the State as per Census 2011 is 21.09%, has allocated under Tribal Sub Plan 22.00% of the State Plan Funds in 2012-13.

3.13.16 On the other hand Tripura State has allocated 68.10% of the State Plan Funds for Tribal Sub Plan against ST population proportion of 31.76%. Similarly, Jharkhand State has also earmarked much higher allocation (50.40%) against the (26.21%) proportion of ST population in the State. Jammu & Kashmir State has also earmarked much higher allocation (17.10%) against the proportion (11.91%) of ST population in the State. A & N Islands have also earmarked much higher allocation (13.30%) against the of ST population percentage of 7.50 in the UT. Other States which have allocated Tribal Sub Plan funds at same or higher rate against the ST population percentage of the State are Andhra Pradesh, Manipur, Chhattisgarh, Odisha, Goa, Himachal Pradesh, Daman and Diu, Kerala, West Bengal, Uttarakhand, Bihar and Tamil Nadu. However, the States of Sikkim, Gujarat, Rajasthan, Assam, Karnataka and Uttar Pradesh have allocated much lower allocation than required in proportion to the ST population percentage. The quantification of Tribal Sub Plan fund is just 8% only as against 33.80% ST population in Sikkim State and 0.15% only as against 0.57% ST population in UP State.

3.13.17 The State-wise analysis of Tribal Sub Plan fund allocations from the State Plan allocations was discussed in detail in the Fifth Report of the Commission. It was pointed out that several States were not preparing Tribal Sub Plan documents as per the guidelines prescribed by the Planning Commission, Tribal Development Division of the then Ministry of Home Affairs and later by Ministry of Tribal Affairs. **It is again pointed out that the Tribal Sub Plan allocations and utilizations have been varying from year to year which indicates either diversion of funds or lapsing of funds allocated under Tribal Sub Plan due to weak/ non-existence of monitoring and control mechanism as provided under the TSP guidelines. As per the guidelines, the TSP funds are non-lapsable. Therefore the NCST again considers that unutilized TSP funds from State Plan should be used under TSP Schemes during the subsequent Annual plan periods. The National Commission for Scheduled Tribes therefore, recommends as below:**

- (i) **The instructions to the State Governments, regarding preparation of Annual Plan and Five Year Plan should invariably emphasize that the Plan proposals of the State Government for Annual Plan as well as Five Year Plan will not be considered unless Tribal Sub-Plan document is also received. The communication should also clearly specify that the State Governments will simultaneously send the**

**copies of State Plan documents and Tribal Sub-Plan documents to the National Commission for Scheduled Tribes.**

- (ii) As has been the practice in the past, the draft Tribal Sub-Plan of the State should also be discussed in the first phase by the Ministry of Tribal Affairs and the revised Tribal Sub-Plan document may be discussed for final approval in the Planning Commission, after finalization of the Five Year Plan/ Annual Plan size of the State. The Tribal Sub-Plan outlays approved in the meeting in the Planning Commission should be adhered by the State Government.**
- (iii) In order to ensure non-diversion of Tribal Sub-Plan funds, the Planning Commission and the Ministry of Tribal Affairs should ensure that each State Government budgets the earmarked TSP funds under a single budget demand under the control of the State Tribal Welfare/ Development Department of the State, as envisaged in the Maharashtra Model and advocated by Planning Commission as well as Ministry of Tribal Affairs from time to time.**
- (iv) The funds allocated under Tribal Sub-Plan of the States should be non-divertible and non-lapsable with the objective of bridging the gap in socio-economic development of the Scheduled Tribes and the Scheduled Areas (and other tribal areas) under Tribal Sub-Plan in a time-bound manner. The Ministry of Finance, Ministry of Tribal Affairs and the Planning Commission may take necessary steps for creation of a non-lapsable Tribal Sub-Plan fund under each State/ UT having Tribal Sub-Plan and formulate guidelines for utilisation of such funds. Infrastructure development aimed at accelerated development of the Tribal Sub-Plan areas should be a priority area for expenditure from the non-lapsable fund.**
- (v) Allocation from state plan funds in proportion to the ST population of the state may be linked to some incentive in SCA to TSP.**

**(G-2) Quantification of funds from the Sectoral programmes of the Central Ministries/ Departments to the TSP -- Tribal Sub-Plan Component of Central Ministries/Departments**

3.13.18 As the Central Government has special constitutional responsibilities towards the development of Scheduled Tribes and Scheduled Areas, the role of Central Ministries/ Departments assumes significance. The Planning Commission and the Ministry of Tribal Affairs (subject previously vested with Ministry of Home Affairs and then Ministry of Welfare) have been issuing instructions from time to time to the Central Ministries/Departments to formulate a clear idea of the problems of tribal people and tribal areas, to prepare specific programmes relating to their concerned sectors and adapt the programmes wherever necessary in consultation with the State Govt. In order to focus attention on tribal development, the Central Ministries were called upon by the then Prime Minister in 1980 to take the following steps:

- (i) quantification and earmarking of funds for tribal areas under the programmes of Central Ministries
- (ii) formulation of appropriate need-based programmes for tribal areas
- (iii) adaptation of the on-going programmes to meet the specific requirements of Scheduled Tribes
- (iv) identification of a senior officer in a Ministry to monitor the progress of implementation of programmes for the welfare of Scheduled Tribes.

3.13.19 These guidelines have been reiterated from time to time by the then Ministry of Welfare in-charge of tribal development matters and now the Ministry of Tribal Affairs, and the Planning Commission, particularly that funds at least equivalent to the percentage of ST population in the country should be set apart under TSP by the concerned Central Ministries and Departments. The objective is that areas in which Central Ministries and Departments can play distinct role are to be identified and accordingly, quantified TSP outlays projected.

3.13.20 The contribution of Central Ministries has been reviewed by the Government from time to time and on the whole it has been found to be much below expectation. According to the Tenth Plan document of the Planning Commission, earmarking of funds for TSP was being carried out in 25 Ministries/Departments of the Central Government and 20 States/UTs. The 11<sup>th</sup> Five Year Plan document of the Planning Commission however, mentioned that 17 Ministries/ Departments were preparing Special Component Plan for Scheduled Castes (now called SCSP) but there is no information about preparation of Tribal Sub-Plan by the Central Ministries. The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes had observed that the quantification of benefits was not satisfactory. On occasions the Committee has expressed unhappiness at the performance of the Ministries and urged them as well as the Planning Commission to ensure that the intended funds and benefits from the general sectors are actually availed of for the welfare of Scheduled Tribes. The Parliamentary Committee has also suggested evaluation, to be undertaken periodically, to assess the extent of flow of funds and benefits with a view to rectification of shortcomings and augmentation of the provisions. Consolidated guidelines in this regard were then issued to 62 Central Ministries/ Departments in December, 2006, for the implementation from the Annual Plan, 2007-08. A copy of the guidelines, and of the relevant covering letter dated 26.12.2006 of the Planning Commission are available on the website of the Commission ( <http://ncst.nic.in>) Gist of these guidelines is as follows:

**(A) Earmarking:**

3.13.21 The 62 Central Ministries/Departments referred to above, are, *inter alia*, required to:



a) earmark funds under SCSP/TSP from the Plan outlay, at least in proportion of percentage of SC and ST population in the country, which was 16.2% and 8.2% respectively, as per census, 2001.

b) place the funds earmarked for SCSP under a separate Minor Head 789 and for TSP under Minor Head 796 below the functional major Head/Sub-Major Heads to ensure their non-divertibility to any other scheme.

**(B) Criteria for Categorization of Outlay/Expenditure under SCSP:**

3.13.22 The guidelines lay down the following criteria in this regard:

a) Only those schemes should be included under SCSP/TSP which ensure **direct benefits** to individuals or families belonging to scheduled Castes and Scheduled Tribes

b) Outlay for area oriented schemes directly benefiting scheduled castes hamlets/ villages having more than 40% scheduled Castes and Scheduled Tribes population shall be included in SCSP & TSP

**(C) Monitoring Mechanism:**

3.13.23 The guidelines provide the following procedure for monitoring mechanism

*(i) A dedicated unit may be constituted in every Central Ministry/Department for the welfare and development of SCs (and STs) as nodal unit for formulation and implementation of SCSP (and TSP). The nodal unit should be responsible for ensuring that the funds will be allocated to the sectoral unit in the Departments to implement the schemes directly relevant for SC (and ST) development*

*(ii) A Central Tripartite Committee (CTC), constituted in the Planning Commission in 1999 under the Chairmanship of Member (BCW) to review the implementation of SCSP (and TSP) and to resolve policy issues in respect of Central Ministries/ Departments and State Governments. A copy of the Planning Commission's Office Order dated 16.1.2006 constituting the CTC is enclosed as **ANNEXURE-3.VI**.*

**Status of Implementation of Existing Guidelines in Central Ministries/ Departments**

3.13.24 Implementation of the above guidelines has remained inadequate as most of the Ministries/ Departments were not preparing draft Tribal Sub Plans along with the draft Annual Plans. Hardly any Ministry is showing its SCSP/TSP outlays under a separate Budget Heads. Some Ministries were showing a notional earmarking, but the criterion followed in doing so was not uniform and transparent. Also, in the absence of this outlay being shown under a separate minor head (789 or 796, as the case may be), such notional earmarking does not have much significance, nor is its non-divertibility ensured. In the absence of separate earmarking and budgeting of funds under SCSP/TSP by Central Ministries/Departments, it was not possible to quantify the total amount

allocated and/or spent by the Ministries/ Department of the Central Government under SCSP/TSP. The SCSP and TSP strategies thus remained substantially un-implemented at the level of the Central Ministries/ Departments mainly due to lack of an effective mechanism in this behalf.

3.13.25 Planning Commission has been insisting upon Central Ministries/ Departments to properly implement its guidelines regarding SCSP/TSP. Response of the Central Ministries/Departments has however not been encouraging. The Parliamentary Committee on the Welfare of SCs & STs, during oral evidence of Secretaries of Planning Commission and the Ministry of Social Justice & Empowerment on the working of SCSP, on 10th September, 2009, and during oral evidence of Secretaries of Planning Commission and the Ministry of Tribal Affairs on the working of TSP on 11.01.2010 and 09.02.2010, had also expressed serious dissatisfaction at the non-implementation of SCSP/TSP guidelines by Central Ministries/Departments.

3.13.26 In view of the lack of progress in implementation of SCSP and TSP by Central Ministries/Departments, the Ministers of SJ&E and Tribal Affairs vide letters dated 14.11.2009 and 8.10.2009 respectively conveyed certain concrete suggestions to the Deputy Chairman, Planning Commission. The Planning Commission subsequently constituted a Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, vide Order dated 04.6.2010 to review the operational difficulties in implementing SCSP & TSP and suggesting necessary remedial measures through re-examining the existing Guidelines and revising the same appropriately for their effective and meaningful implementation in future.

**Task Force to re-examine and review Guidelines on Scheduled Caste Sub-Plan & Tribal Sub-Plan-- Recommendations to Revise Guidelines for implementation of Scheduled Caste Sub Plan & Tribal Sub-Plan**

3.13.27 The Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, Planning Commission was assigned to:

- i) *re-examine and revise the extant Guidelines issued by the Planning Commission for implementation of Scheduled Caste Sub-Plan and Tribal Sub-Plan ;*
- ii) *understand the operational difficulties in consultation with implementing Ministries and suggest remedial action so that Scheduled Caste Sub-Plan and Tribal Sub-Plan can be implemented effectively.*

3.13.28 The Task Force examined the situation in relation to preparation of the Sub-Plans by the State Govts./ UT Admns. as well as Central Ministries / Departments and implementation of Tribal Sub-Plan and Scheduled Caste Sub-Plan in the States and UTs. The Task Force submitted the recommendations in respect of the Central Ministries/ Departments only on 25/11/2010. The Task Force recommended that 68 Ministries / Departments of the Central Government can be grouped into four categories:

- i) *No Obligation;*

- II) *Earmarking less than 15 % for Scheduled Castes and 7.5 % for Scheduled Tribes ;*
- III) *Earmarking outlays between 15%-16.2% for Scheduled Castes and 7.5% - 8.2% for Scheduled Tribes ;*
- IV) *Earmarking more than 16.2% for Scheduled Castes and 8.2% for Scheduled Tribes.*

3.13.29 The Task Force also pursued this matter with the Ministry of Finance, which, consequently, in its Budget Circular for 2011-12 had incorporated the following instructions:

*“From 2011-12 Budget, the Planning Commission will be making separate allocations for the SC Sub-Plan/Tribal Sub Plan as part of the Plan allocations, and the same will also be indicated clearly in the Memorandum of Understanding signed between the Planning Commission and the concerned Ministry/Department. The Ministries/ Departments for which such allocations are made by the Planning Commission as part of the Plan Agreement in Budget 2011-12, must ensure that the provisions are accurately reflected in the concerned Minor Heads relating to Scheduled Caste Sub-Plan and Tribal Sub Plan in their Detailed Demands for Grants by opening a minor head “Special Component Plan for Scheduled Castes” Code ‘789’ for SCSP and a minor head ‘Tribal Sub Plan’ Code ‘796’ below the functional major/sub-major heads whenever necessary, in terms of the instructions under Para 3.8 of the General Directions to the List of Major and Minor Heads of Accounts.”*

3.13.30 A copy of the statement showing proposed earmarking of funds (in %age) out of total Budget by 29 Ministries/ Departments during 2012-13 is placed at **ANNEXURE 3.VII** It is noted from the statement that only 8 out of 11 Ministries/ Departments, which have been expected to earmark 7.5% to 8.2% of their Plan Outlays for TSP, have earmarked the Tribal Sub Plan fund in requisite proportion or more, while Ministry of MSME, Ministry of Coal and Ministry of Panchayati Raj have earmarked 4.92%, 6.89% and 5.81% respectively of their Plan Outlay during the year against the expected earmarking of 8.2%. Similarly, 10 out of 13 Ministries which are expected to earmark less than 7.5% of their Plan Outlays have earmarked Tribal Sub Plan funds in proportion to the expected allocation while Department of Food and Public Distribution has earmarked 3.22% for TSP against expected allocation of 1.40% out of the Plan Outlay for 2012-13. On the other hand Ministry of Road Transport and Highways have earmarked 2.17% of the Plan Outlay for TSP against expected allocation of 3.50% and Ministry of Mines have earmarked 3.59% against the expected allocation of 4.00%. The Department of Land Resources, the Department of Drinking Water and Sanitation and the Department of School Education and Literacy have earmarked 10% of their Plan Outlays for TSP during 2012-13 as expected under the guidelines. It is however, disheartening to note that Department of Rural Development have earmarked very small amount (4.73%) against expected allocation of 17.50%

out of the Plan Outlays for the year 2012-13. Entire (100%) Plan outlay of the Ministry of Tribal Affairs has been shown as earmarked outlay under TSP of the Ministry.

**(a) "NO OBLIGATION" Ministries**

3.13.31 As per the existing guidelines, all Ministries/ Departments were required to earmark 8.2 per cent of their plan outlay under TSP, but in the new system recommended by the Task Force, only 28 Ministries/ Departments would be required to earmark varying percentages of their plan outlays under Tribal Sub-Plan so however that, overall at least 8.2% of the total plan outlay gets earmarked under Tribal Sub-Plan. There are 33 Ministries/ Departments in "**NO OBLIGATION**" category, which are mainly engaged in regulatory activities, targeting special groups or engaged in basic scientific research / policy matters. The Task Force, however, suggested that a view (about NO OBLIGATION) should be taken at the time of finalization of their Annual Plan 2011-12 in respect of following Ministries/ Departments:

- a) Ministry of Railways,
- b) Ministry of Food Processing,
- c) Ministry of Power,
- d) Ministry of Environment and Forest,
- e) Ministry of New and Renewable Energy,
- f) Ministry of Commerce,
- g) Department of Animal Husbandry and Fisheries,

3.13.32 The Commission has no information whether any view on the above recommendation of the Task Force was examined and considered by the Ministry of Finance, the Planning Commission or even the Ministry of Tribal Affairs during the finalisation of Annual Plans of the above mentioned Ministries/ Departments for the Financial Years 2011-12 and onwards. The information available on the website and the Annual Reports of the Ministry of Tribal Affairs also do not throw any light on this subject. Ministry of Food Processing, Department of Animal Husbandry and Fisheries, Ministry of New and Renewable Energy and Ministry of Power have lot to contribute towards socio-economic development and make impact on the life of the Scheduled Tribes. Further, Scheduled Tribes and the Forests have been co-existing and maintaining each other and will continue to co-exist. Therefore, it cannot be said that Ministry of Environment and Forests have no obligation towards Scheduled Tribes. As recommended by the Task Force the Government may examine various programmes of Ministry of Railways and Ministry of Commerce to highlight the programmes and the schemes which may be useful and administratively feasible for the tribal and Scheduled Areas and the Scheduled Tribes. **Therefore, the Commission recommends that the activities of the above mentioned Ministries/ Departments which have been classified as "No Obligation Ministries" can make very useful and**

**effective impact on the income and life of the weaker sections of the society, especially the Scheduled Tribes. Therefore, these Ministries/ Departments may be declassified from the list of “No Obligation Ministries” and each of them may be directed to quantify optimum allocation, not less than 8.2%, for Tribal Sub Plan out of their Annual Plan outlays.**

**3.13.33 The National Commission for Scheduled Tribes also reiterates, for prompt consideration and action, its recommendations in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable Fund and utilisation thereof, made in its Fifth Report.**

**(a) Central Sector and Centrally Sponsored Schemes of the Ministry of Tribal Affairs**

3.13.34 A sizeable part of the TSP of each State also comes from the Welfare of Backward Classes+ Sector of the State Plan of each State. This Sector includes allocations largely from various Central sector and Centrally Sponsored Schemes of Ministry of Tribal Affairs.

3.13.35 The Ministry of Tribal Affairs was implementing the following Centrally Sponsored Schemes during the Financial Year 2012-13:

**A. Central Sector Schemes**

- (i) Grant-in-Aid to Voluntary Organisations
- (ii) Special Incentives to NGOs performing exemplary tasks
- (iii) Coaching & Allied Scheme
- (iv) Vocational Training in Tribal Areas
- (v) Strengthening of Education among ST Girls in Low Literacy Districts
- (vi) Market Development of Tribal Products/produce
- (vii) State Tribal Dev. Cooperative Corporation for Minor Forest Produce
- (viii) Development of Particularly Vulnerable Tribal Group (PGT)
- (IX) National Scheduled Tribes Finance & Development Corporation
- (x) State Tribal Development Finance Corp.
- (xi) Rajiv Gandhi National Fellowship for ST Students
- (xii) Scheme of Institute of Excellence/Top Class Institute
- (xiii) National Overseas Scholarship Scheme

**B. Centrally Sponsored Schemes**

- (i) Post Matric Scholarship for Scheduled Tribes
- (ii) Book Banks
- (iii) Upgradation of Merit of ST Students
- (iv) Pre matric scholarship for ST students
- (v) Girls and Boys Hostels
- (vi) Establishment of Ashram Schools
- (vii) Research and Training
- (viii) Information and Mass Media
- (ix) National Tribal Affairs Award
- (x) Centre of Excellence
- (xi) Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes
- (xii) Organisation of Tribal Festival
- (xiii) Exchange of visits by Tribals
- (xiv) Monitoring and Evaluation
- (xv) Information Technology

**C. Lump Sum Provision**

- (i) Lump-sum Provision for N.E.

**D. Special Central Assistance**

- (i) Special Central Assistance for Tribal Sub-Plan
- (ii) Scheme Under Proviso to Art.275 of the Constitution
- (iii) ACA for Educational development of Tribal children in Schedule-V Areas and effected areas

3.13.36 A statement showing Budget Allocation, Revised Allocation and the expenditure incurred under the Central Sector Schemes and Centrally Sponsored Schemes of the Ministry of Tribal Affairs during 2010-11, 2011-12, and 2012-13 may be seen at **ANNEXURE-3.VIII** . The Statement has been taken from the Annual Report of the Ministry of Tribal Affairs for the year 2013-14, as Annual Report for 2012-13 contained information for the year 2012-13 up to 31/12/2012 only. It may be noted that against the BE of Rs. 548.00

crores for all Central Sector Plan Schemes, the RE for 2012-13 was Rs. 401.18 crores out of which the Ministry could spend a sum of Rs. 393.12 crores only. The overall utilisation of funds for all Central Sector Plan Schemes comes to 71.73% of the original BE and 97.99% of RE. The expenditure during Financial Year 2012-13 is much less than the expenditure incurred (Rs.531.00 crores) during the FY 2011-12 while the expenditure during 2011-12 had also exceeded the BE of Rs 512 crores. Heavy shortfall in expenditure against BE is noticed under several schemes viz; (i) Development of Particularly Vulnerable Groups (Rs. 178.40 crores against BE of Rs. 240.00 crores), (ii) Rajiv Gandhi National Fellowship (Rs. 45.60 crores against BE of Rs. 90.00 crores), (iii) Aid to NGOs and Coaching and Allied Scheme (Rs. 18.54 crores against BE of Rs. 44.00 crores), (iv) Vocational Training in tribal areas (Rs. 4.33 crores against BE of Rs. 8.00 crores), (v) Strengthening of education among Scheduled Tribe girls in low literacy (Rs. 7.41 crores against BE of Rs. 40.00 crores) and (vi) STDC for MFP (Rs. 13.00 crores against BE of Rs. 20.00 crores). On the other hand while expenditure under other schemes has been same as RE, the expenditure under the scheme of Market Development of Tribal Products/ Produce (Rs. 47.24 crores) much exceeded the BE of Rs. 22.00 crores for 2012-13. As there is no condition of committed liability

3.13.37 However, against the BE of Rs. 867.70 crores for various Centrally Sponsored Schemes the RE was Rs. 874.98 crores and the utilization was Rs. 991.02 crores. The expenditure under most of the schemes has far exceeded the RE while short fall in expenditure has been noted under various schemes related to Research, Information & Mass Education, Tribal Festivals and others and also under Monitoring and Evaluation Scheme. Grants-in-Aid is provided to various States having Scheduled Tribe population as Special Central Assistance for Tribal sub-plan and for Schemes under provision to Article 275 of the Constitution. There has been shortfall in expenditure under both these Schemes. RE under both the Schemes was less than the BE of Rs. 2293.01 crores and the releases were further less at Rs.2062.17 crores.

3.13.38 The scheme of Research and Training of the Ministry of Tribal Affairs has two components namely:

- (1) Grants to Tribal Research Institutes on 50-50 sharing basis between State and the Centre;
- (2) Supporting projects of all India or inter State nature. The grant is provided on 100% basis to institutes, organizations and universities for conducting research, evaluation studies, holding seminars/workshops and for publication of literature relating to tribal issues.

3.13.39 The detailed features and scope of the scheme, functioning and need for setting up a National level Central Tribal Research Institute under the direct control of the Ministry of Tribal Affairs were discussed in the Fifth Report of the Commission. The objective and functioning of the scheme of Supporting Projects of All-India or Inter-State nature was also discussed in the Fifth Report. The National Commission for Scheduled Tribes has no information about the Action Taken by the Government on those recommendations.

3.13.40 Projects taken up under Research, Information & Mass Education, and Monitoring and Evaluation Schemes of tribal Development programmes and schemes act as back bone for improving the Policy issues involved and in formulating new policies relating to development of Scheduled Tribes. Therefore, funds earmarked under these schemes need to be fully utilised and similarly the TRIs also needs to be made fully functional to meet the objective for which these have been set up.

3.13.41 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission re-iterates its earlier recommendation that the Government of India in the Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may be provided with adequate support for (i) Organising Research & Training activities directly at National level, (ii) Coordination with Nodal/State level TRIs for State and Regional level Research and training activities, (iii) release of grants to State TRIs and (iv) Secretariat support. Accordingly, the CTRI may be made responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.**

3.13.42 It may also be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. For the last few years,. The Commission recommends that funds under Research and Training and Monitoring & Evaluation Heads in the Budget of the Ministry of Tribal Affairs may be earmarked separately to this Commission, in the same manner as funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget of the Ministry so that the Commission is able to fulfil the mandate assigned to it.

### **3.14 EDUCATIONAL DEVELOPMENT OF SCHEDULED TRIBES**

3.14.1 Education plays an important role in bringing social change and modernization. Systematic attention to the educational advancement has resulted in the rapid development in various countries. As Swami Vivekananda said, education is the manifestation of innate qualities of a person. Accordingly,



education has been identified as the single most important element in the national development effort in India. In the present era of globalization, liberalization and privatization also, education is viewed not only as an input to empowerment and social justice but also as fundamental to the very survival of individuals and nations. It is also the most important tool of empowering the underprivileged sections of society i.e. the Scheduled Tribes in India who have been subjugated to deprivation of various forms over centuries. It is the primary vehicle for enabling the economically and socially marginalized sections of society to enjoy the civil, political, economic and social freedom as guaranteed in the Constitution of India. Education has been recognized as the basic human right in the modern world and the State is duty-bound to provide educational facilities for all.

3.14.2 As mentioned earlier, special provisions have been made in the Constitution for educational upliftment of the Scheduled Tribes in the Country. Article 15 provides for **prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. Special attention is drawn towards Sub clauses (1), (2) and (3) of this Article which read:-**

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

3.14.3 Although the above provisions prohibit discrimination against any citizen (including Scheduled Tribes) on grounds only of religion, race, caste, sex, place of birth or any of them but this could not help uplift the Scheduled Tribes who had been socially, educationally and economically backward due to their inherent incapacity to avail the opportunities on account of isolation from the rest of the population. A special provision in respect of the Scheduled Tribes was thus needed as enshrined in 15(3) above in respect of women and children. Accordingly, the following provision was inserted in Article 15 of the Constitution; along with other Amendments to the Constitution, vide the Constitution (First Amendment) Act, 1951

- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.*

3.14.4 Keeping in view the above provision, various schemes for educational development of Scheduled Castes and Scheduled Tribes were taken up as Central Sector Scheme and Centrally Sponsored Schemes of the Union Government beside various schemes taken up under Welfare of Backward Classes Sector of the State Plans. Besides, provisions were made for reservation in admission to various educational institutions. The above mentioned Schemes along with benefit of reservation in admission to various educational institutions have certainly made impact on the educational standards of the Scheduled Tribes as well as Scheduled Castes in the Country. However, the impact on the life of Scheduled Tribes has not been same as in the case of the Scheduled Castes. The trend in growth of male and female literacy rate among Scheduled Tribes as against those of the total population and Scheduled Castes in the Country from 1961 Census to the latest Census of 2011 is shown in the **TABLE-3.5** given below:

**TABLE-3.5**  
**Gender-wise Growth of Literacy Rate of All Social Groups and ST population (1961-2011)**

(Figures in percentage)

Year	All Social Groups			Scheduled Castes			Scheduled Tribes		
	Persons	Male	Female	Persons	Male	Female	Persons	Male	Female
1961	28.3	40.4	15.35	10.27	16.96	3.29	8.53	13.86	3.16
1971	34.45	45.96	21.97	14.67	22.36	6.44	11.3	17.53	4.85
1981	43.57	56.38	29.76	21.38	31.12	10.93	16.35	24.52	8.04
1991	52.21	64.13	39.29	37.41	47.91	23.76	29.6	40.65	18.19
2001	64.84	75.26	53.67	54.69	66.64	41.9	47.1	59.17	34.76
2011	72.99	80.89	64.64	66.07	75.17	56.46	58.96	68.53	49.35

3.14.5 The literacy rate among all genders and all groups improved by over 40% during 50 years span from Census 1961 to Census 2011. As per Census 1961 the total literacy rate among Scheduled Tribe persons was 8.53% only against 10.27% among Scheduled Castes and 28.3% among all social groups. The corresponding position in Census 2011 is 58.96%, 66.07% and 72.99% respectively. While the literacy growth among all social groups has been about 45%, the literacy growth among Scheduled Castes persons has been reported to be about 56% and the same about Scheduled Tribes is about 50% only.

3.14.6 The literacy rate among male population of all groups also improved by over 40% to 55% during 50 years inter-Census period from Census 1961 to Census 2011. As per Census 1961 the total literacy rate among Scheduled Tribe male was 13.86% only against 16.96% among Scheduled Castes and 40.4% among all social groups. The corresponding position in Census 2011 is 68.53%, 75.17% and 80.89% respectively. While the literacy growth among all

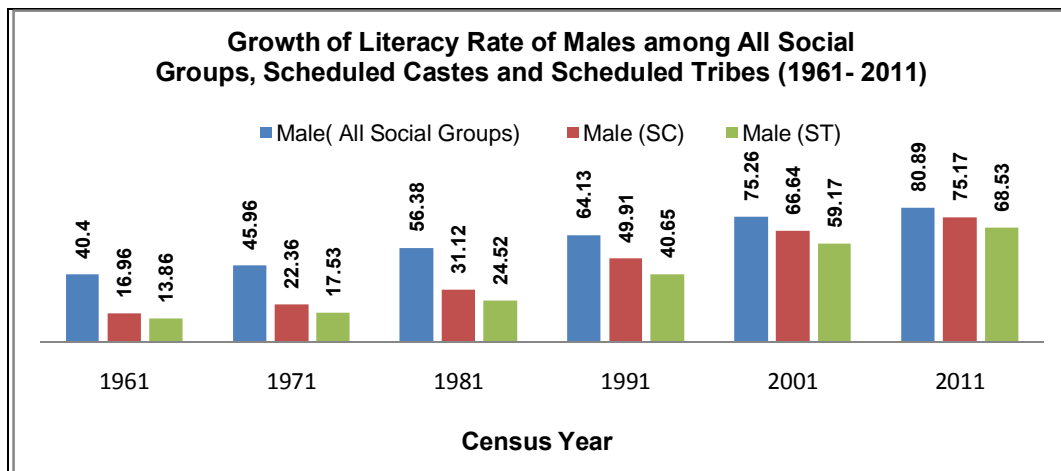
social groups has been about 40%, the literacy growth among Scheduled Castes male has been reported to be about 48% and the same about Scheduled Tribes is about 54% only.

3.14.7 Similarly, the literacy rate among female population of all groups improved by over 46% to 53% during 50 years period from Census 1961 to Census 2011. As per Census 1961 the total literacy rate among Scheduled Tribe females was 3.16% only against 3.29% among Scheduled Caste female and 15.35% among females of all social groups. The corresponding position in Census 2011 is 49.35%, 56.46% and 64.64% respectively. While the literacy growth among females of all social groups has been about 49%, the literacy growth among Scheduled Caste females has been reported to be about 53% and the same about Scheduled Tribe females is about 46% only.

3.14.8 It is also noted that there is still wide literacy gap between males and females of all groups viz; Scheduled Castes, Scheduled Tribes and all social groups even after huge investments for various educational schemes and implementation of reservation for girls and women in the Country. This is despite the fact that various State Governments have been running various schemes of incentives for girls education.

3.14.9 The following chart depicts the comparative growth of literacy among ST males against SC males and total male population among all social groups respectively as reported in each Census from 1961 to 2011 Census.

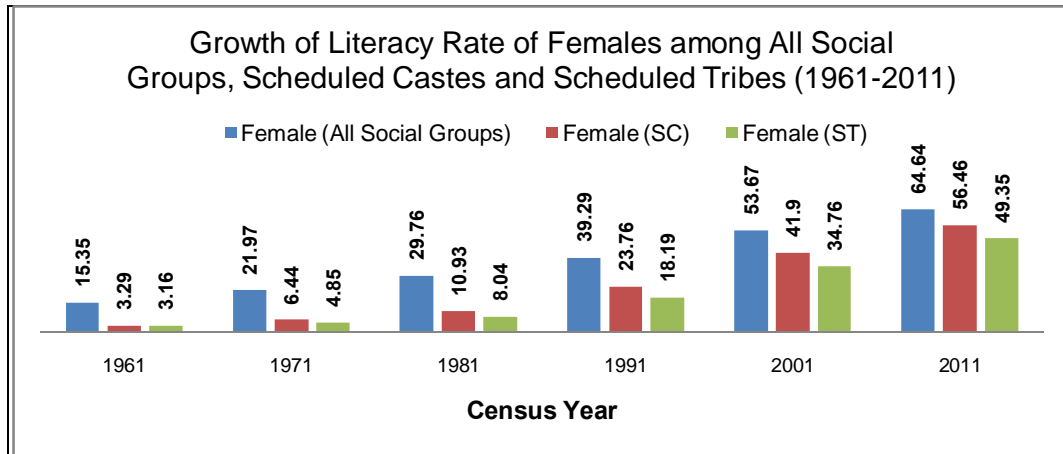
**CHART 3.3**



3.14.10 The male literacy rate among Scheduled Castes, Scheduled Tribes as well as all social groups no doubt improved by over 40% during the inter-census period of 50 years from Census 1961 to Census 2011, but the improvement was not uniform among all Groups. The male literacy gap between Scheduled Tribes and Scheduled Castes in 1961 was about 3% only while the gap in Census 2011 is reported to be about 7%. However, the male literacy gap between Scheduled Tribes and all social groups is reported to have been reduced from about 26% in 1961 to about 12% in 2011.

3.14.11 The chart on the next page depicts the comparative growth of literacy among ST females, against SC females and female among all social groups respectively as reported in each Census from 1961 to 2011 Census

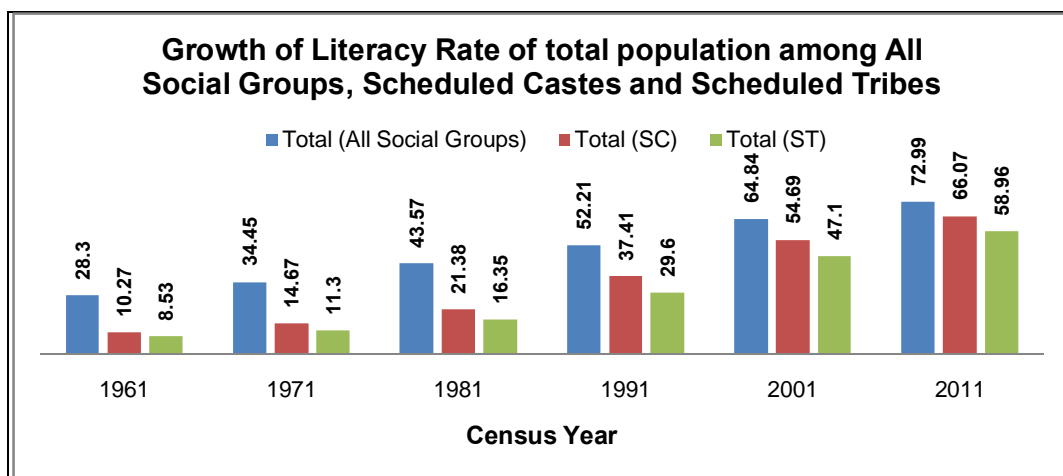
**CHART 3.4**



3.14.12 The female literacy rate also no doubt improved by over 46% during the inter-census period of 50 years from Census 1961 to Census 2011 among Scheduled Castes, Scheduled Tribes as well as all social groups, but the improvement was not uniform among all Groups. The female literacy gap between Scheduled Tribes and Scheduled Castes in 1961 was about 0.13% only while the gap in Census 2011 is reported to be about 7%. The female literacy gap between Scheduled Tribes and all social groups is also reported to have been increased from about 12% in 1961 to about 15% in 2011.

3.14.13 The **Chart** on the next page depicts the comparative growth of literacy among ST persons, against SC persons and persons among all social groups respectively as reported in each Census from 1961 to 2011 Census.

**CHART 3.5**



3.14.14 Although, the total literacy rate among all persons belonging to Scheduled Castes, Scheduled Tribes and All Social Groups has also improved by over 44% during the inter-census period of 50 years from Census 1961 but the improvement has not been uniform among all Groups. The literacy gap between all Scheduled Tribe persons and Scheduled Caste persons in 1961 was less than 2% only while the gap in Census 2011 is reported to be more than 7%. The literacy gap between Scheduled Tribe persons and total population of all social groups is, however, reported to have been reduced from about 20% in 1961 to about 15% in 2011.

3.14.15 The literacy rate of all persons among all social groups including SCs and STs, which was 28.3% in 1961 Census rose to 72.99% in 2011 Census showing an improvement by about 44%. The male literacy rate among all social groups also improved by over 40% from 40.4% to 80.89% during 50 years span from Census 1961 to Census 2011. However, the female literacy rate among all social groups improved by over 49% from 15.35% to 64.64% during the same 50 years span.

3.14.16 As regards Scheduled Tribes the overall literacy rate of all persons improved by over 50% from 8.53% in 1961 Census to 58.96% in 2011 Census. Similarly the male literacy rate improved by 54% from 13.86% in 1961 Census to 68.53% in 2011 Census. However, the female literacy rate improved by 46% from 3.16% in 1961 Census to 49.35% in 2011 Census.

3.14.17 It is evident that various educational programmes launched in the independent India have shown overall improvement in literacy among all genders but it has not been spread uniformly. The increase in literacy level among all STs, ST male as well as ST female is still 15 to 20 years behind the general literacy level of all social groups and about 5 to 10 years behind the respective literacy level of Scheduled Castes. The literacy level of all STs as per Census 2011 is 58.96% while literacy level of all social groups was 6% more than this level even in 2001 Census. Similarly, literacy level of ST males in 2011 Census is 68.53% which is still about 7% behind the general male literacy level of 75.26% in Census 2001. Again, literacy level of ST females in 2011 Census is 49.35% which is still more than 4% behind the general female literacy level of 53.67% in Census 2001.

3.14.18 As per Census 2011 there is wide gap (16.25%) between general male literacy and general female literacy. Against this the gap between ST male and ST female is more than 19% in the same Census. Similarly, the literacy gap between general male and ST male is reported to be about 12% while the gap between general female and ST female literacy is more than 15%.

3.14.19 It is also worthwhile to compare the growth of literacy among Scheduled Tribes with the Scheduled Castes during the 50 years span during six Censuses from 1961 to 2011. ST male literacy (13.83%) which was about 3% behind the SC male literacy in 1961 Census has now lagged by about 7% in Census 2011. Similarly, the ST female literacy (3.16%) was 0.13% only

behind SC female literacy in 1961 Census but this gap has also widened by over 7% in Census 2011. On the same lines total literacy among Scheduled Tribes in Census 2011 is also over 7% behind the total SC literacy. This clearly shows that benefits of educational programmes have shown good results to all the groups but the benefits have not reached all groups and all genders equally. Much needs to be done for all females particularly ST females. **The Commission therefore, recommends that the Government may get the evaluation of (i) the functioning of various educational and other welfare schemes for girls launched under the jurisdiction of Ministry of Human Resource Development, Ministry of Women and Child Development, Ministry of Health, Ministry of Rural Development, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs beside other Social Sector Ministries/ Departments and (ii) the benefit of reservation in admission to various educational, vocational and professional institutions to find out the reasons for low literacy among ST females and to suggest ways and means for improving the literacy as well as quality of education among Scheduled Tribes, particularly the ST females.**

## **CHAPTER 4**

### **ATROCITIES AGAINST SCHEDULED TRIBES**

#### **4.1 Constitutional and Legal Rights of Scheduled Tribes**

4.1.1 The Scheduled Tribes are the most disadvantaged segment of the weaker sections of our society. Educational backwardness, Economic dependence of Scheduled Tribes and social discrimination with them are the root cause of atrocities committed on them. A number of safeguards have been provided in the Constitution of India for ensuring all-round development of Scheduled Tribes and other weaker section of the society and to protect them from all types of exploitation. Article 15(2) provides that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public. Untouchability stands abolished under Article 17 and its practice in any form is forbidden and punishable under law. Similarly, Article 23 of the Constitution prohibits Traffic in human beings and forced labour. The Minimum Wages Act, 1948, provides for fixing minimum wages for different types of labour. Similarly the Bonded Labour System (Abolition) Act, 1976, provides for abolition of the bonded labour system and for release and rehabilitation of freed bonded laborers.

4.1.2. All the above provisions aim at protecting the Scheduled Tribes also from exploitation. Special enactments have been made by the Central and State Governments to protect STs and SCs from all forms of exploitation. There are two important legislations related to Article 17, viz., The Protection of Civil Rights Act, 1955 (PCR Act), and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ( known as PoA Act). Initially the Untouchability (offences) Act, 1955, had been enacted to abolish the practice of untouchability and social disabilities arising out of it against members of the Scheduled Castes. It was amended in 1977 and renamed 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 offenders. This Act is applicable in matters of discrimination on ground of untouchability with any person belonging to any community. Under Section 15A(4) of the PCR Act 1955 an Annual Report on the working of the Act has to be placed every year on the table of each House of Parliament by the Central Government. Ministry of Social Justice & Empowerment which is the Nodal Ministry with respect to administration of this Act has been laying Annual Reports in Parliament and the latest report that has been laid in the Parliament relates to the year 2012.

4.1.3. More comprehensive and punitive measures to protect the members of SCs & STs from atrocities were taken by enacting the SCs & STs (POA) Act,

1989, which came into force on 30.01.1990. The Act extends to whole of India except the State of Jammu & Kashmir. The offences under this Act are mainly related to patterns of behavior which shatter the self-respect and self-esteem of the Scheduled Tribes, denial of economic rights, denial of democratic honour, deliberate abuse of the legal and/ or administrative process, assault and/ or exploitation of woman, damage and/ or destruction of property and heinous offences against person and property already covered under Indian Penal Code carrying a sentence of ten years or more. Willful negligence by public servant in performing their duties required to be performed under this Act has also been made a punishable offence. The offences under this Act are cognizable, non-bailable and trial is to be conducted by Special Court set up under the Act.

4.1.4. In exercise of the powers conferred by Sub Section (1) of Section 23 of the said Act, the Central Government made the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 which were notified on 31.03.1995 for carrying out the provisions under the SCs and STs (PoA) Act 1989. These Rules have been amended in 2011, 2013 and twice in 2014. These Rules have assigned certain duties to be performed by the District Magistrate, District Superintendent of Police and State Government. The Rules, inter-alia, prescribe the amount of economic assistance and mode of rehabilitative measures to be taken by State Government for providing socio-economic rehabilitation of the victims and/ or their family members.

4.1.5. The above said Act is not only a penal policy measure. It has been made mandatory for the State Government to ensure prevention of atrocities and to assist the victims. Legal aid, traveling and maintenance allowance during investigation and trial have now to be provided. Identification of atrocity-prone areas and adoption of safety and preventive measures is to form a part of the scheme. Periodic surveys providing social audit of the working of the Act are also mandatory. Under Section 21(4) of the Act an Annual Report on the working of the Act has to be placed every year on the table of each House of Parliament by the Central Government. Ministry of Social Justice & Empowerment which is the Nodal Ministry with respect to implementation of this Act has been laying Annual Reports in Parliament and the latest report that has been laid in the Parliament relates to the year 2013.

4.1.6. Responsibility in regard to implementation of the PoA Act is allocated as under: -

**Ministry of Home Affairs**

Criminal offences against members of the Scheduled Castes and Scheduled Tribes, including those under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Administration of criminal justice).

**Ministry of Social Justice & Empowerment**

Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Castes) excluding the administration of criminal justice in regard to offences under the Act.



## **Ministry of Tribal Affairs**

Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Tribes) excluding the administration of criminal justice in regard to offences under the Act.

4.1.7 Ministry of Home Affairs is thus the Nodal Ministry for crimes relating to atrocities on Scheduled Tribes. National Crime Record Bureau (NCRB), an organization under MHA, monitors data relating to various categories of crimes in India. This data also include information about crimes against STs and the cases of atrocities on STs registered in various States and UTs by Police are entered online on the website of the NCRB.

### **4.2 Mandate of the Commission in the context of Atrocities on Scheduled Tribes**

4.2.1 The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 or the Rules made there under do not provide any specific role for this Commission in this respect. Rule 16 of the SCs & STs (PoA) Rules 1995 however, make it mandatory to associate the Director/ Dy. Director of the Regional office of the Commission as member of the State level Vigilance Committee to monitor cases of atrocities on STs under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4.2.2 The duties assigned to the Commission by Clause 5 of Article 338A of the Constitution include investigation and monitoring of all matters relating to the safeguards provided for the Scheduled Tribes under the 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 inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes. These matters and complaints also include atrocities on STs.

### **4.3 Procedure adopted by Commission in dealing with atrocity-related complaints**

4.3.1 The Commission has formulated standard guidelines for dealing with atrocity-related complaints in a time-bound manner. The guidelines require the authorities of the State Governments/UT Administrations to be asked to furnish, within a stipulated period of 30 days (10 days in respect of offences relating to serious nature) report on the complaints. The concerned authorities are advised to take necessary steps e.g. timely registration of FIR under relevant sections of (PoA) Act, along with the applicable sections of IPC, filing of charge-sheet within stipulated time period and grant of relief and rehabilitation to the victims and their family members. The guidelines further lay down that the report received from the State authorities should be examined in an objective manner and on-the-spot inquiry should be conducted if found necessary. A hearing may be held in this Commission if the report is not

received or reply received from the concerned authority is not found to be satisfactory.

#### 4.4 Analysis of complaints received in the Commission

4.4.1 The Commission receives complaints from various sources regarding atrocities on STs. 147 cases of atrocities on Scheduled Tribes were registered in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2012-13. The offences committed upon Scheduled Tribes by non-Scheduled Tribes which are treated as atrocities have been defined in sections 3(1), 3(2) and section 4 of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. These are broadly categorized as Murder, Rape, Grievous Hurt, Land Dispute, Caste Abuse and Miscellaneous nature (Others). The following **TABLE 4.1** gives the category-wise number of cases registered in the Headquarter Office and the Regional Offices.

**TABLE 4.1**  
**Analysis of complaints received in the Commission during 2012-13**

S. No.	Office/ Unit	Murder	Rape	Grievous hurt	Land Dispute	Caste Abuse	Others	Total	Atrocity by Police
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	<b>Hq Office</b>								
1.	RU-I	0	2	12	0	0	7	21	
2.	RU-II	0	1	06	0	0	12	20	
3.	RU-III	1	4	3	0	0	16	24	
4.	RU-IV	0	0	0	0	0	2	2	
	<b>Sub-Total (Hq)</b>	<b>1</b>	<b>7</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>38</b>	<b>67</b>	
	<b>Regional Offices</b>								
1.	Bhopal	5	7	22	0	0	17	51	
2.	Bhubaneswar	1	1	0	9	1	15	27	
3.	Jaipur	1	0	4	11	6	16	38	
4.	Raipur	1	6	0	0	0	2	9	
5.	Ranchi	1	0	2	5	3	6	17	
6.	Shillong	0	0	0	0	0	0	0	
	<b>Sub TOTAL (ROs)</b>	<b>9</b>	<b>14</b>	<b>28</b>	<b>25</b>	<b>10</b>	<b>56</b>	<b>142</b>	
	<b>TOTAL</b>	<b>10</b>	<b>21</b>	<b>49</b>	<b>25</b>	<b>10</b>	<b>94</b>	<b>209</b>	

4.4.2 It will be noted from the above Table that no case of Atrocity upon Scheduled Tribes was registered in the Shillong Regional Office of the Commission, the possible reason being that the jurisdiction of Shillong Office extends to the north-eastern States only, most of which have majority of Scheduled Tribe population and therefore there is least possibility of atrocity by non-Scheduled Tribes upon Scheduled Tribes as defined under the PoA Act,

1989. Out of 209 cases registered in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2012-13, 10 cases related to Murder, 21 cases of Rape, 49 cases of Grievous hurt, 25 cases of Land dispute, 10 cases related to caste abuse while 94 cases were of other miscellaneous offences. Out of the 209 cases mentioned above the Regional Office of the Commission dealt with 142 cases of atrocities upon Scheduled Tribes during 2012-13. These included 9 cases relating to murder, 14 relating to rape, 28 cases relating to Grievous hurt, 25 cases relating to land dispossession, 10 cases of caste abuse and 56 cases of other or Miscellaneous nature of atrocities.

4.4.3 As per laid down guidelines and procedure, all the cases registered in the Commission were forwarded by the dealing Unit/ Regional Office of the Commission to the concerned State Government/ District Administration requesting them for furnishing their comments and action taken reports within specified days, which may not be more than 30 days. The Commission tries to ensure through the State Government/ District Administration that relevant sections of Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 beside applicable sections of IPC are duly invoked in the FIR, in case the matter relates to atrocity upon Scheduled Tribes by non-Scheduled Tribes. The Commission also ensures that the police authorities take prompt action for medical examination of the victims particularly in cases relating to rape and murder and also that the prescribed relief is provided timely to the victim and/ or his/ her family and that rehabilitation of the victims and their family members is also provided wherever necessary.

4.4.4 The responses of the concerned authorities were not encouraging. There was no proper and timely response from the concerned authorities in all the cases. Even in those cases where replies were received, all the details sought regarding registration of FIR, invoking of relevant section of Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, filing of Charge sheet and grant of relief and rehabilitation to the victims and their families, as prescribed under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 etc. were not received in many cases.

4.4.5 Delay in investigation adversely affects the outcome of the investigation as well as the rate of success in the appropriate court. This also adversely impacts on the process of grant and actual release of relief admissible to the ST victims and their families under PoA Rules 1995. Thus delay in investigation defeats the objective of the special law viz; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the SCs and STs (PoA) Rules, 1995. **The Commission therefore recommends that the State Governments and the District Authorities may devise such measures as to ensure that investigation by police in the cases/ crimes involving Scheduled Tribes, to be carried out by the prescribed authorities, viz. Deputy Superintendent of Police, should be promptly completed within the time schedule provided under appropriate law.**

4.4.6 The issues indicated above are also discussed by the Commission during the Review Meetings organized with the senior officers of the State Governments and District Officers concerned during the visit of the Commission and its Senior Officers to those State and Districts. The gist of discussions and important observations/ recommendations of the Commission in the Review Meetings are incorporated in the proceedings of those meetings and forwarded to the concerned State Governments for necessary action.

4.4.7 As the Commission is vested with the duty to *inter-alia* investigate and monitor all matters relating to safeguards provided to the Scheduled Tribes and to enquire into specific complaints related to violation of those safeguards and in that context power of civil Court has also been given to the Commission while dealing with such matters, it is mandatory on the part of the State Governments and the District Authorities to cooperate with the Commission and promptly furnish the requisite information sought by the Commission while investigating into such matters. **The Commission, therefore, recommends that the Government of India may urgently advise all the State Governments for furnishing the requisite information as sought by Commission within the time limit stipulated in the communication received by them from the Commission. The Commission also recommends that the State Governments may further advise on similar lines to the District Authorities for timely furnishing the information to the Commission.**

4.4.8 **The Commission also strongly reiterates its earlier recommendations that the State level and District level Vigilance & Monitoring Committees should meet regularly as provided in the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 and closely review the implementation of provisions regarding timely investigation and charge-sheeting of the cases in the courts and timely payment of monetary relief to the victims of atrocities, strictly in accordance with the norms laid down under PoA Rules. Wherever, such committees are either not functional or not reconstituted as per the provision under the PoA Rules, 1995, as amended from time to time, necessary steps should be taken by the State Government to ensure smooth and periodic/ regular functioning of the Vigilance and Monitoring Committees.**

#### **4.5 State-wise incidence of crimes against Scheduled Tribes**

4.5.1 The above para were devoted to the action taken on the cases of atrocity reported in the National Commission for Scheduled Tribes. As is well known, State-wise and national level data relating to the crimes occurring in the entire country is monitored through computerized system by the National Crimes Record Bureau and the same is published annually by the National Crimes Record Bureau. This includes data relating to crimes against Scheduled Tribes also. As per data made available on the website of the National Crimes Record Bureau, the State-wise incidence of all categories of crimes and crimes under PoA Act, 1989 committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2012 is given in the **TABLE 4.2** given on the next page.

**TABLE-4.2****State-wise incidence of crimes against Scheduled Tribes during 2012**

S.No.	State/UT	Total population Census 2011	ST population Census 2011	%age of ST popn to total popn in State 2011	%age of ST popn in State to total ST popn in India in Census 2011	Incidence of total crime against STs in the State during 2012	%age of crime in State to total crime against STs in country during 2012	Rate of incidence of total crime against STs	Incidence of crimes against STs under PoA Act in the State during 2012	%age of crimes under PoA Act in State to total PoA crime in country during 2012	Rate of incidences of PoA crimes against STs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	Andhra Pradesh	845,80,777	59,18,073	7.00	5.68	666	11.25	11.25	127	9.69	2.15
2	Arunachal Pradesh	13,83,727	9,51,821	68.79	0.91	10	0.17	1.05	0	0.00	0.00
3	Assam	312,05,576	38,84,371	12.45	3.72	0	0.00	0.00	0	0.00	0.00
4	Bihar	1040,99,452	13,36,573	1.28	1.28	119	2.01	8.90	118	9.00	8.83
5	Chhattisgarh*	2554,51,198	78,22,902	30.62	7.50	344	5.81	4.4	0	0.00	0.00
6	Goa	14,58,545	1,49,275	10.23	0.14	1	0.02	0.67	0	0.00	0.00
7	Gujarat	604,39,692	89,17,174	14.75	8.55	221	3.73	2.48	65	4.96	2.73
8	Haryana	253,51,462	-	0	0	0	0.00	0.00	0	0.00	0.00
9	Himachal Pradesh	68,64,602	3,92,126	5.71	0.38	3	0.05	0.77	3	0.23	0.77
10	Jammu & Kashmir	125,41,302	14,93,299	11.91	1.43	0	0.00	0.00	0	0.00	0.00
11	Jharkhand	329,88,134	86,45,042	26.21	8.29	287	4.85	3.32	133	10.14	1.54
12	Karnataka	610,95,297	42,48,987	6.95	4.07	374	6.32	8.80	164	12.51	3.86
13	Kerala	334,06,061	4,84,839	1.45	0.46	124	2.09	25.58	10	0.76	2.06
14	Madhya Pradesh	726,26,809	153,16,784	21.09	14.69	1218	20.57	7.95	0	0.00	0.00
15	Maharashtra	1123,74,333	105,10,213	9.35	10.08	308	5.20	2.93	53	4.04	0.50
16	Manipur	25,70,390	9,02,740	35.12	0.87	2	0.03	0.22	0	0.00	0.00
17	Meghalaya	29,66,889	25,55,861	86.15	2.45	0	0.00	0.00	0	0.00	0.00
18	Mizoram	10,97,206	10,36,115	94.43	0.99	0	0.00	0.00	0	0.00	0.00
19	Nagaland	19,78,502	17,10,973	86.48	1.64	0	0.00	0.00	0	0.00	0.00
20	Orissa	419,74,218	95,90,756	22.85	9.20	688	11.62	7.17	579	44.16	6.04
21	Punjab	277,43,338	-	0	0	0	0.00	0.00	0	0.00	0.00
22	Rajasthan	685,48,437	92,38,534	13.48	8.86	1351	22.81	14.62	31	2.36	0.34
23	Sikkim	6,10,577	2,06,360	33.8	0.20	4	0.07	1.94	0	0.00	0.00
24	Tamil Nadu	721,47,030	7,94,697	1.2	0.76	27	0.46	3.40	5	0.38	0.63
25	Tripura	36,73,917	11,66,813	31.76	1.12	29	0.49	2.49	0	0.00	0.00
26	Uttara-Khand*	100,86,292	2,91,903	2.89	0.28	44	0.74	3.88	12	0.92	1.03
27	Uttar Pradesh	1998,12,341	11,34,273	0.57	1.09	3	0.05	1.03	3	0.23	1.06
28	West Bengal	912,76,115	52,96,953	5.8	5.8	91	1.54	1.72	5	0.38	0.09
	<b>TOTAL (STATES)</b>	<b>14203,52,219</b>	<b>1039,97,457</b>	<b>7.32</b>	<b>99.73</b>	<b>5914</b>	<b>99.86</b>	<b>5.69</b>	<b>1308</b>	<b>99.77</b>	<b>1.26</b>
29	Andaman & Nicobar Islands	3,80,581	28,530	7.5	0.03	4	0.07	14.02	2	0.15	7.01
30	Chandigarh	10,55,450	-	-	-	0	0.00	0.00	0	0.00	0.00
31	Dadra & Nagar Haveli	3,43,709	1,78,564	51.95	0.17	4	0.07	2.24	1	0.08	0.56
32	Daman & Diu	2,43,247	15,363	6.32	0.01	0	0.00	0.00	0	0.00	0.00
33	Delhi	167,87,941	-	-	-	0	0.00	0.00	0	0.00	0.00
34	Lakshadweep	64,473	61,120	94.8	0.06	0	0.00	0.00	0	0.00	0.00
35	Puducherry	12,47,953	-	-	-	0	0.00	0.00	0	0.00	0.00
	<b>TOTAL (UTs)</b>	<b>201,23,354</b>	<b>2,83,577</b>	<b>1.41</b>	<b>0.27</b>	<b>8</b>	<b>0.14</b>	<b>2.82</b>	<b>3</b>	<b>0.00</b>	<b>1.06</b>
	<b>TOTAL (INDIA)</b>	<b>1,210,569,573</b>	<b>1042,81,034</b>	<b>8.61</b>	<b>100</b>	<b>5922</b>	<b>100.00</b>	<b>5.68</b>	<b>1311</b>	<b>100.00</b>	<b>1.26</b>

@ The SCs & STs (PoA) Act, 1989 does not extend to the State of Jammu & Kashmir.

Source: National Crimes Record Bureau

4.5.2 It will be noted from above **TABLE 4.2** that the average rate of crimes under all categories against Scheduled Tribes in all the States taken together during 2012 was 5.69 per lakh of ST population. The national average during the same year was 5.68 crimes per lakh of ST population. Madhya Pradesh State which has highest ST Population share (14.69%) in the Country has reported second highest share (20.57%) out of 5922 incidents of total crimes against STs in the Country followed by Odisha (11.62%), Andhra Pradesh (11.25%), Karnataka (6.32%), Chhattisgarh (5.81%) and Maharashtra (5.20%). However, Rajasthan which had second largest crimes against Scheduled Tribes in the Country in 2011 has reported highest number of crimes (1351) which constitute 22.81% of the total crimes against Scheduled Tribes in the Country. This, however, may not be the correct way of comparing the incidents of crimes against Scheduled Tribes in different States/ UTs in the country. The State which have more population and also more Scheduled Tribes than other States may report higher incidents of crime against Scheduled Tribes, as is evident from above. The situation may be understood better if we examine the number of incidents crimes against Scheduled Tribes on equal parameter, say rate of crimes against Scheduled Tribes per lakh of ST population in the State.

4.5.3 The State of Kerala wherein ST population constitute only 1.45% of the total State population has reported highest rate of crimes against Scheduled Tribes i.e. 25.58 per lakh of ST population in the year 2012, followed by Rajasthan (14.62), Andhra Pradesh (11.25), Bihar (8.90), Karnataka (8.80), Madhya Pradesh (7.95) and Odisha (7.17). Among Union Territories Andaman & Nicobar Islands has reported the highest rate of crimes against Scheduled Tribes i.e. 14.02 crimes per lakh of ST population in the UT followed with 2.24 crimes per lakh of ST population in Dadra & Nagar Haveli.

4.5.4 Looking at the crime situation in various States with respect to the incidence reported under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 the average rate of crimes in all the States taken together is 1.26 per lakh of ST population. The national average is also 1.26 crimes per lakh of population under PoA Act. It is surprising to know that National Crimes Record Bureau has reported NIL crime against Scheduled Tribes under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2012 in the Madhya Pradesh State, which has highest ST population in the country and the proportion of ST population in the State to the total population in the State constitute 21.09%. Chhattisgarh State with 30.62% ST population has also been reported with NIL incidence of crime against Scheduled Tribes under PoA Act. Among other States having high level of ST concentration, Rajasthan with 13.48% ST population has reported only 0.34 crime per lakh of ST population, Maharashtra with 9.3% ST population has reported only 0.50 crime per lakh of ST population. However, Bihar State with only 1.28% ST population has reported the highest rate of crime (8.83) per lakh of ST population under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2012 followed by Odisha State with 22.85% ST population and reporting 6.04 crime per lakh of ST population under PoA Act.

4.5.6 It is thus observed that the States having high incidence of all kinds of crimes against Scheduled Tribes and also those States having high incidence of crimes against Scheduled Tribes under PoA Act need to concentrate on taking steps necessary for curbing such incidences. The States of first category are Rajasthan, Madhya Pradesh, Odisha, Andhra Pradesh, Karnataka and Chhattisgarh which have higher rate of incidence of crime than the National average of 5.68 crimes of all categories against Scheduled Tribes. States having higher rates of incidence under PoA Act, than national average of 1.26, are Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Kerala, Odisha and the Union Territory of Andaman & Nicobar Islands. **In order to curb the incidence of crime against Scheduled Tribes, the State Government of the above mentioned States need to ensure that special Police Cells at State Headquarter and special Police Stations in the Districts, as envisaged under Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 function effectively. The functioning of the Vigilance and Monitoring Committees at State and District level, setup under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 also need to be monitored regularly. All other States having ST population also need to take above steps to ensure that all incidences of crimes against Scheduled Tribes are reported and registered in the appropriate Police Station and prompt action is taken by the Police for quick disposal at their end.**

4.5.7 As some of the highly ST populated States like Madhya Pradesh, Chhattisgarh, Maharashtra, Rajasthan and some other States have reported NIL or negligible incidence of crime under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2012, and it could not be believed easily, the Commission feels that the data received, compiled and consolidated at National Crimes Record Bureau may be cross verified before including in the Report on "CRIME IN INDIA", whether each incident under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 was being registered at the regular or the Special Police Station and reported in the computerized monitoring system of National Crimes Record Bureau.

#### **4.6 Crime head-wise analysis of Crimes against Scheduled Tribes**

4.6.1 As per data made available on the website of the National Crimes Record Bureau, State/ UT-wise incidence of crime against Scheduled Tribes during 2012 is given at **ANNEXURE-4.I** and State/ UT-wise and crime- wise incidence of crime against Scheduled Tribes during 2012 is given at **ANNEXURE-4.II**. The year-wise and crime-wise incidence of Crimes including Atrocities committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2008 to 2012 may be seen in TABLE 4.3 given on the next page.

**TABLE 4.3**  
**Crime-wise Comparative Incidence of Crime against Scheduled Tribes**  
**during 2008 to 2012**

S.No.	Crime . Head	Year					% age Variation in 2012 over 2011
		2008	2009	2010	2011	2012	
(1)	(2)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Murder	128	118	142	143	156	9.1
2.	Rape	585	583	654	772	729	-5.6
3.	Kidnapping & Abduction	93	82	84	137	103	-24.8
4.	Dacoity	14	3	7	7	5	-28.6
5.	Robbery	18	24	5	9	15	66.7
6.	Arson	49	29	39	24	26	8.3
7.	Hurt	873	787	941	803	816	1.6
8.	Protection of Civil Rights Act	6	2	5	7	2	-71.4
9.	SCs and STs (Prevention of Atrocities) Act	1022	944	1169	1154	1311	13.6
10.	Others	2794	2853	2839	2700	2759	2.2
	Total	5582	5425	5885	5756	5922	2.9

Source: NCRB Report 2012

4.6.2 It is seen from above **TABLE** that total number of crimes committed against Scheduled Tribes in the country have been varying but gradually increasing from 2008 onwards. The total crimes committed during 2012 which were 5922 are 2.9% more than the level of crimes reported during 2011 and 6.1% more than those reported in the year 2008. Out of total of 5922 crimes registered during 2012, 1311 crimes (22.13%) were registered under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 while 13.78% of the total crimes related to Hurt and 12.31% related to rape of Scheduled Tribe and a large number of the offences committed upon Scheduled Tribes during 2012 were of other nature of crimes. The crimes relating to kidnapping and abduction of Scheduled Tribe persons were 103 which accounted to 1.74% only of the total crimes while crimes registered under the category of Dacoity, Robbery, Arson and PCR Act, 1955 were found to be almost negligible in relation to total crimes in the whole country. This indicates that special measures are required to reduce the incidence of crimes of serious nature upon Scheduled Tribes

**4.6.3 There is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness**



and created peace and harmony among all sections of the society. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.

4.6.4 The crime head-wise details of crimes against Scheduled Tribes, disposed by the Police during 2012, is available at statement presented in **ANNEXURE-4.III**. State/UT-wise details of disposal of crimes against Scheduled Tribes disposed by the Police is given at **ANNEXURE-4.IV**. The statement giving %age crime head-wise details of crimes against Scheduled Tribes disposed by various courts are presented in **ANNEXURE-4.V** and the Disposal of cases (actual number) by courts for crimes committed against Scheduled Tribes during 2012 is given at **ANNEXURE-4.VI**. The State/UT-wise disposal of crimes against Scheduled Tribes by the courts is given in the statement at **ANNEXURE-4.VII**

#### **4.7 Performance by Special Courts setup for trial of offences under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989.**

4.7.1 Section 14 of the POA Act, 1989 provide for designating Courts of Sessions in the Districts as Special Courts for trial of offences registered under this Act. While some States designated the existing Sessions Courts or Additional Session Courts as Special Courts, 11 States have set up Exclusive Special Courts for trial of cases registered under the PoA Act. The Statement at **ANNEXURE 4.VIII** gives the location of 189 Exclusive Special Courts set up in these 11 States (A.P, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, M.P, Rajasthan, Tamil Nadu U.P and Uttarakhand).

4.7.2 The poor rate of conviction is generally due to slow pace of investigation by Police in certain cases and very slow pace of trial by the courts. The delay at various stages reduces the interest of the victims as well as witnesses in the disposal of the case, which subsequently leads to very low conviction on account of dilution of the sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 included in the FIR/ Charge-sheet due to undue delay in processing the case.

**4.7.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of**

future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly otherwise the objective of making of Special provision in the Special Act aimed at curbing Atrocities on Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on them.

#### **4.8 General Issues and Recommendations**

4.8.1 There is an imperative need of timely investigation of atrocity cases so that a charge sheet is submitted in the Court at the earliest. **The Commission, therefore, recommends that it should be ensured that the case is under PoA Act and involving STs as victim or accused investigated by an officer of the rank of Dy. SP and investigation report is submitted by him within 30 days. The Commission also feels that the charge sheet should be filed with due care and with a sense of urgency to ensure that the accused person is not acquitted on technical grounds or on account of delay in filing the charge sheet.**

4.8.2 The delay in the arrest of the accused also leads to delay in investigation of the cases and which, in turn, causes delay in dispensing justice to the victim(s). **The Commission, therefore, further recommends that all efforts should be made by the police to ensure that the accused is arrested as early as possible particularly in the cases of heinous crimes like murder, arson, rape, etc. and also in cases involving police as accused.**

4.8.3 A large section of the general public and ST population is still unaware of the provisions the PoA Act and Rules. **The Commission, therefore, consider it necessary to reiterate earlier recommendation that with a view to create awareness among the masses about various provisions of the Act and Rules including the provisions for relief and compensation, Special Awareness Programmes should be conducted by the Government through the mass media and by organizing seminars and workshops at different places, particularly in rural and remote areas. NGOs working for the cause of combating crimes of atrocities on STs alongwith the local bodies should also be involved in the task by extending adequate financial help to them. Awareness about the provisions of the Act/Rules may also be spread by installing hoardings at prominent locations.**

4.8.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for**

**implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules.**

4.8.5 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities.**

4.8.6 The Commission has noted that even in the States, where Special Courts have been set up, a large number of cases remain pending disposal for a considerable time. **The Commission, therefore, re-iterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**

4.8.7 **The Commission also re-iterates earlier recommendation that the police personnel at all level in every State/UT need to be sensitized about the importance of effective implementation of the PoA Act through regular training and refresher programmes by the Police Training Institutes. The training programmes for the police personnel should also include lessons about legal provisions and related procedures to ensure drafting of fool proof charge sheets in atrocity cases.**

4.8.8 There is an imperative need to strengthen working of the Special Public Prosecutors also for timely disposal of the cases with highest conviction rates in the Special Courts. **The Commission, therefore, reiterates earlier recommendation that Directorate of Prosecution should make all efforts to ensure that adequate number of Special Public Prosecutors is attached with the Special Courts for speedy trial of atrocity cases. The Special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special PP requires to be suitably enhanced to attract more qualified persons dedicated to the cause of Scheduled Castes and Scheduled Tribes in particular. There is also a need for periodical Training of the Special Public Prosecutors.**

4.8.9 The Commission has noted that the ST persons are, very often, subjected to naxalism related violence and deprivation of rights in States like Chhattisgarh, Jharkhand and Orissa, ineffective implementation of Minimum Wages Act and Bonded Labour, non-implementation of land reforms and abnormal delay in redress of land disputes etc. These results in denial of not only basic rights and freedom granted to them under the Constitution, but may also lead to the atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. **The Commission, therefore, recommends that there is an imperative need to formulate a policy for**

**taking up effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in such cases.**

4.8.10 The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. **The Commission, therefore, re-iterates its earlier recommendations that the State level Vigilance and Monitoring Committees should play a pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State level Committees.**

4.8.11 It has been observed by the Commission during the review meeting with various State Governments that a large number of cases are being closed by the Police Department on various counts including undue delay by police officials **The Commission, therefore, recommends that all the State Governments/UTs Administration should issue necessary instructions that the Superintendent of Police in all the districts will review at least 5% of the closed cases on a quarterly basis and initiate action against the concerned police officials if the cases were closed due to delay on their part. This action by SP will in addition to the review by District level vigilance and Monitoring committee.**

4.8.12 It was brought to the notice of the Commission during the Review Meetings with the State Governments that in a large number of cases, the victims and their witnesses become hostile during the hearing of PoA cases in the Courts. This results in the acquittal of the accused by the Courts. One of the main reason behind the victims and witnesses turning hostile in the Courts was that there is no clear policy /norms for payment of TA/DA to the victims and witnesses in most of the States; and a paltry sum is generally given to them for the days on which they are called in the Court which deprives them of their wages for the day(s) as most of the victims and witnesses earn their livelihood on daily wage basis. **The Commission, therefore, re-iterates its recommendations contained in its earlier Reports that the State Governments/UTs should issue instructions to ensure that the victims and witnesses are paid TA/DA which should not be less than minimum wages fixed from time to time.**

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## **CHAPTER 5**

### **CASE STUDIES**

#### **5.1. Approach and Methodology**

5.1.1 The Commission receives representations from individual members of Scheduled Tribes, or their associations, etc. These representations/ petitions pertain to (i) the violation of the instructions for reservation in services/ posts, (ii) problems relating to the socio-economic development of Scheduled Tribes such as admission in educational institutions, land alienation, rehabilitation and displacement as a result of setting up of projects etc., and (iii) atrocities on members of Scheduled Tribes by non-Scheduled Tribe persons. These representations are referred to the concerned organizations of the Central Govt. or the State Govts. by the Commission, requesting them to furnish full facts within a given timeframe. A copy of the reply received from the concerned Ministry/ Department/ organization is forwarded to the petitioner for his/her information and in case the petitioner submits a rejoinder containing additional material, the same is further examined in consultation with the concerned organization. The facts furnished by the concerned organization and the rejoinder, if any, received from the petitioner are examined by the Commission; and in case, on examination, the Commission finds that there has been violation of the safeguards of the members of Scheduled Tribes, provided under the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given timeframe and apprise the Commission of the action taken.

5.1.2 If the Commission does not get a reply from the concerned organization on the points raised in the petition/ rejoinder despite repeated reminders, the Commission holds a Sitting/ hearing in the case and invites the Head of the organization and/ or any other senior officer of that organization to appear before the Commission for discussion. The petitioner is also informed about the Sitting so that he/ she is also present during the hearing. The recommendation made after the discussions are recorded and sent to the respective organization for taking necessary action on the Commission's advice/recommendation within a specified period of time. The Commission also held 11 sittings during the year.

5.1.3 The Commission's intervention brought relief to a number of petitioners during the report period 2012-13 in cases initiated in the same year or in the previous year. A few representative cases dealt in the Commission are discussed below:

#### **5.2. Atrocity matters**

##### **Atrocity by Police**

5.2.1 A news appeared in Bhopal edition of Patrika News paper dated 10-2-2012 highlighting atrocity committed by police against a tribal student in Katni

District of Madhya Pradesh State. As per the published news a tribal student of Class VIII was kept in the lockup by the police in Barhi on the suspicion of theft where he was brutally beaten. Electric shock was given in his private parts and third degree torture was allegedly given to him. As the police could not get any information from him, he was left free in serious hurt condition. The Commission took up the matter suo-motu with the District Collector and SP, Katni vide notice dated 10-2-2012. Reminders were also sent on 12-4-2012 and 30-5-2012. A detailed report dated 18-5-2012 was received in the Commission from SP, Katni wherein it was informed that the matter was inquired into thoroughly. In the inquiry it was revealed that on 2-2-2012, the boy was beaten by Shri Ranjeet Kachhi and Sukhlal Kachhi on the allegation of theft of Rs. 6,000/- from his house and was brought to the Barhi Police Station where Head Constable Raju Prasad Chaudhary, Constables Jayaram Saket and Anurag Paroha inquired about the incident from the accused boy. The allegation of giving electric shock was not established. The possibility of assault by above police officials during the investigation/ inquiry cannot be denied. A case as crime No. 29/12 u/s 330/323/342, 34 IPC and 3(1)x and 3(2)v has been registered in Barhi PS against Ranjeet Kachhi and Sukhlal Kachhi for assaulting the boy which is under trial. Action has been taken against the police officials also for not following the procedure of registering complaint of applicant Susheela Kachhi w/o Ranjeet Kachhi in the theft case and in making inquiry from the accused boy. One increment of pay has been withheld without cumulative effect for six month against Head Constable Raju Prasad Chaudhary (SC) and Constable Jayaram Saket (SC) each. It was further stated that action will be taken against another constable Anurag Paroha who was absent from duty without permission. The Commission followed up the matter with District Collector concerned vide letters dated 28-8-12 and 22-10-12 for monitory assistance to the victim. District Collector, Katni vide his letter dated 26-11-12 informed that the victim has been sanctioned an amount of Rs. 6250/- as financial assistance vide order dated 4-9-12.

### **Human trafficking involving tribal girls**

5.2.2 A news appeared in Bhopal edition of Patrika news paper dated 4-4-12 regarding human trafficking involving tribal girls. As per the news article four missing minor tribal girls of Betul district of MP were recovered from Dangipura and Bhawani Mandi in Rajasthan by the Police. Two of them were sold and customers were being searched for other two girls. These girls had come to Hoshangabad District for taking bath in Narmada River from where the accused Karan Singh and Prembai of Chhipapura village under Dangipura PS of Rajasthan brought them to Rajasthan and sold two of them. Keeping in view the seriousness of the case, the Commission took up the matter with the SPs of Hoshangabad and Betul Districts respectively vide letter dated 4-4-12. Reminders were sent on 24-5-12 and 13-6-2012. A detailed report was received in the Commission from SP, Betul vide letter dated 4-6-2012 wherein the incident was confirmed. In the report, it was informed that a case No. 0/2012 had been registered in Betul PS u/s 363, 363- A, 368, 376, 371, 372, 373, 323, 324, 506, 120-B IPC, 3(2) v and 3(1) xii of SC/ST Act and Section 2, 5 and 6 of immoral trade prohibition Act. The accused have been arrested. As

the offence had occurred in Hoshangabad, the case diary had been transferred to SC/ST police station of Hoshangabad district. Another report dated 4-7-12 was received from SP, Hoshangabad on the same lines. The Commission followed up the matter vide letters dated 27-7-2012 and 22-10-2012 with Tribal Development Department, Betul for providing financial assistance as the victims belong to Betul District. The District Collector, vide his letter dated 5-11-2012 informed that an amount of Rs. 48,000/- by cheque and Rs. 2,000/- cash has been provided as financial assistance to each of the four tribal girls.

### **Diversion of irrigation water and outraging the modesty of woman**

5.2.3 Shri Lalu Ram Bhil, Nachana, District . Jaisalmer, Rajasthan in his representation dated 20/1/2012 received on 1/2/2012 alleged that Shri Tej Singh Jat diverted the irrigation water from his farm, misbehaved with his wife by abusing her and tried to lift her wearing clothes. It was also alleged that S.H.O. Nachana Police Station has not registered his F.I.R. till 15/1/2012. A letter was sent to Collector and Superintendent of Police, District . Jaisalmer, on 12/03/2012 asking for comments and action taken in the case. The Superintendent of Police, Jaisalmer vide his letter dated 23/3/2012 sent a report in the case stating that an F.I.R. No. 6 dated 25/1/2012 under section 430, 354, 323 I.P.C. and 3 (1) (5) (10) (11) SC and ST POA act has been registered at Police Station, Nachana and on investigation crime against Shri Tej Singh has been proved under Section 354, 323 I.P.C. and 3 (1) (5) (10) (11) SC & ST Act. He has been arrested and a charge sheet has been submitted before the court on 27/2/2012.

5.2.4 On the basis of the above report a further letter dated 28/3/12 was sent by National Commission for Scheduled Tribes to Collector, District . Jaisalmer and District Social Welfare Officer, Jaisalmer requesting for providing financial assistance to the victim and POA Act, 1989. The Collector vide letter dated 13/4/2012 intimated that Financial Assistance of Rs. 50,000 has been sanctioned to the victim.

### **Harassment of female tribal student**

5.2.5 Dr. Saroj Kumari Mina, Student of M.D. Sardar Patel Medical College, Bikaner mentioned in her representation which was received in the Commission on 07/08/2012 stating that behaviour of Dr. Taruna Swami, Assistant Professor was discriminatory due to which she was very disturbed. Factual report was asked from Principal Secretary, Medical Education, Government of Rajasthan, Jaipur, Principal Medical College, Bikaner and from Collector/ Superintendent of Police, District . Bikaner vide letter dated 13/8/2012. The Principal of the Medical College concerned vide his letter dated 04/10/2012 intimated that an enquiry committee was constituted into the alleged complaints. The enquiry committee concluded that behaviour of Dr. Taruna Swami, Assistant Professor was not cordial with Dr. Saroj Kumari which resulted mental disturbance and harassment of the complainant. Dr. Swami has also been issued warning in this regard and warned not to repeat in future with any one of Department student as well as staff.

### **Rape of a young tribal woman**

5.2.9 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 11.07.2011 regarding rape of a young tribal woman and threatening of her family to leave the village. As per the published news, a young tribal woman R/o village Lohatipara Balenga, Police Chouki- Baskot, Keshkal, District-Bastar ( Now it is under Kondagoan newly created District), was raped by accused Rajesh Shardul in the forest on 10.03.2011. The Society and other villagers took the matter lightly and did nothing in the matter. Later, when local journalists and youth brought the victims in the police station, the society became annoyed and her family was pressurized for mutual settlement and in case the victims family disagrees with the settlement made by the villagers, they were threatened and asked to leave the village and socially boycotted. The Commission took the matter with District Collector and Superintendent of Police, Bastar, Jagdalpur vide letter dated 13.07.2013. After constant follow up, the Superintendent of Police, Jagdalpur, District Bastar informed vide his letter dated 27.09.2012 that on the basis of the report of victim (Name not given here), aged-25 years, R/o Village Lohatipara Balenga, a FIR has been registered against accused Rajesh Kumar Kalar and Raghuram Shori at Police Chouki, Baskot, Keshkal, District- Bastar vide crime no. 41/11 under section 376,34 of IPC and 3 (1) (xii) of SC & ST (PoA) Act, 1989. It was further informed that both the accused were arrested and produced in the court.

5.2.10 The SP also mentioned that as the name of the rape victim was published in the news papers, the villagers were hurt and the allegation of social boycott and threatening the family to leave village was found false and baseless.

5.2.11 Thereafter, the Commission requested Collector, Jagadalpur, District Bastar for releasing financial assistance to the victim vide letter dated 23.07.2012 under the provision of SC & ST (PoA) Rules. The Deputy Collector, Bastar informed the Commission vide letter dated 26.09.2012 that an amount of Rs. 50,000/- was sanctioned vide order dated 7.10.2010 as financial assistance and Rs. 25000/- was paid to the victim.

### **Rape of a tribal student**

5.2.12 A News appeared in the Daily Nai Dunia news paper, Raipur edition on 13.01.2013 regarding alleged rape of a tribal girl in Kanya Ashram, Amadula, District- Balod by an outsider with the help of hostel warden. The Commission took up the matter with Chief Secretary, Secretary & Commissioner Tribal & SC Development, Secretary (Home Department), DGP, Government of Chhattisgarh, Superintendent of Police & District Collector, Balod, vide letters dated 14.01.2013. The reply was received from Superintendent of Police, Balod who informed the Commission vide his letter dated 5.02.2013 that the victim tribal girl has made a written complaint to Inspector General of Police, Durg about the alleged incident. The IG of Police immediately appointed Smt. Nivedita Paul, Sub Divisional Police officer, Patan, District Durg, as an enquiry officer for the enquiry of the complaint. In the preliminary inquiry, the complaint was found to be correct. In the year 2006, the complainant was studying in



Class 7<sup>th</sup> in Kamala Nehru Kanya Ashram, Amadula. In night, between 10 PM to 11 PM, Smt. Anita Thakur, Ashram Warden forcibly sent her in the room of the Chhotu Rajaharawala where the accused forcibly raped her. The room of the accused is just next to the warden's residence. A crime no. 0/203 was registered under section 450, 376, 506, 366(A), 342,109 of IPC and 3(2) (V) of SC/ST (PoA) Act, 1989.

5.2.13 The SP further informed that as per the procedure, medical examination of rape victim was carried out for the confirmation of rape. Due to delay of 6 years in the report of the incident, the doctors also could not give their definite opinion about rape. However, after the registration of FIR in the case, Smt. Anita Thakur, Hostel Warden of Amadula W/o Shri Joginder Singh Thakur, age 42 years was arrested on 11.01.2013 and the accused Chhotu Alias Subrat Shah S/o Dharendra Shah, Aged 43 R/o Dalli Rajhara was arrested on 08.02.2013. Moreover, Chief Executive officer, Zila Panchayat, Durg Suspended Smt. Anita Thakur, Warden vide order no. 5264/ZP1/Shi.K/Stha/2012-2013 Durg dated 14.01.2013 because of her involvement in the case.

5.2.14 As Hon<sup>ble</sup> Member of NCST had conducted on the spot inquiry in this case, the Superintendent of police submitted progress report to her and informed vide letter dated 15.05.2013 that after preparation of charge sheet no. 1919/2013 dated 30.03.2013, the case was produced before Shri Sanjay Agarwal, JMFC, Dalli Rajhara on 08.04.2013. He also informed that the monetary relief under SC/ST (PoA) Rules has been sanctioned and first installment of Rs. 25,000/- was paid to the victim on 03.04.2013.

5.2.15 He also informed that as the matter is of sensitive nature, the District Collector, Balod has appointed Shri Suresh Sharma, reputed Advocate and Retired Joint Director of Prosecution for the trial of the case. The copy of the order of appointment of Special advocate in the matter has also been sent to Secretary, Govt. of Chhattisgarh, Home Department, Raipur (CG). A report related to on the spot inquiry of the case conducted by Hon<sup>ble</sup> Member of NCST was sent to the Commission by Regional office.

#### **Rape of a tribal girl by the school teacher**

5.2.16 A News appeared in the Daily Nai Dunia news paper, Raipur edition on 15.01.2013 regarding alleged rape of a tribal girl by the school teacher in Kaspur, Block Nagri, District Dhamtari. The Commission took up the matter with District Collector and Superintendent of Police, District Dhamtari (CG) vide letter dated 16.01.2013. The Superintendent of Police, Dhamtari informed the Commission vide letter dated 29.01.2013 that on 13.12.2012, the victim student of class X<sup>th</sup> studying in Kaspur Government School went to see School level Sports Competition at Balorli. In the Baroli, she stayed in the house of her friend Jyoti Korram. In the evening, Ms. Jyoti Korram went to see the cultural programme alone in another village. When the victim girl was alone in the house of Ms. Jyoti Korram, the accused School teacher of Kaspur named Hemant Chourasiya raped her. The Superintendent of Police further informed that though the teacher of Kaspur had raped the girl, the incident took place in

the house of her friend and not in the school. After one month of the incident, the victim lodged a complaint of rape against the accused teacher Hemant Chourasiya. The victim informed that reason behind delay in making complaint was fear from the accused teacher. SP further informed that a crime of rape has been registered against Hemant Chourasiya as crime no. 03/13 under section 376, 506 of IPC and 3(2) (v) of SC & ST (PoA) Act, 1989. The accused teacher was arrested and sent to Police remand on 14.01.2014 and the charge sheet in the matter was also under process. The matter was followed up by the Commission with District Collector concerned. Deputy Collector, District Dhamtari informed the Commission vide letter dated 06.04.2013 that an amount of Rs. 60,000/- was sanctioned vide order dated 7.03.2013 as financial assistance and Rs. 10,000/- paid to the victim on 04.04.2013. Honble Member of NCST had conducted on the spot inquiry in this case on 14.05.2013 and inquiry report of the case was sent to the Commission by Regional office.

#### **A minor tribal girl burnt alive by her master and family**

5.2.17 A news appeared in Raipur edition of Nai Dunia, news paper on 03.09.2012 regarding burning of a minor tribal girl alive by her master and family who worked in his house as domestic maid. As per the news report, she was burnt alive by sprinkling kerosene oil. She was taken to the district hospital Narayanpur at 6.30 AM in the morning. The doctors observed that she was 70 percent burnt and referred her to sector-9, Bhilai hospital but she died after reaching Bhilai. In her pre-death statement she said that while she was working on the first floor of her master's house she was burnt alive by sprinkling kerosene oil. The Commission took up the matter with District Collector and Superintendent of Police, District- Narayanpur vide letter dated 04.09.2012. The Superintendent of Police, District- Narayanpur vide his letter dated 16.09.2012 sent a detailed report to the Commission and confirmed the incident. He informed that the minor girl aged 12 years was working in the house of the accused family and not paid any wages. A case no. 99/2012 under section 3(1) (vi) of SC & ST (PoA) Act and 1(3) of Child labour prevention Act has been registered against the three accused. As the deceased in her pre-death statement has stated that some unknown person had sprinkled kerosene oil from her back side, another case no 100/2012 under section 307 IPC was registered. As the girl died on the same day, section 302 IPC was added. All the three accused of crime no. 99/2012 were arrested and sent to jail in judicial remand on 02.09.2012. In case no. 100/2012 under section 307, 302 IPC, the doctor had mentioned in the postmortem report that the victim had rupture and bleeding in her genital organ hence section 376 IPC was also added. The place of incidence has been visited and evidence has been collected. Statements of the witnesses have been recorded. The matter is under investigation. District Collector also sent a reply on the same lines vide his letter dated 29.09.2012 and informed that an amount of Rs.2, 50,000/- has been sanctioned as financial assistance to the mother of the victim.

#### **Forceful seizure of tractor by the bank officials**

5.2.18 Representation was received from Shri Kailash Kazi, S/o Late Bishawanath Kazi, Village Baghi Sekhuani, District West Champaran, Bihar regarding forceful seizure of his Tractor by the official of the State Bank of

India, ADB Ramnagar. The matter was taken up with the CMD, State Bank of India, Mumbai vide letter dated 11.03.2013 as well as with the SP, Bagaha, Dist:West Champaran. On the intervention of the Commission the Tractor of the petitioner has been released by the SBI.

### **Harassment of ST by non-payment of vehicle hiring charges**

5.2.19 Representation submitted by Shri Shankar Bhagat, New Amlatoli, Lohardaga (Jharkhand) regarding harassment in the matter of payment of monthly rent for his vehicle taken on rent by Harihar Singh, a non-ST person. The matter was taken up with the SP, Lohardaga vide letter dated 05.06.2012 followed by reminder dated 12.07.2012 & 16.10.2012. On the intervention of the Commission the petitioner has been paid his monthly rent for his vehicle taken on rent by Shri Harihar Singh.

## **5.3 DEVELOPMENT MATTERS**

### **Exploitation by village Kotwar**

5.3.1 Shri M.S.Dhurve, District President, All India Adivasi Vikas Parishad, Betul forwarded the representation dated 25-2-2012 from tribal villagers of Badgikhurd, Gram Panchayat -Lavanya, Janpad Panchayat, Betul wherein it was alleged that the village Kotwar Tumadia Jharbade was making money from the tribals illegally in the name of the Senior officers. He also abuses the tribals on caste ground. The Commission took up the matter with District Collector, Betul vide letter dated 19-3-2012. Reminders were sent to the District Collector on 23-5-2012 and 1-8-2012. District Collector, vide his letter dated 28-9-2012 informed the Commission that the complaint was inquired through Sub-divisional Officer (Revenue) Betul and the complaint was found correct. On his report the services of erring Kotwar have been terminated w.e.f. 10-5-2012. The applicant organization was accordingly informed by the Commission.

### **Non-inclusion in BPL list**

5.3.2 A representation was received in the Commission on 17-2-10 from Smt. Parati bai Bechya Gavit R/o Bandharpada, Taluka Navapur, District Nandurbar wherein it was informed that she was a land-less lady left alone by her husband with no family support. She informed that her name had not been included in the BPL list and BPL ration card was not being issued to her. She requested the Commission to help in the matter. The Commission took up the matter with District Collector, Nandurbar vide letter dated 19-3-2010 who informed vide his letter dated 10-5-2010 that the matter was inquired into and it was revealed that at the time of BPL survey during the year 2002-03, the applicant had gone to Gujarat State. Hence her name could not be included. She had submitted appeal before the Tehsildar, Navapur and the process of inclusion of her name in the BPL list of 2002-07 was in progress. The Commission followed up the matter with District Collector vide letter dated 12-1-11 and 13-2-2012. Finally, the district Collector, Nandurbar vide his letter received in the Commission on 2-7-2012 informed that her name had been included in the BPL list for year 2002-2007 and a Antyodaya Ration Card No. YG-0973136 had been issued to

her. She was receiving all the benefits available to the ration cardholders. The applicant was also informed accordingly.

### **Land encroachment and harassment**

5.3.3 A representation dated 8-1-11 was received in the Commission on 2-2-11 from Shri Manohar Gajanan Shelke, New Gawathan, Ambegaon, Pune regarding illegal encroachment by 3rd party on the land provided by Government to the ST person and harassment of his family. As per the complaint, the applicant was allotted a piece of land of area 081R on survey No. 15/5 +63K at Chas (Kadewadi) Ghodegaon on 30-3-90 as his cultivable land was acquired for Dimba Dam construction. The applicant was cultivating the land since then. Now the same land is allotted to Shri Namdev Sahadu Devade (non SC/ST) vide Collector order dated 19-5-2005 and he has forcefully occupied the land. The applicant approached the Commissioner and District Collector many times but he was not heard. The applicant belongs to ST category and the Government as well as Shri Namdev Sahadu Devade are harassing his family. He requested the Commission for help in the matter. The Commission took up the matter with the District Collector and SP, Pune vide letter dated 1-3-11. and reminder dated 31-5-11. S.P., Pune Rural informed vide his letter dated 30-6-11 that the applicant was allotted land in 1990 but in the year 2006 the re-establishment Department gave that land to Shri Namdev Sahadu Devade. Again the same land was returned to the applicant by Tahsildar Ghodegaon as per order of Revenue Commission, Pune. Shri Namdev Sahadu Devade filed appeal with the Divisional Commissioner and both the parties have given in writing that they will accept the judgement given by the Divisional Commissioner. The applicant was informed accordingly who vide his letter dated 28-8-12 informed that the Divisional Commissioner has given decision in his favour. He thanked the Commission for help in the matter.

### **Installation of additional Hand Pumps**

5.3.4 A representation from Member, Panchayat Samiti, Kotra, District . Udaipur was received on 2/07/2010 requesting for installation of additional Hand Pumps in the Gram Panchayat areas of Badli and Khakaria. Commission taken up the matter vide letter dated 10/09/2010 with the Tribal Area Development Department at State Level and Collector at District level. After sending various reminders vide letters dated 9/12/2010, 11/03/2011, 12/05/2011, 15/09/2011, 3/12/2011 and 8/06/2012 the Superintending Engineer, P.H.E.D., Udaipur Circle vide his letter dated 10/7/2012 informed the factual position as well as action taken on the Representation. According to reply some additional Hand Pumps has been installed in the areas having problem of drinking water.

### **Non-payment of Post-matric Scholarship**

5.3.5 A representation dated 28/11/2011 from Shri Daya Shankar Meena R/o Sawar, Tehsil - Kekri District . Ajmer was received on 30/11/2011 regarding non-payment of Scholarship for the year 2009-10 in which he studied course of

G.N.M. 3<sup>rd</sup> year. The National Commission for Scheduled Tribe written letter dated 9/12/2011 to Principal Secretary as well as Director, Social Justice & Empowerment Department, Government of Rajasthan for action and report. The Department, finally informed the office vide letter dated 22/02/2012 as well as petitioner that Scholarship amount of Rs. 35,560/- has been sanctioned and released also vide Bill No. 183 dated 1/09/2011.

### **Various irregularities and mismanagement of Janjati Balika Awasiya Vidhyalaya**

5.3.6 A joint representation dated 23/8/2012 was received on 10/09/2012 from Mina Samaj, Village Gordhanpura, Tehsil . Tonk (Rajasthan) regarding various irregularities and mismanagement of Janjati Balika Awasiya Vidhyalaya, Newai, District . Tonk (Rajasthan) requesting to take necessary action in this regard. The matter was taken up with the Tribal Area Department, Government of Rajasthan as well as Collector, District . Tonk vide letter dated 21/09/2012. Reminders were also sent on 8/10/2012 and 19/12/2012. The Commissioner, Tribal Area Development, Udaipur vide his letter dated 23/1/2013 forwarded the report of Collector, District . Tonk (Rajasthan) taking action in the mater. According to report Hostel Superintendent was sent to his parent department (Education) and the charge was given to some other employee of the Hostel. The Cooking staff has also been changed. Specific Directions were given to Principal to ensure Cleanliness of the Hostel and proper facility of drinking water. Direction was also given to hold regular meetings of S.M.C. to review the management of Vidhyalaya.

### **Separate Barabandi of the divided agricultural lands**

5.3.7 A Joint Representation dated 05/11/2011 from Shri Dalaram, Bhura Ram, Uma Ram and China Ram Post Balana, Tehsil . Sumerpur, District . Pali, Rajasthan was received on 20/12/2011 in which it was mentioned that after separation of their combined Agriculture Land in the year 2010 separate mutation was opened of each separated land and for irrigation purpose application for separate Barabandi they approached the Executive Engineer, Jawai Canal, Sumerpur but he has not done anything on their application. It was further alleged that the staff and officer of the office also misbehaved with them.

5.3.8 The matter was immediately referred to the Collector and Superintendent of Police, District . Pali vide letter dated 20/12/2011 for action. Reminders dated 2/02/2012, 8/06/2012 and 16/07/2012 were also sent. The Collector District, Pali vide his letter dated 26/7/2012 intimated that Agriculture Land Khasras of the applicants have been included for next Barabandi and Sub Divisional Officer . Sumerpur as well as Executive Engineer Jawai Canal Sumerpur had been instructed to ensure regular supply of irrigated water in their separated Agriculture Land.

### **Non-release of Electricity connection for agricultural land by Jaipur Vidyut Vitaran Nigam Ltd.**

5.3.9 Shri Bhanwar Lal S/O Shri Chatarbhuji (ST), Village Banganga, Tehsil Atru, District Banra, Rajasthan vide his representation dated 20/10/2009 submitted that he applied for Agriculture Connection of Electricity for his farm house on 30/03/2002 but Jaipur vidhut Vitran Nigam Ltd. Atru, District Baran has not yet released the same. National Commission for Scheduled Tribes, sent letter dated 06/11/2009, 04/12/2009, 21/7/2010, 06/08/2010 to CMD, JVVNL and other concerned officers for facts of the case and action taken.

5.3.10 The Executive Engineer (O & M), JVVNL, Atru vide his letter dated 19/8/2010 intimated that on the application dated 31/3/2002 the person was served demand note vide No. 4427 dated 02/11/2002 amounting Rs. 67500/- which was not deposited by him. He was again served demand note on 18/1/2003 but due to non-payment of demand note amount the connection file got cancelled.

5.3.10 The petitioner was informed accordingly. The petitioner again sent a letter received on 11/10/2010 to Commission Office and said that he is ready to deposit the demand note amount whatever it is. On the basis of Petitioner's request the national Commission for Scheduled Tribes again wrote a letter dated 19/10/2010 to JVVNL authorities and requested them to issue a fresh Demand note on the basis of his old application dated 30/3/2002 and release the Connection after receiving the demand note amount. Mean while a hearing of the Senior Level Officers of JVVNL, Jaipur was fixed on 26/12/2011 before the Hon'ble Member of the Commission Shri B.L. Meena. The Hon'ble Member during the hearing directed the officers of the JVVNL that treating it as a special case the required demand note amount may be taken from the petitioner and Agriculture Electric Connection may be released immediately by maintaining his old priority.

5.3.11 Again a reminder letter dated 23/5/2012 was sent to JVVNL authorities in the light of decision taken in the hearing. The Superintendent Engineer of Banra Circle vide his letter dated 08/06/2012 intimated that the demand note amount has been deposited by the person concerned on 18/05/2012 and Agriculture Electric Connection is being released to him. Further Deputy Secretary, Energy Department, Government of Rajasthan, Jaipur informed vide letter dated 17/10/2012 that Agriculture Electricity Connection has been released on 27/08/2012.

### **Financial assistance to poverty stricken tribal**

5.3.12 In a Press Clipping of Rajasthan Patrika dated 23/01/2012 sad state of poverty and poor condition of a Bhil Tribe person Shri Ram Lal of village Bhimnagar in District . Bhilwara, Rajasthan was highlighted. The press clipping sent to Collector, District . Bhilwara on 12/03/2012 for factual report and action taken. Further reminder letters dated 8/06/2012 and 16/07/2012 were also sent.

The Collector vide his letter dated 17/7/2012 sent a detailed report which stated that the economic condition of Shri Ram Lal Bhil was very poor, he was having 4 children out of which two died. His wife also left him alone. He was a BPL family member. He has been sanctioned Rs. 45000/- for construction of his house. He was also sanctioned Rs. 25,000/- as financial assistance from District Administration. The District Administration has also arranged 50 K.G. of Wheat at his residence.

### **Compulsory detention of ST student in a class.**

5.3.13 In a news item appeared in Rajasthan Patika dated 2/8/2012 it was disclosed that in Government Primary School Madhuban, Udaipur (Rajasthan) a lady teacher retained some Scheduled Tribes students in the same class (Vth) continuously for three years despite of having passed in Ist Division with the intention of maintaining strength in the class so that she is not disturbed from the school to another place on transfer. The matter was taken up with the Principal Secretary, Elementary Education, Rajasthan, Government of Rajasthan, Jaipur vide letter dated 03/09/2012 for factual report and action taken there in. The Principal Secretary, Elementary Education, Government of Rajasthan as well as District Education Officer, Elementary Education, Udaipur intimated vide letter dated 08/03/2013 that the lady Teacher Smt. Jakiya Banu has been suspended on 03/08/2012 and Departmental Enquiry was intimated against her. The Scheduled Tribe students has been issued Transfer Certificates and shifted to adjoining Secondary School as per their age.

### **Allotment of house-site**

5.3.14 A joint representation was received from Shri Sukhdev, Shri Munna and others, R/o Village- Kumhi, Tahsil-Pandaria, District- Kabirdham (CG) in the Commission on 31.05.2012 wherein it was informed that they are very poor tribal agricultural labourers residing in kuchha hut constructed on Government land since last 35 years. Due to the personal differences with village Sarpanch, their huts were destroyed. Now they are on road and don't have any place for sheltering their family. They also informed that they had already submitted applications to District Collector, Kabirdham for allotment of suitable Government residential plots at any alternate place where they can make houses for their families but they didn't get any positive response from the District Collector. They requested the Commission to help in the matter so that they can get residential plots for construction of houses. The Commission took up the matter with the District Collector, Kabirdham vide letter dated 20.06.2012 with strong recommendation for allotment of alternate government residential plots to these poor Tribal families. After constant follow up, the District Collector, Kabirdham, vide his office letter dated 06.12.2012 informed that their office also received applications from the above mentioned persons and after consideration of their application, the district administration have allotted 25-25 Decimal residential plots to each family.

### **Distribution of poor quality/weak animals for rearing**

5.3.15 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 10.09.2012 regarding distribution of little and sick goats/ lambs in place of goats & sheep to 30 beneficiaries by the officials of ITDP, Narayanpur (CG) to poor Tribal families. As per the scheme, they were supposed to be provided one male and one female goat/ sheep each. Out of 60 goats & sheep, 18 have died.

5.3.16 The Commission called up a report from the District Collector, Narayanpur (CG) vide office letter dated 13.09.2012 which was followed up with several reminders. The District Collector, Narayanpur informed the Commission vide letter dated 25.02.2013 that Sub- divisional Revenue Officer, Narayanpur and Chief Executive officer, Janpad Panchayat, Narayanpur have submitted a report to him that that in the year 2011-2012, ITDP, Narayanpur had sanctioned goat units for 30 tribal beneficiaries. Accordingly, tender was published in the leading newspapers as per rules and a local NGO run by Shri Kushik Pandey was selected and given order for supplying goat units.

5.3.17 The Collector further informed that due to continuous rains and non-availability of vaccine at local level proper treatment could not be provided to the goats/sheep resulting in their death. Before distribution, medical examination of the goats/sheep by the veterinary doctors was also not carried out. He also mentioned that the Janpad Panchayat, Narayanpur and the NGO were responsible for this lapse and has agreed to redistribute Goats to all the beneficiaries.

### **Non-payment of maturity amount by Financial company**

5.3.18 A complaint dated 03.09.2012 was received in the Commission from Shri R.S.Karpal, Convener, AIMBSCS-MULNIBASI ADHIKAR GANA, Bhilai, District- Durg (CG) wherein it was informed that a tribal peasant Shri Purushattom Kumar Karpal was cheated by a company named PGF Limited, Raipur which has deposited Rs. 5,000/- from Shri Purushattom Kumar Karpal promising to pay Rs. 27,200/- on maturity on 29.07.2012. It was alleged that the company is not paying him the mature amount despite repeated request. The companies head quarter is located in New Delhi. The Commission took up the matter with SP, Raipur and the Company concerned vide letter dated 06.09.2012. SSP, Raipur, vide his letter dated 22.12.2012 informed the Commission that the complaint was inquired into by the Police and the company has paid Rs. 27,200/- to Shri Purushattom Kumar Karpal vide cheque no. 117957 dated 25.09.2012.

### **Non-payment of Post-matric Scholarship**

5.3.19 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 29.09.2011 regarding non-payment of scholarships to hundreds of SC/ST students since last two years from Raipur District and now students are wondering here and there for scholarships. The Commission took up the matter



with Secretary, Tribal & Scheduled Castes Development Department, Govt. of Chhattisgarh, Raipur vide office letter dated 19.10.2011. After constant follow up, the Joint Secretary, Tribal & Scheduled Castes Development Department, Govt. of Chhattisgarh, Raipur informed the Commission vide his letter dated 26.06.2012 that the post- matric scholarships of SC/ST students for the year 2009-2010 & 2010-2011 have been deposited in the accounts of the head of the concerned institutions and the distribution of scholarships is not pending now for payment. He further mentioned that the proposal and sanction order of the scholarship of OBC students for the year 2009-2010 was not properly kept in the record file by the concerned dealing clerk resulting in the delay for disbursement of scholarship. The concerned clerk was suspended for negligence of duty. He further informed that the department has again got the sanction and action is being taken to clear all the pending cases of scholarships to eligible SC/ST students.

### **Reservation in admission to private professional colleges**

5.3.20 Shri Sanjay Thul, President, Dr. B.R. Ambedkar Employees Association, Raipur had sent a representation dated 06/04/2011 to the Commission and informed that most of the State Governments including Government of Madhya Pradesh were providing reservation to SC, ST & OBC category candidates in admission in the professional courses run by Private Colleges. It was alleged that the Government of Chhattisgarh had not provided reservation to SC, ST & OBC category students in admission in these institutions. He requested the Commission for issuing suitable instructions to Government of Chhattisgarh for extending reservation benefits to SC, ST & OBC category in State of Chhattisgarh for welfare of these categories. The Commission took up the matter with the Secretary, Department of Technical Education, Govt. of Chhattisgarh, Raipur. After constant follow up, the Secretary, Department of Technical Education, Govt. of Chhattisgarh, Raipur informed vide office letter no. F 9-6/2013/Technical Education/42 Dated 5.03.2013 that as per the provision contained in the Section 8 of Chapter-III of the Chhattisgarh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Act, 2008 (No.11 of 2008), the Government has decided to implement the policy of reservation in private unaided technical education institutions as prevalent in Government institutions for admission in various technical programmes at Graduate (B.E., B.Pharmacy, B. Arch.) Post Graduate (M.E., M.Tech., M. Pharma, M.B.A., M.C.A. etc.) and Diploma level (Engineering/Non-Engineering, Pharmacy etc. and P.G.D.M.)

5.3.21 It was also informed that from the academic session 2013-14 and onwards, 12%, 32% and 14% of total sanctioned seats in different courses provided by private unaided technical educational institutions shall be reserved for the candidates belonging to Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) respectively for the purpose of admission. In case of reserved seats for a particular category falling vacant, they shall be filled by other or general category as per rules prevalent in Government institutions.

### **Irregularities in purchase of School bags for tribal students**

5.3.22 A News appeared in the Daily Dainik Bhaskar News paper, Raipur edition on 24.07.2011 regarding irregularities in purchase of School Bags in Surguja District of Chhattisgarh. As per the news , an amount of Rs. 5.60 Crores was received from the European Commission and State partnership programme and school bags were proposed to be distributed to tribal students. Allegedly, the contract for supply of school bags was given to a bogus firm. The Commission took up the matter with the Secretary, Tribal & Scheduled Castes Development Department, Government of Chhattisgarh, Raipur. After constant follow up, the Joint Secretary, Tribal & Scheduled Castes Development, Government of Chhattisgarh, Raipur, informed the Commission vide his letter dated 20.06.2012 that an inquiry Committee was set up under the chairmanship of Shri Manoj Pingua, Secretary, Tribal & Scheduled Castes Development, Government of Chhattisgarh, Raipur. In the preliminary inquiry report Shri J. S. Dhananjay, District Collector and Shri V.K. Dhurve, Additional Collector & Chairman of Purchase Committee were equally found responsible for irregularities in purchase of School Bags. The Chairman of the inquiry committee Shri Pingua recommended to the Secretary, GAD, Government of Chhattisgarh, Raipur for appropriate action against both the accused officers as per rules.

5.3.23 In the enquiry report, other members of the Purchase Committee Shri F. Ekka, Principal, Industrial Training Institute, Ambikapur, Shri Om Prasad Garewal, Assistant Director, Hathkargha, Ambikapur and Shri C. Bader, Technical Instructor, Industrial Training Institute, Ambikapur were also found responsible for irregularities in purchase of School Bags. Shri Pingua has also recommended the names of the above three officers for appropriate action to be taken as per rules by the Secretary, Technical Education & Village Industries Department.

### **Non-availability of Anganwadi Supervisors in Tribal Areas and poor conditions of existing buildings of the Anganwadi Kendras of District-Jaspur**

5.3.24 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 15.07.2012 regarding non-availability of Anganwadi Supervisors in Tribal Areas of District-Jaspur and poor condition of existing buildings of the Anganwadi Kendras. The Commission took up the matter with the Director, Department of Women & Child Development, Govt. of Chhattisgarh, Raipur vide letter dated 26.07.2012 who informed the Commission vide his letter dated 9.08.2012 that the Shortage of Anganwadi Supervisors are reported in the child Development project, Farsabahr/Farsabahr-2, District- Jaspur, CG. He further informed that the process of filling of the vacancies of Anganwadi supervisors has already been started and the posts of the clerical cadre will be filled up through promotion and the most of the posts of Anganwadi workers have already been filled up. The vacancies of Assistant and Mini Anganwadi Workers are being filled at project level.

5.3.25 The Director, Department of Women & Child Development, Govt. of Chhattisgarh, Raipur also informed that the out of 419 sanctioned Anganwadi Kendras in CDP, Farsabahr, 290 building have already been sanctioned out of which building construction work is complete in 187 Kendras and in 103 kendras, the construction work is in progress. The buildings of rest of the Anganwadi Kendras will be sanctioned as per the availability of the funds. He also informed that in Block of Farsabahr, 07 Anganwadi buildings are found repairable. The fund for repair of the buildings are being made available from BRGF head.

**Forcing of School Children to work in the fields of paddy cultivation by Shiksha Karmi Varga-2, in a Middle School, District-Surguja (CG)**

5.3.26 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 27.07.2011 regarding forcing of School Children to work in the fields for paddy cultivation by Smt. Smriti Toppo, Shiksha Karmi Varga-2, Middle School, Village -Gersa, Block- Lundra, District- Surguja. The Commission took up the matter with the District Collector Surguja, Ambikapur vide letter dated 03.08.2011. The Joint Collector, District- Surguja, Ambikapur informed the Commission vide his letter dated 06.10.2012 that the matter was inquired by Assistant Commissioner, Tribal Development, District, Surguja, Ambikapur who informed that the allegation against Smt. Smriti Toppo, Shiksha Karmi Varga-2, Middle School, Village -Gersa, Block- Lundra, District- Surguja was proved, hence, the Chief Executive Officer, Zila Panchyat, Ambikapur had suspended Smt. Smriti Toppo vide order dated 16.09.2011 and attached with Block education Office, Lundra. He also informed that vide order dated 16.09.2011, the Chief Executive Officer, Zila Panchyat, Ambikapur has revoked suspension of Smt. Smriti Toppo but penalized her with stoppage of two annual increments with immediate effect.

**Fake Job Cards under MGNREGA**

5.3.27 A News had appeared in the Daily Nai Dunia News paper, Raipur edition on 03.05.2011 titled "MGNREGA labourers are more than the local population+ in the tribal dominated Block Kota, District Bilaspur. As per news item, the total population in the Janpad Panchayat, Kota is 1,42,498 but in the record of the MGNREGA 1,45,230 registered labours were working under the scheme. The Sarpanch, Sachiv & Rojgar Sahayak are involved in preparation of fake labour record and government rojgar guarantee schemes funds are withdrawn by the above three persons. The matter was alleged to have been raised a number of times in the meeting of Zila Panchayat, Bilaspur but no action had been taken by the Zila Panchayat administration. Hence, the local genuine villagers were forced to leave the village for getting employment at the other places. The Commission took up the matter with District Collector, Bilaspur vide letter dated 14.06.2011. After constant follow up, the Chief Executive officer, Zila Panchayat, Bilaspur informed the Commission vide his letter dated 8.06.2012 that the matter was inquired thoroughly and on the basis of the facts, the additional entries had been deleted. The names of deceased

persons and those who had left the villages had also been removed from records. He also confirmed that now there was no such complaint of fake job cards in the records of the villages.

**Scandal of Rs. 44 lakhs allegedly made by the then CEO, Antyavyashayi Sahakari Samiti Maryadit, Durg in the name of 26 fake SC/ST beneficiaries.**

5.3.28 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 03.06.2011 regarding scandal of Rs. 44 lakhs allegedly made by Shri R.R Lahare, the then CEO, Antyavyashayi Sahakari Samiti Maryadit, Durg in the name of 26 fake SC/ST beneficiaries. The Commission took the matter with District Collector, Durg, who informed the Commission vide letter dated 29.09.2012 that on the basis of the preliminary inquiry report, a crime has been registered against Shri R.R Lahare , the then CEO, Antyavyashayi Sahakari Samiti, Durg vide FIR no. 1025/11 Dated 4.09.2012 under section 420, 467, 468.469.471, and 120 B of IPC.

**Wrongful encroachment of tribal land by non-STs**

5.3.29 One Shri Vasistha Kumar Sah, Teller, MSSD Sub-Depo, COD, Kanpur submitted a representation to the Hon'ble Chairman, National Commission for Scheduled Tribes, New Delhi regarding wrongful encroachment of his land by the non-STs. The matter was taken up with the SP, Siwan, Bihar vide letter dated 11.10.2012 and the reply was received vide letter dated 18.12.2012. On the intervention of the Commission, the land, in question, was restored in the name of the petitioner.

**Illegal transfer of tribal land to non-tribals**

5.3.30 The Secretary, Bilchand Mahila Samiti and other Mahila Samiti submitted representations regarding illegal transfer of tribal land to non-tribals. The matter was taken up with the SSP, Ranchi as well as with the Dy. Commissioner, Ranchi vide letter dated 26.11.2012 and the reply was received from the SSP, Ranchi vide letter dated 22.12.2012. On the intervention of the Commission the land, in question, was restored.

**Forceful encroachment of tribal land**

5.3.31 One Shri Sukdev Bedia, Village:Ghutia, PO:Nayanagar Barkakana, Dist:Ramgarh submitted a representation regarding forceful encroachment of his land. The matter was taken up with the SP, Ramgarh vide letter dated 26.09.2012 and the reply was received vide letter dated 18.10.2012. On the intervention of the Commission the land, in question, was restored.

**Illegal construction over tribal land by non-ST**

5.3.32 Shri Ratan Anmol Sancha, Arsundey, Bodia, Kanke, Ranchi submitted a representation regarding illegal construction over his land by one Shri Kuldeep Narayan Jaiswal, a caste hindu. The matter was taken up with the Dy.Inspector

General of Police, South Chotanagpur Division, Ranchi vide letter dated 10.05.2012 followed by reminder dated 07.06.2012. Reply was received from the Dy.Inspector General of Police vide letter dated 30.06.2012 wherein the Commission informed that the said land was made encroachment-free on the basis of the order of the S.A.R Court, Ranchi.

#### **5.4 Service matters**

##### **Harassment by Senior Officer in Railways**

5.4.1 A representation dated 8-10-2012 was received in the Commission from Shri Mukut Bihari working as SE (Signal) in Ujjain railway station regarding harassment by his superior officer on caste ground. The Commission took up the matter with Divisional Railway Manager, Ratlam Division, Western Railway, Ratlam vide letter dated 15-11-2012. A reminder was also sent on 18-12-2012. DRM, Ratlam informed the Commission vide letter dated 21-1-2013 that the complaint was inquired into by his office and erring officer has been advised to work in a congenial atmosphere with his subordinate staff. The complainant also informed the Commission that now he has no complaint against his senior officer.

##### **Non-payment of transfer benefits including transfer grant after retirement**

5.4.2 A representation dated 20-8-2012 was received in the Commission from Shri B.L.Kumar, retired Regional Manager, United India Insurance Company Ltd., Bangalore regarding non settlement of transfer benefit including transfer grant after his retirement. He informed that while in service, he had declared his hometown as Hosadurga in Chitradurg District, Karnataka. On retirement from service, he performed journey from Bangalore to Hosadurga along with his family in November 2011 and submitted the bills. As per personal manual, page 84 he was eligible for reimbursement of the travelling bill but despite several reminders, the Company has not settled the bill. He requested the Commission to intervene in the matter.

5.4.3 The Commission took up the matter with General Manager, United India Insurance Company Ltd., Chennai vide letter dated 1-1-2013 and informed the applicant about the action taken by the Commission. Although, no reply was received from the Company had resolved the issue and the same was confirmed by the applicant himself, vide his letter dated 12-3-2013. He also informed the Commission that his terminal benefits which were held up for no reason, were paid to him on 20-2-2013. He informed that had the Commission not interfered in the matter, he would not have got it.

##### **Transfer on medical/ compassionate ground**

5.4.4 A representation dated 8-1-2012 was received in the Commission from Shri Jayaram Prasad Singh, Postman Head Post Office, Panna, District Panna (Madhya Pradesh) requesting for his transfer from Panna to Shahdol division. He informed that presently he was working as postman in Head post office,

Panna in Chhatarpur division but his native place is Chitrangi in Singrauli District under Shahdol division where his old mother and young children were residing. He also informed that his health is not good and it is difficult for him to look after his family as his native district is 800 kms away from his place of posting. He requested the Commission to help in his transfer to Shahdol division. The Commission took up the matter with Postmaster General, MP Circle, Dak Bhavan, Bhopal vide letter dated 27-1-2012 and requested to consider his transfer in light of the DoPT OM No. AB-14017/27/89-Estt. (RR) dated 20-6-1989 regarding transfer of ST Group C and D officials near their home town. Reminders were also sent to the Postmaster General on 8-5-12 and 1-8-2012. The Commission was informed by the Department of posts vide their letter dated 6-8-2012 that action is being taken on the issue of his transfer and it will be made after the occurrence of vacancy in ST category in Shahdol Division. After constant follow up, the Commission was informed vide letter dated 7-9-2012 that orders have been issued on 31-8-2012 transferring the applicant to Shahdol division. The applicant was accordingly informed who thanked the Commission for helping him in the matter.

#### **Request for Transfer for same station posting of both spouses**

5.4.5 Shri Fuldev Kujur, MTS, working in Ministry of Micro, Small & Medium Enterprises Development Institute, Gwalior sent a representation dated 6-2-2012 to the Commission regarding his transfer from Gwalior to Raipur. He informed that he was working in Gwalior for the last 13 years and his wife is working as Teacher in Wadrafnagar, District Surguja, Chhattisgarh. He had requested for his transfer from Gwalior to Raipur but his department is not transferring him. The Commission took up the matter with Director, MSMI-DI, Indore who informed that all the five posts of MTS in MSMI-DI, Raipur are filled up on the date and none of the MTS is willing to go to Gwalior on transfer. Selection of one MTS in that department has been finalized by the Staff Selection Commission and as soon as the incumbent will join, the applicant will be transferred to MSMI-DI, Raipur along with his post. After constant follow up, the Commission was informed vide letter dated 11-7-2012 that the applicant has been transferred to the place of his choice.

#### **Denial of financial benefits for acquiring higher qualification**

5.4.6 Shri D.S. Marco, Headmaster, Government Boys Higher Secondary School, Khargapur, District, Tikamgarh sent a representation dated 30-1-09 to the Commission regarding grant of two additional increments for passing out BTI/ B.Ed. Degree and issue of pay increment certificate. He informed that he had requested for grant of two additional increments on passing BTI/ B.Ed. Degree but his department has not sanctioned the same despite a lapse of many years resulting in financial loss to him. His pay increment certificate was also not being issued since the year 2003-04. The Commission took up the matter with District Collector, Tikamgarh vide letter dated 1-6-2009. Many reminders were also sent in this regard. Ultimately, District Education Officer, Office of the District Collector, Tikamgarh informed the Commission vide his letter dated 9-1-2013 that the applicant has been sanctioned two additional increments for passing B.Ed on his own expenses and the pay arrears have

also been paid to him. Pay increment certificate is also being issued to him regularly. The applicant also confirmed the report and thanked the Commission for intervening in the matter. The long pending grievance of the petitioner could be resolved only after continuous follow up by the Commission for about 3½ years.

#### **Restoration of pension stopped without any reason**

5.4.7 A representation dated 10-3-2010 was received in the Commission from Shri Krishna Kilnake, retired Handpump Technician, PHE Department, Sub-division Obedullaganj, District Raisen wherein it was informed that he had retired from PHE Department in the month of July 2008 and was paid pension for six months by the Treasury officer, Raisen by cheque on 13-2-2009. Thereafter the payment of pension was stopped and he has not been paid any pension. On oral inquiry, it was informed that his PPO has been sent to State Bank of India, Raisen from where it was forwarded to State Bank of India, Mandideep Branch. When he reached Mandideep branch, he came to know that no PPO about his pension has been received there. He again went to State Bank of India, Raisen for inquiry where it was informed that probably his pension case has been forwarded to Deori branch of the bank. He went to Deori branch of the bank where it was informed that it has not been received in the branch and it might have been sent to Govindpura branch, the applicant went to Govindpura branch also but the order had not been received there also. Fed up with this he approached the office of the District Collector, Raisen and gave a written request on 9-2-2010 but the issue could not be resolved.

5.4.8 Keeping in view the seriousness of the matter, the Commission took up the matter with the State Bank of India authorities. Consequent to the Commission's intervention, the Bank authorities took prompt action and the pension of the applicant was released into his account. The applicant informed the Commission that his pension had been released and now he was getting it regularly. He thanked the Commission for intervening and continuously following the matter with the concerned authorities.

#### **Denial of financial upgradation under MACP scheme**

5.4.9 A representation dated 5-10-2011 was received in the Commission from Shri S.M.Pendam, Technical Assistant, National Power Training Institute, Nagpur regarding grant of benefit of pay up-gradation under the ACP scheme. The Commission took up the matter with DG, NPTI, Faridabad vide letter dated 8-11-2011 who sent as detailed report to the Commission vide his letter dated 30-11-2011 and informed that the case of applicant has been examined and he has been given the benefit under MACP scheme along with other employees. The applicant was informed accordingly by the Commission who submitted a rejoinder dated 13-1-2012 to the Commission and informed that he should have been given the benefit of up-gradation of pay under ACP scheme from a retrospective date. He informed that in case of another employee, who was similarly placed, the department has given him up-gradation of pay under ACP scheme but in his case different yardstick are being adopted. The Commission forwarded his rejoinder to the DG NPTI vide letter dated 24-2-2012. who re-examined the case and allowed him up-gradation of pay from 21-9-2001 under

ACP scheme and under MACP scheme w.e.f. 21-9-2011. The applicant was informed accordingly by the Commission.

#### **Non-re-imburement of medical expenses**

5.4.10 A representation dated 30-5-11 was received in the Commission from Shri Fate Bahadur Singh Markam, Teacher, Govt. Higher Secondary School, Hadbado, District, Sidhi wherein it was alleged that the Principal has not sanctioned his medical dues amounting to Rs. 11,597/- (since the year 2005 to 2011) and TA bills amounting Rs. 5,180/- (since 2007 to 2010). The Commission took up the matter with Commissioner, Directorate of Education, Govt. of M.P. Bhopal and District Education Officer, District Sidhi vide letter dated 28-6-2011. The Commissioner referred the matter to the DEO, Sidhi vide his letter dated 8-7-11 for inquiry and report. As the reply was not received, reminders dated 28-11-11, 2-4-12, 18-5-12 and 4-10-12 were sent to the DEO concerned. The DEO, Sidhi vide his letter dated 1-12-12 informed the Commission that the applicant has been paid the dues relating to medical expenditure and TA. The applicant also confirmed the same and informed that he has received the amount due to him.

#### **Denial of promotion to ST teachers**

5.4.11 A representation dated 9/8/2010 was received in the Commission from Shri Ajay Sonkar, District President, AJJAKS, Jabalpur wherein it was informed that the Assistant Teachers, Upper Division Teachers and Headmaster belonging to ST category were not being given promotion by the Tribal Development Department, Jabalpur for last 25 years. It was also informed that the department has published the seniority lists of these posts. He requested the Commission to take up the matter with the concerned authorities. The Commission took up the matter with the Commissioner, Tribal Development Department, Govt. of M.P. Bhopal vide letter dated 25/10/2010 who vide his letter dated 13/1/11 informed the Commission that the delay in promotion has occurred due to non availability of annual confidential reports. It was also informed that the DPC meeting for promotion was scheduled for 14/1/2011. The Commission followed up the matter vide letter dated 2/2/2011, 27/4/2011, 31/5/11, 19/7/11, 29/11/11, 14/2/12 and 8/5-12. The Commissioner, Tribal Development Department, Govt. of M.P. vide his letter dated 2-6-12 informed that 3 Assistant teachers have been promoted to the post of UD Teacher vide order dated 22-3-11 and 3 UD Teachers have been promoted as Pradhan Pathak vide order dated 11-3-11. The applicant organization was accordingly informed vide Commissions letter dated 20-7-2012.

#### **Denial of promotion**

5.4.12 A representation dated 1-10-09 had been received in this Commission from Shri Vipin Prasad, Sr. Operator, NTPC, Vindhyachal Project, Singrauli wherein it was informed that he was working in the project for last 23 years and the management is depriving him by not granting promotion for the last three years (2007-2009). It was informed that no memo or charge sheet has been given to him and as he belongs to ST category, his Sr. officers are reporting his work as unsatisfactory in his CR. No written intimation has been communicated to him. He requested the Commission to intervene in the matter.



5.4.13 The Commission took up the matter with Executive Director, NTPC, Vidhyachal Super Thermal Power Plant, Singrauli vide Irtrter dated 23-12-09 who informed the Commission vide his letter dated 20-1-2010 that the allegation of discrimination on caste grounds made by the employee was baseless as a Sr. officer belonging to SC/ST category was included in the DPC. It was also submitted that the annual assessment report of the complainant for the year 2006-07 was not satisfactory and he was informed about it vide letter dated 12-4-2007. Hence his name was not included for promotion in 2007. In that year total 166 employees were promoted out of which 23 belonged to SC and 29 belonged to ST category. Similarly, in the year 2008, the qualifying test mark obtained by the complainant was less and hence the DPC did not recommend his name for promotion. In that year a total of 168 employees were promoted out of which 32 belonged to SC and 34 belonged to ST category. In the year 2009, a new policy was adopted wherein 3 years eligibility period has been fixed for promotion at W9 level and if the work of an employee is not found satisfactory in any of the last 3 years, he will not be promoted. As the complainant's performance was not good in the year 2006-07, he could not be promoted in the year 2009 also. In that year a total of 406 employees were promoted out of which 60 SC and 43 belonged to ST category. The management also informed that his name will be considered as fresh candidate in the year 2010 for promotion.

5.4.14 The Commission constantly followed up the matter with the NTPC. Finally, the NTPC, vide their letter dated 8-1-2013 informed that the complainant has been promoted at W9 level vide order dated 26-7-2010. **It is clear from above that Orders for grant of promotion to the petitioner were though issued on 26/07/2013, but the NTPC had to be pursued by the Commission for 2½ years for intimating the outcome of the NTPC.**

#### **Refusal to relieve on transfer**

5.4.15 A representation was received in this Commission from Shri Basudev Hembram, Engineering Assistant, Low Power Television Relay Centre, Luthurpunk, Dist:-Sonepur, Odisha regarding alleged harassment of the petitioner by not relieving him from L.P.T., Luthurpunk Station to enable him to join at DDK, Bhubaneswar. The matter was taken up with Director General, Doordarshan, New Delhi & Addl. D.G., Doordarshan, Kolkata. After much persuasion and several reminders Shri Basudev Hembram was relieved from L.P.T., Luthurpunk Station, Sonepur to enable him join in the DDK, Bhubaneswar.

#### **Refusal to relieve on transfer**

5.4.16 A representation was received in this Commission from Smt. Hiramani Kisku, P.A., SBCO, Khurda H.O., Khurda, Odisha Regarding alleged harassment of the petitioner in the matter of transfer. The matter was taken up with the Chief Post Master General, Odisha Circle, Bhubaneswar. Accordingly the applicant was relieved from earlier place of posting Khurda to enable her new place posting at Bhubaneswar, it was communicated to the Commission

by Shri A.K. Panda, Assistant Director (Staff), O/o the CPMG, Odisha Circle, Bhubaneswar vide his letter dated 10.07.2012.

#### **Denial of promotion**

5.4.17 A representation was received in this Commission from Shri N. Ravinder Naik(ST) and Shri L. Sammaiah(ST), both Senior Assistants in the Andhra Pradesh Tourism Development Corporation Ltd., Hyderabad. The Petitioners had alleged denial of promotion to them from the post of Senior Assistant to the post of Assistant Manager. The matter was taken up with the Vice Chairman & Managing Director, Andhra Pradesh Tourism Development Corporation Ltd.(APTDC), Hyderabad. The Executive Director-Admn., Andhra Pradesh Tourism Development Corporation Ltd. Vide his letter dated 04.09.2012 intimated this office that Shri N. Ravinder Naik and Shri L. Sammaiah, were promoted as Assistant Manager.

#### **Denial of promotion**

5.4.18 A representation was received in the Commission from Shri Gurucharan Mohapatra, Senior Clerk(ST), O/o the DFO(KL), Keonjhar Division, Keonjhar, Odisha alleging denial to him of due promotion to the post of Head Clerk. The matter was taken up with the Principal Chief Conservator of Forests (KL), Odisha, and Bhubaneswar. The PCCF (KL) Odisha, vide his letter dated 23.5.12 communicated the Regional Office that he has taken up the issue with the PCCF, Odisha. Accordingly the Chief Conservator of Forests (Personnel Administration) of O/o the PCCF, Odisha intimated this office that, Shri Guru Charan Mohapatra(ST) has been promoted from the of Sr. Clerk to the grade of Jr. Accountant vide office Order No. 76 dated 21.01.2011 and further, it was also informed in the same letter that, Shri Mohapatra has also been promoted from the Jr. Accountant to the grade of Head Clerk vide PCCF, Odisha Office Order No. 1138 dated 28.09.2012.

#### **Non- implementation of Reservation Policy in direct recruitment and promotion**

5.4.19 A representation was received in the Commission from Shri R.S. Dora, State Working President, Girijana Aikya Vedika, Andhra Pradesh Regarding alleged non- implementation of Reservation Policy in direct recruitment and promotion for STs in the Visakhapatnam Port Trust. The matter was taken up with the Chairman, VPT. After several communications with the concerned authorities, the Chairman, VPT vide his letter dated 30.01.2013 intimated this office that two posts of Charge Hand (TXR & Maintenance) has been reserved for STs in OHC.

#### **Harassment by transfer of post of the incumbent**

5.4.20 A representation was received in the Commission from Shri Mangal Singh Purty (ST), Assistant Teacher, Talcher Municipal High School, Talcher, Odisha Regarding transfer of the post of Shri Mangal Singh Purty, Assistant Teacher, Talcher Municipal High School to the School and Mass Education Department and declaring him as Government Servant. The matter was taken

up with the Commissioner-cum-Secretary, School and Mass Education Department, Government of Odisha, Bhubaneswar. Shri Purty has intimated this office that the Govt of Odisha vide letter dated 25.02.13 has created post under the School and Mass Education Department and absorbed him as Govt. employee.

#### **Harassment of Panchayat Samiti Mahila Member by Secretary Gram Panchayat**

5.4.21 Smt. Leela, Member, Panchayat Samiti, Mandalgarh, District Bhilwara in her representation dated 18/5/2011 received on 19/05/2011 requested intervention of the Commission for transfer of Shri Gajendra Singh, Secretary, Gram Panchayat, Bikran, District Bhilwara due to complaints against him from public as well as non-cooperation with her in the day-to-day activities of Gram Panchayat. The matter was taken up with the Collector, District Bhilwara vide letter date 23/05/2011 with reminders dated 29/05/2012 and 28/06/2012. The Collector vide his letter dated 01/10/2012 informed the Commission that Shri Gajendra Singh, Secretary, G. P. Bikran had been transferred after getting report from the Sub Divisional Officer, Mandalgarh.

#### **Aggressive behaviour of the Principal of Training Institute towards Scheduled Tribe lady staff**

5.4.22 A representation dated 18/10/2010 from Smt Sutendra Thakur, (ST) had been received on 21/12/2010 alleging that the behaviour of Shri Vikas Jamwal, Principal of the Panchayati Raj Training Sansthan time and again has not been good. He several time insulted her, abused her with ulterior motives even at work place. The Commission had written to Secretary and Director Rural Development & Panchayati Raj Himachal Pradesh, State Government and also to Collector and Superintendent of Police District, Shimla (H.P.) for factual report in the mater vide letter dated 08/02/2011. After making frequent correspondence through reminders dated 10/05/2011, 10/06/2011, 24/08/2011, 29/09/2011 and 07/12/2011, the Director, Panchayati Raj, Himachal Pradesh Government vide letter dated 14/9/2012 forwarded inquiry report into the matter prepared by the Committee on Sexual Harassment. As per the Conclusion and Recommendations of the Committee it was concluded that the Principal was aggressive with all his subordinates, be they female or male. It was the responsibility of the Principal to ensure good work environment. He was unduly aggressive, albeit in favour of worker efficiency which was uncalled for from a Superior officer. Counselling was recommended for the Principal so that dealing with his subordinates improves. The Department was also advised to create awareness regarding prevention of sexual harassment among the employees. As per the observation of the Committee all the Principals of Panchayati Raj Training Institutes, District Panchayati officers and Block Level Officers have been directed to ensure better working conditions for women.

#### **Non-payment of financial benefits due on promotion**

5.4.23 Shri R. G. Meena, Administrative Officer, M.E.S., Jaipur vide his representation dated 10/12/2010 received on 16/12/2010 requested for making

arrears of pay and allowances on fixation of pay on promotion as A.O. and also rectify the discrepancies in GPF account. A letter dated 27/12/2010 along with representation was sent to Director General (Personnel), M.E.S., Integrated HQ of MOH (Army), New Delhi and Chief Engineer Hqr. MES, Jaipur for Comments. The O/o Chief Engineer, M.E.S., Jaipur vide his letter dated 15/6/2011 apprised the Commission Office that arrear Pay fixation w.e.f. April, 2007 to December, 2010 has been paid to the Officer concerned during April, 2011. It was also intimated that an application along with discrepancy Performa in GP Fund were sent to PCDA (Funds) Meerut by HQC EN, Delhi for rectification. The National Commission for Scheduled Tribes continued to pursue the matter regarding settlement of GPF account vide letter dated 21/09/2012. The Chief Engineer, M.E.S., Jaipur vide his letter dated 01/10/2012 informed that discrepancy in GPF Account of Shri R.G. Meena, A.O. has been rectified by PCDA (WC) Chandigarh. Thus both the grievances of the Scheduled Tribe employee could be resolved due to continued intervention by the Commission only.

#### **Harassment in allotment of Government Quarter**

5.4.24 Smt. Anila Bara, Sr. Technician, South Eastern Railway, Ranchi submitted a representation dated 25.02.2013 regarding harassment in the matter of allotment of quarters. The matter was taken up with the Divisional Railway Manager, S.E.Railway, Hatia, Ranchi vide letter dated 07.03.2013 and the reply was received from the Sr.Divl. Elect. Engineer, Ranchi vide letter dated 22.03.2013. On the intervention of the Commission the petitioner has been allotted a quarter as per her choice

#### **Delay in payment of arrears of salary and retirement benefits**

5.4.25 Representation was submitted by Shri Barnard Tirkey, Retd., Jharkhand Rajya Bana Vikas Nigam Ranchi regarding delay in payment of arrear of salary and retirement benefits. The matter was taken up with the Chief Conservator of Forests, Ranchi vide letter dated 23.11.2012 and the reply was received from the Dy. Chief Conservator of Forests vide letter dated 15.12.12 informing that necessary dues had been released to Shri Tirkey.

#### **Harassment of lady Head of Department in a college**

5.4.26 A representation was received from Ku.Sheela Topno, Reader and Head of Department of History, KB Mahila Mahavidyalaya, Hazaribag alleging harassment to her by transferring her post to Head of PG Department. The matter was taken up with the Vice Chancellor, Binoba Bhave University, Hazaribag vide letter dated 23.11.2012 and the reply was received from the Registrar, of the University vide letter dated 12.01.2013 according to which the petitioner had been granted the desired relief.

#### **Non-payment of arrears of pay by school**

5.4.27 Smt. Aren Min, Ex-Headmistress, Girls High School, Senha, Lohardaga submitted a representation alleging harassment in the matter of payment of arrears. The matter was taken up with the Deputy Commissioner, Lohardaga vide letter dated 12.10.2012 and the reply was received from the Dist. Inspector of School, Lohardaga vide letter dated 21.11.2012. On the intervention of the Commission, the petitioner has been paid his arrears.

### **Promotion, transfer and posting**

5.4.28 A representation dated 27.10.11 was received from the Additional Zonal Secretary, All India Schedule Castes and Tribes Railway Employees Association, NF Railway regarding posting of Shri Harendra Nath Goyari, Helper-1 at Lumding even after he was promoted twice in the same station. He had also represented to the authorities to consider posting him in greater Guwahati due to family problems where the post of Technician Grade-III was lying vacant. The matter was taken up with the NF Railways Authorities and after a span of less than a year; this office received a communication that he was joined as Technician-III at a place of his choice.

### **Harassment by the Principal and the Governing Body of the college**

5.4.29 Shri Donal Teron, Assistant Professor in Department of History, Nehru College, Pailapur, Cackar, Assam represented to the Commission on 4.9.12 detailing the harassment meted out to him by the Principal and the Governing Body of the college on flimsy ground i.e., for not taking class on 11.8.12 (first period). He was issued a show cause notice where he submitted a reply that as he was not feeling well he had to skip the class and on the same day he had informed the principal over telephone about the position. Not satisfied, the Principal with the Governing Body members took a decision that he should unconditionally apologize to the principal. Shri Teron also mentioned that he had even submitted a casual leave application for that day. Having nowhere to turn to he submitted his complaint to this Commission alleging that it was a pre-planned scheme with an intention to harass the ST employee. The matter was taken up with the Director of Higher Education, Government of Assam, Dispur who took the initiative of summoning both parties to his office where the matter was resolved.

### **Court case regarding cancellation of ST certificates issued to Brahmin Nayaks and Brahmin Ojha community in U.P**

5.4.30 A representation was received in the National Commission for Scheduled Tribes on 4/01/2012 from Shri. Rajesh Kumar, S/o Shri Hira Lal, R/o Mohalla Harpur Nai Basti, Post Sardar, District Ballia (U.P.) regarding cancellation of ST certificates issued to Brahmin Nayaks and Brahmin Ojha community in U.P. It was mentioned that the State Government of Uttar Pradesh, vide Order dated 03/07/2003, had included Brahmin Nayak and Ojha instead of Nayak and Ojha as synonymous of the Gond Castes in the Scheduled Tribe category and pursuant there to several caste certificates showing them as Scheduled Tribe had been issued. It was alleged that approximately 500 caste certificates had been issued to Nayak and Ojha Brahmins of thirteen Districts of Uttar Pradesh during 03/07/2003 to 30/09/2003 (span of three months). The petitioner requested that the caste certificates issued during the period pursuant to the wrong Government order dated 03/07/2003 may be cancelled.

5.4.31 The Commission promptly sought comments from the Social Welfare Department of Government of Uttar Pradesh convened a Sitting in this matter on 17/10/2012 with the authorities of Social Welfare Department, Govt. of Uttar Pradesh. As there was no response despite reminders the Chairperson National Commission for Scheduled Tribes held a Sitting in the matter on 7/09/2012. Since Principal Secretary Social Welfare could not attend the Sitting, the same was rescheduled twice for 04/10/2012 and 17/10/2012 and finally the Sitting was held on 17/10/2012. The State Government representatives informed that a total of 2494 ST certificates had been issued in the name of Nayak and Ojha communities of 13 Districts of U.P. during 03/07/2003 to 30/09/2003. The Commission was also informed that 1838 out of these 2494 ST certificates were issued to Nayaks and Ojha Brahmins and 205 ST certificates were issued to Nayak and Ojha of Gond community. While 402 ST certificates had been cancelled by the Government, 416 ST certificates were under the process of verification.

5.4.32 The Commission observed that the State Government needs to prepare a time-frame for settlement of the issue and action should be taken against the officials who were responsible for issuing fake ST certificates and extending benefits to the persons, within terms to Government employment or any other benefit on the basis of forged ST certificate issued by the State Government. The forged ST certificates also need to be withdrawn and seized immediately. The Commission further desired that the State Government may convene a meeting of the concerned District Magistrates for ascertaining the position in the matter and furnish action taken report to the Commission. However, no progress was achieved in the matter as State Government did not respond to the Commission as desired. Thereafter, another Sitting with the Chief Secretary Government of Uttar Pradesh was fixed for 04/08/2014. The Principal Secretary Social Welfare Department attended the Sitting and submitted a written reply dated 02/08/2014 from the Chief Secretary Government of Uttar Pradesh.

5.4.33 According to the Chief Secretary's letter dated 02/08/2014 the requisite directives were issued to the District Collectors of 13 Districts for furnishing information about the certificates issued to the persons belonging to Brahmin community and the number of such certificate cancelled and the action taken against the forged certificate holders as also against the officers responsible for issue such forged certificates. As per the information received from 13 Districts and communicated to the NCST vide letter dated 02/08/2014, total number of certificates issued to the persons belonging to Brahmin community was 4341 and all these certificates had been cancelled while 22 such certificates were also seized. It was also informed that necessary directions were again issued on 02/08/2014 to the concerned District Collectors for ensuring legal action against the bogus certificate holders and also against the erring Government officials who were responsible for issuing such certificates. It was further informed that 16 Tahsildars, 18 Revenue Inspectors and 68 Accountants had been identified for issuing ST certificates to ineligible persons and necessary action were been taken as per Rules by the concerned District Authorities. The concerned District Authorities had also been directed to complete the above action within six months.

5.4.34 In the meanwhile a Civil Miscellaneous PIL W.P No. 63527 of 2012 titled as ~~N~~Nayak Jan Seva Sansthan V/s Union of India and Others was filed by Nayak Jan Seva Sansthan Gorakhpur, Uttar Pradesh in High Court of Judicature at Allahabad. The petitioner had challenged the investigation being carried out by the Department of Social Welfare, Government of Uttar Pradesh regarding genuineness of Scheduled Tribe certificates issued to certain persons as belonging to Dhuria, Nayak, Ojha, Pathari and Rajgond communities. The main respondent in the Case was the Union of India through the Secretary, Ministry of Tribal Affairs. The Chairman; National Commission for Scheduled Tribes (National Anusuchit Janjati Ayog, New Delhi) is the 3<sup>rd</sup> respondent. As the Writ PIL contained reference to above action of the National Commission for Scheduled Tribes, and the petitioners are perhaps the affected persons, filed the para wise reply with the argument that NCST setup under Article 338A of the Constitution, is a Constitutional body and is empowered to investigate and monitor all the matters relating to violation of safeguards and deprivation of rights provided for the Scheduled Tribes under the Constitution or any other law for the time being and is competent to enquire into specific complaints with reference to the deprivation of their rights. The W.P. is still sub-judice in the High Court

5.4.35 It is noted from above that a serious matter relating to alleged violation of safeguards and rights of Scheduled Tribes by non- STs was brought to the notice of the Commission and the investigation conducted by the Commission, as per mandate vested with it under the Constitution revealed that a large number of persons not belonging to the ST communities, specified under Article 342 (2) of the Constitution availed benefits admissible to Scheduled Tribes by fraudulently obtaining ST certificate on the basis of an order of clarification (which was subsequently withdrawn) issued by the State Government of U.P., though the State Government was not empowered to issue that clarification. The Commission had, therefore, advised the State Government of Uttar Pradesh to conduct investigation into the ST certificates, issued consequent to the controversial clarification issued by the State Government, and take necessary action against the forged certificate holders and the officials responsible for issuing such certificates. The petitioner had taken up the matter with the State Government but nothing materialized until the investigation was initiated by the Commission. Thus timely intervention by the Commission could bring a big relief to the genuine Scheduled Tribes by ensuring that, their rights were not encroached upon fraudulently by non-entitled persons and also ensuring that action was taken against the erring Government officials responsible for issuing such certificates to non-entitled ineligible persons.

#### **Suicide by a ST Officer due to torture and harassment by Officers**

5.4.36 Representations were received in the Commission in the context of suicide on 2/11/2011 by Shri Laxman Meena, a LIC officer posted as Assistant Divisional Manager, LIC of India, STC, Ajmer (Rajasthan). Referring to the suicide note of the deceased it was alleged that Shri Meena committed suicide because of torture and harassment by two LIC officers viz; Shri K. P. Chaudhary and Shri B. Nilesh Sathe. The Commission was requested to

ensure strict legal action against the two officers. Report in the matter was called from LIC as well as Collector and S.P. of Ajmer District of Rajasthan.

5.4.37 The Executive Director (Personnel), LIC of India HO, Mumbai, in his reply dated 1/12/2011 stated as follows:

*“Shri Laxman Meena was a member of an Interview Committee in Delhi in the month of February 2011 and stayed in guest house of LIC at Connaught Place. During his stay an incident occurred which was reported in the statements of the security guard and two caretakers. A criminal lawyer was engaged by the Zonal Office, Delhi to investigate the matter, who submitted his findings vide letter dated 16/07/2011. As the information could not be easily obtained through police and the same had to be obtained through RTI, there was delay in submission of the findings. The Zonal Manager Shri Nilesh Sathe has opined on the note dated 17/08/2011 of Personnel & Industrial Relations Department that “Although the matter is inordinately delayed by the advocate, we call explanation of Mr. Meena”.*

*Accordingly a letter dated 30/08/2011 was sent to Mr. Meena through his immediate reporting officer i.e Principal, Sales Training Centre, Ajmer, as per procedure followed normally. Mr. Laxman Meena, in his letter dated 13/09/2011 raised some queries whereupon it was decided by the Competent Authority to provide copies of the letter submitted by the two caretakers and a security guard. The desired papers were enclosed with our letter dated 26/09/2011 sent to Shri Meena.*

*Mr Meena submitted his reply on 04/10/2011 wherein he completely denied the charges as mentioned in the letters of the security guard and the caretakers. He further stated that he had insisted on lodging FIR against the lady for creating nuisance and making false allegations against him. The police had asked him to accompany them to the police station for registering the FIR. However, on reaching the police station only a complaint on plain paper was accepted by the police for which an acknowledgement was also not given.*

*The matter was reviewed at the Zonal level and it was decided by the Zonal Manager to issue an advisory letter and close the matter. Accordingly, a letter dated 27/10/2011 was dispatched through courier service on 1/11/2011 to Principal, Sales Training Centre, Ajmer for handling over to Mr Meena. The letter was received by the Principal on 03/11/2011. It however, could not be delivered to Mr. Meena due to the unfortunate event of his committing suicide on 02/11/2011.”*

5.4.38 The report received from the office of the Superintendent of Police, Ajmer District also confirmed that a suicide note was found in the room in which the victim had committed suicide by hanging himself from the ceiling fan. The suicide note was stated to have made the following statement:

*“ क्षेत्रीय कार्यालय द्वारा दिनांक 30.08.2011 व 26.09.2011 को असत्य आरोप पत्र, क्षेत्रीय प्रबंधक, निलेश साठें ने श्री के. पी. चौधरी के इशारे पर, देकर मुझे फंसाया गया है। घटना के सात माह बाद आरोप पत्र देना। इससे यह सिद्ध होता है कि मुझे जानबूझ कर फंसाया जा रहा है। इससे मैं बहुत असहाय एवं अपमानित महसूस कर रहा हूँ बिना वजह आत्मग्लानी एवं सम्मान को ठेस पहुंच कर रही है। 04 फरवरी, 2011 को गेस्ट हाउस की घटना श्री के. पी. चौधरी के इशारे पर हुई थी। जिससे मुझे ब्लैकमेल किया गया है इससे मैं बहुत दुःखी एवं आहत हूँ। भिखारन एवं नशे की हालत में लड़की को पैसों की मांग एवं*



गालियां देने के लिए श्री के. पी. चौधरी ने ही उकसाया लगता है। केयर टेकर एवं सिक्वोरिटी गार्ड द्वारा लिखे गए पत्र भी श्री के. पी. चौधरी ने ही लिखवाया है। इस घटना से मुझे मानसिक एवं शारीरिक परेशानी का सामना करना पड़ रहा है। मैं खुशहाल जिन्दगी जी रहा था, लेकिन इस तरह के झूठे आरोप से जिन्दगी नीरस/हताश लगने लगी है।”

5.4.39 The local police also examined several witnesses as well as two accused Shri K. P. Chaudhary and Shri Nilesh Sathe. The following has emerged:

*Late Shri Laxman Meena was posted as Assistant Divisional Manager in LIC Sales Training Centre, Revenue Board, Ajmer for the last three years. Shri Laxman Meena was residing on rent for the last two years, in the house of Shri Gopal Mali under Naya Bada Police Line, Ajmer. Shri Mali is an employee of Secondary Educational Board. Shri Laxman Meena was nominated by Zonal Office, New Delhi as Member of the panel for conducting interviews to be held from 19/01/2011 to 05/02/2011 for selections to the post of Higher Grade Assistant and therefore, Shri Meena had gone to Delhi for attending the interview work relating to selection of Higher Grade Assistant and was staying in the company's Guest house in Connaught Place area in Delhi. During his visit to Delhi as Member of the interview committee, Shri K. P. Chaudhary had recommended to him for favouring 3-4 candidates but Shri Meena did not oblige Shri K. P. Chaudhary. Annoyed by this response, Shri K. P. Chaudhary had threatened Shri Laxman Meena of the consequences.*

*On 04/02/2011, Shri Meena went out for a stroll after taking his meal, as daily routine and returned to the guest house alone. Soon after his arrival a girl who was in inebriated condition and looking like a beggar entered the guest house but the security guard sent her away. After some time she returned to the guest house followed by police. Immediately Shri K. P. Chaudhary went inside the guest house along with the police people and held some discussion with the police. Thereafter, Shri Laxman Meena was taken to the police station but Shri K. P. Chaudhary brought him back from the police station. There is however, no record about this incident in the police station. However, Shri K. P. Chaudhary got reports (complaints) written by the Guard and the Caretaker of the guest house and submitted to the police. This indicates that the whole episode was created by Shri K. P. Chaudhary with the intention to defame Shri Laxman Meena and thereafter, insulted and mentally harassed and tortured him with the result Shri Laxman Meena committed suicide on 02/11/2011.*

5.4.40 As is seen from above, the investigation by the police revealed no charge against Shri Nilesh Sathe, though charges under section 306 IPC Indian Penal Code were proved against Shri K. P. Chaudhary and accordingly, Charge sheet no. 212/12 dated 10/07/2012 under section 306 of IPC against Shri K. P. Chaudhary was filed in the Court of ACJM No. 3 at Ajmer on 11/07/2012.

## **5.5 General Observations & Recommendations**

5.5.1 As will be seen from the details of various cases mentioned above, the authorities concerned with the subject do not act as per rule applicable in the subject matter, whether it relates to taking appropriate action in cases of

atrocities upon Scheduled Tribes, or denial of rights relating to development schemes or in extending the rights and safeguards in service matters available to the Scheduled Tribes as per relevant Rules. When the individual lodges a complaint with them, the concerned authorities either don't give response or don't give due response to the petitioner.

5.5.2 These authorities also show disregard even to the communication from the Commission while investigating into such complaints. It is felt that this kind of violation of safeguards and disregard to the communication from the National Commission for Scheduled Tribes is generally due to the fact that the concerned Government Officials are not fully aware of various kinds of safeguards provided to the Scheduled Tribes, their duties for ensuring those safeguards to the Scheduled Tribes and the mandate and power vested in such cases under the Constitution with the National Commission for Scheduled Tribes. Despite the fact that Government instructions permit the Scheduled Tribe aggrieved persons to directly approach the National Commission for Scheduled Tribes in the event of the concerned authorities not showing concern with the complaint, the authorities take it otherwise and charge the complainant with the allegation of trespassing the prescribed departmental procedure.

5.5.3 The matter or a complaint which could have been resolved within a month or two takes several months to year(s) because concerned officials try to ignore such complaints and even the communication from the National Commission for Scheduled Tribes, possibly due to lack of knowledge and lack of humanitarian attitude towards the needs and problems of poor and shying Scheduled Tribe persons. **The Commission, therefore, recommends that the concerned Departments in State should take effective steps to ensure that each Government Official is fully trained, in the beginning of service about his duties and responsibilities, prescribed under the Rules relating to the Subject matter to be assigned to him/her and his/her role to ensure availability of safeguards to the Scheduled Tribe employees/ beneficiaries under various development schemes as provided under the Constitution and particularly to the victims of atrocities under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. Since the programmes and policies of the Government are revised from time to time, there is a need to keep the Government employees updated in respect of all such matters through in-service re-orientation training programmes. The General Administration Department and Police Department of each State may, accordingly, issue necessary instructions and also revise the curricula of the training or re-orientation training programmes of each category of the employees.**

## **CHAPTER 6**

### **CONSULTATION ON POLICY RELATED ISSUES**

#### **6.1 Constitutional provision**

6.1.1 Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

6.1.2 The views proffered by the Commission on policy-related issues fall in 3 categories as under:

- i Proposals received from the Central and the State Governments/UT Administrations pursuant to Clause 9 of Article 338A of the Constitution.
- ii Suo-motu recommendations by the Commission on various tribal concerns.
- iii Submissions made in Court cases in which the Commission is one of the Respondents.

#### **6.2 Procedure adopted by the Commission in dealing with policy related issues**

6.2.1 The Commission has formulated standard guidelines<sup>1</sup> for dealing with policy related issues in a time-bound manner. The guidelines detail the procedure for selection and approval of agenda item, content and format of the agenda note, presentation of agenda note and preparation/issue of minutes. The policy-related issues referred by any Ministry for comments/ views/ advice of the Commission, or any Court case having policy implications in which NCST, is one of the respondents is brought to the notice of the Secretary, NCST to decide whether the matter needs immediate attention of the Chairperson or that of the Vice-Chairperson (in case the Chairperson is unavailable) and whether the matter requires discussion in the meeting of the Commission. On approval by the Secretary, the material received from Ministry/ Deptt. is circulated by the Unit concerned for comments amongst all Members and Senior Officers of the Commission. Keeping in view the suggestions received, an Agenda Note on the issue is prepared for consideration in the meeting of the Commission.

6.2.2 The agenda note, *inter-alia*, examines conceivable effects of the proposed policy on scheduled tribes, earlier recommendations of the NCST or the erstwhile NCSCST, if any, and present status of implementation and relevance of the earlier recommendation(s) of the Commission(s) along with suggestions for fresh opinion and draft comments/views/advice for consideration of the Commission. If the matter had been received earlier also,

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<sup>1</sup> Copy of the Guidelines may be seen at the website of the Commission i.e. <http://ncst.nic.in>

then the purpose of referring the matter again by the Government is also brought out in the agenda note.

6.2.3 The Commission endeavors to communicate the views/comments/advice on policy related issues in a time-bound manner and also solicits feedback/outcome regarding acceptance or non-acceptance of the comments/views/advice tendered by the Commission from the concerned Ministry/ Department for inclusion in its Annual Report .

### **6.3 Views of the National Commission for Scheduled Tribes on policy-related issues/ proposals received from the Central and the State Governments pursuant to Clause 9 of Article 338A of the Constitution**

6.3.1 During the year 2012-13, the National Commission for Scheduled Tribes discussed 79 policy-related issues sponsored by various Ministries and departments, received either directly from the sponsoring Ministry/ Department or through the Ministry of Tribal Affairs and communicated its views to the concerned/ sponsoring Ministries for necessary action. List of issues received and discussed in the Commission are available on the Website of the Commission. However, details of all those issues are discussed in the following para.

<b>(1)</b>	<b>Draft Note for Cabinet Committee on Infrastructure (CCI) for extension of time by two years up to 2012-14 for completion of projects sanctioned till March 2012 and extension of period of implementation of reforms, etc. under the Sub-Mission on Basic Services to the Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) under Jawaharlal Nehru National Urban Renewal Mission (JNNURM).</b>
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6.3.2 The **Jawaharlal Nehru National Urban Renewal Mission (JNNURM)** comprises four components of which two, viz., the sub-Mission for Urban Infrastructure and Governance (UIG) and the Sub-Mission for Basic Services to the Urban Poor (BSUP) are implemented in 65 cities. Other two components, namely, Urban infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) and Integrated Housing and Slum Development Programme (IHSDP) are implemented in other cities/towns. While UIG and UIDSSMT are implemented by the Ministry of Urban Development (UD), the Ministry of Housing and Urban Poverty Alleviation (HUPA) is implementing BSUP and IHSDP.

6.3.3. The position in respect of 65 cities, where Mission was being implemented, revealed that it includes only the following cities/UA which falls in Scheduled Areas:-

- (i) Ranchi
- (ii) Jamshedpur
- (iii) Dhanbad
- (iv) Raipur.

6.3.4 The TSP areas in 25 States also include Scheduled Areas. Besides, VI Schedule States in the North East are Tribal majority States and all these areas do have cities/UA which need to be covered under the project. However, the proposal seeks approval only of the existing projects/ Programmes and does not mention about sanction of new projects under BSUPO and IHSDP after 31<sup>st</sup> March 2012. While agreeing to extension of the project period as sought in the Note for the Cabinet, the Commission recommended that the concerned Ministry may also be advised that the scope of the project may be amended to cover cities/ UA within the Tribal Sub-Plan areas and the Sixth Scheduled Areas.

<b>(2)</b>	<b>Draft Cabinet Note on National Policy on Electronics prepared by Department of IT, Ministry of Communication and IT</b>
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6.3.5 The Commission recalled its earlier stand that the strategy for all development programmes, particularly the major missions/ schemes of the Ministries/ Departments, should comprise sub-Chapters for accelerated development of the tribal areas. In particular, it is necessary to have specific Tribal Sub Plan (TSP) component in all the major missions/ schemes/ programmes of all Ministries/ Deptts to have a clear focus on formulation of schemes/ programmes concerning the STs and their effective implementation and monitoring.

6.3.6. In line with the earlier views of the Commission, the Commission emphasized that a sub-Chapter in the draft National Policy on Electronics concerning STs should be incorporated with a clear focus on formulations of schemes/ programmes concerning well defined Scheduled Areas and Tribal areas and the Scheduled Tribes and effective implementation/ monitoring of the programmes should be taken up as per sub-Chapter.

<b>(3)</b>	<b>Draft Note for the Cabinet for Amendment to Article 243T of the Constitution to provide for 50 percent reservation for women including that of Chairpersons in Urban Local Bodies.</b>
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6.3.7 The Commission supported the proposal in principle. However, in line with the earlier recommendations of the Commission in relation to reservation of seats within Zila Parishad and Panchayat Samiti, the Commission recommended that out of proposed reservation of 50% for women in the urban local bodies, the seats should be permanently reserved for women in the local bodies having women population more than 50%, and in the remaining local bodies where women population is less than 50%, the principle of rotation should be applied.

<b>(4)</b>	<b>Draft Cabinet Note on relaxation in PMGSY norms to 78 selected tribal and backward districts</b>
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6.3.8 The Commission noted from **Annexure-II** to the Draft Cabinet Note that the assessment of funds required under PMGSY for the 12th F.Y.P., *inter-alia*, include funds for new habitations of 250+ population in 78 selected districts and

the funds required for providing connectivity to habitations having 100-249 persons in these districts. However, the main Draft Note for the Cabinet does not make any proposal for connecting habitations having 100-249 persons, though this proposal in respect of Desert and Tribal (Schedule V) areas logically should have been clearly highlighted in the Draft Note.

6.3.9. The Commission expressed that the Constitution provides a special role for the Central Government in the administration of Scheduled Areas. Special Central Assistance (SCA) for the Tribal sub-Plan has made limited impact to bridge the development gaps in Scheduled Areas. The Government of India should bear the responsibility for infrastructure development/ upgradation of Administration in Scheduled Areas under Article 275 of the Constitution, rather than confining itself to the issue of directions for its development. The cost of governance in tribal areas should also be funded under Article 275. Besides, allocation for Tribal Sub-Plan should not be per population share but according to "problem-share" and "need-based". The unutilized TSP fund of various Central Ministries / Departments should be placed in a non-lapsable development fund administered by the Ministry of Tribal Affairs and the fund should be used for infrastructure development in the TSP areas. It is also necessary to prepare detailed guidelines for expenditure out of this fund, to make optimum use of those funds and to ensure that the desired benefits reach the Scheduled Tribes and the tribal areas.

6.3.10 The Commission noted that the proposal was to relax the norms under PMGSY in respect of selected 78 tribal and backward districts in 9 States. In the light of foregoing, approval for relaxation of norms for 78 Selected Tribal and Backward Districts in 9 States under Integrated Action Plan (IAP) to revise their Core Network for inclusion of left-out habitations (as per 2001 census) and for upgradation of some selected roads out of the roads; the assessment of surface condition of which could not be carried out properly was agreed to by the Commission, subject to maintaining transparency in the Note for Cabinet by furnishing details of areas to be covered in the 12th Five Year Plan so that proper assessments of the targets fixed may be made regularly.

<b>(5)</b>	<b>Draft Cabinet Note on National Competition Policy</b>
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6.3.11 Article 46 of the Constitution stipulates that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. In terms of these enabling provisions, various safeguards have been provided for socio-economic and educational development of Scheduled Tribes (and Scheduled Castes) in the Constitution of India. The Tribal Sub-Plan approach of the Government of India envisages formulating Sub-Plans for the Scheduled Tribes out of the General Plans of each Ministry/ Department and the State Government. Tribal Sub-Plan Areas are well defined; the concerned Government should earmark schemes and funds for development of Tribal Sub-Plan Areas. Since TSP Areas also include Scheduled Areas, for protection of which special provisions have been made in the Constitution, the

Commission had therefore, taken a view that each Policy and Legislative Proposal should devote a separate chapter regarding "Applicability to Scheduled Areas and Scheduled Tribes".

6.3.12 In the context of the present proposal also, the Commission considered it desirable not only to watch the interests of ST Traders, entrepreneurs and industrialists but also to provide various incentives to them so that they can stand in the competitive market. The suggestions made by Government of Madhya Pradesh and Punjab broadly support the above views of the Commission. Accordingly, the Commission expressed that the National Competition Policy should take care of this aspect relating to Scheduled Tribes and Scheduled Areas. This can best be achieved by adding a separate special sub-Chapter in the NCP. In addition to this, the Advisory Committee proposed to be set up under the NCP may have Secretary, Ministry of Tribal Affairs also as one of the representative.

<b>(6)</b>	<b>Draft Note for Cabinet Committee on Infrastructure (CCI) for relaxation of reform conditionality's under Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) for release of second installment of funds.</b>
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6.3.13 The Commission noted that the proposed recommendations dilute the accountability of the implementing agencies towards proper utilization of funds. As regards implementation of this scheme in tribal areas, there is an imperative need to have fool-proof mechanism, susceptible to verification, and to ensure proper utilization of funds. Names of Urban Agglomerations and Urban Local Bodies in Tribal/ Scheduled Areas under Vth and VIth Schedule to the Constitution already covered, being covered and those to be covered in future may be clearly spelt out in the Draft Note for the Cabinet so that proper assessments of the targets fixed may be monitored regularly. The Commission further noted from Para 3.6 of the Cabinet Note that the Planning Commission has suggested that MoUD may explore the option of releasing funds equivalent to second installment of ACA (Additional Central Assistance) as interest free loan to the State Govt., with stipulation that significant progress is achieved in carrying out the reforms, this loan element be suitably converted in to a Grant. The Commission expressed similar views, and recommended that the proposed conversion of loan to grant should be based on Utilization Certificate verifiable through documentary evidence towards the progress of the Reforms.

<b>(7)</b>	<b>Draft Cabinet Note for Introduction of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Bill, 2012 in the Parliament.</b>
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6.3.14 India has the second largest concentration of tribal population in the World. Indian tribes constitute around 8.2 percent of nation's total population, constituting nearly 84.3 million according to Census 2001. There are 635 tribes in India located in five major tribal belts across the country. There are in all 35 States and Union Territories (UTs) in India, of which in about 14, the proportion of scheduled tribe population to the total population is more than 10 percent.

These states and UTs are Manipur, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Jharkhand, Bihar, Orissa, Chhattisgarh, Madhya Pradesh, Gujarat, Rajasthan, Maharashtra, Andaman & Nicobar and Lakshadweep. The main concentration of tribal people in India is the central tribal belt and the north-eastern States. Barring a few states, they have their presence in all States and Union Territories of the country. Predominantly rural, they mainly stay in forests and hilly regions. The literacy level among Scheduled Tribe is 47.1% which is much lower than the national average of 64.8% (Census, 2001). A comparison of the recent classification of high-prevalence, moderate prevalence, highly vulnerable and vulnerable states by the National AIDS Control Organisation (NACO) with the predominantly tribal states shows that barring one state (Rajasthan) almost all the states either fall in high prevalence of HIV vulnerable States.

6.3.15 The Commission noted that the National AIDS Control Programme (NACP) in its third Phase envisaged going beyond the high risk behavior groups covered by Targeted Interventions. This entails extension of interventions to populations that are vulnerable to HIV such as the Tribal people and socially disadvantaged sections of the population in both rural and urban areas. This necessitated undertaking a rural risk/ vulnerability assessment and a Social Assessment of HIV/AIDS among Tribal People in India which was carried out by ORG Centre for Social Research. The Social Assessment among Tribal People documented the prevalence and risk of HIV/AIDS among tribal people, their levels of knowledge, social and behavioral causes and consequences of HIV/AIDS (including stigma), and strategies used for prevention, diagnosis, treatment and care (PDTCC) of HIV/AIDS in order to ensure appropriate programme design and implementation to reduce the spread of HIV/AIDS and improve its management. Primary data collection, review of existing literature and programmes, consultation with stakeholders and development of Tribal Action Plan was an integral part of the assessment.

6.3.16 The Commission further noted that the tribal population in the country has poor health generally due to, among other factors, their poverty and social vulnerability. Tribal people are known to have sexual practices that differ from those of mainstream cultures, and are reported to have prevalence of sexually transmitted infections. The prevalence of STI/HIV/AIDS among tribal people has also been reported in some of the tribal states of the North-East of India. The tribal population in the country is high and their sheer number makes it imperative for the Government to bring them in the fold of the national programme. To be able to do so, it is essential to understand the behaviors, practices that drive the vulnerability and risk among the tribal people. This would help guiding evidence-based design of HIV/AIDS prevention, diagnosis, treatment and care programmes oriented towards tribal population. Besides, important State and National Highways pass through Tribal Areas and various industrial, irrigation and power projects have been set up in Tribal Areas and consequently, the Tribals living in and around those areas, directly or indirectly are likely to get exploited and many of them become also stand exposed to victims of various kinds of exploitation including sexual exploitation. It has also been noted that the Tribals on their own never catch STI, it is only when the



outsiders such as Contractors (Thekedars) and Transporters visit their areas, they leave behind such problems.

6.3.17 As it is well known, the Tribal Areas also include well specified Scheduled Areas under Vth and VIth Schedule to the Constitution. That is why the Tribal Sub-Plan approach envisages integrated area development approach through preparation of TSP and ITDPs for the smaller administrative units in TSP Areas. In the context of the above proposal relating to HIV/ AIDS in the country, also there is a need to give a special focus on Tribal areas. It is supported by the fact that the NACP-Phase III for Tribal population of India was initiated. However, despite this plan, the proposed Bill and the Note for the Cabinet for introduction of the Bill is practically silent on these issues. The Commission decided that the Ministry of Health and Family Welfare may be advised to ensure that the Bill as well as Note for the Cabinet should give due focus on the problems of Scheduled Tribes and Tribal areas including Scheduled Areas,

<b>(8)</b>	<b>Mandatory Consultations by the Union and the State Governments with the National Commission for Scheduled Tribes on all major policy matters affecting Scheduled Tribes- Manpower requirement in the Commission.</b>
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6.3.18 The Commission was briefed that consequent upon taking up the matter with the Cabinet Secretariat regarding non-consultation by various Ministries on policy and Legislative matters affecting Scheduled Tribes, the Cabinet Secretariat had issued instructions to all Ministries that consultation with the National Commission for Scheduled Tribes must be done before submitting the Note on the proposal for consideration by the Cabinet and the consultation may be made through the administrative Ministry (i.e. Ministry of Tribal Affairs). In pursuance to those Instructions the Ministries concerned were geared up to seek views/ advice of the National Commission for Scheduled Tribes before submitting the Note to the Cabinet and therefore, National Commission for Scheduled Tribes is continuously receiving proposals from various Ministries for advice/ views of the Commission. However, the Commission was having acute shortage of Staff at all levels in the Headquarter as well as Regional Offices. The Commission noted that one post of Director and Deputy Director each only in the Commission was filled and more than 40% of the sanctioned posts were vacant and therefore, Commission was facing various difficulties in administering the Headquarter as well as Regional Offices, thereby severely affecting the performance of its functions and duties.

6.3.19 The Commission recalled that various letters sent to the Ministry of Tribal Affairs regarding filling up the vacant posts, sanctioning of additional posts to meet the requirements, grant of administrative, legal and financial autonomy by giving power of the Department to the Commission and allocation of additional funds under various Heads of expenditure, have not yielded any result. The Commission decided that the above matters may be taken up with the Ministry of Tribal Affairs again and a sitting with the Secretary and FA in

Ministry of Tribal Affairs may be held on 14/05/2012 before the full Commission.

6.3.20 The Commission also noted that Ministry of Social Justice & Empowerment has not taken timely action to fill up the posts belonging to Joint Cadre. Similarly, the posts in respect of which National Commission for Scheduled Castes is the Cadre Controlling Authority have not been filled. As a result, these posts are lying vacant for considerable period and the functioning of the Commission has been adversely affected on this account. The Commission therefore, decided that Secretary, MSJ&E should be called for discussion in the meeting.

6.3.21 To meet the immediate requirement of administering Bhubaneswar, Raipur and Ranchi Regional Offices and other vacant posts of DD and AD in the Commission, it was decided that these posts may be filled by Deputation. In the meanwhile all vacant posts at Non-Gazetted level may be filled on Deputation/ contract basis till filling of the vacancies on regular basis, so as to improve the functioning of the Commission. Since Ranchi Regional Office falls in the Central to the tribal belt of India, it was decided that one post of Assistant Director may be transferred in due course at Ranchi and an Officer may be urgently posted as AD at Ranchi.

6.3.22 The Commission also noted that many persons had been visiting the Commission Office in violation of the system relating to visits and the visiting hours. These visitors generally peep into every room, enter the rooms without permission and also fiddle with files, papers and machinery kept in the rooms, even in absence of concerned officers. The Commission felt that one guard posted at the facilitation/ reception centre of the Commission was not adequate to check infiltration of unwanted persons and therefore, recommended that the Commission may have two Guards, one at each entry to the office so that genuine visitors only may get entry into the Office and the working atmosphere in the office is not spoiled. The Chairperson emphasized that administration may ensure that the Guards were paid Salary at rate not below the prescribed minimum wages from time to time and other benefits admissible to such workers

<b>(9)</b>	<b>Inclusion of "Abujh Maria and Hill Korwa" in the list of Scheduled Tribes of Chhattisgarh</b>
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6.3.23 Attention of the Commission was invited towards the contents available in the Annual Reports and the Website of the Ministry of Tribal Affairs where in the Ministry has already accepted the facts that all PTGs, including "Abujh Maria and Hill Korwa" of Chhattisgarh were Scheduled Tribes and if it was so then there was no need to raise this proposal afresh. It was clarified that the "Abujh Maria and Hill Korwa" Communities were sections of the Mother Tribe Gond and Korwa respectively. However, persons belonging to these Communities were not returned as Scheduled Tribes in 2001 Census as these names did not find place in the list of Scheduled Tribes and subsequently, persons belonging to these Communities faced difficulties in obtaining Caste

Certificate as Scheduled Tribes. The Commission decided that the Ministry of Tribal Affairs may immediately take steps to include the names of "Abujh Maria" and "Hill Korwas" along with the respective name of the Mother Tribe in the list of Scheduled Tribes of Chhattisgarh State. The Commission also expressed that Ministry of Tribal Affairs will also scrutinize the entire list of 75 PTGs, so far identified by the Ministry, with the list of Scheduled Tribes in respect of the concerned State. In case, name of a particular Particularly Vulnerable Tribal Group (PVTG) like Abujh Maria and Hill Korwa, is not included, along with the name of its Mother Tribe, in the list of Scheduled Tribes, the Ministry of Tribal Affairs will suo-moto prepare a Draft Bill, if necessary, for amendment of the list in respect of each State and send the Draft Bill for comments of the National Commission for Scheduled Tribes before submission of the Legislative proposal to the Cabinet Secretariat, as per Cabinet instructions dated 16/02/2012. It was also decided that the Ministry of Tribal Affairs will get a detailed social, anthropological and ethnographic study conducted in case of those PTGs whose names or names of their Mother Tribes were not found in the ST list. Another Legislative proposal, if necessary, for inclusion of those PTGs in the list of Scheduled Tribes may be moved separately and processed as per laid down modalities.

<b>(10)</b>	<b>Re-inclusion of "Marati" community in the list of Scheduled Tribes of Kerala-</b>
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6.3.24 The Commission recalled that the matter was earlier discussed in the meeting of the Commission and it was expressed that the arguments advanced earlier by the Ministry of Tribal Affairs as well as Government of Kerala for re-inclusion of Marati community from the list of Scheduled Tribes of Kerala were not convincing. This Meeting was called to make the issue clear. After detailed discussions it was felt that the proposals for exclusion and re-inclusion of Marati community was not based on any scientific survey. It was noted that then National Commission for Scheduled Castes and Scheduled Tribes and the RGI had also opposed exclusion of Marati community from the list of Scheduled Tribes. After considering the whole situation it was decided that the ST status of Marati community may be restored.

<b>(11)</b>	<b>Inclusion of Bodo Kacharis in Karbi Anglong &amp; NC Hills Autonomous Council Area</b>
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6.3.25 Regarding inclusion of Bodo Kacharis in Karbi Anglong & North Cachar Hills Autonomous Council Area, it was recalled that this proposal had also figured in the forenoon meeting with the Ministry of Tribal Affairs, RGI and State Governments. The Commission had made it clear that the Commission did not support the proposal in its present form and desired that RGI should examine the proposal in the light of the observations made by the Commission in its 32<sup>nd</sup> Meeting held on 28/03/2012 as communicated to the Ministry of Tribal Affairs earlier.

<b>(12)</b>	<b>Consideration of Amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 regarding.</b>
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6.3.26 The Commission was informed that Ministry of Tribal Affairs as well as Ministry of Social Justice & Empowerment had earlier sought views of the Commission on certain proposals of the Ministry for amendment of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 and views of the Commission were forwarded to the Ministry concerned. The National Commission for Scheduled Tribes had also suo-moto considered amendment of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 for ensuring time bound disposal of the offence by the Special Courts set up/ designated under the provisions of the Act on the lines of the provisions existing in the Consumer Protection Act, 1986, which provides for disposal of a case within 3 to 5 months. The Commission had recommended that the cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be disposed by the Special Courts within 6 months. To meet this objective, the Act could also be amended to provide for setting up exclusive Special Courts (instead of designating a Session Court as a Special Court) for trial of cases under this Act. The above recommendation of the Commission was forwarded to the Ministry of Social Justice and Empowerment vide letter, dated 16/07/2009. The Commission had no information about action taken by the Government on the views and suggestions given by the Commission. The Commission, therefore, decided that a copy of letter dated 16/07/2009 may again be sent to the Ministry of Tribal Affairs for consideration by the Government.

6.3.27 The Commission also desired that amendment to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 with regard to fixation of time frame for disposal of cases by Special Courts within 6 months should also be considered along with other 5 amendments suggested in Para 4.2 of the background paper circulated by Ministry of Social Justice & Empowerment.

<b>(13)</b>	<b>Any other matter with the permission of the Chair.- Stage at which Consultation on policy matters to be made with National Commission for Scheduled Tribes</b>
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6.3.28 It was brought to the notice of the Commission that, consequent to the issue of instructions by the Cabinet Secretariat for mandatory consultation with the National Commission for Scheduled Tribes by the sponsoring Ministries/ Departments on Policy and Legislative matters affecting Scheduled Tribes, various Ministries/ Departments were referring their proposals/ Bills at Draft stage for comments of the Commission. The Commission was informed that the Cabinet Secretariat vide its circular letter dated 16/02/2012 had clearly mentioned in the instructions for consulting the Commission before submission of the Cabinet Note or final Draft Bill to the Cabinet. However, the sponsoring Ministries/ Departments were referring the matters to this Commission at initial Draft stage. This action by the sponsoring Ministries/ Departments not only amounted to violation of instructions of the Cabinet Secretariat but also of

wastage of time and dilution of recommendation of the National Commission for Scheduled Tribes. The Commission decided that as soon as a proposal was received at Draft stage, the concerned Ministry/ Department may be advised to (i) add in the proposal/ Bill a special chapter **“Applicability to Scheduled Tribes and the Scheduled Areas (under Fifth and Sixth Schedule)”** and (ii) consult the Commission for its views before submitting the Note/ Bill to the Cabinet for their consideration. The Commission decided that only those proposals, which were received at the stage of submission of the proposal to the Cabinet, may be submitted before the Commission.

<b>(14)</b>	<b>Draft Cabinet Note for official amendments to the Land Acquisition, Rehabilitation &amp; Resettlement Bill, 2011 (as introduced in Lok Sabha) prepared by Ministry of Rural Development, Department of Land Resources.</b>
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6.3.29 The Commission was informed that the Ministry of Rural Development had not forwarded the Draft Land Acquisition, Rehabilitation & Resettlement Bill, 2011 for advice/ comments of National Commission for Scheduled Tribes as required under Article 338A (9) of the Constitution. However, the Commission prepared its views/ comments of the Commission on the Draft Land Acquisition, Rehabilitation & Resettlement Bill, 2011 as available in the Public Domain. In the meanwhile, the Ministry introduced the Bill in Parliament and the Bill was referred to the Standing Committee of Parliament for examination. As this Commission was not consulted by the Ministry before introducing the Bill in Parliament and the subject matter has vital concern with the Scheduled Tribes, the views/ comments of the National Commission for Scheduled Tribes were forwarded to the Prime Minister with the request that the views of the Commission may be got placed before the Standing Committee of Parliament. The Standing Committee submitted its report on 17th May, 2012. After considering the recommendations of the Standing Committee on the Bill, the Ministry of Rural Development proposed to move official amendments to the Bill and, the Ministry had accordingly prepared a Draft Cabinet Note to meet the objective. Soon after receipt of the Draft Cabinet Note, the views/ comments of the National Commission for Scheduled Tribes on the Draft Bill were forwarded to the Ministry of Rural Development for their response. The Ministry of Rural Development forwarded their response on 23/07/2012. The views/ comments of the National Commission for Scheduled Tribes on the Bill and the response received from the Ministry were discussed in a meeting which the Union Minister for Rural Development had with the Commission at 9:30 AM on 24/07/2012. Revised views/ comments on the Draft Cabinet Note had been prepared keeping in view the discussions held in the high level meeting with the Union Minister of Rural Development and the same were presented in the meeting of the Commission for consideration. The revised views/ comments prepared after meeting with the Union Minister of Rural Development were approved by the Commission with the direction that these views/ comments may be forwarded to the Ministry of Rural Development as well as Ministry of Tribal Affairs.

<b>(15)</b>	<b>Draft Cabinet Note on amendments to the Child Labour (Prohibition &amp; Regulation) Act, 1986-Proposal of the Ministry of Labour &amp; Employment.</b>
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6.3.30 The Commission was informed that the Ministry of Labour & Employment has proposed to amend the Child Labour (Prohibition and Regulation) Act, 1986 on the following lines:

- (i) The Child Labour (Prohibition & Regulation) Act be renamed as Child & Adolescent Labour (Prohibition) Act.
- (ii) The word "Adolescent" may be added in the definition to include persons between 14 years and 18 years for prohibition of employment in hazardous occupations or processes.
- (iii) Section 3 of the Act should be replaced with Employment of children below 14 years is completely prohibited as this age is linked with the age of compulsory education as per Right of the Children for free and Compulsory Education Act, 2009 or any subsequent amendment made therewith in the provision of the Act.

There should be no bar on children helping their families after school hours and in vacations, in fields, home-based work (to exclude any work where there is subordinate labour relationship or work that are outsourced and carried out in homes), forest gathering and also learning skills in schools and technical institutions. Parents and guardians of children are punishable under this Act only when they permit engagement of their children for commercial purposes in contravention to this Act.

- (iv) Insertion of Section 3 (A) to include  
"Persons below 18 years should be prohibited from working in hazardous occupations & processes set forth in Scheduled A".
- (v) The offences under the Act to be cognizable.

6.3.31 The Commission noted that the main important amendment to the Act is to include provision for prohibiting persons below 18 years (instead of present provision of 14 years) from working in hazardous occupations and processes. The Act also provides for punishment of imprisonment for contravention of the provisions of the Act. It was also noted that the proposed amendments would help the country ratify ILO Convention No. 138 & 182. The Commission agreed to the proposals incorporated in the Draft Cabinet Note prepared by the Ministry of Labour & Employment.

<b>(16)</b>	<b>Draft Cabinet Note for "National Policy on Information Technology" Proposal of Ministry of Communication &amp; Information Technology, Department of Information Technology.</b>
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6.3.32 The Commission was informed that the Ministry of Communication & Information Technology has proposed to evolve the National Policy on Information Technology, 2012 with one of the aim to evolve new region/ market specific strategies and for setting up Information Technology based Industries. It is generally noted that it is largely the Tribal Areas which are affected due to

acquisition of land for setting up Technology Parks and Industries. The Draft Note does not indicate any impact on the Scheduled Tribes in the Scheduled/ Tribal Areas and the benefits which may percolate to the Tribals who were likely to be displaced and to all the Scheduled Tribes in general. It was noted that the Commission had earlier decided on similar proposals likely to displace tribals and in the context of Draft "National Policy on Electronics" as follows:

- (i) The strategy for all development programmes, particularly the major missions/ schemes of the Ministries/ Departments, should comprise sub-Chapters for accelerated development of the tribal areas. In particular, it is necessary to have specific Tribal Sub Plan (TSP) component in all the major missions/ schemes/ programmes of all Ministries/ Deptts to have a clear focus on formulation of schemes/ programmes concerning the STs and their effective implementation and monitoring.
- (ii) In line with the earlier views of the Commission, the Commission emphasized that a sub-Chapter in the draft National Policy on Electronics concerning STs should have a clear focus on formulations of schemes/ programmes concerning well defined Scheduled Areas and Tribal areas and the Scheduled Tribes and effective implementation/ monitoring of the programmes should be taken up as per sub-Chapter.

6.3.33 The Commission accorded approval to the Draft Cabinet Note subject to the above conditions and directed that the opinion of the Commission as mentioned above may be communicated to the Ministry concerned.

<b>(17)</b>	<b>Draft Note for Cabinet Committee on Political Affairs on "Peace Talks with the factions of DIMA, HALAM DAOGAH (DHD)-Package of measures to resolve their demands" Proposal of Ministry of Home Affairs.</b>
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6.3.34 The Commission was informed that the Ministry of Home Affairs (NE Division) has prepared Draft Memorandum of Settlement (MoS) to be signed with the factions of Dima Halam Daogah (DHD) and also prepared a package of measures to resolve their demands. It was mentioned in the Draft Note for the CCPA that:

- (ii) In the Sixth Schedule areas in Assam, there is a feeling among the hill people that concept of enhanced autonomy to the Councils is not workable. There is also a perception that States smaller than North Cachar District in terms of area and population have been receiving more funds in the form of larger size of funds for plan and non-plan funds and also other Central assistance such as Finance Commission Awards and Centrally sponsored schemes etc, and that due to less allocation of funds from the Central Government as well as State Government, the areas in Sixth Schedule areas are still backward in all spheres. An extremist outfit, namely Dima Halam Daogah (DHD) emerged and engaged itself in armed struggle against the Government since their inception in 1994 for right to self-determination.

- (ii) In 2003, the DHD group led by Shri Dilip Nunisa (Chairman) came forward and expressed its willingness to give up violence and to seek solution of its problems peacefully within the framework of Indian Constitution. However, an Anti-talk faction of DHD led by Joel Garlosa as DHD/J came into existence in 2004. An agreement of Suspension of Operations (SoO) with DHD has been in operation w.e.f. 01.01.2003. SoO with this group has been revised and extended from time to time. Due to sustained pressure by the Security Forces, DHD/J also laid down their arms in October, 2009. Bilateral SoO Agreement between Government of Assam and DHD/J is in force.
- (iii) DHD and DHD/J factions submitted various demands to the Government. The main demand was creation of a separate State for North Cachar Hills District (now known as Dima Hasao District). The Government appointed Shri P. C. Halder, former Director, IB as Government of India Representative to negotiate with DHD and DHD/J along with other SoO groups in Assam. After a series of meetings, based on recommendations made by the Government of Assam, draft Memorandum of Settlement (MoS) with DHD factions has been finalized.

6.3.35 The Commission discussed various Clauses in the proposed MoS. It was felt that one of the Clause included in the MoS may not be in the interest of the DHD as well as National interest in the long run. This relates to Clause 8.5 of the MoS according to which "the demand for exempting Scheduled Tribes (Hills) candidates from Dima Hasao from taking one Modern Indian Language (MIL) in the Union Public Service Commission (UPSC) conducted Civil Services examination will be referred to the UPSC for their examination and consideration". The Commission observed that this Clause will not only hamper the prospects of the Scheduled Tribes (Hills) candidates but also act against the spirit of National Integration. Subject to this observation, the Commission approved the Draft Note for CCPA prepared by Ministry of Home Affairs.

<b>(18)</b>	<b>Draft Cabinet Note for USOF Supported scheme to provide Mobile Services in areas affected by Left Wing Extremism (LWE)-Proposal of Ministry of Communication and Information Technology, Department of Telecommunication.</b>
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6.3.36 The Commission was informed that a Draft Cabinet Note on the above subject prepared by the Ministry of Communication & Information Technology, Department of Telecommunication has been received for furnishing comments of the National Commission for Scheduled Tribes on the proposed scheme. As per information furnished in the Draft Cabinet Note:

- (i) The New Telecom Policy '99 (NTP-99) envisaged provision of access to telecom services at affordable and reasonable prices in rural and remote areas. The financial resources for meeting the Universal Service Obligation (USO) are being realized and collected by way of Universal Access Levy (UAL), which is a specified percentage of the revenue earned by the operators holding different types of licenses.



- (ii) The Universal Service Obligation Fund (USOF) has come into force from 01.04.2002 under the Indian Telegraph Act 1885 as amended by Indian Telegraph (Amendment) Act, 2003.
- (iii) The Universal Services Obligation Fund (USOF) has been established with the primary objective of providing access to the telecom services to people in the rural and remote areas at affordable and reasonable prices. Universal Access Levy (UAL) @ 5% of the Adjusted Gross Revenue of telecom service providers is collected and credited to the Consolidated Fund of India and made available to the USOF after due appropriation of the Parliament.
- (iv) Rural India comprises of about 6,38,596 villages out of which about 44,865 villages are uninhabited as per the Census 2001. The remaining 5,93,731 inhabited villages account for 72.22% of the total population of India. A scheme for creating Shared Infrastructure for Mobile Services in the specified rural and remote areas of the country having no fixed wireless or mobile coverage was launched by USO Fund with effect from 01.06.2007. The objective of the scheme was to provide subsidy support for setting up and managing 7353 number of infrastructure sites by the Infrastructure Providers (IPs) in 500 districts spread over 27 states for provision of mobile services by three Universal Service Providers (USPs). Villages or cluster of villages having population of 2000 or more and not having mobile coverage were taken into consideration for installation of the towers under this scheme. As on 31.12.2011, 7296 towers and 15407 BTSs have been subsidized under this scheme. The remaining towers are under different stages of installation. Subsidy of Rs 211.84 Crores has been disbursed till 31st December, 2011.
- (v) It is estimated that around 37000 villages are left uncovered by any service provider, at present. Ministry of Home Affairs (MHA) has identified and conveyed 2199 such locations in 9 states which are Left Wing Extremism (LWE) affected and do not currently have any coverage by any service provider. These locations have been identified for installing towers and mobile equipment keeping in view the security and maintenance considerations. Coverage of forest and uninhabited areas is also required.
- (vi) Most of the areas affected by Left Wing Extremism are in forest and hilly tracts where communication system is essential for security forces and good governance by local administration. Hence, providing mobile connectivity is a prime requirement in these areas on an urgent basis in view of the insurgency situation, commercial viability of such locations is severally limited. Hence subsidy support of USOF is required for operational expenditure also, in addition to CAPEX. Accordingly, USOF may fund the CAPLEX as well as OPEX net of revenue, for a period of five years.

6.3.37 The Commission observed that the proposal involves providing mobile connectivity in areas affected by Left Wing Extremism (LWE) and large number of Scheduled Areas/ Tribal Areas are affected by LWE which need

developmental inputs. Mobile services are going to boost the efforts of the security and administrative machinery in these LWE areas. The Bharat Sanchar Nigam Ltd. which is a Central PSU under Department of Telecommunication, Government of India has been nominated to provide and maintain mobile services in those areas. As the cost involved in providing and maintaining mobile services in those areas is very high as compared to expected revenue generation it has been proposed for providing subsidy to Bharat Sanchar Nigam Ltd. As the proposal is ultimately going to contribute towards development of the LWE affected Scheduled Areas/ Tribal Areas the Commission agreed to the proposal and accorded approval to the Draft Cabinet Note.

<b>(19)</b>	<b>Draft Note for the Cabinet Committee on Economic Affairs (CCEA) for introduction of Centrally Sponsored Scheme of Pre-Matric Scholarship for ST Students (studying in classes IX &amp; X) -Proposal of the Ministry of Tribal Affairs-Views/ comments of NCST.</b>
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6.3.38 The Joint Secretary, National Commission for Scheduled Tribes informed the Commission that the Ministry of Tribal Affairs had forwarded the Draft Note for the CCEA regarding its proposal for introduction of a Centrally Sponsored Scheme of Pre-metric Scholarships for Scheduled Tribes from the current academic session i.e. with effect from 01/07/2012. The proposal and the Draft Cabinet Note were discussed in detail. The Commission made the following observations:

- (i) More and more poor ST children were getting enrolled in schools for secondary education, but the dropout rates among ST students continued to be much higher compared to the rate for overall population. As per the Selected Educational Statistics (2009-10), the drop-out rate at Class X is 75.21% for Scheduled Tribes as against 52.76% for total population. About 14.2 lakh ST students are enrolled in Class VIII, but the number declines to 11.0 lakh in Class IX and further to 9.2 lakh in Class X. Within the ST students, the dropout rates are higher for girls as compared to boys.
- (ii) Tribal belts are prone to Left Wing Extremism (LWE). Continued education of tribal adolescents and youths with incentives is essential to keep them meaningfully engaged and to stem recruitments of youth to LWE.
- (iii) There is already a Centrally Sponsored Scholarship Scheme for ST students at the Post Metric level (i.e. Class XI onwards) which currently covers about 16 lakh ST students. However, there is no corresponding CSS for scholarships at Pre-metric level. Presently, 14 States/ UTs (Assam, Goa, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Sikkim, Tripura, Uttar Pradesh) are implementing Pre-Metric Scholarship schemes of some kind for ST students from their own resources. Such efforts need to be strengthened and facilitation mechanism implemented in all States/ UTs.

- (iv) Already the CSS of Pre-Metric Scholarships schemes are being implemented for OBCs by Ministry of Social Justice & Empowerment and for Minorities, by Ministry of Minority Affairs respectively and the new scheme for SC children has been approved by CCEA on 14-06-2012. A similar scheme for ST students will be desirable to help accelerate universalisation of secondary education and to ensure that ST children are not left behind in comparison to other population groups.
- (v) The 12th Plan Working Group set up by Planning commission has also recommended launching of a Pre-metric Scholarship Schemes for STs. As the Scheme could not be approved in the year 2011-12, and schools in most States observe summer vacation, the Scheme is now proposed to be implemented w.e.f. 01-07-2012, the date from which the similar Scheme for SC students has also been approved.
- (vi) The Cabinet Note also include proposal for creation of one post of Under Secretary, Section Officer, Assistant and UDC for implementation of the Scheme in the Ministry.
- (vii) The Scheme of Pre-metric Scholarship for ST students is proposed to be implemented through State Governments and UT Administrations which will receive 100% Central assistance from Government of India for expenditure under the Scheme, over and above their Committed Liability.
- (viii) Scheduled Tribe students enrolled full time in secondary education in Government schools or in a school recognised by Government or a Central/ State Board of Secondary Education, whose parents' annual income does not exceed Rs.2.00 lakh, will be eligible for the scholarship. About 20-22 lakh ST students are estimated to be covered under the Scheme every year during the XII Five Year Plan.
- (ix) Central Assistance under the Scheme would include scholarship and other grants. The rates of Scholarships proposed are as per the recommendation of EFC with regard to the CSS proposed by the Ministry of Social Justice & Empowerment for providing Pre-Metric Scholarships to Scheduled Castes students i.e. @ Rs.150/- per month for day scholars and @ Rs.350/- per month for hostellers, for a period of 10 months in a year and books and adhoc grant @ Rs. 750/- per year for day scholars and Rs.1000/- per year for hostellers. Additional allowance for ST students with disabilities will be given to those students who are studying in private unaided recognised schools only.
- (x) Up to 1.5 % of total Central expenditure towards Scholarship, would, be permitted to be utilized on administrative expenditure, management, monitoring & evaluation etc.
- (xi) All States were not having Pre-metric Scholarship for ST Students under Backward Classes Welfare Sector of the States. It was, therefore, necessary to implement such a scheme uniformly in all the States so that ST families in all the States get equal opportunity for educational right at the School Stage. Moreover, National Commission for Scheduled Tribes has also recommended in its Report for uniform Pre-metric Scholarship in the form of Stipend and books and grants. The Commission also noted

that rates of Scholarship for class IX and X day-scholars and hostellers under the proposed Pre-metric Scholarship are comparable with the rates for class XI and XII students under Government of India CSS of Post-metric Scholarship. Since the Proposed Scheme covers students in all recognized schools, it is also going to benefit to those studying in unaided recognized schools. The disabled ST students pursuing studies in unaided recognised schools are also proposed to be given special treatment.

- (xii) Within the available resources, the Government is not able to open required number of schools in Tribal Areas and all persons desirable of pursuing studies are not able to attend regular schools. The scheme of correspondence course or open learning have therefore, benefited lakhs of students in the country. The Centrally Sponsored Scheme of Post-Metric Scholarship also covers students who pursue their studies through correspondence courses. The term correspondence includes distant and continuing education. On the same lines there is a need for providing Pre-metric Scholarships to the ST students who pursue their studies through correspondence courses.

6.3.39 The Commission was of the view that the proposed scheme of Pre-metric Scholarship is going to boost education amongst ST Boys and Girls and would increase enrolment at Post Metric Stage too, it was therefore, necessary that the rates of scholarship and other allowances under the proposed schemes of Pre-metric Scholarship should also be revised simultaneous to the revision of rates etc. under the Post Metric Scholarship scheme. The Commission also expressed that the proposed scheme being 100% centrally assisted, Ministry of Tribal Affairs should formulate guidelines in such a manner that all eligible ST students should get timely scholarship irrespective of the State to which he/ she belongs. For instance, ST children hailing from Jharkhand State and pursuing study in Delhi schools should not have to wait for release of scholarship by Jharkhand State Government.

6.3.39 As far as content of the Note is concerned, the Commission noted that the Draft Note makes reference to the recommendation made by the Parliamentary Committee, the 12th Plan Working Group and the announcement for introduction of the Scheme made by the Finance Minister in the Budget Speech for FY 2011-12, but there is no mention about the recommendation made by the National Commission for Scheduled Tribes in its Report. Moreover, latest Cabinet instructions regarding Cabinet Note stipulate the Sponsoring Ministry to make a mention in the Note about having consulted the National Commission for Scheduled Tribes and also to enclose the views of the Commission along with the Draft Cabinet Note. Therefore, the Ministry of Tribal Affairs should revise the Draft Cabinet Note by incorporating the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

6.3.40 The Commission agreed to the proposal contained in the Draft Note subject to meeting the suggestions made in Para 2 (xii), 3 and 4 above.

<b>(20)</b>	<b>Memorandum for the Expenditure Finance Committee (EFC) : Proposal for approval of the scheme 'Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP'.</b>
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6.3.41 The Commission was informed that the Ministry of Tribal Affairs has proposed to introduce a new scheme of Minimum Support Price (MSP) for Minor Forest Produce (MFP) and development of Value Chain for MFPs during the current financial year 2012-13. The Ministry has prepared a Draft Memorandum for the Expenditure Finance Commission (EFC) in connection with the launch of the new scheme. The Commission made the following observations:

- (i) As per the Draft Memorandum for EFC, it is proposed to (a) strengthen the TRIFED, (b) set up National Minor Forest Produce Price Commission (c) strengthening the Ministry of Tribal Affairs for implementation of the proposal and (d) budgetary support for requirement of Working Capital, Subsidy for MSP Operation and modernization of Haats, creation of storage facilities etc. beside budget requirement for (a), (b) and (c) above.
- (ii) The MSP of the selected 13 MFPs is proposed to be fixed at the National level as is being done in the case of Agriculture Produce such as food grains, Oilseeds, Copra, Cotton and Sugar Cane etc.
- (iii) To operationalise the Minimum Support Price Scheme and to play its role as assigned in the Scheme, it is proposed to establish/ strengthen the TRIFED in the following areas:
  - (1) MSP Operational Unit
  - (2) Market Intelligence & Knowledge base expansion Unit (Survey & Research)
  - (3) Monitoring & Inspection Unit
  - (4) MFP gatherers' Training and capacity building Unit
  - (5) Finance and Accounts Unit (Strengthening the existing Division)
  - (6) Personnel & Administration Unit (Strengthening the existing Division)
  - (7) Strengthening of Regional Offices.

130 posts of various levels are proposed to be additionally created in the TRIFED to achieve the above objective
- (iv) The proposed National MFP Price Commission will consist of a Chairperson, a Member Secretary, two full time official members and one full time non-official member beside MD, TRIFED as Ex-officio Member and support staff totaling to 45. A total revenue expenditure of Rs.27.16 crores (Recurring: Rs. 26.40 crores and non-recurring: Rs. 0.76 crores) is estimated for the Five Year Plan period 2012-17 (and not annual requirement as mentioned in the Note).

- (v) The main objective of TRIFED is to serve the interests of its members in more than one State for the social and economic betterment of its members by conducting its affairs in professional, democratic and autonomous manner through self help and mutual cooperation for undertaking marketing development of the tribal products.
- (vi) TRIFED has a net work of 13 Regional Offices located at various places in the country and a Central Warehouse at Delhi. TRIFED has been doing the retail marketing of tribal products under the brand name of TRIBES INDIA through 27 own showrooms 14 other showrooms on consignment basis.
- (vii) Further to achieve the aim of accelerating the economic development of tribal people by providing wider exposure to their art and crafts, TRIBES INDIA, the exclusive shops of tribal artifacts were set up all over India by TRIFED. They showcase and market the art and craft items produced by the tribal people and thus demonstrate the magical mystique of tribal India espousing tribal cause.

6.3.42 Keeping in view the continued exploitation of the tribals in the absence of minimum support price for the MFP collected by the tribals, the Commission supported the proposal of the Ministry of Tribal Affairs for providing minimum support price for the MFP to the tribals. The Commission also supported the proposal of the Ministry to set up National MFP Price Commission, strengthening of TRIFED and also strengthening of the Ministry of Tribal Affairs for implementation of the proposed scheme. The Commission also expressed that the proposed scheme and the National MFP Price Commission should include all non-timber products including Bamboo and Tendu leaf. The Commission directed that the views of the Commission may be communicated to the Ministry of Tribal Affairs with the advice that the Ministry should revise the Draft Cabinet Note by incorporating the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

<b>(21)</b>	<b>Draft Cabinet Note on the National Policy for Children, 2012- Proposal of the Ministry of Women &amp; Child Development.</b>
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6.3.43 The Commission was informed that the Ministry of Women and Child Development has proposed to evolve a new National Policy for Children, 2012. The Ministry of Tribal Affairs has forwarded to this Commission for comments, the Ministry of WCD's OM dated 20/07/2012 along with the Draft NPC and the Draft Cabinet Note on the National Policy for Children 2012, enclosed with the OM. The Commission made the following observations:

- (i) The National Policy for Children (NPC) was adopted in 1974. NPC has been reviewed keeping in view the changing scenario and to take into account emerging issues and challenges concerning children. On the basis of discussions held with stakeholders, the draft working paper on NPC was formulated, by the Ministry of Women and Child Development.

The Draft working paper has been discussed and finalized by the Drafting Committee.

- (ii) The NPC 2012 recognizes a child to be a person below 18 years of age and envisages the State Government to take all necessary measures in relation to (i) survival, health and nutrition, (ii) education and development and (iii) protection of children. With reference to protection of children the Draft NPC make the State responsible to create a caring and protective environment for all children, to reduce their vulnerability in all situations and protect them from all forms of violence and abuse, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, substance abuse, or any other activity that takes undue advantage of them, or harms their personhood and affects their development.
- (iii) The Draft Policy further assures that the State commits to taking special protection measures to secure the rights and entitlements of children in difficult circumstances, characterized by their specific social, economic and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by migration, displacement, communal or sectarian violence, civil unrest, disasters and calamities, children of women in prostitution, children forced into prostitution, abused and exploited children, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/ affected by HIV/ AIDS, children with disabilities, children from any other socially excluded group and children affected by armed conflict.
- (iv) Compared to the conventional measures of poverty, the deprivations faced by tribal children encompass a larger set of dimensions. The multiple deprivations faced by tribal children are an offshoot of the locational disadvantage in terms of investments and infrastructural facilities, which affects tribal communities. Information dissemination and awareness generation in a range of areas also have a critical role to play in improving their overall well being. The multiple deprivations faced by the tribal children further accentuate the magnitude of the problem stemming from various quarters . partly from income or material poverty; from poor infrastructural facilities in terms of availability and access both; and these together manifests in various forms of deprivations for the children in the sphere of education, health, nutrition and so on. Thus, the range and extent of deprivations faced by tribal children is so vast that a clear focus on formulation of policy concerning them is necessary to cater to their specific needs through investments, policies and schemes.
- (v) The Draft Note does not indicate any impact on the Scheduled Tribes in the Scheduled/ Tribal Areas and the special measures needed to protect the Tribal children who lacked educational and health care and were prone to exploitation. It was noted that the Commission had earlier

decided on similar proposals as follows:

The strategy for all development programmes, particularly the major missions/ schemes of the Ministries/ Departments, should comprise sub-Chapters for accelerated development of the tribal areas. In particular, it is necessary to have specific Tribal Sub Plan (TSP) component in all the major missions/ schemes/ programmes of all Ministries/ Deptts to have a clear focus on formulation of schemes/ programmes concerning the STs and their effective implementation and monitoring.

6.3.44 In line with the earlier views of the Commission, the Commission emphasized that the draft National Policy for Children, 2012 should have a sub-Chapter concerning STs for giving a clear focus on formulations of policy/ schemes/ programmes concerning the children, particularly the Scheduled Tribe children belonging to well defined Scheduled Areas and Tribal areas and the effective implementation/ monitoring of the policy programmes should be taken up as per sub-Chapter. The Commission was also of the view that the National Children Policy should also take cognizance of the provisions contained in the Draft National Tribal Policy being processed in the Ministry of Tribal Affairs.

6.3.45 The Commission directed that the views of the Commission may be communicated to the Ministry of Tribal Affairs with the advice that the Sponsoring Ministry should revise the Draft Cabinet Note by incorporating the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

(22)	<b>Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes – "Review of implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 including atrocities committed against tribals in violation of 'The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006" – updated material in respect of NCST.</b>
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6.3.46 Joint Secretary informed the Commission that a Background Note was earlier sent in July, 2010 to the Ministry of Tribal Affairs for onward transmission to the Parliament Committee. The Parliamentary Committee has sought updated Note from the Commission. The Note has been updated with the latest available position in the Commission Headquarters and also in the Regional Offices. The revised Note placed at Agenda Item I is to be sent to the Ministry of Tribal Affairs for forwarding the same to the Parliamentary Committee.

6.3.47 Chairperson mentioned that the Note needs certain refinements and editing, though the information contained therein is up-to-date. The Chairperson authorized the Joint Secretary, National Commission for Scheduled Tribes to carry out refinements and editing and forward the same to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat.



<b>(23)</b>	<b>Views/ comments on the Draft the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 on the proposed amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007</b>
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6.3.48 The Commission was informed that the Ministry of Tribal Affairs has prepared the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 for amendments in the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2007. The Ministry of Tribal Affairs has already issued guidelines for implementation of Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 to all the States and UTs on 12/07/2012. The Ministry of Tribal Affairs has sought views/ comments of the Commission on the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2012 and also suggestions/ views relating to the guidelines issued by the Ministry.

6.3.49 The Commission appreciated the initiative taken by the Ministry of Tribal Affairs for issuing well considered and comprehensive guidelines for implementation of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Commission, however, emphasized that strict compliance of these guidelines by the State Governments/ UT Administrations was necessary for effective and timely implementation of the Act. The Commission suggested that the Ministry of Tribal Affairs may consider evolving necessary monitoring mechanism for the purpose.

6.3.50 As regards amendment of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2007, Commission noted that the amendments proposed by the Ministry of Tribal Affairs were aimed in the right direction towards settlement and development of the Scheduled Tribes Forest Dwellers. The Commission however, was of the view that the term "locally appropriate means of transport" mentioned in the revised clause (d) (proposed as substitution) under Sub-Rule (1) of Rule (2) may be clearly exemplified to avoid possible exploitation of innocent tribal forest dwellers by the contractors/ any other person. The Commission agreed to various provisions in the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2012 subject to incorporation of the above observation of/ amendment suggested by the National Commission for Scheduled Tribes.

<b>(24)</b>	<b>Constitutional Amendment Bill in the Parliament to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes.</b>
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6.3.51 The Commission was informed that the Ministry of Tribal Affairs has forwarded a copy of Department of Personnel and Training letter dated 27th August, 2012 on the subject seeking views/ comments of the National Commission for Scheduled Tribes on the proposal contained in the above mentioned letter of DoPT. Views of the Commission were sought by

31/08/2012. As the letter was received on 31/08/2012 only, it has to be considered on priority

6.3.52 The DoPT has stated that a demand for Constitution Amendment in order to provide reservation for the Scheduled Castes and Scheduled Tribes in promotion has been voiced from the Members of Parliament. The matter was also considered in an All Party meeting convened by the Hon'ble Prime Minister on 21.08.2012. There was general consensus in that meeting to introduce a Constitution Amendment Bill in the Parliament so as to enable the State to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes as before.

6.3.53 DoPT has further stated that the Supreme Court of India in M Nagaraj Vs UOI & Ors had ruled that the 77th & 85th Constitutional amendments were constitutionally valid and that these are enabling provisions and States will have to make out a case for providing reservations in promotion based on quantifiable data and satisfy the court that such reservation became necessary on account of inadequacy of representation of Scheduled Castes and Scheduled Tribes in particular class or classes of posts without affecting the general efficiency of service as mandated under Article 335 of the Constitution. Relying on the judgment of the Supreme Court in M. Nagaraj case, the High Court of Rajasthan and the High Court of Allahabad have struck down the provisions for reservation in promotion in the services of State of Rajasthan and the State of Uttar Pradesh, respectively. Subsequently, the Supreme Court has upheld the decisions of these High Courts striking down provision for reservation in promotion in the respective States.

6.3.54 In view of above, the Commission agreed to the proposal of Department of Personnel and Training for bringing Constitution Amendment to meet the objective.

6.3.55 As it was noted from the DoPT letter that the DoPT will prepare the Draft Amendment Bill after receipt of comments from National Commission for Scheduled Tribes and other Organizations on their proposal to move Constitutional Amendment, the Commission directed that as per instructions of the Cabinet Secretariat, the Department of Personnel and Training may be asked to forward, for views/ comments of the National Commission for Scheduled Tribes, a copy of the Draft Constitutional Amendment Bill as and when finalized before submission to the Cabinet.

6.3.56 The Commission directed that the views of the Commission may be communicated to the Ministry of Tribal Affairs and DoPT with the advice that the Sponsoring Ministry should forward the revised Draft FR Rules / Draft Constitutional Amendment Bill by incorporating the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

<b>(25)</b>	<b>Proposal for promulgation of Andaman &amp; Nicobar Islands Registration of Tourism Trade Regulation, 2012- Proposal of Ministry of Home Affairs.</b>
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6.3.57 Joint Secretary informed the Commission that the Ministry of Tribal Affairs has forwarded the above proposal received from the Ministry of Home Affairs for views/ comments of the National Commission for Scheduled Tribes. The Commission noted that the Andaman & Nicobar Islands Administrations has drafted the Andaman & Nicobar Islands Registration of Tourism Trade Regulation, 2012 in order to regulate growth of tourism and tourist related services in the islands. The draft regulations is stated to have been proposed keeping in view the services offered by various agencies in tourism sector in the islands, which when regulated would go a long way in protecting the interests of the tourists. The draft regulation is stated to have been duly vetted by the Law Department of the Administration and approved by the Administrator i.e. the Lt. Governor of the Andaman & Nicobar Islands.

6.3.58 The Commission noted that the proposed Regulation shall extend to the whole of the Union Territory of A&N Islands excluding the tribal reserved area covered under Protection of Aboriginal Tribes Regulation 1956. Under the proposed Regulation, every person intending to operate a hotel shall, before operating the hotel, apply for registration to the prescribed authority. Besides, any person already operating a hotel on the date of commencement of the Regulation shall apply for registration within 3 months from the date of commencement of the Regulation. Thus, provisions being made in the Draft Regulations will be applicable to the existing hotel operators also.

6.3.59 The Commission further noted that the Directorate of Tribal Welfare, A&N Administration, in its comments to the Director (Tourism), A&N Administration has pointed out that the "Buffer Zone" (Reserved Area) notified adjacent to the Jarawa reserved area is to protect the Jarawa Tribals from any sort of exploitation and therefore, the restrictions imposed by "Buffer Zone" Notification may be incorporated in the tourism policy. As per the present notification any person other than a member of an aboriginal tribe is prohibited for entering the "Buffer Zone" for any commercial and/ or tourism activities in the "Buffer Zone" which was notified upto 5 km radius around the Jarawa Tribal reserve area at South And Middle Andaman. Commission, after discussion in detail, agreed to the proposed Regulation and also with the view of the DTW, A&N Administration with the condition that the "Buffer Zone" should not be reduced in any manner in future, in order to avoid any kind of exploitation of the tribals living in the reserved area within "Buffer Zone". Further, in respect of islands, which don't have inhabitants, the tourism related activities should be effectively controlled to preserve ecology. The Commission also suggested that the road presently passing through the Jarawa habitations may be closed for tourist as well as other activities except those which relate to protection and development of the tribals.

<b>(26)</b>	<b>Note for the Cabinet for creation of two posts of Professor in the National Academy of Statistical Administration (NASA), Greater Noida, UP- Proposal of Ministry of Statistics and Programme Implementation.</b>
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6.3.60 The Commission was informed that the Ministry of Tribal Affairs has sought views of the National Commission for Scheduled Tribes on the above proposal received from the Ministry of Statistics and Programme Implementation. The Commission noted that the proposal for creation of posts for NASA was just a routine administrative matter of the Ministry of Statistics and Programme Implementation and therefore, Commission has no objection to the proposal. The Commission, however, recommended that NASA may be advised to strictly implement the Government instructions relating to reservation for Scheduled Tribes in all the services and posts as well as academic activities of NASA.

<b>(27)</b>	<b>Draft Note for the Cabinet for Setting up of National Skill Development Authority-Planning Commission.</b>
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6.3.61 The Commission was informed that the Ministry of Tribal Affairs has forwarded a copy of the Draft Note for the Cabinet on the above subject received from Planning Commission for seeking views/ comments of the National Commission for Scheduled Tribes on the proposal contained in the Cabinet Note. The Commission noted that the present proposal is for setting up of a permanent institutional structure namely the "**National Skill Development Authority (NASA)**" as an attached office of the Planning Commission. The Authority, however, would function as an autonomous body for conducting its business with appropriate delegation of powers. The Commission noted that the proposed NSDA will not be a regulatory body in the sense of TRAI or other regulators. NSDA will play its role in the policy formulation for skill sector which would cover all skill development efforts by different players in the country. NSDA would be a facilitator, working towards filling the gaps in the skill development targets and ensuring that these targets are met through a combination of efforts by Central Ministries, State Governments, government and other public and private agencies. The Authority would be guided in the discharge of its functions by an Advisory Board consisting of Secretaries of the relevant Ministries, industry representatives, experts from the private sector and members of civil society. The Advisory Board would be constituted with the approval of the PM and headed by the Chairman of NSDA.

6.3.62 The Commission further noted that the NSDA will assume the responsibility for achieving the skill development Agenda of the Government by launching a National Skill Development Mission to, *inter-alia*, skill 3 crore persons over the next five years through appropriate strategies, including support to State Governments/ State Skill Missions, and for active engagement with the private sector, NGOs etc. beside assisting Central Ministries and States in enhancing their skill development capacities through capacity-building efforts and funding.

6.3.63 While agreeing with the proposal of the Planning Commission, the Commission noted that the Ministry-wise targets indicated in Annexure-II of the Cabinet Note is silent about the targets in respect of Ministry of Tribal Affairs, though it indicates that there were 63 institutions under the Ministry of Tribal Affairs. The Commission further observed that the NSDA should take special care for development of tribal skills and also training of tribal youths through various skill development programmes and also strictly implement Government instructions relating to reservation in services and posts under the Authority and ensure adequate representation of Scheduled Tribes under various skill development programmes.

6.3.64 The Commission directed that the views of the Commission may be communicated to the Ministry of Tribal Affairs for further transmission to the sponsoring Ministries with the advice that the Sponsoring Ministry should suitably incorporate in the proposals, the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

<b>(28)</b>	<b>Note for the Cabinet on "Restructuring of National Minorities Development and Finance Corporation (NMDFC)" – Comments thereon. – Proposal of Ministry of Tribal Affairs.</b>
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6.3.65 Joint Secretary informed the Commission that the Ministry of Tribal Affairs has forwarded the above proposal received from the Ministry of Minority Affairs for views/ comments of the National Commission for Scheduled Tribes. The Commission noted that the proposal was to restructure the National Minorities Development and Finance Corporation (NMDFC) because the impact of NMDFC on Economic Empowerment has not been very significant due to low coverage and non-functioning of some State Channelising Agencies (State level Minorities Finance Corporations). As a result the funds were being surrendered every year due to non-drawl of the SCAs. It was noted that an Expert Committee of professional Bankers and financial experts was set up in July, 2006 to review the functioning of NMDFC and suggest an action plan for improving its operations. On the basis of the suggestions of the Expert Committee a Draft Note was placed before the Cabinet. The Cabinet *inter-alia* approved "in-principle" the following institutional arrangement:

(a) NMDFC would surrender its license as a Section 25 company and, simultaneously, apply for registration as a non-deposit taking Non Banking Financial Corporation (NBFC) as per the requirement of Section 45-I(A) of the Reserve Bank of India (RBI) Act, 1934, which would be a holding company for two subsidiaries viz. Minorities Partnership (MP) and National Wakf Development Agency (NWDA). These two subsidiaries were also to be registered as NBFCs.

(b) All future Government investment in equity will be made with NMDFC and NMDFC will make further investment in MP and NWDA.

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(g) It would also be necessary that NMDFC shifts its emphasis towards micro-finance from the present emphasis on term loans. Micro-finance basically covers those segments, amongst the disadvantaged groups, which have practically no access to institutional finance and are more vulnerable to exploitation by money lenders and they represent the segment that needs assistance.

6.3.66 The above framework was entrusted to M/s IFCI Ltd. and Consultancy Monitoring Committee in succession for suggestions. The reports of these Consultants was examined a High Level Committee constituted under the Chairmanship of Secretary (Minority Affairs). The HLC *inter-alia* recommended that two subsidiaries may be created viz; **Minority Partnership (MP)** and **National Minorities Finance Corporation (NMFC)** under the existing NMDFC as the holding Company and the NMDFC will be infused with higher equity capital contribution to the order of Rs. 7500 Crores from the Central Government as one time capital infusion. **NABARD** will act as a channelizing agency for **Interest Subvention Scheme for Minorities** for lending through RRBs as per decision of Ministry of Finance. Various functions of Minority Partnership and National Minorities Finance Corporation have been prescribed by the HLC.

6.3.67 The Ministry of Minority Affairs has already consulted the States and Union Territories on the above proposal. Accordingly, the Note for the Cabinet has been prepared for providing one time capital equity of Rs. 7500 Crores for NMDFC by Ministry of Finance. The Commission agreed to the proposal along with recommendation that the new set up of NMDFC will ensure flow of adequate benefits to the Scheduled Tribes belonging to Minority Communities, such as Islam, Budhism and Christianity etc.

<b>(29)</b>	<b>Memorandum of Expenditure Finance Committee on restructuring of Multi-sectoral Development Programmes. – Proposal of Ministry of Minority Affairs.</b>
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6.3.68 The Commission was informed that the Ministry of Minority Affairs has sought views of the National Commission for Scheduled Tribes on the above proposal. The Commission noted that the Multi-sectoral Development Programmes (MSDP) was already being implemented in 90 Minority Concentration Districts for Socio-Economic Development of Minorities in the country. The programme was launched in 2008-09. On the basis of the recommendations of the 12th Plan working group on Empowerment of Minorities, the Ministry has proposed to modify the scheme with the main emphasis of shifting the unit area of planning from Minority Concentration District to Minority Concentration Block (MCBs) and town/ city and cluster of villages having substantial population of Minorities. Consequently, MSDP may be expanded to 196 Districts having 710 MCBs and Minority Concentration Towns/ Cities and Minority Village Clusters to be selected by the States during 12th Five Year Plan. Accordingly, the Memorandum for EFC has been prepared and sent to this Commission for views.

6.3.69 The Commission agreed to the proposal contained in the Memorandum alongwith recommendation that the proposed Plan should adequately take care of Scheduled Tribes population among Minority Communities in each Unit of operation under the above scheme (MSDP)

<b>(30)</b>	<b>The Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012, Prior approval of the Central Government. – Proposal of Government of National Capital Territory of Delhi received from Ministry of Tribal Affairs.</b>
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6.3.70 The Commission was informed that the Government of National Capital Territory of Delhi has proposed to set up a Commission viz; Delhi Commission for Scheduled Castes and Scheduled Tribes for which the Government of National Capital Territory of Delhi has proposed to introduce the Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012 in the Legislative Assembly of Delhi. The Draft Bill received in the Ministry of Home Affairs for prior approval of the Government of India, has been received in this Commission through the Ministry of Tribal Affairs for comments. The Commission noted that various provisions in the Bill were not inconsonance with the spirit of the Constitution in respect of safeguarding the rights of Scheduled Tribes (residing in Delhi). After detailed discussions, it was decided that the Chief Secretary, Government of National Capital Territory of Delhi, representatives of Ministry of Home Affairs and Ministry of Tribal Affairs may be called for a hearing on 16th October, 2012.

<b>(31)</b>	<b>Draft Note for the EFC for introduction of CSS of setting of Netaji Subhash National Institute of Sports Coaching – Proposal of Ministry of Youth Affairs and Sports – Views/ comments of NCST.</b>
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6.3.71 The Commission noted from the proposal that the existing Netaji Subhas National Institute of Sports, Patiala under the control of SAI is not functioning properly to meet its objectives and therefore it has been proposed to demerge the Institute from the control of SAI and dedicate the institute as Netaji Subhas National Institute of Sports Coaching under the direct control of the Ministry of Youth Affairs and Sports. The proposed National Institute is proposed to have 19 sports faculties. Hockey and Archery are prominent sports among the tribals. But Archery has not been included as a sports faculty in the proposal. The Commission agreed to the proposal with the following recommendations:

- (i) The Ministry may include Archery also as one of the faculty in the proposed Institute (Netaji Subhas National Institute of Sports Coaching).
- (ii) A similar Institute may also be set up in the Central/ Eastern belt of the country since Scheduled Tribe Population of the country is concentrated in Central and Eastern Region and Tribal Boys as well as Girls have proved to be excellent in various sports. However, there is

need to provide requisite support facility to them which will be possible if such facility is created near their areas of habitations. Opening of one more Institute or an extension of the above proposed NSNISC in the Tribal Region will also increase the coaching facilities but also number of seats for training.

- (iii) It may also be considered to open Sports Complexes in each Tribal Region in the States so that tribal children from their school age level can easily get requisite facilities and support from the beginning. (A number of Sports Complexes have already been set up in Delhi and other cities in the country).

<b>(32)</b>	<b>Amendment of Rules of Procedure of National Commission for Scheduled Tribes.</b>
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6.3.72 The above Agenda was taken up as additional Agenda during the Meeting. It was noted that the Commission was getting representations relating to grievances and violation of safeguards for Scheduled Tribes, Policy Matters for advice/ views/ comments of the Commission, De-reservation proposals and applications under Right to Information Act, 2005. However, the vacancy position at various levels was increasing because of non-posting of incumbents by the concerned Cadre Control Authorities. The Commission had therefore, obtained the services of Consultants in dealing with various works in the Commission. But the Consultants were not authorized to sign on the notices to be issued for calling factual information on the representations and other matters because the Rules of Procedure of the National Commission for Scheduled Tribes provide that such notice may be signed by an Officer not below the rank of Research Officer or Section Officer. Since calling of factual information does not amount to any administrative or financial order, there should be no problem if such notices/ letters are signed by Consultants entrusted with such duties. It was therefore, agreed that the Rules of Procedure of the National Commission for Scheduled Tribes may accordingly be modified to authorize the Consultants also to sign on the notices/ letters.

6.3.73 The Commission also noted that the post of VC and one Member of the Commission was lying vacant for over two years. In the past also, post of VC and two Members had remained vacant for a very long time. Since the quorum for holding a meeting of the Commission is three Members, it had not been possible to hold the meeting of the Commission in absence of requisite quorum. Consequently, many issues including those relating to Policy/ Advice received from various Ministries could not be taken up for consideration by the Commission. Since filling of the posts of Chairperson, Vice-Chairperson and Members of the Commission is not in the hands of the National Commission for Scheduled Tribes and the important matters also could not be kept in abeyance for a very long time, Commission decided that the Rules may be amended so that the condition of quorum of three Members for meeting of the Commission may be relaxed to two Members in the event of any vacancy in any post of the Commission and single Member in the event of only one post having been filled. Further, in the event post of Chairperson is filled the meeting to be



chaired by the Chairperson. Similarly, the meeting may be chaired by the Vice-Chairperson if the post of Chairperson is vacant or when the Chairperson authorizes the Vice-Chairperson to chair the meeting during his absence due to illness or being away from Headquarter for important engagement. In case the posts of Chairperson as well as Vice-Chairperson are vacant, the meeting may be chaired by the Senior Most Member of the Commission.

6.3.74 The Commission directed that immediate action may be taken to ensure immediate amendment to the Rules on the above lines.

<b>(33)</b>	<b>Draft EFC for setting up of National Institute of Sports Sciences &amp; Medicine</b>
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6.3.75 Ministry of Youth Affairs and Sports, vide letter No. 1-1/2012-ID dated 27/03/2012, have sought the comments of the Commission on the draft EFC for setting up a National Institute of Sports Sciences & Medicine (NISSM) at the Jawaharlal Nehru Stadium Complex, New Delhi. NISSM has been proposed to integrate the study, research and practice of sports science and sports medicine to achieve excellence in sports. The existing facilities at the SAI have been found to be inadequate to raise the levels of sports. NISSM has been proposed at the JLN Stadium. Total 246 posts (including 28 posts on outsource basis) are planned to be filled up in various Deptts. of the NISSM (Annexure-C to the proposal).

6.3.76 The Commission discussed the proposal in detail and agreed to the proposal subject to observation that as applicable in respect of all Govt. institutions, NISSM should also provide 7.5% reservation for ST candidates in admission to degree, diploma and post-graduate courses, keeping in view the achievements of ST sports persons in various sports in general and, in particular the excellent achievements in the recently concluded Olympics. Further, 7.5% reservation should also be provided to the STs in different categories of faculties in various disciplines and non-teaching posts. The Commission further noted that, as the number of posts in various Departments could be few, NISSM should apply grouping of posts, having similar pay scales, in accordance with the DoPT guidelines in respect of small cadres, to facilitate better representation of STs. Since outsourcing is resorted to fill the gap due to non-filling of the posts on regular basis, efforts should be made to provide adequate representations to Scheduled Tribes among them.

<b>(34)</b>	<b>Draft Cabinet Note for Promulgation of Andaman and Nicobar Islands Maritime Board Regulation, 2012</b>
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6.3.77 Ministry of Tribal Affairs, vide letter No. 20025/2/2012- C&LM-II dated nil sought the comments of the Commission with reference to the Ministry of Home Affairs OM U-11023/1/2011-UTL dated 16/07/2012 on the Draft Cabinet Note for Promulgation of Andaman and Nicobar Islands Maritime Board Regulation, 2012.

6.3.78 The Commission observed that the proposal was related to constitution of a Maritime Board for the accelerated management and development of ports in the Andaman and Nicobar Islands in place of the Port Management Board, constituted in Feb., 1989 which had been found to be functioning like a Department of the Andaman and Nicobar Islands Administration. The Commission noted that in accordance with the Section 28 of the draft Regulation, no vessels, which include anything made for the conveyance mainly by water, of human being or of goods can be berthed or brought alongside the wharf/ jetty without permission of the Maritime Board. In this connection, the Commission agreed with the observations of the Directorate of Tribal Welfare, Andaman & Nicobar Administration vide their letter No. 5-41/2012-TW/1077 dated 9/10/2012 that as the Canoes (traditional dinghie) used for their livelihood by the Nicobari tribals for conveyance of passengers and goods from one island to another including fishing are to be berthed or kept in anchorage only alongside the Wharf/ Port, (as they have no place/ sea shore other than the minor ports area for this purpose), the tribals are to be given blanket exemption to use the minor port area for berthing their traditional sea crafts. The Commission desired that the Ministry of Home Affairs/ A & N Administration may make necessary amendment in the draft Regulation in this regard.

6.3.79 The Commission further noted that under Section 1.4 of Chapter 1 of the proposed Regulation, the provision of the Regulation shall apply to all the minor ports located in the tribal area (reserve area). As brought out by the Directorate of Tribal, Welfare, Andaman & Nicobar Administration vide their letter dated 9/10/2012 quoted above, the land in the reserved area are held by the tribal on community basis. In the past, the land has been acquired for development purposes through negotiations with the tribals on payment of compensation without resorting to Land Acquisition Act. However, Section 23 of the Draft Regulation is entirely meant to acquire land under Land Acquisition Act which in the context of the practices followed in the past, may invite opposition from the local ST inhabitants. The Commission, therefore, desired that the Ministry of Home Affairs/ Andaman & Nicobar Administration may like to review the relevant provisions in the proposed Regulation in the light of the amended Land Acquisition, Rehabilitation & Resettlement Bill, 2011.

<b>(35)</b>	<b>Memorandum for Expenditure Finance Committee (EFC) on the Scheme – Integrated Child Protection Scheme (ICPS)</b>
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6.3.80 Ministry of Tribal Affairs, vide letter No. 170011/16/20`12-P&M dated 15/10/2012 sought the comments of the Commission on the Memorandum for Expenditure Finance Committee (EFC) on the Scheme . Integrated Child Protection Schemes (ICPS) sought by the Ministry of Women and Child Development (MoWCD) vide their OM No. 14-3/2012-CW-II dated 28/09/2012.

6.3.81 The Commission noted that the proposal deals with the financial aspects of the Scheme. However, ICPS is a major Scheme and of vital importance in relation to STs. The Commission observed that in line with the

earlier observations of the Commission, all National Missions like ICPS should have a Special Chapter focusing on STs and Scheduled Areas along with allocation of funds which should be earmarked not based merely on the population share but rather on the extent of deprivation of STs i.e., on need-based with particular focus on Particularly Vulnerable Tribal Groups, who are the most socio-economically backward ST communities in the States. The Commission, therefore, recommended that the MoWCD should incorporate necessary provisions in the Scheme.

<b>(36)</b>	<b>Draft Note for the Cabinet on the amendments proposed in the Juvenile Justice (Care and Protection of Children) Act, 2000</b>
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6.3.82 The proposal of the Ministry of Women & Child Development pertains to the Amendment to Juvenile Justice (Care and Protection of Children) Act, 2000- to make it more comprehensive and effective.

6.3.83 The Commission noted the existing and proposed provisions of the Act as well as the rationale for each amendment as placed at Annex. V of the Draft Cabinet Note and agreed with the proposed amendments.

<b>(37)</b>	<b>Draft Cabinet Note-Extension of Purchase Preference Policy in respect of 102 medicines</b>
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6.3.84 Ministry of Tribal Affairs vide letter No.17011/13/2012-P&M dated 29.10.2012 has forwarded the draft Cabinet Note prepared by the Ministry of Chemicals & Fertilizers on the subject. The proposal seeks approval for continuation of Purchase Preference Policy for Pharmaceutical Central Public Sector Enterprises (CPSEs) for next 5 years which had expired with effect from 6<sup>th</sup> August, 2011. The Commission noted that the proposal envisages strengthening of the CPSEs for equitable participation in the pharma sector through purchase preference policy. The Commission while agreeing to the Note did not offer any comments in the matter.

<b>(38)</b>	<b>Draft Cabinet Note on proposal to implement Order dated 10/1/2012 of the Hon'ble Supreme Court in Writ Petition (Civil) No. 540 of 2011 Virendra Pratap &amp; another vs. Union of India and others: Promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under Article 123(1) of the Constitution.</b>
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6.3.85 Ministry of Tribal Affairs, vide D.O.Letter No.12014/1/2012-C&LM-II dated 12<sup>th</sup> Nov., 2012, has forwarded for comments of the Commission the draft Cabinet Note of the Ministry of Law & Justice on Proposal for Promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under Article 123(1) of the Constitution aimed at implementing the Order dated 10/1/2012 of the Hon'ble Supreme Court in Writ Petition (Civil) No. 540 of 2011 Virendra Pratap & another vs. Union of India and others.

6.3.86 The Commission noted that the need for the readjustment of Parliamentary and Legislative Assembly constituencies has been necessitated on account of variation in the population figures of the Scheduled Castes and Scheduled Tribes by inclusion in or exclusion from the lists of the Scheduled Castes and Scheduled Tribes by Parliamentary Acts enacted subsequent to 2001 Census, on the basis of which the present delimitation of the Parliamentary and Legislative Assembly constituencies is in existence. The proposed legislation empowers the Census Commissioner to ascertain and determine the revised population figures of the Scheduled Castes and Scheduled Tribes, after taking into account the Scheduled Castes and Scheduled Tribes communities which have been included in the respective lists after 2001 census and up to 31<sup>st</sup> May, 2012 by various Parliamentary Acts .

6.3.87 The Commission further observed that there is no provision in the Delimitation Act, 2002 (33 of 2002), in the Representation of the People Act, 1950 (43 of 1950) or in the Representation of the People Act, 1951 (43 of 1951) or in any other statute which empowers the Election Commission of India to carry out further delimitation of constituencies or to determine constituencies reserved for the Scheduled Tribes in any of the State or Union territory where the delimitation exercise was carried out by the Delimitation Commission under the Delimitation Act, 2002 and in terms of the provisions of the Constitution on the basis of 2001 census. The Commission, therefore, agreed with the proposal of the Ministry of Law and Justice for promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under article 123(1) of the Constitution.

<b>(39)</b>	<b>Draft Note for the Cabinet on revision in the ceiling of family income for eligibility under the Central Sector Scholarship Scheme on “Top Class Education” for Scheduled Tribe students from the existing ceiling of Rs. 2.00 lakh to Rs. 4.50 lakh per annum. w.e.f. the selection year 2012-13</b>
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6.3.88 Ministry of Tribal Affairs vide letter No.11021/07/2012-Education dated 7/11/2012 has requested the Commission for comments on the draft Cabinet Note on revision in the ceiling of annual family income for eligibility under the Central Sector Scholarship Scheme on “Top Class Education” for Scheduled Tribe Students, from the existing Rs. 2.00 lakh to Rs. 4.50 lakh per annum, w.e.f the selection year 2012-13,

6.3.89 The Ministry of Tribal Affairs has recognized 125 premier Institutions of higher learning for grant of Top Class Scholarship to 5 ST Students admitted each year in each of those Institutions. MTA has highlighted that the number of fresh slots utilized in each of the first four years of the Scheme has been far below the maximum no. of 625. One of the reasons for under-utilization of scholarship slots available under the Scheme, is stated to be low ceiling of total family income from all sources viz Rs. 2.00 lakh per annum, fixed in May 2007, because ST students who manage to secure admission in premier institutions (which is invariably merit based) tend to be from the relatively higher income

bracket. To facilitate full utilization of scholarship slots under the Scheme, MTA has proposed raising of the eligibility ceiling of total family income from all sources from the existing Rs. 2.00 lakh to Rs.4.50 lakh per annum.

6.3.90 The Commission observed that the proposed increase in the ceiling of the income criteria has been suggested considering the increase in the prices of all commodities and services during the last five years. There is 53.5% increase in the consumer price index-from May 2007, to October 2011. The Ministry of Social Justice & Empowerment has also increased the income ceiling from Rs.2.00 lakh to Rs. 4.50 lakh per annum under a similar scheme called Top Class Education for SC students. Central Sector Scheme of Scholarship for College and University Students+ of the Ministry of Human Resource Development already has an Income ceiling of Rs. 4.50 lakh.

6.3.91 Considering the position brought out above, the Commission agreed with the proposal for the increase in ceiling of total income from all sources from Rs. 2.00 lakh to Rs. 4.50 lakh per annum with a view to having better utilization of the scholarship slots available under the scheme. The Commission also desired that the MTA should suo-moto periodically revise the income ceiling linking with the increase in Central DA based on consumer price-index w. e. f. 1<sup>st</sup> July of every year applicable to the Academic Session each year for this as well as all other welfare schemes. The revision should be applicable at least from the current academic session. The students admitted in earlier academic session and continuing their studies during the current academic session may also be given the benefits, if they were not covered earlier.

6.3.92 The Commission also felt that the phenomenally low availing of the scheme may be due to less intake of ST students in the recognized premier Institutions. The Ministry of Tribal Affairs may examine this aspect also and if the situation is found to be correct, remedial steps will have to be taken to increase the intake of ST students into such Institutions.

<b>(40)</b>	<b>Comments on Review of procedure for de-reservation</b>
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6.3.93 Department of Personnel & Training (DoPT), Ministry of Personnel Public Grievances and Pensions vide letter No. 36020/2/2007-Estt. (Res.) dated 29/10/2012 have requested the Commission for comments with regard to raising the time-limit for seeking the comments from the DOPT and NCST and NCSC on the proposals for the de-reservation of posts from present 2 weeks to 4 weeks.

6.3.94 Joint Secretary, NCST mentioned that in accordance with the procedure prescribed by the DoPT vide DoPT OM No. 36011/ 20/ 79-ESTT (SCT) dated 02/11/1979 for de-reservation of reserved vacancies in case of promotion, and revised procedure prescribed vide DOPT OM No. 36020/2/2007-Estt. (Res.) dated 07/12/2009, the Administrative Ministry/ Deptt. before taking a decision to de-reserve a vacancy under the delegated powers, shall prepare a proposal in the prescribed proforma and send one copy each thereof for comments to the DoPT and the NCSC and NCST, as the case may be. After sending the proposal, the Ministry/ Deptt. shall wait for a period of at least two weeks for the

comments of the DoPT and NCSC and NCST. DOPT has now proposed to increase the said notice period from 2 weeks to at least 4 weeks.

6.3.95 The Commission observed that de-reservation of posts reserved for STs was being sought mainly due to inability on the part of the various Ministries/ Deptts. to fill up such posts by promotion even after waiting for considerable period. The Commission felt that this situation has arisen as necessary corrective measures to improve representation of STs have not been taken. In this connection, the Commission re-iterated its earlier recommendations, as under, to improve better representation of STs:

- (i) There should be total ban on dereservation of posts reserved for Scheduled Tribes to be filled by any method i.e. whether Direct Recruitment or promotion in all Ministries/Deptts./Organisations except those where reservation is exempted..
- (ii) The ban on dereservation in Direct Recruitment should be monitored strictly as many Ministries/Deptts./Organisations including DoPT have failed to appoint Scheduled Tribes candidates against Direct Recruitment posts/ grades of general nature, for which there should be no paucity of qualified/ eligible ST candidates.
- (iii) Recruitment Rules in r/o each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (where admissible).
- (iv) There should be total ban on dereservation in general, excluding certain exceptional categories of posts. The exceptional posts should be decided in consultation with the Ministry of Tribal Affairs as well as National Commission for Scheduled Tribes also.
- (v) No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.
- (vi) Instead of seeking dereservation of the post, provisions of the DoPT OM No. 36011/14/83-Estt.(ST) dated 30/04/1983 relating to consideration of cases of ad-hoc promotion of SC/ ST employees should be applied in the matter of promotion of ST candidates against reserved posts. The relaxation in period of ad-hoc appointments upto 3 years agreed in respect of Group 'C' and 'D' posts vide DoPT OM No. 28036/01/2007-Estt(D) dated 14/11/2007 may be allowed, with suitable amendments, in case of ad-hoc promotion of ST candidates appointed against all categories of posts reserved for Scheduled Tribes.
- (vii) To check various issues and problems connected with de-reservation and to ensure accomplishment of the targets of achieving required percentage of reservation for Scheduled Tribes in all categories of posts, the DoPT OM No. 36011/14/83-Estt.(ST) dated 30/04/1983 may be revised to prescribe drawing of separate lists of eligible ST and SC candidates in respect of all kinds of promotion on regular as well as ad-

hoc basis in all categories of posts.

- (viii) If no ST candidate is likely to become available for a long time, steps should be taken to fill the reserved post from ST candidates through direct recruitment by amending the RRs if the existing RRs do not provide for the same or relaxing them, instead of seeking de-reservation of the post.
- (ix) Action should simultaneously be taken to amend the RRs for each post to provide for element of direct recruitment in all cases where appointment is being made 100% by promotion, by incorporation of 'failing which' clause, or, at least provision for relaxation of the same for filling up ST vacancies.
- (x) In normal course Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion, so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or deputation/transfer on deputation as the case may be. In this connection, DoP&T O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990 also provide that reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/Departments themselves subject to approval of UPSC.
- (x) As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.
- (xii) In case of non-availability of ST/SC candidates in the feeder grade, in the near future, the post may be filled by deputation and the reserved point to be carried forward as shortfall/ backlog vacancy till such time the eligible ST/SC candidates becomes available for promotion.
- (xiii) In case of non-availability of ST/SC candidates, at all, in the feeder grade the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.

6.3.96 The Commission also noted that in general, de-reservation of posts is sought in respect of the posts which remain vacant for years while no action is taken by the concerned Ministries/ Deptt. to amend Recruitment Rules to facilitate better representation of STs. Under such circumstances, fixation of time-frame for receiving recommendations of the Commission needs to be reviewed. In this connection, **the Commission also re-iterated its earlier recommendations that there should be total ban on dereservation of posts reserved for Scheduled Tribes to be filled by any method** i.e. whether Direct Recruitment or promotion as on an overall basis sincere efforts

to fill up the vacant posts reserved for STs has been found to be missing as reflected through considerably lower level of representation in various organisations, especially at higher levels almost in all organisations.

6.3.97 The Commission, however, observed that proposals for dereservation are likely to be received in the Commission till such time directions for total ban on dereservation of vacancies reserved for Scheduled Tribes and Scheduled Castes were issued by the Government and therefore, the above proposal received from DoPT may have to be considered for the time being. In this context, the Joint Secretary, NCST informed the Commission that to facilitate proper examination of the dereservation proposals and to ensure uniformity, the Commission has framed standardized internal guidelines for dealing with dereservation proposals and their disposal, which are based on the DoPT's instructions. These guidelines, *inter-alia*, provide that in order to ensure that the rights of Scheduled Tribes are not likely to be encroached through the process of dereservation, the Commission should call for and examine the following information from the concerned authorities.

- Recruitment Rules for the post for which dereservation has been sought
- Post-based Roster and up-to-date Seniority list of the Officers holding the posts (one of which has been proposed for dereservation)
- Recruitment Rules for the post which is a feeder post for the post which has been proposed to be dereserved.
- Post-based Rosters and up-to-date Seniority list of the Officers holding the feeder cadre posts.
- Reasons for non-availability of ST candidates in near future from amongst the officers of the feeder cadre posts and efforts made in the past to fill the vacancies reserved for Scheduled Tribes in the feeder cadre as well as the posts out of which dereservation is sought.

6.3.98 The examination of proposals for de-reservation of posts have revealed that very often, the proposal require clarifications/details from the concerned Ministry/Deptts. Further, the proposals are submitted to the concerned Member as per the procedure being followed in the Commission. The scrutiny of the cases reveals that following time period is generally involved in the whole process:

	Activity	Assessed Time-frame
i)	Postal time taken in actual receipt of the proposal from the concerned Ministry/ Deptt. in the Commission	1 week
ii)	Examination of the proposal in the Commission	1 week
iii)	Submission of requisite clarifications/details by the concerned Ministry/Deptt	2-4 week



iv)	Submission/consideration of the proposal to the concerned Member	1 week
v)	Communication of recommendations of the Commission and its receipt by the concerned Ministry/Deptt.	1 week
	Total time involved	6-8 weeks

6.3.99 Considering the position explained above, the Commission is of the view that the time limit for seeking comments from the DOPT and NCSC and NCST by the Ministries/Deptts. on the proposals for de-reservation of posts should be raised from existing 2 weeks to at least 2 months. The Commission further recommended that it should be mandatory for the Ministries/Deptts. to wait for the comments of the NCST before taking decision for de-reservation of posts reserved for STs and also to accept recommendations of the Commission in the matter.

<b>(41)</b>	<b>Comments on Draft Memorandum for Standing Finance Committee (SFC) for the 'Scheme for containing population decline of small minority community, Parsis</b>
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6.3.100 The Ministry of Minority Affairs vide letter No. 3/1/1210- Parsi (Vol. III) dated 26/11/2012 have sought the comments of the Commission on the Draft Memorandum.

6.3.101 The Commission noted that the draft Memorandum is proposed to be submitted for consideration of the Standing Finance Committee. As the Parsi community is not covered under STs, the Commission has no comments to offer in the matter.

<b>(42)</b>	<b>Comments on the Draft EFC proposal for converting Rajiv Gandhi National Institute of Youth Development into an institute of National Importance.</b>
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6.3.102 Ministry of Youth Affairs and Sports vide letter No. F-15-2/2012-RGNIYD dated 27/11/2012 have sought the views of the Commission on the draft EFC on the subject.

6.3.103 The Commission noted that the proposal has been submitted for consideration of the EFC, with financial implications for which the Commission has no comments to offer. The Commission, however desired that Institute should have special focus on tribal youths with allocation of at least 7.5% of their budgetary allocations for the programmes/schemes targeting ST youths. Further, 7.5% reservation should also be provided to the STs in different categories of faculties/staff. The Commission further noted that, as the number of posts in various categories of faculties/ staff were few, the Institute should apply grouping of posts in accordance with the DoPT guidelines in respect of small cadres to facilitate better representation of STs.

<b>(43)</b>	<b>Comments on the Cabinet Note for the official amendments to the Land Acquisition, Rehabilitation &amp; Resettlement Bill, 2011</b>
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6.3.104 The Ministry of Tribal Affairs vide letter No.4/21/2011-CP&R dated 6/12/2012 has sought the comments of the Commission on the Cabinet Note.

6.3.105 The Commission noted that as reported in the media, the Govt. has already approved the Cabinet Note on 13/12/2012. The Commission further recalled that the Minister, MoRD vide letter dated 23/07/2012 had forwarded responses of the MoRD to the earlier recommendations of the Commission on the Draft Bill. Subsequently, the views/ comments of the Commission on the Draft Cabinet Note were discussed in the meeting of the Union Minister of Rural Development, Drinking Water and Sanitation on 24/07/2012 and based thereon, revised comments on the Bill were forwarded vide NCST letter No.2008/REHAB/01-Coord dated 25/07/2012.

6.3.106 The Commission observed with appreciation that its major recommendations regarding inclusion of a special chapter in respect of Scheduled Areas to have a clearly defined perspective of tribal rights has been accepted through inclusion of Clause 38A and 38B in the Bill. The Commission, however, noted:

- i) There is still a need for another R&R legislation as, the LARR Bill does not include cases of involuntary displacement of permanent nature due to disasters/natural calamity, external/ internal, conflicts and diversion of forest land, etc.
- ii) Other legislations providing for acquisition of land/or occupation of the land under emergency in times of conflict, calamity, etc. without prior payment of compensation and SIA should also be reviewed/amended to provide appropriate rehabilitation and resettlement timely and also to align them with the Land Acquisition, Rehabilitation & Resettlement Bill, 2011.

6.3.107 The Commission further observed that there was need to formulate rules/ guidelines for effective implementation of the proposed legislation which should, *inter-alia*, take into consideration the following observations of the Commission which were also communicated to the MoRD earlier.

- i) The Bill seeks to provide R&R benefits to affected families on sale/ purchase of land on a mutually agreed basis where the sale/purchase of the land is equal to or more than 100 acre in rural areas and 50 acres or more in urban areas. MoRD has accepted the suggestions of the Standing Committee for the extension of the threshold limit to be decided by the concerned States for incorporating the same appropriately in the Bill. However, in the Scheduled Areas, R&R benefits should be inseparable part of land acquisition and no threshold limit should be imposed for this purposes. The proposed flexibility to the State Govt. for

the extension of the threshold limit beyond 100 acres in rural areas and 50 acres in urban areas should not be applicable in respect of Scheduled Areas.

- ii) Special Impact Assessment (SIA) should also include emotional and psychological impacts and should also identify affected areas (including contiguous forest lands wherein Scheduled Tribes individual as well as community have rights) and enumerate all affected (interested) persons to facilitate enquiry into objections and subsequent determination of public purpose.
- iii) Since land transfer Regulations in Scheduled Areas generally provide for transfer of tribal land only with the permission of designated authorities, the Collector (Land Acquisition) should also be tasked with certifying reasonability of the sale prices (comparable with his award) before private transfers are permitted/registered.
- iv) In the event of the acquired land remaining unutilized, it should be returned back to the original tribal owners wherever possible, without insisting on the re-payment of the compensation amount since the livelihood loss caused to the landowners may have eroded the compensation received (as is done on expiry of a lease). In case the land is subsequently utilized by the Govt. for a different purpose (e.g. for real estate development after mining, etc.), the earnings from such activity should also be shared with the original land owners in similar fashion for appreciation in land values.
- v) MoRD has proposed return of the un-utilized land to the State Land Bank. In such a case, the Land Bank should offer the land which was acquired from the tribals, first to the original tribal land holders and thereafter, to other tribals from the same area. In case no tribal offers to take the land, the same may be retained with the Bank for future development activities only.

<b>(44)</b>	<b>Draft recommendations of the NCoPoA for amendment to the SC &amp; ST (Prevention of Atrocities) Act, 1989</b>
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6.3.108 Ministry of Tribal Affairs vide letter No. 16/4/2012 CP&R dated 07/12/2012 has requested the Commission for comments/views on the draft proposal of the National Coalition for Strengthening PoA Act & implementation for amendment in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 particularly with reference to the land alienation, money lending and economic and social alienation concerning tribals vis-à-vis SCs and STs (PoA) Act. The views/comments of the Commission has been sought to enable the Ministry to finalize their views in the matter.

6.3.109 Joint Secretary, NCST mentioned that the Cabinet Secretariat, vide D. O. letter No.703/1/1/2011-CA.V dated 16/02/2012 from the Secretary (Coord. & PG), while reiterated the instructions contained in the D.O. letter dated 4<sup>th</sup> Jan., 2012 regarding mandatory consultation by the sponsoring Ministries/ Departments with the Commission on major policy matters concerning STs,

had advised all Ministries/Depts. to ensure that the National Commission for the Scheduled Castes, and the National Commission for the Scheduled Tribes, as the case may be, shall mandatorily be consulted by them through the Ministry/Department administratively concerned with the Commission before finalization of notes for consideration of the Cabinet/Cabinet Committees. The Commission noted that in the instance case, the views of the Commission have been sought at an intermediate stage when the concerned sponsoring Ministry viz. MSJ&E has not finalised their views on the proposed amendment to the Act. The Commission, therefore, desired that MTA may be informed that the views/comments of the Commission would be formulated after finalization of the Note for consideration of the Cabinet Committee by the MSJ&E on the subject.

(45)	<b>Draft Cabinet Note for relaxation for Tribal (Schedule-V) areas (other than areas already included in 82 IAKP districts) and Border Area Development Programmes (BADP) International Blocks under Pradhan Mantri Gram Sadak Yojana (PMGSY)</b>
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6.3.110 Ministry of Tribal Affairs vide letter No. 17011/15/2012-P&M dated 16/10/2012 have sought comments of the Commission on the draft Note received from the MoRD.

6.3.111 The Commission noted that the proposal has been submitted to enable the States to cover left out eligible habitations (2637) and upgrade some selected eligible roads in Tribal (Schedule . V) areas and Border Area Development (BADP) International blocks under the Pradhan Mantri Gram Sadak Yojana (PMGSY). The Commission observed that as there was an imperative need to strengthen the infrastructural facilities in the Schedule/ Tribal Areas, the proposal required urgent processing as well as implementation within the 12<sup>th</sup> Five Year Plan 2012-17.

(46)	<b>Review of procedure regarding L – Shaped (14 Point) Roster</b>
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6.3.112 MTA have requested for views/comments of the Commission vide letter No.36036/1/2011-Estt.(Res.) dated 07/11/2012 for review of L Shaped (14 point ) Roster in relation to earmarking of one more point to SCs with reference to the representation received from Shri Gurcharan Singh Sandhu, President, ICMR (Hqrs.). The Commission has no comments to offer in the matter except that, while reviewing the L-shaped (14 Point) Roster, 7.5% reservation for STs should not be affected.

(47)	<b>Additional items: important administrative issues</b>
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- a. Insufficient allocation of funds for the current year 2012-13 under some of the sub-heads, particularly Office Expensesq

6.3.113 The Commission noted with concern that despite assurance given in the meeting taken by the Chairperson with the Secretary, MTA and the Joint Secretary and Financial Advisor on 17.05.2012 regarding additional allocation

of funds through re-appropriation, particularly under the sub-head Office Expenses repeated reminders, latest being DO letter dated 10/12/2012, no action in the matter was taken by the MTA and the IFD. Further, cuts were applied in the projections without consultation and consideration to the requirements of the Commission, which itself were meager. The request of the Commission, before the pre-budget discussion held under the Chairmanship of Secretary (Expenditure), vide letter dated 25.10.2012 that the projections made by the Commission for allocation of funds in the RE 2012-13 and BE 2013-14, may kindly be got taken care of, was also not paid due regard. The non-availability of requisite funds has resulted in Commission's inability to meet committed expenditure to the service providers, suppliers/contractors and also reimbursement of expenditure being incurred by staff members etc. The obvious impact of failure to meet contractual payments is likely withdrawal of services of Data Entry operators and consultants very soon which will totally stop normal working of the Commission.

6.3.114 The Commission also noted that that the PMO had issued directive to the MTA strengthen the NCST. On the other hand, necessary support even for its skeleton strength, with deficiency of more than 40%, is also not being made available. Chairman, NCST desired that the MTA and the IFD should be requested to take immediate action to provide requisite funds by 21<sup>st</sup> December, 2012, as requested, and also advise the P & AO to process the Bills urgently to avoid contractual defaults and its obvious implications. In case, necessary allocation is not made by 21<sup>st</sup>, 2012, a meeting with the Secretary, MTA and the Financial Advisor, MTA should be convened immediately.

6.3.115 Chairman, NCST observed that the Commission continues to suffer due to non-availability of requisite manpower. Chairman, NCST further desired that the MTA should be again requested to take effective steps to improve manpower positioning in the Commission. The Commission also decided that a proposal to engage consultants to support normal functioning of the Commission should be urgently formulated and submitted to the MTA for consideration.

6.3.116 The Commission further noted that certain important issues, as appended, are still pending with the MTA for a considerable period. The Commission desired that the MTA should be requested to look into the pending cases urgently.

<b>(48)</b>	<b>Draft National Tribal Policy 2006</b>
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6.3.117 The Commission was informed that the Ministry of Tribal Affairs, vide DO letter No. 20025/3/2003-NGO dated 07/12/2012, have sought the comments of the Commission on the draft National Tribal Policy 2006.

6.3.118 The Commission noted that the Ministry of Tribal Affairs have re-circulated the draft National Tribal Policy (NTP), which was circulated in July, 2006 for seeking comments of various Ministries/ Departments and various developments in different social, educational and economic sectors have taken

place since 2006. The Commission also observed that the NCST was set up in February, 2004, and since then; the Commission has submitted 5 Annual Reports and one Special Report. These Reports contain important suggestions and recommendations relating to tribal development and policy framework on various important issues concerning STs. The Commission further observed that the latest Census was conducted in the year 2011 and provisional data relating to population, gender ratio and literacy etc. among STs may be available which may be obtained from the Census Commissioner for incorporating suitable modifications in the Draft Policy based on the latest indicators.

6.3.119 The Commission expressed that those developments and the various strategies/ initiatives/ formulated by MTA/ Planning Commission and other Ministries/ Departments and recommendations made by the Commission on various important issues concerning STs may be suitably considered and incorporated in the draft National Tribal Policy. The Commission also observed that the Draft Policy does not include Action Plan with time- frame for various activities. The draft NTP may be recast accordingly by the MTA and circulated among various Ministries/ Departments for their comments. Based on the feedback received, the final revised Draft NTP may be sent to this Commission for comments as per the directions of the Cabinet Secretariat vide their instructions dated 16/02/2012, advising all Ministries/ Deptts. to ensure that the National Commission for the Scheduled Castes, and the National Commission for the Scheduled Tribes, as the case may be, shall mandatorily be consulted by them through the Ministry/Department administratively concerned with the Commission before finalization of notes for consideration of the Cabinet/Cabinet Committees.

<b>(49)</b>	<b>Draft Cabinet Note on Science, Technology and Innovation (STI) Policy 2013</b>
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6.3.120 Ministry of Tribal Affairs, vide letter No. 17011/21/2012-P&M dated 13/12/2012 has sought the comments of the Commission with reference to the DO letter NO. 11001/01/2012-PRC dated 3<sup>rd</sup> December, 2012 on the Draft Cabinet Note on Science, Technology and Innovation (STI) Policy 2013 prepared by Ministry of Science and Technology..

6.3.121 The Commission noted The STI Policy 2013 aims to bring all the benefits of science, technology and innovation to the national development and sustainable and more inclusive growth. The key features/ elements of the STI Policy include, *inter-alia*, enhancing skill for applications of science among the young from all social strata and investing modern science for leveraging traditional knowledge for finding solutions to national challenges. The Commission observed that in its earlier report, the Commission has recommended that all national missions / major policies should have a special chapter/ focus in respect of STs. The Commission, therefore, recommends that the SIT policy should also incorporate a separate Chapter/ provision titled "Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth

Schedule" for highlighting focus on Scheduled/ Tribal Areas to achieve the goal of inclusiveness.

<b>(50)</b>	<b>Draft Cabinet Note regarding continuation of the Rajiv Gandhi Grameen Vidhyutikaran Yojana (RGGVY) in the 12<sup>th</sup> Plan</b>
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6.3.122 Ministry of Tribal Affairs, vide letter No. 17011/22/2012-P&M dated 13/12/2012, have sought comments/ views of the Commission with reference to the Ministry of Power OM No. 44/10/2011-RE (vol-II) dated 5<sup>th</sup> December, 2012 on the draft Cabinet Committee on Economic Affairs regarding continuation of the Rajiv Gandhi Grameen Vidhyutikaran Yojana (RGGVY) in the 12<sup>th</sup> Plan.

6.3.123 The Commission noted that the proposal is for continuation of the RGGVY in the 12<sup>th</sup> Plan (i) to complete spill over works of projects sanctioned in 10<sup>th</sup> and 11<sup>th</sup> Plan, (ii) to continue the scheme for covering all remaining villages and habitations irrespective of population, and (iii) providing free electricity connection to remaining Below Poverty Line (BPL) households, to achieve the objective of providing access to all rural households. The estimated requirement of budget support for the 12<sup>th</sup> Plan is Rs. 49,730 crores.

6.3.124 The Commission noted that a large number of habitations in the States having significant population of STs were yet to be covered under the Scheme under the 12<sup>th</sup> Plan as noted from Annexure-XIII to the Draft Cabinet Note (Assam: 18,610, Chhattisgarh: 9160, Jharkhand: 8,597, MP:11,878, Orissa: 18,355, Rajasthan: 18,955). In this connection, the Commission desired that the Ministry of Power should ensure special focus on ST habitations and formulate guidelines for priority implementation of the Scheme in such areas. The monitoring Committee proposed to be set up as per paragraph 7.7 of the Draft Cabinet Note should also monitor priority implementation of the scheme in ST habitations and also position with regard to continuity of electricity supply in such areas. The Commission, therefore, recommends that the Ministry of Power should incorporate necessary provisions in the Scheme itself to ensure desired focus on ST habitations by incorporating a separate Chapter/ provision titled "Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule."

<b>(51)</b>	<b>Draft Note for the Cabinet for amendments in the Sixth Schedule to the Constitution of India for implementation of MOS signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Halam Daogah (DHD) in Assam and also extension of certain features of Panchayati Raj System to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the councils</b>
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6.3.125 Ministry of Tribal Affairs, vide letter No.18014/1/2012-C&LM-II dated 20/12/2012, have sought the comments on the Draft Note with reference to MHA D.O. No. 11012/120/2009-NE-IV dated 06/12/2012 addressed to Secretary, MTA.

6.3.126 Joint Secretary, NCST informed the Commission that the Ministry of Tribal Affairs has forwarded a Draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for implementation of Memorandum of Settlements (MOS) signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Haram Daogah (DHD) in Assam and also for extension of certain features of Panchayati Raj system to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the Councils.

6.3.127 The Commission observed that after the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments large scale administrative and financial powers have been delegated to local bodies constituted all over the country except the Sixth Schedule areas. It has also been noticed that financial and administrative autonomy to the local bodies/Panchayati Raj institutions in other parts of the country have become much greater than those in the Sixth Schedule areas. The Commission also observed that Ministry of Home Affairs, have proposed the Bill for amending the Sixth Schedule and also the Article 280(bb)(c) of the Constitution for strengthening of democratic process in the Sixth Schedule areas at par with the Panchayati Raj Institutions and keeping in view the powers devolved to them (Panchayati Raj Institutions) after 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments and recommendations made by National Commission to Review the Working of Constitution (NCRWC) and 2nd Administrative Reforms Commission (ARC) in its 7<sup>th</sup> Report (February,2008), titled 'Capacity Building for Conflict resolutionq and 15th Report titled ' STATE AND DISTRICT ADMINISTRATION' (April, 2009).

6.3.128 The Commission agreed to the proposal contained in the draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for strengthening the councils set up in the states of Assam, Meghalaya, Mizoram and Tripura. The Commission was however of the view that on the lines of the provisions under Fifth Schedule to the Constitution, the Governors of the Sixth Schedule Areas States may also be mandated to submit Annually to the President of India, a Report on the working of the Provisions of the Sixth Schedule in the Scheduled Areas under their jurisdiction. For this purpose Government of India in the Ministry of Home Affairs in consultation with the Ministry of Tribal Affairs, Ministry of Panchayati Raj and the National Commission for Scheduled Tribes may design a standard format for the Report so that implementation activity in one State is comparable with that in the other State having Scheduled Areas under Sixth Schedule.

<b>(52)</b>	<b>Clarification on the Synonymous/Phonetic similarity in names of 'Dhanak, Dhanuk"/Dhanakia(S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/(entry S. No.4) as STs in the State of Rajasthan</b>
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6.3.129 Ministry of Tribal Affairs have sought comments of NCST with reference to the Chief Secretary, Govt. of Rajasthan D.O. letter No. 12026/4/2009-C&LM-1 dated 2222/10/2012 seeking clarification on the



synonymous/phonetic similarity in names of Dhanak, Dhanuk/Dhanakia (S.No.21) as Scheduled Castes; and Dhanaka, Tadvi, Tetaria, Valvi (entry S. No..4) as Scheduled Tribes in the State of Rajasthan.

6.3.130 The Commission observed that as per the SC and ST list (Modification) Order, 1956 notified on 29/10/1956, the Dhankas including Tadvi, Tetaria and Valvi belonging to Abu Road Taluka of Sirohi District were notified as STs. Later on, the area restriction was removed by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. For many years thereafter, persons belonging to Dhanka community could obtain ST certificates all over the State. It however, resulted issuance of ST 'Dhanka' certificates to the people of 'Dhanak' community, which is actually specified as Scheduled Caste in respect of the Rajasthan State. Consequently, the MTA had issued a clarificatory letter dated 13/07/2010 clearly defining the genuine Dhanka STs for which certificates should have been issued. As a result, all the Dhankas were unable to obtain ST certificates in other places of Rajasthan. A Writ Petition No. 8623/2010 has also been filed before the Hon'ble High Court of Rajasthan, Jodhpur, challenging the contents of the MTA letter dated 13/07/2010. Later on the State Government of Rajasthan vide letter No. F11(89)IIR&P/SJ&ED/2012/59404 dated 16/08/2012 had requested the Ministry of Tribal Affairs to withdraw the administrative letter dated 13/07/2010 to enable the unhindered operation, in letter and spirit of the Amendment Act 1976.

6.3.131 The Commission noted with concern that the Regional Office, NSCT, Jaipur had made the reference directly to the MTA vide letter dated 20/07/2009 without routing through the NCST Hqrs. Thus the views/ comments contained therein should not be viewed as views of the Commission. The subject matter does not fall within the purview of inclusion/ exclusion of any ST community for which prescribed modalities require consultation with the NCST. The subject matter is also stated to be sub-judice. The Commission further observed that dealing with the List of Scheduled Tribes, including establishment of a system to ensure issue of ST certificate to genuine STs is a matter concerning Ministry of Tribal Affairs and the matter should be examined by the MTA accordingly.

<b>(53)</b>	<b>Inclusion of 'Narikoravan community grouped with Kurivikkaran' community in list of STs of Tamil Nadu</b>
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6.3.132 MTA vide letter No. 12016/3/2011-C&LM-I dated 26/12/2012 have sought the comments of the Commission on the proposal of the Govt. of Tamil Nadu for inclusion of 'Narikoravan' community by grouping it along with 'Kurivikkaran' community in the list of Scheduled Tribes in relation to the State of Tamilnadu.

6.3.133 The Commission noted that the RGI had earlier examined and supported the proposal in 1981 with no objection for Narikoravan being grouped along with Kurivikkaran and treated as Scheduled Tribe as the latter were reported to possess tribal characteristics. The Lokur Committee (1965) and the Joint Committee (1967) had also recommended for inclusion of both

Narikoravan and Kurivikkaran in the list of STs of Tamil Nadu. However, the proposal was not processed further as, in 1987, Tamil Nadu Development Federation and later in 2009, the Govt. of Tamil Nadu proposed for inclusion of Narikoravan alone in the ST list of the State though the Study Report had indicated that Narikoravan was also known as Kurivikkaran. Subsequently, based on the suggestions made by the RGI in 2009, the Govt. of Tamil Nadu agreed for inclusion of Narikoravan grouped with Kurivikkaran in the list of STs on the recommendation of the Expert Committee.

6.3.134 The Commission noted that RGI, vide D.O. letter No. 8/1/2007-SS (Tamil Nadu) dated 07/12/2012 addressed to the Joint Secretary, MTA, had mentioned that the standard ethnographic resources on the proposed communities 'Narikoravan' and 'Kurivikkaran' clearly suggested that they were synonymous groups having specific and distinct cultural traits akin to a tribal community of the region. Taking into consideration the recommendation of the Lokur Committee etc. and the views of the RGI in the matter, the Commission recommends for inclusion of Narikoravan community along with 'Kurivikkaran' community in list of STs of Tamil Nadu.

<b>(54)</b>	<b>The Orissa Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of) Caste Certificates Bill, 2012</b>
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6.3.135 Ministry of Tribal Affairs, vide letter No. 12026/41/2012-C&LM dated 20/12/2012, have sought the comments of the Commission with reference to the MHA O.M.No. 17/44/2012-Judl.&PP dated 29/11/2012 relating to the Orissa Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of) Caste Certificates Bill, 2012 on the following:

- i) whether the proposed legislation is Constitutionally valid; or
- ii) whether there is any conflict with an existing Central Law, and, if so, whether the conflict may be consciously permitted; or
- iii) whether the proposed State enactment involves any deviation from existing national or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

6.3.136 The Commission noted that the Govt. of Odisha has proposed the legislation to streamline the procedure of issuance of caste certificates and prescribing the deterrent punishment to those who issue and who procure fake caste certificates. MHA have sought comments of the MTA on the issues mentioned at i) to iii) above to ensure that the provision of the said Bill are not repugnant to the laws made by the Parliament (Central Laws Covered under Concurrent List of the Seventh Schedule of the Constitution), before seeking assent of the President under Article 254 (2) of the Constitution. The Commission appreciated the initiative of the Govt. of Odisha to propose the Bill to strengthen the procedure of issue of caste certificates.

6.3.137 Chairman, NCST observed that the issues at i) to iii) were pertaining to the matters requiring consultation with the Ministry of Law & Justice. The Commission, therefore, recommends that the MTA should examine these issues in consultation with the Ministry Law & Justice before formulating their views in the matter.

<b>(55)</b>	<b>Reported molestation of a class 12 tribal girl student of Ashram School in the District Nasik, Maharashtra</b>
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6.3.138 Joint Secretary, NCST, mentioned that the Commission had sought the comments of the DGP, vide letter dated 08/01/2013 and the Chief Secretary vide DO letter dated 09/01/2013 by 16/01/2013 in the matter. After discussion over the incident, the Commission has also decided to depute a team, led by Shri B. L. Meena, Member, to the District Nasik for investigation into the case. The Commission desired that the State Govt. should also be asked to expedite urgent furnishing of the requisite comments in the matter.

<b>(56)</b>	<b>Alleged molestation of 11 tribal girls in the girls hostel for tribal students in Kanker, District North Bastar, Chhattisgarh</b>
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6.3.139 Joint Secretary, NCST mentioned that the Commission had sought the comments of the DGP and the Chief Secretary, Govt. of Chhattisgarh vide letter dated 08<sup>th</sup> January, 2013 and D.O. letter dated 9<sup>th</sup> January, 2013 respectively by 16<sup>th</sup> January, 2013 in the matter. As desired by the Chairperson, NCST, a Team from the Commission, led by Smt. K. Kamala Kumari, Member had also visited the Kanker, District North Bastar, Chhattisgarh from 09-01-2013 to 10-01-2013 to investigate the reported incident. Based on the interaction held with the victims, other tribal girls and officials of the State Govt., the Team has submitted its report. Joint Secretary, NCST further apprised the Commission of the details of the report and the recommendations contained therein.

6.3.140 After detailed discussion in the matter and the perusal of the report, the Commission noted lack of sensitivity and concern on the part of the concerned officials to provide proper environment, security, guidance and care in the instant case that is particularly required for very little and innocent tribal girls in a residential hostel. The incident has also revealed negligence and deficiencies of serious nature in the overall management of the Ashram School. The Commission further desired that the State Govt. should be requested to consider the recommendations of the Commission and also urgently take remedial measures to avoid recurrence of such cases in future. The State Govt. should also be asked to expedite furnishing of the requisite comments in the matter.

<b>(57)</b>	<b>Killing of 17 tribals in the alleged encounter/ massacre at Sarkeguda village of Bijapur District of Chhattisgarh on 28/06/2012.</b>
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6.3.141 The Commission was informed that the above mentioned case was referred by the Union Minister for Tribal Affairs for investigation by the

Commission. The Commission had deputed a team led by Shri B.L. Meena, Member, NCST to inquire into the incident and submit a report. The Inquiry Team has made the following important recommendations which require immediate attention by the State Govt. of Chhattisgarh.

*I) The One Member Judicial Inquiry Commission set up by the State Govt. may be provided all requisite facilities and resources so that facts about the incidence may be revealed timely.*

*II) The Inquiry Team set up by the DGP, Chhattisgarh vide his order dated 7/7/2012 may speed up its inquiry to bring about the facts of the incidence.*

*III) The Inquiry being conducted by the SDM Bhopalpatnam vide order dated 29/06/2012 of District Collector, Bijapur may also be furnished urgently.*

*IV) Benefits of social security and development must be extended to the affected families of the village so that they can easily avail the benefits of Indira Awas Yojana and educational schemes for the children.*

*V) State Govt. should take immediate action on the findings of the judicial inquiries.*

6.3.142 The Commission decided that the Inquiry Report may be forwarded for immediate consideration and taking necessary action as per the recommendations contained in the Report.

<b>(58)</b>	<b>Draft Cabinet Note for Amendment of Coal Bearing Areas (Acquisition &amp; Development) Act, 1957</b>
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6.3.143 Ministry of Tribal Affairs vide O.M. No. 17011/01/2013-P&M dated 7/01/2013 (received on 10/1/2013) have sought the comments of the Commission on the Draft Cabinet Note for Amendment to the Coal Bearing Areas (Acquisition & Development) Act, 1957, with reference to the Ministry of Coal letter dated 31/12/2012.

6.3.144 The Commission noted that the MTA O.M. dated 7/1/2013 seeking comments of the Commission was received in the Commission only on 10/1/2013 while Ministry of Coal vide their letter 31/12/2012 had sought the comments on the Draft Cabinet Note within a period of 15 days. The Commission has guidelines which include stipulated procedure to be followed for dealing with such cases, which require minimum 2 weeks. MTA may, therefore, be requested to forward such cases on an urgent basis.

6.3.145 Joint Secretary, NCST mentioned that the Draft Cabinet Note has been submitted for introducing the Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2013 in the Lok Sabha to insert a provision to enable return of mined out/unutilized land to the concerned State Governments on the basis of the proposed Amendment. The return of mined out/unutilized land to the concerned State Govts. has been justified based on the recommendations of a Committee constituted by the Ministry of Coal in Dec.,

2009 under the Chairmanship of Additional Secretary, Ministry of Coal and with the justification that the concerned State Govts. hold the surface as well as the mining rights situated within their jurisdiction and also the custodian of all land situated within their jurisdiction. The proposed Amendment provides for counting of reclaimed afforested land in compensatory afforestation towards future acquisition of forest land for mining as well as use of returned land for commercial purposes, with payment of to the CIL at the prevailing market rate.

6.3.146 The Commission observed that most of coal mines are situated in Scheduled/ Tribal Areas which had caused displacement of large magnitude of tribals. The land is the only asset tribals are having and is also the source of their livelihood. Therefore, acquisition of tribal land, leading to their landlessness, is both socially and economically depriving the tribals, who have limited capacity to earn their livelihood outside their habitat and pursue economic activity not involving agricultural land. Sensitivity to these tribal needs must be accounted into the proposed Amendment with reference to proviso (d) and (e), considering the following views/comments of the Commission:

- i) Tribal lands are not transferable to non-tribals . whether by sale, lease or mortgage, etc. In SLP (civil) 4601-02 of 1997, Samatha Vs. Government of Andhra Pradesh and Ors. the Supreme Court had observed that in the light of the provisions contained in Clause (a) of sub-para (2) of Para 5 of Scheduled V of the Constitution, there is implied prohibition on the State's power on allotment of its land to non-tribals, in the Scheduled Areas, which also limits the State's power to acquire tribal land for subsequent allotment to non-tribals whether for incidental public purposes or otherwise. Any law which seeks to expropriate tribal rights over land must recognize these differences; and provide appropriate and equitable circumstances as well as compensation of rights.
- ii) The acquired land remaining unutilized, it should be returned back to the original tribal owner wherever possible, without insisting on the repayment of the compensation amount since the livelihood loss caused to the landowners may have eroded the compensation received (as is done on expiry of a lease).
- iii) All other rights of the tribals over the unutilised land should be restored.
- iv) In case the land is subsequently utilized by the Govt. for a commercial purpose (e.g. for real estate development after mining, etc.), the earnings from such activity any alternate use should also be shared with the original land owners in similar fashion for appreciation in land values. Share of earnings from alternative users of land should also be provided, if future land use is of a commercial nature.

6.3.147 Based on the above deliberations, the Commission approved the comments, as placed at the Appendix, on the proposed Amendment to the Act.

6.3.148 Joint Secretary, NCST also highlighted that land is a precious resource and there is a need for proper closure to enable beneficial post-closure use to the proximate communities, especially STs. He further mentioned that there are many mines which have been closed prior to formulation of the new laws/guidelines. In respect of such abandoned mines, rehabilitation/separation of affected tribals due to closure needs to be commensurate with their post closure socio-economic activities and aspirations. The Commission desired that the Ministry of Coal should be requested to submit a brief Note to the Commission on the status of mine closure plan in respect of abandoned mines in Scheduled Areas within 3 weeks and thereafter, a meeting with the Secretary, Ministry of Coal should be organised for a presentation by the Ministry of Coal in the matter. The officials of the Ministry of Environment & Forests, Coal Mine Planning and Design Institute (CMPDI), Director General of Mine Safety (DGMS) may also be invited in the proposed meeting.

<b>(59)</b>	<b>Amendment to the Prohibition of Unfair Practices in Technical Education Institutions, Medical Educational Institutions and Universities Bill, 2010</b>
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6.3.149 Ministry of Tribal Affairs, vide O.M. No. 20025/12/2012-P&M(Vol.-I) dated 10/01/2013, have sought the comments of the Commission on the Amendment to the Prohibition of Unfair Practices in Technical Education Institutions, Medical Educational Institutions and Universities Bill, 2010 with reference to the MoHRD letter No. 4-27/2009-U1A/U.Policy dated 12/07/2012.

6.3.150 The Commission noted that the MoHRD letter dated 12/07/2012 was received in the Ministry of Tribal Affairs on 13/07/2012, requesting the comments/ suggestions in the matter within one week. However, MTA sought the comments of the Commission vide letter dated 10/01/2013 after a lapse of about six months. The Commission observed that the cases, where the Sponsoring Ministry lays down time-frame for the comments/ suggestions, should be forwarded by the MTA to the Commission on an urgent basis, so that the views/comments of the Commission on policy related issues concerning STs are timely available to the Sponsoring Ministry/ Deptt.

6.3.151 Joint Secretary, NCST mentioned that the Bill aims to provide an institutional mechanism for preventing, prohibiting and punishing unfair practices in higher educational institutions. The proposed amendment makes it mandatory to disclose adherence to reservation provisions (in public funded institutions) and policy framework in place (in private un-aided institution) to account for addressing equity concerns in the prospectus and also de-links from the Education Tribunal Bill,2010 (which has yet to be considered in the Parliament with official amendments) and restores adjudication of penalties to civil courts for punishments and penalties in case of non-adherence to the same. Thus, the proposed Bill provides for public accountability of such institutions and prevention of unfair practices being adopted vis-à-vis students.

6.3.152 After detailed discussion, the Commission decided to recommend the proposed amendment.

<b>(60)</b>	<b>Draft Note for the Cabinet on “Policy on Transfer or Alienation of Land Held by Government and Government Controlled Statutory Authorities”</b>
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6.3.153 Ministry of Tribal Affairs. Vide, O.M. No. 4/17/2012-CP&R dated 02/01/2013 (received in the Commission on 08/01/2013), have sought the comments of the Commission on the Draft Note for the Cabinet on Policy on Transfer or Alienation of Land Held by Government and Government Controlled Statutory Authorities with reference to the Ministry of Finance letter No. 10/17/2011-INF/EC dated 17/09/2012.

6.3.154 The Commission noted that the Ministry of Finance letter dated 17/09/2012 was received in the Ministry of Tribal Affairs on 25/09/2012 requesting the comments/ suggestions in the matter within two weeks. However, the comments of the Commission were sought by the MTA vide letter dated 02/01/2013, after a lapse of about four months. The Commission observed that the cases, where the Sponsoring Ministry lays down specific time-frame for the comments/ suggestions, should be forwarded to the Commission on an urgent basis.

6.3.155 Joint Secretary, NCST mentioned that the proposed policy is aimed at strengthening the public sector land management, and also to enhance the transparency and efficiency in alienation or use of public land. The policy proposes a notification by the Cabinet Sectt. for the constitution of a Public Sector Management Committee as per paragraph 21 A of the Draft Note and issuance of the broad policy guidelines by the Cabinet Sectt. for exchange, transfer, sale, lease or licensing of lands held by all Central Government Ministries, Departments, Government controlled Statutory Authorities and CPSUs as per paras 21 B to 21 F read with para 20 of the Cabinet Note.

6.3.156 The Commission was informed that the proposed guidelines provides for exchange or transfer of land (Govt. to Govt.), sale of land, lease of land (either a Govt. to Govt. or a Govt. to Private transaction) and licensing of land (either Govt. to Govt. or Govt. to Private Transaction). The sale of land also includes commercial, industrial, residential or institutional purposes.

6.3.157 The Commission observed that the views/ comments of the Commission in respect of the Scheduled Areas, as mentioned above with reference to Agenda I, are also applicable with regard to the proposed use of land in Scheduled Areas. The Commission has already observed in the case of similar Legislative Proposals affecting Scheduled Areas that the robust "pre-facto" mechanism have to be grafted to Constitutional provisions which would ensure requisite attention to tribal concerns- foremost of which would be the mandatory inclusion of a separate chapter on Special Provisions for Scheduled Areas/ Scheduled Tribes in every Central or State Legislation affecting the habitat tribals' property rights and enjoyment of lands occupied, the religion,

customs and culture of these people and traditional relationship with their environment (as obligated under UN Conventions). The Commission, accordingly recommended that the legislative proposal under consideration by the Government may include separate Chapter on Applicability to Scheduled Areas / Scheduled Tribes

6.3.158 The Commission further observed that, while communicating views of the Commission on policy related issues, the MTA should be impressed upon to ensure that according to the revised instructions issued by the Cabinet Sectt. vide OM dated 16/2/2012, the views of the Commission as received by them are placed before the Minister, MTA before their final views/comments on such issues are communicated to the sponsoring Ministry/ Department. Further, the sponsoring Ministry/ Department should be requested to include in/ enclose with the note for consideration of the Cabinet/ Cabinet Committees the unabridged/ unedited views of the Commission along with the views of the MTA along with responses their responses thereon.

#### APPENDIX

<p style="text-align: center;"><b><u>THE COAL BEARING AREAS (ACQISITION AND DEVELOPMENT)-(AMENDMENT) BILL,2013</u></b></p> <p style="text-align: center;">A</p> <p style="text-align: center;">BILL</p> <p>Further to amend the coal Bearing Areas (Acquisition and Development) Act, 1957</p> <p>Be it enacted by Parliament in the Sixty- third Year of the Republic of India as follows:-</p> <p>1. (1) This Act may be Called the Coal Bearing Areas (Acquisition and Development) (Amendment) Act, 2013</p> <p>(2)It extends to the whole of India, except the State of Jammu and Kashmir.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In the Coal Bearing Areas (Acquisition and Development) Act, 1957 after Section 18A, following Section shall be inserted, namely:-</p> <p>18B The Central Government may, by order in writing, in respect of the land acquired under this Act, return to</p>	<p>20 of 1957</p> <p>Short title, Application and Commencement.</p> <p>Insertion of new section (Return of mined out land /surplus land no longer required for mining land allied</p>
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<p>the State Government concerned land</p> <p>(a) Which is yet to be taken into possession but is no longer required for mining and allied activities;</p> <p>(b) Which has been taken into possession after payment of compensation, but is no longer required for mining and allied activities;</p> <p>(c) Which has been taken into possession after providing Rehabilitation and Resettlement benefits to the project affected families and is worked out with or without leaving thinning reserves:</p> <p>Provided that</p>	<p>activities or de-notification of land acquired).</p>
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	Comments of the National Commission for Scheduled Tribes
<p>(a) The land so returned shall be mapped out and coal seams known to be available therein shall be clearly mentioned.</p>	
<p>(b) Before return of mined out land it shall be ensured by the coal company concerned that the land has been reclaimed as per the Mine Closure Plan guidelines.</p>	
<p>(c) The balance land shall be given to the State Governments free of cost and they may be advised to form a Land Bank of such</p>	<p>i) The proviso is intended for use of land for commercial purposes etc. In this connection, it is emphasized that the Tribal lands are also not transferable to non-tribals whether by sale, lease or mortgage, etc. In SLP (civil) 4601-02 of 1997, Samatha vs. Govt. Of Andhra Pradesh and Ors. the Supreme Court had observed that in the light of the provisions contained in Clause a of sub-para 2 of Para 5 of Scheduled V of the Constitution, there is implied prohibition on the State's power on allotment of its land to non-tribals, in the Scheduled areas, which also limits the State's power to acquire tribal land for subsequent allotment to non-tribals whether for incidental</p>

	<p>public purposes or otherwise. Any law which seeks to expropriate tribal rights over land must recognize these differences; and provide appropriate and equitable circumstances as well as compensation of rights.</p> <p>ii) In the event of the acquired land remaining unutilized, it should be returned back to the original tribal owner wherever possible, without insisting on the re-payment of the compensation amount since the livelihood loss caused to the landowners may have eroded the compensation received (as is done on expiry of a lease</p> <p>iii) All other rights of the tribals over the unutilised land should be restored.</p> <p>iv) In case the land is subsequently utilized by the Government for a commercial purpose, the earnings from such activity or any alternate use should also be shared with the original land owners in similar fashion for appreciation in land values. Share of earnings from alternative users of land should also be provided, if future land use is of a commercial nature.</p>
<p>(d) Reclaimed afforested land that is returned to the State Governments shall be counted in compensatory afforestation towards future acquisition of forest land for mining and may be reserved by the State Government for the purpose</p>	
<p>(e) In case the returned land is used for commerce purpose, the State Governments would be bound to pay the prevailing market value of land to CIL. The market value of the land shall be calculated as per the provision of the prevailing Central of State LA Act or the</p>	<p>Please see comments against proviso (c) above.</p>

prevailing system for the calculation of market value by the State Governments.	
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<b>(61)</b>	<b>Draft Memorandum for the Expenditure Finance Committee (EFC) for the Multi-Sectoral Nutrition Programme to Address the Maternal and Child Under-nutrition Programme in High-Burden Districts.</b>
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6.3.159 The Commission was informed that the Ministry of Tribal Affairs vide Letter No. 17011/02/2013-P&M dated 21/01/2013 have sought the comments of the Commission on the Draft Memorandum for the EFC for the Multi-Sectoral Nutrition Programme to Address the Maternal and Child Under-nutrition Programme to Address the Maternal and Child Under-nutrition in High-Burden Districts with reference to the Ministry of Women and Child Development (WCD) OM dated 11/01/2013.

6.3.160 The Commission noted that the MTA letter dated 21/1/2013 seeking comments of the Commission was received in the Commission only on 29/1/2013 while Ministry of WCD vide their letter dated 11/01/2013 had sought the comments on the Draft by 25/01/2013. The Commission has guidelines which include stipulated procedure to be followed for dealing with such cases, which require minimum 2 weeks. The Commission directed that MTA may, accordingly, be requested to forward such cases on an urgent basis and giving requisite time for examination and consideration by NCST.

6.3.161 Joint Secretary, NCST mentioned that the Draft Note for the EFC prepared by Ministry of Women and Child Development relates to a proposal for Multi-Sectoral Programme that would address the maternal and child malnutrition in selected 200 high burden districts by bringing together various national programmes through strong institutional and programmatic convergence at the State, District, Block and Village levels. The proposed Multi-sectoral Nutrition Programme would provide a platform at all levels to facilitate convergence of all the key services and stakeholders for holistically addressing the maternal and child under-nutrition. It is necessary that each programme as well as Ministry / Department outline their multi-sectoral action required to address the given mandate. Such an outline will support and complement the multi-sectoral programme to achieve the desired mandate in phases-starting with 100 high burden districts from Assam, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh & Uttaranchal and the remaining 100 districts to be selected from the larger pool of all states. 100 Districts of phase-1 will be taken up in the 1st two years of 12th Five Year Plan and next set of 100 district of phase-2 will be taken up progressively from 3rd year of the Five Year Plan. The 100 districts of phase-1 have been selected out of 200 high burden districts on the basis of under-five child mortality data from AHS 2011.

6.3.162 The Commission noted that the expenditure involved under the programme will be shared between Central Government and the State

Government in the ratio of 90:10. The total cost under the programme during 12th Five Year Plan has been estimated to be Rs.1161 crores out of which Central Share is stated to be around Rs.1047 crores from the list of districts to be covered in the first phase, it is noticed that only few of the Tribal Districts have also been included in the list. List of remaining 100 districts to be taken up in second phase has not been given. This exercise will be taken up separately later on. The Commission expressed that the Constitution of India lays special responsibility on the Government of India as well as State Governments for promoting the welfare and development of Scheduled Tribes and Scheduled Areas, and 90% of the cost under this programme has to be met by Government of India, and, therefore, the Ministry of Tribal Affairs and the Ministry of Women and Child Development should ensure that all Tribal Districts having high maternal and child under-nutrition should be given priority under this programme so that all such districts are covered by the end of second phase of the programme.

<b>(62)</b>	<b>Draft Note for seeking the approval of the Cabinet Committee on Economic Affairs (CCEA) on the launching of the Centrally Sponsored Scheme of Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) during 12th Five Year Plan Period.</b>
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6.3.163 The Commission was informed that the Ministry of Tribal Affairs, vide letter No.16015/8/2012-C&LM-1 dated 28/1/2013 have sought comments/ views of the Commission with reference to the Ministry of Panchayati Raj DO No.N-11015/63/2012-DPE (Vol.III) dated 10<sup>th</sup> January, 2013 on the Draft Cabinet Note regarding Launching of the Centrally Sponsored Scheme of Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) during 12<sup>th</sup> Five Year Plan Period.

6.3.164 The Commission noted that the proposal is for launching the Rajiv Gandhi Panchayat Sashaktikaran Abhiyan as a Centrally Sponsored Scheme by merging some of the existing schemes of the Ministry of Panchayati Raj i.e. Rashtriya Gram Swaraj Yojana(RGSY), Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA), e-Panchayat, Panchayat Empowerment and Accountability Incentive Scheme(PEAIS) and Resource Support of States. The estimated requirement of budget support for the Scheme under 12<sup>th</sup> Plan is Rs.49,730 crore. The sharing pattern between the Union Government and the States is proposed to be at 90:10 for the NE States and 80:20 for all other States.

6.3.165 The Commission further noted that RGPSA is aimed at strengthening the Panchayati Raj system across the country and seeks to; (i) enhance capacities and effectiveness of Panchayats and the Gram Sabhas, (ii) enable democratic decision making and accountability in Panchayats and promote peoples participation, (iii) strengthen the institutional structure for knowledge creation and capacity building of Panchayats, (iv) promote devolution of powers and responsibilities of Panchayats according to the spirit of the Constitution and PESA Act (v) strengthen Gram Sabhas to function effectively as the basic form of peoples participation, transparency and accountability within the

Panchayati Raj institutions system, (vi) create and strengthen the democratic, local and self government in areas where Panchayats do not exist, and (vii) strengthen the constitutionally mandated framework on which Panchayats are founded.

6.3.166 The Commission also noted that a large number of habitations in the States having significant population of STs had remained uncovered under various schemes of the 12<sup>th</sup> Five Year Plan. In this connection, the Commission desired that the Ministry of Panchayati Raj should ensure special focus on ST habitations and formulate guidelines for priority implementation of RGPSA scheme in such areas. The Commission observed that in its earlier report, the Commission has recommended that all national Missions/ major policies should have a special Chapter/ focus in respect of Scheduled Tribes and Scheduled Areas. In view of above, the Commission, while agreeing to the proposal contained in the Draft Cabinet Note recommended that RGPSA Scheme should also incorporate a separate Chapter/ provision %Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule+ for highlighting focus on Scheduled Tribes and Scheduled/Tribal Areas to achieve the goal of inclusiveness.

<b>(63)</b>	<b>Draft Note for the Cabinet on National Policy for Domestic Workers.</b>
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6.3.167 The Commission was informed that the Ministry of Tribal Affairs vide letter No. 20025/12/2012-P&M (Pt.) dated 11/02/2013 (received on 12/02/2013) have sought the comments of the Commission on the draft Note for the Cabinet on national policy for domestic workers with reference to Ministry of Labour and Employment O.M. dated 18/12/2012.

6.3.168 Joint Secretary, NCST mentioned that the draft Cabinet Note was prepared on the basis of the recommendations of a Task Force constituted by the Ministry of Labour and Employment (MoLE) and subsequently, on the basis of the observations of the Committee of Secretaries (COS). The Draft Note aims at promotion of domestic workers human rights and bring them in the ambit of labour legislations while also extending the benefits and facilities to them as available to other workers. The draft Note also proposes establishment of a regulation of placement agencies, and thus promotes the rights of the workers to just and fair working conditions. The policy is also in conformity with the ILO convention concerning decent work for domestic workers.

6.3.169 The Commission recalled that the instances regarding large level of migration of STs particularly females to metropolitan cities and their reported exploitation by the middlemen/ placement agencies, which have hitherto been unregulated, have been brought to the Commission in the past. The Commission observed that the proposed policy for domestic workers is a right step to address the issues and problems due to unregulated growth of engagement of domestic workers. The Commission also recalled that a case

regarding alleged exploitation and sexual harassment of a ST girl while accompanying/staying with an official posted on a foreign assignment was also brought to its notice in the past.

6.3.170 The Commission, after detailed deliberations, recommended that the protection of male as well as female domestic workers, even while accompanying Government officials as well as private individuals, during their posting abroad or while engaging domestic workers from India should be brought within the ambit of the proposed policy. As large number of cases of exploitation of Tribals, migrated from Scheduled Areas and Tribal areas and engaged as domestic workers has come to limelight through media and also through representations to this Commission and also through various Parliament Questions, the Commission recommended that the National Policy on Domestic Workers should appropriately have a special Chapter %Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule+ for highlighting focus on Scheduled Tribes and Scheduled/Tribal Areas to achieve the goal of inclusiveness. The Commission also noted that the policy should include welfare and healthcare measures for the domestic workers by including them under various schemes of the Government. The Commission is of the view that these measures would indirectly monitor employment of domestic workers and prevent exploitation by employers as well as by the placement agencies.

<b>(64)</b>	<b>Draft Note for the Cabinet for launch of Pradhan Mantri Gram Sadak Yojana-II (PMGSY II) for upgradation of the existing rural network as part of the Sustainable Poverty Reduction Strategy.</b>
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6.3.171 The Commission was informed that the Ministry of Tribal Affairs vide letter No. 17011/17/2012-P&M dated 15/02/2013 have sought comments of the Commission with reference to Ministry of Rural Development, Department of Rural Development letter No. P-17025/6/2012-RC dated 22/01/2013 on the launch of Pradhan Mantri Gram Sadak Yojna-II (PMGSY-II) for upgradation of the existing rural road network as part of the sustainable poverty reduction strategy.

6.3.172 The Commission noted that Pradhan Mantri Gram Sadak Yojna (PMGSY) was launched on 25<sup>th</sup> December, 2000. The current objective of the programme is to provide all-weather road connectivity to the eligible unconnected habitations in the rural areas having population of 500 persons and above (as per 2001 census) in plain areas and in respect of the 10 Hills States (Arunachal Pradesh, Jammu & Kashmir, Himachal Pradesh, Manipur, Mizoram, Meghalaya, Nagaland, Sikkim, Tripura and Uttarakhand), the desert areas (as identified in the Desert Development Programme), the Tribal (Schedule V) areas as well as the 82 Selected Tribal and Backward Districts under IAP (as identified by the Ministry of Home Affairs and Planning Commission) having population of 250 persons and above (as per 2001 census).

6.3.173 The Commission has noted that PMGSY-II aims at consolidating the existing rural road network. According to the proposal, the larger rural roads called Through Routes collect traffic from several branch roads (Called Link Routes, generally ending in villages or habitations).

6.3.174 It would cover upgradation of existing selected roads based on the criteria to make road network vibrant. The selection of routes would be the objective of identification of rural growth centres and other critical rural hubs, rural places of importance (connectivity to other growth polls, market, rural hub, tourist places etc). Development of rural hubs and growth centres are crucial to the overall strategy of facilitating poverty reduction through creating rural infrastructure. Growth centres/ rural hubs provide markets, banking and other service facilities enabling and enhancing self employment and livelihood facilities. They will also help in bringing the benefits of economic growth to the rural hinterland, including white woods, automobiles etc. PMGSY-II by recognizing growth center/rural hubs and facilitating their connectivity to the hinterland will catalyze livelihood base programmes, including the Nation Rural Livelihoods Mission (NRLM) launched in the year 12<sup>th</sup> Five Year Plan. All upgraded Through Routes shall be maintained at requisite technical standards by the State Government out of its own resourced through a maintenance-renewal-maintenance cycle entered into along with the construction Contract on a back-to-back basis. The States would also ensure that the Technical executional machinery (including SRRDAs and Programme Implementation Units) is adequately strengthened for this purpose. Correspondingly NRRDA and the Principal and State Technical Agencies and the Quality Management System will also be suitably strengthened.

6.3.175 The Commission has noted that no funds will be provided by the Central Government for land acquisition for the States under the programme. The State Government may also lay down guidelines for voluntary donation, exchange or other mechanisms to ensure availability of land. Similarly, the Ministry of Rural Development would not share any cost on account of compensatory afforestation, net present value etc. However, it would assist in follow up of the cases pending with Ministry of Environment and Forest.

6.3.176 The Commission has noted that a large number of habitations in the states having significant population of STs were remained uncovered under the various schemes of the 12<sup>th</sup> Plan. In this connection, the Commission desired that the Ministry of Panchayati Raj should ensure special focus on ST habitations and formulate guidelines for priority implementation of Pradhan Mantri Gram Sadak Yojna-II scheme in such areas. The Commission observed that in its earlier report, the Commission has recommended that all national Missions/major policies should have a special chapter/focus in r/o STs. The Commission, therefore, recommends that Pradhan Mantri Gram Sadak Yojna-II Scheme should also incorporate a separate chapter/provision %Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule+ for highlighting focus on Scheduled/Tribal Areas to achieve the goal of inclusiveness.

(65)	<b>Draft Note for cabinet for moving amendments to 'The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011</b>
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6.3.177 The Commission was informed that the Ministry of Tribal Affairs has forwarded, for comments of National Commission for Scheduled Tribes, a Draft Note for Cabinet for moving amendments to "the Right of Citizens for time Bound Delivery of Goods and Services and Redressal of Their Grievances Bill, 2011 received from Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms & Public Grievances. The Bill, which proposes to provide right to time bound delivery of goods and services to every person, to lay down obligation upon every Public Authority to publish Citizens Charter specifying time limits within which such goods and services shall be delivered and grievance redressal mechanism for non-compliance thereof, was introduced in Lok Sabha on the 20th December, 2011.

6.3.178 The Bill was referred to the Standing Committee of Parliament on Personnel, Public Grievances Law and Justice on 13/01/2012. The Standing Committee has submitted its report on 28/08/2012. The committee has made 39 recommendations for amendment to the Bill. The department has not accepted 10 recommendations. Through the Draft Note approval of the Cabinet has been sought to move these amendments to the Bill.

6.3.179 Attention of the Commission was invited to the definition of the term "Public Authority", given in Section 2(n) of the Bill, which broadly defines any authority or body or institution of self-government established or constituted, (i) by or under the Constitution; (ii) by any other law made by Parliament; (iii) by any other law made by State Legislature; (iv) by notification issued or order made by the appropriate Government. An organisation or body corporate in its capacity as an instrumentality of "State", as defined under Article 12 of the Constitution and rendering services of public utility in India is also included as Public Authority.

6.3.180 Each Public Authority is expected to appoint or designate officers as Grievance Redress Officers. The Bill provides for acknowledgment of the receipt of the complaint by the GRO within two days of receipt of complaint. The Bill further provides that the Grievance Redress Officer shall, immediately after the expiry of the period of thirty days, report to a designated authority, every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of complaints, under intimation to the complainant. The designated authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908,

6.3.181 From the above definition it is clear that the Bill extends to only such Authority or body or institution of **Self Government** which is rendering services of public utility. It was noted that National Commission for Scheduled Tribes is vested with the duties *inter-alia* to inquire into the complaints relating to violation of safeguards provided for the Scheduled Tribes and for that purpose NCST has also been vested with the powers of Civil Court, as provided for the



Designated Authority under the proposed Bill. The Court procedures cannot be bound by any timeframe as extension of requisite opportunity to each party is the requisite for arriving at a justifiable solution and making judicious recommendations to the concerned authorities. Therefore, the concept of public authorities cannot be made applicable to this Commission.

6.3.182 The Commission noted that the term "Public Authority" defined under RTI Act also prescribes similar definition. However, the objective of the RTI Act is to ensure timely supply of available information only in printed or electronic form within prescribed time limit. Therefore, any person can be provided available information (other than that which is exempted under the Act) by any Organization within the prescribed time limit, though providing such information also involves additional time over and above the time required for the disposal of the duties assigned to the Organization. The RTI Act however does not ask for disposal of the matter within a time bound limit while proposed Bill under consideration seeks to provide goods/services within a prescribed timeframe. Here again NCST is mandated not to provide either goods or services but to inquire into grievances relating to deprivation of Rights and services, required to be provided under the Rules and to meet that objective, the powers of Civil Court have been vested with the NCST also.

**6.3.183 The Commission was of the view that NCST is neither a Body-corporate nor an Institution of Self-Governance nor it is mandated to deliver public utility services, hence, the NCST cannot be considered as a Public Authority. In fact other similar Commissions or Bodies vested with the power of Civil Court for inquiring into public grievances of any category of people should also be not covered under the jurisdiction of the proposed Bill and a provision to this exemption clause in the Bill is necessary.**

6.3.184 Attention of the Commission was drawn towards the skeleton staff position in the Headquarter office as well as regional offices of the Commission. In case, the proposed Bill is made applicable to NCST, it may not be possible for the Commission to deal with the matters/ complaints received in the Commission. The infrastructure and the staff requirement sought by the Commission to fulfill its duties have not been sanctioned by the Government. Even, more than 50% of the posts transferred to this Commission from the erstwhile National Commission for Scheduled Castes and Scheduled Tribes in 2004 are still vacant. Same is the position presently with the National Commission for Scheduled Castes. **Commission therefore recommended that the provisions of the proposed Bill may not be made applicable to any institution or organization designated as Public Authority, which lacks necessary infrastructure to meet the requisite needs or has more than 20% vacancies amongst its officers and staff strength and accordingly necessary provision to this effect may be made in the Bill.**

6.3.185 The Commission further noted that Section 13 of the Bill provides for constitution of a State Public Grievance Redressal Commission to exercise jurisdiction over the appeal by an aggrieved person against the decision of the

Designated Authority or delay in decision of the Designated Authority. Section 14 of the Bill prescribes the composition of the State Public Grievance Redressal Commission. Similar provision also exists in Section 30 and 31 of the Bills regarding constitution and composition of the Central Public Grievance Redressal Commission. However, jurisdiction of the Central Public Grievance Redressal Commission has not been clearly spelt out. **It should be made clear whether Central Public Grievance Redressal Commission will have original jurisdiction over the appeal against the decision of the Public Authorities under the Central Government only or it will also accept appeals over the decision of the State Public Grievance Redressal Commission.**

6.3.186 It is, further noted that the Bill provides for reservation for Scheduled Castes and Scheduled Tribes in the posts of Commissioners in the State Public Grievance Redressal Commission as well as Central Public Grievance Redressal Commission. However, there is no mention about implementation of reservation for Scheduled Tribes and Scheduled Castes in the posts and services of the Secretariat office of both the Commissions, while officers and staff of the Secretariat offices of the Commissions have been defined as Public Servants.

6.3.187 The Commission, therefore, directed that the **Department of Administrative Reforms & Public Grievances may be advised to suitably incorporate this provision also in respect of appointments to various posts State level and the Central level Commission.**

<b>(66)</b>	<b>Special Recruitment Drive to fill up the backlog vacancies reserved for Scheduled Castes/Scheduled Tribes/OBCs-Draft Cabinet Note</b>
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6.3.188 The Commission was informed that Ministry of Tribal Affairs vide letter No. 11036/04/2013-PC&V dated 22/02/2013 sought comments of the Commission with reference to Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training letter No. 36038/1/2008-Estt.(Res) dated 08/02/2013 on the draft Cabinet Note for Special Recruitment Drive to fill up the backlog vacancies reserved for SCs/STs/OBCs. The purpose of the draft Cabinet Note is to apprise the Cabinet about the progress of the Special Recruitment Drive launched in 2008 to fill up the backlog vacancies of SCs, STs and OBCs and further extended till 31/03/2012.

6.3.189 The Commission has noted that the Government had launched a Special Recruitment Drive to fill up the backlog reserved vacancies of the SCs, STs and OBCs in November 2008. Subsequently, progress of the drive was reviewed in July 2011 and it was decided to re-launch the drive so as to fill up the remaining identified backlog vacancies by 31/03/2012. The Cabinet in its Meeting on 04/01/2012, while reviewing the progress of the drive till 30/06/2011 had, inter -alia, given direction to institutionalize a mechanism for enhancement of employability of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disability.

6.3.190 The Commission has noted the following areas of concern of less employability of SCs/STs/OBCs:-

- (i) There are certain employments which require qualifications as simple matriculation or graduation and there does not seem to be much of a problem of employability of reserved category candidates. However, lack of finishing skill like English fluency or interview skills may be a reason for less employment.
- (ii) Some posts require professional or Science qualifications. Qualified reserved category candidates are not available for posts requiring professional qualifications especially when professional qualifications are from Science stream.
- (iii) Less availability of professionally qualified persons is more acute in ST category.
- (iv) Even professionally qualified persons require finishing training so as to increase their chances of appointment.

6.3.191 The Commission has noted that following measures could be taken to address the problem of less employability of SCs/STs/OBCs:-

- (i) The concerned Ministries/Departments may launch a Special Recruitment Drive, providing certain relaxations to the candidates of SCs and STs
- (ii) Finishing training should be imparted to the reserved category candidates once they complete technical/professional qualifications.
- (iii) Training programmes for interview skills and English proficiency may also be devised for reserved category persons for posts requiring non-professional qualifications.
- (iv) The recruiting agencies may be asked to provide a reserve list/wait list of successful reserved candidates so that in a situation when reserved category candidates with higher merit do not join the post, the post may be filled up from the candidates of reserved list.

<b>(67)</b>	<b>Expenditure Finance Committee (EFC)-Memorandum on the Umbrella Scheme for Protection and Empowerment of Women-prepared by Ministry of Women and Child Development-comments of NCST</b>
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6.3.192 The Commission noted that the Ministry of Tribal Affairs vide their letter dated 18/02/2013 forwarded the above mentioned Draft Memorandum for consideration by the EFC for seeking comments of the NCST on the Draft Memorandum.

6.3.193 The proposal is to converge two existing Schemes, initiated in the 11<sup>th</sup> Five Year Plan, with two new Schemes by launching an integrated Umbrella Scheme in the 12<sup>th</sup> Five Year Plan. The Umbrella Scheme has following four components:

- (i) Swadhar Greh (in the form of Swadhar and Short Stay Homes).
- (ii) National Mission for Empowerment of Women (NMEW).
- (iii) Scheme for Restorative Justice to victims of rape, and

- (iv) Assistance to States for implementation of Protection of Women from Domestic Violence (PWDV) Act 2005.

6.3.194 It is stated that NMEW was conceived with the objective of converging and engendering initiatives for the Empowerment of Women. The Scheme, though approved in 2010 was actually operationalised in 2011-12 and is now proposed to be continued within the Umbrella Scheme.

6.3.195 It may be noted that Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs are implementing the Scheme for Financial Assistance to SC and ST victims of rape respectively, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. It is stated that the beneficiaries of the scheme of the Ministry of Social Justice and empowerment will not be eligible for financial assistance under this scheme and this will be ensured through proper convergence with the Ministry of Social Justice and Empowerment. However, restorative assistance proposed under the present scheme will be applicable to all victims of rape. At another place also in the Memorandum, reference has been made about victims under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to be covered under the Umbrella Scheme, but the reference has been made about MSJE only. Since the Scheme of PoA Rules in respect of ST victims is dealt in Ministry of Tribal Affairs, the Ministry of Women and Child Development may add the references to Ministry of Tribal Affairs along with Ministry of Social Justice & Empowerment at all relevant places so that ST victims are also covered under the proposed Umbrella Scheme.

6.3.196 It is proposed to constitute District Criminal Injuries Relief & Rehabilitation Board in every District of the State under the Chairpersonship of the District Collector to decide the claims/applications made under the Scheme and Award Financial Assistance and order such other support services as may be essential for the recovery and restoration of the affected women. Similar Board will also be setup at State level under the Chairpersonship of the Principal Secretary/Secretary of WCD Department in the State Government. The State level Board will primarily be responsible for coordinating and monitoring the functions of the District Boards in the State. The State level Board shall also be the Appellate Authority in respect of all decisions of the District Board and also have the power to enhance the compensation amount.

6.3.197 A total expenditure of Rs. 1800 Crores is estimated during the 12<sup>th</sup> Five Year Plan. The sharing of funds between Centre and the State for meeting expenditure requirements under the Centrally Sponsored Scheme is as follows:

- (i) 75:25 funding for the States (90:10 for North Eastern States) in all proposed activities of the components on Swadhar Greh and Assistance to States for implementation of PWDVA, except in those where it is specifically mentioned differently.
- (ii) 50:50 funding for the States (90:10 for North Eastern States) in all proposed activities of the component on Restorative Justice to Rape Victims.

(iii) 100% central funding for various activities to be implemented by NMEW.

6.3.198 Since the Scheme will also cover all the women victims and the benefits of R&R admissible to ST victims under PoA Rules will remain un-effected, and the constitution of District and State level Criminal Injuries Relief & Rehabilitation Boards are likely to come to the rescue of ST victims also, (for which there is no provision under PoA Rules) the proposal may help them timely justice in relation to R&R procedures, the Commission agreed to the proposal contained in the EFC Memorandum.

(68)	<b>Draft Note for the Cabinet-Establishing a "New Media Wing" in the Ministry of Information &amp; Broadcasting for publicizing Government's initiatives through Multiple Social Media platforms-prepared by Ministry of Women and Child Development-comments of NCST</b>
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6.3.199 Ministry of Tribal Affairs vide their letter dated 15/02/2013, received in this Commission on 4/03/2013 sought the comments of the NCST on the above mentioned Draft Memorandum prepared by the Ministry of Information and Broadcasting for consideration by the Cabinet.

6.3.200 Commission noted that the Ministry of Information & Broadcasting has proposed to setup a "New Media Wing" in the Ministry with the objective of converging and integrating communication and dissemination initiatives through an identified "**Communication Hub**" on behalf of the Government. It is stated that Research Reference and Training Division of the Ministry will provide Administrative and Secretarial support to the new Wing. An expenditure of Rs. 6.84 Crores has been estimated initially in the first phase while a total of 78.51 Crores is estimated to be spent in the second phase of the Scheme. Most of the expenditure involved relates to providing material infrastructure and recurring expenditure of various natures.

6.3.201 The Commission noted that Press Information Bureau and Research Reference and Training Division are already existing wings of the Ministry playing important role in interaction with the public and dissemination of information relating to Government activities. The Ministry could have proposed restructuring of the existing Bureau or are the Research Reference and Training Division instead of establishing a new division by name "**New Media Wing**". This might save huge expenditure on establishment etc.

6.3.202 The proposal speaks about Social Media Development. There is however no mention whether the Social Media Cell would cover the activities of the Government and its various Organs relating to poor weaker sections of the society, viz; Scheduled Castes, Scheduled Tribes & OBCs.

6.3.203 Commission directed that the above observations may be communicated to the Ministry of Tribal Affairs for onward transmission to Ministry of Information & Broadcasting.

<b>(69)</b>	<b>Draft Note for the Cabinet Committee on Political Affairs (CCPA) regarding Memorandum of Settlement with Achik National Volunteer's Council (ANVC) Meghalaya</b>
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6.3.204 The Commission was informed that Ministry of Tribal Affairs has forwarded for comments of the Commission, a draft Note for the Cabinet Committee on Political Affairs (CCPA) regarding implementation of the Memorandum of Settlement with Achik National Volunteer's Council (ANVC) Meghalaya prepared by the Ministry of Home Affairs. The Commission noted as given below:

- (i) The Achikj National Volunteers' Council (ANVC) was formed in 1995 initially with the aim for demanding creation of a separate State of 'GAROLAND' through a realignment of geographical areas comprising then existing three Garo Hill districts and the contiguous areas of Goalpara and Kamrup districts of Assam. ANVC had been complaining that the State of Maghalaya is identified only with the Khasis and that the Garos have no affinity with the Khasis and Jaintias and that infrastructural development in the Garo Hills have been much lees compared to that in the Khasi and Jaintia Districts and there was discrimination in allocation of funds.
- (ii) ANVC had sent a Memorandum earlier in 1999 wherein they had made a demand for creation of the separate Garoland. Later, ANVC submitted a Memorandum on 01/02/2006 for creation of a separate State of Garoland comprising the present three districts of Garo Hills and the areas predominantly inhabited by the Garos in the contiguous areas of West Khasi Hills, Ri-Bhoi districts of Meghalaya and Goalpara and Kamrup districts of Assam.
- (iii) Peace talks with ANVC were held through the Government of India interlocutor Shri P.C. Haldar. In order to address the demands of ANVC a Joint Monitoring Group was set up comprising representatives of Government of India, the State Government and ANVC. The initial demand of ANVC for a separate State of Garoland was rejected in the JMG Meetings. Subsequently, in a meeting of the JMG, ANVC agreed to drop its demand for statehood in lieu of enhanced powers to the District Councils in Garo Hills at par with the Bodo Territorial Council. Finally in a tripartite meeting held on 05/01/2013, an agreed 'Text for Settlement' was finalised in the meeting. Under the settlement, it is *inter-alia* proposed to give enhanced powers to the council beside increasing the number of Members of each of the existing Councils from 30 to 40.
- (iv) Government of Meghalaya has approved the agreed Text of settlement. The Government of Meghalaya has requested for extending the benefit of enhanced autonomy proposed for the five Garo Hill districts to the existing autonomous District Councils in the Khasi and Jaintia Hill districts. The Ministry of Home Affairs has

accepted this proposal of the State Government in order to ensure parity of governance in various districts of the State and prevent discontentment within a Section of the population.

6.3.205 . In view of the fact that the proposed Memorandum is going to settle a long pending issue of discontentment among certain tribal sections of the State and development in the State is likely to take place fast with the enhanced powers to all the District Councils of the State of Meghalaya, the Commission agreed to the proposal contained in the draft Note for the Cabinet Committee on Political Affairs.

<b>(70)</b>	<b>Draft Cabinet Note on the Dowry Prohibition Act, 1961</b>
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6.3.206 Ministry of Tribal Affairs vide letter No. 17011/10/2013-P&M dated 25/02/2013 have sought comments of the Commission with reference to the Ministry of Women & Child Development O.M. No. 19-2/2009-WW(PT-II) dated 14/02/2013 on Draft Cabinet Note on the Dowry Prohibition Act, 1961.

6.3.207 The Commission noted that the proposed amendments will serve as deterrence to the parties from practicing dowry system. The proposal when implemented will help solving the deep-rooted social problems and be a step towards manifestation of gender equality and inclusiveness. The amendments will also facilitate accountability of the Govt. and the society to the public for restraining the social menace of dowry. Considering the social objective of the proposed amendments, the Commission recommended its further processing by the sponsoring Ministry.

<b>71</b>	<b>Draft Note for Expenditure Finance Committee for continuance of Mahila Samakhya Programme in 12<sup>th</sup> Plan</b>
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6.3.208 Ministry of Tribal Affairs vide letter No. 17011/13/2013-P&M dated 04/03/2013 sought comments of the Commission with reference to the Ministry of Human Resource Development O.M. No. 1-3/2012-EE.7 dated 22/2/2013 forwarding the Draft Note for Expenditure Finance Committee for continuance of Mahila Samakhya Programme in 12<sup>th</sup> Plan.

6.3.209 Mahila Samakhya is an ongoing Scheme for women's empowerment that was initiated in 1989 to translate the goals of the National Policy in Education into a concrete programme for the education and empowerment of women in rural areas, particularly of women from socially and economically marginalized groups. The scheme has been approved by the Planning Commission for continuation for the 12<sup>th</sup> Plan i.e. 2012-2017. Considering the intended objectives of the programme, the Commission recommended its continuance during the 12<sup>th</sup> Plan with the suggestion that the program should clearly spell out the specific measures for the benefit of ST women and those from Scheduled Areas/Tribal Areas.

<b>(72)</b>	<b>Draft Cabinet Note for Amendments in the Constitution (Scheduled Castes) Order, 1950 so as to modify the lists of Scheduled Castes in respect of three States viz. Haryana, Karnataka and Odisha</b>
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6.3.210 Ministry of Tribal Affairs vide letter No. 12014/3/2012-C&LM-I dated 25/02/2013 have sought comments of the Commission with reference to the Ministry of Social Justice and Empowerment letter No. 12016/1/2003/ SCD (RI. Cell) dated 13/02/2013 on the draft Cabinet Note for amendments in the Constitution (Scheduled Castes) Order, 1950 so as to modify the lists of Scheduled Castes in respect of three States viz. Haryana, Karnataka and Odisha. Since the proposal relates to modifying the list of Scheduled Castes and no existing ST Community was being deleted or re-categorized as SC, the Commission decided to offer no other comments on the proposal.

<b>(73)</b>	<b>Draft Cabinet Note on National Early Childhood Care and Education (ECCE) Policy</b>
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6.3.211 Ministry of Tribal Affairs vide letter No. 17011/18/2013-P&M dated 13/03/2013 have sought comments of the Commission with reference to the Ministry of Women and Child Development letter No. 6-3/2009-ECCE dated 01/03/2013 on Draft Cabinet Note on National Early Childhood Care and Education (ECCE) Policy.

6.3.212 The Commission has noted that in India there are about 158.7 million children under six years of age as per Census, 2011, who need holistic and integrated Early Childhood Care and Education (ECCE) inputs for their optimum development. ECCE is critical for breaking the inter-generational cycle of multiple disadvantages and for providing equality to all children to realize their full potential. The Govt. has approved strengthening and restructuring of ICDS on 24-9-2012 in which Anganwadi Centre would now be repositioned as Vibrant ECD Centre to become the first outpost for health, nutrition and early learning with revised package of services to focus on under-3 children and improvement in quality of ECCE. A rapid increase in number of nursery, kindergarten, day-care centres etc., has been seen even in rural areas, by the private service providers that provide or claim to provide services falling in the ambit of ECCE. The private service providers have a legacy of remaining unorganized and informal without any ground rules or regulations. As a result quality of care and education for the early childhood varies hugely across various service providers, and their programmes are generally characterized by inadequacies, which are often developmentally in-appropriate for the children and are at times financially and emotionally exploitative. The Ministry of Women and Child Development has therefore proposed a draft National Early Childhood Care and Education Policy (ECCE).

6.3.213 The Commission noted that the proposed policy envisage a vision to achieve holistic development and active learning capacity of all children below 6years of age by promoting free, universal, inclusive, equitable, joyful and contextualized opportunities for laying foundation and attaining full potential.



The policy envisage National Curriculum Framework for ECCE for all children below 6 years of age..

6.3.214 Commission noted that the problems and need of the Scheduled Tribes are much different from those of the general population. Looking at the facts that tribal areas lack various facilities hitherto available in urban as well as rural areas, there was need to make special emphasis in the policy about the children belonging to Scheduled Tribes and those living in Scheduled Areas/ Tribal areas. However the proposed policy and the curriculum do not speak about the applicability of the Policy to the Scheduled Tribes and the Scheduled Areas/ Tribal areas in the country. The Commission, therefore, recommended that the sponsoring Ministry may incorporate a separate Chapter within the policy and the Curriculum framework to ensure equitable flow of benefits to the tribals.

<b>(74)</b>	<b>Inclusion of 'Karbi (Mikir)' community residing in plain area of Assam at Sl. No. 11 in the list of Scheduled Tribes in Assam.</b>
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6.3.215 The Ministry of Tribal Affairs vide letter No. 12016/3/2000-TA(RI)-C&LM(pt-I) dated 27/28 Feb. 2013 have sought comments of the Commission on inclusion of Karbi (Mikir) community residing in plain area of Assam at Sl. No.11 in the list of Scheduled Tribes in Assam. The MTA has informed that the Registrar General of India vide DO letter No. 8/1/2006-SS(Assam) Pt dated 11/09/2006 has supported the inclusion of Karbi (Mikir) community residing in plain area of Assam in the lists of Scheduled Tribes in Assam.

6.3.216 The Commission noted that RGI took more than three years in communicating their views to the MTA in response to their letter dated 15/12/2003. The Commission further noted that the Ministry of Tribal Affairs have taken more than 6 years to forward the proposal to NCST in Feb., 2013 as the proposal was recommended by the RGI much earlier vide their letter dated 11/09/2006. MTA has also not forwarded to the Commission the proposal of the State Govt. as required in term of the modalities prescribed for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes, as communicated vide Ministry of Social Justice & Empowerment letter No.12016/36/96-SCD(R.L.Cell)-Vol.III dated 30/07/2002. The Commission, therefore, desired that MTA may be asked to forward a copy of the detailed proposal of the State Govt. and the detailed recommendation/ views made by the Registrar General of India in the matter, as well as any other relevant material /information furnished by the State Govt. since 2003 in the matter along with the reasons for keeping the proposal pending for such a long time, for re-submission of the case before the Commission.

<b>(75)</b>	<b>Draft Cabinet Note on HR Policy for E-Governance</b>
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6.3.217 Ministry of Tribal Affairs vide letter No. 17011/15/2013-P&M dated 06/03/2013 have sought comments of the Commission with reference to the Deptt. of Electronics & Information Technology letter No. N-14/4/2013-egove2 on Draft Cabinet Note on HR Policy for E-Governance.

6.3.218 The proposal seeks the approval of the Cabinet to put in place Institutional mechanisms and Human Resource (HR) Policies for e-Governance, based on the recommendations of the Expert Committee set up under the chairmanship of Nandan Nilekani, Chairperson of the UIDAI, to suggest measures to bridge human resource capacity gaps in key e-Governance initiatives. The proposal is for setting up institutional structure and positions with defined roles and responsibilities, in the Ministries/ Departments of Government of India to address the inadequacies in supporting the implementation of the Mission Mode Projects (MMPs) and other key initiatives. The HR policy for e-Governance *inter-alia* includes the following:

- (i) *Redefining the role of NIC and augmenting its strength*
- (ii) *Creation of Chief Information Officer function, Expert Team and an Electronics Services Division in all Central Line Ministries.*
- (iii) *Creation of dedicated Project Teams for key e- Governance Projects*
- (iv) *Induct high caliber external talent into the Government through an enabling environment including near market compensation and delegation of Powers*
- (v) *Setting up of an e-Governance Academy.*

6.3.219 Since the proposal is meant for successful conceptualization and implementation of E-Governance project, the Commission recommended for further processing of the propose policy.

<b>(76)</b>	<b>Inclusion of 'Kisan' community as synonym of Nagesia, Nagasia listed at Sl. No. 32 in the list of Scheduled Tribes of Chhattisgarh State</b>
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6.3.220 Ministry of Tribal Affairs vide letter No. 12026/05/2012-C&LM-I dated 11/03/2013 have sought comments of the Commission with reference to the Registrar General of India DO No. 8/1/2012-SS (Chhattisgarh) dated 06/03/2013 on proposal of the State Government for Inclusion of ~~Kisan~~ Kisan community as synonyms of Nagesia, Nagasia listed at Sl.No. 32 in the list of Scheduled Tribes of Chhattisgarh State.

6.3.221 The Commission noted that in accordance with the comments of the RGI on the proposal, communicated vide letter dated 6/3/2013 that in pursuance to the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 2002, Nagesia tribe was notified as synonyms of Kisans in STS list of 3 neighboring States viz; Bihar, Jharkhand and Orissa. The RGI has, highlighted that said amendment further strengthens the claim of the Chhattisgarh Govt. that Kisan is synonyms of Nagesia tribe notified in the STs list. In course of time the title Kisan became the synonym of Nagesia and also entered in their land revenue records. Further, based on the information furnished by the State Govt. as well as given in the standard published ethnographic literature, the RGI has agreed with the proposal.

6.3.222 The Commission further noted that as per the Annual Report of the MTA, the position with regard to inclusion of Kisan and Nagesia/Nagasia Communities in the list of Scheduled Tribes in respect of various States is as under:

Sl.No.	State	Name of Community included
19	Bihar	Kisan, Nagesia
32	Chhattisgarh	Nagesia, Nagasia
18	Jharkhand	Kisan, Nagesia
34	Madhya Pradesh	Nagesia, Nagasia
32	Orissa	Kisan, Nagesar, Nagesia
19	West Bengal	Kisan
32	West Bengal	Nagesia
34	Maharashtra	Nagesia, Nagasia

6.3.223 The Commission noted that the Kisan community was separately included at Sl. No. 19, 18 and 32 in the list of STs in respect of the States of Bihar, Jharkhand and Orissa respectively. The Commission also noted that as per the report furnished by RGI, the term "Kisan" communicate an occupational name used mainly for Nagesia/ Nagasia of Central and Eastern States. In respect of Madhya Pradesh wherefrom the State of Chhattisgarh came into existence after bifurcation of the State, Nagesia/ Nagasia is listed at Sl.No. 34, while Nagesia/ Nagasia community in Chhattisgarh is existing at Sl.No. 32. Therefore, the need to include Kisan as a synonym to Nagesia and Nagasia listed at Sl.No.32 in the state of Chhattisgarh should be examined also taking into account the rationalization of nomenclature contained in the scheduled list in respect of all Central and Eastern States. The Commission, therefore, desired that MTA may re-submit the proposal after receipt of requisite clarifications from the concerned State Governments. The State Governments may also be requested to indicate the population and caste status and anthropological, ethnographic and cultural features of the Kisan Community in the State.

6.3.224 The Commission also decided that a Member of the National Commission for Scheduled Tribes may be deputed to ascertain socio-economic conditions of the "Kisan" community in the Chhattisgarh State and also their position in context of the prescribed criteria for specification of a community as Scheduled Tribes viz.; (a) indication of primitive traits; (b) distinctive culture; (c) geographical isolation; (d) shyness of contact with the community at large; and (e) backwardness.

<b>(77)</b>	<b>Draft Note for the Cabinet for Official amendments to the Marriage Laws (Amendment) Bill 2010</b>
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6.3.225 Ministry of Tribal Affairs vide letter No. 17011/17/2013-P&M dated 13/03/2013 have sought comments of the Commission on Draft Note for the Cabinet Official amendments to the Marriage Laws (Amendment) Bill 2010 received from the Ministry of Law & Justice vide DO No. 11(1)/2010-Leg.III (Vol.III) dated 04/03/2013.

6.3.226 The Commission noted that the proposal is aimed at provision for irretrievable breakdown of marriage as a ground for grant of divorce and to provide adequate safeguards to parties to the marriage who file petition for grant of divorce by mutual consent or for grant of divorce on the ground of irretrievable breakdown of marriage.

6.3.227 The Commission noted that the proposed amendment is a step towards social reform in the area of marriage institutions and recommended its further processing, but keeping in view and without drastically disturbing the traditional customs and customary laws prevalent among various tribal communities in each tribal region of the country.

<b>(78)</b>	<b>The Chhattisgarh Dharma Swatantraya (Sansodhan) Bill, 2006</b>
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6.3.228 Ministry of Tribal Affairs vide DO No. 16014/1701/2013-C&LM-I dated 14/03/2013 have sought comments of the Commission on the Chhattisgarh Dharma Swatantraya (Sansodhan) Bill, 2006 received from the Ministry of Home Affairs vide OM No. 17/03/2013-Judl.&PP dated 01/03/2013.

6.3.229 The Commission was informed that after creation of Chhattisgarh State out of Madhya Pradesh State as per the Madhya Pradesh Re-organisation Act, 2000, various Acts and Laws then existing in the erstwhile Madhya Pradesh State were adopted as it is by the Government of Chhattisgarh. From the documents received alongwith the above proposal it is evident that the MP Dharma Swatantraya Adhiniyam, 1968 was also adopted by the Government of Chhattisgarh as Chhattisgarh Dharma Swatantraya Adhiniyam, 1968. By the present proposal, the State Government has proposed to amend the above Act for incorporating deterrent provisions for higher punishment for conversion of religion by use of force, allurement or by fraudulent means. The Statement of Objects and Reasons attached to the bill states as follows:

Conversion of one religion to another by use of force allurement or by fraudulent means is sometime common in the State of Chhattisgarh specially in the Tribal areas. To prevent the persons from conversion by use of force, allurement or by fraudulent means, deterrent provision in the existing the Chhattisgarh Dharma Swatantraya Adhiniyam, 1968 (No. 27 of 1968)+ is necessary. Hence the State Government has decided to amend the Chhattisgarh Dharma Swatantraya Adhiniyam, 1968 (No. 27 of 1968).

6.3.230 The Commission noted that the objective of the proposed amendment was to protect tribals from forced conversion of their religion. The Commission, therefore, agreed to the proposed amendment in principal. The Commission, however, noted that the Bill was introduced in the Chhattisgarh Legislative Assembly on 07/08/2006 and the State Assembly also passed the Bill on the same day, but it has been sent to the Ministry of Home Affairs in January 2013

only for obtaining assent of the President on the Bill. The delay in sending the Bill for assent has not been explained. The Union and the State Government, have therefore to ensure that the Bill has not lapsed and there was no need to re-introduce the Bill in the State Assembly afresh due to lapse of over six years since August 2006.

<b>(79)</b>	<b>Inclusion of ‘Dhanuhar/Dhanuwar’ community as synonyms of Dhanwar, at SI.No. 14 in the list of Scheduled Tribes of Chhattisgarh State</b>
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6.3.231 Ministry of Tribal Affairs vide letter No. 12016/04/2012-C&LM-I dated 12/03/2013 have sought comments of the Commission on the Inclusion of Dhanuhar/ Dhanuwar community as synonyms of Dhanwar, at SI.No. 14 in the list of Scheduled Tribes of Chhattisgarh State. The recommendation of the Registrar General of India made vide his DO No. 8/01/2003-SS (Chhattisgarh)-Pt. dated 06/03/2013 has also been received along with the proposal.

6.3.232 The Commission noted that RGI vide letter dated 06/03/2013 has supported the proposal based on the standard published ethnographic literature and other material available with them. It is stated that DHANUHAR and DHANUWAR are synonym of the DHANWAR community specified as ST in relation to the State of Chhattisgarh as DHANUHAR (धनुहार) and DHANUWAR (धनुवार) are the terms used in colloquial language for DHANWAR (धनवर). It is also noted from the study conducted by the Govt. of Chhattisgarh that the total population of the DHANUHAR/ DHANUWAR Community is 1065 out of which male population is 543 (50.99%) and female population is 522 (49.01%) and therefore this name should be added as synonym to the existing entry of DHANWAR. In view of the study report of the State Government and the opinion of the Registrar General of India, the Commission recommended accepting the proposed amendment.

6.3.233 The Commission observed that in respect of the proposals being received from the Ministry of Tribal Affairs for deciding claims for inclusion in, exclusion from the lists of Scheduled Tribes and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list, the Commission is not in a position to conduct interaction with experts etc. in the fields of anthropology, ethnography and other social sciences or conduct studies due to extreme shortage of staff and paucity of funds which have been repeatedly brought to the notice of MTA. Commission is also facing similar problems while examining the proposals seeking advice/ comments of the Commission on policy matters received from MTA/other Ministries and Departments as Commission is having acute shortage of staff and infrastructure clubbed with meager budgetary support. The Commission directed that the MTA may be asked to provide requisite resources including manpower and financial support to the Commission to make the Commission function effectively.

## **6.4 Observations and Recommendations**

**Para 6.4.1 The Commission, during the year 2012-13, has made recommendations in 79 policy issues on which comments/ views/ advice of the Commission were sought, as required under Article 338A(9) of the Constitution. Government, while laying Action Taken Memorandum on this report in Parliament, may also lay the Action Taken or proposed to be taken by each Ministry/ Department on the recommendation made in each of the policy issue.**

## CHAPTER 7

### SUMMARY OF RECOMMENDATIONS

The recommendations of the Commission on various aspects have been highlighted in the respective Chapters to facilitate convenient identification for the purpose of taking up follow up action on them. A consolidated statement of each Para containing these recommendations is given below:-

#### CHAPTER-1: ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

- 1 Para 1.3.4 It would also be appropriate to mention here that budget provision under IT (Plan Head) has been made for National Commission for Scheduled Tribes within the budget head of the Ministry of Tribal Affairs. It is noted from the annual reports of the Ministry of Tribal Affairs and the information available on the website of the Ministry that the funds allocated to the Ministry of Tribal Affairs for Research & Training and Monitoring & Evaluation under plan head for Research Information Media and other activities have not been fully utilized every year. On the lines of the funds allocated under IT head of the Ministry, some funds could easily be earmarked for National Commission for Scheduled Tribes for meeting the expenditure relating to Research & Training and Monitoring & Evaluation. **The Commission therefore reiterates its recommendation made in the Seventh Report that Ministry of Tribal Affairs may consider earmarking adequate funds for National Commission for Scheduled Tribes under Research & Training and Monitoring & Evaluation sub-head under the plan head of the Ministry in each financial year enabling the National Commission for Scheduled Tribes to meet the requirements relating to Research & Training and Monitoring & Evaluation and those relating to additional functions vested with the Commission.**
- 2 Para 1.5.8 As term of appointment of each Member in the Commission is fixed as three years, the process to fill the vacancies that may be caused after completion of the prescribed three year term of each Member should in normal course commence much in advance before completion of the term. Similarly, the process to make an appointment against the vacancy caused due to sudden death or actual vacation by the Member or otherwise should be initiated immediately so that actual appointments to the vacant posts takes place within three months of the occurrence of the vacancy. The Commission's efforts to fulfill its mandate are handicapped by inordinate delays in filling the vacancies of Members. **The Commission, therefore, reiterates its recommendations that the term of each Member being fixed, i.e. three years from the date of assuming the charge and the Government being fully aware about the date when the vacancy would be caused, the Government should initiate timely action for appointment of new Members against the likely vacancies and within three month of occurrence of vacancy due to death of the Member or due to any other reason.**

- 3 Para 1.5.10 It will be noted from the above Table that out of 128 Posts available with the National Commission for Scheduled Tribes, highest level of control is with National Commission for Scheduled Castes as NCSC is the controlling Authority for 87 Posts. These are Group 'B' and Group 'C' category posts which are essential for operational efficiency of the Commission. In fact in every Organisation the operational efficiency depends upon the Group 'B' and Group 'C' staff only as they are instrumental in executing the directives given by the 'think tanks' in the Organisation. Out of these 87 Posts only 38 Posts are filled leaving a huge vacuum of 49 (56%) vacancies. Department of Personnel and Training under the Ministry of Personnel & Training is the next bigger Authority having control over 20 posts in Group 'A' Group 'B' as well as Group 'C' categories. All the Group 'A' posts are filled by Department of Personnel and Training either directly or through Ministry of Tribal Affairs or Ministry of Social Justice and Empowerment and all these Group 'A' posts are presently filled. 6 out of the above mentioned 20 posts belong to Group 'B' category and are filled by posting through Ministry of Tribal Affairs. All these 6 posts are vacant. Similarly, 4 out of 6 Group 'C' posts, filled by Department of Personnel and Training by posting through MSJE are also vacant. 11 Group 'A' posts in this Commission belong to Joint Cadre of NCST, NCSC and MSJE and Officers for these Group 'A' posts are appointed by Ministry of Social Justice and Empowerment and presently 73% (8 out of 11) of these Group 'A' posts are vacant. At the time of creation of separate National Commission for Scheduled Tribes in 2004, the Ministry of Tribal Affairs had sanctioned a few posts for serving NCST exclusively. These are one post each of Superintendent of Police, Law Officer, Librarian-cum-documentation Assistant, Accountant and Dispatch Rider. These posts carry lower pay scales/ grade pay as compared to those in other Organisations. Consequently, response to the process for recruitment to these posts has been very poor and proposals of the Commission to upgrade the scales/ grade pay of these posts have not been honored by the Government and therefore these posts have remained unfilled. Since these posts have not been filled, Commission could not take the benefit of creation of these posts. **The Commission recommends that the Ministry of Tribal Affairs, being the administrative Ministry for the National Commission for Scheduled Tribes, should take immediate steps to upgrade the above mentioned posts created by the Ministry so as to enable the Commission to have functional benefits of those posts. Similarly, National Commission for Scheduled Castes, which is the Cadre Control Authority for 87 (68% of the total) posts of the Commission, should take prompt action for filling the vacant Group 'B' and Group 'C' posts in this Commission. In view of the precarious condition about providing manpower in the Commission, the Department of Personnel and Training may also take concrete steps to post in the Commission, requisite number of Group 'B' and Group 'C' Officers against the existing vacancies.**



- 4 **Para 1.5.16 The Commission deeply regrets to report that notwithstanding the strong recommendation of the Parliamentary Committee, and the directives issued by the Prime Minister Office and continuous follow up by this Commission, neither additional posts have been sanctioned for the Commission nor any methodology evolved to fill the vacant posts in the Commission so far, which has negated all the efforts of the Commission to evolve into an effective guardian of the rights of Scheduled Tribes. The Commission strongly recommends the Government of India to promptly sanction the additional manpower sought by the Commission required to fulfill the mandate assigned to the Commission.**
- 5 **Para 1.5.23 The Commission is pained to observe that the Ministry of Social Justice & Empowerment, Ministry of Tribal Affairs, the National Commission for Scheduled Castes and the Department of Personnel and Training did not fully appreciate the problems and the severe constraints being faced by the Commission and failed to make concerted efforts to fill up these vacant posts to enable the Commission to discharge its constitutional obligations in an effective manner. The Ministry of Tribal Affairs being administrative Ministry for NCST should take immediate steps to strengthen this Commission by taking necessary steps to ensure prompt filling of the existing vacancies in the Commission and by:**
- (i) Agreeing in principle to the creation of additional posts sought by NCST**
  - (ii) Sanction of 1/3 of additional post in first phase**
  - (iii) Creation of separate cadre out of all Joint Cadre posts for Research and secretariat staff-support posts in NCST or in NCST and MTA.**
- 6 **Para 1.5.24 It is also recommended that separate cadre for NCST alone or along with Ministry of Tribal Affairs may be created in respect of secretarial posts (CSS, CSSS and CSCS cadres) and the Joint Cadre posts (Research staff and also secretarial support staff in Regional Offices of NCST) respectively.**
- 7 **Para 1.9.3 As will be seen from above, three reports only have been laid in Parliament. The first Report of the Commission submitted to the President on 8/8/2006 was laid in Parliament after gap of 6 years from the date of its submission to the President. Similarly, Second Report submitted on 3/9/2008 was also laid about 5 years after its submission to the President. The Commission is rather concerned about the increasingly large time gap between the submission of its Report to the President and its laying before the Parliament/ State Legislature. This delay substantially detracts value from the Commission's recommendations as the Hon'ble Members of Parliament come to know of them many years after**

submission of the Report to the President. Besides, it also prevents the Commission from timely dissemination of its reports to various Organisations/ agencies including NGOs working for Scheduled Tribes / the senior officers of the Central Government and State Governments, concerned with formulation of programmes and schemes for tribal development, thereby depriving them of the inputs provided by the Commission on various tribal issues. Moreover, as subsequent experience has shown, this has only encouraged the lassitude on the part of those responsible for laying the Report. **The Commission has therefore been emphasizing to de-link the laying of the Report in Parliament from the laying of the Action Taken Memorandum on the recommendations contained in the Report of the Commission.**

- 8 Para 1.9.5 As the Reports of the Commission have constitutional importance **the Commission remains firmly of the view that it is very important that Reports of the Commission are made public by laying the report in Parliament and the State Legislatures, as the case may be, within a reasonable period of time i.e. not exceeding three months after submission of the report to the President. By amending the provisions in clause 6 and 7 of Article 338A of the Constitution the laying of the Report may be delinked with the process of laying of memorandum of action taken/ proposed to be taken on its recommendations. Memorandum of action taken/ proposed to be taken on its recommendations by the Ministry of Tribal Affairs/ the respective State Government could be separately laid in the Parliament/ State Legislature within a prescribed period after submission of the report to the President. The Commission hopes that the Government will appreciate the concern of the Commission for prompt laying of the reports in the Parliament and the State Legislature and initiate expeditious action to amend the above-mentioned Clauses (6) and (7) of Article 338A of the Constitution on the above lines.**
- 9 Para 1.11.22 **This Commission, therefore re-iterates its recommendation made earlier in its previous Reports that, in court cases relating to the subject matters allotted to the Commission, involving NCST is also a respondent and other authorities of the Central Government may be a petitioner party or a respondent, the Commission should file its reply independently through a separate Central Govt. Counsel, so that views of the Commission reach the Court without modifications or curtailments. To avoid delay, it may also be examined whether there is any real need for routing such requests for legal representation through the Administrative Ministry (MTA), as the Ministry has no oversight role to play regarding recommendations / views of the Commission on matters in relation to other Ministries/ Departments/ Organizations.**

## **CHAPTER 2 SERVICE SAFEGUARDS**

- 10 Para 2.8.3 The above data as on 01/01/2013 relates to 61 Ministries/ Departments of the Government of India while the data as on 01/01/2012

relates to 66 Ministries/ Departments. There is no information whether data included all the Ministries/ Departments as on 01/01/2013 or data from some of them was awaited. It is, however, seen from above that representation of Scheduled Tribes in all the posts taken together has crossed the stipulated percentage of reservation. This is, however, due to the fact that employees belonging to Group  $\text{Cq}$  (excluding safai karamcharis) constituted 91% and 92% of the total employees (excluding safai karamcharis) as on 01/01/2012 and 01/01/2013 respectively and the representation of Scheduled Tribes in these Group  $\text{Cq}$  posts exceeded 7.5% while representation in Group  $\text{Aq}$  and Group  $\text{Bq}$  category posts still lacked behind the prescribed representation of 7.5% each year. The data also show that there has been substantial increase (about 103%) in the strength of Safai Karamcharis (Group  $\text{Cq}$ ) alone from 54686 to 110986 from 01/01/2012 to 01/01/2013. The corresponding increase of ST employees among them also has been about 105 % leading to slight increase in representation of ST employees from 6.97% to 7.03%. **The Commission, therefore, recommends that Department of Personnel and Training may issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in all services and posts and also that all vacant posts may be filled urgently and the shortfall in ST quota may be separately filled as per the provisions under Article 16(4B) of the Constitution inserted vide the Constitution (Eighty-fifth Amendment) Act, 2001**

- 11 Para 2.8.9 Since information is not available in respect of all the 277 CPSEs it cannot be said that the representation of Scheduled Tribe employees in each of the CPSEs is satisfactory and that the CPSEs are following the reservation policy for Scheduled Tribes as envisaged in the Constitution and as per guidelines of the Government of India. **It is therefore recommended that the DPE may take suitable steps including computerized monitoring system for timely collection of requisite information from all the CPSEs to be covered by the Public Enterprise Survey each year.**
- 12 Para 2.8.14 Considering the representation of ST employees in each Bank individually, except in Dena Bank (11.56%) followed by the State Bank of Bikaner & Jaipur (9.39%) Bank of India (9.13%), and Reserve Bank of India (8.56%) all other Banks are yet to achieve prescribed percentage of reservation for STs in their services. In the context of overall representation of ST employees State Bank of Patiala has the lowest (2.23) percentage of all its employees. Similarly, percentage of ST employees to total employees in Punjab & Sind Bank is 2.79% only followed by IDBI Bank (4.19%) and Indian Bank (4.57%). Percentage of ST employees to total employees in all other Banks is above 5.00% but below 7.50%. In Group  $\text{Aq}$  and  $\text{Bq}$  posts taken together State Bank of

Bikaner and Jaipur leads with 10.23% of representation of ST employees followed by Dena Bank (9.92%) and State Bank of Mysore (7.63%). On the other hand Punjab & Sind Bank has the lowest (3.06) percentage of ST employees among Group A and B officers followed by State Bank of Travancore (3.19%), State Bank of Patiala (3.57%) and IDBI Bank (4.02%). Since Group A and B posts have all India service liability, recruitment to these posts is held on all India basis and therefore, representation of ST employees should not be so low. As regards representation in Group C and equivalent post Dena Bank leads with 12.5% representation followed by Reserve Bank of India (11.68%) and State Bank of Bikaner and Jaipur (10.17%) in overall also State Bank of Patiala. In order to ensure good representation of Scheduled Tribe employees in each level of posts it is necessary that induction of ST employees in the feeder grade posts should be increased extensively. If there are no candidates in the feeder grade the representation in higher grade through promotion cannot be achieved **As several Banks have poor representation of Scheduled Tribes among Group 'B', Group 'C' as well as Group 'D' posts, Commission recommends that each Bank should take such steps as to ensure higher percentage of ST employees in these categories through direct recruitment**

- 13 Para 2.8.16 Most of the Nationalised Banks were setup more than 60 years ago and nationalization of these Banks took place in 1969. Therefore, DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Thereafter, detailed instructions were issued for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. The Commission fails to understand the low representation of Scheduled Tribes in respect of each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Commission recommends that the Department of Financial Resources (Banking Division) should direct the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching Special Recruitment Drive and deputing special recruiting teams in the tribal areas and provide at least one-week long pre-recruitment comprehensive coaching for clerical cadre and four-week long coaching for Officer cadres in batches to improve the intake of ST candidates in recruitment at all levels.**
- 14 Para 2.8.22 There are no Group B employees in Agriculture Insurance Company Ltd. of India. Similarly there are no Group C employees in Insurance Regulatory and Development Authority and Group D (Safai Karamchari) in Insurance Regulatory and Development Authority, General Insurance Corporation of India and the New India Assurance Co. Ltd. Obviously there are no ST employees belonging to Group B and C category of posts in the above mentioned companies. Consequently, it would not possible to fill the posts in higher groups from amongst ST candidates by promotion and therefore, the representation of ST

candidates in Group A posts cannot be achieved up to the desired level unless strict compliance of reservation rule in direct recruitment is followed. **It is hoped that the concerned companies have adequate opportunities for direct promotion from Group 'C' to Group 'A' posts or Group 'D' to Group 'B' posts, as the case may be. If it is not so, the companies should consider for providing Group 'B' posts to open the channels for promotion of these employees who joined the company in Group 'C' posts. Similarly, IRDA has only one ST Officer out of 117 officers in Group 'A' constituting 0.84% only. Insurance Regulatory and Development Authority may take necessary steps to ensure adequate intake of ST Officers in Group 'A' posts through Direct Recruitment or through promotion to achieve prescribed level of share of ST among them.**

- 15 **Para 2.8.23 The Commission further recommends that in order to enhance/ achieve the representation of STs in each Group of posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan.**
- 16 **Para 2.8.31 The Commission recommends that all the vacant post of Assistant Professor/ Lecturer in the Central Universities may be filled on priority with due reservation for Scheduled Tribes applicable to the post, being the lowest Group 'A' post among the teaching posts. Increase in representation of Scheduled Tribes in these posts would certainly enhance the intake of Scheduled Tribes in the posts of Associate Professor and Professor in the Universities. Therefore, MHRD may issue necessary instructions for filling all the vacant posts of Assistant Professors/ Lecturers, Associate Professors and Professors in each of the Central University in a time bound manner, and if possible through special recruitment drive.**
- 17 **Para 2.8.34 The Commission would like to recommend once again that the Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit.**
- 18 **Para 2.8.43 It is well known that each University has various Faculties and Departments and number of teaching as well as non-teaching posts in various categories may not be sufficient to fit the Post Based Roster specific to each post. To meet this type of exigencies, the Department of Personnel and Training has issued instructions for grouping of the posts having similar status or similar pay scales/ grade pay to constitute a single Post Based Roster so that each reserved group gets adequately**

represented in the overall strength. **The Commission therefore, recommends that University Grants Commission may re-issue/ re-iterate the above instructions of the Department of Personnel and Training so that Scheduled Tribe candidates get adequate representation in each category/ group of teaching as well as non-teaching posts in each University as well as 'Deemed to be University'.**

- 19 Para 2.8.44 A number of Minority Educational Institutions have come into existence while some other universities/ Institutes have been granted the status of Minority Educational Institution in various parts of the country. It is difficult for the ST/SC students to get admission in these institutions as the policy of reservation for SCs/STs is not applicable to these institutions as per the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006. The difficulty is more pronounced in the case of ST students as most of them belong to remote areas and cannot afford to get quality coaching for securing employment into these institutions by competing with the students of more forward communities. There is, therefore, urgent need for review of the provisions of Central Educational Institutions (Reservation in Admission) Act, 2006. **The Commission therefore, re-iterates its earlier recommendation that the Ministry of HRD and the Ministry of Minority Affairs should consider suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 to ensure that reservation for STs is made applicable in admissions to at least Govt. run educational institutions which have been granted minority status. As Scheduled Tribes may profess any religion while these Minority Education Institutions give preference to those belonging to the Minority community for which the Institution is setup and do not have SC/ ST based reservation, it is recommended that the Scheduled Tribe candidates belonging to the Minority community may be given preference/ reservation in employment within the total strength for Minority communities.**
- 20 Para 2.9.2 These Welfare Associations are established for the benefit of all Scheduled Castes and/or Scheduled Tribes employees of the organization and not for a particular SC or ST community. If recognition can be granted to Associations of all Ex-servicemen, all women, all boys, all disabled persons then why Associations working for all SC/ST communities, irrespective of any specific SC/ST community, cannot be recognized. These Associations act as mediators and bring better coordination between the management and the SC/ST employees and resolving the issues concerning the problems of those employees and also implementing the Government policy relating to reservation for Scheduled Castes and Scheduled Tribes. **Therefore, the Commission recommends that the Department of Personnel and Training may issue necessary instructions to facilitate recognition to the Welfare Service Associations of Scheduled Tribe employees.**
- 21 Para 2.10.12 Regarding huge size of backlog of ST reserved posts it was explained by the Chennai Port Trust that the percentage of

reservation given at entry level in Group C&D post is 1% as per the ratio followed in the State Government of Tamilnadu and in promotion is 7% which causes back log of reserved vacancies of ST in promotional posts. The above clarification by Chennai Port Trust raises a question regarding basis for reservation in services. This situation has been observed in many regions in which population of Scheduled Tribes is much less than 7.5% as percentage of reservation through direct recruitment is fixed according to the proportion of ST population to the total population in the region while percentage of reservation in promotion is prescribed uniformly as 7.5%. The Organisations located in Northern States/ region of the Country also face the same situation as ST population, as per census 2011, in Haryana, Punjab and Chandigarh is Nil while it is 0.57% in Uttar Pradesh and 2.89% in Uttarakhand. Similarly, ST population percentage is 1.28% in Bihar, 1.45% in Kerala and 1.2% in Tamil Nadu. This issue can be resolved if and only if the Recruitment Rules for various posts provide, beside promotion, an element of direct recruitment in the event of non-availability of ST candidates through promotion and then such recruitment may be made on all India basis. **The National Commission for Scheduled Tribes therefore, recommends that Department of Personnel and Training may consider this problem, in consultation with National Commission for Scheduled Tribes and issue necessary instructions so that posts reserved for Scheduled Tribes do not remain unfilled for long unnecessarily.**

22 Para 2.10.14 From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on dereservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/ feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. **The National Commission for Scheduled Tribes, therefore, recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:**

- (i) **Recruitment Rules for each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (wherever applicable).**
- (ii) **Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion (or, at least provision for relaxation of the same for filling up ST vacancies), so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or**

deputation/transfer on deputation as the case may be. As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/ Departments themselves subject to approval of UPSC.

- (iii) As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.
- (iv) No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.
- (v) In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.
- (vi) In case of non-availability of ST candidates, at all, in the feeder grade, the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.

### **CHAPTER 3 PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES**

- 23 Para 3.4.3 As there have been various Amendments to the Scheduled Areas in the Country and the provision contained in Article 164(1) has also been amended accordingly. **Keeping in view the spirit behind this proviso the Commission reiterates its recommendation made in its Sixth Report that the proviso under Article 164(1) may be standardized/ expanded to benefit the tribals of all those States which presently have or may, in future have, Scheduled Areas under the Fifth Schedule. For this purpose the existing words “the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa” in Article 164 (1) may be replaced by the words “the States having Scheduled Areas under the Fifth Schedule to the Constitution”. This will avoid the need for amending the Constitution when ever Scheduled Areas are specified in relation to a new State.**
- 24 Para 3.8.5 As mentioned above, paragraph 3 of the Fifth Schedule to the Constitution also mandates that the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. There is however, no mention in the Annual Report as well as in the website of the Ministry of Tribal Affairs about the observations and findings regarding the status of Administration in the Scheduled Areas and any recommendation regarding raising the level of Administration and welfare and development of the Scheduled Tribes in the State made in



each Report by the concerned State Governor. There is also no mention about any action taken by the Government on those observations and recommendations, if any, made in the Report and any direction issued in that context to the State Government concerned. **As there is no provision in the Constitution regarding laying of the Governor's Report, along with the Memorandum explaining the Action Taken on the recommendations contained in each Governor's Report, on the tables of both houses of the Parliament, the Commission recommends that the Annual Reports of the Ministry of Tribal Affairs should include, in appropriate Chapter, detailed information containing the observations, findings and recommendations made in each Governor Report and the directions issued by the Union Government to the concerned State Government.**

- 25 Para 3.13.17 The State-wise analysis of Tribal Sub Plan fund allocations from the State Plan allocations was discussed in detail in the Fifth Report of the Commission. It was pointed out that several States were not preparing Tribal Sub Plan documents as per the guidelines prescribed by the Planning Commission, Tribal Development Division of the then Ministry of Home Affairs and later by Ministry of Tribal Affairs. **It is again pointed out that the Tribal Sub Plan allocations and utilizations have been varying from year to year which indicates either diversion of funds or lapsing of funds allocated under Tribal Sub Plan due to weak/ non-existence of monitoring and control mechanism as provided under the TSP guidelines. As per the guidelines, the TSP funds are non-lapsable. Therefore the NCST again considers that unutilized TSP funds from State Plan should be used under TSP Schemes during the subsequent Annual plan periods. The National Commission for Scheduled Tribes therefore, recommends as below:**
- (i) **The instructions to the State Governments, regarding preparation of Annual Plan and Five Year Plan should invariably emphasize that the Plan proposals of the State Government for Annual Plan as well as Five Year Plan will not be considered unless Tribal Sub-Plan document is also received. The communication should also clearly specify that the State Governments will simultaneously send the copies of State Plan documents and Tribal Sub-Plan documents to the National Commission for Scheduled Tribes.**
  - (ii) **As has been the practice in the past, the draft Tribal Sub-Plan of the State should also be discussed in the first phase by the Ministry of Tribal Affairs and the revised Tribal Sub-Plan document may be discussed for final approval in the Planning Commission, after finalization of the Five Year Plan/ Annual Plan size of the State. The Tribal Sub-Plan outlays approved in the meeting in the Planning Commission should be adhered by the State Government.**
  - (iii) **In order to ensure non-diversion of Tribal Sub-Plan funds, the Planning Commission and the Ministry of Tribal Affairs should**

ensure that each State Government budgets the earmarked TSP funds under a single budget demand under the control of the State Tribal Welfare/ Development Department of the State, as envisaged in the Maharashtra Model and advocated by Planning Commission as well as Ministry of Tribal Affairs from time to time.

- (iv) The funds allocated under Tribal Sub-Plan of the States should be non-divertible and non-lapsable with the objective of bridging the gap in socio-economic development of the Scheduled Tribes and the Scheduled Areas (and other tribal areas) under Tribal Sub-Plan in a time-bound manner. The Ministry of Finance, Ministry of Tribal Affairs and the Planning Commission may take necessary steps for creation of a non-lapsable Tribal Sub-Plan fund under each State/ UT having Tribal Sub-Plan and formulate guidelines for utilisation of such funds. Infrastructure development aimed at accelerated development of the Tribal Sub-Plan areas should be a priority area for expenditure from the non-lapsable fund.
- (v) Allocation from state plan funds in proportion to the ST population of the state may be linked to some incentive in SCA to TSP.

26 Para 3.13.32 The Commission has no information whether any view on the above recommendation of the Task Force was examined and considered by the Ministry of Finance, the Planning Commission or even the Ministry of Tribal Affairs during the finalisation of Annual Plans of the above mentioned Ministries/ Departments for the Financial Years 2011-12 and onwards. The information available on the website and the Annual Reports of the Ministry of Tribal Affairs also do not throw any light on this subject. Ministry of Food Processing, Department of Animal Husbandry and Fisheries, Ministry of New and Renewable Energy and Ministry of Power have lot to contribute towards socio-economic development and make impact on the life of the Scheduled Tribes. Further, Scheduled Tribes and the Forests have been co-existing and maintaining each other and will continue to co-exist. Therefore, it cannot be said that Ministry of Environment and Forests have no obligation towards Scheduled Tribes. As recommended by the Task Force the Government may examine various programmes of Ministry of Railways and Ministry of Commerce to highlight the programmes and the schemes which may be useful and administratively feasible for the tribal and Scheduled Areas and the Scheduled Tribes. **Therefore, the Commission recommends that the activities of the above mentioned Ministries/ Departments which have been classified as “No Obligation Ministries” can make very useful and effective impact on the income and life of the weaker sections of the society, especially the Scheduled Tribes. Therefore, these Ministries/ Departments may be declassified from the list of “No Obligation Ministries” and each of them may be directed to quantify optimum allocation, not less than 8.2%, for Tribal Sub Plan**

out of their Annual Plan outlays.

- 27 Para 3.13.33 **The National Commission for Scheduled Tribes also reiterates, for prompt consideration and action, its recommendations in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable Fund and utilisation thereof, made in its Fifth Report.**
- 28 Para 3.13.41 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission reiterates its earlier recommendation that the Government of India in the Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may be provided with adequate support for (i) organising Research and Training activities directly at National level, (ii)\_Coordination with Nodal/State level TRIs for State and Regional level Research and training activities, (iii) release of grants to State TRIs and (iv) Secretariat support. Accordingly, the CTRI may be made responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.**
- 29 Para 3.13.42 **It may also be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. For the last few years,. The Commission recommends that funds under Research and Training and Monitoring & Evaluation Heads in the Budget of the Ministry of Tribal Affairs may be earmarked separately to this Commission, in the same manner as funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget of the Ministry so that the Commission is able to fulfil the mandate assigned to it.**
- 30 Para 3.14.19 It is also worthwhile to compare the growth of literacy among Scheduled Tribes with the Scheduled Castes during the 50 years span during six Censuses from 1961 to 2011. ST male literacy (13.83%)

which was about 3% behind the SC male literacy in 1961 Census has now lagged by about 7% in Census 2011. Similarly, the ST female literacy (3.16%) was 0.13% only behind SC female literacy in 1961 Census but this gap has also widened by over 7% in Census 2011. On the same lines total literacy among Scheduled Tribes in Census 2011 is also over 7% behind the total SC literacy. This clearly shows that benefits of educational programmes have shown good results to all the groups but the benefits have not reached all groups and all genders equally. Much needs to be done for all females particularly ST females. **The Commission therefore, recommends that the Government may get the evaluation of (i) the functioning of various educational and other welfare schemes for girls launched under the jurisdiction of Ministry of Human Resource Development, Ministry of Women and Child Development, Ministry of Health, Ministry of Rural Development, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs beside other Social Sector Ministries/ Departments and (ii) the benefit of reservation in admission to various educational, vocational and professional institutions to find out the reasons for low literacy among ST females and to suggest ways and means for improving the literacy as well as quality of education among Scheduled Tribes, particularly the ST females.**

#### **CHAPTER 4 ATROCITIES AGAINST SCHEDULED TRIBES**

- 31 Para 4.4.5 Delay in investigation adversely affects the outcome of the investigation as well as the rate of success in the appropriate court. This also adversely impacts on the process of grant and actual release of relief admissible to the ST victims and their families under PoA Rules 1995. Thus delay in investigation defeats the objective of the special law viz; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the SCs and STs (PoA) Rules, 1995. **The Commission therefore recommends that the State Governments and the District Authorities may devise such measures as to ensure that investigation by police in the cases/ crimes involving Scheduled Tribes, to be carried out by the prescribed authorities, viz. Deputy Superintendant of Police, should be promptly completed within the time schedule provided under appropriate law.**
- 32 Para 4.4.7 As the Commission is vested with the duty to *inter-alia* investigate and monitor the matters relating to safeguards provided to the Scheduled Tribes and to enquire into specific complaints related to violation of those safeguards and in that context power of civil Court has also been given to the Commission while dealing with such matters, it is mandatory on the part of the State Governments and the District Authorities to cooperate with the Commission and promptly furnish the requisite information sought by the Commission while investigating into such matters. **The Commission, therefore, recommends that the Government of India may urgently advise all the State Governments for furnishing the requisite information as sought by Commission within the time limit stipulated in the communication received by**

them from the Commission. The Commission also recommends that the State Governments may further advise on similar lines to the District Authorities for timely furnishing the information to the Commission.

- 33 Para 4.4.8 The Commission also strongly reiterates its earlier recommendations that the State level and District level Vigilance & Monitoring Committees should meet regularly as provided in the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 and closely review the implementation of provisions regarding investigation and charge-sheeting of the cases in the courts and timely payment of monetary relief to the victims of atrocities strictly in accordance with the norms laid down under PoA Rules. Wherever, such committees are either not functional or not reconstituted as per the provision under the PoA Rules, 1995, as amended from time to time, necessary steps should be taken by the State Government to ensure smooth and periodic/ regular functioning of the Vigilance and Monitoring Committees.
- 34 Para 4.5.6 It is thus observed that the States having high incidence of all kinds of crimes against Scheduled Tribes and also those States having high incidence of crimes against Scheduled Tribes under PoA Act need to concentrate on taking steps necessary for curbing such incidences. The States of first category are Rajasthan, Madhya Pradesh, Odisha, Andhra Pradesh, Karnataka and Chhattisgarh which have higher rate of incidence of crime than the National average of 5.68 crimes of all categories against Scheduled Tribes. States having higher rates of incidence under PoA Act, than national average of 1.26 are Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Kerala, Odisha and the Union Territory of Andaman & Nicobar Islands. **In order to curb the incidence of crime against Scheduled Tribes, the State Government of the above mentioned States need to ensure that special Police Cells at State Headquarter and special Police Stations in the Districts, as envisaged under Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 function effectively. The functioning of the Vigilance and Monitoring Committees at State and District level, setup under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 also need to be monitored regularly. All other States having ST population also need to take above steps to ensure that all incidences of crimes against Scheduled Tribes are reported and registered in the appropriate Police Station and prompt action is taken by the Police for quick disposal at their end.**
- 35 Para 4.5.7 **As some of the highly ST populated States like Madhya Pradesh, Chhattisgarh, Maharashtra, Rajasthan and some other States have reported NIL or negligible incidence of crime under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2012, and it could not be believed easily, the Commission feels that the data received, compiled and consolidated at National Crimes Record Bureau may be cross verified before including in the Report**

on “CRIME IN INDIA”, whether each incident under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 was being registered at the regular or the Special Police Station and reported in the computerized monitoring system of National Crimes Record Bureau.

- 36 Para 4.6.3 There is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and created peace and harmony among all sections of the society. The Government of India and also those State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.
- 37 Para 4.7.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly otherwise the objective of making of Special provision in the Special Act aimed at curbing Atrocities on Scheduled Tribes will not be fulfilled and consequently, Atrocities will continue to be committed on them.
- 38 Para 4.8.1 There is an imperative need of timely investigation of atrocity cases so that a charge sheet is submitted in the Court at the earliest. **The Commission, therefore, recommends that it should be ensured that the case is under PoA Act and involving STs as victim or accused investigated by an officer of the rank of Dy. SP and investigation report is submitted by him within 30 days. The Commission also feels that the charge sheet should be filed with due care and with a sense of urgency to ensure that the accused person is not acquitted on technical grounds or on account of delay in filing the charge sheet.**
- 39 Para 4.8.2 The delay in the arrest of the accused also leads to delay in investigation of the cases and which, in turn, causes delay in dispensing justice to the victim(s). **The Commission, therefore, further recommends that all efforts should be made by the police to ensure**

that the accused is arrested as early as possible particularly in the cases of heinous crimes like murder, arson, rape, etc. and also in cases involving police as accused.

- 40 Para 4.8.3 A large section of the general public and ST population is still unaware of the provisions the PoA Act and Rules. **The Commission, therefore, consider it necessary to reiterate earlier recommendation that with a view to create awareness among the masses about various provisions of the Act and Rules including the provisions for relief and compensation, Special Awareness Programmes should be conducted by the Government through the mass media and by organizing seminars and workshops at different places, particularly in rural and remote areas. NGOs working for the cause of combating crimes of atrocities on STs along with the local bodies should also be involved in the task by extending adequate financial help to them. Awareness about the provisions of the Act/Rules may also be spread by installing hoardings at prominent locations.**
- 41 Para 4.8.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules.**
- 42 Para 4.8.5 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities.**
- 43 Para 4.8.6 The Commission has noted that even in the States, where Special Courts have been set up, a large number of cases remain pending disposal for a considerable time. **The Commission, therefore, re-iterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**

- 44 Para 4.8.7 **The Commission also re-iterates earlier recommendation that the police personnel at all level in every State/UT need to be sensitized about the importance of effective implementation of the PoA Act through regular training and refresher programmes by the Police Training Institutes. The training programmes for the police personnel should also include lessons about legal provisions and related procedures to ensure drafting of fool proof charge sheets in atrocity cases.**
- 45 Para 4.8.8 **There is an imperative need to strengthen working of the Special Public Prosecutors also for timely disposal of the cases with highest conviction rates in the Special Courts. The Commission, therefore, reiterates earlier recommendation that Directorate of Prosecution should make all efforts to ensure that adequate number of Special Public Prosecutors is attached with the Special Courts for speedy trial of atrocity cases. The Special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special PP requires to be suitably enhanced to attract more qualified persons dedicated to the cause of Scheduled Castes and Scheduled Tribes in particular. There is also a need for periodical Training of the Special Public Prosecutors.**
- 46 Para 4.8.9 **The Commission has noted that the ST persons are, very often, subjected to naxalism related violence and deprivation of rights in States like Chhattisgarh, Jharkhand and Orissa, ineffective implementation of Minimum Wages Act and Bonded Labour, non-implementation of land reforms and abnormal delay in redress of land disputes etc. These results in denial of not only basic rights and freedom granted to them under the Constitution, but may also lead to the atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Commission, therefore, recommends that there is an imperative need to formulate a policy for taking up effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in such cases.**
- 47 Para 4.8.10 **The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. The Commission, therefore, re-iterates its earlier recommendations that the State level Vigilance and Monitoring Committees should play a pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State level Committees.**
- 48 Para 4.8.11 **It has been observed by the Commission during the review meeting with various State Governments that a large number of cases are being closed by the Police Department on various counts including undue**



delay by police officials. **The Commission, therefore, recommends that all the State Governments/UTs Administration should issue necessary instructions that the Superintendent of Police in all the districts will review at least 5% of the closed cases on a quarterly basis and initiate action against the concerned police officials if the cases were closed due to delay on their part. This action by SP will be in addition to the review by District level vigilance and Monitoring committee.**

- 49 Para 4.8.12 It was brought to the notice of the Commission during the Review Meetings with the State Governments that in a large number of cases, the victims and their witnesses become hostile during the hearing of PoA cases in the Courts. This results in the acquittal of the accused by the Courts. One of the main reason behind the victims and witnesses turning hostile in the Courts was that there is no clear policy /norms for payment of TA/DA to the victims and witnesses in most of the States; and a paltry sum is generally given to them for the days on which they are called in the Court which deprives them of their wages for the day(s) as most of the victims and witnesses earn their livelihood on daily wage basis. **The Commission, therefore, re-iterates its recommendations contained in its earlier Reports that the State Governments/UT Administrations should issue instructions to ensure that the victims and witnesses are paid TA/DA which should not be less than minimum wages fixed from time to time.**

## **CHAPTER 5 CASE STUDIES**

- 50 Para 5.5.3 The matter or a complaint which could have been resolved within a month or two takes several months to year(s) because concerned officials try to ignore such complaints and even the communication from the National Commission for Scheduled Tribes, possibly due to lack of knowledge and lack of humanitarian attitude towards the needs and problems of poor and shying Scheduled Tribe persons. **The Commission, therefore, recommends that the concerned Departments in State should take effective steps to ensure that each Government Official is fully trained, in the beginning of service about his duties and responsibilities, prescribed under the Rules relating to the Subject matter to be assigned to him/her and his/her role to ensure availability of safeguards to the Scheduled Tribe employees/beneficiaries under various development schemes as provided under the Constitution and particularly to the victims of atrocities under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. Since the programmes and policies of the Government are revised from time to time, there is a need to keep the Government employees updated in respect of all such matters through in-service re-orientation training programmes. The General Administration Department and Police Department of each State may, accordingly, issue necessary instructions and also revise the curricula of the training or re-orientation training programmes of each category of the employees.**

## **CHAPTER 6 CONSULTATION ON POLICY RELATED ISSUES**

- 51 **Para 6.4.1 The Commission, during the year 2012-13, has made recommendations in 79 policy issues on which comments/ views/ advice of the Commission were sought, as required under Article 338A(9) of the Constitution. Government, while laying Action Taken Memorandum on this report in Parliament, may also lay the Action Taken or proposed to be taken by each Ministry/ Department on the recommendation made in each of the policy issue.**

**Ministry of Tribal Affairs**  
**Notification**

New Delhi, the 23<sup>rd</sup> August, 2005

S.O. 1175(E) – In exercise of the powers conferred by sub-clause (f) of clause 5 of Article 338A of the Commission, the President hereby makes the following rules to specify the other functions of the National Commission for the Scheduled Tribes, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for the Scheduled Tribe (Specification of other functions) Rules, 2005.

2. The Commission shall discharge the following other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes, namely:-

- (i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug loopholes and to work more viable livelihood strategies.
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already been taken place.
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

(F.No.17014/3/2004-C&LM-II)

Sd/-  
**S.Chatterjee, Jt. Secy.**

  
सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 440,

नई दिल्ली, शुक्रवार, अगस्त 22, 2014/श्रावण 31, 1936

No. 440,

NEW DELHI, FRIDAY, AUGUST 22, 2014/SRAVANA 31, 1936

राष्ट्रीय अनुसूचित जनजाति आयोग  
(कार्यविधि के नियम )

शुद्धि पत्र

नई दिल्ली, 20 अगस्त, 2014

सा.का. नि. 605(V)-- अध्याय IV में : नियम 46 और शीर्षक कोरम

नियम

विद्यमान प्रविष्टियों के लिए

46.

अध्यक्ष और/अथवा उपाध्यक्ष सहित कम से कम 3 सदस्यों की उपस्थिति, आयोग की बैठक आयोजित करने के लिए अनिवार्य होगा।

- पढ़ें
- (i) नियुक्त सदस्यों, अध्यक्ष और/अथवा उपाध्यक्ष सहित, में से कम से कम 50 प्रतिशत की उपस्थिति आयोग की बैठक आयोजित करने के लिए अनिवार्य होगी।
- (ii) यदि कोरम पूरा नहीं होता है तो अध्यक्ष आधे घंटे के लिए बैठक स्थगित कर सकते हैं। जब आयोग पुनः बैठक करेगा तो कोरम अनिवार्यता लागू नहीं होगी।

(सं. 12/2/2014-समन्वय )  
श्रीमती के.डी. बन्सौर, निदेशक

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(Rules of Procedure)

CORRIGENDUM

New Delhi, the 20th August, 2014

G.S.R. 605(E).6 In Chapter IV : Rule 46 and Title Quorum

Rule

For Existing entries

Read

46. Presence of at least three members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.

- (i) Presence of Minimum 50% of posted members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.
- (ii) If the quorum is not complete, the Chairperson may adjourn the meeting for half an hour. When the Commission reassembles, the quorum requirement shall not apply.

[No. 12/2/2014-Coord]

Mrs. K.D. BHANSOR, Director

3279 GI/2014

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and  
Published by the Controller of Publications, Delhi-110054.

**ANNEXURE-1.III**  
(Ref Para 1.5.9 8R)

**National Commission for Scheduled Tribes**

Cadre and Group-wise Sanctioned Posts and Vacancy position

**(As on 01/06/2015)**

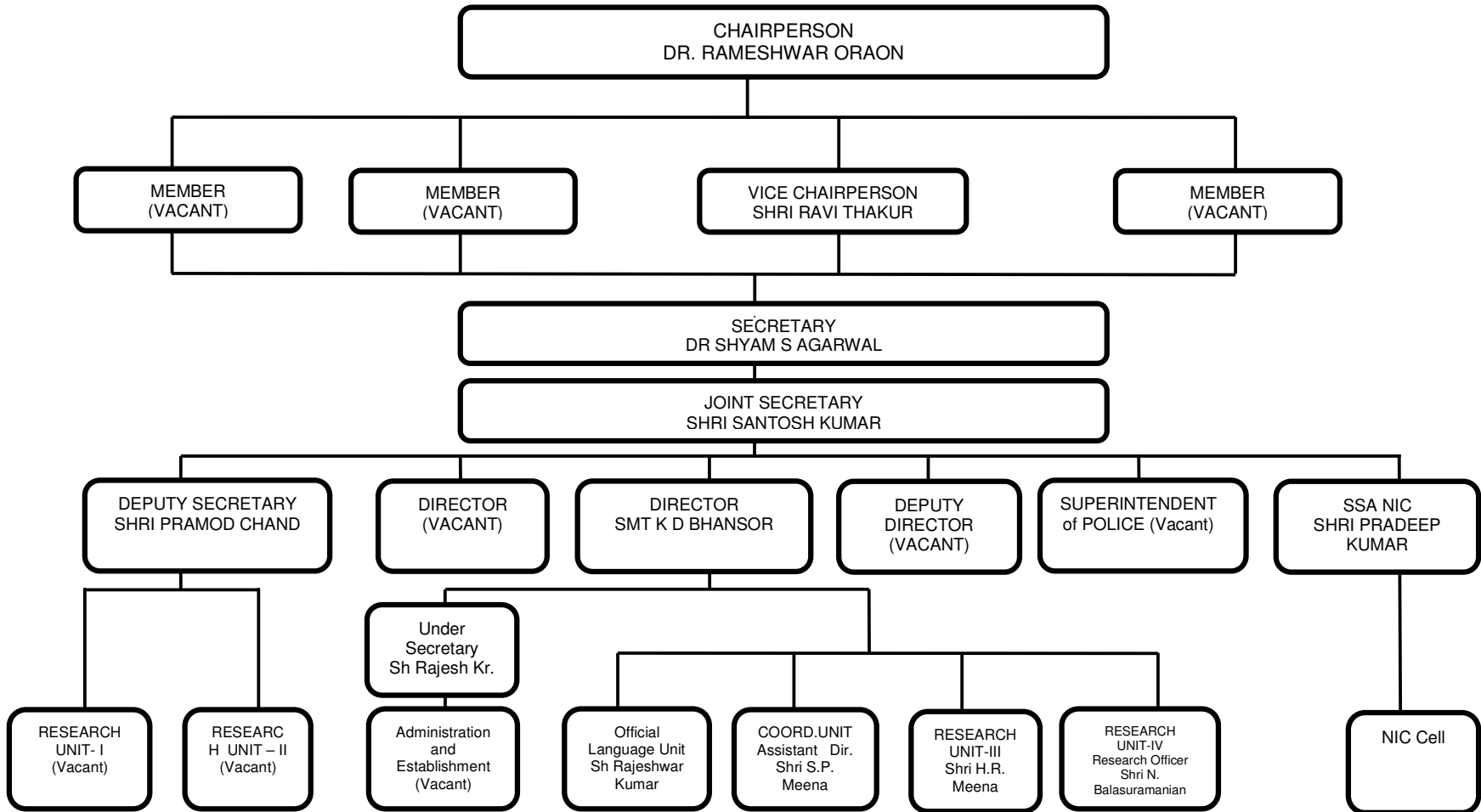
<u>S. No.</u>	<u>Cadre Control Authority</u>	<u>Name of Post</u>	<u>Classification of Post</u>	<u>Sanctioned Posts</u>	<u>Filled</u>	<u>Vacant</u>
<b>1(a)</b>	<b>DoPT (Through MTA)</b>	Secretary	Group 'A'	1	1	0
	-do-	Joint Secretary	Group 'A'	1	1	0
	-do-	Sr. PPS/ PPS	Group 'A'	1	1	0
	-do-	Section Officer	Group 'B'	1	0	1
	-do-	Private Secretary	Group 'B'	1	0	1
	-do-	Personal Assistant	Group 'B'	2	0	2
	-do-	Assistant	Group 'B'	2	0	2
	-do-	Steno Gr. D	Group 'C'	3	1	2
<b>1(b)</b>	<b>DoPT (directly)</b>	Under Secretary	Group 'A'	1	1	0
<b>1(c)</b>	<b>DoPT (Through MSJE)</b>	Deputy Secretary	Group 'A'	1	1	0
	-do-	UDC	Group 'C'	2	0	2
	-do-	LDC	Group 'C'	4	4	0
<b>▶</b>	<b>Total Posts under control of DoPT [1(a)+1(b)=1(c)]</b>			<b>20</b>	<b>10</b>	<b>10</b>
<b>2.</b>	<b>MSJE (Joint Cadre posts)</b>	Director	Group 'A'	4	1	3
	-do-	Deputy Director	Group 'A'	2	0	2
	-do-	Assistant Director	Group 'A'	5	2	3
<b>▶</b>	<b>Total Posts under control of MSJE</b>			<b>11</b>	<b>3</b>	<b>8</b>
<b>3.</b>	<b>NCSC (Joint Cadre posts)</b>	Research Officer	Group 'B'	6	4	2
	-do-	Sr. Investigator	Group 'B'	8	1	7
	-do-	Investigator	Group 'B'	10	3	7
	-do-	Staff Car Driver	Group 'C'	3	2	1
	-do-	Daftary (MTS)	Group 'C'	2	1	1
	-do-	Peon (MTS)	Group 'C'	8	7	1
	-do-	Safai Karamcharis	Group 'C'	1	1	0

	-do-	Office Suptt. @	Group 'C'	4	2	2
	-do-	P A @	Group 'C'	4	0	4
	-do-	Steno Gr. D @	Group 'C'	2	0	2
	-do-	Upper Div. Clerk @	Group 'C'	7	2	5
	-do-	Lower Div. Clerk @	Group 'C'	10	3	7
	-do-	Staff Car Driver @	Group 'C'	4	1	3
	-do-	Daftry (MTS) @	Group 'C'	3	1	2
	-do-	Peon (MTS) @	Group 'C'	10	6	4
	-do-	CCF (MTS) @	Group 'C'	5	4	1
▶	<b>Total Posts under control of NCSC</b>			<b>87</b>	<b>38</b>	<b>49</b>
4.	<b>NIC</b>	Asstt. Director Programming/ Sr. Sys. Analyst	Group 'A'	1	1	0
▶	<b>Total Posts under control of NIC</b>			<b>1</b>	<b>1</b>	<b>0</b>
5.	<b>DOL</b>	Assistant Director (OL)	Group 'A'	1	1	0
	-do-	Sr. Hindi Translator	Group 'B'	1	1	0
	-do-	Jr. Hindi Translator	Group 'B'	2	1	1
▶	<b>Total Posts under control of DOL</b>			<b>4</b>	<b>3</b>	<b>1</b>
6.	<b>NCST/ MTA</b>	Superintendent of Police	Group 'A'	1	0	1
	-do-	Law Officer	Group 'B'	1	0	1
	-do-	Librarian-Cum-Doc. Assistant	Group 'B'	1	0	1
	-do-	Accountant	Group 'B'	1	0	1
	-do-	Dispatch rider	Group 'C'	1	0	1
▶	<b>Total Posts under control of NCST/MTA</b>			<b>5</b>	<b>0</b>	<b>5</b>
▶▶	<b>Total Posts of NCST under control of all Cadre Control Authorities</b>	<b>GRAND TOTAL</b>	Group 'A' Group 'B' Group 'C' ALL	<b>19</b> <b>36</b> <b>73</b> <b>128</b>	<b>10</b> <b>10</b> <b>35</b> <b>55</b>	<b>9</b> <b>26</b> <b>38</b> <b>73</b>

@ Posts marked (@) are meant exclusively for Regional Offices of the Commission  
DoPT : Ministry of Personnel & Training (Department of Personnel and Training)  
MSJE : Ministry of Social Justice and Empowerment,  
MTA : Ministry of Tribal Affairs  
DOL : Department of Official Language,  
NCSC : National Commission for Scheduled Castes  
NCST : National Commission for Scheduled Tribes

**ANNEXURE- 1. IV**  
(Ref Para 1.5.9 8R)

**NATIONAL COMMISSION FOR SHEDULED TRIBES**



**ANNEXURE 1.V**  
(Ref. para 1.5.12 8R)

**MOST IMMEDIATE**  
**PARLIAMENTARY COMMITTEE MATTER**  
**BY SPECIAL MESSENGER**



**No.27/4/NCST/2009-Admn.**  
**Government of India**  
**National Commission for Scheduled Tribes**

**6th Floor, 'B' Wing,**  
**Loknayak Bhawan, Khan Market,**  
**New Delhi-110003**

**Dated: 21-10-2009**

To

**The Secretary,**  
Ministry of Tribal Affairs,  
Shastri Bhawan,  
New Delhi-110001

**(Kind Attention: Dr. N.K. Ghatak, Joint Director)**

**Subject: Additional manpower and additional Regional Offices for National Commission for Scheduled Tribes- proposals regarding.**

Sir,

I am directed to refer to the subject mentioned above and to say that the NCST had recommended in its first and second reports that additional manpower and four additional Regional Offices should be sanctioned to the Commission for its smooth and effective functioning. The need of additional manpower and additional Regional Offices was also highlighted in the 33<sup>rd</sup> Report of the Parliamentary Committee on the Welfare of SCs & STs (14th Lok Sabha).

2. In view of the above, detailed proposals for additional manpower and additional Regional Offices for NCST have been prepared and sent herewith for urgent necessary action.

3. This has the approval of Secretary, NCST.

Yours faithfully,

Sd/-

**(R.P. Vasishtha)**  
**Deputy Secretary**  
**Tel: 24620638**



**ANNEXURE-1.VI**  
(Ref Para 1.8.2 8R)

**National Commission for Scheduled Tribes**  
**Tours undertaken by the Commission during 2012-13**

S. No.	Duration of visit	Name and Designation	State(s) visited	State Review	District Review/ meetings	Review of Organisations
1	05/06/2012 to 12/06/2012	Dr. Rameshwar Oraon, Chairperson, Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Uttarakhand	Uttarakhand	Chamoli District, Meeting with the Representatives of the SC & Scheduled Tribe Association of ONGC	Eklavya Adarsh Awasiya Vidyalaya, Chamoli
2	28/06/2012 to 07/07/2012	Dr. Rameshwar Oraon, Chairperson Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Tamilnadu	Tamilnadu	Nilgiri District	Meeting with the Management of HVF, OCF, EFA, Indian Overseas Bank, Chennai Petroleum Corpn. Ltd, University of Madras
3	27/07/2012 to 03/08/2012	Dr. Rameshwar Oraon, Chairperson Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Jammu and Kashmir	Jammu & Kashmir	Rajauri, Poonch, Kulgam, Anantnag	Baba Ghulam Shah Badshah University, University of Kashmir
4	28/08/2012 to 30/08/2012	Dr. Rameshwar Oraon, Chairperson, Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Mizoram	Mizoram	Meeting with Chief Secretary, and other State Officers, Deputy Commissioner and other officers of the Serchhip District and BSF	-
5	10/09/2012 to 18/09/2012	Dr. Rameshwar Oraon, Chairperson, Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	U.P, M.P	-	Singrauli, Anuppur	Central University of Tibetan Studies, Varanasi NTPC Vindhyachal Super Thermal Power Station, National Coalfield Ltd., Singrauli, National Tribal University, Amarkantak (Anuppur)

6	05/11/2012 to 10/11/2012	Dr. Rameshwar Oraon, Chairperson, Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Karnataka	Karnataka	Bellary, Mysore	Canara Bank, University of Mysore, Morarji Desai Residential School
7	07/02/2013 to 15/02/2013	Dr. Rameshwar Oraon, Chairperson, Smt K Kamla Kumari, Member Shri Bheru Lal Meena, Member	Odisha	Odisha	Mayurbhanj, Dhenkanal	Kalinga Institute of Social Science, Bhubaneswar, Odisha Gramya Bank, Ravenshaw University

### Tour/ Visits by Smt K Kamla Kumari, Member during 2012-13

S. No.	Duration of visit	State(s) visited	State Review	District Review	Review of Organisations
1	14/12/2012 to 17/12/2012 and 18/12/2012 to 02/01/2013	Andhra Pradesh	-	Hyderabad, Ranga Reddy, West Godawari, Krishna and Guntur Districts	-
2	09/01/2013 to 11/01/2013	Chhattisgarh	-	Meeting with the District Collector North Bastar District, Kanker, Meeting with the District Superintendent of Police	-
3	16/01/2013 to 21/01/2013	Rajasthan	-	Jaipur and Sikar	
4	22/02/2013 to 04/03/2013	Andhra Pradesh	-	Hyderabad and Vishakhapatnam	Meeting with the Vice-Chancellor, Andhra University

### Tour/ Visits by Shri Bheru Lal Meena, Member during 2012-13

S. No.	Duration of visit	State(s) visited	State Review	District Review/ meetings	Review of Orgns.
1	01/04/2012 to 09/04/2012	Rajasthan	-	Meeting with the Management of Hindustan Zink Ltd Udaipur. Meeting with Tribal Labour and Management of Softstone at Devpura, District Udaipur	-
2	18/05/2012 to 28/05/2012	Rajasthan	-	Meeting with the Tribal Deligation at Kagdar Kherwara, District Udaipur. Meeting with the Management of Hindustan Zinc Ltd	-
3	21/06/2012 to 27/06/2012	Rajasthan	-	Meeting with District Collector, Udaipur, Meeting with the District Collector Pratapgarh	-
4	15/01/2013 to 17/01/2013	Maharashtra	-	Meeting with the District Collector, Nasik	-



**ANNEXURE 1.VII**  
(Ref Para 1.11.1 8R)

**National Commission for Scheduled Tribes**  
**Court case files opened during 2012-13**

S. No	Open Date	Subject matter
1.	18/05/2012	M.P No.2 of 2011 in W P No. 30217/2011 in the High Court of Madras, between P. Rama Chandran Vs Chief Secretary Government of Tamil Nadu and others.
2.	18/05/2012	WP No. 27474 of 2011 in the High court of Madras between Dr. Ambedkar Employees & Engineers Sangham, Chennai V/s Chief Secretary, Government of Tamil Nadu and others.
3.	16/07/2012	O.A No. 2166/2012-in the CAT Delhi filed by Shri Romeo Dumai, Naraina Vs. U.I.O. (MHA ) and Ors.
4.	23/07/2012	W.P.No. 26/2012 filed in the High Court of Rajasthan filed by Sh. Kishan Lal Meena, Jhunjhunu, Rajasthan Vs. Sh Joga Ram, then Collector Khetri (Jhunjhunu).
5.	22/08/2012	O.A No. 2166/2012 in the CAT Delhi filed by Shri Romeo Dumai, Naraina Vs. U.I.O. (MHA) and Ors.
6.	01/10/2012	S.B Civil Writ Petition No.13040/2012 submitted in the High Court of Rajasthan filed by Shri. Sita Ram S/o Shri Shankar Lal Dhanka, R/o 50, Santosh Nagar, Ajmer Road, Jaipur (Raj) in the matter of Central Railway.
7.	26/10/2012	S.B. Civil Writ Petition No. 8623/2010 dated 27/10/2010 in the High Court of Rajasthan at Jodhpur- Ms. Inder Mohan Singh Dhanka and others Vs. Director NCST (R.O.) Jaipur
8.	01/11/2012	WP. NO.24534 of 2012 in the High Court of Madras, Chennai. filed by Shri V. Bhaskaran, Vice President, All India General Insurance SC/ST Employees Welfare Association C/o UIICL Chennai Vs Secretary M/o Finance New Delhi and 7 others.
9.	03/01/2013	Civil Miscellaneous PIL W.P No. 63527/2012 filed by Nayak Jan Seva Sansthan, Gorakhpur (U.P.) V/s Union of India and Ors. in the High Court of Judicature at Allahabad seeking directions for issuing ST certificates to persons belonging to Nayak, Dhuria, Ojha Pathari and Rajgond without producing evidence.
10.	23/01/2013	Implementation of Judgment given in S.B Writ Petition No.12931/2012 (Shri Manish Rao v/s Government of India & others) by the High Court of Rajasthan, Jaipur
11.	15/02/2013	SB Civil WP No.20316/2012 in the High Court of Rajasthan at Jaipur filed by Shri Harsh Indora Dhanka vs Union of India in the matter of issuance of ST certificate to 'Dhanka' Community of Jaipur

12.	18/02/2013	SB Civil WP No.982/2013 in the High Court of Rajasthan at Jaipur filed by Shri Rajesh Kumar Dhanka vs Union of India in the matter of issuance of ST certificate to 'Dhanka' Community of Jaipur
13.	25/02/2013	WP NO. 22150/12 dated 21/01/2013 in the High Court of Madhya Pradesh, Principal Seat at Jabalpur between Y.S Chauhan (Munda) V/s State of M.P. & 4 others.
14.	15/03/2013	SB Civil WP No. 496/2013 in the High Court of Rajasthan at Jaipur filed by Sant Ladhunath Nayak Sewa Sanstha vs Union of India and others

## ANNEXURE-2.I

(Ref Para 2.8.8 8R

### Representation of SCs, STs and OBCs in Central Public Sector Enterprises under different Ministries/ Departments

(As on 1.1.2013)

Name of the Ministry/ Name of the PSE	Group A				Group B				Group C				Group D excluding safai karamcharis				Group D Safai Karamcharis			
	Total Employees	SCs	STs	OBCs	Total Number	SCs	STs	OBCs	Total Number	SCs	STs	OBCs	Total Number	SCs	STs	OBCs	Total	SCs	STs	OBCs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
<b>MINISTRY OF AGRICULTURE COOPERATION</b>																				
National Seeds Corporation Ltd.	108	19	3	16	239	32	13	52	272	48	6	55	156	29	5	42	4	4	0	0
State Farms Corporation of India Ltd.	46	6	0	9	56	6	1	3	276	52	12	36	659	143	23	207	3	2	0	0
<b>MINISTRY OF CHEMICALS AND FERTILIZERS</b>																				
Department of Chemicals & Petrochemicals																				
Brahmaputra Crackers & Polymer Ltd.																				
Hindustan Fluorocarbons Ltd.	82	7	1	16	0	0	0	0	49	8	5	15	0	0	0	0	26	6	13	7
Hindustan Insecticides Ltd.	165	20	4	23	115	17	4	26	758	115	40	305	148	28	27	39	2	1	0	1
Hindustan Organic Chemicals Ltd.	373	54	24	22	367	61	12	10	427	52	16	83	75	12	4	25	1	0	1	0
Department of Fertilizers																				
Brahmaputra Valley Fertilizer Corporation.	303	27	26	88	303	26	52	98	318	24	71	128	16	0	2	3	4	4	0	0
FCI Aravali Gypsum & Minerals (India) Ltd.	34	7	2	2	21	3	0	4	9	2	1	1	12	1	0	0	0	0	0	0
Fertilizer Corporation of India Ltd.																				
Fertilizers & Chemicals (Travancore) Ltd.	442	68	10	63	1490	176	56	432	554	69	15	222	516	79	16	220	16	5	0	9
Hindustan Fertilizers Corporation Ltd.																				
Madras Fertilizers Ltd.	186	23	2	1	218	49	3	8	342	92	1	28	27	17	0	1	0	0	0	0
National Fertilizers Ltd.	1627	342	86	96	1878	504	148	109	729	187	36	105	48	22	3	6	81	81	0	0
Projects & Development India Ltd.	405	53	21	74	32	5	0	4	17	5	0	3	0	0	0	0	0	0	0	0
Rashtriya Chemicals and Fertilizers Ltd.	1470	224	51	124	1217	161	78	12	1255	160	121	179	119	11	12	51	0	0	0	0
Department of Pharmaceuticals																				
Bengal Chemicals & Pharmaceuticals Ltd.																				
Bihar Drugs and Organic Chemicals Ltd.																				
Hindustan Antibiotics Ltd.	129	20	8	6	130	11	1	10	531	73	20	73	327	71	15	22	3	2	0	0
IDPL (Tamilnadu) Ltd.																				
Indian Drugs & Pharmaceuticals Ltd.	19	1	0	2	40	3	0	2	55	2	0	1	47	8	0	2	0	0	0	0
Karnataka Antibiotics & Pharmaceuticals Ltd.	145	18	0	69	96	16	1	21	493	59	20	86	0	0	0	0	0	0	0	0

Source: Department of Public Enterprises

Orissa Drugs & Chemicals Ltd.																				
Rajasthan Drugs & Pharmaceuticals Ltd.	44	3	0	5	34	4	4	7	90	17	11	13	23	4	5	2	0	0	0	0
<b>MINISTRY OF CIVIL AVIATION</b>																				
Air India Air Transport Services Ltd.																				
Air India Charters Ltd.																				
Air India Engineering Services Ltd.																				
Air India Ltd.	4028	714	298	186	2968	549	204	196	1343	224	119	191	2416	786	167	123	462	287	11	23
Airline Allied Services Ltd.																				
Airports Authority of India Ltd.																				
Hotel Corporation of India Ltd.																				
Pawan Hans Helicopters Ltd.	193	16	5	12	172	24	12	17	134	39	23	18	0	0	0	0	0	0	0	0
<b>MINISTRY OF COAL</b>																				
Bharat Coking Coal Ltd.	1800	77	19	156	2917	60	33	404	42629	102	333	12160	17476	390	699	4642	905	905	0	0
Central Coalfields Ltd.	2145	190	130	156	2360	173	120	427	30980	608	478	8079	13822	368	312	3783	1189	1189	0	0
Central Mine Planning & Design Institute Ltd.	735	41	24	104	532	47	27	65	1181	155	92	156	690	88	84	96	30	25	5	0
Coal India Ltd.	317	7	1	6	297	6	1	2	314	9	1	4	49	12	2	0	7	7	0	0
Eastern Coalfields Ltd.	1902	205	41	26	3812	337	126	193	41391	126	580	1546	31373	435	250	1237	259	257	1	0
Mahanadi Coalfields Ltd.	1218	98	23	172	1661	238	128	122	12379	563	373	245	6559	102	466	189	119	118	1	0
MJSJ Coal Ltd.																				
MNH Shakti Ltd.																				
Neyveli Lignite Corporation Ltd.	4042	839	169	268	233	20	129	35	11721	239	118	2738	1499	342	10	644	0	0	0	0
NLC Tamilnadu Power Ltd.																				
Northern Coalfields Ltd.	1237	105	21	27	2799	356	89	91	9514	148	727	773	2771	565	242	284	56	56	0	0
South Eastern Coalfields Ltd.	2470	232	113	212	4540	551	740	738	47343	849	938	8402	21618	588	713	4754	612	612	0	0
Western Coalfields Ltd.	2086	277	48	584	3305	561	246	979	37477	8193	291	10578	14202	2214	1102	4214	440	400	6	34
<b>MINISTRY OF COMMERCE AND INDUSTRY</b>																				
Department of Commerce																				
Export Credit Guarantee Corporation of India	208	33	7	15	332	45	21	48	36	15	4	1	12	4	0	0	0	0	0	0
India Trade Promotion Organisation	175	36	10	6	84	14	3	0	330	56	8	20	365	96	4	8	62	60	0	0
Karnataka Trade Promotion Organisation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MMTC Ltd.	607	121	43	32	669	135	71	0	125	24	7	2	251	75	16	6	0	0	0	0
PEC Ltd.	177	31	6	22	15	6	1	-	12	5	1	1	0	0	0	0	0	0	0	0
S T C L Ltd.	12	0	0	0	7	0	0	0	26	3	1	5	9	1	0	1	0	0	0	0
State Trading Corporation of India Ltd.	551	120	30	33	114	14	7	11	164	63	17	9	0	0	0	0	0	0	0	0
Tamilnadu Trade Promotion Organisation	5	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>MINISTRY OF COMMUNICATION &amp; INFORMATION TECHNOLOGY</b>																				
Department of Telecommunications																				
Bharat Sanchar Nigam Ltd.																				
ITI Ltd.	776	120	31	52	3450	548	16	282	4487	811	32	688	4	3	0	1	0	0	0	0
Mahanagar Telephone Nigam Ltd.	1002	137	56	5	4591	583	89	274	23637	3971	412	92	10583	2473	811	14	0	0	0	0
Millennium Telecom Ltd.	0	0	0	0	0	0	0	0	1	1	0	0	2	2	0	0	0	0	0	0

Source: Department of Public Enterprises

Telecommunications Consultants (India) Ltd.	414	50	17	48	139	18	7	15	245	40	4	41	106	18	0	29	0	0	0	0
Department of Information Technology																				
National Informatics Centre Services Incorporated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>MINISTRY OF CONSUMER AFFAIRS, FOOD &amp; PUBLIC DISTRIBUTION</b>																				
Department of Food & Public Distribution																				
Central Railside Warehousing Company Ltd.	23	2	0	3	15	1	0	2	2	0	0	0	0	0	0	0	0	0	0	0
Central Warehousing Corporation.	264	54	11	13	1019	151	51	3	2727	549	118	114	848	220	68	76	399	257	10	13
Food Corporation of India.	876	203	110	82	4799	1007	631	403	15134	3213	1296	2287	6125	1952	673	482	137	71	4	20
Hindustan Vegetable Oils Corporation Ltd.	7	0	0	0	13	1	0	0	12	6	0	1	76	24	0	8	2	2	0	0
<b>MINISTRY OF DEFENCE</b>																				
Department of Defence Production																				
Bharat Dynamics Ltd.	575	97	59	68	247	39	20	54	1708	298	84	308	342	91	21	122	0	0	0	0
BEML Ltd.																				
Bharat Electronics Ltd.																				
BEL Optronics Devices Ltd.	29	0	0	3	1	0	0	1	82	8	0	30	0	0	0	0	0	0	0	0
Garden Reach Shipbuilders & Engineers Ltd.																				
Goa Shipyard Ltd.	227	21	12	37	10	1	0	1	1093	75	41	110	263	36	7	13	0	0	0	0
Hindustan Aeronautics Ltd.																				
Hindustan Shipyard Ltd																				
Mazagon Dock Ltd.	1026	175	62	220	2	0	0	0	705	39	5	93	3734	415	194	719	17	15	0	0
Mishra Dhatu Ngam Ltd.	260	40	9	57	150	14	2	32	504	114	29	271	70	14	5	25	0	0	0	0
Vignyan Industries Ltd.	10	0	1	7	14	1	1	12	119	6	5	85	5	1	-	3	0	0	0	0
<b>MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION</b>																				
North Eastern Handicrafts & Handlooms Development Corporation Ltd.	7	0	0	1	23	3	3	0	32	5	7	6	37	1	11	5	0	0	0	0
North Eastern Regional Agricultural Marketing Corporation Ltd.	7	0	0	0	0	0	0	0	32	8	8	2	3	0	2	0	0	0	0	0
<b>MINISTRY OF ENVIRONMENT AND FORESTS</b>																				
Andaman & Nicobar Isl. Forestand Plantation Devpt. Corpn. Ltd.	6	0	0	0	10	0	0	0	186	0	8	0	73	0	9	0	9	0	0	0
<b>MINISTRY OF FINANCE DEPARTMENT OF FINANCIAL SERVICES</b>																				
India Infrastructure Finance Company Ltd	52	5	2	6	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Department of Finance																				
Department of Economic Affairs																				
Security Printing and Minting Corporation of India Ltd.	288	50	11	40	1158	213	101	84	11147	2378	981	898	0	0	0	0	103	83	6	4
<b>MINISTRY OF HEALTH &amp; FAMILY WELFARE</b>																				

Source: Department of Public Enterprises



Department of AYUSH																				
Indian Medicines & Pharmaceuticals Corporation Ltd.																				
Department of Health & Family Welfare																				
HLL Lifecare Ltd.	357	41	7	61	160	19	4	28	1151	180	54	304	210	62	13	46	0	0	0	0
H.S.C.C. (India) Ltd.																				
<b>MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES</b>																				
Department of Heavy Industry																				
Andrew Yule & Co. Ltd.	237	13	5	35	73	6	1	9	479	24	33	181	14093	2467	4337	7500	153	50	33	70
BBJ Construction Company Ltd.	52	5	0	3	0	0	0	0	36	1	0	1	12	0	0	0	1	1	0	0
Bharat Bhari Udyog Nigam Ltd.																				
<b>MINISTRY OF MICRO, SMALL &amp; MEDIUM ENTERPRISES</b>																				
National Small Industries Corporation Ltd.	445	79	13	68	194	27	7	15	260	66	1	19	0	0	0	0	1	1	0	0
<b>MINISTRY OF MINES</b>																				
Hindustan Copper Ltd.	651	93	22	56	51	8	6	6	3081	465	455	471	702	118	109	22	77	77	0	0
Mineral Exploration Corporation Ltd.	236	42	14	26	86	12	3	4	1319	194	97	83	37	11	3	0	3	3	0	0
National Aluminum Company Ltd.	1814	226	121	142	3070	589	666	140	2695	391	577	481	22	13	4	2	0	0	0	0
<b>MINISTRY OF MINORITIES AFFAIRS</b>																				
National Minorities Development & Finance Corporation.	11	2	1	1	4	0	0	2	11	6	0	1	5	3	0	2	1	0	0	0
<b>MINISTRY OF NEW AND RENEWABLE ENERGY</b>																				
Indian Renewable Energy Development Agency Ltd.	68	11	7	8	24	7	1	8	30	7	2	1	6	0	0	3	0	0	0	0
<b>MINISTRY OF PETROLEUM AND NATURAL GAS</b>																				
Balmer Lawrie & Co. Ltd.																				
Balmer Lawrie Investments Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bharat Petroleum Corporation Ltd.	5190	810	282	581	3182	467	167	253	2838	436	183	320	2044	413	136	221	21	18	1	2
Bharat Petro Resources Ltd.																				
Bharat Petro resources JPDA																				
Biecco Lawrie & Co. Ltd.																				
Certification Engineers International Ltd.	73	11	0	18	0	0	0	0	3	0	0	1	0	0	0	0	0	0	0	0
Chennai Petroleum Corporation Ltd.	544	151	19	41	265	52	10	34	903	220	8	312	5	1	2	0	0	0	0	0
CREDA HPCL Biofuel Ltd	7	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Engineers India Ltd.	3061	510	127	395	173	39	5	8	163	55	9	28	8	6	-	1	8	8	-	-
GAIL (India) Ltd.	2863	438	171	488	565	123	74	85	477	82	15	145	56	17	5	14	0	0	0	0
GAIL Gas Ltd																				
Hindustan Petroleum Corporation Ltd.	5114	941	385	698	0	0	0	0	5837	1209	520	363	49	18	4	1	0	0	0	0
HPCL Biofuels Ltd																				
Indian Oil Corporation Ltd.	3948	588	246	776	6485	1073	598	158	11958	2476	899	1609	824	158	67	304	2	0	0	0

Source: Department of Public Enterprises

Mangalore Refinery & Petrochemicals Ltd.																				
Numaligarh Refinery Ltd.																				
Oil & Natural Gas Corporation Ltd.	22479	3528	1585	1927	2328	383	292	175	5587	778	809	924	2621	426	274	313	97	73	4	4
Oil India Ltd.																				
ONGC Videsh Ltd.	279	33	12	16	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>MINISTRY OF POWER</b>																				
Bhartiya Rail Bijlee Co. Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chhattishgarh Surguja Power Ltd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Coastal Karnataka Power Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Coastal Maharashtra Mega Power Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Coastal Tamil Nadu Power Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ghogarpalli Integrated Power Co. Ltd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Loktak Downstream Hydroelectric Corpn Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRCON Infrastructure & Services Ltd																				
Kanti Bijlee Utpadan Nigam Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Narmada Hydro Electric Development Corporation Ltd.	181	22	8	40	62	10	5	15	151	19	18	44	129	27	24	33	0	0	0	0
N H P C Ltd.	3110	431	189	454	1414	198	86	240	5877	650	290	272	0	0	0	0	119	96	1	0
North Eastern Electric Power Corporation Ltd	707	71	105	93	1045	39	248	154	948	65	350	148	0	0	0	0	28	9	11	4
NTPC Electric Supply Company Ltd	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NTPC Hydro Ltd.	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
N T P C Ltd	14238	1755	613	2309	5661	986	421	384	4871	811	318	606	868	216	130	173	0	0	0	0
NTPC Vidyut Vyapar Nigam Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orissa Integrated Power Ltd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PFC Consulting Ltd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Power Finance Corporation	298	48	14	42	64	14	0	6	43	7	8	7	3	0	0	1	0	0	0	0
Power Grid Corporation of India Ltd.	4006	529	200	730	2438	295	96	285	2764	412	322	692	0	0	0	0	201	36	23	36
REC Power Distribution Company Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REC Transmission Projects Co. Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rural Electrification Corporation Ltd.	365	34	10	42	153	20	3	1	46	8	0	2	92	27	2	3	0	0	0	0
Sakthigopal Integrated Power Co. Ltd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Satluj Jal Vidyut Nigam Ltd.	612	86	40	76	86	20	4	8	600	166	23	58	0	0	0	0	0	0	0	0
Tehri Hydro Development Corporation Ltd.	678	66	12	47	514	48	7	32	835	131	9	76	0	0	0	0	29	0	0	0
<b>MINISTRY OF RAILWAYS</b>																				

Source: Department of Public Enterprises

Bharat Wagon & Engg Co. Ltd	32	2	0	4	59	0	0	19	571	42	2	359	138	17	0	20	8	8	-	0
Braithwaite & Co. Ltd	50	0	0	1	19	1	0	1	33	4	0	0	257	36	0	0	0	0	0	0
Container Corporation of India Ltd.	251	35	4	36	172	23	3	31	778	121	44	199	0	0	0	0	0	0	0	0
Dedicated Freight Corridor Corporation of India Ltd.	74	11	2	11	61	7	4	31	0	0	0	0	0	0	0	0	0	0	0	0
Fresh & Healthy Enterprises Ltd.																				
Indian Railway Catering and Tourism Corporation Ltd.	0	0	0	0	168	32	3	25	671	85	28	93	0	0	0	0	688	114	35	150
Indian Railway Finance Corporation Ltd.	6	0	0	0	2	0	0	0	8	3	0	1	3	3	0	0	0	0	0	0
IRCON Infrastructure & Services Ltd																				
IRCON International Ltd.	561	60	13	74	263	29	4	44	509	68	15	81	142	17	9	17	5	5	0	0
Konkan Railway Corporation Ltd.	0	0	0	0	0	0	0	0	4564	648	236	1830	0	0	0	0	0	0	0	0
Mumbai Railway Vikas Corporation Ltd.	0	0	0	0	25	3	0	3	30	1	1	3	0	0	0	0	9	1	0	0
Rail Vikas Nigam Ltd.																				
RailTel Corporation of India Ltd																				
RITES Infrastructure Services Ltd																				
RITES Ltd.																				
<b>MINISTRY OF SCIENCE AND TECHNOLOGY</b>																				
Department of Biotechnology																				
Bharat Immunological & Biologicals Corporation Ltd.																				
Indian Vaccine Corporation Ltd.																				
Department of Scientific and Industrial Research																				
Central Electronics Ltd.	128	3	0	9	115	20	0	12	341	117	1	51	10	0	0	2	0	0	0	0
National Research Development Corporation.	27	2	1	0	27	7	0	1	22	11	-	-	6	1	0	0	4	4	0	0
<b>MINISTRY OF SHIPPING,</b>																				
Central Inland Water Transport Corporation Ltd.	7	1	0	0	13	2	0	0	168	37	2	0	130	10	1	0	5	1	0	0
Cochin Shipyard Ltd.	219	30	7	41	106	11	4	7	1011	95	23	87	335	43	4	134	0	0	0	0
Dredging Corporation of India Ltd.	181	33	14	27	79	16	2	13	70	10	3	14	8	2	0	1	0	0	0	0
Ennore Port Ltd.	33	4	0	15	21	4	0	9	35	7	0	17	11	5	1	3	0	0	0	0
Hooghly Dock and Port Engineers Ltd.	41	1	0	1	50	4	0	1	263	37	4	1	70	7	0	0	4	4	0	0
Sethusamudram Corporation Ltd.	0	0	0	0					0	0	0	0	0	0	0	0	0	0	0	0
Shipping Corporation of India Ltd.	725	137	51	84	118	35	5	4	31	8	1	0	1	0	0	0	0	0	0	0
<b>MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT</b>																				
Artificial Limbs Mfg. Corporation of India.	84	5	0	14	0	0	0	0	156	28	2	32	111	29	1	29	3	3	0	0
National Backward Classes Finance and Development Corpn.	10	1	0	2	13	2	0	1	24	6	0	9	0	0	0	0	0	0	0	0
National Handicapped Finance and Development Corporation.	12	2	0	3	1	0	0	0	10	2	0	2	5	1	0	1	0	0	0	0
National Safai Karamchari Finance and Development Corpn.	6	1	0	1	0	0	0	0	6	2	0	2	3	1	0	2	0	0	0	0

Source: Department of Public Enterprises

National Scheduled Castes Finance and Development Corporation.	34	10	1	3	7	2	1	1	24	12	1	6	12	8	0	2	0	0	0	0
<b>MINISTRY OF STEEL</b>																				
Bisra Stone Lime Co. Ltd	38	1	1	1	84	3	28	14	153	24	65	22	773	244	462	33	0	0	0	0
Eastern Investment Ltd	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ferro Scrap Nigam Ltd.	140	12	3	20	632	98	47	66	278	81	68	48	0	0	0	0	3	3	0	0
Hindustan Steel Works Construction Ltd.	110	10	0	14	20	4	0	5	224	34	30	13	22	5	0	2	0	0	0	0
J & K Mineral Development Corporation Ltd.																				
KIOCL Ltd.	390	52	13	14	46	5	1	1	759	111	35	68	59	14	7	4	6	5	0	1
MSTC Ltd.	170	25	9	31	55	11	2	0	85	22	2	15	14	6	1	1	0	0	0	0
Maharashtra Electrosmelt Ltd.																				
Manganese Ore (India) Ltd.	219	36	7	44	226	37	9	63	1527	321	235	414	4458	815	1328	1435	58	58	0	0
MECON Ltd.	1533	272	109	186	50	12	11	13	104	16	41	13	45	9	23	6	4	2	0	0
NMDC Ltd	1168	191	79	166	781	141	143	57	2471	483	540	348	1360	199	511	248	31	24	1	0
NMDC-CMDC Ltd	0	0	0	0	0	0	0	0	2	0	0	2	1	0	0	1	0	0	0	0
Orissa Mineral Development Co. Ltd	110	7	2	25	81	3	16	20	117	11	34	39	414	68	221	54	0	0	0	0
Rashtriya Ispat Nigam Ltd.	6166	1060	413	763	6422	1097	352	216	3276	497	407	503	2299	358	143	190	0	0	0	0
Steel Authority of India Ltd.	15130	2241	956	1350	39680	5268	3847	2770	47599	8371	9038	5952	725	545	92	13	0	0	0	0
<b>MINISTRY OF TEXTILES</b>																				
Birds, Jute & Exports Ltd.																				
British India Corporation Ltd.																				
Central Cottage Industries Corporation of India Ltd.																				
Cotton Corporation of India Ltd.	44	4	1	2	70	5	2	6	795	149	27	135	139	31	3	21	0	0	0	0
Handicrafts and Handlooms & Exports Corpn. of India Ltd.	24	5	2	4	44	5	2	11	46	10	3	13	21	8	2	4	0	0	0	0
Jute Corporation of India Ltd.																				
National Handlooms Development Corporation Ltd.	37	3	5	4	64	7	0	5	64	4	1	9	0	0	0	0	32	7	0	4
National Jute Manufacturers Corporation Ltd.																				
National Textiles Corporation Ltd.	201	31	2	21	47	14	0	5	331	23	2	60	2136	326	15	313	11	6	0	0
<b>MINISTRY OF TOURISM</b>																				
Assam Ashok Hotel Corporation Ltd.	10	1	1	0	1	0	0	0	54	3	5	3	7	1	1	1	0	0	0	0
Donyi Polo Ashok Hotel Corporation Ltd.	2	0	0	0	0	0	0	0	13	1	4	2	11	2	0	0	0	0	0	0
India Tourism Development Corporation Ltd.	348	59	7	27	0	0	0	0	1161	334	25	45	355	145	13	16	52	31	1	7
Kumarakruppa Frontier Hotels (P) Ltd.																				
Madhya Pradesh Ashok Hotel Corporation Ltd.	0	0	0	0	0	0	0	0	33	2	1	3	25	7	1	2	0	0	0	0
Pondicherry Ashok Hotel Corporation Ltd.	3	0	0	0	7	2	1	3	2	1	0	1	9	2	0	6	0	0	0	0
Punjab Ashok Hotel Company Ltd.																				
Ranchi Ashok Bihar Hotel Corporation Ltd.	0	0	0	0	3	0	0	2	30	2	5	6	3	1	0	2	10	3	3	3
Utkal Ashok Hotel Corporation Ltd.	0	0	0	0	0	0	0	0	10	2	0	0	13	0	0	0	0	0	0	0
<b>MINISTRY OF TRIBAL AFFAIRS</b>																				
National Scheduled Tribes Finance & Development Corporation.	24	2	7	5	4	2	0	0	21	5	2	5	7	3	1	1	0	0	0	0
<b>MINISTRY OF URBAN DEVELOPMENT</b>																				

Source: Department of Public Enterprises

National Building Construction Company Ltd.	778	168	27	36	85	19	2	11	1305	203	14	91	91	15	0	4	12	12	0	0
<b>MINISTRY OF WATER RESOURCES</b>																				
National Projects Construction Corporation Ltd.	264	24	2	8	258	36	3	7	23	2	0	0	87	9	1	0	0	0	0	0
W A P C O S Ltd.	428	58	6	39	64	8	3	6	37	8	2	9	39	14	3	4	4	4	0	0
<b>DEPARTMENT OF ATOMIC ENERGY</b>																				
Bharatiya Nabhikiya Vidyut Nigam Ltd.	179	30	2	51	97	17	4	50	135	32	1	60	0	0	0	0	0	0	0	0
Electronics Corporation of India Ltd.	1605	235	60	87	913	145	65	180	1037	151	79	95	254	53	9	12	89	40	1	10
Indian Rare Earths Ltd.	440	49	19	78	137	15	1	48	1426	271	41	566	135	48	3	55	21	13	0	7
Nuclear Power Corporation of India Ltd.	4391	361	85	502	4759	798	314	978	2483	569	298	694	0	0	0	0	0	0	0	0
Uranium Corporation of India Ltd.	260	31	17	34	207	16	26	27	1456	139	398	189	2666	236	1514	181	51	51	0	0
<b>DEPARTMENT OF SPACE</b>																				
Antrix Corporation Ltd.	5	0	0	0	0	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0
<b>TOTAL</b>	162384	23751	8895	19604	145356	21204	11345	13553	465595	91786	50130	80582	2E+05	36409	27126	34002	7030	5412	186	411

Source: Department of Public Enterprises

**ANNEXURE-2.II**  
(Ref Para 2.8.19 8R)

**Comparative representation of Scheduled Tribes as on 1.1.2012 & 1.1.2013  
respectively in Public Sector Insurance Companies**

S No.	Name of Insurance Company	Group	Employees as on 1.1.2012			Employees as on 1.1.2013			Variation in % age representation
			Total	ST	%age	Total	ST	%age	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Insurance Regulatory and Development Authority Hyd.	Group A	116	1	0.86	119	1	0.84	0.02
		Group B	28	3	10.71	27	3	11.11	0.40
		Group C	-	-	-	-	-	-	-
		Group D (Excl. Safai Karamcharis)	-	-	-	-	-	-	-
		Total (Excluding Safai Karamcharis)	-	-	-	146	4	2.74	2.74
		Group D (Safai Karamcharis)	-	-	-	-	-	-	-
		Total (Including Sweepers)	144	4	2.78	146	4	2.74	0.04
2	Life Insurance Corporation of India, Mumbai	Group A	27040	2038	7.54	29213	2198	7.52	0.02
		Group B	25731	1771	6.88	24473	1583	6.47	0.41
		Group C	60963	4580	7.51	57537	4474	7.78	0.27
		Group D (Excl. Safai Karamcharis)	1267	129	10.18	5942	293	4.93	5.25
		Total (Excluding Safai Karamcharis)	115001	8518	7.41	117165	8548	7.30	0.11
		Group D (Safai Karamcharis)	467	19	4.07	857	47	5.48	1.41
		Total (Including Sweepers)	115468	8537	7.39	118022	8595	7.28	0.11
3	General Insurance Corporation of India, Mumbai	Group A	330	16	4.85	329	16	4.86	0.01
		Group B	116	12	10.34	106	11	10.38	0.04
		Group C	32	1	3.13	28	1	3.57	0.44
		Group D (Excl. Safai Karamcharis)	-	-	-	-	-	-	-
		Total (Excluding Safai Karamcharis)	-	-	-	463	28	6.05	6.05
		Group D (Safai Karamcharis)	-	-	-	-	-	-	-
		Total (Including Sweepers)	478	29	6.07	463	28	6.05	0.02
4	National Insurance Company Ltd., Kolkatta	Group A	5381	298	5.54	5508	327	5.94	0.40
		Group B	1566	27	1.72	1553	27	1.74	0.02
		Group C	6673	457	6.85	6468	452	6.99	0.14
		Group D (Excl. Safai Karamcharis)	1142	101	8.84	1108	97	8.75	0.09
		Total (Excluding Safai Karamcharis)	14762	883	5.98	14637	903	6.17	0.19
		Group D (Safai Karamcharis)	800	46	5.75	744	44	5.91	0.16
		Total (Including Sweepers)	15562	929	5.97	15381	947	6.16	0.19

**ANNEXURE-2.II  
(Contd.)**

S No.	Name of Insurance Company	Group	Employees as on 1.1.2012			Employees as on 1.1.2013			Variation in representation	
			Total	ST	%age	Total	ST	%age		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
5	The New India Assurance Company, Mumbai	Group A	6189	361	5.83	6405	405	6.30	0.47	
		Group B	2384	62	2.60	2222	58	2.60	No Change	
		Group C	8370	681	8.14	8206	680	8.29	0.15	
		Group D (Excl. Safai Karamcharis)	2300	188	8.17	2213	182	8.22	0.05	
		Total (Excluding Safai Karamcharis)	19243	1292	6.71	19046	1325	6.96	0.25	
		Group D (Safai Karamcharis)	-	-	-	-	-	-	-	-
		Total (Including Sweepers)	19243	1294	6.72	19046	1325	6.96	0.24	
6	Oriental Insurance Company Limited, New Delhi	Group A	4780	288	6.02	5213	332	6.36	0.34	
		Group B	1621	53	3.26	1575	51	3.23	0.03	
		Group C	6225	502	8.06	5963	492	8.25	0.19	
		Group D (Excl. Safai Karamcharis)	1340	36	2.68	1284	34	2.64	0.04	
		Total (Excluding Safai Karamcharis)	13966	879	6.29	14035	909	6.48	0.19	
		Group D (Safai Karamcharis)	728	125	17.17	707	123	17.39	0.22	
		Total (Including Sweepers)	14694	1004	6.83	14742	1032	7.00	0.17	
7	United India insurance Company Limited, Chennai	Group A	5518	336	6.09	5707	329	5.76	0.33	
		Group B	1717	49	2.68	1608	34	2.11	0.57	
		Group C	7538	554	7.35	7256	511	7.04	0.31	
		Group D (Excl. Safai Karamcharis)	2181	167	7.66	2104	141	6.70	0.04	
		Total (Excluding Safai Karamcharis)	16954	1106	6.52	16675	1015	6.09	0.43	
		Group D (Safai Karamcharis)	103	6	5.83	90	4	4.44	1.39	
		Total (Including Sweepers)	17057	1109	6.50	16765	1019	6.08	0.42	
8	Agriculture Insurance Company Ltd., New Delhi	Group A	189	21	12.00	242	18	7.50	4.50	
		Group B	-	-	-	-	-	-	-	
		Group C	23	2	8.70	23	3	13.00	4.30	
		Group D (Excl. Safai Karamcharis)	4	-	0	4	-	0	No Change	
		Total (Excluding Safai Karamcharis)	216	23	10.65	269	21	7.81	2.84	
		Group D (Safai Karamcharis)	3	-	0	3	-	0	No Change	
		Total (Including Sweepers)	219	23	11.50	272	21	7.72	3.78	
	<b>Total (All Companies)</b>	Group A	49543	3359	6.78	52736	3626	6.88	0.10	
		Group B	33163	1977	5.96	31564	1767	5.60	0.36	
		Group C	89824	6777	0.08	85481	6613	7.74	7.66	
		Group D (Excl. Safai Karamcharis)	8234	621	7.54	12655	747	5.90	2.64	
		Total (Excluding Safai Karamcharis)	180764	12734	7.04	182436	12753	6.99	0.95	
		Group D (Safai Karamcharis)	2101	196	9.33	2401	218	9.08	0.25	
<b>Grand Total (all Companies – all Groups)</b>			182865	12929	7.07	184837	12971	7.02	0.05	

**ANNEXURE-2.III**  
(Ref Para 2.8.25 8R)

**Statement of Teaching Staff Strength of Central University as on 31/03/2013 indicating number of positions filled up against ST quota**

S NO.	Name of the State	Name of the University	Sanctioned Posts of					Existing Strength in the post of					Expected share for Scheduled Tribes among existing strength in the post of				
			PROF.	ASSO. PROF.	ASSTT. PROF.	OTHERS	TOTAL	PROF	ASSO PROF.	ASSTT. PROF.	OTHERS	TOTAL	PROF	ASSO PROF	ASSTT. PROF.	OTHERS	TOTAL
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
1	ANDHRA PRADESH	M. A. N. Urdu University	29	50	131	73	283	16	35	113	57	221	1	2	8	4	15
2	-do-	Hyderabad University	108	229	219	0	556	174	191	19	22	406	12	14	1	1	28
3	-do-	The Eng. & ForgnLang. University	32	58	145	0	235	47	56	90	6	199	3	4	6	4	17
4	CHHATTISGARH	Guru Ghasidas Vishwavidy.	45	89	197	0	331	27	39	149	5	220	1	2	11	2	16
5	DELHI	Delhi University	264	647	792	0	1703	117	271	357	0	745	8	20	26	20	74
6	-do-	Jamia Millia Islamia University	122	196	485	47	850	228	170	200	135	738	17	12	15	14	58
7	-do-	Jawaharlal Nehru University	180	316	313	4	813	223	215	17	28	483	16	16	1	17	50
8	MADHYA PRADESH	Dr Hari Singh Gaur Vishwa vidyalaya	50	92	181	6	329	63	49	0	30	142	4	3	0	4	11
9	MAHARASHTRA	M.G.A. Hindi Vishwa vidyalaya	16	12	43	6	77	16	12	35	14	77	1	1	2	2	6
10	PONDICHERRY	Pondicherry University	65	136	259	0	460	84	131	156	17	388	6	9	11	9	35
11	UTTARAKHAND	H.N.B. Garhwal University	43	84	341	0	468	99	98	55	18	270	7	7	4	7	25
12	UTTAR PRADESH	Aligarh Muslim University	184	375	940	388	1887	342	518	197	355	1412	25	38	15	64	142
13	-do-	B.H.U.	246	511	1105	0	1862	543	399	66	209	1217	40	30	4	30	104
14	-do-	B. B. A.U.	22	43	65	0	130	19	34	53	1	107	1	2	3	2	8
15	-do-	Univ. of Allahabad	79	189	553	31	852	11	64	200	24	299	1	4	15	4	24
16	WEST BENGAL	Visva Bharti	70	154	415	163	802	133	167	134	211	645	9	12	9	21	51



**ANNEXURE-2.III  
(Contd.)**

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
17	ASSAM	Assam University	38	103	229	0	370	67	118	108	46	339	4	8	8	8	28
18	-do-	Tezpur University	49	68	126	0	243	52	58	87	14	211	3	4	6	4	17
19	ARUNACHAL PRADESH	Rajiv Gandhi University	19	36	102	0	157	24	22	43	28	117	1	1	3	1	6
20	MANIPUR	Manipur University	35	81	141	9	266	57	73	44	5	179	4	5	3	5	17
21	MEGHALAYA	North Eastern Hill University	92	146	204	1	443	70	124	142	51	336	5	9	10	9	33
22	MIZORAM	Mizoram University	43	67	227	0	337	51	50	135	0	287	3	3	9	3	18
23	NAGALAND	Nagalnad University	43	62	138	0	243	32	53	93	11	178	2	3	6	3	14
24	TRIPURA	Tripura University	39	58	125	0	222	21	24	87	0	143	1	1	6	1	9
25	BIHAR	Central Univ. of Bihar	20	40	80	0	140	2	3	40	0	45	1	1	3	1	6
26	GUJARAT	Central Univ. of Gujarat	20	40	80	0	140	5	5	43	0	53	1	1	3	1	6
27	HARYANA	Central Univ. of Haryana	20	40	80	0	140	0	0	0	0	0	0	0	0	0	0
28	HIMACHAL PRADESH	Central Univ. of Himachal Pradesh	20	40	80	0	140	6	13	47	0	66	1	1	3	1	6
29	JAMMU & KASHMIR	Central Univ. of Jammu	20	40	80	0	140	0	0	0	0	0	0	0	0	0	0
30	-do-	Central Univ. of Kahmir	20	40	80	0	140	2	3	31	0	36	1	1	2	1	5
31	JHARKHAND	Central Univ. of Jharkhand	20	40	80	0	140	8	3	57	0	68	1	1	4	1	7
32	KARNA-TAKA	Central Univ. of Karnatka	20	40	80	0	140	5	8	30	0	43	1	1	2	1	5
33	KERALA	Central Univ. of Kerala	20	40	80	0	140	2	1	16	0	19	1	1	1	1	4
34	MADHYA PRADESH	Indira Gandhi National Tribal Univ.	20	40	80	0	140	9	12	65	0	86	1	1	4	1	7
35	ORISSA	Central Univ. of Orissa	20	40	80	0	140	0	0	11	0	11	0	0	1	0	1
36	PUNJAB	Central Univ. of Punjab	20	40	80	0	140	1	0	17	0	18	1	0	1	0	2
37	RAJAS-THAN	Central Univ. of Rajasthan	20	40	80	0	140	7	6	33	0	46	1	1	2	1	5
38	SIKKIM	Sikkim University	29	68	104	0	201	2	13	54	0	69	1	1	3	1	6
39	TAMIL NADU	Central Univ. of Tamil Nadu	20	40	80	0	140	2	3	4	0	9	1	1	1	1	4
		TOTAL	2222	4430	8700	728	16080	2567	3041	3028	591	9928	187	221	212	250	870

**ANNEXURE-2.III**

(Contd.)

S . NO.	Name of the State	Name of the University	Actual No. of ST in Position and their %age to total strength in the post of										Shortfall in Scheduled Tribe strength (based on existing strength) in the post of				
			PROFESSOR		ASSO. PROF.		ASSTT. PROF.		OTHERS		TOTAL		PROF.	ASSO. PROF.	ASSTT. PROF.	OTHERS	TOTAL
			No.	%age	No.	%age	No.	%age	No.	%age	No.	%age					
(1)	(2)	(3)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)
1	ANDHRA PRADESH	M. A. N. Urdu University	1	6.25	0	--	4	3.54	3	5.26	8	3.62	0	2	4	1	7
2	-do-	Hyderabad University	0	0.00	4	2.09	7	36.84	1	--	12	2.96	12	10	-	0	22
3	-do-	The Eng. & ForgnLang. University	1	2.13	1	1.79	14	15.56	0	--	16	8.04	2	3	-	4	9
4	CHHATTISGARH	Guru Ghasidas Vishwavidyalay	0	0.00	1	2.56	12	8.05	0	--	13	5.91	1	1	-	2	4
5	DELHI	Delhi University	0	0.00	0	0.00	14	3.92	0	--	14	1.88	8	20	12	20	60
6	-do-	Jamia Millia Islamia University	0	0.00	0	0.00	20	10.00	0	0.00	20	2.71	17	12	-	14	43
7	-do-	Jawaharlal Nehru University	2	0.90	3	1.40	7	41.18	1	3.57	13	2.69	14	13	-	16	43
8	MADHYA PRADESH	Dr Hari Singh Gaur Vishwavidyalay	0	0.00	0	0.00	3	--	0	0.00	3	2.11	4	3	-	4	11
9	MAHA RASHTRA	M.G.A. Hindi Vishwavidyalay	1	6.25	0	0.00	3	8.57	0	0.00	4	5.19	0	1	-	2	3
10	PONDI CHERRY	Pondicherry University	0	0.00	0	0.00	16	10.26	1	--	17	4.38	6	9	-	8	23
11	UTTARAKHAND	H.N.B. Garhwal University	0	0.00	0	0.00	1	1.82	0	--	1	0.37	7	7	3	7	24
12	UTTAR PRADESH	Aligarh Muslim University	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	25	38	15	64	142
13	-do-	B.H.U.	0	0.00	0	0.00	26	39.39	0	--	26	2.14	40	30	-	30	100
14	-do-	B. B. A.U.	0	0.00	0	0.00	4	7.55	0	--	4	3.74	1	2	-	2	5
15	-do-	Univ. of Allahabad	0	0.00	0	0.00	2	1.00	0	--	2	0.67	1	4	13	4	22
16	WEST BENGAL	Visva Bharti	0	0.00	1	0.60	26	19.40	5	2.37	32	4.96	9	11	-	16	36
17	ASSAM	Assam University	1	1.49	1	0.85	11	10.19	4	--	17	5.01	3	7	-	4	14
18	-do-	Tezpur University	0	0.00	1	1.72	10	11.49	0	--	11	5.21	3	3	-	4	10

**ANNEXURE-2.III**  
(Contd.)

(1)	(2)	(3)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)
19	ARUNACHAL PRADESH	Rajiv Gandhi University	2	8.33	5	22.73	4	9.30	15	--	26	22.22	-	-	-	-	-
20	MANIPUR	Manipur University	0	0.00	0	0.00	4	9.09	0	0.00	4	2.23	4	5	-	5	14
21	MEGHALAYA	North Eastern Hill University	1	1.43	5	4.03	13	9.15	0	--	19	5.65	4	4	-	9	17
22	MIZORAM	Mizoram University	1	1.96	2	4.00	9	6.67	2	--	14	4.88	2	1	0	1	4
23	NAGALAND	Nagaland University	0	0.00	2	3.77	12	12.90	0	--	14	7.87	2	1	-	3	6
24	TRIPURA	Tripura University	0	0.00	4	16.67	11	12.64	1	--	16	11.19	1	-	-	0	1
25	BIHAR	Central Univ. of Bihar	0	0.00	0	0.00	2	5.00	0	--	2	4.44	1	1	1	1	4
26	GUJARAT	Central Univ. of Gujarat	0	0.00	0	0.00	3	6.98	0	--	3	5.66	1	1	0	1	3
27	HARYANA	Central Univ. of Haryana	0	--	0	--	0	--	0	--	0	--	0	0	0	0	0
28	HIMACHAL PRADESH	Central Univ. of Himachal Pradesh	0	0.00	1	7.69	2	4.26	0	--	3	4.55	1	0	1	1	3
29	JAMMU & KASHMIR	Central Univ. of Jammu	1	--	0	--	6	--	0	--	7	--	-	0	-	0	-
30	-do-	Central Univ. of Kahmir	0	0.00	0	0.00	2	6.45	0	--	2	5.56	1	1	0	1	3
31	JHAR KHAND	Central Univ. of Jharkhand	0	0.00	0	0.00	2	3.51	0	--	2	2.94	1	1	2	1	5
32	KARNATAKA	Central Univ. of Karnatka	0	0.00	0	0.00	2	6.67	0	--	2	4.65	1	1	0	1	3
33	KERALA	Central Univ. of Kerala	0	0.00	0	0.00	1	6.25	0	--	1	5.26	1	1	0	1	3
34	MADHYA PRADESH	Indira Gandhi National Tribal Univ.	0	0.00	0	0.00	7	10.77	0	--	7	8.14	1	1	-	1	3
35	ORISSA	Central Univ. of Orissa	0	--	0	--	1	9.09	0	--	1	9.09	0	0	0	0	0
36	PUNJAB	Central Univ. of Punjab	0	0.00	0	--	0	0.00	0	--	0	0.00	1	0	1	0	2
37	RAJASTHAN	Central Univ. of Rajasthan	0	0.00	0	0.00	1	3.03	0	--	1	2.17	1	1	1	1	4
38	SIKKIM	Sikkim University	1	50.00	1	7.69	11	20.37	0	--	13	18.84	0	0	-	1	1
39	TAMIL NADU	Central Univ. of Tamil Nadu	0	0.00	0	0.00	1	25.00	0	--	1	11.11	1	1	0	1	3
		<b>TOTAL</b>	<b>12</b>	<b>0.47</b>	<b>32</b>	<b>1.05</b>	<b>274</b>	<b>9.05</b>	<b>33</b>	<b>5.58</b>	<b>351</b>	<b>3.54</b>	<b>177</b>	<b>196</b>	<b>53</b>	<b>231</b>	<b>657</b>



**ANNEXURE-2.IV**  
(Ref Para 2.8.32 8R)

Statement of Non-Teaching Staff Strength of Central University as on 31/03/2013 indicating number of positions filled up against ST quota

S. NO.	Name of the State	Name of the University	Sanctioned Posts					Existing Strength					Expected share for Scheduled Tribes among existing strength				
			Gr.A	Gr.B	Gr.C	Others	Total	Gr.A	Gr.B	Gr.C	Others	Total	Gr.A	Gr.B	Gr.C	Others	Total
1	Andhra Pradesh	M. A. N. Urdu University	50	105	221	0	376	39	98	207	0	344	2	7	16	0	25
2	-do-	Hyderabad University	84	188	1068	0	1340	65	143	787	0	995	4	10	58	0	72
3	-do-	English & Foreign Lang. University	43	47	352	0	442	21	31	183	0	235	1	2	13	0	16
4	Chhattisgarh	Guru Ghasidas Vishwavidy.	42	61	391	0	494	19	35	299	0	353	1	2	22	0	25
5	Delhi	Delhi University	201	587	2527	0	3315	113	403	1237	0	1753	8	31	92	0	131
6	-do-	Jamia Millia Islamia University	68	59	1111	0	1238	63	51	1031	0	1145	4	3	77	0	84
7	-do-	Jawaharlal Nehru University	103	262	1200	0	1565	76	169	920	0	1165	5	12	68	0	85
8	Madhya Pradesh	Dr Hari Singh Gaur Vishwa Vidyalaya	47	171	915	0	1133	28	87	613	0	728	2	6	46	0	54
9	Maha-rashtra	M.G.A. Hindi Vishwa vidyalaya	23	41	51	0	115	23	41	51	0	115	1	3	3	0	7
10	Pondicherry	Pondicherry University	61	139	482	0	682	45	120	426	0	591	3	9	31	0	43
11	Uttarakhand	H.N.B. Garhwal University	51	59	770	0	880	22	35	629	0	686	1	2	47	0	50
12	Uttar Pradesh	Aligarh Muslim University	168	1002	4835	0	6005	112	759	4367	0	5238	8	56	326	0	390
13	-do-	Banaras Hindu University	230	297	6695	0	7222	158	204	4841	0	5203	11	16	363	0	390
14	-do-	B. B. A.Univ. Uttar Pradesh	28	43	92	0	163	12	16	60	0	88	1	1	4	0	6
15	-do-	University of Allahabad	59	179	1148	0	1386	27	179	862	0	1068	1	13	64	0	78
16	West Bengal	Visva Bharti	93	124	1539	0	1756	71	101	909	0	1081	5	7	68	0	80
17	Assam	Assam University	35	56	236	0	327	26	51	224	0	301	1	3	16	0	20

Source: UGC

														<b>ANNEXURE-2.IV (Contd.)</b>			
18	-do-	Tezpur University	40	55	176	8	279	38	46	163	2	249	2	3	12	1	18
19	Arunachal Pradesh	Rajiv Gandhi University	26	53	179	0	258	18	44	147	0	209	1	3	10	0	14
20	Manipur	Manipur University	35	25	357	0	417	24	20	244	0	288	1	1	18	0	20
21	Meghalaya	North Eastern Hill University	69	185	779	0	1033	65	120	591	0	776	4	9	43	0	56
22	Mizoram	Mizoram University	40	80	384	0	504	27	68	353	0	448	1	4	25	0	30
23	Nagaland	Nagaland University	36	87	488	0	611	31	80	445	0	556	2	6	33	0	41
24	Tripura	Tripura University	31	44	170	0	245	18	11	85	0	114	1	1	6	0	8
25	Bihar	Central Univ. of Bihar	10	10	27	52	99	8	8	27	52	95	1	1	1	3	6
26	Gujarat	Central Univ. of Gujarat	11	13	27	48	99	3	4	8	48	63	1	1	1	3	6
27	Haryana	Central Univ. of Haryana	14	13	21	54	102	6	1	14	54	75	1	1	1	3	6
28	Himachal Pradesh	Central Univ. of Himachal Pradesh	12	13	23	50	98	4	6	15	50	75	1	1	1	3	6
29	Jammu & Kashmir	Central Univ. of Jammu	9	8	15	4	36	9	8	15	4	36	1	1	1	1	4
30	-do-	Central Univ. of Kashmir	10	12	22	44	88	7	12	22	44	85	1	1	1	3	6
31	Jharkhand	Central Univ. of Jharkhand	13	15	44	84	156	9	11	28	84	132	1	1	2	6	10
32	Karnataka	Central Univ. of Karnataka	15	17	32	53	117	8	8	32	53	101	1	1	2	3	7
33	Kerala	Central Univ. of Kerala	11	11	26	54	102	11	4	22	54	91	1	1	1	3	6
34	Madhya Pradesh	Indira Gandhi National Tribal Univ.	13	20	28	15	76	11	10	28	15	64	1	1	2	1	5
35	Orissa	Central Univ. of Orissa	13	11	27	49	100	7	5	12	49	73	1	1	1	3	6
36	Punjab	Central Univ. of Punjab	14	13	34	51	112	8	6	27	51	92	1	1	1	3	6
37	Rajasthan	Central Univ. of Rajasthan	13	11	30	64	118	13	8	28	64	113	1	1	2	4	8
38	Sikkim	Sikkim University	13	13	32	1	59	8	10	20	1	39	1	1	1	1	4
39	Tamil Nadu	Central Univ. of Tamil Nadu	10	12	26	46	94	8	5	11	46	70	1	1	1	3	6
		<b>TOTAL</b>	<b>1844</b>	<b>4141</b>	<b>26580</b>	<b>677</b>	<b>33242</b>	<b>1261</b>	<b>3018</b>	<b>19983</b>	<b>671</b>	<b>24933</b>	<b>86</b>	<b>225</b>	<b>1480</b>	<b>44</b>	<b>1835</b>

Source: UGC

**ANNEXURE-2.IV  
(Contd.)**

S. NO.	Name of the State	Name of the University	Actual No. of Scheduled Tribe in Position and their %age to total strength										Shrotfall in Scheduled Tribe strength				
			Gr.A	%age	Gr.B	%age	Gr.C	%age	Others	%age	Total	%age	Gr.A	Gr.B	Gr.C	Others	Total
1	Andhra Pradesh	M. A. N. Urdu University	0	0.00	2	2.04	9	4.35	0	0.00	11	3.20	2	5	7	0	14
2	-do-	Hyderabad University	3	4.62	7	4.90	51	6.48	0	0.00	61	6.13	1	3	7	0	11
3	-do-	English & Foreign Lang. University	2	9.52	2	6.45	21	11.48	0	0.00	25	10.64	0	0	0	0	0
4	Chhattisgarh	Guru Ghasidas Vishwavidy.	2	10.53	6	17.14	39	13.04	0	0.00	47	13.31	0	0	0	0	0
5	Delhi	Delhi University	4	3.54	9	2.23	24	1.94	0	0.00	37	2.11	4	22	68	0	94
6	-do-	Jamia Millia Islamia University	0	0.00	2	3.92	6	0.58	0	0.00	8	0.70	4	1	71	0	76
7	-do-	Jawaharlal Nehru University	4	5.26	10	5.92	44	4.78	0	0.00	58	4.98	1	2	24	0	27
8	Madhya Pradesh	Dr Hari Singh Gaur Vishwa Vidyalaya	0	0.00	1	1.15	36	5.87	0	0.00	37	5.08	2	5	10	0	17
9	Maharashtra	M.G.A. Hindi Vishwa vidyalaya	2	8.70	1	2.44	3	5.88	0	0.00	6	5.22	0	2	0	0	2
10	Pondicherry	Pondicherry University	2	4.44	3	2.50	19	4.46	0	0.00	24	4.06	1	6	12	0	19
11	Uttarakhand	H.N.B. Garhwal University	0	0.00	0	0.00	43	6.84	0	0.00	43	6.27	1	2	4	0	7
12	Uttar Pradesh	Aligarh Muslim University	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	8	56	326	0	390
13	-do-	Banaras Hindu University	7	4.43	12	5.88	159	3.28	0	0.00	178	3.42	4	4	204	0	212
14	-do-	B. B. A.U. Uttar Pradesh	0	0.00	0	0.00	1	1.67	0	0.00	1	1.14	1	1	3	0	5
15	-do-	University of Allahabad	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	13	64	0	78
16	West Bengal	Visva Bharti	3	4.23	5	4.95	50	5.50	0	0.00	58	5.37	2	2	18	0	22
17	Assam	Assam University	1	3.85	2	3.92	15	6.70	0	0.00	18	5.98	0	1	1	0	2
18	-do-	Tezpur University	2	5.26	2	4.35	10	6.13	0	0.00	14	5.62	0	1	2	1	4
19	Arunachal Pradesh	Rajiv Gandhi University	9	50.00	18	40.91	64	43.54	0	0.00	91	43.54	0	0	0	0	0

Source: UGC

														<b>ANNEXURE-2.IV (Contd.)</b>				
20	Manipur	Manipur University	2	8.33	5	25.00	46	18.85	0	0.00	53	18.40	0	0	0	0	0	
21	Meghalaya	North Eastern Hill University	0	0.00	72	60.00	379	64.13	0	0.00	451	58.12	4	0	0	0	4	
22	Mizoram	Mizoram University	1	3.70	2	2.94	149	42.21	0	0.00	152	33.93	0	2	0	0	2	
23	Nagaland	Nagalnad University	3	9.68	6	7.50	118	26.52	0	0.00	127	22.84	0	0	0	0	0	
24	Tripura	Tripura University	5	27.78	4	36.36	20	23.53	0	0.00	29	25.44	0	0	0	0	0	
25	Bihar	Central Univ. of Bihar	0	0.00	0	0.00	2	7.41	0	0.00	2	2.11	1	1	0	3	5	
26	Gujarat	Central Univ. of Gujarat	0	0.00	0	0.00	2	25.00	0	0.00	2	3.17	1	1	0	3	5	
27	Haryana	Central Univ. of Haryana	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	3	6	
28	Himachal Pradesh	Central Univ. of Himachal Pradesh	0	0.00	0	0.00	1	6.67	0	0.00	1	1.33	1	1	0	3	5	
29	Jammu & Kashmir	Central Univ. of Jammu	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	1	4	
30	-do-	Central Univ. of Kahmir	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	3	6	
31	Jharkhand	Central Univ. of Jharkhand	1	11.11	1	9.09	2	7.14	0	0.00	4	3.03	0	0	0	6	6	
32	Karnataka	Central Univ. of Karnatka	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	2	3	7	
33	Kerala	Central Univ. of Kerala	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	3	6	
34	Madhya Pradesh	Indira Gandhi National Tribal Univ.	2	18.18	1	10.00	7	25.00	0	0.00	10	15.63	0	0	0	1	1	
35	Orissa	Central Univ. of Orissa	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	3	6	
36	Punjab	Central Univ. of Punjab	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	1	1	3	6	
37	Rajasthan	Central Univ. of Rajasthan	0	0.00	0	0.00	1	3.57	0	0.00	1	0.88	1	1	1	4	7	
38	Sikkim	Sikkim University	2	25.00	6	60.00	7	35.00	0	0.00	15	38.46	0	0	0	1	1	
39	Tamil Nadu	Central Univ. of Tamil Nadu	0	0.00	0	0.00	1	9.09	0	0.00	1	1.43	1	1	0	3	5	
		<b>TOTAL</b>	<b>57</b>	<b>4.52</b>	<b>179</b>	<b>5.93</b>	<b>1329</b>	<b>6.65</b>	<b>0</b>	<b>0.00</b>	<b>1565</b>	<b>6.28</b>	<b>48</b>	<b>140</b>	<b>830</b>	<b>44</b>	<b>1062</b>	

Source: UGC



**Group-wise representation of STs in Teaching posts in Deemed to be Universities (for the year 2012-13)**

**ANNEXURE-2.V**  
(Ref Para 2.8.36 8R)

NCST 8R 2012-13 ANNEXURE-2.V

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S. No.	Name of the University	Professor					Reader				
		Sancti- oned	In Position		%age	Short- fall	Sancti- oned	In Position		%age	Short- fall
			Total	STs				Total	STs		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN)						Not Received				
2	Banasthali Vidyapeeth, P.O. Banasthali Vidyapith (Raj.)	30	26	1	3.85	1	70	63	3	4.76	1
3	Central Institute of Higher Tibetan Studies, Sarnath, Varanasi (UP)	6	1	0	0.00	0	9	5	0	0.00	0
4	Chennai Mathematical Institute, Chennai (TN)	0	0	0	0.00	0	0	0	0	0.00	0
5	Dayalbagh Educational Institute, Agra (UP)	6	5	0	0.00	0	28	25	0	0.00	2
6	Deccan College Post Graduate and Research Institute, Pune (Mah.)	10	5	0	0.00	0	17	6	0	0.00	0
7	Gandhigram Rural Institute, Gandhigram, Dindigul (TN)	19	15	0	0.00	1	29	24	0	0.00	1
8	Gokhale Institute of Politics & Economics, Pune (Mah.)						Not Received				
9	Gujarat Vidyapeeth, Ahmdabad						Not Received				
10	Institute of Chemical Technology, Mumbai (Mah.)	1	1	1	100.00	0	2	2	2	0.00	0
11	Indian Law Institute, New Delhi	4	2	0	0.00	0	5	2	0	0.00	0
12	Jain Vishva Bharti Institute, Ladnun (Raj.)						NIL				
13	Jamia Hamdard, Delhi						Minorities Institution				
14	Rashtriya Sanskrit Vidyapeeth, Tirupati (AP)	8	27	0	0.00	2	17	10	0	0.00	1
15	Rama Krishna Mission Vivekananda Educational & Research Institute, Howrah (WB)	0	18	0	0.00	1	0	2	0	0.00	0
16	Shri Lal Bahadur Shastri Rashtriya Sanskrit vidyapeeth, Delhi	10	9	0	0.00	1	21	14	0	0.00	1
17	Sri Sathya Sai Institute of Higher Learning, Anantapur (AP)	0	0	0	0.00	0	0	0	0	0.00	0
18	Tata Institute of Social Sciences, Mumbai (Mah.)	29	24	2	8.33	0	60	49	2	4.08	1
	<b>TOTAL</b>	123	133	4	3.01	6	258	202	7	3.47	7

**ANNEXURE-2.V**  
**(Contd.)**

S. No.		Lecturar					Total all Posts			
		Sanctioned	In Position		%age	Shortfall	In Position		%age	Shortfall
			Total	STs			Total	STs		
(1)	(2)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
1	Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN)									
2	Banasthali Vidyapeeth, P.O. Banasthali Vidyapith (Raj.)	277	251	7	2.79	13	340	11	3.24	15
3	Central Institute of Higher Tbetan Studies, Sarnath, Varanasi (UP)	45	25	3	12.00	0	31	3	9.68	0
4	Chennai Mathematical Institute, Chennai (TN)	0	0	0	0.00	0	0	0	0.00	0
5	Dayalbagh Educational Institute, Agra (UP)	233	220	2	0.91	14	250	2	0.80	16
6	Deccan College Post Graduate and Research Institute, Pune (Mah.)	26	17	1	5.88	0	28	1	3.57	1
7	Gandhigram Rural Institute, Gandhigram, Dindigul (TN)	115	108	6	5.56	2	147	6	4.08	4
8	Gokhale Institute of Politics & Economics, Pune (Mah.)									
9	Gujarat Vidyapeeth, Ahmdabad									
10	Institute of Chemical Technology, Mumbai (Mah.)	4	4	4	0.00	0	7	7	100.00	0
11	Indian Law Institute, New Delhi	10	8	0	0.00	0	12	0	0.00	0
12	Jain Vishva Bharti Institute, Ladnun (Raj.)									
13	Jamia Hamdard, Delhi									
14	Rashtriya Sanskrit Vidyapeeth, Tirupati (AP)	62	37	3	8.11	0	74	3	4.05	3
15	Rama Krishna Mission Vivekananda Educational & Research Institute, Howrah (WB)	0	72	0	0.00	5	92	0	0.00	6
16	Shri Lal Bahadur Shastri Rashtriya Sanskrit vidyapeeth, Delhi	87	61	1	1.64	3	84	1	1.19	5
17	Sri Sathya Sai Institute of Higher Learning, Anantapur (AP)	0	0	0	0.00	0	0	0	0.00	0
18	Tata Institute of Social Sciences, Mumbai (Mah.)	87	79	5	6.33	1	152	9	5.92	2
	<b>TOTAL</b>	946	882	32	3.63	38	1217	43	3.53	52

**ANNEXURE-2.VI**

(Ref Para 2.8.40 8R)

**Group-wise representation of STs in Non-Teaching posts in Deemed to be Universities (for the year 2012-13)**

S. No.	Name of the University	Group 'A'					Group 'B'					Group 'C'				
		Sanctioned	In Position			Shortfall	Sanctioned	In Position			Shortfall	Sanctioned	In Position			Shortfall
			Total	STs	%age			Total	STs	%age			Total	STs	%age	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
1	Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN)															
2	Banasthali Vidyapeeth, P.O. Banasthali Vidyapith (Raj.)	32	27	2	7.41	0	90	65	4	6.15	0	255	230	6	2.61	11
3	Central Institute of Higher Tbetan Studies, Samath, Varanasi (UP)	18	7	0	0.00	0	33	26	3	11.54	0	47	16	0	0.00	1
4	Chennai Mathematical Institute, Chennai (TN)	0	0	0	0.00	0	0	0	0	0.00	0	0	0	0	0.00	0
5	Dayalbagh Educational Institute, Agra (UP)	15	11	0	0.00	0	29	26	1	3.85	0	156	138	2	1.45	8
6	Deccan College Post Graduate and Research Institute, Pune (Mah.)	2	2	0	0.00	0	3	2	0	0.00	0	72	64	5	7.81	0
7	Gandhigram Rural Institute, Gandhigram, Dindigul (TN)	24	17	0	0.00	1	31	23	1	4.35	0	190	158	7	4.43	7
8	Gokhale Institute of Politics & Economics, Pune (Mah.)											Not Received				

**ANNEXURE-2.VI**  
(Contd.)

9	Gujarat Vidyapeeth, Ahmdabad															
10	Institute of Chemical Technology, Mumbai (Mah.)	0	0	0	0.00	0	1	0	1	0.00	0	9	3	6	200.00	0
11	Indian Law Institute, New Delhi	11	9	0	0.00	0	26	14	0	0.00	1	22	5	0	0.00	1
12	Jain Vishva Bharti Institute, Ladnun (Raj.)						26					NIL				
13	Jamia Hamdard, Delhi											Minorities Institution				
14	Rashtriya Sanskrit Vidyapeeth, Tirupati (AP)	10	8	0	0.00	0	15	15	1	6.67	0	29	22	0	0.00	2
15	Rama Krishna Mission Vivekananda Educational & Research Institute, Howrah (WB)	0	7	0	0.00	0	0	1	0	0.00	0	0	34	1	2.94	1
16	Shri Lal Bahadur Shastri Rashtriya Sanskrit vidyapeeth, Delhi	15	11	0	0.00	0	12	10	0	0.00	0	99	66	3	4.55	1
17	Sri Sathya Sai Institute of Higher Learning, Anantapur (AP)	0	0	0	0.00	0	0	0	0	0.00	0	0	0	0	0.00	0
18	Tata Institute of Social Sciences, Mumbai (Mah.)	31	22	1	4.55	0	108	92	5	5.43	1	116	104	9	8.65	0
	<b>TOTAL</b>	158	121	3	2.48	1	374	274	16	5.84	2	995	840	39	4.64	32

**ANNEXURE-2.VI**  
(Contd.)

**Group-wise representation of STs in Non-Teaching posts in Deemed to be Universities (for the year 2012-13)**

S. No.	Name of the University	Group 'D'					Total					
		Sanctioned	In Position			Shortfall	Total Sanctioned	In Position			Shortfall	
			Total	STs	%age			Total	STs	%age		
		(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	
1	Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore (TN)											
2	Banasthali Vidyapeeth, P.O. Banasthali Vidyapith (Raj.)	425	390	11	2.82	18	802	712	23	3.23	37	
3	Central Institute of Higher Tbetan Studies, Sarnath, Varanasi (UP)	54	37	1	2.70	2	133	74	4	5.41	5	
4	Chennai Mathematical Institute, Chennai (TN)	0	0	0	0.00	0	0	0	0	0.00	0	
5	Dayalbagh Educational Institute, Agra (UP)	87	82	0	0.00	6	287	257	3	1.17	18	
6	Deccan College Post Graduate and Research Institute, Pune (Mah.)	32	29	2	6.90	0	109	97	7	7.22	1	
7	Gandhigram Rural Institute, Gandhigram, Dindigul (TN)	No D staff as VI Central Pay Commission									0.00	
8	Gokhale Institute of Politics & Economics, Pune (Mah.)											
9	Gujarat Vidyapeeth, Ahmdabad											
10	Institute of Chemical Technology, Mumbai (Mah.)	6	4	2	50.00	0	16	7	9	128.57	0	

**ANNEXURE-2.VI**  
(Contd.)

11	Indian Law Institute, New Delhi	21	12	4	33.33	0	80	42	0	0.00	6	
12	Jain Vishva Bharti Institute, Ladnun (Raj.)											
13	Jamia Hamdard, Delhi											
14	Rashtriya Sanskrit Vidyapeeth, Tirupati (AP)	28	26	2	7.69	0	82	71	3	4.23	2	
15	Rama Krishna Mission Vivekananda Educational & Research Institute, Howrah (WB)	0	32	2	6.25	0	0	74	3	4.05	2	
16	Shri Lal Bahadur Shastri Rashtriya Sanskrit vidyapeeth, Delhi	No D staff as VI Central Pay Commission										
17	Sri Sathya Sai Institute of Higher Learning, Anantapur (AP)	0	0	0	0.00	0	0	0	0	0.00	0	
18	Tata Institute of Social Sciences, Mumbai (Mah.)	0	0	0	0.00	0	255	225	15	6.67	1	
	<b>TOTAL</b>	653	612	24	3.92	26	1764	1559	67	4.30	79	

**ANNEXURE-2.VII**  
(Ref Para 2.10.8 8R)

**National Commission for Scheduled Tribes**  
**Research Unit-wise Dereservation cases received during 2012-13**

S.No	Name of the Department	Name/ designation of post proposed for dereservation	No. of Posts
(1)	(2)	(3)	(4)
1	Director General of Audit, Central Expenditure, New Delhi	Supervisor	1 Post
2	Pr. Accountant General (Audit), Jharkhand, Ranchi.	Sr. Audit Officer	1 Post
4	Pr. Director of audit & Ex- Officio Member, Audit Board-I Mumbai	Supervisor	1 Post
5.	Cabinet Secretariat, Bikaner House (Annexe), Shahjahan Road, New Delhi	Senior Field Officer (Tech)	1 Post
6	Cabinet Secretariat, Bikaner House (Annexe), Shahjahan Road, New Delhi-110011	Senior Research Officer (IA)	1 Post
7	M/o Urban Development (Shehri Vikas Mantralaya), Nirman Bhawan , New Delhi	Asstt. Estate Manager	1 post
8	Pr. Dir. of Audit, Economic & Service Ministries, New Delhi	Audit Officer	1 Post
9	Cabinet Secretariat, Bikaner House(Annexe), Shahjahan Road, New Delhi	Private Secretary	2 Post
10	Cabinet Secretariat, Bikaner House(Annexe), Shahjahan Road, New Delhi	Assistant Technical Officer	1 Post
11	Pr. Accountant General (Audit) Punjab, Chandigarh	Supervisor	1 Post
12	Pr. Accountant General (G&SSA), Tamil Nadu & Pondicherry, and Chennai	Audit Officer	1 Post
13	Director General of Audit	Sr. Audit Officer	1 Post
14	Pr. Director of Audit, South Eastern Railway, Kolkata	Sr. Audit Officer	1 Post
15	Accountant General (A&E), Jammu & Kashmir, and Srinagar	Accounts Officer	1 Post
16	Pr. Director of Audit, South Eastern Railway, Kolkata	Audit Officer	1 Post
17	Accountant General (A&E), Gujarat, Rajkot	Accounts Officer	1 Post
18	Pr. Accountant General (A&E), Tamil Nadu and Chennai	Accounts Officer	2 Posts
19	Pr. Accountant General (Audit)-I, Maharashtra, Mumbai	Audit Officer	1 Post
20	-do-	Senior Time Scale of IA&AS	1 Post
21	Pr. Accountant General (A&E), Haryana, Chandigarh	Accounts Officer	1 Post
22	Pr. Accountant General (A&E), Haryana, Chandigarh	Sr. Divisional Accounts Officer	1 Post
23	Pr. Accountant General (A&E), Haryana Chandigarh	Divisional Accounts Officer	2 Posts
24	Pr. Accountant General (G&SSA). Andhra Pradesh, Hyderabad	Sr. Audit Officer	1 Post
25	Pr. Director of Audit, Eastern Railway, Kolkata	Audit Officer	2 Posts
26	Accountant General (E & RSA), Gujarat and Ahmadabad	Audit Officer	2 Posts
27	Pr. Accountant General (A&E), Kerala, Thiruvananthapuram	Accounts Officer	1 Post

S.No	Name of the Department	Name/ designation of post proposed for dereservation	No. of Posts
(1)	(2)	(3)	(4)
28	Pr. Accountant General (A&E), West Bengal, Kolkata	Accounts Officer	1 Post
29	Pr. Accountant General (G& SSA), Kerala, Thiruvananthapuram	Sr. Audit Officer	2 Post
30	Director General of Audit, Defence Services, New Delhi	Sr. Audit Officer	2 Posts
31	Accountant General (E & RSA), Gujarat and Ahmadabad	Sr. Audit Officer	1 Post
32	Director General of Audit, Defence Services, New Delhi	Audit Officer	2 Posts
33	Accountant General (A&E)-I Uttar Pradesh, Allahabad	Accounts Officer	2 Posts
34	Accountant General (A&E), Bihar, Patna	Divisional Accounts Officer	3 Posts
35	Pr. Accountant General (Audit), Himachal Pradesh, Shimla	Audit Officer	1 Post
36	Pr. Director of Audit, East Central Railway, Hajipur	Assistant Audit Officer	1 Post
37	Pr. Accountant General (G& SSA), Uttar Pradesh, Hyderabad	Audit Officer	1 Post
38	Pr. Director of Audit, Western Railway, Mumbai	Audit Officer	1 Post
39	Pr. Accountant General (A&E), Punjab, Chandigarh	Accounts Officer	1 Post
40	Pr. Accountant General (G & SSA), Andhra Pradesh, Hyderabad	Audit Officer	1 Post
41	Accountant General (Audit), Punjab, Chandigarh	Audit Officer	2 Posts
42	Pr. Accountant General (G & SSA), Tamil Nadu Puducherry, Chennai	Audit Officer	3 Posts
43	Pr. Accountant General (Audit)-I, Maharashtra, Mumbai	Audit Officer	2 Posts
44	Pr. Accountant General (Audit), Haryana, Chandigarh	Sr. Audit Officer	2 Posts
45	Pr. Accountant General (A&E), Andhra Pradesh, Hyderabad	Supervisor	1 Post
46	Pr. Accountant General (Audit), Jharkhand, Ranchi	Sr. Audit Officer	2 Posts
47	Pr. Accountant General (G&SSA), Uttar Pradesh, Allahabad	Supervisor	1 Post
48	Pr. Accountant General (Audit), Uttarakhand, Dehradun	Audit Officer	1 Post
49	Pr. Accountant General (A&E), West Bengal, Kolkata	Sr. Divisional Accounts Officer	1 Post
50	Pr. Accountant General (Audit), Haryana, Chandigarh	Audit Officer	1 Post
51	Pr. Accountant General (Audit), Bihar, Patna	Audit Officer	1 Post
52	Pr. Accountant General (G&SSA), Madhya Pradesh, Gwalior	Audit Officer	2 Posts
53	Pr. Accountant General (C&CA), Kerala, Thiruvananthapuram	Audit Officer	1 Post
54	Director General of Audit, Central Expenditure, New Delhi	Audit Officer	1 Post
55	Director General of Audit, Central Expenditure, New Delhi	Supervisor	1 Post
56	Commercial Audit Wing O/o C& AG of India, New Delhi	Sr. Audit Officer	1 Post
57	President Secretariat, New Delhi	Section Officer	1 Post



<b>S.No</b>	<b>Name of the Department</b>	<b>Name/ designation of post proposed for dereservation</b>	<b>No. of Posts</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
58	IB, MHA	Private Secretary	6 Posts
59	Jawaharlal Institute of Post graduate Medical Education and Research, Puducherry	Accountant	1 Post
		Head Clerk	1 Post
		Asstt. Nursing Suptt.	1 Post
60	Department of Atomic Energy	Private Secretary	1 Post
		Steno Gr. I	1 Post
61	ITBP	Sr. Administrative Officer	1 Post
62	IB, MHA	AD (SO)	1 Post
63	Department of OL, MHA	Assistant Director (OL)	1 Post
64	Department of Atomic Energy	Upper Division Clerk	1 Post
65	DMRL, Hyderabad	Senior Store Assistant	1 Posts
66	DMRL, Hyderabad	Civilian Driver	1 Posts
67	DSSC, M/o Defence	OS	1 Post
		Civilian Motor Driver (Spl Grade)	1 Post
68	Cochin Port Trust	Marine Engineer	1 Post
		Pilot	1 Post
69	Commandant, Officer Training Academy, Chennai	Assistant	1 Post
70	Chennai Port Trust	PA	1 Post
		OS	3 Post
		Sr. Asstt,	45 Posts
		Sr. Asstt. (W)	1 Post
		Sr. Cashier	1 Post
		Steno (SG)	1 Post
71	Forest Survey of India, M/o Environment & Forests	Driver	1 Post
72	O/o Joint Secretary (T) & CAO Ministry of Defence	Halwai-cum-Cook	2 Posts
73	Deptt of Defence Production, Dte of Quality Assurance (Naval), Ministry of Defence (DGQA)	Junior Technical Officer (Naval)	1 Post
74	Department of Defence Research & Development, Ministry of Defence	Senior Admn. Assistant	4 Posts

**ANNEXURE-3.I**  
(Ref Para 3.2.5 8R)

Total population, Scheduled Tribe population and inter-Census decadal ST population growth during 1991,2001and 2011 census															
S. No.	Name of State/ UT	Total popn. 1991 Census	ST popn. 1991 Censu s	%age of ST popn to total popn in State as per 1991 Census	%age of ST popn. in State to total ST popn in India in 1991 Census	Total popn. 2001 Census	ST popn. 2001 Census	%age of ST popn to total popn in State as per 2001 Census	%age of ST popn in State to total ST popn in India in 2001 Census	%age increase in ST popn. in 2001 over 1991 Census in State	Total popn 2011 Census	ST popn 2011 Census	%age of ST popn to total popn in State as per 2011 Census	%age increase in ST popn. In 2011 over 2001 Census in State	%age of ST popn in State to total ST popn in India in 2011 Census
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Andhra Pradesh	665,08,008	41,99,481	6.31	6.20	762,10,007	50,24,104	6.59	5.96	14.59	845,80,777	59,18,073	7	17.79	5.68
2	Arunachal Pradesh	8,64,558	5,50,351	63.66	0.81	10,97,968	7,05,158	64.22	0.84	27	13,83,727	9,51,821	68.79	34.98	0.91
3	Assam	224,14,322	28,74,441	12.82	4.24	266,55,528	33,08,570	12.41	3.92	18.92	312,05,576	38,84,371	12.45	17.4	3.72
4	Bihar	863,74,465	66,16,914	7.66	9.77	829,98,509	7,58,351	0.91	0.90		1040,99,452	13,36,573	1.28	76.25	1.28
5	Chhattisgarh*	-	-			208,33,803	66,16,596	31.76	7.85		2554,51,198	78,22,902	30.62	18.23	7.5
6	Goa	11,69,793	376	0.03	0.00	13,47,668	566	0.04	0.00	15.21	14,58,545	1,49,275	10.23	26273.67	0.14
7	Gujarat	413,09,582	61,61,775	14.92	9.09	506,71,017	74,81,160	14.76	8.87	22.66	604,39,692	89,17,174	14.75	19.2	8.55
8	Haryana	164,63,648	-			211,44,564	-			28.43	253,51,462	-	0	-	0
9	Himachal Pradesh	51,70,877	2,18,349	4.22	0.32	60,77,900	2,44,587	4.02	0.29	17.54	68,64,602	3,92,126	5.71	60.32.	0.38
10	Jammu & Kashmir	-	-			101,43,700	11,05,979	10.90	1.31		125,41,302	14,93,299	11.91	35.02	1.43
11	Jharkhand	-	-			269,45,829	70,87,068	26.30	8.40		329,88,134	86,45,042	26.21	21.98	8.29
12	Karnataka	449,77,201	19,15,691	4.26	2.83	528,50,562	34,63,986	6.55	4.11	17.51	610,95,297	42,48,987	6.95	22.66	4.07
13	Kerala	290,98,518	3,20,967	1.10	0.47	318,41,374	3,64,189	1.14	0.43	9.43	334,06,061	4,84,839	1.45	33.13	0.46
14	Madhya Pradesh	661,81,170	153,99,034	23.27	22.73	603,48,023	122,33,474	20.27	14.51	-8.81	726,26,809	153,16,784	21.09	25.2	14.69
15	Maharashtra	789,37,187	73,18,281	9.27	10.80	968,78,627	85,77,276	8.85	10.17	22.73	1123,74,333	105,10,213	9.35	22.54	10.08
16	Manipur	18,37,149	6,32,173	34.41	0.93	21,66,788	7,41,141	34.20	0.88	17.94	25,70,390	9,02,740	35.12	21.8	0.87
17	Meghalaya	17,74,778	15,17,927	85.53	2.24	23,18,822	19,92,862	85.94	2.36	30.65	29,66,889	25,55,861	86.15	28.25	2.45
18	Mizoram	6,89,756	6,53,565	94.75	0.96	8,88,573	8,39,310	94.46	1.00	28.82	10,97,206	10,36,115	94.43	23.45	0.99

**ANNEXURE-3.I****(Contd.)**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
19	Nagaland	12,09,546	10,60,822	87.70	1.56	19,90,036	17,74,026	89.15	2.10	64.53	19,78,502	17,10,973	86.48	3.55	1.64
20	Orissa	316,59,736	70,32,214	22.21	10.37	368,04,660	81,45,081	22.13	9.66	16.25	419,74,218	95,90,756	22.85	17.75	9.2
21	Punjab	202,81,969	-			243,58,999	-			20.1	277,43,338	-	0	-	0
22	Rajasthan	440,05,990	54,74,881	12.44	8.08	565,07,188	70,97,706	12.56	8.42	28.41	685,48,437	92,38,534	13.48	30.16	8.86
23	Sikkim	4,06,457	90,901	22.36	0.13	5,40,851	1,11,405	20.60	0.13	33.06	6,10,577	2,06,360	33.8	85.23	0.2
24	Tamil Nadu	558,58,946	5,74,194	1.03	0.84	624,05,679	6,51,321	1.04	0.77	11.72	721,47,030	7,94,697	1.2	22.01	0.76
25	Tripura	27,57,205	8,53,345	30.95	1.26	31,99,203	9,93,426	31.05	1.18	16.03	36,73,917	11,66,813	31.76	17.45	1.12
26	Uttarakhand*	-	-			84,89,349	2,56,129	3.02	0.30		100,86,292	2,91,903	2.89	13.97	0.28
27	Uttar Pradesh	1391,12,287	2,87,901	0.21	0.42	1661,97,92 1	1,07,963	0.06	0.13	19.47	1998,12,341	11,34,273	0.57	950.61	1.09
28	West Bengal	680,77,965	38,08,760	5.59	5.62	801,76,197	44,06,794	5.50	5.23	17.77	912,76,115	52,96,953	5.8	20.2	5.8
29	A. & N. Islands	2,80,661	26,770	9.54	0.04	3,56,152	29,469	8.27	0.03	26.9	3,80,581	28,530	7.5	3.19	0.03
30	Chandigarh	6,42,015	-			9,00,635	-			40.28	10,55,450	-	-	-	-
31	Dadra & Nagar Haveli	1,38,477	1,09,380	78.99	0.16	2,20,490	1,37,225	62.24	0.16	59.22	3,43,709	1,78,564	51.95	30.12	0.17
32	Daman & Diu	1,01,586	11,724	11.54	0.02	1,58,204	13,997	8.85	0.02	55.73	2,43,247	15,363	6.32	9.76	0.01
33	Delhi	94,20,644	-			138,50,507	-			47.02	167,87,941	-	-	-	-
34	Lakshadweep	51,707	48,163	93.15	0.07	60,650	57,321	94.51	0.07	17.3	64,473	61,120	94.8	6.63	0.06
35	Puducherry	8,07,785	-			9,74,345	-			20.62	12,47,953	-	-	-	-
	India	8385,83,988	677,58,380	8.08	100.00	10286,10,328	843,26,240	8.20	100.00	22.66	12105,69,573	1042,81,034	8.61	23.66	100.00

**ANNEXURE-3.II**  
**(Ref Para 3.3.1 8R)**

**State-wise Particularly Vulnerable Tribal Groups (PVTGs) and their Population in India: (1961 to 2011)**

No.	State/ UT.	Name of PVTG	Population as per Census					2011
			1961	1971	1981	1991	2001	
1	Andhra Pradesh	1. Chenchu	17609	24178	28434	40869	49232	64227
		2. Bodo Gadaba	21840	25108	27732	33127	36078	38081
		3. Gutob Gadaba	-	-	-	-	-	Included in group %Gadabas, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba+
		4. Dongria Khond	21754	34382	39408	66629	85324	103290
		5. Kultia Khond	-	-	-	-	-	Included in group Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenit Kondhs, Kuvinga+
		6. Kolam	16731	26498	21842	41254	45671	44912
		7. Konda Reddi	35439	42777	54685	76391	83096	107747
		8. Kondasavara	-	28189	-	-	-	139424
		9. Bondo Porja	-	-	-	-	-	-
		10. Khond Porja	9350	12347	16479	24154	32669	-
		11. Parengi Proja	-	-	-	-	-	36502
		12. Thoti	546	1785	1388	3654	2074	4811
		<b>Total</b>	<b>123269</b>	<b>195264</b>	<b>189968</b>	<b>286078</b>	<b>334144</b>	<b>538994</b>
2	Bihar (including Jharkhand up to 1991; only Bihar for 2001 and 2011)	13. Asur	5819	7026	7783	9623	181	4129
		14. Birhor	2438	3461	4377	8083	406	377
		15. Birjia	4029	3628	4057	6191	17	208
		16. HillKharia	108983	127002	141771	151634	1501	11569
		17. Korwa	21162	18717	219940	24871	703	452
		18. Mal Paharia	45423	48636	79322	86790	4631	2225
		19. Parhaiya	12268	14651	24012	30421	2429	647
		20. Sauria Paharia	55605	59047	39269	48761	585	1932
		21. Savar	1561	3548	3014	4264	420	80
		<b>Total</b>	<b>257288</b>	<b>285716</b>	<b>523545</b>	<b>370638</b>	<b>10873</b>	<b>21619</b>
3	Chhattisgarh (Included in Madhya Pradesh)	22. Abujh Maria						
		23. Baiga						
		24. Bharia						
		25. Birhor						
		26. Hill Korwa						
		27. Kamar						
		28. Sahariya						
4	Gujarat	29. Kolgha	-	29464	62232	82679	48419	67119
		30. Kathodi	-	2939	2546	4773	5820	13632
		31. Kotwalia	-	12902	17759	19569	21453	24249
		32. Padhar	-	4758	10587	15896	22421	30932
		33. Siddi	-	4482	5429	6336	8662	8661
<b>Total</b>	<b>-</b>	<b>54545</b>	<b>98553</b>	<b>129253</b>	<b>106775</b>	<b>144593</b>		

**ANNEXURE-3.II**  
**(Contd.)**

No.	State/ UT.	Name of PVTG	Population as per Census					
			1961	1971	1981	1991	2001	2011
4	Jharkhand (included in Bihar up to 1991)	34. Asur	-	-	-	-	10347	22459
		35. Birhor	-	-	-	-	7514	10726
		36. Birjia	-	-	-	-	5365	6276
		37. Hill Kharia	-	-	-	-	164022	196135
		38. Korwa	-	-	-	-	27177	35606
		39. Mal Paharia	-	-	-	-	115093	135797
		40. Parhaiya	-	-	-	-	20786	25585
		41. Sauria Paharia	-	-	-	-	31050	46222
		42. Savar	-	-	-	-	6004	9688
	<b>Total</b>	-	-	-	-	<b>387358</b>	<b>488494</b>	
5	Karnataka	43. Jenu Kuruba	3623	6656	34747	29371	29828	36076
		44. Koraga	6382	7620	15146	16322	16071	14794
		<b>Total</b>	<b>10005</b>	<b>14276</b>	<b>49893</b>	<b>45693</b>	<b>45899</b>	<b>50870</b>
6	Kerala	45. Cholanaiayakan	-	306	234	-	-	124
		46. Kadar	-	1120	1503	2021	2145	2949
		47. Kattunayakan	-	5565	8803	12155	14715	18199
		48. Koraga	-	1200	1098	1651	1152	1582
		49. Kurumba	-	1319	1283	1820	2174	2586
		<b>Total</b>	-	<b>9510</b>	<b>12921</b>	<b>17647</b>	<b>20186</b>	<b>25440</b>
7	Madhya Pradesh (Including Chhattisgarh)	50. Abujh Maria	11115	13000	15500	-	-	5093124
		51. Baiga	-	6194	248949	317549	332936	414526
		52. Bharia	-	1589	1614	-	-	193230
		53. Birhor	513	738	561	2206	143	52
		54. Hill Korwa	23605	67000	19041	-	-	-
		55. Kamar	-	13600	17517	20565	2424	666
		56. Sahariya	174320	207174	281816	332748	450217	165
		<b>Total</b>	<b>209553</b>	<b>309295</b>	<b>584998</b>	<b>673068</b>	<b>785720</b>	<b>5701763</b>
8	Maharashtra	57. Katkari/ Kathodi	-	146785	174602	202203	235022	285334
		58. Kolam	-	56061	118073	147843	173646	194671
		59. Maria Gond	-	53400	66750	-	-	1618090
		<b>Total</b>	-	<b>256246</b>	<b>359425</b>	<b>350046</b>	<b>408668</b>	<b>2098095</b>
9	Manipur	60. Maram Naga	-	5123	6544	9592	1225	27524
		<b>Total</b>	-	<b>5123</b>	<b>6544</b>	<b>9592</b>	<b>1225</b>	<b>27524</b>
10	Orissa  (* Survey conducted by SCSTRTI, Bhubaneswar Odisha in 2010)	61. Chuktia Bhunjia	-	-	-	-	-	2378
		62. Birhor	-	248	142	825	702	596
		63. Bondo	-	3870	5895	7315	9378	12231
		64. Didayi	-	3055	1978	5471	7371	8890
		65. Dongria Khond	-	2676	6067	-	-	6306
		66. Juang	-	3181	30876	35665	41339	47095
		67. Kharia	-	1259	1259	-	-	222844
		68. Kutia Khond	-	3016	4735	-	-	7232
		69. Lanjia Saura	-	4233	8421	-	-	5960*
		70. Lodha	-	1598	5100	7458	8905	9785
		71. Mankirdia	-	133	1005	1491	1050	2222
		72. Paudi Bhuyan	-	4424	8872	-	-	5788*
		73. Saura	-	2845	2917	-	-	534751
<b>Total</b>	-	<b>30538</b>	<b>77267</b>	<b>58225</b>	<b>68745</b>	<b>866078</b>		
11	Rajasthan	74. Saharia	23125	26796	40945	59810	76237	111377
		<b>Total</b>	<b>23125</b>	<b>26796</b>	<b>40945</b>	<b>59810</b>	<b>76237</b>	<b>111377</b>
12	Tamil Nadu	75. Irular	79835	89025	105757	138827	155606	189661
		76. Kattunayakan	6459	5042	26383	42761	45227	46672
		77. Kota	833	1188	604	752	925	308
		78. Korumba	1174	2754	4354	4768	5498	6823
		79. Paniyan	4779	6093	6393	7124	9121	10134
		80. Toda	714	930	875	1100	1560	2002
<b>Total</b>	<b>93794</b>	<b>105032</b>	<b>144366</b>	<b>195332</b>	<b>217937</b>	<b>255600</b>		

**ANNEXURE-3.II  
(Contd.)**

No.	States/ UTs.	Name of PVTG	Population as per Census					
			1961	1971	1981	1991	2001	2011
13	Tripura	81. Riang	56579	64722	84004	111606	165103	188220
		<b>Total</b>	<b>56579</b>	<b>64722</b>	<b>84004</b>	<b>111606</b>	<b>165103</b>	<b>188220</b>
14	Uttar Pradesh (including Uttarakhand upto 1991; only Uttar Pradesh for 2001 and 2011)	82. Buksa	-	-	31807	34621	4367	4710
		83. Raji	-	-	1087	1728	998	2241
		<b>Total</b>	<b>-</b>	<b>-</b>	<b>32894</b>	<b>36349</b>	<b>5365</b>	<b>6951</b>
15	Uttarakhand (included in UP upto 1991)	84. Buksa	-	-	-	-	46771	4710
		85. Raji	-	-	-	-	517	1295
		<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>47288</b>	<b>6005</b>
16	West Bengal	86. Birhor	-	-	658	855	1017	2241
		87. Lodha	-	45906	53718	68095	84966	108707
		88. Toto	-	-	675	-	-	66627
		<b>Total</b>	<b>-</b>	<b>45906</b>	<b>55051</b>	<b>68950</b>	<b>85983</b>	<b>177575</b>
17	Andaman & Nicobar Islands	89. Great Andamanese	-	-	42	32	43	44
		90. Jarawa	-	-	31	89	240	380
		91. Onge	-	-	97	101	96	101
		92. Sentinelest	-	-	-	24	39	15
		93. Shom Pen	71	212	223	131	398	229
		<b>Total</b>	<b>71</b>	<b>212</b>	<b>393</b>	<b>377</b>	<b>816</b>	<b>769</b>
	<b>All India</b>	<b>Grand Total</b>	<b>773684</b>	<b>1403181</b>	<b>2260767</b>	<b>2412664</b>	<b>2768322</b>	<b>10709967</b>

Source: Ministry of Tribal Affairs

**The Gazette of India**  
**EXTRAORDINARY**  
**PART II-Section I**

**PUBLISHED BY AUTHORITY**

**No.70) NEW DELHI, TUESDAY DECEMBER 24, 1996/PAUSA 3,1918**

**MINISTRY OF LAW AND JUSTICE**  
**(Legislative Department)**

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

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

**THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996**

No.40 OF 1996

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

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

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

Short title 1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

Definition 2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution.

Extension of  
Part IX of the

Constitution 3. The provisions of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.

Exceptions and  
Modifications  
To Part IX of  
The Constitution

3. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

- (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
- (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;

- (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
- (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
- (e) every Gram Sabha shall-
  - i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level.
  - ii. Be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
- (f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilization of funds by that Panchayat for the plans, programmes and projects referred to in clause (e);
- (g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution.

Provided that the reservation for the Scheduled Tribes shall not be less than Aone-half of the total number of seats;

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

- (h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

- (i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;
- (j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;
- (k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;
- (l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;



- (m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-
- (i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
  - (ii) the ownership of minor forest produce;
  - (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;
  - (iv) the power to manage village markets by whatever name called;
  - (v) the power to exercise control over money lending to the Scheduled Tribes;
  - (vi) the power to exercise control over institutions and functionaries in all social sectors;
  - (vii) the power to control over local plans and resources for such plans including tribal sub-plans;
- (n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;
- (o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Continuance  
Of existing  
Laws and Panchayats

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is in consistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

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

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

**ANNEXURE-3.IV**  
(Ref Para 3.13.13 8R)

**State-wise ST population percentage & TSP Outlay during Annual Plan 2012-13**

Sl. No.	State/U.T	% of ST Population (2011 Census)	Annual Plan 2012-13		
			Agreed Outlay		
			Total State Plan	TSP Allocation	%
1	2	3	4	5	6
1	Andhra Pradesh	7.00	48934.90	3591.39	7.3
2	Assam	12.45	14537.33	491.21	3.3
3	Bihar	1.28	28000.00	393.86	1.4
4	Chhattisgarh	30.62	23480.00	7356.00	31.3
5	Goa	10.23	4700.00	566.42	12.0
6	Gujarat	14.75	51000.00	6682.41	13.1
7	Himachal Pradesh	5.71	3700.00	333.00	9.0
8	Jammu & Kashmir	11.91	7300.00	1254.77	17.1
9	Jharkhand	26.21	16300.00	8231.24	50.4
10	Karnataka	6.95	42030.01	2075.00	4.9
11	Kerala	1.45	14010.00	325.15	2.3
12	Madhya Pradesh	21.09	28000.00	6178.91	22.0
13	Maharashtra	9.35	61803.51	4005.00	6.4
14	Manipur	35.12	3500.00	1358.53	38.8
15	Odisha	22.85	17250.00	4316.40	25.0
16	Rajasthan	13.48	33500.00	4321.19	12.8
17	Sikkim	33.8	1877.00	151.33	8.0
18	Tamil Nadu	1.20	28000.00	353.93	1.2
19	Tripura	31.76	2250.00	1533.12	68.1
20	Uttar Pradesh	0.57	56000.00	84.00	0.1
21	Uttarakhand	2.89	8200.00	246.00	3.0
22	West Bengal	5.80	25910.00	1657.52	6.3
23	A & N Islands	7.50	1701.43	226.43	13.3
24	Daman & Diu	6.32	568.25	50.29	8.8
	<b>TOTAL</b>	<b>8.61</b>	<b>522552.4</b>	<b>55783.1</b>	<b>10.67</b>

**ANNEXURE-3.V**  
(Ref Para 3.13.14 8R)

**ST population percentage in States & UTs (in descending order) and TSP  
Outlay during Annual Plan 2012-13**

Sl. No.	State/U.T	% of ST Population (2011 Census)	Annual Plan 2012-13		
			Agreed Outlay		
			Total State Plan	TSP Allocation	%
1	2	3	4	5	6
1	Manipur	35.12	3500.00	1358.53	38.80
2	Sikkim	33.80	1877.00	151.33	8.00
3	Tripura	31.76	2250.00	1533.12	68.10
4	Chhattisgarh	30.62	23480.00	7356.00	31.30
5	Jharkhand	26.21	16300.00	8231.24	50.40
6	Odisha	22.85	17250.00	4316.40	25.00
7	Madhya Pradesh	21.09	28000.00	6178.91	22.00
8	Gujarat	14.75	51000.00	6682.41	13.10
9	Rajasthan	13.48	33500.00	4321.19	12.80
10	Assam	12.45	14537.33	491.21	3.30
11	Jammu & Kashmir	11.91	7300.00	1254.77	17.10
12	Goa	10.23	4700.00	566.42	12.00
13	Maharashtra	9.35	61803.51	4005.00	6.40
14	A & N Islands	7.50	1701.43	226.43	13.30
15	Andhra Pradesh	7.00	48934.90	3591.39	7.30
16	Karnataka	6.95	42030.01	2075.00	4.90
17	Daman & Diu	6.32	568.25	50.29	8.80
18	West Bengal	5.80	25910.00	1657.52	6.30
19	Himachal Pradesh	5.71	3700.00	333.00	9.00
20	Uttarakhand	2.89	8200.00	246.00	3.00
21	Kerala	1.45	14010.00	325.15	2.30
22	Bihar	1.28	28000.00	393.86	1.40
23	Tamil Nadu	1.20	28000.00	353.93	1.20
24	Uttar Pradesh	0.57	56000.00	84.00	0.15
	<b>TOTAL</b>	<b>8.61</b>	<b>522552.40</b>	<b>55783.10</b>	<b>10.67</b>

F.No.M-13052/G/99-BC  
Government of India  
Planning Commission  
(SCP & TSP Unit)

Dated: 16-1-2006

OFFICE ORDER

Sub: Constitution of a Central Tripartite Committee to monitor the implementation of the strategies of the Special Component Plan (SCP) for SCs and the Tribal Sub Plan (TSP) for STs . Reg.

It has been decided to constitute a Central Tripartite Committee to review the implementation of the Special Strategies of Special Component Plan (SCP) for Scheduled Castes (SCs) and the Tribal Sub Plan (TSP) for Scheduled Tribes (STs) and to resolve various policy-related issues there to in respect of Central Ministries/ Departments as well as State/ U.T. Governments.

The Composition of the Tripartite Committee will be as given below:

- |      |  |             |
|------|--|-------------|
| i)   | Dr. B.L. Mungekar<br>Member<br>J/C of BCW Division<br>Planning Commission<br>New Delhi-110001    | Chairperson |
| ii)  | Secretary<br>Ministry of Social Justice<br>and Empowerment<br>Shastri Bhavan<br>New Delhi-110001 | Member      |
| iii) | Secretary<br>Ministry of Tribal Affairs<br>Shastri Bhavan<br>New Delhi-110001                    | Member      |
| iv)  | Secretary<br>National Commission for SCs<br>Lok Nayak Bhavan<br>New Delhi-110003                 | Member      |
| v)   | Secretary<br>National Commission for STs<br>Lok Nayak Bhavan<br>New Delhi-110003                 | Member      |

- |      |  |                  |
|------|--|------------------|
| vi)  | Secretary<br>(Concerned Min/ Deptt.<br>(or)<br>Chief Secretary *<br>(Concerned State/ UT | Member           |
| vii) | Adviser<br>I/C of SCP & TSP Unit<br>Planning Commission<br>New Delhi-110001              | Member Secretary |

(\* When the arrangements in State Plan are under consideration)

3. The terms of reference of the Committee will be as under:
- i) To review the implementation of SCP and TSP by State/ U.Ts and Central Ministries/ Departments since its inception.
  - ii) To guide State/ U.Ts and Central Ministries/ Departments in the implementation of SCP and TSP guidelines issued by Planning Commission and to suggest specific measures for their compliance.
  - iii) To look into the problems, if any, associated with the earmarking of funds, implementation, monitoring of SCP and TSP schemes/ programmes of Central Ministries/ Departments and State/ UTs.
  - iv) To identify specific schemes which would benefit SCs and STs under various developmental sectors, their prioritization, implementation and monitoring along with earmarking of funds for them (as per Annexure-I)
  - v) To review the process of implementation, monitoring and impact assessment of SCP and TSP and utilization of Special Central Assistance (Special Central Assistance) to SCP and TSP and the Grant-in-Aid (GIA) under Article 275(1) and advise the Planning Commission and Prime Minister on measures which would serve the interests of these Communities more effectively.
  - vi) To suggest institutional and advocacy arrangements for participation of beneficiary groups in preparation and implementation of schemes under SCP and TSP and Central allocations referred to above, taking into account, among others, priorities of 73<sup>rd</sup> and 74<sup>th</sup> Amendments and other Legislatives measures flowing therefrom.

(R. Sridharan)  
Joint Secretary (Admn.)

New Delhi, the 16<sup>th</sup> January, 2006

**ANNEXURE 3.VII**  
(Ref. Para 3.13.30 8R)

**Ministry-wise Earmarking of Plan Outlays under Tribal Sub Plan and Proposed earmarking for 2012-13**

S.No	Ministries/ Department	Funds under TSP Recommended by Task Force for the Ministry (In Per cent)	Outlays under TSP for 2012-13		
			Total GBS	TSP Outlay	%age
1	2	3	4	5	6
<b>Category II</b>	<b>Ministries/ Departments required to do partial Earmarking i.e. less than 7.5% of their Plan Outlays (in ascending order)</b>				
1	Department of Telecommunications	0.25	4800.00	12.00	0.25
2	Ministry of Textiles	1.20	7000.00	84.00	1.20
3	Ministry of Water Resources	1.30	1500.00	19.50	1.30
4	Department of Food and public Distribution	1.40	126.00	4.06	3.22
5	Ministry of Culture	2.00	864.00	17.28	2.00
6	Department of AYUSH	2.00	990	19.8	2.00
7	Ministry of HUPA	2.40	1155.00	27.72	2.40
8	Ministry of Tourism	2.50	1210.00	30.25	2.50
9	Department of Science & Technology	2.50	2477.00	61.93	2.50
10	Ministry of Road Transport & Highways	3.50	23000.00	500.00	2.17
11	Department of Agriculture Research & Education	3.60	3220.00	116.00	3.60
12	Ministry of Mines	4.00	243.00	8.72	3.59
13	Department of Information Technology	6.70	3000.00	201.00	6.70
<b>Category III</b>	<b>Ministries/ Departments which will be required to Earmark between 7.5 to 8.2% of their Plan Outlays (in ascending order)</b>				
1	Department of Higher Education	7.50	15458.00	1159.35	7.50
2	Department of Agriculture & Cooperation	8.00	10991.00	882.59	8.03
3	Ministry of MSME	8.20	2835.00	139.48	4.92
4	Ministry of Coal	8.20	450.00	31.00	6.89
5	Department of Youth Affairs	8.20	1041.00	85.60	8.22
6	Ministry of Labor and Employment	8.20	2470.00	202.54	8.20
7	Ministry of Panchayati Raj	8.20	300.00	17.44	5.81
8	Department of Sports	8.20	1041.00	85.60	8.22
9	Ministry of Women & Child Development	8.20	18500.00	1517.00	8.20
10	Department of Health & family welfare	8.20	27127.00	2224.41	8.20
11	Department of AIDS control	8.20	1700.00	139.40	8.20

<b>Category IV</b>	<b>Ministries/ Departments which will be required to Earmark more than 8.2% of their Plan Outlays under Tribal Sub Plan (in ascending order)</b>				
1	Department of Land Resources	10.00	3201.00	320.05	10.00
2	Department of Drinking water and Sanitation	10.00	14000.00	1400.00	10.00
3	Department of School Education & Literacy	10.70	45969.00	4918.68	10.70
4	Department of Rural Development	17.50	73175.00	3460.37	4.73
5	Ministry of Tribal Affairs	100.00	1573.00	1573.00	100.00
	<b>Applying these percentages to respective Ministries/ Departments' BE- 2010-11, the average BE in percentage terms expected to be earmarked under TSP</b>	8.26#			
<b># Exclusive of SCA to TSP and Grants under Proviso to Article 275(1) of the constitution, as the outlays under these Heads are shown in Statement 16 of Expenditure Budget (Volume I), which provides Central Assistance to State Plans. Including SCA to TSP (Rs 960 crore), this figures increases to 8.6%</b>					

**ANNEXURE-3.VIII**  
(Ref Para 3.13.36 ... 8R)

**BUDGET ALLOCATION/ REVISED ALLOCATION AND EXPENDITURE FOR THE  
YEARS  
2010-11, 2011-12 AND 2012-13**

(In crore of Rupees)

M. Head	Programme/ Sub-Schemes	Scheme	2010-11			2011-12			2012-13			
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	*Exp.	
<b>A</b>	<b>Central Sector Schemes</b>											
2225	Aid to Voluntary Organisations	Grant-in-Aid to NGO for STs including Coaching & Allied Scheme and award for exemplary service	36.99	39.00								
2225	Special Incentives to NGOs performing exemplary tasks		0.01	0.50	52.6092	39.50	39.50	53.4822	39.50	23.25	10.21	
2225	Coaching & Allied Scheme		4.50	4.50	1.5274	4.50	4.50	2.4993	4.50	0.50	0.14	
	<b>Total of 2225</b>		<b>41.50</b>	<b>44.00</b>	<b>54.1366</b>	<b>44.00</b>	<b>44.00</b>	<b>55.9815</b>	<b>44.00</b>	<b>23.75</b>	<b>10.35</b>	
3601	Coaching & Allied Scheme		0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
3602	Coaching & Allied Scheme		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	<b>Total of 2225,3601,3602</b>		<b>42.00</b>	<b>44.00</b>	<b>54.1366</b>	<b>44.00</b>	<b>44.00</b>	<b>55.9815</b>	<b>44.00</b>	<b>23.75</b>	<b>10.35</b>	
2225	Vocational Training in Tribal Areas		Vocational Training in Tribal Areas	3.00	2.90	0.8794	3.00	3.00	1.7956	3.00	2.22	1.23
3601				5.00	5.00	6.00	5.00	5.00	6.00	5.00	1.65	0.00
	<b>Total</b>			<b>8.00</b>	<b>7.90</b>	<b>6.8794</b>	<b>8.00</b>	<b>8.00</b>	<b>7.7956</b>	<b>8.00</b>	<b>3.87</b>	<b>1.23</b>
2225	Strengthening of Education among ST Girls in Low Literacy Districts	Strengthening of Education among ST Girls in Low Literacy Districts	40.00	39.70	37.5602	40.00	40.00	31.2350	40.00	14.61	1.41	
2225	Market Development of Tribal Products/ Produce	Market Development of Tribal Products/ Produce	12.00	14.53	14.53	22.00	22.00	22.00	22.00	47.24	22.00	
3601	State Tribal Dev. Coop. Corn. For Minor Forest Produce	State Tribal Dev. Coop. Corn. For Minor Forest Produce	15.00	15.00	15.00	20.00	20.00	20.00	20.00	13.00	11.56	
2225	Development of Particularly Vulnerable Tribal Group( PTG)	Development of Particularly Vulnerable Tribal Group( PTG)	6.00	5.80	5.2085	5.80	5.80	5.6031	5.80	1.50	0.55	
3601			175.00	234.40	227.2388	234.20	234.20	225.6999	234.20	173.00	161.6439	
	<b>Total</b>		<b>181.00</b>	<b>240.20</b>	<b>232.4473</b>	<b>240.00</b>	<b>240.00</b>	<b>231.3030</b>	<b>240.00</b>	<b>174.50</b>	<b>162.1939</b>	
4225	National Scheduled Tribes Finance & Development Corporation	Support to National / State Scheduled Tribes Finance & Development Corporations	70.00	70.00	69.99	70.00	70.00	70.00	70.00	68.10	45.00	
4225	State Tribal Development Finance Corp.											
	<b>Total</b>		<b>70.00</b>	<b>70.00</b>	<b>69.99</b>	<b>70.00</b>	<b>70.00</b>	<b>70.00</b>	<b>70.00</b>	<b>68.10</b>	<b>45.00</b>	



(In crore of Rupees)

M. Head	Programme/ Sub-Schemes	Scheme	2010-11			2011-12			2012-13		
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	*Exp.
2225	Rajiv Gandhi National Fellowship for ST Students	Rajiv Gandhi National Fellowship for ST Students	72.00	60.69	60.6822	62.00	84.93	84.93	90.00	45.00	45.00
2225	Scheme of Institute of Excellence / Top Class Institute	Scheme of Institute of Excellence / Top Class Institute	2.50	5.00	4.9952	5.00	7.00	6.9693	13.00	10.11	6.14
2225	National Overseas Scholarship Scheme	National Overseas Scholarship Scheme	1.00	0.50	0.3021	1.00	1.00	0.7831	1.00	1.00	0.87
	<b>Total of A (Central Sector Plan)</b>		<b>443.50</b>	<b>497.52</b>	<b>496.52</b>	<b>512.00</b>	<b>536.93</b>	<b>531.00</b>	<b>548.00</b>	<b>401.18</b>	<b>305.4339</b>
<b>B</b>	<b>Centrally Sponsored Schemes</b>										
2225	Post Matric Scholarship for STs/ Book Bank	Scheme of PMS, Book Bank and Upgradation of Merit of ST student	0.10	0.10	0.10	0.10	0.28	0.10	0.10	0.10	0.07
	<b>Total of 2225</b>		<b>0.10</b>	<b>0.10</b>	<b>0.10</b>	<b>0.10</b>	<b>0.28</b>	<b>0.1000</b>	<b>0.10</b>	<b>0.10</b>	<b>0.07</b>
3601	Post Matric Scholarship for STs/ Book Bank		467.93	467.93	555.9300	571.40	715.40	865.40	628.10	628.10	483.36
3601	Upgradation of Merit of ST Students		2.00	1.50	0.7238	1.50	2.10	1.9706	1.50	0.64	0.14
	<b>Total of 3601</b>	<b>469.93</b>	<b>469.43</b>	<b>556.6538</b>	<b>572.90</b>	<b>717.50</b>	<b>867.3706</b>	<b>629.60</b>	<b>628.74</b>	<b>483.50</b>	
	<b>Total 2225 &amp; 3601</b>	<b>470.03</b>	<b>469.53</b>	<b>556.7538</b>	<b>573.00</b>	<b>717.78</b>	<b>867.4706</b>	<b>629.70</b>	<b>628.84</b>	<b>483.57</b>	
2225	Pre matric scholarship for ST students	Pre matric scholarship for ST students	0.00	0.00	0.00	1.00	1.00	0.00	1.00	0.33	0.00
3601			0.00	0.00	0.00	44.00	44.00	0.00	80.00	106.40	80.00
	<b>Total</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>45.00</b>	<b>45.00</b>	<b>0.00</b>	<b>81.00</b>	<b>106.73</b>	<b>80.00</b>
2225	Girls Hostels	Scheme of Hostel for ST Girls and Boys	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
2225	Boys Hostels										
	<b>Total of 2225</b>		<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>
3601	Girls Hostels		63.00	63.00	73.00	63.00	63.00	73.00	63.00	63.00	54.8907
3601	Boys Hostels										
	<b>Total of 3601</b>	<b>63.00</b>	<b>63.00</b>	<b>73.00</b>	<b>63.00</b>	<b>63.00</b>	<b>73.00</b>	<b>63.00</b>	<b>63.00</b>	<b>54.8907</b>	
	<b>Total 2225 &amp; 3601</b>	<b>68.00</b>	<b>68.00</b>	<b>78.00</b>	<b>68.00</b>	<b>68.00</b>	<b>78.00</b>	<b>68.00</b>	<b>68.00</b>	<b>59.8907</b>	
2225	Establishment of Ashram Schools	Establishment of Ashram Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3601			75.00	65.00	65.00	75.00	75.00	75.00	75.00	61.00	36.2759
	<b>Total</b>		<b>75.00</b>	<b>65.00</b>	<b>65.00</b>	<b>75.00</b>	<b>75.00</b>	<b>75.00</b>	<b>75.00</b>	<b>61.00</b>	<b>36.2759</b>

(In crore of Rupees)

M. Head	Programme/ Sub-Schemes	Scheme	2010-11			2011-12			2012-13		
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	*Exp.
2225	Research and Training	Research Information & Mass Education , Tribal Festival and Other	0.60	0.00	0.00	0.10	0.00	0.00	0.10	0.00	0.00
2225	Information and Mass Media		3.00	3.00	1.63	3.00	3.00	2.7039	3.00	1.99	1.00
2225	National Tribal Affairs Award		0.17	0.29	0.25	0.14	0.45	0.4440	0.50	0.46	0.29
2225	Centre of Excellence		1.00	0.65	1.8373	0.65	0.56	2.1575	0.56	1.86	0.90
2225	Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes		1.00	0.40		0.40	0.20		0.30		
2225	Organisation of Tribal Festival		1.75	1.75		1.50	1.73		1.60		
2225	Exchange of visits by Tribals		0.45	0.20		0.71	0.38		0.44		
	<b>Total of 2225</b>		<b>7.97</b>	<b>6.29</b>	<b>3.7150</b>	<b>6.50</b>	<b>6.32</b>	<b>5.3054</b>	<b>6.50</b>	<b>4.31</b>	<b>2.1900</b>
3601	Research and Training		12.00	5.00	4.0621	4.00	3.00	3.6652	4.00	3.25	0.59
	<b>Total 2225 &amp; 3601</b>		<b>19.97</b>	<b>11.29</b>	<b>7.7771</b>	<b>10.50</b>	<b>9.32</b>	<b>8.9706</b>	<b>10.50</b>	<b>7.56</b>	<b>2.7800</b>
2225	Monitoring and Evaluation	Monitoring and Evaluation	2.00	1.70	0.3762	2.00	1.19	0.9799	2.00	1.35	0.68
2251	Information Technology	Ministry	1.50	0.4853	0.2272	1.40	0.40	0.2837	1.40	1.40	0.54
2225		NCST	0.00	0.2147	0.2127	0.10	0.10	0.00	0.10	0.10	0.00
		<b>Total</b>		<b>1.50</b>	<b>0.70</b>	<b>0.4399</b>	<b>1.50</b>	<b>0.50</b>	<b>0.2837</b>	<b>1.50</b>	<b>1.50</b>
	<b>Total of B (Centrally Sponsored Schemes)</b>		<b>636.50</b>	<b>616.22</b>	<b>708.3470</b>	<b>775.00</b>	<b>916.79</b>	<b>1030.7048</b>	<b>867.70</b>	<b>874.98</b>	<b>663.7366</b>
<b>C</b>	<b>C - Lump Sum Provision</b>										
2552	Lump-sum Provision for N.E.	Lump-sum Provision for N.E.	120.00	120.00	0.00	143.00	143.00	0.00	157.30	151.30	0.00
	<b>Total of C</b>		<b>120.00</b>	<b>120.00</b>	<b>0.00</b>	<b>143.00</b>	<b>143.00</b>	<b>0.00</b>	<b>157.30</b>	<b>151.30</b>	<b>0.00</b>
	<b>Total of A+B+C</b>		<b>1200.00</b>	<b>1233.74</b>	<b>1204.87</b>	<b>1430.00</b>	<b>1596.72</b>	<b>1561.7023</b>	<b>1573.00</b>	<b>1427.46</b>	<b>969.1705</b>
<b>D</b>	<b>Special Central Assistance</b>										
3601	Special Central Assistance for Tribal Sub-Plan		960.50	941.96	931.7277	1096.01	1015.01	977.3377	1200.00	852.54	811.29
3601	Scheme Under Proviso to Art.275 of the Constitution		1046.00	1030.00	999.8841	1197.00	1111.28	1084.8348	1317.00	820.00	753.38
	<b>Total of D (Special Central Assistance)</b>		<b>2006.50</b>	<b>1971.96</b>	<b>1931.61</b>	<b>2293.01</b>	<b>2126.29</b>	<b>2062.17</b>	<b>2517.00</b>	<b>1672.54</b>	<b>1564.67</b>
	<b>Grand total of A,B ,C &amp; D</b>		<b>3206.50</b>	<b>3205.70</b>	<b>3136.4818</b>	<b>3723.01</b>	<b>3723.01</b>	<b>3623.8748</b>	<b>4090.00</b>	<b>3100.00</b>	<b>2533.8405</b>

**ANNEXURE-4.I**  
(Ref Para 4.6.1 8R)

**Incidence & Rate Of Crime Committed Against Scheduled Tribes During 2012**

Sl. No.	State/UT	Incidence	Percentage Contribution To All-India Total	ST Population* (in lakhs)	Rate Of Total Cognizable Crimes
(1)	(2)	(3)	(4)	(5)	(6)
	<i>STATES</i>				
1	ANDHRA PRADESH	666	11.25	59.18	11.25
2	ARUNACHAL PRADESH	10	0.17	9.52	1.05
3	ASSAM	0	0.00	38.84	0.00
4	BIHAR	119	2.01	13.37	8.90
5	CHHATTISGARH	344	5.81	78.23	4.40
6	GOA	1	0.02	1.49	0.67
7	GUJARAT	221	3.73	89.17	2.48
8	HARYANA	0	0.00	0.00	-
9	HIMACHAL PRADESH	3	0.05	3.92	0.77
10	JAMMU & KASHMIR	0	0.00	14.93	0.00
11	JHARKHAND	287	4.85	86.45	3.32
12	KARNATAKA	374	6.32	42.49	8.80
13	KERALA	124	2.09	4.85	25.58
14	MADHYA PRADESH	1218	20.57	153.17	7.95
15	MAHARASHTRA	308	5.20	105.10	2.93
16	MANIPUR	2	0.03	9.03	0.22
17	MEGHALAYA	0	0.00	25.56	0.00
18	MIZORAM	0	0.00	10.36	0.00
19	NAGALAND	0	0.00	17.11	0.00
20	ODISHA	688	11.62	95.91	7.17
21	PUNJAB	0	0.00	0.00	-
22	RAJASTHAN	1351	22.81	92.39	14.62
23	SIKKIM	4	0.07	2.06	1.94
24	TAMIL NADU	27	0.46	7.95	3.40
25	TRIPURA	29	0.49	11.67	2.49
26	UTTAR PRADESH	44	0.74	11.34	3.88
27	UTTARAKHAND	3	0.05	2.92	1.03
28	WEST BENGAL	91	1.54	52.97	1.72
	<b>TOTAL (STATES)</b>	<b>5914</b>	<b>99.86</b>	<b>1039.97</b>	<b>5.69</b>
	<i>UNION TERRITORIES:</i>				
29	A & N ISLANDS	4	0.07	0.29	14.02
30	CHANDIGARH	0	0.00	0.00	-
31	D & N HAVELI	4	0.07	1.79	2.24
32	DAMAN & DIU	0	0.00	0.15	0.00
33	DELHI	0	0.00	0.00	-
34	LAKSHADWEEP	0	0.00	0.61	0.00
35	PUDUCHERRY	0	0.00	0.00	-
	<b>TOTAL (UTs)</b>	<b>8</b>	<b>0.14</b>	<b>2.84</b>	<b>2.82</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>5922</b>	<b>100.00</b>	<b>1042.81</b>	<b>5.68</b>

\* Actual Census-2011 ST Population (Provisional) used due to non availability of 2012 estimates (Source : RGI)

**ANNEXURE-4.II**  
(Ref Para 4.6.1 8R)

**Incidence (I), Rate (R) and Percentage Contribution to all India (P) of Crime Committed against Scheduled Tribes during 2012**

S. No.	State/ UT	ST Popn. (in lakhs)	Murder			Rape			Kidnapping & Abduction		
			(Sec. 302 IPC)			(Sec. 376 IPC)			(Sec. 363-369,371-373 IPC)		
			I	R	P	I	R**	P	I	R	P
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
	<b>STATES:</b>										
1	ANDHRA PRADESH	59.18	16	0.27	10.26	42	1.42	5.76	0	0.00	0.00
2	ARUNACHAL PRADESH	9.52	0	0.00	0.00	0	0.00	0.00	1	0.11	0.97
3	ASSAM	38.84	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
4	BIHAR	13.37	1	0.07	0.64	0	0.00	0.00	0	0.00	0.00
5	CHHATTISGARH	78.23	19	0.24	12.18	118	2.99	16.19	10	0.13	9.71
6	GOA	1.49	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
7	GUJARAT	89.17	11	0.12	7.05	21	0.48	2.88	13	0.15	12.62
8	HARYANA	0.00	0	-	0.00	0	-	0.00	0	-	0.00
9	HIMACHAL PRADESH	3.92	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
10	JAMMU & KASHMIR	14.93	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
11	JHARKHAND	86.45	5	0.06	3.21	5	0.12	0.69	5	0.06	4.85
12	KARNATAKA	42.49	9	0.21	5.77	4	0.19	0.55	1	0.02	0.97
13	KERALA	4.85	1	0.21	0.64	39	15.81	5.35	1	0.21	0.97
14	MADHYA PRADESH	153.17	62	0.40	39.74	288	3.79	39.51	45	0.29	43.69
15	MAHARASHTRA	105.10	11	0.10	7.05	56	1.08	7.68	7	0.07	6.80
16	MANIPUR	9.03	0	0.00	0.00	1	0.22	0.14	0	0.00	0.00
17	MEGHALAYA	25.56	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
18	MIZORAM	10.36	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
19	NAGALAND	17.11	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
20	ODISHA	95.91	3	0.03	1.92	70	1.44	9.60	3	0.03	2.91
21	PUNJAB	0.00	0	-	0.00	0	-	0.00	0	-	0.00
22	RAJASTHAN	92.39	15	0.16	9.62	59	1.31	8.09	7	0.08	6.80
23	SIKKIM	2.06	0	0.00	0.00	1	0.99	0.14	1	0.48	0.97
24	TAMIL NADU	7.95	1	0.13	0.64	2	0.51	0.27	0	0.00	0.00
25	TRIPURA	11.67	0	0.00	0.00	1	0.17	0.14	1	0.09	0.97
26	UTTAR PRADESH	11.34	0	0.00	0.00	2	0.36	0.27	1	0.09	0.97
27	UTTARAKHAND	2.92	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
28	WEST BENGAL	52.97	2	0.04	1.28	20	0.76	2.74	7	0.13	6.80
	<b>TOTAL (STATES)</b>	<b>1039.97</b>	<b>156</b>	<b>0.15</b>	<b>100.00</b>	<b>729</b>	<b>1.41</b>	<b>100.00</b>	<b>103</b>	<b>0.10</b>	<b>100.00</b>
	<b>UNION TERRITORIES:</b>										
29	A & N ISLANDS	0.29	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
30	CHANDIGARH	0.00	0	-	0.00	0	-	0.00	0	-	0.00
31	D & N HAVELI	1.79	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
32	DAMAN & DIU	0.15	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
33	DELHI	0.00	0	-	0.00	0	-	0.00	0	-	0.00
34	LAKSHADWEEP	0.61	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
35	PUDUCHERRY	0.00	0	-	0.00	0	-	0.00	0	-	0.00
	<b>TOTAL (UTs)</b>	<b>2.84</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>1042.81</b>	<b>156</b>	<b>0.15</b>	<b>100.00</b>	<b>729</b>	<b>1.41</b>	<b>100.00</b>	<b>103</b>	<b>0.10</b>	<b>100.00</b>

\* Actual Census-2011 ST Population (Provisional) used due to non availability of 2012 estimates from RGI

\*\* Rate of Rape incidences has been calculated on the basis of Female ST population

R - Indicates Incidence per lakh of Total SC Population

I - Incidence, R - Rate of Crime P - Percentage share

**ANNEXURE-4.II**  
(Ref Para 4.6.1 8R)

(Continued)

S. No.	State/ UT	Dacoity			Robbery			Arson			Hurt		
		(Sec. 395-398 IPC)			(Sec. 392-94,397,398, IPC)			(Sec.435,436,438,IPC)			(Sec. 323-333,335-338 IPC)		
		I	R	P	I	R	P	I	R**	P	I	R	P
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	<b>STATES:</b>												
1	ANDHRA PRADESH	0	0.00	0.00	1	0.02	6.67	2	0.03	7.69	132	2.23	16.18
2	ARUNACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	6	0.63	0.74
3	ASSAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
4	BIHAR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
5	CHHATTISGARH	0	0.00	0.00	2	0.03	13.33	0	0.00	0.00	66	0.84	8.09
6	GOA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
7	GUJARAT	0	0.00	0.00	0	0.00	0.00	1	0.01	3.85	47	0.53	5.76
8	HARYANA	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
9	HIMACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
10	JAMMU & KASHMIR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
11	JHARKHAND	0	0.00	0.00	5	0.06	33.33	0	0.00	0.00	77	0.89	9.44
12	KARNATAKA	0	0.00	0.00	0	0.00	0.00	2	0.05	7.69	21	0.49	2.57
13	KERALA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	27	5.57	3.31
14	MADHYA PRADESH	0	0.00	0.00	1	0.01	6.67	8	0.05	30.77	247	1.61	30.27
15	MAHARASHTRA	4	0.04	80.00	3	0.03	20.00	1	0.01	3.85	17	0.16	2.08
16	MANIPUR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
17	MEGHALAYA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
18	MIZORAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
19	NAGALAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
20	ODISHA	1	0.01	20.00	2	0.02	13.33	5	0.05	19.23	25	0.26	3.06
21	PUNJAB	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
22	RAJASTHAN	0	0.00	0.00	0	0.00	0.00	5	0.05	19.23	123	1.33	15.07
23	SIKKIM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.97	0.25
24	TAMIL NADU	0	0.00	0.00	0	0.00	0.00	1	0.13	3.85	17	2.14	2.08
25	TRIPURA	0	0.00	0.00	1	0.09	6.67	0	0.00	0.00	6	0.51	0.74
26	UTTAR PRADESH	0	0.00	0.00	0	0.00	0.00	1	0.09	3.85	1	0.09	0.12
27	UTTARAKHAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
28	WEST BENGAL	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.04	0.25
	<b>TOTAL (STATES)</b>	<b>5</b>	<b>0.00</b>	<b>100.00</b>	<b>15</b>	<b>0.01</b>	<b>100.00</b>	<b>26</b>	<b>0.03</b>	<b>100.00</b>	<b>816</b>	<b>0.78</b>	<b>100.00</b>
	<b>UNION TERRITORIES:</b>												
29	A & N ISLANDS	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
30	CHANDIGARH	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
31	D & N HAVELI	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
32	DAMAN & DIU	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
33	DELHI	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
34	LAKSHADWEEP	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
35	PUDUCHERRY	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
	<b>TOTAL (UTs)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>5</b>	<b>0.00</b>	<b>100.00</b>	<b>15</b>	<b>0.01</b>	<b>100.00</b>	<b>26</b>	<b>0.02</b>	<b>100.00</b>	<b>816</b>	<b>0.78</b>	<b>100.00</b>

\* Actual Census-2011 ST Population (Provisional) used due to non availability of 2012 estimates from RGI

\*\* Rate of Rape incidences has been calculated on the basis of Female ST population

R - Indicates Incidence per lakh of Total SC Population

I - Incidence, R - Rate of Crime P - Percentage share

**ANNEXURE-4.II**  
(Ref Para 4.6.1 8R)

(Concluded)

S. No.	State/ UT	Dacoity			Robbery			Arson			Hurt			
		(Sec. 395-398 IPC)			(Sec. 392-394, 397, 398 IPC)			(Sec. 435,436,438 IPC)			(Sec.323-333,335-338 IPC)			
		I	R	P	I	R	P	I	R**	P	I	R	P	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
	<b>STATES:</b>													
1	ANDHRA PRADESH	0	0.00	0.00	127	2.15	9.69	346	5.85	12.54	666	11.25	11.25	
2	ARUNACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	3	0.32	0.11	10	1.05	0.17	
3	ASSAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
4	BIHAR	0	0.00	0.00	118	8.83	9.00	0	0.00	0.00	119	8.90	2.01	
5	CHHATTISGARH	0	0.00	0.00	0	0.00	0.00	129	1.65	4.68	344	4.40	5.81	
6	GOA	0	0.00	0.00	0	0.00	0.00	1	0.67	0.04	1	0.67	0.02	
7	GUJARAT	0	0.00	0.00	65	0.73	4.96	63	0.71	2.28	221	2.48	3.73	
8	HARYANA	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00	
9	HIMACHAL PRADESH	0	0.00	0.00	3	0.77	0.23	0	0.00	0.00	3	0.77	0.05	
10	JAMMU & KASHMIR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
11	JHARKHAND	0	0.00	0.00	133	1.54	10.14	57	0.66	2.07	287	3.32	4.85	
12	KARNATAKA	1	0.02	50.00	164	3.86	12.51	172	4.05	6.23	374	8.80	6.32	
13	KERALA	0	0.00	0.00	10	2.06	0.76	46	9.49	1.67	124	25.58	2.09	
14	MADHYA PRADESH	0	0.00	0.00	0	0.00	0.00	567	3.70	20.55	1218	7.95	20.57	
15	MAHARASHTRA	1	0.01	50.00	53	0.50	4.04	155	1.47	5.62	308	2.93	5.20	
16	MANIPUR	0	0.00	0.00	0	0.00	0.00	1	0.11	0.04	2	0.22	0.03	
17	MEGHALAYA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
18	MIZORAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
19	NAGALAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
20	ODISHA	0	0.00	0.00	579	6.04	44.16	0	0.00	0.00	688	7.17	11.62	
21	PUNJAB	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00	
22	RAJASTHAN	0	0.00	0.00	31	0.34	2.36	1111	12.03	40.27	1351	14.62	22.81	
23	SIKKIM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	4	1.94	0.07	
24	TAMIL NADU	0	0.00	0.00	5	0.63	0.38	1	0.13	0.04	27	3.40	0.46	
25	TRIPURA	0	0.00	0.00	0	0.00	0.00	20	1.71	0.72	29	2.49	0.49	
26	UTTAR PRADESH	0	0.00	0.00	12	1.06	0.92	27	2.38	0.98	44	3.88	0.74	
27	UTTARAKHAND	0	0.00	0.00	3	1.03	0.23	0	0.00	0.00	3	1.03	0.05	
28	WEST BENGAL	0	0.00	0.00	5	0.09	0.38	55	1.04	1.99	91	1.72	1.54	
	<b>TOTAL (STATES)</b>	<b>2</b>	<b>0.00</b>	<b>100.00</b>	<b>1308</b>	<b>1.26</b>	<b>99.77</b>	<b>2754</b>	<b>2.65</b>	<b>99.82</b>	<b>5914</b>	<b>5.69</b>	<b>99.86</b>	
	<b>UNION TERRITORIES:</b>													
29	A & N ISLANDS	0	0.00	0.00	2	7.01	0.15	2	7.01	0.07	4	14.02	0.07	
30	CHANDIGARH	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00	
31	D & N HAVELI	0	0.00	0.00	1	0.56	0.08	3	1.68	0.11	4	2.24	0.07	
32	DAMAN & DIU	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
33	DELHI	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00	
34	LAKSHADWEEP	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	
35	PUDUCHERRY	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00	
	<b>TOTAL (UTs)</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>3</b>	<b>1.06</b>	<b>0.23</b>	<b>5</b>	<b>1.76</b>	<b>0.18</b>	<b>8</b>	<b>2.82</b>	<b>0.14</b>	
	<b>TOTAL (ALL-INDIA)</b>	<b>2</b>	<b>0.00</b>	<b>100.00</b>	<b>1311</b>	<b>1.26</b>	<b>100.00</b>	<b>2759</b>	<b>2.65</b>	<b>100.00</b>	<b>5922</b>	<b>5.68</b>	<b>100.00</b>	

\* Actual Census-2011 ST Population (Provisional) used due to non availability of 2012 estimates from RGI

\*\* Rate of Rape incidences has been calculated on the basis of Female ST population

R - Indicates Incidence per lakh of Total SC Population

I - Incidence, R - Rate of Crime P - Percentage share

**ANNEXURE-4.III**  
(Ref Para 4.6.4 8R)

Disposal of cases by Police for crimes committed against Scheduled Tribes during 2012

S. No.	Crime Head	Total No. of Cases For Investigation Including pending cases from previous year	Cases withdrawn by Govt.	No. of cases in which					No. of cases pending investigation at the end of the year
				Investigation refused	Investigation Completed				
					Charge found false/ mistake of fact or law etc.	Final report true submitted	Charge sheet submitted	Total {(6)+(7)+(8)}	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	MURDER (Sec. 302 IPC)	216	0	0	6	1	146	153	63
2	RAPE (Sec.376 IPC)	961	0	6	42	12	699	753	202
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	153	0	0	10	6	92	108	45
4	DACOITY (Sec.395-398 IPC)	11	0	0	0	0	5	5	6
5	ROBBERY (392-394, 397,398 IPC)	19	0	0	0	1	14	15	4
6	ARSON (Sec.435, 436, 438 IPC)	36	0	0	3	2	22	27	9
7	HURT (Sec.323-333, 335-338 IPC)	1010	0	4	123	39	656	818	188
8	PCR ACT, 1955 FOR STs	7	0	0	0	5	0	5	2
9	SC/ST (PREV. OF ATROCITIES)	1983	0	0	240	79	917	1236	747
10	OTHER CRIMES AGAINST STs	3376	1	1	877	43	1746	2666	708
11	<b>TOTAL</b>	<b>7772</b>	<b>1</b>	<b>11</b>	<b>1301</b>	<b>188</b>	<b>4297</b>	<b>5786</b>	<b>1974</b>

**ANNEXURE-4.IV**  
(Ref Para 4.6.4 8R)

**Disposal of cases by police for crimes committed against Scheduled Tribes during 2012  
(State & UT-wise)**

S. No.	State/ UT	Total No. of cases for investigation including pending cases from previous year	Cases withdrawn by Govt.	No. of cases in which					No of cases pending investigation at the end of the year	Pend ency per cent age	Perce ntage of pend ency to all India total	Charg e sheet ing rate ((Col. 8)/ (Col. 7+8) x100)
				Investig ation refused	Investigation completed							
					Charge found false/ mistake of fact of law etc.	Final repor t true submitt ed	Charge sheets submitt ed	Total {(6)+ (7)}				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
<b>STATES</b>												
1	ANDHRA PRADESH	1078	0	0	226	36	347	609	469	43.5	23.8	90.6
2	ARUNACHAL PRADESH	24	0	0	0	4	15	19	5	20.8	0.3	78.9
3	ASSAM	80	0	0	8	0	10	18	62	77.5	3.1	100.0
4	BIHAR	226	0	0	19	23	140	182	44	19.5	2.2	85.9
5	CHHATTISGARH	396	0	8	1	0	333	334	54	13.6	2.7	100.0
6	GOA	2	0	0	0	0	1	1	1	50.0	0.1	100.0
7	GUJARAT	244	1	0	3	3	208	214	29	11.9	1.5	98.6
8	HARYANA	0	0	0	0	0	0	0	0	0.0	0.0	0.0
9	HIMACHAL PRADESH	9	0	0	3	1	4	8	1	11.1	0.1	80.0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	0	0.0	0.0	0.0
11	JHARKHAND	493	0	0	10	63	157	230	263	53.3	13.3	71.4
12	KARNATAKA	478	0	1	59	9	287	355	122	25.5	6.2	97.0
13	KERALA	250	0	1	40	12	96	148	101	40.4	5.1	88.9
14	MADHYA PRADESH	1319	0	0	10	8	1217	1235	84	6.4	4.3	99.3
15	MAHARASHTRA	417	0	1	32	5	269	306	110	26.4	5.6	98.2
16	MANIPUR	4	0	0	0	0	1	1	3	75.0	0.2	100.0
17	MEGHALAYA	0	0	0	0	0	0	0	0	0.0	0.0	0.0
18	MIZORAM	0	0	0	0	0	0	0	0	0.0	0.0	0.0
19	NAGALAND	0	0	0	0	0	0	0	0	0.0	0.0	0.0
20	ODISHA	992	0	0	81	13	495	589	403	40.6	20.4	97.4
21	PUNJAB	0	0	0	0	0	0	0	0	0.0	0.0	0.0
22	RAJASTHAN	1453	0	0	803	2	526	1331	122	8.4	6.2	99.6
23	SIKKIM	4	0	0	0	0	4	4	0	0.0	0.0	100.0
24	TAMIL NADU	47	0	0	3	0	34	37	10	21.3	0.5	100.0
25	TRIPURA	40	0	0	1	2	26	29	11	27.5	0.6	92.9
26	UTTAR PRADESH	44	0	0	0	2	42	44	0	0.0	0.0	95.5
27	UTTARAKHAND	3	0	0	0	1	1	2	1	33.3	0.1	50.0
28	WEST BENGAL	157	0	0	2	3	83	88	69	43.0	3.5	96.5
	<b>TOTAL (STATES)</b>	<b>7760</b>	<b>1</b>	<b>11</b>	<b>1301</b>	<b>187</b>	<b>4296</b>	<b>5784</b>	<b>1964</b>	<b>25.3</b>	<b>99.5</b>	<b>95.8</b>
<b>UNION TERRITORIES:</b>												
29	A & N ISLANDS	6	0	0	0	1	0	1	5	83.3	0.3	0.0
30	CHANDIGARH	0	0	0	0	0	0	0	0	0.0	0.0	0.0
31	D & N HAVELI	5	0	0	0	0	1	1	4	80.0	0.2	100.0
32	DAMAN & DIU	1	0	0	0	0	0	0	1	100.0	0.1	0.0
33	DELHI	0	0	0	0	0	0	0	0	0.0	0.0	0.0
34	LAKSHADWEEP	0	0	0	0	0	0	0	0	0.0	0.0	0.0
35	PUDUCHERRY	0	0	0	0	0	0	0	0	0.0	0.0	0.0
	<b>TOTAL (UTs)</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>83.3</b>	<b>0.5</b>	<b>50.0</b>
	<b>TOTAL</b>	<b>7772</b>	<b>1</b>	<b>11</b>	<b>1301</b>	<b>188</b>	<b>4297</b>	<b>5786</b>	<b>1974</b>	<b>25.4</b>	<b>100.0</b>	<b>95.8</b>

@ Indicates infinite value because of division by zero



**ANNEXURE-4.V**  
(Ref Para 4.6.4 8R)

Percentage disposal of cases by Courts for crimes committed against Scheduled Tribes during 2012

s. No.	Crime Head	Cases withdrawn by Govt.	No. of Cases				Conviction Rate (5/7×100)	
			Compounded or withdrawn	In which trial completed				Pending trial at the end of the year
				Convicted	Acquitted or Discharged	Total {(5)+(6)}		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	MURDER (Sec. 302,303 IPC)	0.0	0.1	6.8	11.5	18.3	81.6	37.3
2	RAPE (Sec.376 IPC)	0.0	0.2	4.9	16.4	21.4	78.4	23.1
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	0.0	0.2	4.5	12.8	17.3	82.5	26.0
4	DACOITY (Sec.395-398 IPC)	0.0	0.0	3.4	13.8	17.2	82.8	20.0
5	ROBBERY (392-394, 397,398 IPC)	0.0	0.0	5.6	15.3	20.8	79.2	26.7
6	ARSON (Sec.435, 436, 438 IPC)	0.0	0.0	2.4	10.1	12.5	87.5	19.0
7	HURT (Sec.323-333, 335-338 IPC)	0.0	0.9	4.8	15.6	20.4	78.7	23.5
8	PCR ACT, 1955 FOR STs	0.0	0.0	0.0	47.1	47.1	52.9	0.0
9	SC/ST (PREV. OF ATROCITIES) ACT, 1989 FOR STs	0.0	7.1	1.3	11.7	12.9	80.0	9.7
10	OTHER CRIMES AGAINST STs	0.0	1.1	4.2	11.9	16.1	82.8	26.0
11	<b>TOTAL</b>	<b>0.0</b>	<b>2.2</b>	<b>3.8</b>	<b>13.1</b>	<b>16.9</b>	<b>80.9</b>	<b>22.5</b>

ANNEXURE-4.VI  
(Ref Para 4.6.4 8R)

Disposal of cases by courts for Crimes committed against Scheduled Tribes during 2012

S. No.	Crime Head	Total No. of cases for trial including pending cases from previous year	Cases withdrawn by Govt.	No. of Cases				
				Compounded or Withdrawn	In which trials completed			Pending trial at the end of the year
					Convicted	Acquitted or Discharged	Total {(6)+(7)}	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	MURDER (Sec. 302 IPC)	732	0	1	50	84	134	597
2	RAPE (Sec.376 IPC)	2814	0	7	139	462	601	2206
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	423	0	1	19	54	73	349
4	DACOITY (Sec..395-398 IPC)	29	0	0	1	4	5	24
5	ROBBERY (Sec. 392-394, 397,398 IPC)	72	0	0	4	11	15	57
6	ARSON (Sec.435, 436, 438 IPC)	168	0	0	4	17	21	147
7	HURT (Sec.323-333, 335-338 IPC)	3183	0	29	152	496	648	2506
8	PCR ACT, 1955 FOR STs	17	0	0	0	8	8	9
9	SC/ST (PREV. OF ATROCITIES) ACT, 1989 FOR STs	4684	0	331	59	547	606	3747
10	OTHER CRIMES AGAINST STs	8622	0	96	361	1027	1388	7138
11	<b>TOTAL</b>	<b>20744</b>	<b>0</b>	<b>465</b>	<b>789</b>	<b>2710</b>	<b>3499</b>	<b>16780</b>

**ANNEXURE-4.VII**  
(Ref Para 4.6.4 8R)

**Disposal of cases by Courts for Crimes committed against Scheduled Tribes during 2012**

S. No.	Crime Head	Total No. of cases for trial including pending cases from previous year	Cases with-drawn by Govt.	No. of Cases				Pendency percentage	Percentage of pendency to all India Total	Conviction Rate (Col 6)/(Col 8)×100	
				Compounded or With-drawn	In which trial Completed						
				Convicted	Acquitted or Discharged	Total {(6)+(7)}	Pending trial at the end of the year				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
<b>STATES</b>											
1	ANDHRA PRADESH	1280	0	5	19	435	454	821	64.1	4.9	4.2
2	ARUNACHAL PRADESH	276	0	2	4	4	8	266	96.4	1.6	50.0
3	ASSAM	132	0	0	1	38	39	93	70.5	0.6	2.6
4	BIHAR	328	0	12	13	80	93	223	68.0	1.3	14.0
5	CHHATTISGARH	1908	0	309	184	334	518	1081	56.7	6.4	35.5
6	GOA	2	0	0	0	0	0	2	100.0	0.0	0.0
7	GUJARAT	1866	0	3	6	91	97	1766	94.6	10.5	6.2
8	HARYANA	0	0	0	0	0	0	0	0.0	0.0	0.0
9	HIMACHAL PRADESH	7	0	0	0	3	3	4	57.1	0.0	0.0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	0.0	0.0	0.0
11	JHARKHAND	568	0	7	40	77	117	444	78.2	2.6	34.2
12	KARNATAKA	1002	0	1	7	217	224	777	77.5	4.6	3.1
13	KERALA	424	0	2	6	42	48	374	88.2	2.2	12.5
14	MADHYA PRADESH	4726	0	116	409	639	1048	3562	75.4	21.2	39.0
15	MAHARASHTRA	2194	0	1	18	205	223	1970	89.8	11.7	8.1
16	MANIPUR	1	0	0	0	0	0	1	100.0	0.0	0.0
17	MEGHALAYA	0	0	0	0	0	0	0	0.0	0.0	0.0
18	MIZORAM	0	0	0	0	0	0	0	0.0	0.0	0.0
19	NAGALAND	0	0	0	0	0	0	0	0.0	0.0	0.0
20	ODISHA	3159	0	0	41	382	423	2736	86.6	16.3	9.7
21	PUNJAB	0	0	0	0	0	0	0	0.0	0.0	0.0
22	RAJASTHAN	2407	0	7	37	116	153	2247	93.4	13.4	24.2
23	SIKKIM	11	0	0	2	2	4	7	63.6	0.0	50.0
24	TAMIL NADU	102	0	0	0	15	15	87	85.3	0.5	0.0
25	TRIPURA	52	0	0	0	12	12	40	76.9	0.2	0.0
26	UTTAR PRADESH	94	0	0	2	3	5	89	94.7	0.5	40.0
27	UTTARAKHAND	1	0	0	0	1	1	0	0.0	0.0	0.0
28	WEST BENGAL	150	0	0	0	9	9	141	94.0	0.8	0.0
<b>TOTAL(STATES)</b>		<b>20690</b>	<b>0</b>	<b>465</b>	<b>789</b>	<b>2705</b>	<b>3494</b>	<b>16731</b>	<b>80.9</b>	<b>99.7</b>	<b>22.6</b>
<b>UNION TERRITORIES</b>											
29	A & N ISLANDS	26	0	0	0	0	0	26	100.0	0.2	0.0
30	CHANDIGARH	0	0	0	0	0	0	0	0.0	0.0	0.0
31	D & N HAVELI	27	0	0	0	4	4	23	85.2	0.1	0.0
32	DAMAN & DIU	1	0	0	0	1	1	0	0.0	0.0	0.0
33	DELHI	0	0	0	0	0	0	0	0.0	0.0	0.0
34	LAKSHADWEEP	0	0	0	0	0	0	0	0.0	0.0	0.0
35	PUDUCHERRY	0	0	0	0	0	0	0	0.0	0.0	0.0
<b>TOTAL (UTs)</b>		<b>54</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>49</b>	<b>90.7</b>	<b>0.3</b>	<b>0.0</b>
<b>TOTAL</b>		<b>20744</b>	<b>0</b>	<b>465</b>	<b>789</b>	<b>2710</b>	<b>3499</b>	<b>16780</b>	<b>80.9</b>	<b>100.0</b>	<b>22.5</b>

@ Indicates infinite value because of division by zero

**ANNEXURE -4.VIII**

(Ref Para 4.7.1 8R)

**LIST OF EXCLUSIVE SPECIAL COURTS UNDER THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989**

S.No.	Name of State	Name of Districts/Jurisdictions of the Courts
1.	Andhra Pradesh (Including Telangana)	1. Mahabubnagar 2. Nellore 3. Kurnool 4. Medak 5. Prakasham 6. Chittoor 7. Guntur 8. Secunderabad 9. Cuddapah 10. Karimnagar 11. Krishna 12. Nizamabad 13. Anantpur 14. Khammam 15. Nalgonda 16. East Godavari 17. Adilabad 18. Srikakulam 19. Ranga Reddy 20. West Godavari 21. Warangal 22. Vizianagaram 23. Visakhapatnam <b>(Total 23)</b>
2.	Bihar	11 Divisions at Patna, Gaya, Bhagalpur, Chapra (Saran), Munger, Muzaffarpur, Darbhanga, Saharsa (Kosi), Purnia, Bhojpur and East Champaran (Motihari) Districts. <b>(Total 11)</b>
3.	Chhattisgarh	1. Raipur 2. Durg 3. Rajnandgaon 4. Bilaspur 5. Surguja 6. Jagdalpur. <b>(Total 6)</b>
4.	Gujarat	1. Banaskantha (Palanpur) 2. Ahmedabad (Rural) 3. Kutch (Bhuj) 4. Amreli 5. Vadodara 6. Junagadh 7. Panchmahal (Godhra) 8. Rajkot 9. Surat 10. Surendranagar 11. Navsari 12. Valsad 13. Dahod 14. Narmada 15. Sabarkantha (Himmatnagar) 16. Patan 17. Mehsana 18. Bhavnagar 19. Jamnagar 20. Kheda (Nadiyad) 21. Gandhinagar 22. Porbandar 23. Anand 24. Bharuch 25. Ahmedabad (City) <b>(Total 25)</b>
5.	Karnataka	1. Bijapur 2. Gulbarga 3. Kolar 4. Raichur 5. Mysore 6. Belgaum 7. Tumkur 8. Ramanagara <b>(Total 8)</b>
6.	Kerala	1. Manjeri in Malappuram 2. Kalpetta in Wyanad <b>(Total 2)</b>
7.	Madhya Pradesh	1. Dhar 2. Shajapur 3. Morena 4. Shahdol 5. Damoh 6. Raisen 7. Mandla 8. Sehore 9. Bhind 10. Tikamgarh 11. Mandlaeswar 12. Dewas 13. Mandasaur 14. Indore 15. 14. Hoshangabad 15. Jabalpur 16. Vidisha 17. Panna 18. Chhatarpur 19. Ujjain 20. Guna 21. Satna 22. Rewa 23. Narsinghpur 24. Sagar 26. Gwalior 27. Rajgarh 28. Bhopal 29. Jhabua 30. Betul 31. Datia 32. Seoni 33. Ratlam 34. Badwani 35. Katni 36. Sheopur Kalan 37. Balaghat 38. Chhindwara 39. Khandwa 40. Shivpuri 41. Sidhi 42. Harda 43. Neemach. <b>(Total 43)</b>
8.	Rajasthan	1. Jaipur 2. Ajmer 3. Kota 4. Jodhpur 5. Udaipur 6. Bikaner 7. Pali 8. Merta (Nagaur) 9. Alwar 10. Chittorgarh 11. Dausa 12. Sri Ganganagar 13. Jhalawar 14. Sawai Madhopur 15. Baran 16. Tonk 17. Bhilwara 18. Barmer 19. Bharatpur 20. Bundi 21. Dholpur 22. Hanumangarh 23. Jhunjhunu 24. Karoli 25. Sirohi <b>(Total 25)</b>
9.	Tamil Nadu	1. Trichy 2. Madurai 3. Thanjavur 4. Tirunelveli <b>(Total 4)</b>
10.	Uttar Pradesh	1. Farrukabad 2. Unnao 3. Basti 4. Banda 5. Etawah 6. Hamirpur 7. Gonda 8. Kanpur city 9. Badaun 10. Sultanpur 11. Barabanki 12. Bulandshar 13. Gorakhpur 14. Varanasi 15. Pilibhit 16. Etah 17. Deoria 18. Jhansi 19. Faizabad 20. Agra 21. Kanpur Rural 22. Behraich 23. Lucknow 24. Jalaon 25. Merrut 26. Ghaziabad 27. Sidarth Nagar 28. Mirzapur 29. Chandausi 30. Balrampur 31. Fatehpur 32. Ghazipur 33. Mainpuri 34. Kannauj 35. Gautambudhnagar 36. Hardai 37. Shravasti 38. Bagpat 39. Bareilly 40. Jyotibaphulenagar <b>(40)</b>
11.	Uttarakhand	1. Nainital 2. Haridwar <b>(Total 2)</b>

SOURCE: Ministry of Social Justice and Empowerment website: www.socialjustice.nic.in