



**NATIONAL COMMISSION  
FOR  
SCHEDULED TRIBES**



**SEVENTH REPORT  
FOR THE YEAR  
2011-12**

NATIONAL COMMISSION FOR SCHEDULED TRIBES  
SEVENTH REPORT FOR THE YEAR 2011-12

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110003  
Phone : 011-24620969, 1800117777 (Toll Free)

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SEVENTH REPORT (2011-12)  
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## National Commission for Scheduled Tribes

### SEVENTH REPORT FOR 2011-12

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डा. रामेश्वर उराँव

अध्यक्ष

(भूतपूर्व सांसद-लोकसभा)

(पूर्व जनजातीय कार्य राज्यमन्त्री)

**Dr. RAMESHWAR ORAON**

Chairperson

(Ex Member Parliament-LS)

(Former Minister of State for Tribal Affairs)



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, लोकनायक भवन,

खान मार्केट, नई दिल्ली - 110003

Government of India

National Commission for Scheduled Tribes

6th Floor, Lok Nayak Bhawan,

Khan Market, New Delhi - 110003

Tel. :(O) 011-24635721

Fax :(O) 011-24624628

D.O. No. 4/1/15-Coord.

Dated: 20, February, 2015

*Respected Rashtrapati ji,*

The National Commission for Scheduled Tribes has been set up w.e.f. 19 February, 2004 by amending Article 338 of the Constitution and inserting a new Article 338A vide the Constitution(89<sup>th</sup> Amendment) Act, 2003. 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 the 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 Six Annual Reports and One Special Report on "Good Governance for Tribal Development and Administration". I have now the honour to submit to you the **Seventh Report** of the National Commission for Scheduled Tribes for the year 2011-12. 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 contemplated by the Government. The experiences of the Commission have been included in this Report, which comprises 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 each Chapter of this Report.

3. The Commission receives representations pertaining to grievances and violation of safeguards of 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 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 2011-12. A few representative cases have been discussed in **Chapter 5** titled **CASE STUDIES**.

4. 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 2011-12, 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**.

5. 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.

6. 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 and budgetary support available with the Commission urgently call for issuing necessary directives to the Government.**

*With high regards.*

Yours sincerely,

*Rameshwar Oraon*  
(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-1.1**

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 may 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 recommends 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 meeting 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. 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 and persisting constraints as discussed in detail in the previous Reports of the Commission. This Commission is informed that, the Government has not taken any decision in this regard and therefore, the Commission continues to function with several handicaps. **The NCST, which is a Constitutional successor to the NCSCST, and has been vested with more duties and powers, should immediately be granted all the powers of the Department of the Central Government so that the Commission can function and perform as per its mandate.**

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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 inhere 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.

1.4.5 The Parliamentary Committee on the Welfare of Scheduled Castes & Scheduled Tribes on the Ministry of Home Affairs, Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs in its 14th Report-Action taken by the Government on the recommendations contained in the Fourth Report (14th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – "Atrocities on Scheduled Castes and Scheduled Tribes and Pattern of Social Crimes towards them" made recommendations for empowerment of NCST. In agreeing with those recommendations, **the Commission observed that there was a justified need to empower the Commission through various measures.** This has been discussed in detail in the previous reports of the Commission.

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

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

1.4.7 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 finalising the views by the Apex Committees. Even in the matters, in which comments were sought from the NCST regarding problems being faced in relation to efficient functioning and performance of the Commission, the views of the Commission were not placed before the Apex Committee *in-extenso*. Consequently, the factual position on the subject got suppressed and the concerned Apex Committee left to arrive at a decision on the basis of the perception of the Ministry of Tribal Affairs. Similar was the position with regard to process for drafting of legislative Bills by the Government. It is necessary to ensure that the views of this Constitutional Commission receive proper attention at the highest decision-making levels of the Govt. and are not neglected in the maelstrom of the Government's internal processes.

1.4.8 A detailed note on the subject matter was also forwarded to the Cabinet Secretary for a discussion regarding the action taken by the Government in the matter. The Commission was informed that after receipt of the NCST communication, the concern raised by the Commission was duly considered in the Cabinet Secretariat and in order to ensure that all Ministries strictly follow the provisions laid down in said Article 338A(9) of the Constitution, the Cabinet Secretary, vide his D.O. letter No. 703/1/1/2011-CA.V dated 04/01/2012, addressed to the Secretaries of all the Ministries and Departments has requested them to strictly follow the provisions of Article 338A(9) of the Constitution.

1.4.9 The Commission further requested the Cabinet Secretariat to review the position in the matter and inform the Commission. The Cabinet Secretariat issued revised 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***

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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>)

*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.*

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

1.4.11 The Commission has noted that after the issue of above instructions by the Cabinet Secretariat, draft proposals on policy issues/ legislative proposals/ Notes for the Cabinet and EFC Memorandum etc., sponsored by various Ministries/ Departments of the Government of India, are being received for comments/ advice in large number through Ministry of Tribal Affairs. However, the fears of the Commission detailed above has been proved true. The proposals received in the Ministry of Tribal Affairs are forwarded to National Commission Scheduled Tribes after much delay, and in many cases the proposals were forwarded after the date by which comments were sought by the sponsoring Ministry. In certain cases of urgency and high importance, the sponsoring Ministry had sought comments within a few days but the proposal was received in the Commission, through the Ministry of Tribal Affairs, after much delay and sufficient time was not given to the Commission for in-depth and careful scrutiny of the proposal before furnishing comments. As last date for receipt of comments in the sponsoring Ministry had lapsed, the views of the Commission aimed at safeguarding the interests of the Scheduled Tribes got diluted and became only a paper record as was seen from revised drafts received in the Commission which indicated that the Commission's views had remained unutilized and unquoted because of undue delay in the process of consultation by the Government with the Commission. **The Commission is of the view that provision of mandatory consultation with the National Commission for Scheduled Tribes by Union and State Governments can be implemented in letter and spirit if and only if direct consultation with the National Commission for Scheduled Tribes by the sponsoring Ministry/ Department of the Government is incorporated in the Handbook of Instructions of the Cabinet Secretariat, on the lines of the provision under Instructions No. 46 and 47 in the Handbook regarding consultation with the National Manufacturing Competition Council and Board for Reconstructions of Public Sectors Enterprises**

## **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 six Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Research Unit - I
4. Research Unit - II
5. Research Unit – III
6. 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 2011-12. 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 i.e. during the Report period and the post remained vacant thereafter during 2011-12. Shri Oris Syiem Myriaw, Member appointed since 17.04.2008 also continued during the Report period till completion of his tenure on 16.04.2011. 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 March 2007, remained vacant throughout the year under report also. Thus the post of Vice-Chairperson vacant since 25.04.2011 remained vacant thereafter beside one post of Member which was vacant since March, 2007. The Commission's efforts to fulfill its mandate are handicapped by inordinate delays in filling the vacancies of Members and staff. **The Commission, therefore, recommends 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.**

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

1.5.6 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.

1.5.7 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.

1.5.8 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. It was followed by several reminders including DO reminders from the Chairperson, NCST to the Union Minister for Tribal Affairs.

1.5.9 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 Fifth as well as Sixth Report 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 50% of the total existing sanctioned strength of the Commission.

1.5.10 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 or proposed to be taken on the recommendations contained in the report, laid along with both the reports 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 DOP&T 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.

Regarding additional manpower and setting up of additional Regional Offices for the NCST, by strengthening of the Commission in pursuance of the recommendations contained in the thirty-third Report (14th Lok Sabha) of the Committee on the welfare of SCs, a proposal was forwarded to IFD of this Ministry for creation of 481 posts and infrastructure thereof in the NCST and a subsequent meeting was held in the Ministry with the officers of the NCST and IFD of this Ministry about the funding pattern and modalities in April, 2011. Subsequently, NCST had proposed the expenditure to be made from non-plan and with that proposal; the issue was referred to IFD. Thereafter, IFD made certain observations including funding pattern under non-plan and accordingly the file was sent to NCST on 29.11.2011 for taking necessary decision. The

response from NCST is still awaited. NCST has been reminded on 27.01.2012 for resubmitting the proposal.

1.5.11 It is clear from 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 and does not have power of the Ministry/ Department of the Government of India. The Commission does not have power to create any post nor has been given authority to fill its vacant posts. In fact 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 more than 60% of the allocated posts are vacant leading to serious functional problems for the National Commission for Scheduled Tribes.

**1.5.12 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**

1.5.13 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.

1.5.14 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 **TABLE 1.1** and **TABLE 1.2** below:

**TABLE 1.1**

**Joint Cadre Posts-Research**

Sl. No.	Name of the Post	Sanctioned Strength	In Position	Vacancy
1	Director	4	1	3
2	Deputy Director	2	-	2
3	Assistant Director	5	3	2
4	Research Officer	6	4	2
5	Senior Investigator	8	2	6
6	Investigator	10	1	9
	<b>Total</b>	<b>35</b>	<b>11</b>	<b>24</b>

**TABLE 1.2**

**Joint Cadre Posts-Support staff (Sectt)**

Sl. No.	Name of the Post	Sanctioned Strength	In Position	Vacancy
1	Office Suptt.	4	3	1
2	P A	4	1	3
3	Steno Gr. D	2	0	2
4	Upper Div. Clerk	7	2	5
5	Lower Div. Clerk	10	3	7
6	Staff Car Driver	4	2	2
7	Dafttry (MTS)	3	1	2
8	Peon (MTS)	10	6	4
9	CCF (MTS)	5	4	1
	<b>Total</b>	<b>49</b>	<b>22</b>	<b>27</b>

1.5.15 The functional posts of the Commission belong to Joint Cadre which is controlled by Ministry of Social Justice and Empowerment. 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 other than Group A posts which include the posts of Assistant Director, Deputy Director and Director) to the National Commission for Scheduled Castes and Scheduled Tribes as most of these posts were with the National Commission for Scheduled Castes and Scheduled. This reduced the burden of Ministry of Social Justice and Empowerment.

1.5.16 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 NCSC and the cadre control of all the Joint Cadre posts upto Group B level has remained with the NCSC. However, National Commission for Scheduled Castes also has not taken positive steps to fill those posts. 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 as separation of Joint Cadre could have been easily resolved had Ministry of Tribal Affairs taken initiative in this direction with Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes, and Department of Personnel and Training has no role in this matter and thus the present situation of skeleton manpower making the National Commission for Scheduled Tribes almost dysfunctional could have been avoided.

1.5.17 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 50% 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. 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 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 has expressed its unhappiness on such a large number of posts being vacant in the Commission. **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 for posts in NCST OR MTA & NCST.**

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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

## 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. During 2011-12, the Chairperson held sittings in respect of 16 cases, Vice-Chairperson, who demitted office on 25/04/2011 held sittings in respect of 2 cases relating to various Ministries/ Departments/ CPSUs while 8 sittings were held by other Members of the Commission. The proceedings<sup>5</sup> of the discussions of these Sittings are also made available on the Website of the Commission in the interests of petitioners and to maintain transparency and good governance.

1.6.2 There are following six Units at the Hqrs.:

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

1.6.3 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

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

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.

1.6.4 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 **1 800 11 7777** has been commissioned on which the Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country.

1.6.5 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 2011-12, seven meetings of the Commission were held. The meetings were held on 27/05/2011, 08/09/2011, 16/09/2011, 11/11/2011, 01/12/2011, 28/02/2012 and 28/03/2012. The agenda items discussed in the meetings, and proceedings of the meetings are available on the website of the Commission in keeping with the spirit of the RTI Act, 2005. 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 2011-12 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 2011-12 is placed at **ANNEXURE 1.2**

## **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 six Annual Reports and one Special Report to the President and this is the Seventh 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*

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 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.

## **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 2011-12, the National Commission for Scheduled Tribes received a total of 167 applications seeking information under the Right to Information Act, 2005. Information was furnished in all the applications. 26 out of 167 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 162 out of 167 applications while information could not be furnished in time in 5 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 2011-12 is at **ANNEXURE 1.3**

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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>)

1.11.2 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.

1.11.3 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.

1.11.4 However, Ministry of Law did not provide support in some important Court cases in matters dealt by the Commission. Particular attentions is invited in the matter relating to filing of SLP against the judgment and final order dated 15.12.2006 in WP No. 2080/2001 passed by the High Court of Judicature of Chhattisgarh at Bilaspur. Judgment and Order passed by the Supreme Court of India in Special Leave Appeals (Civil) No. 6222, 6642, 7000 and 13356 of 2007 challenging the judgment and final order dated 15.12.2006 in WP No. 2080/2001 passed by the High Court of Judicature of Chhattisgarh at Bilaspur filed by other parties in Supreme Court of India vindicated the stand of the National Commission for Scheduled Tribes.

### **Main issue of cases**

1.11.5 The subject matter of the SLPs related to the case of caste/community status of Shri Ajit P. K. Jogi, then Chief Minister of Chhattisgarh State in 2001. The SLP was filed in appeal against the judgment delivered by the High Court of Chhattisgarh on 15.12.2006 in W.P. No. 2080/2001 filed in 2001 by Shri Ajit P K Jogi, the then Chief Minister of Chhattisgarh. The Chhattisgarh High Court allowed the W.P. No. 2080/2001 filed against the recommendation made by the

National Commission for Scheduled Tribes to the State Government of Chhattisgarh for scrutiny of the caste certificates of Shri Jogi by the State Level Caste Certificates Scrutiny Community as to whether Shri Jogi belongs to the **KANWAR** Scheduled Tribe of Chhattisgarh State as claimed by him in various Caste Certificates obtained by him from different Certificate issuing Authorities from time to time.

## **Background**

1.11.6 The erstwhile National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) had received a complaint in the year, 2001 from one Shri Sant Kumar Netam alleging that Shri Ajit P.K. Jogi does not belong to ST Community but he had got ST caste certificate in the year 1967 from the Naib Tahsildar, Pendra Road, Bilaspur certifying as a member of "Kanwar" Schedule Tribe. On the basis of that Certificate Shri Jogi had contested Parliamentary Election and Assembly Elections against ST reserved constituencies. The erstwhile NCSCST had examined the matter in detail in the light of the allegations made by Shri Netam and reached the conclusion that Shri Jogi did not belong to ST Community and he obtained a false Scheduled Tribe Certificate. The findings of the Commission concluded as given below:

Taking into consideration the available evidence as discussed above, the commission is of the considered view that Shri Ajit P.K. Jogi has been fraudulently claiming to belong to Kanwar community for the purpose of getting ST certificate, although he and his ancestors belong to Satnami caste, which is included in the SC list of the State. However, as Shri Ajit P.K. Jogi's grandfather appears to have got converted to Christianity, he was not eligible for concessions/benefits available to SCs also. The State Government is, therefore, called upon to conduct the verification of genuineness of the ST certificate obtained by Shri APK Jogi and to initiate urgent necessary action for cancellation of his ST certificate and also criminal action as provided in the law and the rules. A report on the action taken may be submitted to the Commission within 30 days."

1.11.7 The National Commission for Scheduled Castes and Scheduled Tribes forwarded its findings dated 16.10.2001 to the Chief Secretary, Govt. of Chhattisgarh and others advising them to conduct verification of the genuineness of the ST certificate obtained by Shri Jogi and to initiate urgent necessary action for cancellation of the ST certificate and also criminal action as provided in the law and the rules.

1.11.8 Being aggrieved with the findings of the erstwhile NCSCST, Shri Jogi filed WP No. 2080/2001 before the High Court of Chhattisgarh in which he challenged the erstwhile Commission's power to inquire into the allegations leveled by Shri Netam with regard to the caste and social status of an individual like him. It was stated that such a power could not be culled out from the provisions of the then Article 338 of the Constitution of India.

1.11.9 A Division Bench of the High Court including Chief Justice heard the petition in detail and delivered its judgment on 15.12.2006. The Hon'ble High Court allowed the Writ Petition and observed that it was not within the jurisdiction of the erstwhile Commission to conduct the inquiry into the social status of an individual like Shri Ajit P K Jogi. The Hon'ble Court also awarded



the cost incurred by the erstwhile Commission and the State Govt. and other agencies to the petitioner Shri Netam.

1.11.10 As the erstwhile NCSCST had been replaced by two separate Commissions viz; National Commission for Scheduled Castes and National Commission for Scheduled Tribes in February, 2004 i.e before dates of delivery of Judgment by Bilaspur High Court on 15/12/2006 and the subject matter of the Writ Petition was now within the jurisdiction of National Commission for Scheduled Tribes, the matter was followed up in the Chhattisgarh High Court by NCST. The judgment of the Hon'ble High Court of Chhattisgarh was thus examined by the Commission and it was decided with the approval of the then Chairperson that the Commission should file an SLP in the Supreme Court against the High Court's judgment dated 15.12.2006 with particular reference to the observations of the High Court on the jurisdiction of the Commission to entertain specific complaints regarding social status of an individual. Accordingly, a reference was made to the Ministry of Tribal Affairs on 05.02.2007. The Ministry of Tribal Affairs referred the matter to the Ministry of Law & Justice for advice on 06.03.2007. The Additional Solicitor General of India (Ministry of Law & Justice) in its advice dated 04.04.2007 opined that the impugned judgment had correctly interpreted the questions raised before it and the same was strictly in accordance with the provisions of the Constitution of India and the law laid down by the Supreme Court of India and advised this Commission against filing a Special Leave Application in the Supreme Court under Article 136 of the Constitution of India.

1.11.11 However, other respondents in the High Court WP and other affected persons filed four Special Leave Applications with the Supreme Court of India against the Judgment of the Bilaspur High Court and National Commission for Scheduled Tribes was also made a respondent in each of those cases. The details of four Special Leave Applications filed in the Supreme Court of India against the judgment of the High Court of Chhattisgarh are as given in **TABLE 1.4** below:

**TABLE 1.4**

S. No.	Special Leave Application (Civil) number	Name of the petitioner(s)	Position of National Commission for Scheduled Tribes in the list of Respondents in the Special Leave Applications.
1)	No. 6222 of 2007	The Collector, Bilaspur District (Chhattisgarh)	Respondent No. 2 & 3
2)	No. 6642 of 2007	Shri Sant Kumar Netam, Village Uslapur, P.O. Sikari, Distt. Bilaspur (Chhattisgarh)	Respondent No. 1 & 2
3)	No. 7000 of 2007	(i) State of Chhattisgarh through its Chief Secretary, (ii) Principal Secretary, SC, ST, OBC & Minorities Welfare Deptt., Govt. of Chhattisgarh,	Respondent No. 2 & 3

4)	No. 13356 of 2007	(i) Shri Brij Mohan Agarwal, S/o Shri R.L. Agarwal, R/o Ramsagar Para, Raipur (Chhattisgarh) (ii) Shri Ajay Chandrakar, S/o Lt. Kaliram Chandrakar, Kurud (Chhattisgarh) (iii) Shri Shiv Ratan Sharma, S/o Shri Ramdayal Sharma, R/o Bhatapara (Chhattisgarh) (iv) Shri Nankiram Kanwar, S/o Late Dr. Param Kanwar, Rampur (Chhattisgarh)	Respondent No. 1 & 2
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1.11.12 In the context of the above mentioned four SLPs in which National Commission for Scheduled Tribes was made a respondent, it became necessary for the Commission to file the CA in each SLP<sup>7</sup> filed in the Supreme Court of India. The gist of the submissions made by the Commission in each SLP was as under:

It was in invocation of the duties assigned to the erstwhile National Commission for Scheduled Castes and Scheduled Tribes vide sub-clauses (a) and (b) of clause (5) of then existing Article 338 that the erstwhile National Commission for Scheduled Castes and Scheduled Tribes enquired into the petition/ complaint dated 27.01.2001 filed by Shri Sant Kumar Netam, alleging that Shri Ajit P.K. Jogi, (Respondent No. 1) did not belong to the Scheduled Tribe and that he had been sworn in as the first Chief Minister of Chhattisgarh and further that he was required to get elected to the Vidhan Sabha and that the Marwahi Assembly Constituency, reserved for Scheduled Tribes had been got vacated to facilitate Shri Ajit P.K. Jogi's election. During the process of examination of the said petition/ complaint, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes had also received a copy of a memorandum signed by 60 Ministers and MLAs of Madhya Pradesh which was submitted in June, 1997 to the President of Congress Party, CM, Madhya Pradesh and others. The erstwhile National Commission for Scheduled Castes and Scheduled Tribes, after inquiry into these specific complaint, sent its findings dated 16.10.2001 to (i) Chief Secretary, Govt. of Chhattisgarh, (ii) Principal Secretary/ Secretary, SC, ST, OBC and Minorities Welfare Department, Govt. of Chhattisgarh, and (iii) Collector, District Bilaspur (Chhattisgarh) for taking necessary action at their end. A copy was also sent to Shri Ajit P.K. Jogi (Respondent No.1) then Chief Minister, State of Chhattisgarh. In its findings, the Commission had observed that taking into consideration the available evidence, the Commission was of the considered view that Shri Ajit P.K. Jogi (Respondent No.1) had been fraudulently claiming to belong to 'Kanwar' community for the purpose of getting ST certificate, although he and his ancestors belonged to 'Satnami' caste, which was included in the list of Scheduled Castes in respect of the State of Chhattisgarh. It was further stated that Shri Ajit P.K. Jogi's grandfather appeared to have got converted to Christianity and, therefore, he was not eligible for concessions/benefits available to SCs. The State Govt. of Chhattisgarh was requested to conduct the verification of genuineness of the ST certificate obtained by Shri

<sup>7</sup> SLPs dealt in NCST Hq files No. Court Case/02/CG/Service/07/RU-III, Court Case/03/CG/Service/07/RU-III, Court Case/04/CG/Service/07/RU-III and Court Case/05/CG/Service/07/RU-III respectively

Ajit P.K. Jogi (Respondent No.1) and to initiate urgent necessary action for cancellation of his ST certificate and also criminal action as provided in the law and the rules, and to submit an action taken report to the National Commission for Scheduled Castes and Scheduled Tribes within 30 days. Specific attention of the Hon'ble Court, in this regard is invited to the position stated in paras 18, 19, 20 and 24 of the findings of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes. The copy of the findings of the National Commission for Scheduled Castes and Scheduled Tribes is herewith as Annex-R-3.

The findings of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes were challenged by Shri Ajit P.K. Jogi (Respondent No.1) in the Hon'ble High Court of Judicature Chhattisgarh at Bilaspur in Writ Petition No. 2080 of 2001 stating that the erstwhile National Commission for Scheduled Castes and Scheduled Tribes had no power to enquire into the allegations leveled by Shri Sant Kumar Netam, (Respondent No. 4) with regard to the caste and social status of an individual like Shri Ajit P.K. Jogi (Respondent No.1 in this SLA ) and that such powers cannot be culled out from the provisions of Article 338 of the Constitution of India. The Hon'ble High Court vide its judgment and final order dated 15.12.2006 quashed the entire proceedings of the Commission and its findings contained in its report dated 16.10.2001. The Hon'ble High Court has further held that that the Commission (erstwhile National Commission for Scheduled Castes and Scheduled Tribes) could not claim aid of the provisions of Article 338 (5) (a) and (b) for arrogating to itself the jurisdiction to make enquiry into the truthfulness or otherwise of an individual caste and social status. As regards the community of Shri Ajit P.K. Jogi, the Hon'ble High Court has held that "We are satisfied that the complaint made by the sixth respondent several decades after the petitioner claimed social status of Scheduled Tribe in the year 1967 and contested several elections was an outcome of a deliberate political move to harass the petitioner and since it has resulted in considerable injury to the public interest in the sense that the meager financial resources of the State have been diverted in prosecuting this case at the peril of the peoples' interest, we think that the sixth respondent who is instrumental for this litigation should be made accountable; otherwise, public interest would suffer".

This Respondent Commission, in this context, would further like to submit that In Civil Writ Petition No.5976 of 2003 filed by Shri Chandreshwar Prasad before the Hon'ble High Court of Delhi, the petitioner, inter-alia, alleged that a large number of candidates had obtained employment under Govt. of India and Govt. of NCT of Delhi or its agencies on forged/false Scheduled Tribe (ST) certificates thereby denying the genuine ST candidates of their rights. Preliminary sample verification by CBI had revealed that more than 30% of ST certificates presented by candidates were either forged or false. The Hon'ble High Court of Delhi, vide its order dated 5 May, 2005 directed the Govt. of India to devise a credible mechanism to ensure that such people are detected and are dealt with in accordance with law. [This Order of Hon'ble High Court of Delhi called for the verification of the social status certificate of the individuals, as is the case of Shri Ajit P.K. Jogi (Respondent No. 1)] In the same case, the Hon'ble High Court of Delhi by its Order dated 22.07.2005 directed the NCST to assist the Hon'ble Court in the subject matter since it was found that more than 30% cases of recruitment pertained to fabricated certificates of ST category.

There can be no denying that encroachment upon the safeguards and rights provided for the Scheduled Tribes tantamount to denial as well as violation of safeguards and rights to persons for whom these are meant and, therefore, Hon'ble High Court of Chhattisgarh has erred in holding that the erstwhile National Commission for Scheduled Castes and Scheduled Tribes had no power and jurisdiction to inquire into the allegations leveled by Shri Sant Kumar Netam with regard to the caste and social status of an individual Shri Ajit P.K. Jogi (Respondent No. 1 in this SLA) and that such powers cannot be culled out from the provisions of Article 338 of the Constitution.

### **Judgment of Supreme Court of India**

1.11.13 Since all the four SLPs (Civil Appeals No. 4069 of 2008, 4074 of 2008, 4079 of 2008 and 4082 of 2008 respectively) were related to the same issue, whether Shri Ajit P K Jogi belonged to Scheduled Tribe community and were filed to challenge the same judgment and order dated 15-12-2006 of the Chhattisgarh High Court at Bilaspur, all the four SLPs were tagged with one case viz; Civil Appeal No. 4069 of 2008 and the Judgment was delivered by Supreme Court of India on 13-10-2011(during this report period 2011-12). The Apex Court observed as follows:

17. This does not mean that the caste certificates of the first respondent are not to be verified. The appellants allege that among the certificates obtained by the first respondent, the certificates dated 6.6.1967 and 27.2.1984 were issued by the Naib Tehsildar, who at the relevant point of time did not have the authority to issue such certificates. With reference to the certificate dated 27.2.1984, it is also contended that the case number mentioned pertains to grant of an explosive licence to one Gokul Prasad. In regard to certificates dated 6.3.1986 and 12.1.1993, it is pointed out that no case number had been mentioned. In regard to the certificate dated 11.8.1999, it is pointed out that Naib-Tehsildar at Indore, was not competent to issue such a certificate in regard to a resident of Pendra Road, Bilaspur. In regard to certificates dated 8.1.2001 and 20.9.2003 issued by the Additional Collector, Bilaspur, it is pointed out that the certificates are not in the required form and not in accordance with the relevant guidelines for issuance of certificates. It is also alleged that on 8.4.1977, the Addl. Tehsildar, Pendra Road had rejected the application of first respondent for issue of a certificate showing that he belonged to 'KANWAR' Scheduled Tribe. It is also alleged that father and mother of first respondent had entered into sale transactions on 12.8.1964, 21.9.1967 and 25.7.1979 describing themselves as Christians and had not sought permission under section 165(6) of MPLR Code which was mandatory, if they were tribals. We have referred to these averments only to point out that serious allegations were made in regard to the certificates obtained by the first respondent and the tribal status claimed by him. The certificates have never undergone a scrutiny by a properly constituted authority. The fact that two writ petitions were filed at some point of time, challenging the claim of first respondent that he belongs to a scheduled tribe may not be conclusive as the first writ petition was dismissed on the ground that it involved disputed questions of fact which could not be gone into in a writ proceeding and the second writ petition was dismissed on the ground that investigation into the allegations of forged certificates was in progress. Therefore even though the Commission was not entitled to hold an inquiry and record a finding that first respondent did not belong to a scheduled tribe, having regard to clause 5(b)

and (f) of Article 338, it had the power and authority to require the State Government or the caste verification Committee constituted by the State Government, to examine the caste status claimed by the first respondent. The correspondence initiated by the Commission clearly showed a request/direction for verification of the caste of the first respondent was made by the Commission and the state government had responded by stating that the claim of first respondent that he belonged to a scheduled tribe and the validity of social status certificates would be verified by the Scrutiny Committee.

18. The High Court was therefore not justified in holding that in view of the disposal of earlier writ petitions by the High Court, the dispute relating to tribal status of the first respondent had attained some kind of finality. On the facts and circumstances, there was also no justification for the High Court to either term the application given by the sixth respondent to the Commission as politically motivated or direct the State Government and the Commission to calculate the actual expenses incurred in regard to the inquiry and recover the same from the sixth respondent.

1.11.14 The Court concluded with the following directions:-

19. We therefore allow these appeals in part as under:

(i) The order of the High Court dated 15.12.2006 to the extent it quashes the order dated 16.10.2001 of the Commission, is upheld.

(ii) The adverse observations by the High Court about the complaint by the sixth respondent, the inquiry by the Commission, and the stand of the State Government and the Collector before the High Court, being politically motivated, are set aside.

(iii) The direction to the State Government and the Commission to calculate the actual cost incurred in prosecuting the writ petition and directing the sixth respondent to pay the actual costs plus Rs.10,000 is set aside.

(iv) In terms of the direction of the Commission, the State Government through a duly constituted Scrutiny Committee shall now undertake the verification/scrutiny of the social status (tribal) certificates issued to the first respondent showing him as belonging to 'KANWAR' Scheduled Tribe and decide the matter after giving due opportunity to the first respondent, uninfluenced by any observations by the Commission, High Court or this Court. The State Government/concerned authorities shall be entitled to take consequential action on the basis of the order/report of the Scrutiny.

1.11.15 The Judgment order dated 13-10-2011 of the Supreme Court of India supported the action of the then NCSCST in making recommendation to the State Government of Chhattisgarh for scrutiny of the ST certificates obtained and produced by Shri Ajit P K Jogi then Chief Minister of Chhattisgarh as the recommendation was in compliance of the Supreme Court of India directives in Madhuri Patil case delivered in 1994. As the Chhattisgarh High Court had rejected this action of the Commission (NCSCST), it was necessary to file the SLP in the Supreme Court by the National Commission for Scheduled Tribes (successor to the NCSCST) keeping in view the duties assigned by the Constitution to National Commission for Scheduled Tribes. Accordingly, the facts were placed in detail before the Government seeking permission to file the SLP in the Supreme Court. However, the Government through the advice of

Additional Solicitor General of India (Ministry of Law & Justice) dated 04.04.2007 did not allow the Commission to file the SLP stating that the impugned judgment had correctly interpreted the questions raised before it and the same was strictly in accordance with the provisions of the Constitution of India and the law laid down by the Supreme Court of India and advised this Commission against filing an Special Leave Application in the Supreme Court under Article 136 of the Constitution of India.

1.11.16 It is thus clear that submissions by this Commission before the Supreme Court of India, which were made possible only when other four parties filed the SLPs in the Supreme Court, making National Commission for Scheduled Tribes as one of the Respondents, did play a decisive role in arriving at a judgment and order dated 13-10-2011 of the Supreme Court of India which is directed in safeguarding the Constitutional rights of the genuine Scheduled Tribes by upholding the recommendation of this Commission to the State Government of Chhattisgarh. Thus judgment and Order in the above cases passed by the Supreme Court of India vindicated the stand of the National Commission for Scheduled Tribes placed before the Government while proposing for filing SLP in Supreme Court of India against the judgment and Order dated 15/12/2006 passed by the Chhattisgarh High Court in WP No. 2080/2001.

**1.11.17 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. The **PGRMS** has been implemented in two of the six regional offices located at Bhopal and Raipur and training has been imparted to the officials of these Regional offices. The linking of other Regional offices is under process. There are some technical difficulties in connecting the Regional Offices, beside shortage of computers in the Regional Offices, which is being sorted out by National Informatics Centre.

### **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 2010-11 as given in the 6th Report. As 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, 587 receipts were pending for action, at various levels in the Commission headquarter, on 01/04/2011 and 8119 receipts were received during the report period 2011-12 making a total of 8706 receipts for action during 2011-12. Out of 8706 receipts, 7964 receipts were merged in the concerned files for appropriate action and 720 receipts only were pending for action at the end of the report period 2011-12.

1.13.3 A total of 2355 files were current as on 31/03/2011 in the Headquarter office of the Commission. 1189 new files were created during the year 2011-12 thus making a total of 3544 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, 252 files were closed during the report period 2011-12 after completion of action. Remaining 3192 files were current as on 31/03/2012. The less disposal of case files during 2011-12 is attributed to acute shortage of manpower in the headquarter as well as Regional Offices of the Commission.

1.13.4 These files included 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. Broad-category-wise analysis of number of files opened/cases registered during 2011-12 in the



Commission headquarter reveal that 526 (44%) out of 1189 cases related to various matters of service safeguards, 117(10%) related to economic and social development, 87(7%) related to atrocity matters while 459(39%) files 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**

S.No	Location & Address of Regional Office	Name & Designation of the Officer Incharge	Jurisdiction of the Regional Office
(1)	(2)	(3)	(4)
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 Pondicherry
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 2011-12 is given in **TABLE 1.6** below:

**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	67	81	32	180
2.	Bhubaneswar	32	19	09	60
3.	Jaipur	53	19	28	100
4.	Raipur	15	173	05	193
5.	Ranchi	21	53	29	103
6.	Shillong	25	2	0	27
	<b>TOTAL</b>	213	347	103	663

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 1516 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 2011-12, while no receipts were pending for action from the previous year. All the 1516 receipts were disposed off during the year and no receipt remained pending for action at the end of the year 2011-12.

1.14.10 As regards case files there were 623 active files in the Regional Office at the end of the year 2010-11. During the year 2011-12, another 180 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 803 cases for action during the year under report. However, 359 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, 23 cases were recorded as successfully closed during the year. Remaining 444 case files were still active for further action at the end of the year 2011-12.

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

1.14.11 The Bhubaneswar Regional Office received 473 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 2011-12 while no receipts were pending for action at the end of the previous year making a total of 473 receipts for action during the year. Action was taken on 435 receipts and 38 receipts were pending for action at the end of the year 2011-12.

1.14.12 As regards file work, 83 files were still alive at the end of the year 2010-11 in the Regional Office. During the year 2011-12, another 60 files were

opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 143 files for action during the year 2011-12. Out of these 143 files, 55 files were closed during the year 2011-12, 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, 9 cases were recorded as successfully closed during the year. 88 cases were still active for further action at the end of the year.

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

1.14.13 The Jaipur Regional Office received 2101 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 2011-12, while 69 receipts were brought forward for action from the previous year 2010-11. 2113 receipts out of total of 2170 receipts for action during 2011-12, were disposed off during the year and only 57 receipts were left for action at the end of the report year 2011-12.

1.14.14 There were 292 active files in the Regional Office at the end of the year 2010-11. During the year 2011-12, another 100 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 392 files for action during the year 2011-12. Out of these 392 files, 125 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, 13 cases were recorded as successfully closed during the year. 267 cases were still active for further action at the end of the year.

#### **Regional Office, RAIPUR**

1.14.15 The Regional Office, Raipur received 1204 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 2011-12. All these 1204 receipts were disposed off during the year.

1.14.16 There were 152 active files in the Regional Office at the end of the previous year 2010-11 and 193 new case files were opened during the year 2011-12 making a total of 345 cases for action during the year under report. However, 103 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, 7 cases were recorded as successfully closed during the year. Remaining 242 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 2011-12, 51 cases relating to service safeguards were dealt in the office, and out of them, 2 cases were successfully redressed while 16 cases were closed as there was no merit in the grievance. In the remaining 33

cases, final reply was yet to be received from the concerned departments/ Organisations by the close of the report period. 27 cases of atrocities up on Scheduled Tribes were dealt in the Regional Office during the year of which 3 cases were successfully closed. Other 10 cases were closed otherwise. As far as developmental issues are concerned, the Office dealt 267 cases during the year 2011-12, out of which two cases were successfully closed while 70 cases were closed being inconsonant as per rules/ scheme. However, 195 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 226 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 2011-12. 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 2011-12 there were 80 active files in the Regional Office at the end of the previous year 2010-11. During the year 2011-12 another 103 files were opened which related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 183 cases for action during the year under report. However, 75 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, 6 cases were recorded as successfully closed during the year. Remaining 108 case files were still active for further action at the end of the year 2011-12.

### **Regional Office SHILLONG**

1.14.19 The Regional Office Shillong received 733 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 2011-12. 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 2011-12.

1.14.20 At the end of the year 2010-11 there were 49 active files in the Regional Office. During the year 2011-12, another 27 files were opened, which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 76 cases for action during the year under report. However, 26 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, 7 cases were recorded as successfully closed during the year. Remaining 50 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 reservation keeping in mind the overall efficiency of the State administration

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



under Article 335. The Hon'ble 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 judgement 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 upto 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/-

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

(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 alongwith 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 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 judgement 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 judgement 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 Representation of Scheduled Tribes in Central Govt services as on 01.01.2011 as per the information made available by the Department of Personnel and Training (Ministry of Personnel and Training) vide their letter No. 36027/01/2014-Estt. (Res.) dated 16.06.2014 is as given in the **TABLE 2.1** below:

**TABLE 2.1**

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

**(As on 01.01.2011)**

<b>Group</b>	<b>Total</b>	<b>STs</b>	<b>%age</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
A	77483	3739	4.8
B	190104	11364	6.0
C	2266805	174664	7.7
D (Excl Sweepers)	397049	27605	7.0
Total(Excluding Sweepers	2931441	217372	7.42
D(Sweepers)	83359	5196	6.2
Total (Including Sweepers)	3014800	222568	7.38

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

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

2.8.2 Based on information furnished by 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 the consolidated information regarding representation of Scheduled Tribes in 225 Central Public Sector Enterprises as on 31.03.2011 in various categories of posts i.e. Groups A,B,C and D 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 31.03.2011)	No. of ST Employees (As on 31.03.2011)	%age
(1)	(2)	(3)	(4)
A ( Managerial/ Executive Level)	209292	11198	5.35
B (Supervisory Level)	209086	13521	6.47
C (Workmen/ Clerical Level)	737273	64575	8.76
D (Semi-skilled/ Un-skilled excl. Safai Karamcharis)	244192	28849	11.81
<b>Total</b> (Excl. Safai Karamcharis)	1399843	118143	8.44
Group D (Semi-skilled/ Un-skilled Safai Karamcharis)	10419	302	2.89
<b>Grand Total</b> (Incl. Safai Karamcharis)	<b>1410262</b>	<b>118445</b>	<b>8.40</b>

Note:- Group 'A': Executive level, Group 'B': Supervisory level, Group 'C': Workmen/Clerical level, Group 'D': Semi-skilled/Unskilled labour/Safail Karamcharis.

2.8.3 It is seen from above that overall representation of ST employees in all the CPSEs is satisfactory, being 8.40% while representation in Group A as well as Group B categories is below the prescribed reservation level of 7.5% for Scheduled Tribes. The position is however, better in respect of Group C and Group D categories. CPSE-wise information about representation of ST employees in various categories of posts is available at **ANNEXURE 2.1**

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

2.8.4 The representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Officers, (ii) Clerks, and (iii) Sub-staff as on 01.01.2011 is given in **TABLE 2.3** below:-

**TABLE 2.3**

**Representation of STs in different cadres of the Public Sector Banks**

(As on 01.01.2011)

S. No	Name of the Bank	Officers Gp 'A' & 'B'			Clerks Gp 'C'			Sub-Staff Gp 'D'		
		Total	ST	%	Total	ST	%	Total	ST	%
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	Allahabad Bank	8920	636	7.13	8465	422	4.99	2255	129	5.72
2	Andhra Bank	8216	556	6.77	3315	111	3.35	2766	198	7.16

3	Bank of Baroda	15817	1018	6.44	14786	819	5.54	5975	568	9.50
4	Bank of India	14299	1093	7.64	18266	1329	7.28	5119	468	9.14
5	Bank of Maharashtra	4723	317	6.71	5888	388	6.59	2647	231	8.73
6	Canara Bank	17543	1158	6.60	15346	825	5.38	7402	349	4.71
7	Central Bank of India	12093	759	6.27	12355	783	6.33	6706	511	7.62
8	Corporation Bank	5676	268	4.72	5017	272	5.42	2656	177	6.66
9	Dena Bank	4061	417	10.27	3990	492	12.33	2079	303	14.57
10	Indian Bank	8063	475	5.89	8398	226	2.69	2658	125	4.70
11	Indian Overseas Bank	9889	658	6.65	11748	610	5.19	4332	182	4.20
12	Oriental Bank of Commerce	8302	444	5.35	5596	238	4.25	2240	118	5.27
13	Punjab National Bank	20975	1258	5.99	22606	682	3.02	9171	580	6.32
14	Punjab & Sind Bank	5626	156	2.77	1494	29	1.94	1169	36	3.08
15	Syndicate Bank	10765	739	6.86	11079	632	5.70	3731	241	6.46
16	Union Bank of India	13542	808	5.97	9046	441	4.88	5180	402	7.76
17	United Bank of India	6054	443	7.31	5856	315	5.37	3343	123	3.67
18	UCO Bank	8450	563	6.66	9783	484	4.95	3413	170	4.98
19	Vijaya Bank	5047	269	5.33	4112	159	3.87	2076	149	7.18
20	State Bank of India	78447	5159	6.58	100279	7201	7.18	34962	2698	7.72
21	State Bank of Bikaner & Jaipur	4749	451	9.49	4442	308	6.93	2124	240	11.29
22	State Bank of Hyderabad	6194	363	5.86	5313	344	6.47	2351	144	6.13
23	State Bank of Mysore	3268	249	7.61	4584	212	4.62	1565	94	6.00
24	State Bank of Patiala	5106	185	3.62	5293	61	1.15	2381	63	2.64
25	State Bank of Travancore	4558	145	3.18	5479	172	3.14	1888	85	4.50
26	IDBI Bank	10857	336	3.09	1394	42	3.01	914	86	7.22
27	Reserve Bank of India	9427	658	7.00	3789	439	11.6	5811	590	10.2

2.8.5 It is seen from the above TABLE that the representation of Scheduled Tribes in the officers' cadres is less than the prescribed percentage of 7.5% except in Bank of India (7.64), Dena Bank (10.27%), State Bank of Bikaner & Jaipur (9.49%), and State Bank of Mysore (7.61). The percentage of STs in the cadres of Clerks is above the prescribed level of 7.5% only in Dena Bank (12.33%), and RBI (11.6%). The representation of STs in the cadre of Clerks in

many of banks is less than 6% and as low as 1.15% in State Bank of Patiala and 1.94% in Punjab & Sind Bank. As regards the cadre of Subordinate staff (Sub-staff) the percentage of representation for Scheduled Tribes is above the prescribed limit of 7.5% in Dena Bank, SBBJ, RBI, Bank of Baroda, BOI, BOM, UBI, SBI and CBI while in some of the Banks it is not satisfactory, for example State Bank of Patiala (2.64%), Punjab & Sind Bank (3.08%), United Bank (3.67%), and others. **Dena Bank is the only Bank which continues to maintain representation of STs in all the cadres at 7.5 % or above for the past few years.**

2.8.6 Since the year 2001 each Bank is the recruiting agency for all the categories of posts in that Bank and, therefore, 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. 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 oblige the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching Special Recruitment Drive or by deputing special recruiting teams in the tribal areas or both and provide pre-recruitment comprehensive coaching to improve the intakes of ST candidates in recruitment.**

**(D) Representation of Scheduled Tribes as on 1.1.2011 in Public Sector Insurance Companies**

2.8.7 The information relating to representation of STs in Public Insurance Companies as on 01.01.2011 was provided by the Ministry of Finance, Department of Financial services vide their letter No. 5/3/2011-SCT(B) dated 21.03.2011. The Group wise representation of STs in these Companies is as given in **TABLE 2.4** below:

**TABLE 2.4**

**Representation of Scheduled Tribes as on 1.1.2011 in Public Sector Insurance Companies**

(As on 01.01.2011)

S No.	Name of Insurance Company	Group	Total employees	ST employees	% age	
(1)	(2)	(3)	(4)	(5)	(6)	
1	Insurance Regulatory and Development Authority , Hyd.	Group A	77	1	1.3	
		Group B	12	0	0	
		Group C	25	2	8.0	
		Group D (Excl. Safai Karamcharis)	01	0	0	
		Total (Excluding Safai Karamcharis)		115	3	3.4
		Group D (Safai Karamcharis)		0	0	0
		Total (Including Safai Karamcharis)		115	3	3.4



2	Life Insurance Corporation of India, Mumbai	Group A	27202	1890	6.94
		Group B	24508	1634	6.66
		Group C	62181	4889	7.89
		Group D (Excl. Safai Karamcharis)	1518	154	10.14
		Total (Excluding Safai Karamcharis)	115409	8567	7.42
		Group D (Safai Karamcharis)	936	63	6.73
		Total (Including Safai Karamcharis)	116345	8630	7.41
3	General Insurance Corporation of India, Mumbai	Group A	287	13	4.53
		Group B	Not applicable		
		Group C	124	12	9.68
		Group D (Excl. Safai Karamcharis)	33	1	3.03
		Total (Excluding Safai Karamcharis)	444	26	5.86
		Group D (Safai Karamcharis)	Not Applicable		
		Total (Including Safai Karamcharis)	444	26	5.86
4	National Insurance Company Ltd., Kolkatta	Group A	5055	268	5.30
		Group B	1691	32	1.89
		Group C	6960	469	6.74
		Group D (Excl. Safai Karamcharis)	1144	101	8.83
		Total (Excluding Safai Karamcharis)	14850	870	5.86
		Group D (Safai Karamcharis)	844	48	5.69
		Total (Including Safai Karamcharis)	15694	918	5.85
5	The New India Assurance Company, Mumbai	Group A	5853	334	5.71
		Group B	2519	72	2.86
		Group C	9032	704	7.79
		Group D (Excl. Safai Karamcharis)	2438	193	7.92
		Total (Excluding Safai Karamcharis)	19842	1303	6.57
		Group D (Safai Karamcharis)	0	0	0
		Total (Including Safai Karamcharis)	19842	1303	6.57
6	Oriental Insurance Company Limited, New Delhi	Group A	4076	285	6.99
		Group B	1804	61	3.38
		Group C	6715	478	7.11
		Group D (Excl. Safai Karamcharis)	1379	129	9.35
		Total (Excluding Safai Karamcharis)	14604	953	6.53
		Group D (Safai	730	36	4.93

		Karamcharis)			
		Total (Including Safai Karamcharis)	15334	989	6.44
7	United India insurance Company Limited, Chennai	Group A	5199	271	5.21
		Group B	1835	41	2.23
		Group C	7824	600	7.67
		Group D (Excl. Safai Karamcharis)	2172	195	8.98
		Total (Excluding Safai Karamcharis)	17030	1107	6.50
		Group D (Safai Karamcharis)	198	23	11.62
		Total (Including Safai Karamcharis)	17228	1130	6.56
8	Agriculture Insurance Company Ltd., New Delhi	Group A	152	13	8.55
		Group B	0	0	0
		Group C	29	4	13.79
		Group D (Excl. Safai Karamcharis)	07	0	0
		Total (Excluding Safai Karamcharis)	185	17	9.19
		Group D (Safai Karamcharis)	03	0	0
		Total (Including Safai Karamcharis)	188	17	9.04
	<b>Total (All Companies)</b>	Group A	47901	3074	6.42
		Group B	32369	1841	5.69
		Group C	92890	7156	7.70
		Group D (Excl. Safai Karamcharis)	8692	775	8.92
		Total (Excluding Safai Karamcharis)	182479	12843	7.04
		Group D (Safai Karamcharis)	2711	173	6039
	<b>Grand Total (all Companies – all Groups) (Including Safai Karamcharis)</b>		185190	13013	7.03

2.8.8 There are 8 insurance companies and all these companies have nationwide network with a total 185190 employees. Out of the ST employees commuting to 13013 constitutes 7.03% of the total employees. It is observed that the actual representation in Groups A & B combined, Group C & Group D was 6.12%, 7.70 % & 8.31 % respectively. It is worth mentioning that the representation of STs in Group A&B is much less than the prescribed percentage of 7.5%. None of these companies list above except AIC of India have reduce the prescribed reservation limit of 7.5% in Group 'A' as well as Group 'B' posts: AIC of India have 8.55% in Group A posts while LIC of India has 6.99% as ST in Group 'A' while IRDA has just 1.3% ST employee in Group 'A'.

**2.8.9 There are no Group 'B' employees in GIC and AIC of India and obviously there are no ST employees belonging to Group 'B' category. It**

is hoped that both these companies have adequate opportunities for direct promotion from Group 'C' to Group 'A'. 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 12 Group 'B' employees but there is no ST employee there.

2.8.10 However, it is appreciable that the overall representation of STs in Group C & D in Insurance Sector is satisfactory. **The Commission therefore, recommends that in order to enhance the representation of STs in Group A & B, the Ministry of Finance should issue instructions for taking special measures like SRD to achieve the required representation of 7.5 percent 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**

**Teaching Posts**

2.8.11 The University Grant Commission provided statistical data in respect of Teaching & non-Teaching posts reserved for STs in respect of 39 Central Universities vide their letter no. F .31-2/2013(CU) dated 25.06.2014. The post-wise representation of STs in Teaching posts for the year 2011-12 in respect of each University are as given in the statement at **ANNEXURE 2.2.**

2.8.12 It is observed from the statement that the representation of STs among the teaching staff is negligible (0.3%) in the posts of Professors as against the required percentage of 7.5 in all the 39 Universities for which data has been provided by UGC. Banaras Hindu University has highest no. of Professors (647), followed by Aligarh Muslim University (371), Delhi University (273), Jamia Milia Islamia (199), Hyderabad University (155), JNU (114) and HNB Garhwal University (112) but these Universities do not have even a single ST Professor. Overall there are 8 ST Professors out of 2606 Professors in position in 39 Central Universities. Similarly, in the post of Associate Professor/ Reader, 29 Universities have not even a single ST while there are 24 Associate Professors/ Readers in remaining 10 Universities. Thus out of 3277 Associate Professors/ Readers in position in 39 Central Universities 24 (0.73%) only belongs to ST. Overall position relating to the posts of Assistant Professor/ lecturer/ SL/ SG is somewhat better as 266 (7.3%) out of 3627 Assistant Professor/ lecturer/ SL/ SG belong to Scheduled Tribes in all the 39 Universities while 7 Universities have not even a single ST Assistant Professor/ lecturer/ SL/ SG. These include Central University of Himachal Pradesh, Central University of Jammu, Central University of Kashmir and Central University of Jharkhand whose Jurisdiction extend to several areas of tribal concentration. **The Commission, therefore, recommends that the Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Associate Professor/**

**Reader and lecturers, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor, Reader and Lecturer which are filled up by direct recruitment, and to chalk out a time bound programme to fill up these vacancies.**

### **Non-Teaching Posts**

2.8.13 The University-wise and Group-wise representation of Scheduled Tribes in non-Teaching posts for the year 2011-12 in various Central Universities are as given in the statement at **ANNEXURE 2.3**.

2.8.14 The statement at **ANNEXURE 2.3** indicates that in all categories of posts the representation of STs is less than the minimum requirement of 7.5 %. It is a matter of concern that the representation of STs even in Group D post is 2.94%. 21 Universities have not even a single ST employee in Group 'A' category. Similarly, there is no ST employee in Group 'B' category in 17 out of 39 Universities while ST representation is just adequate in 7 Universities only. As regards representation of ST employees in Group C category is concerned, 10 Universities do not have any ST employee while 13 Universities have proper representation of ST employees.

**2.8.15 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.**

2.8.16 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 admission to these institutes 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, recommends 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.**

## **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 can't 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 recognition to the Welfare Service Associations.**

## **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, some times, 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/Organisation. 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

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

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 dereserve the vacancy 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 dereserving 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

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

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 Deptts. 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 82 proposals for dereservation of 187 posts reserved for Scheduled Tribes from various Ministries/ Departments during the year 2011-12. A list of such proposals is placed at **ANNEXURE 2.4**. As will be clear from these lists, only a few Ministries/ Departments have sent the proposals for de-reservation. Therefore, nothing can be said about other Ministries/Departments as to whether the reservation policy was being implemented in letter and spirit. Proposals for Dereservation of 1post of Superintendent in Indian Bureau of Mines, Ministry of Mines, Nagpur and 30 Posts of Sub-Inspector (Min) in O/o Directorate General, BSF, Ministry of Home Affairs were received directly. As per Department of Personnel and Training instructions, the sponsoring authorities were advised to route the proposals through the concerned administrative Ministry. As no further communication was received from the

sponsoring Organisations the final status of filling of those posts is not available.

2.10.9 As mentioned earlier in the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> 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 is 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 resorts 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 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.

2.10.10 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 is, therefore, of the view and accordingly 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. 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 decadal growth, is placed at ANNEXURE 3.1 .

3.2.2 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 inaccessible 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, there are 75 Primitive Tribal Groups, now called as Particularly Vulnerable Tribal Groups (PTGs), at the other end, who 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.

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

3.3.1 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, 16, 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. 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.

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.

3.3.2 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".

**3.3.3 Keeping in view the spirit behind this proviso it is recommended 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.**

### **3.4 TRIBAL DEVELOPMENT STRATEGY IN RETROSPECT**

3.4.1 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.

### **3.5 TRIBAL SUB-PLAN STRATEGY**

3.5.1 A detailed and comprehensive review of the tribal problem 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**

3.5.2 In the light of the above approach, it was decided that 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.

3.5.3 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**

3.5.4 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.

3.5.5 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**

3.5.6 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**

3.5.7 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.

3.5.8 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 3.1**

**TABLE 3.1**

**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**

3.5.9 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

3.5.10 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 have been identified for taking up various development programmes in the country. State-wise detail is given in **ANNEXURE 3.2**.

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

3.5.11 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**

3.5.12 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.

3.5.13 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.

#### **(H) Quantification of funds from the State Plan to the TSP**

3.5.14 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 and is likely to be over 10% during 11th Five Year Plan due to adoption of TSP strategy since Fifth Plan. A statement indicating State/UT-wise TSP formulated for the financial year 2011-12 is at **ANNEXURE 3.3**

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

3.5.15 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.

3.5.16 These guidelines have been reiterated from time to time by the then Ministry of Welfare 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.

3.5.17 The contribution of Central Ministries has been reviewed 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, mentions 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.

3.5.18 The Ministry of Tribal Affairs also, in its Annual Report for 2005-06, had given the details of the plan budget allocations for the year 2005-06 of 36 Central Ministries/ Departments with expected 8% allocation of funds for TSP areas, and almost the same position was been re-iterated in the Annual Report for 2009-10, stating that the TSP strategy is expected to be followed in the Central Ministries/ Departments also. It has been further stated that many Ministries have reported difficulty in segregation of their TSP component citing indivisibility of projects, because their projects are applicable to all communities, including SCs/ STs. The Annual Reports of the Ministry of Tribal Affairs for 2008-09 as well as 2009-10 have reiterated the following position:

*Many Ministries have reported difficulty in segregation of their TSP component citing indivisibility of projects, because their projects are applicable to all communities, including STs. The Ministry, taking this into account has approached Planning Commission for devising a different strategy for Central Ministries on TSP.*

### **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**

3.5.19 Taking this into account the Ministry approached Planning Commission for devising a different strategy for Central Ministries on TSP. The Planning Commission set up the above mentioned Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, Planning Commission:

- i) *to re-examine and revise the extant Guidelines issued by the Planning Commission for implementation of Scheduled Caste Sub-Plan and Tribal Sub-Plan ;*
- ii) *to 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.*

3.5.20 The Task Force examined the situation in relation to implementation of Tribal Sub-Plan and Scheduled Caste Sub-Plan in the States and UTs and preparation of the Sub-Plans by the State Govts./ UT Admns. as well as Central Ministries / Departments. The Task Force had submitted the recommendations in respect of the Central Ministries/ Departments only on 25/11/2010. The Task Force has made the following observations:

- (a) *Implementation of the guidelines has remained inadequate. Hardly any Ministry is showing its SCSP/TSP outlays under separate Budget Heads. Some Ministries are showing a notional earmarking, but the criterion followed in doing so is not uniform and transparent. Also, in the absence of this outlay being shown under a separate minor head (789 for SCSP or 796 for TSP, 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 is not possible, as of now, to quantify the total amount allocated and/or spent by the Central Government under SCSP/ TSP. The SCSP and TSP strategies thus remain substantially un-implemented at the level of the Central Ministries/ Departments mainly due to lack of an effective mechanism in this behalf.*

3.5.21 The Task Force has 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.*

3.5.22 The Task Force has further observed that the subject, being a complex one, requires detailed examination and deliberations. Also, there are commonalities as well as differences between implementation of SCSP and

TSP at the Central and State levels. Observing the problem to be more acute at the Central level, the Task Force, in the first instance, recommended that, from the financial year 2011-12, substantial reforms be introduced in the SCSP/TSP system, for Central Ministries/Departments, which can be further refined from the XII Five Year Plan commencing in 2012- 13.

3.5.23 The Task Force pursued this matter with the Ministry of Finance, which, consequently, in its Budget Circular for 2011-12 has 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.”*

3.5.24 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise proposed earmarking of plan outlays under TSP for 2011-12 and not the actual funds earmarked by each Ministry. A copy of the statement showing proposed earmarking of funds (in %age) out of total Budget by 28 Ministries/ Departments is placed at **ANNEXURE 3.4** It is noted from the statement that 14 out of 28 Ministries/ Departments have been expected to earmark 8% or more of their budget for TSP while other Ministries/ Departments are expected to earmark between 0.25% to 7.5% for TSP. Entire (100%) Plan outlay of the Ministry of Tribal Affairs has been shown as earmarked outlay under TSP of the Ministry. Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes 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 still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**

3.2.25 A sizeable part of the TSP of each State 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. The funding and utilisation under these Schemes of the Ministry of Tribal Affairs are discussed in the following para.

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

3.5.26 The Ministry of Tribal Affairs was implementing the following Centrally Sponsored Schemes during the Financial Year 2011-12:

**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. Coop. Corp. 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

3.5.27 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 (upto 31/12/2012) may be seen at **ANNEXURE 3.5**. The Statement has been taken from the Annual Report of the Ministry of Tribal Affairs for the year 2012-13, as Annual Report for 2011-12 contained information for the year 2011-12 up to 31/12/2011 only. It may be noted that against the BE of Rs. 536.93 crores for all central sector plan schemes, the RE for 2011-12 was Rs. 539.93 crores out of which the Ministry could spend a sum of Rs. 531 crores only. The shortfall in expenditure was mainly under the scheme of Development of Particularly Vulnerable Groups and the scheme of Strengthening of education among Scheduled Tribe girls in low literacy, which is aimed at raising the literacy level as well as quality of education among the Tribal girls, while expenditure under other schemes has been same as RE or exceeded the RE 2011-12.

3.5.28 Similarly, against the BE of Rs. 775 crores for various Centrally Sponsored Schemes the RE was Rs. 916.79 crores and the utilization was Rs. 1030.70 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.

3.5.29 As per information available on the website of the Ministry of Tribal Affairs and the Annual Report of the Ministry, the scheme of research for 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.

3.5.30 Under the scheme of Grants- in-aid to Tribal Research Institutes Ministry of Tribal Affairs releases 50% Central share to the State Governments and 100% to Union Territories for effective functioning of the Tribal Research Institutes, for meeting the expenses, including administrative costs. 18 Tribal Research Institutes (TRIs) have been set up in the States of Andhra Pradesh, Assam, Chhattisgarh, Jharkhand, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, West Bengal, Uttar Pradesh, Manipur, Tripura and Union Territory of Andaman & Nicobar Islands. Although 50% expenditure on TRIs is funded by the Government of India, the administrative control over these Institutes vests with the concerned State Government.

3.5.31 These Institutes are broadly expected to be engaged in conducting research and evaluation studies, collection of data, conducting training, seminars and workshops, documentation of customary laws; setting up of tribal museum for exhibiting tribal artifacts, and other related activities and outcome of all those activities has to be utilized in providing planning inputs to the State Governments for formulation of Tribal Sub-Plan and for taking up new schemes for development of the Scheduled Tribes.

3.5.32 About a decade ago, Government of India had decided to set up a National level Central Tribal Research Institute under the direct control of the Ministry of Tribal Affairs. A Token Budget provision was also earmarked for establishment of the CTRI. This, however, could not be set up. Later, in order to effectively coordinate all the functions being carried out in various Tribal Research Institutes (TRIs) throughout the country, as well as for new activities, the Ministry of Tribal Affairs has evolved the concept of Nodal TRI (NTRI). The NTRI is to provide policy inputs to the Ministry of Tribal Affairs, carry out and coordinate research and evaluation studies, and undertake other related activities for the TRIs which are clubbed under their charge. The aims and objectives of NTRIs are as under:

- a) to provide policy inputs to the Ministry of Tribal Affairs as well as State Welfare Departments;
- b) to design studies and programmes that improve or support socio-economic aspects of tribal lifestyles;
- c) to become a nerve-centre of tribal concerns, issues and matters in academic, executive and legislative fields;

d) to coordinate and network with related research institutes and organizations as well as academic bodies;

e) to set up norms for improvement in the quality of research and training

3.5.33 The following table indicates the selected NTRIs and the linked TRIs:

<b>Nodal TRI</b>	<b>Other TRIs in Nodal Group</b>
Odisha	Andhra Pradesh, Jharkhand, West Bengal and Andaman and Nicobar Islands
Maharashtra	Kerala, Karnataka, Tamil Nadu and Gujarat.
Madhya Pradesh	Chhattisgarh, Uttar Pradesh, Himachal Pradesh and Rajasthan
Assam	Manipur and Tripura.

3.5.34 The scheme of Supporting Projects of All-India or Inter-State nature is in operation since 1979-80 for dissemination of knowledge about tribal issues, and developmental schemes/works through study, seminars/ workshops and publication of tribal literature. Under the scheme financial support is extended to Non Governmental Organisations/ Institutions/ Universities on 100% basis for

- i) Research and Evaluation studies,
- ii) Workshops/ Seminars helpful in orienting developmental programmes for the Scheduled Tribes and disseminating knowledge and experience concerning tribal people and their areas, and
- iii) Publication of literature on tribal development.

3.5.35 Under this Scheme assistance is provided to the Universities/ Institutions/ Non Governmental Organizations to carry out research/evaluation studies. The research grant is ordinarily given up to a maximum of Rs. 2.50 lakh for each project to be completed in a period of 8-12 months. Research Institutions/ Non-Governmental Organisations/ Universities desirous of undertaking research/evaluation studies are required to apply in accordance with the guidelines provided under the scheme. There is a Research Advisory Committee in the Ministry of Tribal Affairs which considers and approve the Research proposals received in the Ministry. The Research Advisory Committee, consisting of eminent persons in the field of tribal affairs/development, set up under the chairmanship of a Joint Secretary level officer of Ministry of Tribal Affairs conducts scrutiny of the project/ proposals and selects the project for sanction

3.5.36 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 needs to be fully utilised and



similarly the TRIs also needs to be fully functional to meet the objective for which these have been set up.

3.5.37 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 thus recommends that 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 have adequate support staff for Research as well as Secretariat support. The CTRI may also be 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.**

3.5.38 In the above context it may 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. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission recommends that on similar lines funds under Research and Training and Monitoring & Evaluation Heads may be earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.**

## **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 and the Bonded Labour System (Abolition) Act, 1976, provides for abolition of the bonded labour system and for release and rehabilitation of freed bonded labourers.

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 (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 the 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 2012.

4.1.6. Responsibility in regard to implementation of the 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 and 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 2011-12. 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**

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	0	5	0	1	5	11	2
2.	RU-II	4	1	4	1	0	7	17	2
3.	RU-III	1	1	2	0	0	8	12	5
4.	RU-IV	0	0	1	0	0	3	4	0
	Sub-Total (Hq)	5	2	12	1	1	23	44	9
	<b>Regional Offices</b>								
1.	Bhopal	01	07	13	02	0	09	32	3
2.	Bhubaneswar	0	0	0	03	0	06	09	0
3.	Jaipur	02	01	03	09	01	12	28	2
4.	Raipur	0	03	0	0	1	1	05	0
5.	Ranchi	02	0	04	10	05	08	29	9
6.	Shillong	0	0	0	0	0	0	0	0
	<b>Sub TOTAL (ROs)</b>	05	11	20	24	07	36	103	14
	<b>TOTAL</b>	10	13	32	25	8	59	147	23

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 147 cases registered in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2011-12, 10 cases related to Murder, 13 cases of Rape, 32 cases of Grievous

hurt, 25 cases of Land dispute, 8 cases related to caste abuse while 59 cases were of other miscellaneous offences. Out of all these 147 cases 23 cases were reported to be against or involving the police. Out of these 23 cases one case related to killing of tribals by police and para-military personnel, 2 cases related to grievous hurt and 20 cases related to offences of miscellaneous nature committed by Police personnel upon Scheduled Tribes. Out of the 147 cases mentioned above the Regional Office of the Commission dealt with 103 cases of atrocities upon Scheduled Tribes during 2011-12. These included 5 cases relating to murder, 11 relating to rape, 20 cases relating to Grievous hurt, 24 cases relating to land dispossession, 7 cases of caste abuse and 36 cases of other or Miscellaneous nature of atrocities. 14 out of 103 cases of Atrocities were filed against the Police officials.

4.4.3 As per laid down guidelines and procedure, all the cases registered in the Commission were forwarded by the dealing 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 be not more than 30 days. The responses of the concerned authorities were not encouraging. With a view to analyzing the action being taken by States/UTs under the provisions of PoA Act and PoA Rules in the incidents of atrocities against Scheduled Tribes, forwarded by the Commission to them, information about time taken in furnishing reply to the Commission, time taken in registering FIR, time taken in completion of investigation by police, and in filing of charge sheet, invoking of provisions of PoA Act in FIR/ charge sheet, payment and timely disbursement of monetary and other relief to the victims and/ or their families, etc. received in response to each of the 147 cases referred by this Commission to the respective States/UTs during the report period 2011-12, have been scrutinized and placed at **ANNEXURE 4.1(A) to 4.1(D)**.

4.4.4 It is noticed from the statement at **ANNEXURE 4.1(A)** that the responses of the State Governments were not encouraging as the respective State Governments had not furnished their replies in more than one/ third of the cases in which details were sought by the Commission as no reply was received in 56 out of 147 cases. Out of 91 cases in which replies were received, replies in only 23 cases were received within 30 days of the communication from the Commission while replies in 39 cases were received after a period of 1 to 3 months and in 24 cases the replies were received after more than 3 months, and in 2 cases replies were received as late as one year from the date of communication from NCST.

4.4.5 As is evident from the statement at **ANNEXURE 4.1(B)**, out of 91 cases in which replies were received, information about date of registration of FIR was furnished in 33 cases, while there was no mention about date of registration of FIR in 48 cases. In 27 cases FIR was registered before receipt of the complaint in the Commission while in 6 cases only the FIR was registered after communication from the Commission. It appears that in those cases where in FIRs had already been registered before the complaints were received in the Commission the complainants were perhaps not informed about

registration of the FIR by the police when they submitted the representation to the Commission. In only 6 cases out of 91 cases, FIRs were registered after the complainants approached the Commission. It shows that the cases are not disposed of in time by the police after registering FIRs as a result of which the aggrieved ST persons approach the Commission requesting it to plead their cases with the concerned authorities for ensuring effective and timely redress of their grievances.

4.4.6 In 29 out of 91 cases, the allegation/ complaint regarding atrocity under PoA Act, 1989 could not be proved. These include some cases in which FIR had been registered. As per replies received from the State Governments relevant sections under PoA Act were invoked in FIR as well as charge sheet in 24 cases while PoA was invoked in FIR but not in charge sheet in 19 other cases. Charge Sheet was not filed in 21 cases due to various reasons while there is no information about filing of the Charge Sheet in 39 out of 91 cases.

4.4.7 In accordance with the provisions contained in Rule 7(2) of the PoA Rules, investigation of an offence of atrocity is required to be completed within thirty days by the prescribed Investigating Officer. This provision is aimed at ensuring the expeditious filing of charge sheets in courts in atrocity cases. In this context it will be useful to know the pace of investigation by police, of the cases of atrocities upon Scheduled Tribes, which will help us understand the reason for delay in filing of the Charge Sheet in the respective Court. The statement at **ANNEXURE 4.I(C)** reveals that the details about the date of completion of investigation has been furnished by the police in 35 cases only out of 91 cases as no such specific information has been furnished in respect of 57 cases. Investigation in 14 out of 35 cases was completed within one month of registration of the case while investigation in 10 cases was completed within 3 months, in 6 cases within 6 months and in 5 cases the investigation took between 6 months to 1 year for completion. In over all, allegations, leveled in 29 cases out of 91 cases, could not be proved during investigation by police. It is thus clear that the investigation of cases is not properly monitored at the senior levels in the police department. It is also possible that the provision of appointment of the Investigating Officer of the level of Dy. Supdt. of Police as contained in Rule 7(1) of PoA Rules is not being strictly followed by the States/UTs and police officers below the level of Dy. Supdt. of Police are being entrusted with investigation of cases. **The Commission therefore recommends that the above provision in Rule 7(1) of the PoA Rules should be strictly complied with by the State/UTs and investigation of atrocity cases should be closely monitored by the Supdt. of Police and higher officials.**

4.4.8 The norms for providing relief in cash or in kind or both to the victims of atrocity and their family members, in terms of provisions of Rule 12(4) of PoA Rules, 1995 have been laid down in the Schedule to the PoA Rules, 1995 as amended from time to time. These norms provide that in cases involving offences like outraging the modesty/sexual exploitation of a woman 50% of the total monetary relief should be paid after medical examination of the victim. Similarly, in the cases relating to offences like disability of the victim and

bonded or forced labour monetary relief of 50% and 25% respectively of the admissible amount should be paid at FIR stage. In cases of death/murder, 75% of the relief amount is to be paid after postmortem. Information regarding payment of relief to the ST victims of atrocity and/ or their family members, in respect of cases taken up by the Commission is given in **ANNEXURE 4.I( D)**, out of 91 cases in which reply was received details about quantum and date of payment of relief were not available in respect of as much as 53 cases. On the other hands complaints could not be proved in 29 cases and therefore no relief was admissible under PoA Rules, 1995 in those 29 cases. However, as per specific information received from the concerned State Governments no relief was paid in 8 cases. While relief was paid in 3 cases after filing of charge sheet, there is no information about actual date of payment of relief in 9 cases out of them. PoA Rules 1995 provide for timely payment of relief immediately after registration of the FIR. The relief provided by the Government can, in no way be considered as compensation for the loss of life or injuries to the body of the ST victims but the spontaneous relief provided by the Government serves as a handy financial help to the victims and their families to meet the requirements relating to treatment of injured and/or in performance of last rites in case of the death of the victim in the incident. Not granting or badly delayed granting of relief indicates the state of lack of sensitivity among the district Authorities about the objective of timely grant and release of relief amount admissible to the victims and their families under the PoA Rules, 1995. As per system normally prevailing in the States, the recommendation for relief to the victims is forwarded to the concerned civic authorities by the local police on the basis of investigations which may establish a crime against the ST victim under the PoA Act. As is evident from the previous para, the investigation by the police in 14 cases only was completed within one month and in as much as 21 out of 35 cases reported, the time taken to complete the investigation varied between one month and one year.

**4.4.9 Delayed investigation is certainly going to adversely affect the outcome of the investigation result as well as 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 and thus 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.**

4.4.10 The Commission has also observed that:

- (i) In some cases, the reports have not been found to be comprehensive with specific comments on the issues raised in the representations and points raised/ mentioned in the communications forwarded by the Commission. This



has resulted in non-availability of requisite input to the Commission to analyze the case with reference to the requirement of PoA Act at different stages and also in avoidable delay in examination of the cases by the Commission.

- (ii) Where the complaints have been made against the police personnel, it is necessary that such reports should pass through internal verification mechanism in the police Deptt. However, in almost all cases, information about such verification is missing.
- (iii) The Commission has also noted that abnormal delay in spot investigation, prosecution after FIR, filing of charge sheet as well as payment of relief and rehabilitation to the victims is evident in many cases.

4.4.11 The issues indicated above are also discussed by the Commission during the Review Meetings organized with the senior officers of the State Governments. The gist of discussions and important observations/recommendations of the Commission in the Review Meetings were incorporated in the proceedings of the review meetings and forwarded to the State Governments for necessary action.

**4.4.12 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.**

**4.4.13 The Commission also strongly recommends that the State level and District level Vigilance & Monitoring Committees should 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 constituted 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 analysis of cases 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 2011 is given in the **TABLE 4.2** below:

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

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 2011	%age of crime in State to total crime against STs in country during 2011	Incidence of crimes against STs under PoA Act in the State during 2011	%age of crimes under PoA Act in State to total PoA crime in country during 2011
1	2	3	4	5	6	7	8	9	10
1	Andhra Pradesh	845,80,777	59,18,073	7.00	5.68	805	14.0	233	20.2
2	Arunachal Pradesh	13,83,727	9,51,821	68.79	0.91	34	0.6	0	0.0
3	Assam	312,05,576	38,84,371	12.45	3.72	2	0.0	1	0.1
4	Bihar	1040,99,452	13,36,573	1.28	1.28	97	1.7	71	6.2
5	Chhattisgarh*	2554,51,198	78,22,902	30.62	7.50	336	5.8	1	0.1
6	Goa	14,58,545	1,49,275	10.23	0.14	1	0.0	1	0.1
7	Gujarat	604,39,692	89,17,174	14.75	8.55	153	2.7	23	2.0
8	Haryana	253,51,462	-	0	0	0	0.0	0	0.0
9	Himachal Pradesh	68,64,602	3,92,126	5.71	0.38	4	0.1	4	0.3
10	Jammu & Kashmir	125,41,302	14,93,299	11.91	1.43	0	0.0	0	0.0
11	Jharkhand	329,88,134	86,45,042	26.21	8.29	309	5.4	104	9.0
12	Karnataka	610,95,297	42,48,987	6.95	4.07	285	5.0	162	14.0
13	Kerala	334,06,061	4,84,839	1.45	0.46	231	4.0	22	1.9
14	Madhya Pradesh	726,26,809	153,16,784	21.09	14.69	1284	22.3	1	0.1
15	Maharashtra	1123,74,333	105,10,213	9.35	10.08	321	5.6	61	5.3
16	Manipur	25,70,390	9,02,740	35.12	0.87	1	0.0	0	0.0
17	Meghalaya	29,66,889	25,55,861	86.15	2.45	0	0.0	0	0.0
18	Mizoram	10,97,206	10,36,115	94.43	0.99	0	0.0	0	0.0
19	Nagaland	19,78,502	17,10,973	86.48	1.64	0	0.0	0	0.0
20	Orissa	419,74,218	95,90,756	22.85	9.20	484	8.4	406	35.2
21	Punjab	277,43,338	-	0	0	0	0.0	0	0.0
22	Rajasthan	685,48,437	92,38,534	13.48	8.86	1263	21.9	20	1.7
23	Sikkim	6,10,577	2,06,360	33.8	0.20	8	0.1	0	0.0
24	Tamil Nadu	721,47,030	7,94,697	1.2	0.76	23	0.4	4	0.3
25	Tripura	36,73,917	11,66,813	31.76	1.12	30	0.5	1	0.1
26	Uttara-Khand*	100,86,292	2,91,903	2.89	0.28	35	0.6	18	1.6
27	Uttar Pradesh	1998,12,341	11,34,273	0.57	1.09	0	0.0	0	0.0
28	West Bengal	912,76,115	52,96,953	5.8	5.8	41	0.7	19	1.6
	<b>TOTAL (STATES)</b>	<b>14203,52,219</b>	<b>1039,97,457</b>	<b>7.32</b>	<b>99.73</b>	<b>5747</b>	<b>99.8</b>	<b>1152</b>	<b>99.8</b>
29	Andaman & Nicobar Islands	3,80,581	28,530	7.5	0.03	7	0.1	2	0.2
30	Chandigarh	10,55,450	-	-	-	0	0.0	0	0.0
31	Dadra & Nagar Haveli	3,43,709	1,78,564	51.95	0.17	2	0.0	0	0.0
32	Daman & Diu	2,43,247	15,363	6.32	0.01	0	0.0	0	0.0

33	Delhi	167,87,941	-	-	-	0	0.0	0	0.0
34	Lakshadweep	64,473	61,120	94.8	0.06	0	0.0	0	0.0
35	Puducherry	12,47,953	-	-	-	0	0.0	0	0.0
	TOTAL (UTs)	201,23,354	2,83,577	1.41	0.27	9	0.2	2	0.2
	TOTAL (INDIA)	1,210,569,573	1042,81,034	8.61	100	5756	100.0	1154	100.0

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

4.5.2 It will be noted from above that Madhya Pradesh State which has highest ST Population share (14.69%) in the Country also has reported highest share (22.3%) in 5756 incidents of total crime in the Country followed by Rajasthan (21.9%), Andhra Pradesh (14.0%), Odisha (8.4%), Chhattisgarh (5.8%) and Maharashtra (5.6%), while Jharkhand and Karnataka with 5.4% and 5.0% share respectively in the total crime in the country rank 7<sup>th</sup> and 8<sup>th</sup> position. However, the extent of crimes under PoA Act 1989 is highest (35.2%) in Odisha where 406 cases out of a total of 1152 cases were registered. Andhra Pradesh State with only 5.68% of ST population share in the country's ST population and ranks 8<sup>th</sup> among the States having Scheduled Tribe population in the country has 3<sup>rd</sup> position (14.0%) in respect of total crimes registered in the country is on 2<sup>nd</sup> position after Odisha State with 20.2% share in the crimes under PoA Act in the whole country. Similarly, Karnataka with a share of only 4.07% of ST population in the country and a share of only 5.0% (285 out of 5756) in the total crimes registered in the country has 14.0% share (162 out of 1154) crimes under PoA Act in the whole country. However, Madhya Pradesh State with highest share of 14.69% of ST population in the country and a share of 22.3% (1284 out of 5756) in the total crimes registered in the country has only 0.1% share (1 out of 1154) crimes under PoA Act in the whole country. The NCRB data, which shows only one case relating to crimes registered under PoA Act in M.P. State, appears to be incorrect or confusing as three such cases were registered in Hq office of the Commission and 12 cases were registered in Bhopal Regional Office of the Commission during the report period 2011-12. Similarly, one case of atrocity under PoA Act in Chhattisgarh was registered at Hq. office and 5 similar cases were registered in the Raipur Regional Office of the Commission while National Crimes Record Bureau data indicate only one case having been registered under PoA Act in Chhattisgarh State during 2011.

4.5.3 Restricting to the National Crimes Record Bureau data which reveal that incidents of atrocities committed on Scheduled Tribes under PoA Act is higher in States having lower ST population and vice-versa. The reason appear to be that an atrocity on ST victim is covered under PoA Act, 1989 if and only if the accused does not belong to either SC or ST and any offence committed on ST by another ST is counted as a crime under IPC or any other law but not under SCs and STs (PoA) Act, 1989. It is evident from the fact that M.P. State which has tribal concentration of 21.09% within the State and highest share (14.69%) among the tribal population in the country has the highest share (22.3%) in total crimes committed in the Country during 2011 but lowest share in crimes under PoA Act. On the other hand Karnataka with a share of only 4.07% of ST population in the country and a share of 5.0% (285 out of 5756) in the total crimes registered in the country has a sizeable 14.0% share (162 out of 1154) in the crimes committed under PoA Act in the whole country. It means that in

the States having less and/ or dispersed tribal population the ST population is in direct conflict with the non-ST population and hence there may be higher chances of crimes against Scheduled Tribes by non-STs which only are registered under the PoA Act,1989. The Commission therefore recommends that State Governments having ST population may take necessary steps for vigorous implementation of the SCs and STs (PoA) Act 1989 as prescribed under the SCs and STs (PoA) Rules, 1995.

#### 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, 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 2007 to 2011 is given in **TABLE 4.3** below:

**TABLE 4.3**  
**Crime-wise Comparative Incidence of Crime against Scheduled Tribes during 2007 to 2011**

S.NO	Crime – Head	Year					% age Variation in 2011 over 2010
		2007	2008	2009	2010	2011	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Murder	140	128	118	142	143	0.7
2.	Rape	627	585	583	654	772	18.0
3.	Kidnapping & Abduction	89	93	82	84	137	63.1
4.	Dacoity	9	14	3	7	7	0.0
5.	Robbery	21	18	24	5	9	80.0
6.	Arson	54	49	29	39	24	-38.5
7.	Hurt	855	873	787	941	803	-14.07
8.	Protection of Civil Rights Act	5	6	2	5	7	40.0
9.	SCs and STs (Prevention of Atrocities) Act	1104	1022	944	1169	1154	-1.3
10.	Others	2603	2794	2853	2839	2700	-4.3
	Total	5532	5582	5425	5885	5756	-2.2

Source: NCRB Report 2011

4.6.2 State/ UT-wise and crime- wise incidence of crime against Scheduled Tribes during 2011 is given at **ANNEXURE 4.2**. It is noticed from the above Table and the statement at **ANNEXURE 4.2** that a total of 5,756 cases of crimes against Scheduled Tribes were reported in the country during 2011 as

compared to 5,885 cases in the year 2010, showing an overall decrease in crimes in the country by 2.2% only in 2011 over 2010. The decrease was observed in the category of Arson, hurt and others as well as under the SC/ST (Prevention of Atrocities) Act only. Crime-wise analysis of the incidence of crime against Scheduled Tribes is discussed below:

### **Murder**

4.6.3 A total of 143 cases of Murder of Scheduled Tribes were reported in 2011 as compared to 142 cases in 2010, showing an increase of 8.6%. Madhya Pradesh with 14.69 % of the tribal population of the country has reported the highest number of 45 cases i.e. 34.3% of the total cases reported in the country during the year.

### **Rape**

4.6.4 A total of 772 cases were reported in 2011 as compared to 654 cases in 2010 showing an increase of 18.0% over 2010. Madhya Pradesh has reported the highest number of cases (308) accounting for 39.9% of the total rape cases in the country.

### **Kidnapping & Abduction**

4.6.5 The incidents of Kidnapping & Abduction (137) have increased by 63.1% in the year 2011 over the previous year (2010) when 84 cases were reported. Madhya Pradesh has reported highest (39) number of cases followed by Jharkhand (30 cases). These two States taken together accounted for 50.4% of the total cases reported in the country.

### **Dacoity**

4.6.6 A total of 7 cases were reported in the country during 2011 which is the same as in the year 2010. 3 out of 7 cases were reported from Maharashtra and 2 cases were reported from Madhya Pradesh. Both these States, together, account for 70.4% of such cases during 2011.

### **Robbery**

4.6.7 A total of 9 cases were reported during 2011 as compared to 5 cases in 2010. Jharkhand and Maharashtra have reported 2 cases each showing 22.2% (each) of the total cases reported in the country.

### **Hurt**

4.6.8 A total of 803 cases were reported during 2011 as compared to 941 cases in 2010 showing a decrease of 14.7% over 2010. Madhya Pradesh, by reporting 263 cases, has accounted for the highest (32.8% of total) number of cases reported in the country followed by Andhra Pradesh (112 cases i.e., 14.9%) and Rajasthan (108 cases i.e 13.4%)

### **Arson**

4.6.9 A total of 24 cases were reported in 2011 as compared to 39 cases in 2010 showing a decrease of 62.5%. Rajasthan has accounted for 28.2% (11 cases) out of total cases reported in the country.

### **Protection of Civil Rights Act, 1955**

4.6.10 A total of 7 cases were reported during 2011 as compared to 5 cases in 2010 showing an increase of 40.0% over 2010. Madhya Pradesh has reported 4 cases while 3 cases were reported from Andhra Pradesh. Thus no case under PoA Act 1955 was registered in any other States.

### **The SCs & STs (Prevention of Atrocities) Act, 1989**

4.6.11 A total of 1,154 cases were reported in 2011 as compared to 1,169 cases in 2010, showing a decline of 1.3%. Odisha with 5.96% of the tribal population of the country has accounted for 35.2% (406 cases) of the total cases reported in the country followed by Andhra Pradesh (233 cases i.e 20.2%) (172). It is also worth noting that 20.04% (1154) of the total crimes (5756) registered in the country fall in the category of crimes under SCs and STs (PoA) Act, 1989. These are the crimes committed upon STs by the non-ST population while Scheduled Tribes constitute only 8.6% of the total population in the country as per Census 2011. It is also a fact that tribals are shying in nature and weakest strata of the population and therefore many offences relating to atrocities on Scheduled Tribes by non-Scheduled Tribes remain unregistered. **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.**

### **4.7 Disposal of Cases of Crimes against STs by Police during 2011**

4.7.1 As per NCRB data, the national charge-sheeting rate for the crimes against the Scheduled Tribes stood at 62.3% in comparison to National level general charge-sheeting rate of 75.5% for all crime cases which were to be investigated by the Police during the year 2011. Similarly disposal of PoA cases by Courts during 2011 is 20.9% against the disposal rate of 19.1% for all crimes. Further 13.9% of the cases disposed by the courts led into conviction while rate of conviction in respect of all the cases was 19.2%. The disposal of PoA cases and conviction of the accused may increase substantially if these cases are tried by Exclusive Special Courts instead of normal courts or the designated Special Courts. The crime head-wise details of crimes against Scheduled Tribes, disposed by the Police during 2011, is available at statement presented in **ANNEXURE 4.3**.

4.7.2 State/UT-wise details of disposal of crimes against Scheduled Tribes disposed by the Police is given at **ANNEXURE 4.4**. It is noted from the State-wise statement at ANNEXURE 4.3 that 24.4% of the cases in the country were

pending for investigation by the Police at the end of the year 2011. However, 15 States and 2 UTs were having more than 24.4% pendency. Goa and Daman & Diu had 100% pendency followed by 82.5% in Assam, 80% pendency in Himachal Pradesh, 71.4% in Tamil Nadu, 64.1% in West Bengal, 47.2% in Kerala, 42.3% in Bihar and 42.0% in Jharkhand. Daman & Diu had 1 case pending at the end of 2010, which remained pending at the end of 2011 also while no new case was registered during the year. Goa had no pendency and only 1 case was registered during 2011 and the same remained pending at the end of year. The States with very high rate of disposal of investigation by Police are Uttar Pradesh (100%), Sikkim (100%), Manipur (93.3%), Rajasthan (92.8%) and Madhya Pradesh State (92.7%).

4.7.3 In terms of quantitative disposal, Rajasthan disposed 1306 cases out of 1408 cases due for investigation, followed by Madhya Pradesh State which disposed 1234 cases out of 1376 while Andhra Pradesh State disposed only 412 cases out of 1198 cases. Out of total of 7572 cases for investigation during the year a total of 4132 cases i.e. 54.57% cases, were charge-sheeted in the courts in all the States taken together during the year 2011. As regards State-wise position, Madhya Pradesh State achieved highest rate of charge sheeting (90.5%) followed by U.P (85.7%), Chhattisgarh (84.4%), Gujarat (81.0%), Maharashtra (65.7%) and Tripura (60%). The States of Andhra Pradesh, Jharkhand and Rajasthan, which also have Scheduled Areas, have on the one hand high incidence of crime against Scheduled Tribes but low rate of charge-sheeting viz; 42.9%, 28.9% and 36.3% respectively.

#### **4.8 Disposal of Cases of Crimes against STs by Courts during 2011**

4.8.1 There were 20529 cases of crimes against Scheduled Tribes due for disposal by the Courts during 2011. The Courts, however, disposed only 19.9% of the cases and balance 80.1% (16444) were pending for disposal by the Courts at the end of the year 2011. There was only 1 case for disposal in Goa, 2 in Himachal Pradesh, 26 in Andaman & Nicobar Islands and Dadra & Nagar Haveli each and 1 case in Daman & Diu during the year 2011 but all these cases remained pending at the end of the year. Other States having pendency of more than National average rate of pendency (80.1%) with the Courts are West Bengal (94.4%), Gujarat (94.2%), Arunachal Pradesh (92.2%), Tamil Nadu (91.9%), Maharashtra (90.2%), Kerala (89.4%), Uttar Pradesh (86.7%) and Odisha (85.0%)

4.8.2 The average conviction rate for all crimes against the Scheduled Tribes stood at 19.2% while conviction rate in PoA Act cases was only 13.9% during the year 2011. The statement giving Percentage crime head-wise details of crimes against Scheduled Tribes disposed by various courts are presented in **ANNEXURE 4.5** and the Disposal of cases (actual number) by courts for crimes committed against Scheduled Tribes during 2011 is given at **ANNEXURE 4.6**. The State/UT-wise disposal of crimes against Scheduled Tribes by the courts is given in the statement at **ANNEXURE 4.7**

4.8.3 Looking at the information relating to conviction in cases of crimes against Scheduled Tribes in various States during the year 2011, the highest conviction rate was 76.2% (16 out of 21 cases disposed by the courts), followed by Madhya Pradesh 33.70%, Chhattisgarh 31.9%, Rajasthan 21.7% and Jharkhand 22.1%. Other Schedule Area States had very low conviction rate; Odisha 9.2%, Andhra Pradesh 8.0%, Gujarat 4.3% and Maharashtra 3.9% only.

#### **4.9 Performance by Special Courts setup for trial of offences under PoA Act.**

4.9.1 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 4.8** 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).

4.9.2 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.

**4.9.3 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 other wise the objective of making of Special provision in the Special Act aimed at curbing Atrocities of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes**

#### **4.10 General Recommendations**

4.10.1 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.

4.10.2 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.**

4.10.3 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.**

4.10.4 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.**

4.10.5 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.**

4.10.6 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.**

4.10.7 **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.**

4.10.8 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 are 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.**

4.10.9 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.**

4.10.10 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.**

4.10.11 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.**

4.10.12 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 2011-12 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**

##### **5.2.1 Assault on ST bonded labour**

5.2.1.1 A news report appeared in Patrika News paper, Bhopal edition on 13-12-2010 regarding assault on a tribal man and forcing him to work as bonded labour in Guna District (MP). As per the published news article, a tribal man

namely Sirnam S/o Sirdar of Fatehpur village under Myana P.S. was forced by one Raghuveer Jat of Patai village to work as bonded labour and his land was also forcefully occupied by some muscleman. Earlier father of Sirnam namely Sirdar had also worked as bonded labour with Raghuveer Jat but when he became old, his son Sirnam was engaged as bonded labour. When Sirnam tried to leave the work as bonded labour, he was severely beaten resulting in fractures in his hands and legs.

5.2.1.2 Keeping in view the seriousness of the matter, the Commission took up suo-motto cognizance of the incident and issued notices to District Collector and Superintendent of Police, District Guna (M.P) vide letter dated 13-12-2010. A report dated 15-01-11 was received from Collector, Guna wherein the incident of bonded labour was denied and incident of assault was confirmed. After telephonic discussion with SP, Guna, another report dated 31-01-11 was received in the Commission from SP, Guna wherein it was informed that the complaint was investigated by the police and a case has been registered as crime No., 10/10 u/s 147, 447, 341, 323, 506 IPC and Section 3 (1)(iv) and (x) of SC & ST (POA) Act against six accused. Section 325 of IPC was added during investigation. All the seven accused have been arrested and sent to jail under judicial custody. However, the incident of bonded labour was not found. The incident had occurred due to a dispute on cultivation of the land of the victim by the non-applicants. The report of the SP was examined by the Commission and he was requested vide letter dated 3-5-2011 to send information regarding payment of financial assistance to the victim as admissible under SC and ST (POA) rules. The SP concerned, vide his letter dated 14-6-2011 informed that the applicant has been paid financial assistance of Rs. 6,250/-, as admissible under the rules.

## **5.2.2 A minor tribal girl burnt alive**

5.2.2.1 A news report had appeared in Dainik Bhaskar News paper, Bhopal edition on 22-3-2010 regarding an incident of burning a minor tribal girl alive by the son of police constable in Damoh District (MP) resulting in her death. As per the published news, a 14 year old minor tribal girl was burnt alive by pouring kerosene oil on her in her house by the accused Govind, S/o constable Kalyan Singh in Sedara village under Batiagarh police station of the District. The accused had called the victim to meet in a house in the village but she didn't responded and as a result, the accused became angry and burnt her alive.

5.2.1.2 The Commission took up the matter with the District Collector and S.P. Damoh vide letter dated 22-3-2010. S.P., Damoh sent a reply vide letter dated 26-3-2010 and informed that a case was registered u/s 452, 307, 450 IPC and 3 (2)(v) and 3 (1)(x) of SC & ST (POA) Act. After the death of the victim, Section 302 of IPC was added. The accused has been arrested. The investigation is in progress. A similar report was received from the District Collector concerned. The report of SP was examined and vide letter dated 6-4-2010, District Collector and SP, Damoh were requested by the Commission to complete the investigation and produce the challan in the court within the time

frame. It was also requested to sanction financial assistance and provide security to the victim's family. S.P. Damoh, vide his letter dated 6-7-2011 informed the Commission that challan no. 86/210 was produced in the court on 19-5-2010 and the special court has passed an order on 21-6-2011 wherein the accused has been sentenced to life imprisonment under section 302 and a fine of Rs. 1,000/-. Under section 450, the court has announced one-year hard imprisonment and a fine of Rs. 1,000/-. An amount Rs. 75,800/- has been paid as financial assistance to the family of the victim and Batiagarh police is providing security to her family.

### **5.2.3 Murder of a tribal woman**

5.2.3.1 A news report appeared in Nai Dunia news paper, Bhopal edition on 26-7-2011 regarding killing of a tribal women by a muscleman by dragging her by tractor in Shivpuri District (MP). As per the published news, the accused dragged the tribal lady with the tractor for about one km. resulting in her death. The incident occurred in village Vapavali under Pichor police station of the district. As per report the accused was absconding after the incident.

5.2.3.2 The Commission took up the matter with District Collector and S.P. Shivpuri vide letter dated 2-8-2011. S.P., Shivpuri sent a detailed report to the Commission and informed that on the report of the complainant, a case no. 127/11 u/s 33, 304 (a) IPC has been registered. After investigation, section 304 (a) was replaced with section 302 IPC and section 3(2)(v) of SC & ST (POA) Act was added. The accused has been arrested and challan shall be sent to the court shortly. The Commission followed up the matter vide letter dated 12-10-2011 for providing financial assistance to the victim's family. SP, Shivpuri vide his letter dated 31-12-2011 informed that an amount of Rs. 75,000/- was sanctioned to the family of the victim as financial assistance and the case has been sent to court.

### **5.2.4 Assault on tribal man**

5.2.4.1 An intimation, about occurrence of crime against ST, was received from Sub-inspector, AJK police Station, Badwani (MP) wherein it was informed that Bharat Singh R/o Chikli, Post Dholia, District Dhar was assaulted and threatened to kill by accused Santosh Mukati in a public place resulting in wounds on the face and thighs. It was also informed that a case u/s 294,323, 506 IPC and 3(1)(x) of SC & ST (POA) Act was registered against the accused.

5.2.4.2 The Commission took up the matter with District Collector and S.P., Badwani vide letter dated 27-4-2011. S.P., Badwani vide his letter dated 8-6-2011 informed the Commission that after investigation, the case is under trial. Thereafter, the Commission followed up the matter with SP, Dhar for payment of monetary compensation as the victim belonged to Dhar District. SP, Dhar vide his letter dated 5-11-11 informed the Commission that an amount of Rs. 25,000/- was sanctioned and first installment of Rs. 6250 /- was paid to the victim on 6-7-2011.

## **5.2.5 Assault on Tribal family.**

5.2.5.1 A complaint dated 7-2-2011 was received in the Commission from Shri Hariram S/o Banshi Bhil R/o village Chhilatia, PS Chainpur, District Khargone in which it was informed that on 28-1-2011 the accused persons assaulted him and his three sons with sticks, axe and iron rods resulting in severe injuries including fracture but the police, instead of registering the case as per the incident had registered FIR against the complainant (victim) as the accused were politically influential and they have forcefully captured some land of the victims.

5.2.5.2 The Commission took up the matter with District Collector and S.P., Khargone vide letter dated 25-3-2011. S.P., Khargone vide his letter 23-4-11 informed the Commission that the matter was inquired through SDOP, AJK(1), Khargone. It was informed that on 28-1-11, the Ox of complainant had entered the fields of accused resulting in abuse and assault upon the complainants. On the complaint of the applicant a case as crime No. 9/11 u/s 341, 294, 323, 506, 325, 34 IPC was registered against the accused and after investigation of the case, section 3(1)(x) of SC & ST (POA) Act was added. After completion of the investigation, challan has been sent to the court and the case was under trial. The Commission followed up the matter with the SP concerned for payment of compensation to the victim vide letter dated 1-6-2011 in response, SP Khargone informed that an amount of Rs. 6250/- each has been paid to the complainant and his three sons.

## **5.2.6 Fraudulent Land deal**

5.2.6.1 Smt. Sumati Naik(ST), W/o Shri Pradeep Kumar Naik, Plot No.21, Aerodrome Line, Bhimpur, Bhubaneswar submitted a representation wherein she alleged that in order to purchase a homestead land from Shri Dhruva Charan Chhotray of Bhimpur she held discussion with him. As per verbal discussion the cost of the particular land shown to her was agreed upon at Rs.9,70,000. For this Shri Chhotray demanded advance amount of Rs.5,00,000/- from Smt. Naik and rest amount to be paid at the time of sale deed. Accordingly, Smt. Naik paid Rs.5,00,000/- through cheque in the name of Chhotray's son as Dhruva Chhotray had no bank A/c in his name. As per the date and time for demarcation of the said land both the parties reached the spot along with an Amin. But surprisingly the Amin started measuring a plot other than the plot shown to her for sale. The agreed land was a plain land which was fit for construction of house. But the land being measured by Amin for sale was a low lying land and not fit for construction of house. Therefore, Smt. Naik demanded back her advance money as she lost interest in purchasing the land other than the land agreed upon at the time of giving advance. But Shri Chhotray instead of returning the advance amount of Rs.5,00,000/- threatened Smt. Naik not to come again for the advance money. On receipt of the representation Commission referred the matter to the Dy. Commissioner of Police, Bhubaneswar on 27.06.2011 for Inquiry into the matter and to ensure refund of her advance money from Shri Chhotray at the earliest, if the allegation was proved true. Finally, as reported by the DCP, Bhubaneswar vide his letter no. 1820 dated 30.07.2011, Shri Chhotray returned

the advance money to Smt. Naik on 12.07.2011 after intervention by the Commission.

### **5.2.7 Atrocity by Police**

5.2.7.1 In a Press Clipping which appeared in Rajasthan Patrika dated 5/7/2009 it was mentioned that some police personnel along with liquor business persons detained a women and his family members in the Police Station, Khandela, District Sikar and misbehaved with them by abusing and beating them for no reason. Report was called from Collector and S.P. District – Sikar vide letter dated 14/7/2009. After regular follow up with the DC and Superintendent of Police of the district and DGP vide his letter dated 13/4/2011 informs that ADG (Civil Rights) on the written instruction of Director General Police, Rajasthan Jaipur the case was handed over to CID (CB) Rajasthan, Jaipur for Investigation.

5.2.7.2 The Additional Superintendent of Police, CID (CB) Rajasthan during his investigation found that Shri Kajodmal, ASI, Shri Ashok Kumar, H.C. No. 54, Shri Vijendra Constable No. 800, Shri Dhuda Ram, Constable No. 872, Shri Pooran Mal Yadav and Shir Nagar Mal Jat had Committed Crime under Section 143, 323, 341, 325 I.P.C. and the case file had been sent to Superintendent of Police, District Sikar for filing Charge sheet in the Court. The Commission vide letter dated 14/6/2011 asked the Superintendent of Police, Sikar to furnish the details of Departmental action taken against accused Police Personnel.

5.2.7.3 The Superintendent of Police, Sikar replied vide his letter dated 27/7/2011 that accused Police Personnel Shri Kajodmal, ASI and Shri Dhuda Ram, Constable have been punished by withholding of one Increment and Shri Ashok Kumar, Constable, Shri Vijendra Constable were given written warning and all the accused Police Personnel had been transferred to Bikaner Range.

### **5.2.8 Encroachment upon Tribal Land**

5.2.8.1 Shri Gokal Meena, R/o Village – Jayshree, Police Station – Sikri, District – Bharatpur in his representation dated 28/2/2011 stated that his son Shri Ram Chandra and Shri Man Singh while going towards their agriculture farm at village – Jayshree, Tehsil – Nagar, District – Bharatpur on 03/01/2011, at about 3.30 P.M. found that some persons of caste Ahir (BC) of the same village were making wall around his land with the intention to encroach the land. On protesting they abused and attacked on them. A FIR was lodged in Police Station – Sikri. A letter dated 10.3.2011 was sent to District – Collector and Superintendent of Police, District – Bharatpur for factual report and action taken in the matter. The Superintendent of Police, Bharatpur vide his letter dated 31.5.2011 intimated that after Police Investigation Crime under Sections 341 of IPC and 3(1)(X) PoA Act, 1989 was proved to be committed by Shri Nand Lal; Nathilal Yadav of resident Jayshree. Regarding grant of financial assistance to the victims under POA Act, 1989 and Rules there under a letter dated 09/06/2011 was written to Collector and Superintendent of Police, District – Bharatpur on the basis of Superintendent of Police Report, requesting him to



provide. The Deputy Director, Social Justice and Empowerment, Bharatpur vide his letter dated – 8/12/2011 informed the Commission that the District Collector has sanctioned Rs. 6250/- as Financial Assistance to the victim.

### **5.2.9 Encroachment upon Tribal Land and Grievous Hurt**

5.2.9.1 Shri Hari Mohan Meena Resident of Todabhim, District – Karauli, Rajasthan stated in his representation dated 15/12/2009 that neighbour of his farm had cut down his farm boundary. He and his wife prevented them for not doing so but they abused them and attacked on them by sharp weapon. On crying some persons of nearby area came and hospitalized them. A F.I.R. No. 357/2009 was lodged in Police Station Todabhim. The Petitioner requested the Commission to provide Justice to them and accused should be arrested and punished.

5.2.9.2 The matter was taken up by the Commission with the Collector and Superintendent of Police, District – Karauli, Rajasthan. The Superintendent of Police vide his letter dated 16/8/2010 intimated that crime under section 143, 323, 341, 325 under IPC and 3 – 1(10) SC/ST Act had been proved against the accused after Police Investigation. One accused has also been arrested and presented in the court. Search of remaining accused was going on. There was, however, no information about grant of relief to the victims of atrocity for which reminders were sent to the District Collector, Karauli. The district Collector, vide letter dated 19/3/2012 informed that financial assistance to both victims had been sanctioned and released.

### **5.2.10 Murder of a Tribal man**

5.2.10.1 According to a Press report published in Rajasthan Patrika dated 26/7/2010, during a meeting of tribals in Sarada town, District Udaipur in the context of incident of murder of a tribal person, a man belonging to minority community made two gun fire in the air from his own house, which resulted tension in the area. Report was called from Collector and Superintendent of Police District Udaipur vide letter dated 28/7/2010. The Superintendent of Police District Udaipur vide his letter dated 16/8/2010 informed that F.I.R. No. 129/10 Under Section 363, 365 had been registered at Police Station, Sarada. After investigation the Crime Under Section 363, 365, 302, 201 I.P.C. and Sections 3 (2)(V) & 3 (1) (10) of PoA Act was found to be committed and both the accused were arrested and sent to jail. The situation was stated to have become normal. The Commission referred the matter again to the District Collector, Udaipur for providing financial assistance to the family of the deceased Mohan Meena as per the provisions under POA Rules, 1995 on the basis of Superintendent of Police report. After follow up with the district administration, the District Magistrate, Udaipur vide his letter dated 17/2/2012 intimated that Rs. One Lakh Fifty Thousands had been sanctioned and disbursed to the wife of deceased Shri Mohan Meena. Compensation had also been given to the persons affected by Arson.

## **5.2.11 Harrasment and delay in investigation by Police**

5.2.11.1 Smt. Ramabati Devi Toppo, Village Morabadi, Baniatoli, Distt. Ranchi submitted a representation regarding harassment by the Enquiry Officer of the Distt. Police, Ranchi in the matter of completion of enquiry and submission of the chargesheet. The matter was taken up with the Sr. Superintendent of Police, Ranchi vide letter dated 03.09.2011 and the reply was received from the SSP, Ranchi vide letter dated 18.11.11 wherein it was informed that the enquiry had been completed within the stipulated time and the accused were arrested and the chargesheet was also submitted to the Court in time.

## **5.3 Development Matters**

### **5.3.1 Allotment of patta of the forest land**

5.3.1.1 A representation was received in the Commission from District President, All India Adivasi Vikas Parishad, District Betul (MP) forwarding a representation of Shri Tillu S/o Shri Pancham Kumre R/o village Jhitapati, Post Ambada, Tehsil Amla, District Betul requesting allotment of patta of the forestland encroached by him. He informed the Commission that he has no land property and his family is living in acute poverty. His family has encroached forestland in patwari halka No. 26, village Jhitapati on which he is taking crops for the last 40 years. Revenue court of Multai tahsil of the district had fined him for the encroachment. He had requested the panchayat officials for providing patta of the encroached forestland but no action was taken in this regard. He requested the Commission to help him in the matter.

5.3.1.2 The matter was taken up by the Commission with the District Collector, Betul vide letter dated 5-11-2009 followed by reminders dated 3-2-2010, 2-6-2010, 26-10-2010 and 26-5-2011. District Collector, Betul vide his letter dated 26-7-2011 informed the Commission that the rights of the applicant have been recognized on 1.214 hectare forestland encroached by him under ST and Other Forest Dwellers (Recognition of Forest Rights) Rule, 2008 and he has been issued certificate to this effect.

### **5.3.2 Allotment of patta of the forest land**

5.3.2.1 A representation dated 27-3-10 was received in the Commission from Shri Pyar Singh, S/o Shri Sadu R/o village Bhatia, Forest range Bistan, Tehsil Bhagwanpura, Khargone Dist. West Nimar (MP). In his representation, it was said that his family is cultivating some forestland for the last 45 years and is surviving on that cultivation. He has no revenue land. He has been fined by the court for encroachment on the forestland. He requested the Commission for recognition of his encroachment of forestland under Forest Rights Act.

5.3.2.2 The matter was taken up by the Commission with the District Collector, Khargone (West Nimar) vide letter dated 28-4-2010 followed by the reminders dated 12-11-2010 and 14-6-2011. District Collector, Khargone (West Nimar) informed the Commission vide his letter dated 23-7-2011 that the applicant has

been issued certificate under forest rights Act after approval of the district level committee formed for the purpose of examination of claims.

### **5.3.3 Installation of hand pumps**

5.3.3.1 A representation dated 7-1-08 was received in the Commission from Shri S.R.Uikey, State President, Badadev Punuratthan Sangh, M.P., Bhopal on the problem of water scarcity in Silwani, Raisen District. In the representation, it was stated that his Association had requested District Collector, Raisen for installation of two hand-pumps in Ward No. 15, Gandhi Nagar (Padan), Silwani, District Raisen on 14-7-2006 but no action was taken to solve the problem of potable water in the area. The local residents are facing problem due to shortage of water. The matter was taken up by the Commission with the District Collector, Raisen vide letter dated 12-2-2008 and reminders dated 5-1-2009, 23-5-2008, 28-8-2008 and 5-1-2009. Letters in this regard were also sent to Executive Engineer, PHE, Raisen on 2-6-2010, 22-11-2010, 17-1-2011 and 21-4-2011. As the Association constantly requested for redressing the demand, the matter was also followed up with Project Officer, District Urban Development Agency, Raisen. The Project Officer vide letter dated 4-10-11 informed that two hand-pumps have been installed in the area as per the demand.

### **5.3.4 Relief and Rehabilitation to family members of victim of Atrocity under Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Rules, 1995,**

5.3.4.1 A representation was received in the Commission from Smt. Kalavati Bai Gond, W/o late Kamalsingh Gond R/o Nehruganj, Ward No. 25, Itarsi, District Hoshangabad (Madhya Pradesh) wherein it was stated that she is an old widow lady. She had three sons. Her youngest son Santosh was brutally murdered by some non SC/ST anti-social elements on 23-10-2008. The police had registered FIR including relevant sections of SC&ST (POA) Act alongwith sections of IPC. The case is presently sub-judice. She also informed that out of her two surviving sons, elder is mentally handicapped and the other one is orthopedically handicapped. The only earning member of the family was his younger son who was murdered. Financial condition of her family was very poor with 10 members in the family. She informed that an amount of Rs. 1.50 lakhs was sanctioned to her as financial assistance under SC & ST (POA) Rules on 31-8-2009. She had requested the District administration to provide job to her son Bhagat Singh (orthopedically handicapped) as peon but the district authorities informed that as per rules, brother of the deceased is not treated as dependent and hence, he is not entitled for appointment. However, she can apply for allotment of agricultural land as per rules for rehabilitation of the victims family, The complainant requested the Commission to help her in providing job to any of her family members or alternatively provide agricultural land under the provisions of SC & ST (POA) Rules. The Commission, vide letter dated 14-1-2010 took up the matter with District Collector, Hoshangabad. Reminders were sent on 23-3-2010, 19-5-2010 and 27-5-2011. District Collector, Hoshangabad, vide his letter dated 9-6-2011 informed the

Commission that as the deceased was unmarried, his sister Malanbai has been appointed in Group D post in ITI, Itarsi as per request of the complainant.

### **5.3.5 Dispute over Land**

5.3.5.1 A representation was received in the Commission from Shri Khirai S/o Banmali, Phoolchand (Phullu) and five others R/o village Pali, Post Chargavan, Tahsil Bahoriband, District Katni (MP) wherein it was informed that the complainant were allotted land by the State Government in the year 2003 as they were landless tribals. Some non-ST persons were preventing the complainants to enter the allotted land for cultivation. They attacked on them and threatened them. The police was also not helping them. They requested the Commission to help in getting possession on the allotted land restore. The Commission took up the matter with District Collector, Katni vide letter dated 9-3-2009. Reminders were also sent on 9-7-2009, 18-8-2009, 25-11-2009, 21-12-2009, 2-6-2010, 2-9-2010, 8-11-2010 and 2-6-2011. District Collector, Katni, vide his letter dated 6-7-2011 informed the Commission that there was a dispute on the area of land allotted to one of the complainant and the non applicant which has been resolved by the local administration. Now both the tribal families have been given possession of their patta land after measuring the area of the allotted land and there was no dispute among the complainant and the other party.

### **5.3.6 Compensation for acquisition of Tribal Land**

5.3.6.1 A representation dated 22-6-2010 was received in the Commission from Shri Mangal S/o Santhu R/o village Haidarpur, Tehsil Neapanagar, District Burhanpur, M.P. regarding non-payment of compensation to him. As per the representation, agricultural land bearing Khasra No. 110/9 and area 1.20 hec. belonging to the complainant was submerged under the Haidarpur Pond Scheme of the Government but he has not received any amount of compensation. He demanded for the amount of compensation as per the prevailing rate.

5.3.6.2 The matter was taken up by the Commission with the District Collector, Burhanpur vide letter dated 1-7-2010 with the request to send a detailed report to the Commission. District Collector, Burhanpur sent an interim report vide her letter dated 26-7-2010 and informed that the matter was inquired through SDM, Neapanagar who, in his report has informed that the agricultural land referred in the complaint was owned by the complainant and had been submerged in the Haidarpur Pond, but by mistake the Water Resources Department had not included the name of complainant in the proposal of acquisition of land as a result of which he had not received any compensation. His agricultural land was also not marked at the time of land acquisition. Patwari of the village has now marked his land and Executive Engineer, Water Resources Department, Burhanpur has sent a proposal for acquisition of the left over land of the scheme. After acquisition of land, the complainant shall be paid compensation. The Commission followed up the matter with District Collector vide letter dated 16-9-2010, 14-6-2010 and 14-12-2011. The District Collector, Burhanpur ,vide

his letter dated 24-1-2012 informed the Commission that the complainant has been paid a compensation of Rs. 3,16,661/-.

### **5.3.7 Complaint against decision of the Gram panchayat to construct Veterinary hospital in place of construction of a primary health center**

5.3.7.1 A representation was received in the Commission on 8-3-2011 from Shri N.Sudhakaran, R/o Kumarapuram ST Colony, Harippad P.O., Alappuzha District against the decision of the Gram panchayat to construct Veterinary hospital in place of construction of a primary health center decided earlier in the tribal colony under Kumarapuram Gram Panchayat. It was demanded that the decision relating to construction of veterinary hospital in the colony should be withdrawn immediately.

5.3.7.2 The matter was taken up by the Commission with the District Collector, Alappuzha vide letter dated 31-5-211 who informed the Commission vide letter dated 15-7-2011 that a discussion was held with Dy. Director, Panchayat, Alappuzha and Secretary, Kumarapuram Gram Panchayat wherein it was decided not to construct the Veterinary Hospital in Kumarapuram.

### **5.3.8 Non-issuance of B.P.L. Ration Card to ST family**

5.3.8.1 A representation dated 19-6-2008 was received in the Commission from Smt. Pamabai Dadaji Pawar, R/o Kalamdari, District Nasik regarding non-issuance of B.P.L. Ration Card to her family. She informed that her name was not included in the BPL survey despite acute poverty. She requested for rectification of the error and issuance of BPL ration card for her family.

5.3.8.2 The Commission took up the matter with the District Collector, Nasik vide letter dated 11-2-2009. Many reminders were sent to the concerned authority. Ultimately, District Collector, Nasik vide his letter dated 25-7-2011 informed the Commission that a B.P.L. ration card has been issued to the complainant on 16-7-2011. The Commission communicated the information received to the complainant for confirmation.

### **5.3.9 Illegal Transfer of Agricultural Land belonging to ST**

5.3.9.1 A representation was received in the Commission on 3-4-2008 from Shri Shiv Buksh Singh R/o village Gaivta, Post Bhuimad, Tahsil Kusmi, District Sidhi wherein it was alleged that his ancestral agricultural land located in the village has illegally been transferred by Tahsildar of Kusmi tahsil in the name of one Surajpal Singh of Macharkada village through mutation while Surajpal Singh neither belongs to his family nor is in any way related to his family. As Surajpal Singh has encroached upon his agricultural land the petitioner was facing financial hardship and mental agony. He requested for help from the Commission.

5.3.9.2 The Commission took up the matter with District Collector, Sidhi vide letter dated 15-4-2008. Reminders were also sent to him on 24-6-2008, 8-4-

2009, 27-6-2009, 31-7-2009, 15-10-2009, 11-12-2009, 21-9-2010, 8-2-2011 and 27-5-2011. Ultimately, District Collector, vide his letter dated 16-11-2011 informed the Commission that the complaint was investigated through Sub-divisional officer, Majhauri who has submitted a report on the subject. In the report, it has been concluded that the then Tahsildar of Kusmi had illegally transferred the land of the petitioner. Hence, the case has been sent to Principal Secretary, Revenue Department, Govt. of M.P., Bhopal through Commissioner, Rewa Division, Rewa for disciplinary action against the erring Tahsildar proposing minor penalty of stopping one annual increment without cumulative effect. It was also advised that the complainant might approach the competent court for obtaining relief against the order passed by the Tahsildar. The Commission informed the applicant for taking further necessary action as per the advice of the State Government .

### **5.3.10 Denial of admission on merit into Jawahar Navodaya Vidhyalaya**

5.3.10.1 Shri Basanta Kumar Hembram, R/o Qr. No. Type-II-36, CBI Colony, Unit-8, Bhubaneswar submitted a representation alleging that R.O.R. is not being followed by Jawahar Navodaya Vidyalaya, Cuttack in respect of admission of ST students. He further alleged that his sister appeared at Class-X examination in the School in the year 2011. Before declaration of the result of Class-X student, School authority displayed a tentative result of 115 students wherein neither his sister's name found place in the list nor the name of any other reserved category student was mentioned. On receipt of the allegation the matter was taken up with the Principal, Jawahar Navodaya Vidhyalaya seeking information on various points relating to admission in the School. In the long-run Principal of Vidyalaya furnished the desired information beside allowing admission to the sister of B.K.Hembram into Class-XI of the school.

### **5.3.11 Non-payment of Post Matric Scholarship to ST students**

5.3.11.1 S/Shri Kalyan Hansdah and Anand Prakash Lakra, ST Engineering Students of National Institute of Science & Technology(NIST), Berhampur, Odisha sent a representation alleging non-payment of Post Matric Scholarship to them during 2009-10 and 2010-11. On receipt of the representation on 14.07.2011 Commission immediately took up the matter with the Principal of NIST. The Principal in his reply intimated to the Commission that although all the applications of ST students (fresh & renewal) have been forwarded to the Addl. Dist.Welfare Officer, Berhampur, but no action has been taken by him. After receipt of the said reply Commission immediately followed up the matter with the District Welfare Officer, Berhampur as well as Sub-Collector, Berhampur for ensuring early payment of PMS to ST students of NIST. The Sub-Collector informed the Commission that in the absence of sanction order from the Government of Odisha the PMS due to students could not be disbursed. Immediately, Commission took up the matter with the Principal Secretary to Government, ST/SC Development Department on 24.08.2011 followed by reminders dated 26.09.2011 and 23.11.2011 for issuing sanction order in respect of PMS pending payment since long by the Principal of NIST. Finally, Government of Odisha issued sanction order in respect of PMS and

on the basis of sanction order of Government, Principal was advised to disburse the PMS to the eligible ST students. The Principal informed the Commission about the disbursement of PMS to the students.

### **5.3.12 Grant for Construction of Scheduled Tribe girls hostel in Jodhpur**

5.3.12.1 Akhil Bhartiya Adiwasi Vikas Parishad, Jodhpur in their representation dated 08/02/2010 stated that after seven months of declaration for construction of Scheduled Tribe girls hostel in Jodhpur in the Budget Session, 2009 with an estimated cost of Rs. Two Corers, nothing has been done in this regard. A letter dated 08/07/2010 was sent to Principal Secretary, Tribal Area Development Department, Govt. of Rajasthan and Commissioner, Tribal Area Development requesting them to furnish progress made for the construction of hostel with its detailed report. The Deputy Secretary, Tribal Area Development, Govt. of Rajasthan, Jaipur vide his letter No. 10 (203) Part –I TAD/10 dated 16/08/2011 intimated that financial sanction for 100 Bedded Scheduled Tribes Girls hostel in Jodhpur has been released and 1st installment of Rs. 100.00 Lakh has also been transferred. The construction work has also been started in the campus of J.N. Vyas University, Jodhpur.

### **5.3.13 Alleged withdrawal of excess money by Bank Officials**

5.3.13.1 Smt. Suro Singh Kuntia, Allahabad Bank, Chaibasa Branch, West Singhbhum, Jharkhand submitted a representation regarding harassment by the authority of Allahabad Bank, Chaibasa Branch by alleging withdrawal of excess amount from her account in a wrong way.

5.3.13.2 The matter was taken up with the Chairman-cum-Managing Director, Allahabad Bank, Kolkata vide letter dated 15.11.2011. A reply was promptly received from the Senior Manager, Allahabad Bank, Chaibasa Branch vide letter ANo.BR/COM/528 dated 21.11.2011 that due to clerical mistake an amount of Rs.26,200/- was transferred from the A/c of the petitioner to the A/c of one Shri Anand Mohan and subsequently the said amount was refunded to the account of the petitioner with interest.

## **5.4 Service Matters**

### **5.4.1 Non-Payment of retirement benefits**

5.4.1.1 A representation dated 4-10-2010 was received in the Commission from Shri Anthram Tekam, retired Pradhan Pathak, R/o Bhimjori, Post Birsa, Tehsil Baihar, District Balaghat (Madhya Pradesh) wherein it was informed that the complainant had retired from Government school of Excellence, Birsa, Balaghat two years ago after putting in 37 years of service. He had requested the Principal of the school for timely payment of the retirement benefits. He was forced to pay Rs. 18,000/- for payment of gratuity, pension, FBF and Group Insurance. He was paid GPF amount after many months as he did not fulfill the illegal demand. He was constantly going to the office for payment of Leave encashment, fixation of pay as per Sixth CPC and payment of arrears but he

has not received any kind of retirement benefits of his service. He requested the Commission to help him in the matter.

5.4.1.2 The Commission took up the matter with the Commissioner, Tribal Development Department, Government of M.P. vide letter dated 15-12-2010 who forwarded the matter to District Collector, Balaghat. After No. of reminders the District Collector, Balaghat informed the Commission that the complainant has been paid all the benefits admissible to him. The applicant was accordingly informed vide letter dated 18-7-2011 by the Commission for confirmation.

#### **5.4.2 Denial of Time Scale pay and Annual increment in pay as per Sixth Pay Commission and payment of arrears**

5.4.2.1 A representation dated 3-9-2010 was received in the Commission from Shri Babulal Kol, Assistant Grade-III, Collectorate, District, Sidhi (MP) wherein it was stated that he had not been paid annual increment of pay which was due w.e.f. 1-7-2010, Sixth Pay Commission pay fixation arrears and time scale pay which is due to him from 10-6-2010 by the Assistant Director, Horticulture, District Sidhi where he worked earlier. He requested the Commission to help him in the matter.

5.4.2.2 The Commission took up the matter with District Collector, Sidhi vide letter dated 15-11-2010. Reminders were also sent to the District Collector vide his letter dated 20-1-2012 informed the Commission that the applicant has been paid all the dues.

#### **5.4.3 Non-payment of salary and subsistence allowance**

5.4.3.1 A representation dated 8-6-2010 was received in the Commission from Shri Lakhan Singh, Headmaster (under suspension) Govt. Model Cluster Middle School, Rampur Khajuri, District Panna regarding non-payment of salary and subsistence allowance to him by the District authorities. The Commission took up the matter with District Collector, Panna vide letter dated 22-6-2010. Subsequently reminders were sent on 17-9-2010, 15-11-2010, 28-12-2010, 27-4-2011 and 7-7-2011. District Education Officer, Panna informed the Commission vide his letter dated 15-7-2011 that the due salary has been paid to the complainant and subsistence allowance is also being paid regularly to the complainant. The complainant was accordingly informed by the Commission for confirmation.

#### **5.4.4 Intentional award of lower gradation in the ACR of the ST employee**

5.4.4.1 A representation dated 28-12-2010 was received in the Commission from Shri Vinod Kumar Pradhan, Manager, BHEL, Bhopal wherein it was submitted that he had completed 15 years of service in the organization. He was incharge of PLM section and was also looked after production store, shipping and production control. There were 13 workers and one supervisor worked under him. Despite his hard work and sincere efforts in performing his duties, he was given 2.5 MAP rating out of 5 marks in the year 2009-10. As per



the circular of BHEL, any officer getting less than 3.5 MAP rating was not entitled for performance related payment (PRP) and the same will be treated as poor rating. The complainant also informed that he had not been given any memo, warning, advice or charge sheet during the year for improving his work. On the contrary, performance of his section was treated as very good. He had not been received any training by BHEL for improving his carrier opportunities. Out of 1344 officers working in Bhopal unit of BHEL, only 3 officers could not get PRP. Out of them, 2 officers were on long leave and hence could not qualify for PRP. His performance was good and his immediate officer had also rated him good but controlling officer willfully discriminated him on caste grounds in recording his MAP rating as a result of which he was not paid PRP. His appeared to the management of the company but it was also not considered favorably. He requested the Commission to help in the matter.

5.4.4.2 The Commission took up the matter with Executive Director, BHEL, Bhopal vide letter dated 12-1-2011 who vide his letter dated 7-2-2011 informed that the performance assessment of the complainant for the year 2009-10 was done by his Appraiser and Reviewer like in all other cases. While making the assessment, in almost all areas the reviewer indicated the need for improvement in the performance. Accordingly, his performance was rated as 2.55 on 5-point scale. It was also mentioned that the appellate authority, for the above reasons has not exceeded to the appeal of the complainant. A copy of the reply received from the BHEL was sent to the complainant for submitting rejoinder to the Commission. He submit a rejoinder dated 28-2-2011 and informed that his immediate officer and appraiser had commented favorably on almost all the comments made by him in his self appraisal i.e. performance plan based on key result areas (KRA). He also submitted that if his performance was not found up to the mark, he would have been informed and also given training by BHEL to improve his performance. On the contrary, he informed that his sections have performed very well in output. He insisted that the superior officer had under rated him with the ill motive. Keeping in view the contentions of both the parties, BHEL was requested by the Commission vide letter dated 19-4-2011 to reconsider the appeal of the complainant in light of his submissions in the rejoinder and improve his MAP rating. BHEL, Bhopal vide letter dated 5-9-2011 informed the Commission that the MAP rating of the complainant has been improved from 2.55 to 3.92 in the year 2009-10 and as a result of this change, he was being paid an amount of Rs. 2,18,725/- as performance related pay. It was also informed that the complainant has been shifted to other section as per his request and his name has been included for providing him training in future. The complainant was accordingly informed by the Commission.

#### **5.4.5 Non-payment of pension and other retirement benefits.**

5.4.5.1 Shri S.B.Yuvnate, retired Block Education officer, R/o Gajanan Township, No. 5, Katora Road, Amravati (Maharashtra) sent a representation dated 8-10-2010 to the Commission regarding non-payment of pension and other retirement benefits.

5.4.5.2 The matter was taken up by the Commission with the District Collector, Usmanabad. Reminders were also sent on 9-2-11 and 17-6-11. The District Collector, Usmanabad, vide his letter dated 6-7-2011 informed the Commission that the complainant has been paid the due amount of pay, LTC dues, arrears of Sixth CPC, final payment of GPF, Leave encashment and Gratuity. It was also confirmed that he was also being paid pension regularly.

#### **5.4.6 Transfer to home town**

5.4.6.1 Shri Amar Singh Meena, Primary teacher, Prayogic Vidyalaya, Regional Institute of Education, Bhopal sent a representation dated 15-12-10 to the Commission regarding his transfer from RIE, Bhopal to RIE, Ajmer. He informed the Commission that he belongs to Karouli District of Rajasthan State. His father died due to cancer and his mother was mentally sick. She was under medical treatment. He was the only successor in the family and there was no body to look after his mother and agricultural land. He informed that presently 3 posts of primary teacher were vacant in RIE Ajmer. If he was transferred from Bhopal to Ajmer, he would be able to look after his ailing mother and agricultural land as Ajmer was only 120 Kms. away from his native place. He also submitted that he had applied for transfer to the competent authority but the same has not been acceded to. He requested the Commission to help him in the matter.

5.4.6.2 The matter was taken up by the Commission with the Director, NCERT, New Delhi vide letter dated 27-12-2010. An interim reply was received from NCERT wherein it was informed that the Principal of RIE, Ajmer has been consulted in the matter. Reminders were sent by the Commission to NCERT on 4-4-2011 and 27-6-2011. Under Secretary, NCERT, New Delhi informed the Commission vide letter dated 30-6-2011 that the complainant has been transferred from RIE Bhopal to RIE, Ajmer as per his request.

#### **5.4.7 Complaint regarding character defamation, caste based insult and mental harassment**

5.4.7.1 A representation was received in the Commission on 22-6-2011 from Smt. Leela K.K., R/o Kallukaran House, Karukutty P.O., District- Ernakulam (Kerala) who was working as Attender Grade-II in the hospital regarding character defamation, caste based insult and mental harassment by Dr. Cheriyan, Asstt. Surgeon, CHC, Angamali.

5.4.7.2 The Commission took up the matter with District Collector and Superintendent of Police, Ernakulam vide letter dated 1-7-2011. In response, District Police Chief, Ernakulam Rural, Aluva informed the Commission that the complaint was inquired by Asstt. Supdt. of Police, Aluva and a case has been registered as crime No. 789/11 u/s 3 (1)(X) of SC&ST (POA) Act, 1989 against the accused Doctor. It was also informed that based on the incident, Director Health, Govt. of Kerala has taken action against the accused and he has been suspended from his service. District Collector, Ernakulam also sent similar report to the Commission.

#### **5.4.8 Compassionate appointment on death of the employee**

5.4.8.1 A representation dated 28-6-2011 was received from Dr. S.B.Nagda, State President, Rashtriya Dalit Chetna Manch, Bhopal regarding compassionate appointment of Ku. Rati Dudwe, R/o Housing Board Colony, Devgiri, Sendhwa, District Badwani (M.P). It was informed that the Shri Kanhaiyalal Dudwe father of Ku. Rati Dudwe was Assistant Engineer in the office of Executive Engineer, PHE, Bhopal project division, Bhopal who died on 29-7-2005. Her case for compassionate appointment was pending in the Office of the Collector, Bhopal for the last one year. It was informed that a post of Asstt. Grade-III reserved for ST is vacant in O/o the Dy. Director, Veterinary Services, District Harda. It was further informed that if the District Collector, Bhopal makes a request to Joint Director, Veterinary Services, Bhopal division, Bhopal, Ku. Rati Dudwe could be appointed for the post on compassionate ground. The Commission was requested to help in the matter.

5.4.8.2 The Commission took up the matter with the District Collector, Bhopal vide letter dated 4-7-2011 who informed the Commission on 20-7-2011 that her case has been forwarded to the Joint Director, Animal Husbandry, Bhopal division, Bhopal. Later vide letter dated 2-2-2012, the District Collector, Bhopal informed that Ku. Rati Dudwe has been appointed to the post of Assistant Gr.III in the office of the Dy. Director, Veterinary Services, District Harda vide order dated 19-8-2011.

#### **5.4.9 Matter of caste-based discrimination**

5.4.9.1 Shri Ramchandra Palekar, Jr. Assistant in Goa Legislature Secretariat sent a representation dated 9-12-2009 to the Commission and informed that he was appointed to the post of Jr. Assistant on 15-4-2002. He had submitted his Scheduled Tribe certificate to his department on 22-8-2007. Goa Legislature Secretariat decided to fill the five vacant posts of Sr. Assistants and five resultant chain vacancies to the post of Assistants in the year 2007. There were 19 incumbents in the feeder grade for filling the resultant vacancies of Assistants of which only 10 had completed the required three years of service in the grade. The complainant had completed five years and two months of service and was in the zone of consideration. The complainant further submitted that as per the post based roster, the second vacancy (point No. 9) was reserved for ST category. The DPC met on 12-9-2007 and recommended names of staff for promotion to the post of Sr. Assistants and Assistants but the complainant's name was not recommended. Thus he has been deprived of promotion as he had submitted the ST certificate much before the date of DPC and there was no ST candidate available for promotion other than him. He said that this was caste-based discrimination by his department. He requested the Commission to look into the matter so that he could get promotion and seniority.

5.4.9.2 The Commission took up the matter with Secretary, Goa Legislature Secretariat, Goa vide letter dated 15-12-2009. The Department denied the

allegation of discrimination and informed that there were no incumbents from the physically handicapped and ST category available in the zone of promotion to the post of Assistant. Hence, it was decided to fill these posts from unreserved category, subsequently these posts were filled from unreserved category. It was also contended that Shri Palekar had submitted his ST certificate on 22-8-2007 when the process of filling the vacancy had already been initiated by the Secretariat. The Board had approved the minutes of DPC held on 28-6-2007 and hence, cognizance of his certificate was not taken.

5.4.9.3 The complainant submitted a rejoinder to the Commission on 10-3-2010 and informed that his department had wrongly stated that there were no incumbents from the physically handicapped and ST category available in the zone of promotion to the post of Assistant. Hence, it was decided to fill these posts from unreserved category, subsequently these posts were filled from unreserved category. He contended that separate quota for direct recruitment and promotion are prescribed in the RRs and the reserved vacancy falling in the promotion quota which could not be filled due to non availability of eligible person belonging to SC and ST category in the feeder cadre are to be temporarily diverted to the direct recruitment quota and filled by candidates belonging to these categories. They could not be de-reserved. He argued that as he had submitted his ST certificates much before the date of holding the DPC meeting, he should have been considered for promotion.

5.4.9.4 The reply of the Goa Legislature Secretariat and rejoinder submitted by the complainant were examined by the Commission and vide letter dated 3-5-2010 the department was requested to reconsider the issue as there was violation of government instructions. Advice of Director, Social Welfare Department, Govt. of Goa was also obtained, as it was the nodal department on the issue of reservation in posts and services in the State of Goa. After constant follow up with Goa Legislature Secretariat vide letters dated 30-11-2010, 9-2-11 and 15-3-11, Goa Legislature Secretariat informed the Commission vide letter dated 12-4-11 that a DPC meeting will be held shortly to consider the case of promotion of the complainant. Further vide letter dated 4-8-2011, the Commission was later informed that the review DPC meeting was held on 5-7-2011 and the complainant has been promoted to the post of Assistant retrospectively. The complainant also sent a letter to the Commission and thanked for the help in resolving the long pending issue of promotion.

#### **5.4.10 Non-payment of Salary**

5.4.10.1 Shri Bimal Kishore Kujur and Shri Jatindra Majhi Contractual Forester, under DFO, Rourkela (KL) Division, Odisha sent a representation regarding alleged non-payment of Salary to them from June, 2009 and onwards. The matter was taken up with the Principal Chief Conservator of Forest (Kendu Leaf) for furnishing comments on the representation. After much persuasion of the matter with the concerned authority, the Principal Chief Conservator of Forest(KL) vide his letter dated 26.04.2011 informed that the salary had been paid to Shri Kujur and Shri Majhi for the period June, 2009 to October, 2010.

#### **5.4.11 Non promotion of ST to the post of Section Officer, Level-II whereas his pretty junior had been given promotion**

5.4.11.1 Shri Runta Bari, Senior Assistant, Council of Higher Secondary Education Odisha, Bhubaneswar submitted a complaint petition in the Commission on 08.04.2010 wherein it was alleged that his seniority had been ignored by the authority in giving promotion to the post of Section Officer, Level-II whereas his pretty junior had been given promotion. Further it was alleged that DPC held for the purpose recommended his name for promotion subject to receipt of his CCRs. Commission promptly took up the case with the Chairman, Council of Higher Secondary Education, Odisha on 09.04.2010 and followed by reminder dated 12.05.2010 and expressed its concern about the inordinate delay by the authority in obtaining his CCRs due to which promotion of Shri Bari was getting delayed. CHSE in an interim reply intimated on 21.05.2010 that meeting of DPC for consideration of Shri Bari's promotion could not be held due to non-availability of DPC members. Very shortly the same would be again convened. After a gap of one month a reminder dated 24.06.2010 was issued by the Commission for action taken report. CHSE informed this office vide their letter dated 24.07.2010 that Department of Higher Education has advised that unless the roster Registers of Council were verified by the ST/SC Development Department, the proposed DPC cannot be convened. Commission remained silent for sometime thinking that verification or Rosters may take some time. Therefore, after nearly seven months Commission again wanted to know the status of the case vide its reminders dated 11.03.2011 and 18.04.2011. Again CHSE vide its letter dated 26.04.2011 intimated the Commission that verification work has been completed and DPC for promotion of Shri Bari would be convened shortly. On 22.06.2011 Commission asked the Chairman in a strong tone to submit the action taken report. Ultimately, CHSE intimated the Commission vide its letter dated 29.07.2011 that Shri Bari's promotion has been considered with retrospective effect i.e. from 30.07.2008. Due to timely intervention and constant persuasion of Commission there was no way out for the CHSE authorities, but to give promotion to Shri Bari with retrospective effect.

#### **5.4.12 Harassment against ST by the School authority by holding up her salary**

5.4.12.1 Smt. Jonoko Jema Devi, Sikhya Sahayak, Bijaylaxmi Narayanpur Primary School, Nuapada of Ganjam District, Odisha submitted a representation on 26.07.2011 in the Commission alleging harassment against her by the School authority by holding up her salary since April, 2010. Commission promptly took up the case with the Collector and District Magistrate, Ganjam on 26.07.2011 followed by reminders dated 18.08.2011 and 13.09.2011 requesting him to look into the matter personally and submit the action taken report to Commission. On 16.09.2011 the petitioner informed the Commission that her arrear salary from April, 2010 to July, 2011 amounting to Rs.63,360/- had been credited to her Bank Account.

### **5.4.13 Violation of Rule of Reservation in promotion of ST Employees**

5.4.13.1 Shri Haladhar Sethy, President, Orissa State SC&ST Youth & Students Council submitted a representation wherein it has been alleged that there was violation of Rule of Reservation in promotion of ST Employees from Sr. Assistant to Section Officer, Level-II by the authority of Utkal University, Bhubaneswar.

5.4.13.2 Soon after receiving the representation, Commission took up the matter with the Vice Chancellor, Utkal University, Bhubaneswar on 19.01.2011 seeking for detailed information in writing about the procedure being followed for promotion of ST Sr. Assistant to Section Officer, Level-II. In this regard the Registrar of Utkal University sent a reply vide letter No.Esst.II/35 (VOL.IV)/5316 dated 02.02.2011. The reply was examined by the Commission and found some irregularities. The same was informed to the Vice Chancellor, Utkal University, Bhubaneswar vide letter dated 03.08.2011 endorsing copy of the same to the Commissioner-cum-Secretary, ST/SC Development Department as well as to the Commissioner-cum-Secretary, Higher Education Department, Government of Odisha. ST/SC Development Department vide their letter No.26822/SSD dated 06.08.2011 directed the University authority to enquire into the points raised by Commission and intimate the action taken report to Commission. On 23.08.2011 Commission received a reply from University vide letter dated 20.08.2011 wherein it was replied that although eligible ST employees are available in the feeder cadre, they were not coming under the common zone of consideration for promotion from the post of Sr.Asst. to the post of Section Officer, Level-II. The said reply was again examined by the Commission and further clarification was sought on some points particularly asking the authority to furnish a copy of order/circular mentioning whether the post of Section Officer, Level-II was treated as Class-II or not and how many eligible Sr.Asst. employees were available in the feeder cadre for promotion to the post of Section Officer, Level-II. On 09.09.2011 University submitted the clarifications on all points besides mentioning that Section Officer, Level-II post was not a Class-II post, the post specifically declared Gazetted post which has been assigned a status higher than the Class-III and below the Class-II and number of eligible ST Sr. Assistants available in the feeder cadre for promotion was 10(ten).

5.4.13.2 On receipt of said reply Commission examined the same and found some confusion on the applicability of ORV Act. Commission sought clarification from ST/SC Development Department followed by several reminders dated 14.09.2011, 20.10.2011 and 21.12.2011 on the following points. "If the Section Officer, Level-II post was treated as Class-III then there would be a separate zone of consideration for SC & ST employees. If the post of Section Officer, Level-II would be treated as Class-II, then there would be common zone of consideration. As the post of Section Officer, Level-II has been assigned the status above Class-III & below Class-II, ST/SC Development Department was asked to clarify the applicability of reservation policy. The ST/SC Development Department, vide their letter No.6777/SSD dated 04.02.2012 clarified that promotional post of Section Officer may be

filled up from amongst eligible ST Senior Assistants by holding DPC where the Zone should be of separate zone. Accordingly, the Commission suggested to the University authority for convening the DPC which was held up for the aforesaid reason and taking effective action on the basis of clarification furnished by ST/SC Development Department. The University authorities implemented the clarification in letter & spirit by giving due share to ST employees. Thus, on the intervention of the Commission, all the ST back-log vacancies were filled up and 7 ST Senior Assistants got promotion to the post of Section Officer, Level-II (vide Utkal University Office Order No. Estt. II/35(Vol.V)/11224 dated 26.03.2012.)

#### **5.4.14 Denial of appointment despite directions from the Rajasthan High Court**

5.4.14.1 Shri Rajaram Bhil R/O Village – Shivrajpura, Tehsil – Uniara, District – Tonk submitted a representation on 01.09.2009 and mentioned that he has not been given appointment on the post of Probodhak Post in the Education Department inspite of Rajasthan High Court direction given in S.B. Civil Writ Petition No. 9997/08 in the matter filed by him. Comments were asked from the Secretary, Primary Education Department, Govt. of Rajasthan, Jaipur vide letter dated 09.09.2009. After sending various reminder vide letter dated 07/12/2009, 07/12/2009, 07/04/2010, 28/07/2010, 28/10/2010, 23/03/2011, 20/05/2011 and 14/07/2011. Finally the Director, Primary Education Rajasthan, Bikaner vide his letter dated 02/05/2011 intimated that in the light of High Court Judgment the interview of the applicant was taken and thereafter he was appointed and he had joined the service at Govt. Primary School, Shivrajpura Gothra Tehsil – Uniara, District – Tonk (Rajasthan) on the post of ‘Prabodhak’.

#### **5.4.15 Reinstatement in service**

5.4.15.1 Maji Devi, Sarpanch Gram Panchayat Mahad, Kotra District – Udaipur (Rajasthan) and on behalf of villagers submitted representation dated 22/6/2010 to the National Commission for Scheduled Tribes, Regional Office – Jaipur requested therein to reinstate Shri Raghunath Meena (ST) Gram Sevak of the Panchayat as he was a good worker, always remains on Hqrs and also had good relations with the villagers. A letter dated 10.09.2010 was sent to Commissioner, Tribal Area Development, Udaipur as well as Collector District – Udaipur for factual report and action taken/proposed to be taken in the matter. The matter was thereafter regularly pursued by sending reminders dated 28/10/2010, 27/01/2011, 21/02/2011, 22/03/2011, 20/04/2011 and 20/05/2011. Ultimately the Additional Chief Executive Officer, Jila Parishad, Udaipur vide his letter dated 20/05/2011 and also the Commissioner, Tribal Area Development, Udaipur vide letter dated 05.08.2011 informed that Shri Raghunath Meena, Gram Sewak, Gram Panchayat Mahad, Panchayat Samiti – Kotra, District – Udaipur has been reinstated.

#### **5.4.16 Request for re-fixation of pay after granting MACP**

5.4.16.1 Shri Chandu Lal Meena, an employee of Census Operation Directorate, Rajasthan, Jaipur vide his representation dated 31/10/2011

requested for his re-fixation of pay after granting MACP as his pay fixation was not in order. The Commission promptly forwarded the representation to Registrar General of India, New Delhi and Director, Census Operation, Rajasthan, Jaipur for facts and action in the matter.

5.4.16.2 The Registrar General of India, New Delhi vide his letter dated 23/1/2012 intimated that concerned Directorate i.e. Directorate of Census Operation, Jaipur has been directed to rectify the Pay Fixation of Shri Chandu Lal Meena in accordance with the relevant rules. The petitioner intimated the Commission that due to Commission's efforts his pay had been re-fixed by the Department. He extended thanks for the same.

#### **5.4.17 Harassment of ST employee**

5.4.17.1 Shri Yograj Meena, JTO (Marketing) B.S.N.L., Mahwa, Rajasthan in his representation dated 30/05/2011 alleged that Shri Lokesh Gupta, TDM, Sawai Madhopur was harassing him being Scheduled Tribes by one way or another. A letter dated 24.6.2011 was sent to Chief General Manager, B.S.N.L., Rajasthan Circle, Jaipur and Other Concerned Authorities of B.S.N.L. for comments and action. The TDM, Sawai Madhopur while stating factual position in his reply dated 04/07/2011 mentioned that allegation leveled by Shri Meena were false. In fact he personally recommended his transfer request for Jaipur which was on record. The petitioner later on gave in writing that his all grievances have been settled and he did not have any problem with the BSNL Administration. The petitioner extended thanks in writing to National Commission for Scheduled Tribes for resolving his grievance.

#### **5.4.18 Non-payment of dues after acceptance of resignation by the Bank**

5.4.18.1 Shri D. Roy Vikash, Advocate, Bar Association/Civil Court, Dumka, Jharkhand submitted a representation to the Hon'ble Chairman, NCST, New Delhi regarding non-payment of dues after acceptance of resignation of M.Masicharan by the Indian Bank.

5.4.18.2 The matter was taken up with the Chairman-cum-Managing Director, Indian Bank, Chennai vide letter dated 19.05.2011 and the reply was received from the Asst. General Manager(HRM), Indian Bank, Head Office, Chennai vide letter dated 04.08.2011 wherein it was informed that due to pendency of disciplinary proceedings against Shri Masicharan, his resignation was not accepted. After closing of the disciplinary proceedings, Shri Masicharan has been advised to submit resignation afresh and after submission of the same all dues shall be paid accordingly.

#### **5.4.19 Complaint against transfer just before retirement**

5.4.19.1 A representation dt 7.3.11 of Shri Lal Bahadur Tudu, Sr.T.C under SM (G) NJP was forwarded by the additional Zonal Secretary, All India Schedule Castes and Schedule Tribes Railways employees' Association, NF Railway Zonal Committee. Shri Tudu alleged that he was ordered to be transferred in



the same post from new Jalpaiguri to Samsi which will cause him great difficulties as he was having only one year of service left. The matter was taken up by the Commission with the Railways Authorities who after sending 2 reminders, communicated vide letter No. E/231/Resv/NCST dt 18.11.11 that Shri Tudu has been retained at new Jalpaiguri as prayed for.

#### **5.4.20 Frequent transfers and denial of home town posting**

5.4.20.1 Shri Nandeswar Boro, SFA (M) Co, SSB Phulbaria on 2.8.11 represented his case that since 1997 till he represented he has been transferred four times which has caused him and his family immense pressure. He was posted at his present posting since 2002 and desired to have a home town posting which he was representing. The matter was taken up with the concerned authorities who, only after reminder intimated vide letter Dt. 4-11-11 that Shri Boro's request had been considered and an order for his posting to CH Tezpur, his home town had been issued.

#### **5.4.21 Denial to relieve on promotion**

5.4.21.1 Addl. Zonal Secretary, All India Schedule Castes and Schedule Tribes Railway Employees' Association, NF Railway Zonal Committee on 13.3.12 forwarded a representation of Shri Mahesh Maholi, Jr.CC/SUD wherein it was alleged that on his promotion to Sr.CC he was posted to NJP but the officer/SM/SUD did not relieve for want of replacement. The Commission took up the matter with the NF railway authorities who intimated vide letter no. E/231/Resv/NCST that Shri Mohali has been relieved and has already joined at New Jalpaiguri (NJP).

#### **5.4.22 Complaint against transfer on false ground**

5.4.22.1 A representation dt 1.7.11 of Smti Mala Narjinary W/o Shri Laxmi Kanta Narjinary was forwarded by the addl. zonal Secretary, All India Schedule Castes and Scheduled Tribes Railway Employees' Association, NF railway Zonal committee. Smt Mala Narjinary a Primary teacher/Rly HSS/APDJ mentioned in detail the alleged harassment meted out by the NF Railway Administration to Shri Narjinary by declaring him surplus and transferring him to NFR HSS/ Maligoan. She also stated that she herself was an Asst. teacher in a school at Cooch Bihar; she will face a great trouble to look after her family and the old parent-in-law. As shri Narjinary has applied for retention at APDJ, he did not join MLG for many months and he was not paid salary which has aggravated his financial position. The matter was taken up with the NFR authorities, where after a gap of five months only, it was replied that Shri Narjinary request had been considered and he had joined at APDJ again on 1.3.12.

#### **5.4.23 Denial of ST certificate by the Deputy Commissioner**

5.4.23.1 Smt Mary Everest Bamon of Malki Shillong represented that her three children have been denied ST certificate by the Deputy Commissioner office

even though all details in the application forms were submitted long time back. The matter was taken up with Deputy Commissioner's office and in the month of April 11, ST certificates were issued to all the three children.

## 5.5 General Observations & Recommendations

5.5 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 atrocity 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, they don't get the due response from the concerned authorities.

5.6 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 Tribes aggrieved person to directly approach the National Commission for Scheduled Tribes in the event of the concerned authorities not showing concern with the complaint.

5.7 The matter or a complaint which could have been resolved within a month or two takes several months to year 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 them updated in respect of all such matters though 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 The Commission gains a lot of experience during its visits to the tribal areas in various States, Meetings with the State Government Officers to review the implementation of various programmes for welfare and development of the Scheduled Tribes in the respective State and the scrutiny of the grievances received in the Commission and the vital issues concerning Scheduled Tribes which require urgent attention of the Government get surfaced on the basis of such experiences. These help the Commission to formulate various recommendations for modifications of the existing policies of the Government and for suggesting new recommendations. The experiences of the Commission is duly utilized by making recommendations to the concerned authorities from time to time, by making suitable recommendations in the annual Report of the Commission and also in revising the existing policies and evolving new policies of the Government through the provision contained in Clause 9 of Article 338A of the Constitution which 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 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

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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>

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 new policy or amendment in the existing policy on scheduled tribes, earlier recommendations of the NCST or the erstwhile NCSCST, if any, on the subject matter of the policy 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, 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 sponsoring Ministry/ Department for inclusion in its Annual Report .

### **6.3 Views of the National Commission for Scheduled Tribes on policy-related issues during the year 2011-12**

6.3.1 During the year 2011-12, the Commission communicated its views on several policy-related issues, the details of which have been given below at 6.4.

### **6.4 Views on Proposals received from the Central and the State Governments pursuant to Clause 9 of Article 338A of the Constitution**

(i)	<b>Comments on Compendium of instructions compiled by the DoPT on reservation in services under the Govt. of India for the SCs, STs and OBCs</b>
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6.4.1 The Commission was informed that the DoPT had clarified in its communication relating to the above proposals that the proposed Compendium of instructions compiled by them on reservation in services under the Govt. of India for the SCs, STs and OBCs was aimed to consolidate the existing instructions on the subject and not to change any aspect of policy; and while consultation with the National Commission of Scheduled Tribes was, therefore,

not mandatory, the benefits of expertise was sought to purview the new instructions. The following observations were made.

- i) There is no reference of the OMs based on which instructions mentioned in the Compendium were issued.
- ii) It is not clear from the Compendium that which OM is superseded/ deleted.
- iii) The following extract from the DoPT OM No. 36036/2/97-Estt.(Res) dated 30/11/1998 should also be added in para 49.5 of the Compendium.

“The Ministries/ Departments, etc. are therefore expected to extend maximum cooperation to the Commission in the discharge of its role and to give its recommendations/suggestions due consideration.”

6.4.2 It was further that in the absence of any reference (s) to the OM vide which various instructions were issued, it was not possible to check the correctness of the contents of the instructions contained in the proposed draft compendium. It was emphasized that unless the issues on which the Commission was consulted have been clearly delineated, the exercise would be fraught with frivolity and would lack purpose. The process of compilation of instructions inevitably involves harmonization of policies/ processes, which should be clearly identified before embarking on their overhaul-both for clarity of intent as well as compliance of governance systems.

6.4.3 After discussion, the Commission decided to recommend that the DoPT should undertake due diligence before issue of fresh instructions beside adverting to the points made in above paragraphs.

(ii)	<b>Comments on Minority status of Jamia Milia Islamia (JMI) a Central University at New Delhi</b>
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6.4.4 Explaining the background, Secretary, NCST stated that as per the National Commission for Minority Educational Institutions (NCMEI) (Amendment) Act, 2010 universities were also included in the definition of “Minority Educational Institution”. It appears NCMEI has interpreted the same to extend it to Central Universities also.

6.4.5 Secretary, NCST further mentioned that the Ministry of Human Resources & Development had informed in the meeting taken by the ex-Vice Chairperson on 19/04/2011 that Article 15(5) of the Constitution and Section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 provided that the reservation for SCs/STs was not applicable in respect of a Minority Educational Institution defined in the Act, the provisions of which were reviewed by the Constitutional Bench of Hon’ble Supreme Court in 2008 in Ashok Kr Thakur &

Ors. Case and upheld. Subsequent to the aforesaid meeting, the Commission was further informed that JMI has passed an Ordinance providing 50% reservation only to Muslims which include 10% reservation to (Muslim) STs/OBCs for current academic year onwards. Thus, with the grant of minority status to the JMI, by the NCMEI, the reservation in admissions as well as in recruitment/ appointment for STs will not be applicable in the JMI, which is a Central University.

6.4.6 The Commission noted the views expressed in the meeting held by the ex-Vice Chairperson on 19/04/2011 that the moot purpose of Article 15(5) is to enable the State to make special provision relating to admission of Scheduled Tribes to educational institutions, including private educational institutions other than minority educational institutions referred to in Clause (1) of Article 30. Constitutional safeguards for Scheduled Tribes should not be diluted through incidental interpretation of laws. The Commission, therefore, endorsed the recommendations made to the Ministry of HRD in the meeting to ensure continued reservation to STs in admissions (as well as employment) in all the Universities supported by grants from public funds irrespective of their minority educational institution status; and if necessary, the Ministry of HRD may take steps to amend the Central Educational Institutions (Reservations in Admission) Act, 2006 to bring it squarely in line with the Constitutional safeguards for Scheduled Tribes in admission to Central Universities are not denied, or curtailed in any fashion during the current academic year.

6.4.7 The Commission also noted that a PIL has since been filed by a NGO, 'Centre for Public Interest Litigation' in the High Court of Delhi requesting to quash the order dated 22/02/2011 delivered by the NCMEI. In the PIL, the NCST has been impleaded as RESPONDENT No. 4. After discussion, the Commission approved the draft Para-wise comments of the PIL against paragraph No. 19, which are in line with the recommendations approved by the Commission in the matter as mentioned above.

(iii)	<b>To consider and approve background note for the next meeting of National Integration Council (MHA) on discrimination especially against minorities and scheduled tribes; measures to eliminate such discrimination</b>
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6.4.8 Secretary, NCST, referred to the earlier suggestions of the Commission made in January, 2007 on certain important issues relating to STs for inclusion in the agenda for the meeting of the NIC and their finalization with broad coverage in the single point agenda item with the approval of the Prime Minister as Chairman of the NIC in Sept, 2007; and mentioned that the background note expresses the views of the Commission on discrimination in appointment to public services, economic opportunities and living conditions

and other important areas concerning Scheduled Tribes relating to computerization of rosters, de-reservation of promotion posts and atrocities on Scheduled Tribes, as comprised in previous recommendations made by the Commission in various Annual Reports.

6.4.9 After discussion, the Commission approved the proposed note on the agenda item and authorized the Secretary, NCST to further edit it wherever necessary, and forward it incorporating the background information.

(iv)	<b>Forced acquisition of land, unreasonable fixation of compensation, non-payment of compensation to all affected persons etc. by Hydro Electric Power Limited, Chhattisgarh</b>
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6.4.10 Attention of the Commission was invited towards a news report titled “Vikas Ki Andhi Mein Jashpur Ke Adivasi” published in Dalit Adivasi Duniya dated 15-21 May, 2011 regarding forced acquisition of land, unreasonable fixation of compensation, non-payment of compensation to all affected persons etc. by Hydro Electric Power Limited, Chhattisgarh. As the matter did not involve any policy issue seeking comments of the Commission, it was decided that the report should be urgently examined in accordance with the prescribed guidelines and Rules of Procedure of the Commission and submitted to the Commission. It was also decided that the concerned Member, NCST may also visit Jashpur for actual assessment of the reported position regarding forced acquisition of land, unreasonable fixation of compensation, non-payment of compensation to all affected persons etc. by Hydro- Electric Power Limited, Chhattisgarh.

(v)	<b>Views of the Commission sought by National Advisory Council on the draft “prevention of Communal and Targeted Violence (Access to Justice &amp; Reparations) Bill 2011”.</b>
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6.4.11 After discussion on the Bill it was decided that the Commission may apprise the National Advisory Council (NAC) that according to the provisions of Article 338A of the Constitution, the Commission is required to be consulted on policy-related proposals/ legislative matters by the Central and the State Governments/UT Administration. As, the draft “prevention of Communal and Targeted Violence (Access to justice & Reparations) Bill 2011 was a working group draft and not a final NAC recommendation, the Commission decided that the Commission will render its advice after the MHA takes a final view on the Draft Bill and seeks the Commission’s advice under Article 338A of the Constitution.

(vi)	<b>Draft Land Acquisition and Rehabilitation &amp; Resettlement Bill, 2011</b>
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6.4.12 The Secretary, National Commission for Scheduled Tribes apprised the Commission that the Government has introduced the revised draft Bill in the

Lok Sabha on 0/7/09/2011 and therefore, the views of the Commission sent at this stage cannot be considered by the Government. The revised Bill as introduced in the Lok Sabha has been downloaded from the website of the Lok Sabha. The Secretary suggested that the Commission need to offer its views/comments on the basis of the contents of the Bill, as introduced in the Lok Sabha and the comments prepared on the basis of contents of the earlier draft Bill may not be discussed at this stage. It was decided that the comments on the revised draft Bill as introduced in the Lok Sabha may be prepared and discussed in the next meeting of the Commission, which may be held on 16/9/2011.

6.4.13 The Commission was also informed that the Ministry of Rural Development has not taken any initiative to consult the National Commission for Scheduled Tribes before placing the proposal for consideration by the Cabinet. Secretary recalled that in an earlier meeting on the subject with the senior officers of the MoRD, it was assured to the Commission that the Ministry would consult the Commission before submitting the draft proposal to the Cabinet. It was agreed that a sitting may be arranged with the Secretary, MoRD at the earliest/next week.

<b>(vii)</b>	<b>Comments/ Views on the 11<sup>th</sup> report of Parliamentary Committee on SCs and STs( 15th Lok Sabha).</b>
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6.4.14 The Secretary, National Commission for Scheduled Tribes informed the Commission that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its 33rd Report (14th Lok Sabha) had given various recommendations relating to mandate and performance of the National Commission for Scheduled Tribes. Comments of the Commission on those recommendations, which were related to this Commission, were forwarded to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat. The Secretary, National Commission for Scheduled Tribes had also made a presentation, along with the Secretary, Ministry of Tribal Affairs in the oral evidence before the Committee held on 26/10/2009. Action taken report/ comments of the Commission on the list of points arising out of the oral evidence were also sent to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat. Finally, a report on the basis of Action taken report (on 33rd Report and list of points arising out of the oral evidence) submitted by the Ministry of Tribal Affairs to the Lok Sabha Sectt., has been presented by the Parliamentary Committee as 11th Report of the Committee (15th Lok Sabha).

6.4.15 The Commission was further informed that the 11th Report thoroughly examines the earlier recommendations and action taken report submitted to the Committee by the Government and thereafter those recommendations which need reiteration or further comments have been highlighted in the Report. While forwarding a copy of the Report to the Ministry of Tribal Affairs, a copy of the same has also been sent to this Commission for submitting comments/views of the National Commission for Scheduled Tribes on those recommendations. As the Committee is already apprised of the issues and



problems before the National Commission for Scheduled Tribes and the recommendations reiterated by the Committee are crucial to the functioning of the Commission particularly strengthening of the Commission and augmentation of its regional offices. Therefore, it has been stated in the draft comments that the Commission agrees with all the recommendations about working of the National Commission for Scheduled Tribes and those which the Committee expects the National Commission for Scheduled Tribes to take up, but the National Commission for Scheduled Tribes will not be able to take up those matters until National Commission for Scheduled Tribes is duly strengthened. The Commission was further informed that a detailed proposal for strengthening of the Commission and augmentation of the regional offices was sent to the Ministry of Tribal Affairs on 21/10/2009 and a final decision on the proposal is yet to be taken by the Government.

6.4.16 Secretary referred to a recommendation made in the Report about increase in number of members of the National Commission for Scheduled Tribes and stated that the stand taken by the Commission on the earlier occasion was proposed to be reiterated. It was mentioned earlier that the Commission has no objection for increasing the members of the Commission but increasing the number would not be of any use unless there is sufficient staff to give them requisite support. Therefore, Government may consider increasing the number of members of the Commission only after agreeing to the proposal of the Commission for strengthening the Commission. The commission agreed to the suggestions of the Secretary, National Commission for Scheduled Tribes and approved the draft comments submitted for consideration.

<b>(viii)</b>	<b>Comments/ views of the Commission on S.B. Civil (W.P.)No.3119/2011 submitted in the High Court of Judicature for Rajasthan, Jodhpur filed by Mohan Lal V/s Nagar Palika, Falodi and others in the matter of the Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974.</b>
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6.4.17 The draft comments/views on the WP, for preparing Counter Affidavit on behalf of the Commission to be sent to the Standing Counsel was approved by the Commission.

<b>(ix)</b>	<b>Comments on the Draft Land Acquisition and Rehabilitation &amp; Resettlement Bill, 2011, introduced in Parliament.</b>
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6.4.18 Secretary, NCST explained in detail the provisions/processes embedded in the Bill and highlighted the following features, concerning the Scheduled Tribes which required consideration:

6.4.19 A general law doesn't make suitable discrimination between the natures of land rights of tribals vis-a-vis other categories of landholders. Land is generally owned by the State, and held on the basis of heritable tenures in most parts of the country – the concept of freehold being limited to certain urban pockets. Tribals, however, have traditionally enjoyed full ownership of land, which practice is still prevalent in the North – East. Tribal lands are also

not transferable to non-tribals – whether by sale, lease or mortgage, etc. 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. Therefore, in order to insulate tribals from the adverse effects of development provide equitable treatment and also to meet their needs and aspirations, there was an imperative need to include a clearly defined perspective of Tribal Rights in the Bill through the Special Chapter in respect of Scheduled Areas.

<b>(x)</b>	<b>Comments on Draft National Food Security Bill, 2011</b>
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6.4.20 Secretary, NCST mentioned that after learning from the news reports that the Deptt. of Food & Public Distribution, Ministry of Consumer Affairs was processing the Draft National Food Security Bill, Secretary, Deptt of Food and Public Distribution, Ministry of Consumer Affairs, was requested vide letter dated 18<sup>th</sup> October, 2011 to forward the Bill, as finalized, for seeking the views of the Commission, in accordance with the provisions of the Clause 9 of Article 338A of the Constitution. Secretary, Deptt of F & PD, was also apprised of the opinion of the Ministry of Law, vide letter No. FTS.2878/LS/11 dated 22-09-2011, that the Ministries are obliged by the Constitution to consult the Commission on the provisions of a draft Bill affecting STs. In reply, the Deptt. of F&PD requested the views of the Commission on the Bill as available in the public domain. Consequently, Secretary, F&PD was informed vide letter dated 27<sup>th</sup> October, 2011 that proffering the views of the Commission, when the Ministry has not finalized its views on the Bill, wouldn't serve the intended purpose and the spirit of the Constitution. Since, It was understood from the news reports that the draft Bill, after incorporating certain changes to the version provided in the public domain, would be prepared by the Deptt. of F&PD shortly, Secretary (F&PD) was being called on 11-11-2011(A/N) to sensitise him to ensure mandatory consultation with the Commission on the Bill, as finalized by the Ministry. Nonetheless, the draft Bill as available in the public domain, together with relevant comments has been circulated to the members for deliberation in this meeting.

6.4.21 Secretary, NCST mentioned that “The National Food Security Bill, 2011” was an important legislation affecting tribals in the context of the need to ensure physical and economic access to the food, because food security is especially fragile in the Scheduled Areas since problems of availability (of required quantities) and affordability were intricately enmeshed in these regions. However, the draft Bill in its present form (as available in the public domain) does not incorporate any special focus in respect of the tribals or Scheduled Areas. Secretary, NCST highlighted that the Scheduled Areas have comparatively primitive agricultural practices/ low production, difficult access, poor infrastructure/logistical services and under-developed markets, besides endemic poverty and lack of opportunities for livelihood maintenance. In addition, the Scheduled Tribes are vulnerable sections of the society, having poor entrepreneurial capacity and lack of bargaining power. Therefore, there is an imperative need to recognize those special characteristics; and, have a differentiated approach by way of provision of adequate entitlements, requisite

food stocks, strengthening of warehousing and logistics, financial resources and responsibilities through a separate chapter for Scheduled Areas in the Bill.

6.4.22 Further, as advocated by the Commission in its views regarding good governance in Scheduled Areas, considering the special Constitutional mandate for Scheduled Areas and also the persisting poor health and economic standards of the tribals even after the lapse of more than 60 years after independence, the Union Government should undertake full financial/logistical responsibility in Scheduled Areas as the State Governments have limited capacity to mobilize food grains in low production regions organize bulk movement and subsidize logistical/distribution costs on a large scale. Referring to the Clause 23 and 24 of the draft Bill, Secretary, NCST mentioned that the Central Government in Scheduled Areas should also ensure provision of food grains in desired quantity as per nutritional requirements, on demand, for all residents, supplemental logistical arrangements (road/rail transportation, depots/issue points and increased inventory) as well as priority in food grain allocations, since resort to payment of allowance without robust alternative supply arrangements is not a feasible option for these areas as it will seriously compromise food security. Food entitlements should also be specified in the Schedules annexed to the Bill on the basis of recommended nutritional requirements to enable purchase of needed quantity at option or yearly aggregate entitlement may be specified instead, since the average off-take may fluctuate at different times of the year depending upon prices or alternative availability/sources of supply, and may be more relevant for planning subsidy/logistic requirements). Besides use of information technology for increasing transparency of transactions, the monitoring mechanism in Scheduled Areas should also be strengthened through reliable reporting systems to enable rapid awareness of related transactions – stocks, movement, issues etc.- at all locations upto fair price shop level, and provide timely feedback for prompt remedial action to rectify logistical failures which imperil food security in remote areas

6.4.23 After discussion, the Commission approved the draft comments on the Bill and desired that, while communicating the same to the Ministry of Consumer Affairs, it should be specifically pointed out that these should not be perceived as final views of the Commission on the Bill, and the Ministry of Consumer Affairs is obliged to seek mandatory consultation with the Commission on the Bill, as finalized, before submission to the Cabinet for consideration, in accordance with the provisions of the Clause 9 of Article 338A of the Constitution.

(xi)	<b>Comments on Draft Mines and Mineral (Development &amp; Regulation) Bill, 2011</b>
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6.4.24 Secretary, NCST, mentioned that views of the Commission on the earlier draft Mines and Mineral (D&R) Bill 2010 (as available on public domain at that time) were forwarded to the then Minister of Mines (letter dated 6<sup>th</sup> August, 2010, 11<sup>th</sup> October, 2010) and his successor (letter dated 13<sup>th</sup> July, 2010), as also to the President (letter dated 19<sup>th</sup> July, 2011), Prime Minister

and to the Minister of Tribal Affairs (both letters dated 20<sup>th</sup> July 2011)]. Subsequently, the Ministry of Mines was requested on several occasions (including Sittings taken by the Chairperson, NCST with the Secretary, Ministry of Mines on 25<sup>th</sup> July, 2011, 17<sup>th</sup> August, 2011 and 15<sup>th</sup> Sept., 2011) to forward a copy of the draft MMDR Bill as finalized, for the views/comments of the Commission under Article 339A(9) of the Constitution. Ministry of Mines was also apprised of the (supporting) opinion of the Ministry of Law & Justice regarding the constitutional obligation of the Ministry of Mines to consult the Commission on the Bill. Notwithstanding this, the Ministry of Mines proceeded with the processing of the Bill without consulting the Commission, which was approved by the Cabinet on 30<sup>th</sup> September, 2011 and is now likely to be placed in the Parliament in the Winter Session 2011. The lapses on the part of the Ministry of Mines and its officials have been brought to the information of the Prime Minister vide letter dated 17<sup>th</sup> October, 2011, with the request to issue appropriate instructions in this regard under the Rules of Business of the Government for future. Ministry of Mines has now forwarded a copy of the Bill, approved by the Cabinet, vide letter dated 24<sup>th</sup> October, 2011, draft comments on which were proposed for discussion in the meeting of the Commission.

6.4.25 Secretary, NCST circulated a copy of the earlier suggestions, concerning the Scheduled Tribes forwarded to the Minister of Mines after the deliberations of the Commission in its 21<sup>st</sup> meeting held on 21st September, 2011 on the earlier version of the Bill. It would appear that some important issues have still not received due attention in this version of the Bill, as follows:-

- a. 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 public purposes or otherwise. The judgment also directed that Minerals in Scheduled Areas have to be exploited by the tribals or State instrumentalities alone. Thus, the *Samatha* judgement requires exclusivity in grant of mineral concessions for Scheduled Tribes or State instrumentalities, not merely according preference to them.

It is therefore, desirable that, if mineral extraction is authorized by private entities in case of the Scheduled areas, the Govt. should be willing to shoulder vicarious responsibility for providing habitat and livelihood security in such areas. The State is one of the principal beneficiaries of the mineral extraction projects, as the royalty levied by the State on minerals extracted far exceeds the rents paid by the lessee to the tribal owners. To ensure livelihood security to tribals, the State must ensure alternative land in case they will be substantially deprived of their holdings, as well as give them a due share of the profits to be derived from mining.

- b. The Bill doesn't incorporate an essential, specifically delineated provision for rehabilitation & resettlement for the project affected/displaced persons under the obligations set out in the mining lease. It may be mentioned that the draft Land Acquisition, Rehabilitation & Resettlement Bill, 2011, which is awaiting approval of

the Parliament, has integrated the provisions of rehabilitation and resettlement with the land acquisition process, but doesn't cover R& R in respect of the project-affected/displaced persons as a result of diversion of forest land/private lands leased for mining. The R&R obligations also need to be ensured in respect of incremental leasing of adjacent areas and extension of current leases in perpetuity also, which have not been provided in the Bill. The subject is vital to the interests of Scheduled Tribes and merits a separate chapter in the Bill.

The proposed National Sustainable Development Framework Bill should have equitable R&R as an objective, with an express provision for issue of R&R guidelines laying down a standard procedure for the same. Rehabilitation and Resettlement (R&R) plans should be linked to the Mining Plan, so that R&R activities are satisfactorily completed before the lessee ceases operations in a specified area. The standard rehabilitation procedure should also be made applicable to diversion of forest land also. All forest rights must be settled as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 before grant of lease; and, these must not be resumed/diverted except in the case of emergencies or strategic necessity, in which case equivalent forest land should be allotted with similar rights besides other compensation admissible.

Similar to the corporate social responsibility document (Cl.26(3)), there should also be a R&R document which should document the obligation/efforts and outcomes achieved. Before granting approval for extension of a mining lease, special report regarding implementation of R&R obligation should also be sought (Cl.28(3) proviso). Besides failure or delay in commencement of mining operations (Cl.29(1)) leases should also lapse in case R&R obligations have not been discharged. Further, R & R norms specified by the R & R law/National Sustainable Development Framework should comprise the benchmark to be followed in all cases.

- c. The Bill assiduously protects the financial interests of Government by mandating lease only through competitive bidding inclusive of profit-sharing [Cl. 13(3)(g)] and also those of lessees, who are permitted to transfer the concession with attendant potential for unearned profits, but does not provide any mechanism for profit-sharing with land owners. It is possible to link profit-sharing with land holders also with the profits distributed to the Govt. Since mining is a long-term activity, necessary provision according share to land owners in the amount of appreciation of value of lease should also be included.

Contribution to the District Mineral Fund only as a proportion of royalty excludes share from windfall profits or protection against sudden deprivation due to cessation of business. Since mineral extraction is generally destructive of soil surface, it can't usually be restored to original land use subsequently. An effective and equitable compensation arrangement should ensure lifelong annuities sufficient to substitute income deprivation for the land owners (adjusted for likely inflation), besides creating alternative vocations for them. The land owners should also get a reasonable share in the profits distributed/ retained by the mining enterprise. Besides annual compensation in lieu of land surface rights, future (and sometimes

windfall) earnings from mining activity should also be shared with land rights holders in reasonable measure as has been analogously provided in the Land Acquisition and R&R Bill, 2011. Further, the land should be returned to the owners after ecological reclamation of mined areas, or future earnings shared if non-agricultural use is continued in another form. If some land rights are being ceded in perpetuity, the Commission suggests that the retained earnings from the project activity should also be shared with the land owners in the form of “sweat-equity” (beside compensation for denial of use of land surface). Share of earnings from alternative uses of land should also be provided, if future land use is of a commercial nature. Benefits/ privileges available to mineral right holders may also be accorded to ordinary landholders also in Schedule V and Schedule VI areas.

- d. The proposed District Mineral Foundation (DMF) should only work like a Trust looking after the interests of affected persons and should eschew the temptation to dabble in other activities. The sanction to use DMF for creation of local infrastructure, as provided in the Bill, may progressively erode the rights/benefits directly available to affected persons, unless this proportion is limited by law to a specified minor fraction. The legitimate expenditure toward infrastructure development in Scheduled areas should be met through other sources. As evident from the conduct of functionaries/public representatives brought out in the CAG reports regarding use of MNREGA funds, etc., there should also be a provision for punishment of the members of the of Governing Committee of the Foundation for diversion of funds to ineligible purposes.

6.4.26 After discussion, the Commission approved the draft comments on the Bill and desired that views of the Commission on the Bill should be communicated to the Prime Minister to have these considered by the Government even while the matter is engaging the attention of the Standing Committee of the Parliament.

6.4.27 The Commission noted that the Land Acquisition and Rehabilitation and Resettlement Bill 2011, Food Security Bill, 2011 and the Mines and Mineral (Development & Regulation) Bill, 2011 were important legislations covering issues integral to the very existence of tribals in the country. Therefore a Special Report, incorporating views of the Commission in respect of these Bills, should be submitted to the President as provided under Article 338A (5) (d) of the Constitution.

<b>(xii) Comments on National Food Security Bill 2011</b>
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6.4.28 Secretary, NCST informed that the National Food Security Bill, 2011 is being processed by the Ministry of Consumer Affairs, Food and Public Distribution (Deptt. Of F PD). As the Ministry had not sought the views of the Commission on the Bill in accordance with the Article 338A(9) of the Constitution, Deptt. Of F & PD has been repeatedly requested to ensure consultation with the Commission on the Bill, as finalized, before its consideration by the Cabinet. In the meeting held in the Commission on 28<sup>th</sup> November, 2011, Secretary, F & PD had assured the Chairperson that the draft Bill, as finalized by the Ministry of Consumer Affairs, would be forwarded to the

Commission by 1000 hrs. on 1<sup>st</sup> December, 2011; and requested communication of comments of the Commission same day as the Bill was to be submitted to the Cabinet on the next day, which was accepted by the Chairperson, NCST.

6.4.29 Secretary, NCST also mentioned that the draft Bill, as available in public domain, was discussed by the Commission in its meeting held on 11<sup>th</sup> November, 2011, and the comments were communicated to the Deptt. Of F & PD vide letter dated 21<sup>st</sup> November, 2011. Meanwhile, Deptt. Of F & PD also sought the comments of the Commission on the revised Bill as circulated for inter-Ministerial consultations. However, it was noted that the revised Bill was not substantially different from its earlier version.

6.4.30 The Secretary, NCST further stated that the Bill, as finalized by the Deptt. of F & PD, and the views expressed by the Commission on the earlier draft of the Bill, revised keeping in view the latest provisions, has been circulated among the Members for consideration in the meeting (copy of the views/comments of NCST annexed to the minutes of the meeting). The Commission would re-iterate its stand that special provisions for Scheduled Areas be included as separate Chapter in the legislation, keeping in view the spirit of the provisions of Scheduled V and VI of the Constitution.

6.4.31 The Commission approved the draft comments for onwards communication to the Deptt. of food and Public Distribution, Ministry of Consumer Affairs, F & PD.

6.4.36 Secretary, NCST also invited attention to the Rules of Procedure of the NCST relating to circulation of agenda notes, etc and requested that in future at least one week time should be available to the Commission for furnishing its comments in such cases, keeping in view the exhaustive/critical nature of the legislation and procedural requirements for the conduct of the meeting and communicating the outcome of discussions. It was also decided that, in view of the importance of the subject, the comments of the Commission should also be communicated to the Prime Minister, as well as to all Scheduled Tribes Members of the Parliament.

<b>(xiii) Re inclusion of “Marati” community in the list of STs of Kerala</b>
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6.4.32 The proposal is for re-inclusion of “Marati” community in the list of STs as this community lost its ST status in Kerala in 2002 as per the Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 2002. However, the reasons for the exclusion were not available in the documents forwarded by the Ministry of Tribal Affairs vide their letter dated 10<sup>th</sup> February, 2012. The MTA was requested, vide DO letter dated 26<sup>th</sup> March 2012, to communicate the same by 27<sup>th</sup> March, 2012. In response, the MTA, vide letter No. 12016/13/2001-T.A.(R.L.)/C&LM-1 dated 27<sup>th</sup> March, 2012 has furnished the reasons for exclusion of Marati community in the list notified through the Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 2002. The MTA has also forwarded earlier comments of the Govt. of Kerala, RGI and MTA in the matter. The Commission observed that the exclusion of the Marati

community was proposed earlier by the State Govt. as well as by the RGI, as mentioned below:

Govt. of Kerala Letter No. 65436/E2/78/HWD dated 20<sup>th</sup> July, 1982:

“The Marati community does not possess tribal characteristics. They are caste Hindus

RGI letter No. 8/1/82-SS(Kerala) dated 22<sup>nd</sup> October, 1982 :

“Presently, this community is notified as a Scheduled Tribe in Hosdrug and Kasaragod taluks of Cannanore district but its name has not been shown in the Draft Scheduled Tribe List. Earlier MHA (SCBCD Division) vide d.o. dated 24<sup>th</sup> August, 1982 had suggested for its exclusion from the list of Scheduled Tribes and this office vide d.o. letter No.8/1/82-SS (Kerala) had agreed with the proposal. This office holds the same view”.

Govt. of Kerala, Deptt. of SCs & STs Development (E) Deptt. letter No. 2764/E2/87/SCSTDO dt. 2<sup>nd</sup> Nov., 1987:

“The anthropological study conducted among the Maratis of Kasaragode has revealed that they are caste Hindus. It is observed that Marati is wrongly classified as a Scheduled Tribe. Therefore, Marati may be excluded from the list of Scheduled Tribes”.

6.4.33 The MTA has further informed that then NCSCST had also supported the proposal of the State Govt. for exclusion of the Marati community from the list of STs of Kerala and the Commission had communicated its views vide letter dated 21<sup>st</sup> June, 2000. Accordingly, the MTA had proposed for exclusion of “Marati” community from the list through the Scheduled Castes & Scheduled Tribes Order (Amendment) Bill, 2002. Soon after the Bill was introduced in the Parliament, the Ministry had been receiving various representations requesting not to exclude the Marati community from the list of STs. In view of such proposals, the MTA sought the comments of the State Govt. on the issue of exclusion of the community from the ST list vide letter dated 9<sup>th</sup> August, 2002. This was also followed by the MTA vide d.o. letter dated 18<sup>th</sup> September, 2002 from the then Minister, MTA to the then Chief Minister, Govt. of Kerala. Subsequently, the Govt. of Kerala vide letter dated 21<sup>st</sup> November, 2002 informed that after detailed examination the Government have decided to reconsider the issue and to recommend the Government of India to retain the ‘Marati’ community in the list of Scheduled Tribes of Kerala. The Commission noted with concern that in the meantime, the Standing Committee of Parliament, to which the above Bill had been referred, submitted its report and accordingly the Bill had been passed by the Parliament and the “Marati” community got excluded from the list of STs in respect of the Kerala State. The Bill having been passed by the Parliament was notified as the Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 2002 vide the Gazette Notification Extraordinary No. DL-33004/2003 dated 8<sup>th</sup> January, 2003.

6.4.34 Since the exclusion of “Marati” community from the list of STs had been notified, the Ministry continued to get representations for re-inclusion and



as per the modalities laid down by the Government; comments of the State Government and the RGI were again invited by the Ministry. From the information and documents made available by the MTA, it is noted that the RGI in their comments dated 05/08/2004 had stated that the State Government may give proper justification for the shift from their earlier decision, recommending the exclusion of Marati community from the list of STs. The State Government of Kerala furnished the supporting papers to MTA vide their letter dated 31/08/2010. The same was referred to the RGI vide MTA letter dated 07/10/2010. In response the RGI, vide letter dated 2<sup>nd</sup> February, 2012, furnished their revised comments recommending re-inclusion of Marati community in the list of STs

6.435 The Commission also noted that in support of the present proposal for re-inclusion, the MTA vide letter 12016/13/2001-T.A. (R.L)/ C&LM-1 dated 10.02.2012 had also forwarded a tour note of Shri Tapir Gao, (then Member of the NCSCST) on his visit to the Kasargod District in Kerala from 7<sup>th</sup> to 8<sup>th</sup> February, 2003 in the matter. The observation of the Member, which is stated to have been approved by the then NCSCST in its meeting held on 30/05/2003 and forwarded to the MTA, has been quoted as under:

“The Member felt that there is no justification for exclusion of the Maratis in the ST list”.

6.4.36 The Commission also noted with concern that neither the State Govt. nor the RGI and MTA had brought any additional facts, which would justify the proposal in its present form. The Commission, therefore, observed that in view of the position mentioned above, there is a need to examine such proposals judiciously and with great circumspection ensuring that the rights of the existing STs are not adversely affected as a result of inclusion of new communities in the ST list which are not meeting the stipulated criteria for tribals. The Commission, therefore, decided that the MTA, RGI and the Govt. of Kerala should be requested to furnish their clarifications/ comments on the observations of the Commission within a fortnight and also desired that the Secretary, MTA, the Chief Secretary, Govt. of Kerala, may be called for a Sitting in the last week of April, 2012 for discussion in the matter.

<b>(xiv)</b>	<b>Inclusion of Bodo Kacharis in Karbi Anglong &amp; NC Hills Autonomous Council Area of Assam</b>
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6.4.37 The Commission noted that the Sixth Schedule has special provision for an autonomous district for a particular tribe. If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions. The Commission further noted that para 12(b) of VI<sup>th</sup> Schedule to the Constitution prescribes that:

*(b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State of Assam to which the provisions of clause (a) of this sub-paragraph do not apply shall not*

*apply to an autonomous district or an autonomous region in that State, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.*

6.4.38 Further, paragraph 14(1) of the Sixth Schedule provide that:

The Governor may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts and autonomous regions in the State, including matters specified in Clauses (c), (d), (e) and (f) of sub-paragraph (3) of paragraph 1 of this Schedule, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts and autonomous regions in the State generally and in particular on-

- (a) The provision of educational and medical facilities and communications in such districts and regions;
- (b) The need for any new or special legislation in respect of such districts and regions; and
- (c) The administration of the laws, rules and regulations made by the District and Regional Councils;

and define the procedure to be followed by such Commission.

6.4.39 Sub-paragraph (3) of paragraph 1 referred to above provide that the Governor, by public notification may, inter-alia,

- (a) include any area,
- (b) exclude any area,
- (c) create a new autonomous district,
- (d) increase the area of any autonomous district
- (e) diminish the area of any autonomous district
- (f) unite two or more autonomous districts or parts thereof so as to form one autonomous district.

6.4.40 In view of the above, it is to be seen whether the above procedure was followed and the State Govt. had obtained concurrence of the Governor of the State before sending the proposal to the Govt. of India. It is noted from the list of STs in respect of the State of Assam that Boro and Borokachari communities have been included in the ST list of the State excluding the autonomous Distt. of Boro and Borokachari. The proposal has implication of recognizing Borokachari as ST in the whole State of Assam with the removal of the area restriction as existing in the ST List in respect of Karbi Anglong & NC Hills Autonomous Council Area of Assam.

6.4.41 The Commission also noted that the proposal is deficient in many respects as mentioned below:

- (i) RGI have re-iterated their comments of 1981 in 2006 in the matter. The updated position with regard to social customs, dialect, way

of living, level of education, economic development, religious and inter-marriages practices of Borokachari have not been made available by the MTA/RGI/State Govt.

(ii) In the DO letter dated 18/10/2011, forwarded by the MTA, it has been mentioned that the Joint Secretary (North East) in the Ministry of Home Affairs took a meeting on 12/10/2011 with the representatives of Ministry of Tribal Affairs and RGI on this issue. It has been reported that in the aforesaid meeting, it was decided that Ministry of Tribal Affairs would refer the matter to the National Commission for Scheduled Tribes for their concurrence. The Commission, however, noted that the MTA while forwarding the proposal have not sent the minutes of the meeting taken by the Ministry of Home Affairs on 12/10/2011. Further, while MTA has forwarded the proposal for inclusion of Bodo Kacharis in Karbi Anglong & NC Hills Autonomous Council Area, the quoted comments of RGI in support to the proposal pertain to the Boro Kacharis.

6.4.42 In view of the position explained at (i) to (ii) above, the Commission decided not to support the proposal and desired that MTA should be advised to examine the proposal in the light of the Commission's observations.

6.4.43 The Chairperson mentioned that he has received a Memorandum on the subject from Shri Biswajit Daimary, M.P. Rajya Sabha vide his d.o. letter dated 26<sup>th</sup> March, 2012 and desired that in accordance with the prescribed modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying the lists of Scheduled Castes and Scheduled Tribes, the letter dated 26<sup>th</sup> March, 2012 from the Hon'ble M.P. may be forwarded to the MTA and the RGI for necessary action.

(xv)	<b>Proposal for inclusion of Abujh Maria and Hill Korwa in the list of STs of Chhattisgarh.</b>
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6.4.44 Attention of the Commission was invited to the fact that all PTGs were from amongst STs and therefore, they should be able to get ST certificate, as is evident from the following extracts from the Chapter on Development of PTGs in the Annual Report of the Ministry of Tribal Affairs, for the year 2010-11 (as also for previous years), which clearly mention that the 75 identified PTGs are among the Scheduled Tribes.

Among scheduled tribes, there are certain tribal communities who have declining or stagnant population, low level of literacy, pre-agricultural level of technology and are economically backward. 75 such groups in 17 States and 1 Union Territory of A & N islands have been identified and categorized as Particularly Vulnerable Tribal Groups (earlier known as Primitive Tribal Groups (PTGs)). Most of these groups are small in number, have not attained any significant level of social and economic progress and generally inhabit remote localities having poor infrastructure and administrative support. Therefore, they become the most vulnerable sections among the scheduled tribes. Priorities are,

therefore, required to be accorded for their protection and development, and checking the declining trend of their population.

**Objective:** Since PTGs constitute the most vulnerable section among Scheduled Tribes, it becomes necessary to allocate adequate funds from Central Sector/Centrally Sponsored and State Plan schemes for the socio-economic development of PTGs. ....

**Scope:** The scheme covers only the 75 identified Particularly Vulnerable Tribal Groups (earlier known as Primitive Tribal Groups (PTGs) among scheduled tribes.

6.4.45 The Commission noted that PTGs were identified during Fifth F.Y.P. Ministry of Tribal Affairs accepts that PTGs were among Scheduled Tribes. Accordingly, there should have been no need for a fresh proposal to include any PTG as a ST in respect of any State and in particular regarding Abujh Maria and Hill Korwa in the list of Scheduled Tribes in respect of Chhattisgarh State. It was noted that persons belonging to these two PTGs were getting benefits of various schemes taken up for PTGs but they were not considered for benefit of reservation and other facilities admissible as Scheduled Tribes because these names are not specifically found in the list of Scheduled Tribes in respect of Chhattisgarh State and they were not able to obtain ST Certificates in their names. The Commission felt that this problem has arisen due to various Amendment Acts enacted since 1976. It was recalled that the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 was enacted to provide for inclusion in and the exclusion from the list of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, to remove the area restrictions in respect of the tribes and communities, which had already been specified as Scheduled Tribes. At that stage, the Government, perhaps, did not consider it necessary to ensure that the PTG communities, which were earlier recognized as synonym or Sub-Tribe of a Main-Tribe, may also be listed separately and clearly in the Amendment Act. Consequently, persons belonging to Abujh Maria, Hill Korwa and other PTG Communities which were not listed in the ST List have been facing problem in obtaining ST Certificates and hence, the above proposal and this may follow with similar other proposals.

6.4.46 In the present case, the State of Chhattisgarh was carved out of MP State in November 2000 and fresh lists of Scheduled Tribes in respect of the States of MP and Chhattisgarh respectively were notified, as part of the Madhya Pradesh Re-organization Act, 2000. Subsequently, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 was enacted to provide for (i) inclusion in the lists of Scheduled Tribes, of certain tribes or tribal communities or parts of or groups within tribes or tribal communities, (ii) equivalent names or synonyms of such tribes or communities, (iii) removal of area restrictions and bifurcation and clubbing of entries, (iv) imposition of area restriction in respect of certain castes in the lists of Scheduled Castes, and (v) exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes in respect of various States. However, at no stage the Ministry of Tribal Affairs (previously Tribal Development Division in Ministry of Home Affairs, Ministry of Welfare and Ministry of Social Justice &

Empowerment respectively) recognized/ conceived the above problem and took steps to ensure that all the PTGs (identified as most primitive and vulnerable among Scheduled Tribes) were able to get the ST Certificates by including those names in the list of Scheduled Tribes specified in relation to the States of Madhya Pradesh and Chhattisgarh respectively. It is evident from the statements of the Ministry in the Annual Reports that "75 PTGs were from among the Scheduled Tribes" and this made the Ministry to take it "for-granted" and "considered view of the Government" that the PTGs were synonym/ Sub-Tribes of specified Scheduled Tribes and therefore, there was no need to include names of the identified PTGs as separate ST or as synonym/ Sub-Tribe of main ST community in the list of Scheduled Tribes.

6.4.47 It is also noted from the views of the Registrar General of India that Abujh Maria, known as Hill Maria is a section of Gond and Hill Korwa or Pahari Korwa is a section of Korwa Tribe. The Commission was, therefore, surprised as to why and how the Government ignored the ground realities that the persons belonging to the PTGs, which were considered from among Scheduled Tribes, would not be considered eligible for availing benefits as Scheduled Tribes because names of these communities were not specifically mentioned in the Constitution Orders. Commission further noted that the present proposal should have been mooted Suo-Motu by the Ministry instead of a proposal from the State Government since Ministry has been releasing funds for development of these PTGs. The Commission also observed that Sub-identities need not be a reason for independent inclusion in the ST List, if the major (mother) community is already included in the list as in the present case.

## 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 may 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 recommends 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 meeting the requirements relating to Research & Training and Monitoring & Evaluation and those relating to additional functions vested with the Commission.**
- 2 Para 1.4.2 A copy of the Rules of Procedure is available on the website of the Commission (<http://ncst.nic.in>). No changes were made to these Rules during the Report period. 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 and persisting constraints as discussed in detail in the previous Reports of the Commission. This Commission is informed that, the Government has not taken any decision in this regard and therefore, the Commission continues to function with several handicaps. **The NCST, which is a Constitutional successor to the NCSCST, and has been vested with more duties and powers, should immediately be granted all the powers of the Department of the Central Government so that the Commission can function and perform as per its mandate.**
- 3 Para 1.4.11 The Commission has noted that after the issue of above instructions by the Cabinet Secretariat, draft proposals on policy issues/ legislative proposals/ Notes for the Cabinet and EFC Memorandum etc., sponsored by various Ministries/ Departments of the Government of India, are being received for comments/ advice in large number through Ministry of Tribal Affairs. However, the fears of the Commission detailed above has been proved true. The proposals received in the Ministry of Tribal Affairs are forwarded to National Commission Scheduled Tribes after much delay, and in many cases

the proposals were forwarded after the date by which comments were sought by the sponsoring Ministry. In certain cases of urgency and high importance, the sponsoring Ministry had sought comments within a few days but the proposal was received in the Commission, through the Ministry of Tribal Affairs, after much delay and sufficient time was not given to the Commission for in-depth and careful scrutiny of the proposal before furnishing comments. As last date for receipt of comments in the sponsoring Ministry had lapsed, the views of the Commission aimed at safeguarding the interests of the Scheduled Tribes got diluted and became only a paper record as was seen from revised drafts received in the Commission which indicated that the Commission's views had remained unutilized and unquoted because of undue delay in the process of consultation by the Government with the Commission. **The Commission is of the view that provision of mandatory consultation with the National Commission for Scheduled Tribes by Union and State Governments can be implemented in letter and spirit if and only if direct consultation with the National Commission for Scheduled Tribes by the sponsoring Ministry/ Department of the Government is incorporated in the Handbook of Instructions of the Cabinet Secretariat, on the lines of the provision under Instructions No. 46 and 47 in the Handbook regarding consultation with the National Manufacturing Competition Council and Board for Reconstructions of Public Sectors Enterprises**

- 4 Para 1.5.12 **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 1.5.17 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 50% 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. The Commission has repeatedly requested 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 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 has expressed its unhappiness on such a large number of posts being vacant in the Commission. **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 for posts in NCST OR MTA with NCST.**

6 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.**

7 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.**

8 Para 1.11.17 **This Commission, therefore re-iterates the recommendation made 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

- 9 Para 2.8.6 Since the year 2001 each Bank is the recruiting agency for all the categories of posts in that Bank and, therefore, 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. 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 oblige the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching Special Recruitment Drive or by deputing special recruiting teams in the tribal areas or both and provide pri-recruitment comprehensive coaching to improve the intakes of ST candidates in recruitment.**
- 10 Para 2.8.9 **There are no Group 'B' employees in GIC and AIC of India and hence no ST employees belonging to Group 'B' category. It is hoped that both these companies have adequate opportunities for direct promotion from Group 'C' to Group 'A'. 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 12 Group 'B' employees but there is no ST employee there.**
- 11 Para 2.8.10 However, it is appreciable that the overall representation of STs in Group C & D in Insurance Sector is satisfactory. **The Commission therefore, recommends that in order to enhance the representation of STs in Group A & B, the Ministry of Finance should take special measures like SRD to achieve the required representation of 7.5 percent in the Insurance companies through a time bound action plan.**
- 12 Para 2.8.12 It is observed from the statement that the representation of STs among the teaching staff is negligible (0.3%) in the posts of Professors as against the required percentage of 7.5 in all the 39 Universities for which data has been provided by UGC. Banaras Hindu University has highest no. of Professors (647), followed by Aligarh Muslim University (371), Delhi University (273), Jamia Milia Islamia (199), Hyderabad University (155), JNU (114) and HNB Garhwal University (112) but these do not have a single ST Professor. Overall there are 8 ST Professors out of 2606 Professors in position in 39 Central Universities. Similarly, in the post of Associate Professor/ Reader, 29 Universities have not even a single ST while there are 24 Associate Professors/ Readers in remaining 10 Universities. Thus out of 3277 Associate Professors/ Readers in postings in 39 Universities only 24 (0.73%) belongs to ST. Overall position relating to the posts of Assistant Professor/ lecturer/ SL/ SG is somewhat better as 266 (7.3%) out of 3627 Assistant Professor/ lecturer/ SL/

SG belong to Scheduled Tribes in all the 39 Universities while 7 Universities have not even a single ST Assistant Professor/ lecturer/ SL/ SG. These include Central University of Himachal Pradesh, Central University of Jammu, Central University of Kashmir and Central University of Jharkhand whose Jurisdiction extend to several areas of tribal concentration. **The Commission, therefore, recommends that the Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Associate Professor/ Reader and lecturers, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor, Reader and Lecturer which are filled up by direct recruitment, and to chalk out a time bound programme to fill up these vacancies.**

- 13 Para 2.8.15 **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.**
- 14 Para 2.8.16 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 admission to these institutes 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, recommends 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.**
- 15 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 recognition to the Welfare Service Associations.**

- 16 Para 2.10.10 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 is, therefore, of the view and accordingly 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 (where admissible).**
  - (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

- 17 Para 3.3.2 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”.

**Para 3.3.3 Keeping in view the spirit behind this proviso it is recommended 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”.**

- 18 3.5.24 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise proposed earmarking of plan outlays under TSP for 2011-12 and not the actual funds earmarked by each Ministry. A copy of the statement showing proposed earmarking of funds (in %age) out of total Budget by 28 Ministries/ Departments is placed at **ANNEXURE 3.4** It is noted from the statement that 14 out of 28 Ministries/ Departments have been expected to earmark 8% or more of their budget for TSP while other Ministries/ Departments are expected to earmark between 0.25% to 7.5% for TSP. Entire (100%) Plan outlay of the Ministry of Tribal Affairs has been shown as earmarked outlay under TSP of the Ministry. Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes in relation to working of the TSP and earmarking/quantification of funds under TSP of the States and Central Ministries treating the quantified funds as Non-lapsable Fund and utilisation thereof, made in its Fifth Report still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**

- 19 3.5.37 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 thus recommends that 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 have adequate support staff for Research as well as Secretariat support. The CTRI may also be 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.**
- 20 Para 3.5.38 In the above context it may 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. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission recommends that on similar lines funds under Research and Training and Monitoring & Evaluation Heads may be earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.**

#### **CHAPTER 4 ATROCITIES AGAINST SCHEDULED TRIBES**

- 21 Para 4.4.7 In accordance with the provisions contained in Rule 7(2) of the PoA Rules, investigation of an offence of atrocity is required to be completed within thirty days by the prescribed Investigating Officer. This provision is aimed at ensuring the expeditious filing of charge sheets in courts in atrocity cases. In this context it will be useful to know the pace of investigation by police, of the cases of atrocities upon Scheduled Tribes, which will help us understand the reason for delay in filing of the Charge Sheet in the respective Court. The statement at **ANNEXURE 4.I(C)** reveals that the details about the date of completion of investigation has been furnished by the police in 35 cases only out of 91 cases as no such specific information has been furnished in respect of 57 cases. Investigation in 14 out of 35 cases was completed within one month of registration of the case while investigation in 10 cases was completed within 3 months, in 6 cases within 6 months and in 5 cases the investigation took between 6 months to 1 year for completion. In over all, allegations, leveled in 29 cases out of 91 cases, could not be proved during investigation by police. It

is thus clear that the investigation of cases is not properly monitored at the senior levels in the police department. It is also possible that the provision of appointment of the Investigating Officer of the level of Dy. Supdt. of Police as contained in Rule 7(1) of PoA Rules is not being strictly followed by the States/UTs and police officers below the level of Dy. Supdt. of Police are being entrusted with investigation of cases. **The Commission therefore recommends that the above provision in Rule 7(1) of the PoA Rules should be strictly complied with by the State/UTs and investigation of atrocity cases should be closely monitored by the Supdt. of Police and higher officials.**

- 22 Para 4.4.9 **Delayed investigation is certainly going to adversely affect the outcome of the investigation result as well as 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 and thus 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.**
- 23 Para 4.4.12 **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.**
- 24 Para 4.4.13 **The Commission also strongly recommends that the State level and District level Vigilance & Monitoring Committees should 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 constituted 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.**

- 25 Para 4.6.11 A total of 1,154 cases were reported in 2011 as compared to 1,169 cases in 2010, showing a decline of 1.3%. Odisha with 5.96% of the tribal population of the country has accounted for 35.2% (406 cases) of the total cases reported in the country followed by Andhra Pradesh (233 cases i.e 20.2%) (172). It is also worth noting that 20.04% (1154) of the total crimes (5756) registered in the country fall in the category of crimes under SCs and STs (PoA) Act,1989. These are the crimes committed upon STs by the non-ST population while Scheduled Tribes constitute only 8.6% of the total population in the country as per Census 2011. It is also a fact that tribals are shying in nature and weakest strata of the population and therefore many offences relating to atrocities on Scheduled Tribes by non-Scheduled Tribes remain unregistered. **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.**
- 26 Para 4.9.3 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 of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes.
- 27 Para 4.10.1 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.**
- 28 Para 4.10.2 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.

- 29 Para 4.10.3 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.**
- 30 Para 4.10.4 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.**
- 31 Para 4.10.5 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.**
- 32 Para 4.10.6 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 recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**
- 33 Para 4.10.7 **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.**

- 34 Para 4.10.8 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 are 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.**
- 35 Para 4.10.9 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.**
- 36 Para 4.10.10 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.**
- 37 Para 4.10.11 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.**
- 38 Para 4.10.12 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 Report 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 (i.e. wage rate applicable on the days of visit and attendance by the victim and the witness)**

## **CHAPTER 5 CASE STUDIES**

- 39 Para 5.7 The matter or a complaint which could have been resolved within a month or two takes several months to year 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 them 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 for sensitising them towards needs and problems of Scheduled Tribes, various Constitutional provision and safeguards provided for the Scheduled Tribes.**

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**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.**

**National Commission for Scheduled Tribes**  
**Tours undertaken by the Commission during 2011-12**

**Chairperson and other Members and Officers**

S. No.	Duration of visit	Name and Designation	State(s) visited	State Review	District Review	Review of Organisations
1	18/04/2011 to 21/04/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Sikkim	Sikkim	-	Sikkim University
2	25/04/2011 to 30/04/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Jharkhand	Jharkhand	-	-
3	14/07/2011 to 19/07/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Himachal Pradesh	Himachal	Kangra	Himachal University, Central University of Himachal Pradesh
4	20/08/2011 to 26/08/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Andhra Pradesh	Andhra Pradesh	Vishakhapatnam	Andhra University, University of Hyderabad, National Thermal Power Corporation, Andhra Bank
5	27/09/2011 to 04/11/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Gujarat	Gujarat	Dahod, Panchmahal, Khera	Central University of Gujarat
6	19/11/2011 to 25/11/2011	Dr. Rameshwar Oraon, Chairperson Smt K.Kamla Kumari, Member Shri Bheru Lal Meena, Member	Andaman & Nicobar Islands	Andaman & Nicobar Islands	-	-
7	10/02/2012 to 13/02/2012	Dr. Rameshwar Oraon, Chairperson	Rajasthan	-	Bundi	-
8	22/02/2012 to 25/02/2012	Dr. Rameshwar Oraon, Chairperson	Udaipur, Rajasthan	-	Udaipur	Mohan Lal Sukhadia University

### Visits by Smt K.Kamla Kumari, Member

SN	Duration of visit	State visited	State Review/ meeting	District Review/ meeting	Review of Organisations
1	20/04/2011 to 24/04/2011	Andhra Pradesh	Meetings with Officials of Government of Andhra Pradesh	-	-
2	29/07/2011 to 07/08/2011	Andhra Pradesh	-	-	-
3	02/12/2011 to 07/12/2011	Andhra Pradesh	Meetings with Officials of Government of Andhra Pradesh	Khammam	Hindustan Copper Ltd, Bharat Heavy Electronics Ltd, I.T.D.A
4	23/12/2011 to 03/01/2012	Andhra Pradesh	Meetings with Officials of Government of Andhra Pradesh	-	Singareni Collieries Co. Ltd, ITC Bhadrachalam Paperboards Ltd, Kothaguddam Thermal Power Station
5	17/01/2012 to 22/01/2012	Karnataka	Karnataka	Kolar	Hindustan Machine Tools Ltd, Bharat Electronics Ltd, Bharat Heavy Electronics Ltd, Kudremukh Iron Ore Corporation Ltd
6	13/02/2012 to 16/02/2012	Karnataka	Meetings with Officials of Government of Karnataka	-	-

### Visits by Shri Bheru Lal Meena, Member

SNo		State (s) visited	State Review/ meetings	District Review/ meetings	Review of Organisations
1	31/03/2011 to 05/04/2011	Rajasthan & Maharashtra	-	Udaipur, Mumbai field visit	-
2	11/04/2011 to 17/04/2011	Rajasthan	-	Udaipur field visit	-
3	22/04/2011 to 24/04/2011	Rajasthan	-	Banswara, Chittorgarh, and Udaipur field visit	-
4	05/05/2011 to 12/05/2011	Rajasthan	-	Dungarpur, Udaipur and Jaipur field visit	-
5	28/05/2011 to 30/05/2011	Andhra Pradesh	-	Vishakhapatnam field visit	-
6	07/07/2011 to 10/07/2011	Rajasthan	-	Udaipur and Ambaji field visit	-
7	20/07/2011 to 28/07/2011	Rajasthan	-	Udaipur field visit	-
8	11/08/2011 to 16/08/2011	Gujarat & Rajasthan	-	-	-
9	27/08/2011 to 02/09/2011	Rajasthan	-	-	-
10	17/09/2011 to 21/09/2011	Rajasthan	-	Udaipur field visit	-
11	21/10/2011 to 30/10/2011	Rajasthan	-	Udaipur field visit	-
12	12/11/2011 to 13/11/2011	Uttarakhand	-	Haridwar and Rishikesh field visit	-
13	25/12/2011 to 03/01/2012	Rajasthan	-	-	-
14	12/01/2012 to 23/01/2012	Udaipur (Raj)	-	Udaipur field visit	-
15	10/02/2012 to 17/02/2012	Rajasthan	-	Banswara, Dungarpur and Udaipur field visit	-
16	18/02/2012 to 26/02/2012	Udaipur (Raj)	-	Udaipur field visit	-
17	15/03/2012 to 21/03/2012	Raj, Guj, Daman & Diu	-	Udaipur, Gujarat, Union Territory of Daman & Diu and Nagar Haveli field visit	--
18	29/03/2012 to 01/04/2012	Bhopal (MP)	-	Betul field visit	-

**ANNEXURE 1.3**  
(Ref Para 1.11.1 7R)

National Commission for Scheduled Tribes

Court cases registered during 2011-12

S. No.	<u>File No.</u>	<u>Subject matter</u>
1	<u>18/1/2011/CC/ RU-III</u>	WP (c) of 2011 filed as PIL in the Supreme Court of India by Centre for public interest litigation V/s Union of India AND ORs dated 09/05/2011 regarding National Commission for Minority Educational Institution conferring Minority Institution Status to the Jamia Milia Islamia University.
2	<u>Court Case-1/ Devlopment/ Rajasthan/ 2011/ RU-I</u>	S.B.Civil (Writ) Petition No.3119/011 filed in the High Court of Judicature for Rajasthan at Jodhpur filled by Mohan Lal V/s Nagar Palika, Phalodi and others in the matter of the Rajasthan Municipalities (Desposal of Urban Land) Rules 1974.
3	<u>Court Case-5/ Service/ Rajasthan/ 2011/RU-I</u>	S.B.Civil Writ Peittion No.8660/2011 filed in the High Court of Rajasthan at Jaipur by Shri Dharam Veer Dhanaka, S/o Shri Ratan Kumar Dhanka, Jaipur V/s Union of India and others in the matter of issue of ST certificate to Dhanaka Community of Rajasthan State.
4	<u>Court Case-6/ Service/ Rajasthan/ 2011/RU-I</u>	S.B.Civil Writ Peittion No.6318/2011 filed in the High Court of Rajasthan at Jaipur by Akhil Bhartiya Nayak, Delhi V/s. Union of India and others in the matter of issue of ST certificate to Nayak Community of Rajasthan State.
5	<u>CC/37/2011/ MFIN9/SEOTH/ RU-IV</u>	W.P. No. 6434 filed in the High Court of Delhi by Shri Jagdish Chander Toor Vs Chairman, NCST and others seeking direction for the NCST to take charge of the State Bank of India SC/ST Employees Welfare Association (Delhi Circle).
6	<u>CC/2/2011/STG AP/DEOTH/ RU-IV</u> and <u>CC/1/2012/STG AP/SEOTH/ RU-IV</u>	W.P. No. 22942/2011 and W.P. NO. 22943/2011 filed in the High Court of Judicature of Andhra Pradesh at Hyderabad by Adivasi (Girijana) Udyoagula Samkshema Tekulapally Mandal, Khammam Dist., Andhra Pradesh V/s. Union of India (Ministry of Law and Affairs and Ministry of Panchayati Raj) and others seeking to quash certain provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
7	<u>18/1/2012/Court Case/Service/ RU-III</u>	Appeal Civil Writ petition No-3168/2012 filed in the Supreme Court of India (Civil Appellate jurisdiction) New Delhi by Kolhan Raksha Sangh V/s State of Jharkhand and Ors in the matter of Promoting the welfare ST communities.
8	<u>20/1/Rajasthan/ High Court/ 2012/RU-I</u>	SB NO.10288/2011 filed in the High Court of Rajasthan by Shri, Brij Mohan V/s Govt.of Rajasthan and others.



**ANNEXURE 2.1**  
(Ref. Para 2.8.3 7R)

**STATEMENT-26**  
Representation of SCs, STs and OBCs in the Central Public Sector Enterprises under different Ministries/Departments as on 31.3.2011

S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis			Group D : Semi-skilled/Unskilled Safai Karamchari							
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs				
<b>Ministry of Agriculture</b>																					
<b>Department of Agriculture &amp; Cooperation</b>																					
1.	National Seeds Corporation Ltd.	108	21	03	13	253	34	12	53	296	49	07	48	28	06	41	04	01	-	-	
2.	State Farms Corporation of India Ltd.	29	02	-	05	33	05	-	04	316	65	11	36	116	29	10	26	01	-	-	
<b>Ministry of Chemicals and Fertilizers</b>																					
<b>Department of Chemicals &amp; Petrochemicals</b>																					
3.	Brahmaputra Cracker and Polymer Ltd.																				
4.	Hindustan Fluocarbons Ltd.																				
5.	Hindustan Insecticides Ltd.	169	17	02	18	125	31	05	33	882	131	45	318	207	37	34	76	05	03	-	02
6.	Hindustan Organic Chemicals Ltd.	314	48	19	13	307	50	11	3	459	59	16	66	3	-	-	-	01	-	-	
<b>Department of Fertilizers</b>																					
7.	Brahmaputra Valley Fertilizer Corporation.	284	22	23	73	331	27	54	95	474	29	120	168	25	01	05	03	05	04	-	-
8.	FCI Aravali Gypsum & Minerals (India) Ltd.	36	07	01	02	23	02	01	04	13	04	03	-	14	01	-	-	-	-	-	-
9.	Fertilizer Corporation of India Ltd.	21	04	01	01	08	01	-	01	06	01	-	02	-	-	-	-	-	-	-	-
10.	Fertilizers & Chemicals (Trevancore) Ltd.	495	83	10	72	1421	191	56	371	712	78	23	289	665	93	18	275	24	08	-	12
11.	Hindustan Fertilizers Corporation Ltd.	19	04	-	-	06	04	01	-	-	-	-	-	-	-	-	-	-	-	-	-
12.	Madras Fertilizers Ltd.	227	24	03	11	267	52	04	26	283	101	01	69	-	-	-	-	-	-	-	-
13.	National Fertilizers Ltd.	1685	365	83	82	1901	497	156	115	907	232	43	114	54	24	03	07	86	86	-	-
14.	Projects & Development India Ltd.	434	48	21	61	31	04	-	02	32	10	-	06	-	-	-	-	-	-	-	-
15.	Rashtriya Chemicals and Fertilizers Ltd.	1502	230	49	110	1342	173	78	08	1268	157	120	171	146	32	12	48	-	-	-	-
<b>Department of Pharmaceuticals</b>																					
16.	Bengal Chemicals & Pharmaceuticals Ltd.	125	09	-	-	101	13	-	-	361	24	03	-	99	09	-	-	10	02	-	-
17.	Bihar Drugs and Organic Chemicals Ltd.																				
18.	Hindustan Antibiotics Ltd.	153	26	08	08	133	11	01	10	546	77	21	74	342	76	16	22	04	02	-	-
19.	IDPL (Tamilnadu) Ltd.	06	02	-	02	02	-	-	-	15	05	-	10	-	-	-	-	-	-	-	-
20.	Indian Drugs & Pharmaceuticals Ltd.	79	12	-	06	69	05	-	12	52	12	01	05	-	-	-	-	-	-	-	-
21.	Karnataka Antibiotics & Pharmaceuticals Ltd.	128	12	-	05	86	17	01	11	516	61	16	92	-	-	-	-	-	-	-	-
22.	Orissa Drugs & Chemicals Ltd.	-	-	-	-	04	01	-	02	01	-	-	01	10	01	-	05	06	06	-	-
23.	Rajasthan Drugs & Pharmaceuticals Ltd.	33	02	-	02	40	05	03	08	86	13	09	13	31	08	08	04	-	-	-	-

Source: Department of Public Enterprises

NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis				Group D : Semi-skilled/Unskilled Safai Karamchari			
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	
<b>Ministry of Civil Aviation</b>																		
24.	Air India Air Transport Services Ltd.																	
25.	Air India Charters Ltd.																	
26.	Air India Engineering Services Ltd.																	
27.	Airline Allied Services Ltd.	4209	542	218	288	2022	345	132	339	7280	1518	547	1132	2887	919	254	308	
28.	Airports Authority of India Ltd.	203	14	02	10	184	26	12	18	505	139	40	29	-	-	-	-	
29.	Pawan Hans Helicopters Ltd.	10878	1849	716	365	7767	1387	558	419	2665	442	220	326	6181	1766	434	204	
30.	Air India Ltd.	70	17	04	01	105	26	04	-	505	139	40	29	634	193	35	37	
31.	Hotel Corporation of India Ltd																	
<b>Ministry of Coal</b>																		
32.	Bharat Coking Coal Ltd.	1897	80	20	163	3746	77	42	521	43245	10574	3457	12586	19023	4251	760	5053	
33.	Central Coalfields Ltd.	2188	136	100	81	1859	177	122	436	33739	6630	5210	8801	13875	3701	3136	3801	
34.	Central Mine Planning & Design Institute Ltd.	688	29	17	59	583	70	60	62	1148	125	105	126	665	103	67	96	
35.	Coal India Ltd.	316	06	03	05	322	06	01	02	334	9	1	4	49	12	2	-	
36.	Eastern Coalfields Ltd.	1981	187	33	20	4095	341	67	213	45301	14371	5896	1574	30402	3702	2541	1281	
37.	Mahanadi Coalfields Ltd.	1225	117	31	203	1495	146	69	58	12404	988	426	545	6193	390	223	475	
38.	MJSJ Coal Ltd																	
39.	MNH Shakti Ltd																	
40.	Northern Coalfields Ltd.	1266	80	39	20	3317	531	174	829	9564	1339	634	785	2652	387	216	146	
41.	South Eastern Coalfields Ltd	2575	243	111	180	2729	422	93	87	48611	8723	9637	8627	22025	6000	7269	4843	
42.	Western Coalfields Ltd.	2138	254	44	434	4448	540	725	723	39705	8251	2976	10801	13766	2209	1113	3367	
43.	NLC Tamilnadu Power Ltd									11613	2465	120	2464					
44.	Neyveli Lignite Corporation Ltd	3793	762	164	182	363	92	12	57					2355	494	11	981	
<b>Ministry of Commerce and Industry</b>																		
<b>Department of Commerce</b>																		
45.	Export Credit Guarantee Corporation of India	198	29	07	08	324	48	16	44	37	16	04	01	15	06	-	-	
46.	India Trade Promotion Organization	171	37	08	05	107	18	04	-	373	65	12	17	382	94	05	06	
47.	Karnataka Trade Promotion Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
48.	MMTC Ltd.	587	111	35	23	756	152	75	-	157	29	08	02	292	85	16	06	
49.	PEC Ltd.	165	31	05	15	17	06	01	-	15	06	01	01	-	-	-	-	
50.	S T C L Ltd.	12	-	-	-	08	-	-	01	27	03	01	05	09	01	-	-	
51.	State Trading Corporation of India Ltd.	537	116	29	32	156	22	07	06	187	71	17	15	-	-	-	-	

Source: Department of Public Enterprises

NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level				Group B : Supervisory Level				Group C : Workmen/ Clerical Level				Group D : Semi-skilled/Unskilled : Safal Karamcharis				Group D : Semi-skilled/Unskilled Safal Karamchari			
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs
52.	Tamilnadu Trade Promotion Organisation	06	01	-	05	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Ministry of Communication &amp; Information Technology</b>																					
<b>Department of Telecommunications</b>																					
53.	Bharat Sanchar Nigam Ltd.	8062	1302	487	378	48439	7540	2114	5557	33706	9484	13519	42787	9778	2507	3273	-	-	-	-	-
54.	ITI Ltd.	1008	142	34	55	3959	614	18	322	1117	44	787	04	03	-	01	99	74	01	-	-
55.	Mahansagar Telephone Nigam Ltd.	1203	210	52	10	5160	726	105	106	4469	489	89	11410	2515	867	14	173	186	01	-	-
56.	Millennium Telecom Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
57.	Telecommunications Consultants (India) Ltd.	357	44	12	27	145	20	06	15	33	05	34	128	23	01	23	-	-	-	-	-
<b>Department of Information Technology</b>																					
58.	National Informatics Centre Services Incorporated	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Ministry of Consumer Affairs, Food &amp; Public Distribution</b>																					
<b>Department of Food &amp; Public Distribution</b>																					
59.	Central Railside Warehousing Company Ltd.	25	02	-	-	04	-	-	-	01	01	-	-	-	-	-	-	-	-	-	-
60.	Central Warehousing Corporation.	268	57	11	-	1026	165	42	-	2930	583	81	87	949	263	71	64	440	285	10	36
61.	Food Corporation of India.	678	133	66	48	5425	1079	596	184	17048	3812	1338	846	8010	2590	780	242	86	51	02	01
62.	Hindustan Vegetable Oils Corporation Ltd.	07	-	-	-	15	01	-	-	13	06	-	01	82	26	-	08	02	02	-	-
<b>Ministry of Defence</b>																					
<b>Department of Defence Production</b>																					
63.	Bharat Dynamics Ltd.	508	82	50	39	147	19	13	43	1883	326	96	294	346	91	14	126	-	-	-	-
64.	BEML Ltd.	1377	207	41	141	1342	245	72	359	8947	1906	342	1409	65	29	03	05	-	-	-	-
65.	Bharat Electronics Ltd.	4451	807	242	787	449	62	07	67	5935	1198	127	943	423	143	28	65	-	-	-	-
66.	BEL Optronics Devices Ltd.	32	-	-	04	01	-	-	01	85	08	-	32	-	-	-	-	-	-	-	-
67.	Garden Reach Shipbuilders & Engineers Ltd	464	72	13	62	24	03	01	06	2978	535	149	98	604	142	43	49	77	70	-	-
68.	Goa Shipyard Ltd.	207	19	10	30	14	-	01	01	1175	77	37	98	272	45	09	11	-	-	-	-
69.	Hindustan Aeronautics Ltd.	8141	1454	450	1627	04	01	-	01	23820	4166	1582	5371	36	15	-	7	02	01	-	-
70.	Mazagon Dock Ltd.	1064	177	54	211	189	11	37	-	898	41	06	105	4365	479	183	702	18	16	-	-
71.	Mishra Dhatu Nigam Ltd	244	33	09	49	1550	285	95	276	622	120	35	297	71	14	05	26	-	-	-	-
72.	Vignyan Industries Ltd.	05	-	-	04	18	01	02	12	151	09	05	111	06	01	-	04	-	-	-	-
<b>Ministry of Development of North Eastern Region</b>																					
73.	North Eastern Handicrafts & Handlooms Development Corporation Ltd.	09	-	-	01	19	08	01	01	40	06	09	05	42	01	12	07	-	-	-	-

Source: Department of Public Enterprises  
NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level				Group B : Supervisory Level				Group C : Workmen/ Clerical Level				Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis				Group D : Semi-skilled/Unskilled Safai Karamchari				
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	
74.	North Eastern Regional Agricultural Marketing Corporation Ltd.	08	-	-	-	02	-	-	-	02	02	02	-	18	08	07	-	-	-	-	-	
<b>Ministry of Environment and Forests</b>																						
75.	Andaman & Nicobar Isl. Forest and Plantation Devpt. Corpn. Ltd.	10	-	-	-	18	-	-	-	215	-	10	-	99	-	10	-	-	-	-	-	
<b>Ministry of Finance</b>																						
<b>Department of Economic Affairs</b>																						
76.	India Infrastructure Finance Company Ltd	27	-	-	02	-	-	-	-	-	-	-	-	01	-	-	-	-	-	-	-	
<b>Department of Financial Services</b>																						
77.	Security Printing and Mining Corporation of India Ltd.	205	44	13	13	633	125	39	36	1947	474	216	163	542	132	45	28	75	61	02	-	
<b>Ministry of Health &amp; Family Welfare</b>																						
<b>Department of AYUSH</b>																						
78.	Indian Medicines & Pharmaceuticals Corporation Ltd.	12	01	-	-	05	01	-	-	25	03	-	-	83	31	-	04	01	01	-	-	
<b>Department of Health &amp; Family Welfare</b>																						
79.	HLL Lifecare Ltd.	248	35	04	36	109	09	-	23	1251	178	68	324	325	88	14	92	-	-	-	-	
80.	H.S.C.C. (India) Ltd.	60	03	-	6	48	13	-	07	10	04	-	01	07	04	-	-	-	-	-	-	
<b>Ministry of Heavy Industries and Public Enterprises</b>																						
<b>Department of Heavy Industry</b>																						
81.	Andrew Yule & Co. Ltd.	211	05	03	17	98	05	01	09	546	24	33	181	14144	2467	3170	7204	153	50	33	70	
82.	BBJ Construction Company Ltd.	49	04	-	02	-	-	-	-	35	01	-	01	13	01	-	-	-	01	01	-	-
83.	Bharat Bharat Udyog Nigam Ltd.	13339	2023	787	1902	11057	1862	251	681	19591	4564	1376	5284	1233	287	37	423	154	145	01	03	
84.	Bharat Heavy Electricals Ltd.	229	42	08	26	42	05	09	10	763	129	86	184	86	13	-	24	-	-	-	-	
85.	Bharat Heavy Plate & Vessels Ltd.	204	17	-	33	64	11	-	17	777	140	03	281	27	04	-	10	-	-	-	-	
86.	Bharat Pumps and Compressors Ltd.	582	84	02	30	154	26	-	07	472	27	01	13	272	27	03	09	10	10	-	-	
87.	Bridge & Roof Co. (India) Ltd.	66	02	01	01	45	04	-	-	80	19	-	03	765	28	03	-	06	01	-	-	
88.	Burn Standard Company Ltd.	116	09	-	03	172	20	01	14	487	69	60	77	233	27	40	13	05	05	-	-	
89.	Cement Corporation of India Ltd.	322	64	17	34	49	03	01	05	41	08	-	05	19	04	-	08	-	-	-	-	
90.	Engineering Projects (India) Ltd.	1399	103	170	362	448	86	76	117	677	98	170	171	225	22	121	45	35	15	19	-	
91.	Heavy Engineering Corporation Ltd.	296	41	06	18	359	24	10	20	1040	235	102	91	326	163	91	39	120	117	01	01	
92.	Hindustan Cables Ltd.	175	06	01	21	209	10	05	12	628	45	03	157	36	07	-	09	-	-	-	-	
93.	Hindustan Newsprints Ltd.																					

Source: Department of Public Enterprises

NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis			Group D : Semi-skilled/Unskilled Safai Karamcharis				
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	
94.	Hindustan Paper Corporation Ltd.	485	38	10	38	03	01	20	1700	191	140	84	191	24	54	30	02	-
95.	Hindustan Photofilms Manufacturing Company Ltd.	85	18	08	31	225	33	21	371	63	14	192	58	16	-	38	-	-
96.	Hindustan Salts Ltd.	08	02	-	-	30	04	02	21	02	-	06	45	04	04	06	02	-
97.	HMT (International) Ltd.	48	07	03	01	05	02	-	07	-	01	-	-	-	-	-	-	-
98.	HMT Bearings Ltd.	24	3	-	05	11	03	-	55	13	-	24	01	-	-	01	-	-
99.	HMT Chinar Watches Ltd.	03	-	-	-	06	-	-	107	11	02	-	-	-	-	-	-	-
100.	HMT Ltd.	258	42	-	06	132	29	04	1561	380	72	15	-	-	-	-	-	-
101.	HMT Machine Tools Ltd.	815	115	19	115	336	57	16	2501	510	150	739	83	24	04	33	-	-
102.	HMT Watches Ltd.	171	27	05	29	125	13	03	1140	227	50	179	03	01	-	-	-	-
103.	Hooghly Printing Company Ltd.	08	-	-	-	06	-	-	10	-	-	-	34	02	-	-	-	-
104.	Instrumentation Ltd.	321	47	09	25	227	46	07	705	101	35	143	64	12	08	11	08	08
105.	Jagdishpur Paper Mills Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
106.	NEPA Ltd.	104	03	-	07	386	17	10	559	69	12	45	-	-	-	-	22	22
107.	Nagaland Pulp & Paper Co. Ltd	06	-	05	01	08	-	05	164	-	104	11	80	-	57	10	01	01
108.	Rajasthan Electronics & Instruments Ltd.	73	09	01	14	66	04	-	63	25	05	12	28	05	02	10	02	02
109.	Richardson & Crudass (1972) Ltd.	17	01	-	02	11	03	-	31	04	-	-	-	-	-	-	-	-
110.	Sambhar Salts Ltd.	09	03	02	-	11	01	01	31	07	01	04	46	09	05	23	01	01
111.	Scooters India Ltd.	151	19	02	17	25	02	-	805	200	01	238	73	25	-	20	-	-
112.	Trivent Structuralis Ltd.	24	-	-	08	07	-	-	77	12	-	34	25	08	-	14	-	-
113.	Tungabhadra Steel Products Ltd.	09	-	01	05	23	03	-	67	22	02	17	-	-	-	-	01	01
114.	Tyre Corporation of India Ltd.	-	-	-	-	-	-	-	44	01	-	-	-	-	-	-	-	-
<b>Ministry of Housing &amp; Urban Poverty Alleviation</b>																		
115.	Hindustan Prefab Ltd.	05	-	-	-	08	01	-	202	80	09	05	74	18	-	-	01	01
116.	Housing & Urban Development Corporation Ltd.	508	77	21	33	173	35	09	185	27	13	37	133	42	17	08	-	-
<b>Ministry of Human Resource Development</b>																		
<b>Department of Secondary &amp; Higher Education</b>																		
117.	EdCIL (India) Ltd.	35	05	02	06	19	06	-	20	06	-	01	12	07	01	01	-	-
<b>Ministry of Information &amp; Broadcasting</b>																		
118.	Broadcast Engineering Consultants India Ltd.	19	01	01	02	16	02	02	10	03	-	01	01	-	-	-	-	-
119.	National Film Development Corporation Ltd.	26	04	-	01	20	04	-	42	16	-	06	14	03	-	05	01	01

Source: Department of Public Enterprises

NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level				Group B : Supervisory Level				Group C : Workmen/ Clerical Level				Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis				Group D : Semi-skilled/Unskilled Safai Karamchhari			
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs
<b>Ministry of Micro Small &amp; Medium Enterprises</b>																					
120.	National Small Industries Corporation Ltd.	407	77	15	61	173	24	06	16	199	40	03	20	84	33	-	08	01	01	-	-
<b>Ministry of Mines</b>																					
121.	Hindustan Copper Ltd.	707	88	21	54	76	11	07	17	3508	539	498	539	753	106	118	25	102	102	-	-
122.	Mineral Exploration Corporation Ltd.	234	42	15	13	56	06	03	04	1545	220	110	82	54	11	03	02	03	03	-	-
123.	National Aluminium Company Ltd.	1783	218	120	81	3115	609	670	31	2459	344	497	362	36	07	12	04	-	-	-	-
<b>Ministry of Minorities Affairs</b>																					
124.	National Minorities Development & Finance Corporation.	12	03	01	01	04	-	-	02	11	06	-	01	06	03	-	02	-	-	-	-
<b>Ministry of New and Renewable Energy</b>																					
125.	Indian Renewable Energy Development Agency Ltd.	62	10	05	06	26	05	02	04	32	08	02	01	06	-	-	03	-	-	-	-
<b>Ministry of Petroleum and Natural Gas</b>																					
126.	Balmer Lawrie & Co. Ltd.	383	31	04	28	266	29	02	40	144	24	02	12	618	77	10	21	08	08	-	-
127.	Balmer Lawrie Investments Ltd.	4886	786	277	488	3369	487	185	228	3187	510	198	350	2320	475	150	258	53	29	02	04
128.	Bharat Petroleum Corporation Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
129.	Bharat Petro Resources Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
130.	Bharat Petro resources JPDA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
131.	Biecco Lawrie & Co. Ltd.	51	06	-	01	37	05	-	03	46	04	-	01	280	72	-	08	-	-	-	-
132.	Certification Engineers International Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
133.	Chennai Petroleum Corporation Ltd.	519	128	18	35	291	63	08	40	958	240	10	321	-	-	-	-	-	-	-	-
134.	CREDA-HPCL Biofuel Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
135.	Engineers India Ltd.	3048	511	100	323	200	45	05	03	132	43	06	14	09	06	-	01	17	17	-	-
136.	GAIL (India) Ltd.	2578	411	153	405	496	105	65	59	664	112	28	191	58	17	05	14	-	-	-	-
137.	GAIL Gas Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
138.	Hindustan Petroleum Corporation Ltd.	4982	910	363	579	-	-	-	-	6254	1281	372	70	103	25	07	05	-	-	-	-
139.	HPCL Biofuels Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
140.	Indian Oil Corporation Ltd.	14644	2395	987	1408	6389	1054	549	137	13096	2687	1031	1542	244	54	26	48	-	-	-	-
141.	Mangalore Refinery & Petrochemicals Ltd.	587	38	15	96	-	-	-	-	702	39	04	217	05	1	-	03	-	-	-	-
142.	Numaligarh Refinery Ltd.	387	51	34	90	-	-	-	-	429	34	61	130	02	-	01	-	-	-	-	-
143.	Oil & Natural Gas Corporation Ltd.	21726	3371	1498	1530	2302	356	218	165	6026	878	849	788	2771	462	290	313	115	87	05	05
144.	Oil India Ltd.	1272	130	101	150	104	07	07	03	6129	364	700	1948	594	62	82	206	182	02	-	-
145.	ONGC Ltd.	286	23	08	11	03	-	-	01	-	-	-	-	-	-	-	-	-	-	-	-

Source: Department of Public Enterprises



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis			Group D : Semi-skilled/Unskilled Safai Karamchari			
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs
<b>Ministry of Power</b>																	
145.	Bharthiya Reil Biljee Co. Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
147.	Chhattisgarh Surguja Power Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
148.	Coastal Karnataka Power Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
149.	Coastal Maharashtra Mega Power Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
150.	Coastal Tamil Nadu Power Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
151.	Ghogaipalli Integrated Power Co. Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
152.	IRCON Infrastructure & Services Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
153.	Power System Operation Corporation Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
154.	Taliya Andhra Mega Powers Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
155.	Kanti Biljee Utpadan Nigam Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
156.	Narmada Hydro Electric Development Corporation Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
157.	Loktak Downstream Hydroelectric Corporation Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
158.	N H P C Ltd.	3140	411	189	432	1772	240	96	301	4578	488	164	209	312	151	150	132
159.	North Eastern Electric Power Corporation Ltd	763	76	116	100	1169	49	252	159	946	62	359	128	13	27	17	-
160.	NTPC Electric Supply Company Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
161.	NTPC Hydro Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
162.	N T P C Ltd	14005	1674	589	2110	5085	788	356	374	5877	1038	410	506	238	152	200	03
163.	NTPC Vidyut Vyapar Nigam Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
164.	Orissa Integrated Power Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
165.	PFC Consulting Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
166.	Power Finance Corporation	231	36	11	24	67	14	05	05	42	07	07	10	4	-	01	-
167.	Power Grid Corporation of India Ltd.	4190	523	193	718	1977	225	72	195	3387	506	360	746	211	34	26	36
168.	Rachur Sholaur Transmission Co. Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
169.	REC Power Distribution Company Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
170.	REC Transmission Projects Co. Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
171.	Rural Electrification Corporation Ltd.	367	31	09	34	138	18	03	-	87	17	-	03	98	30	02	02
172.	Sakhigopal Integrated Power Co. Ltd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
173.	Sailu, Jai Vidyut Nigam Ltd.	623	86	39	74	50	16	02	04	504	143	24	58	36	15	02	-
174.	Tehri Hydro Development Corporation Ltd.	662	64	12	42	477	43	03	23	953	148	15	81	85	20	-	06
<b>Ministry of Railways</b>																	
175.	Bharat Wagon & Engg Co. Ltd	36	01	-	05	77	08	-	19	541	63	-	20	206	03	-	08

Source: Department of Public Enterprises  
NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level				Group B : Supervisory Level				Group C : Workmen/ Clerical Level				Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis				Group D : Semi-skilled/Unskilled Safai Karamchari			
		SCs		STs		SCs		STs		SCs		STs		SCs		STs		SCs		STs	
		Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs	Total Number of employees	OBCs
176.	Container Corporation of India Ltd.	229	30	03	31	19	02	30	702	104	38	180	58	17	09	-	-	-	-	-	-
177.	Dedicated Freight Corridor Corporation of India Ltd.	05	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
178.	Fresh & Healthy Enterprises Ltd.	02	-	-	02	-	-	-	02	01	01	-	01	01	-	-	-	-	-	-	-
179.	Indian Railway Catering and Tourism Corporation Ltd.	06	-	-	-	01	-	-	09	03	01	-	03	03	-	-	-	-	-	-	-
180.	Indian Railway Finance Corporation Ltd.	408	35	06	39	303	39	15	63	87	12	98	291	32	14	40	06	06	-	-	-
181.	IRCON International Ltd	57	-	-	01	19	01	-	66	08	-	-	277	38	-	-	-	-	-	-	-
182.	Braithwaite & Co. Ltd.	169	23	05	23	-	-	-	4382	548	195	1781	-	-	-	-	-	-	-	-	-
183.	Konkan Railway Corporation Ltd.	25	01	-	-	22	02	-	37	01	-	-	09	03	-	02	-	-	-	-	-
184.	Mumbai Railway Vikas Corporation Ltd.	129	09	02	06	62	06	-	52	04	-	05	28	02	-	02	-	-	-	-	-
185.	Rail Vikas Nigam Ltd.	82	07	03	03	269	33	11	61	06	-	01	-	-	-	-	-	-	-	-	-
186.	RailTel Corporation of India Ltd.	1219	133	17	115	175	19	15	521	60	09	25	247	35	09	24	11	10	-	-	-
187.	RTES Ltd.																				
<b>Ministry of Science and Technology</b>																					
<b>Department of Biotechnology</b>																					
188.	Bharat Immunological & Biologicals Corporation Ltd.	14	-	-	01	16	03	02	02	72	17	01	17	16	06	03	01	02	01	-	01
189.	Indian Vaccine Corporation Ltd.																				
<b>Department of Scientific and Industrial Research</b>																					
190.	Central Electronics Ltd.	153	05	-	09	76	16	-	12	405	126	01	55	10	03	-	02	-	-	-	-
191.	National Research Development Corporation.	32	02	01	01	30	11	-	01	21	08	-	-	06	01	-	-	04	04	-	-
<b>Ministry of Shipping,</b>																					
192.	Central Inland Water Transport Corporation Ltd.																				
193.	Cochin Shipyard Ltd.	323	50	20	51	135	26	03	19	231	23	14	07	08	01	-	01	-	-	-	-
194.	Dredging Corporation of India Ltd.	28	03	-	10	18	04	-	09	29	07	-	12	14	06	01	06	-	-	-	-
195.	Ennore Port Ltd.	124	28	12	09	360	63	30	71	1730	226	62	78	464	95	12	26	71	71	-	-
196.	Hindustan Shipyard Ltd.	52	01	-	01	69	05	-	-	305	35	04	02	79	08	-	-	05	05	-	-
197.	Hooghly Dock and Port Engineers Ltd.																				
198.	Sethusamudram Corporation Ltd.																				
199.	Shipping Corporation of India Ltd.					159	41	08	07												

Source: Department of Public Enterprises

NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi skilled/Unskilled : Excluding Safai Karamcharis			Group D : Semi-skilled/Unskilled Safai Karamchari					
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs		
<b>Ministry of Social Justice and Empowerment</b>																			
200.	Artificial Limbs Mfg. Corporation of India.	39	04	-	05	17	01	-	05	224	38	02	56	114	32	01	27	03	-
201.	National Backward Classes Finance and Development Corpn.	09	01	-	03	10	03	-	01	18	03	-	05	11	03	-	04	-	-
202.	National Handicapped Finance and Development Corporation.	11	02	-	03	02	-	-	-	13	01	-	03	05	01	-	01	-	-
203.	National Safai Karamchari's Finance and Development Corpn.	06	01	-	01	-	-	-	-	06	02	-	03	05	01	-	02	-	-
204.	National Scheduled Castes Finance and Development Corporation.	26	07	01	02	09	03	-	01	30	13	02	06	15	10	-	03	-	-
<b>Ministry of Steel</b>																			
205.	Biera Stone Lime Co. Ltd																		
206.	Eastern Investment Ltd	148	16	03	17	568	78	36	64	377	100	63	48	-	-	-	-	03	-
207.	Ferro Scrap Nigam Ltd.	152	11	01	19	113	11	-	20	536	85	74	41	38	07	04	03	01	-
208.	Hindustan Steel Works Construction Ltd.	-	-	-	-	-	-	-	-	04	-	-	-	-	-	-	-	-	-
209	J & K Mineral Development Corporation Ltd.	440	53	15	15	41	05	01	01	793	115	34	66	67	15	09	06	08	07
210.	KIOCL Ltd	154	23	09	18	63	12	03	-	79	21	02	13	17	08	01	01	-	-
211.	MSTC Ltd.	220	32	10	40	202	31	06	55	1585	347	235	402	4598	842	1364	1430	60	-
212.	Manganese Ore (India) Ltd.	1645	266	116	198	60	15	14	15	107	20	40	16	32	08	14	04	07	04
213.	MECON Ltd.	1113	172	68	116	975	157	201	68	2414	484	527	275	1633	258	571	337	61	02
214.	NMDC Ltd													32	08	14	04		
215.	Orissa Mineral Development Co. Ltd	5218	872	379	523	5585	1028	342	182	4675	733	392	544	2422	404	122	137	-	-
216.	Rasihya Ispat Nigam Ltd.																		
217.	NMDC-CMD Ltd.	16174	2327	984	1147	40871	5382	3796	2762	54995	9150	9718	5630	-	-	-	-	874	644
218.	Steel Authority of India Ltd.																		122
219.	Maharashtra Electrosmeit Ltd.	125	10	03	42	308	30	18	175	256	47	20	145	-	-	-	-	-	-
<b>Ministry of Textiles</b>																			
220.	Birds, Jute & Exports Ltd.																		
222.	British India Corporation Ltd.																		
223.	Central Cottage Industries Corporation of India Ltd.																		
224.	Cotton Corporation of India Ltd.	32	04	02	06	44	07	02	09	57	11	03	20	17	07	01	04	-	-
225.	Handicrafts and Handlooms & Exports Corpn. of India Ltd.																		

Source: Department of Public Enterprises  
NCST\_7R\_2011-12\_ANNEXURE 2.1



S. No.	Name of the Ministry/ Name of the PSE	Group A : Managerial/ Executive Level			Group B : Supervisory Level			Group C : Workmen/ Clerical Level			Group D : Semi-skilled/Unskilled : Excluding Safai Karamcharis			Group D : Semi-skilled/Unskilled Safai Karamchari						
		Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs	Total Number of employees	SCs	STs	OBCs			
226.	Jute Corporation of India Ltd.	56	09	02	02	12	01	-	729	97	12	19	166	43	09	01	-	-	-	
227.	National Handlooms Development Corporation Ltd.	35	02	05	04	66	06	07	62	05	-	09	37	07	-	04	-	-	-	
228.	National Jute Manufacturers Corporation Ltd.																			
229.	National Textiles Corporation Ltd.	345	43	05	44	400	68	02	2279	264	10	314	5755	929	70	222	39	30	01	
<b>Ministry of Tourism</b>																				
230.	Assam Ashok Hotel Corporation Ltd.																			
231.	Doyal Polo Ashok Hotel Corporation Ltd.	04	-	-	01	-	-	-	12	02	01	01	12	02	01	-	-	-	-	
232.	India Tourism Development Corporation Ltd.	353	61	06	27	94	17	01	1246	358	25	62	435	174	19	14	63	42	01	
233.	Kumarakruppa Frontier Hotels (P) Ltd.																			
234.	Madhya Pradesh Ashok Hotel Corporation Ltd.	-	-	-	-	-	-	-	33	02	01	03	25	07	01	02	-	-	-	
235.	Pondicherry Ashok Hotel Corporation Ltd.	04	-	-	01	07	03	01	02	-	-	02	09	02	-	06	-	-	-	
236.	Punjab Ashok Hotel Company Ltd.																			
237.	Ranchi Ashok Bihar Hotel Corporation Ltd.	04	-	-	-	04	-	-	27	02	05	06	03	01	-	02	10	03	03	
238.	Utkal Ashok Hotel Corporation Ltd.																			
<b>Ministry of Tribal Affairs</b>																				
239.	National Scheduled Tribes Finance & Development Corporation.	20	01	08	01	04	02	-	22	06	02	06	07	03	01	01	-	-	-	
<b>Ministry of Urban Development</b>																				
240.	National Building Construction Company Ltd.	769	168	25	25	78	17	01	1265	174	17	70	13	13	-	-	195	33	03	
<b>Ministry of Water Resources</b>																				
241.	National Projects Construction Corporation Ltd.																			
242.	WAPCOS Ltd.	326	46	06	27	82	11	04	64	14	02	09	37	14	05	-	04	04	-	
<b>Department of Atomic Energy</b>																				
243.	Bharatiya Nabhikiya Vidyut Nigam Ltd.	176	29	01	43	100	14	04	141	35	01	63	-	-	-	-	-	-	-	
244.	Electronics Corporation of India Ltd.	1859	241	58	27	910	215	55	1223	169	59	41	305	72	10	06	101	42	01	
245.	Indian Rare Earths Ltd.																			
246.	Nuclear Power Corporation of India Ltd.	4047	303	69	400	4524	724	278	3320	748	344	930	-	-	-	-	-	-	-	
247.	Uranium Corporation of India Ltd.	243	30	19	33	179	15	17	1477	163	565	203	2489	163	1119	402	60	60	-	
<b>Department of Space</b>																				
248.	Anirix Corporation Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
TOTAL		209292	30416	11188	20901	209086	31149	13521	19336	737273	141422	64575	101809	244192	49654	28849	37955	10419	7858	302

Source: Department of Public Enterprises

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**ANNEXURE 2.2**  
(Ref Para 2.8.11 7R)

National Commission for Scheduled Tribes

Statement of Teaching Staff Strength of Central Universities as on 31/03/2012 indicating number of posts filled up against ST quota

S. NO.	Name of the University	Professor				Asso. Prof./ Reader				Asstt. Prof. / SL /SG/Lecturer				Other posts				TOTAL (All Categories)			
		Sanctioned	In Position		Total	Sanctioned	In Position		Total	Sanctioned	In Position		Total	Sanctioned	In Position		Total	Sanctioned	In Position		Total
			STs	STs			STs	STs			STs	STs			STs	STs			STs	STs	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17					
1	M. A. N. Urdu University	29	15	1	61	34	0	178	104	6	16	16	2	284	169	9					
2	Hyderabad University	108	155	0	229	190	2	219	61	1	0	0	0	556	406	3					
3	The English & Foreign Language University	32	47	1	58	47	1	144	104	14	2	2	0	236	200	16					
4	Guru Ghasidas Vishwa vidyalaya	45	21	0	88	43	1	196	155	12	0	0	0	329	219	13					
5	Delhi University	258	273	0	637	375	0	806	110	13	3	3	0	1704	761	13					
6	Jamia Millia Islamia University	118	199	0	191	179	0	468	298	17	47	35	0	824	711	17					
7	Jawaharlal Nehru University	165	114	0	287	225	0	271	116	9	4	4	0	727	459	9					
8	Dr Hari Singh Gaur Vishwa vidyalaya	50	45	0	92	54	0	181	54	3	6	2	0	329	155	3					
9	M.G.A. Hindi Vishwa vidyalaya	16	11	0	12	9	0	43	38	2	8	8	0	79	66	2					
10	Pondicherry University	65	83	0	136	129	0	259	165	17	0	0	0	460	377	17					
11	H.N.B. Garhwal University	43	112	0	84	84	0	341	62	0	0	0	0	468	258	0					
12	Aligarh Muslim University	184	371	0	375	538	0	940	258	0	388	342	0	1887	1509	0					

Source: University Grants Commission

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
13	Banaras Hindu University	343	647	0	687	520	0	1386	353	30	0	0	0	2416	1520	30
14	B. B. A. U. Uttar Pradesh	22	20	0	43	35	0	65	53	4	0	0	0	130	108	4
15	University of Allahabad	79	12	0	189	69	0	553	234	2	31	0	0	852	315	2
16	Visva Bharti	62	119	0	129	159	1	360	200	24	163	144	5	714	622	30
17	Assam University	32	46	1	94	103	0	199	160	13	0	0	0	325	309	14
18	Tezpur University	49	44	0	68	56	0	126	94	8	0	0	0	243	194	8
19	Rajiv Gandhi University	19	12	0	36	30	6	102	46	17	0	0	0	157	88	24
20	Manipur University	35	54	1	81	83	0	141	42	4	9	0	0	266	179	4
21	North Eastern Hill University	87	60	0	133	96	5	186	145	13	0	0	0	406	301	19
22	Mizoram University	43	36	4	67	69	2	227	167	11	0	0	0	337	272	14
23	Nagaland University	44	22	0	62	49	2	138	104	12	5	4	0	249	179	14
24	Tripura University	38	23	0	56	34	1	122	90	12	0	0	0	216	147	13
25	Central Univ. of Bihar	20	1	2	40	2	0	80	23	1	0	0	0	140	26	1
26	Central Univ. of Gujarat	20	6	0	40	0	3	80	36	6	0	0	0	140	42	10
27	Central Univ. of Haryana	20	2	1	40	6	0	80	9	0	0	0	0	140	17	0
28	Central Univ. of Himachal Pradesh	20	7	0	40	16	0	80	13	0	0	0	0	140	36	0
29	Central Univ. of Jammu	3	2	0	6	0	0	12	6	0	0	0	0	21	8	0
30	Central Univ. of Kashmir	20	4	0	40	2	0	80	28	0	0	0	0	140	34	0
31	Central Univ. of Jharkhand	20	9	0	40	3	0	80	63	0	0	0	0	140	75	0

Source: University Grants Commission

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
32	Central Univ. of Karnataka	20	10	0	40	7	0	80	27	2	0	0	0	140	44	2
33	Central Univ. of Kerala	20	6	0	40	5	0	80	21	1	0	0	0	140	32	1
34	The Indira Gandhi National Tribal Univ.	35	4	0	74	8	0	119	44	2	0	0	0	228	56	2
35	Central Univ. of Orissa	20	0	0	40	0	0	80	21	1	0	0	0	140	21	1
36	Central Univ. of Punjab	20	3	0	40	1	0	80	23	0	0	0	0	140	27	0
37	Central Univ. of Rajasthan	20	8	0	40	6	0	80	40	1	0	0	0	140	54	1
38	Sikkim University	29	1	1	68	10	0	104	45	8	0	0	0	201	56	9
39	Central Univ. of Tamil Nadu	20	2	0	40	1	0	80	15	0	0	0	0	140	18	0
	TOTAL	2273	2606	8	4523	3277	24	8846	3627	266	682	560	7	16324	10070	305

Source: University Grants Commission

NCST\_7R\_2011-12\_ANNEXURE 2.2





Sl. No.	Name of the State	Name of University	Sanctioned Posts				Existing Strength				No. of ST Position						
			Gr.A	Gr.B	Gr.C	Others	TOTAL	Gr.A	Gr.B	Gr.C	Others	TOTAL	Gr.A	Gr.B	Gr.C	Other s	TOTA L
1	2	3	4				5				6						
26	GUJARAT	C.U. OF GUJARAT	11	13	27	56	107	7	4	14	48	73	0	0	2	0	2
27	HARYANA	C.U. OF HARYANA	12	13	21	54	100	3	6	10	38	57	0	0	0	0	0
28	HIMACHAL PRADESH	C.U. OF HIMACHAL PRADESH	12	13	23	50	98	5	3	26	44	78	0	0	1	0	1
29	JAMMU &	C.U. OF JAMMU	5	3	4	4	16	5	0	9	4	18	0	0	0	0	0
30		C.U. OF KASHMIR	10	12	22	44	88	4	7	18	22	51	0	0	0	0	0
31	JHARKHAND	C.U. OF JHARKHAND	13	15	44	84	156	14	16	51	97	178	0	0	1	0	1
32	KARNATAKA	C.U. OF KARNATAKA	15	17	32	53	117	11	9	43	0	63	0	0	0	0	0
33	KERALA	C.U. OF KERALA	11	11	26	54	102	5	9	1	32	47	0	0	0	0	0
34	MADHYA PRADESH	THE INDIRA GANDHI NATIONAL TRIBAL UNIV.	8	11	35	4	58	5	8	10	15	38	0	1	3	7	11
35	ORISSA	C.U. OF ORISSA	13	11	27	49	100	8	7	14	42	71	0	0	0	0	0
36	PUNJAB	C.U. OF PUNJAB	14	13	34	51	112	5	5	20	0	30	0	0	0	0	0
37	RAJASTHAN	C.U. OF RAJASTHAN	12	10	29	64	115	13	5	35	64	117	0	0	1	6	7
38	SIKKIM	SIKKIM UNIVERSITY	10	13	33	0	56	7	6	9	0	22	2	3	5	0	10
39	TAMIL NADU	C.U. OF TAMIL NADU	10	12	26	46	94	8	5	19	5	37	0	0	1	0	1
		<b>TOTAL</b>	<b>1816</b>	<b>3989</b>	<b>26663</b>	<b>665</b>	<b>33133</b>	<b>1244</b>	<b>2879</b>	<b>20463</b>	<b>441</b>	<b>25027</b>	<b>85</b>	<b>205</b>	<b>1423</b>	<b>13</b>	<b>1726</b>

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**ANNEXURE 2.4**  
**(Ref. Para 2.10.8 7R)**

**National Commission for Scheduled Tribes**

**List of Dereservation proposals received during the year 2011-2012**

SI No.	File No.	Subject	Remarks
1	15/6/2011/MWR/DERES/RU-I	1 Post of Head Draftsman in Central Water and Power Research Station, Pune under M/o Water Resources	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant. Simultaneously, action is being taken by CAG to amend the RR and incorporate 'failing which' clause.
2	15/7/2011/MWTR1/DERES/ RU -I	4 Posts of Head Draftsman in Central Water Commission, M/o Water Resources	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant. Simultaneously, action is being taken to amend the RR.
3	15/1/2011/STGDH/DERES/ RU -I	17 Posts of Sr. Personal Assistant and 36 Posts of Stenographer Grade-II in Services Department, Government of National Territory of Delhi	Not agreed by the Commission. Advice sent as per standard guidelines. As per the reply received from NCT of Delhi Government, the posts of Stenographer Grade-II have been kept vacant. No reply has been given about the post of Sr. PA.
4	15/Dereservation/03/Service/ RU -I	3 Posts of Stenographer in NDMC, New Delhi	Not agreed by the Commission. Advice sent as per standard guidelines. No reply was received.
5	15/4/2011/MWTRI/DERES/ RU -I	1 Post of Assistant Director/Assistant Executive Engineer, Group- A in National Water Development Agency, M/o Water Resources	Not agreed by the Commission. Advice sent as per standard guidelines. No reply was received.
6	15/5/2011/MPPPG/DERES/ RU -I	1 Post of Office Superintendant in CBI	Not agreed by the Commission. Advice sent as per standard guidelines. No reply was received.
7	De-reservation-01/Services/CAG/2012/ RU -II	1 Post of Audit Officer in O/o the Pr. Accountant General (Civil & Coml. Audit), M.P, Gwalior	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
8	De-reservation-02/Services/CAG/2012/ RU -II	1 Post of Audit Officer in O/o the Pr. Accountant General(Audit), Himachal Pradesh, Shimla	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
9	De-reservation-03/Services/CAG/2012/ RU -II	2 Posts of Audit Officer in O/o the Pr. Accountant General (Civil & Coml. Audit), Kerala, Thiruvananthapuram	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
10	De-reservation-04/Services/CAG/2012/ RU -II	4 Posts of Sr. Audit Officer in O/o the Pr. Accountant General (Civil Audit), U.P, Allahabad	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
11	De-reservation-05/Services/CAG/2012/ RU -II	1 Post of Accounts Officer in O/o the Pr. Accountant General (A&E), West Bengal, Kolkata	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.

12	De-reservation-06/Services/CAG/2012/ RU -II	2 Posts of Divisional Accounts Officer-I in O/o the Pr. Accountant General (A&E),Maharashtra, Nagpur	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
13	De-reservation-07/Services/CAG/2012/ RU -II	1 Post of Sr. Audit Officer in O/o the Pr. Director of Audit, Central Railway, Mumbai under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
14	De-reservation-08/Services/CAG/2012/ RU -II	1 Post of Divisional Accounts Officer-I in O/o the Pr. Accountant General(A&E), Haryana, Chandigarh	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
15	De-reservation-09/Services/CAG/2012/ RU -II	1 Post of Audit Officer in O/o the Pr. Accountant General, Maharashtra, Mumbai	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
16	De-reservation-010/Services/CAG/2012/ RU -II	7 Posts of Sr. Audit Officer in O/o the Accountant General (Civil Audit), Andhra Pradesh, Hyderabad	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
17	De-reservation-11/Services/CAG/2012/ RU -II	1 Post of Accounts Officer in O/o the Pr. Accountant General (A&E), Kerala, Thiruvananthapuram	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
18	De-reservation-12/Services/CAG/2012/ RU -II	1 Post of Sr. Audit Officer in O/o the Accountant General, Goa	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
19	De-reservation-13/Services/CAG/2012/ RU -II	6 Posts of Audit Officer in Commercial Audit Wing under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
20	De-reservation-14/Services/CAG/2012/ RU -II	2 Posts of Sr. Audit Officer in O/o the Pr. Accountant General (Civil Audit), Tamil Nadu, Chennai	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
21	De-reservation-15/Services/CAG/2012/ RU -II	2 Posts of Audit Officer in the O/o the Pr. Accountant General (Coml.& Receipt Audit), Gujarat, Ahmedabad under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
22	De-reservation-16/Services/CAG/2012/ RU -II	1 Post of Sr. Audit Officer in O/o the Director General of Audit, Central Expenditure, New Delhi under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
23	De-reservation-17/Services/CAG/2012/ RU -II	1 Post of Audit Officer in O/o the Pr. Accountant General (Audit), Bihar, Patna under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
24	De-reservation-18/Services/CAG/2012/ RU -II	1 Post of Sr. Audit Officer in O/o the Pr. Accountant General (Audit), Bihar, Patna under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
25	De-reservation-19/Services/CAG/2012/ RU -II	1 Post of Supervisor in O/o the Pr. Accountant General(A&E), Andhra Pradesh, Hyderabad	Not agreed by the Commission. Advice sent as per standard guidelines. CAG Advised to its subordinate office accordingly.



26	De-reservation-20/Services/CAG/2012/ RU -II	1 Post of Supervisor in O/o the Pr. Accountant General (Audit), Punjab, Chandigarh	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
27	De-reservation-24/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o Pr. Accountant General (Audit)-I, Maharashtra, Mumbai under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG has agreed to keep the post vacant in the panel year 2011 and carry forward the vacancy to the panel year 2012. The same shall be filled by ST candidate as an when available in the feeder cadre.
28	De-reservation-25/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o the Director General of Audit Central, Mumbai under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. No further reply received.
29	De-reservation-26/Service/CAG/2011/ RU -II	1 Post of Senior Divisional Accounts Officer in O/o Pr. Accountant General (A&E), West Bengal, Kolkata under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. No further reply received.
30	De-reservation-27/Services/Cab. Sectt./2011/ RU -II	2 Posts of Assistant Technical Officer in ARC, DG(S), Cabinet Secretariat.	Not agreed by the Commission. Advice sent as per standard guidelines. The Department insisted on the proposal with justification but the same was not acceded to.
31	De-reservation-28/Services/CAG/2011/ RU -II	1 Post of Supervisor O/o Pr. Accountant General (A&E), Orissa, Bhubaneswar	Not agreed by the Commission. Advice sent as per standard guidelines. CAG conveyed the Advice of Commission to its subordinate office. Final status awaited.
32	De-reservation-29/Services/CAG/2011/ RU -II	1 Post of Supervisor in O/o Pr. Accountant General (A&E), West Bengal, Kolkata under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG conveyed the Advice of Commission to its subordinate office. Final status awaited.
33	De-reservation-30/Services/Cab. Sectt./2011/ RU -II	1 Post of Section Officer in DG (S) Ministerial sub-cadre in Cabinet Secretariat	One candidate belonging to ST category working as Assistant has been promoted as Section Officer.
34	De-reservation-31/Services/S&T/2011/ RU -II	1 Post of Scientist – B, Group- A in Department of Science and Technology, M/o Science and Technology	Not agreed by the Commission. Advice sent as per standard guidelines. DST agreed to the Advice.
35	De-reservation-32/Service/Railway/2011/ RU -II	1 Post of Senior Auditor in O/o the Pr. Director of Audit, South western Railway, Hubly under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. No reply received.
36	De-reservation-33/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o the Pr. Director of Commercial Audit & Ex-Officio Member, Audit Board-I, Mumbai	Not agreed by the Commission. Advice sent as per standard guidelines. No reply received.
37	De-reservation-34/Service/CAG/2011/ RU -II	1 Post of Senior Audit Officer, in O/o the Pr. Director of Audit, South eastern Railway, Kolkata	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
38	De-reservation-35/Service/CAG/2011/ RU -II	1 Post of Assistant Audit Officer in O/o the Pr. Director of Audit, East Central Railway, Hajipur under CAG.	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.

39	De-reservation-36/Service/CAG/2011/ RU -II	3 Post of Senior Audit Officer in O/o the Pr. Director of Audit Central, Kolkata	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
40	De-reservation-37/Service/CBI/2011/ RU -II	1 Post of Office Superintendant in CBI, New Delhi	Not agreed by the Commission. Advice sent as per standard guidelines. CBI agreed to the Advice and kept the post vacant.
41	De-reservation-38/Service/Cab. Sectt./2011/ RU -II	6 Posts of UDC in DG (S), Secretariat cadre service in ARC	Not agreed by the Commission. Advice sent as per standard guidelines. Cabinet Secretariat agreed to the Advice and kept the post vacant.
42	De-reservation-39/Service/CAG/2011/ RU -II	2 Posts of Accounts Officer in O/o Pr. Accountant General (A&E), Tamil Nadu, Chennai	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
43	De-reservation-40/Service/CAG/2011/ RU -II	1 Post of Accounts Officer of in O/o Pr. Accountant General (A&E)-I, U.P, Allahabad	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
44	De-reservation-41/Service/CAG/2011/ RU -II	1 Post of Sr. Accounts Officer of in O/o Pr. Accountant General (A&E)-I, Maharashtra, Mumbai	Not agreed by the Commission. Advice sent as per standard guidelines. No reply received.
45	De-reservation-42/Service/CAG/2011/ RU -II	1 Post of Audit Officer in O/o Pr. Director of Audit, Western Railway, Mumbai under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
46	De-reservation-43/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o Pr. Accountant General (A&E)-I, U.P, Allahabad	Not agreed by the Commission. Advice sent as per standard guidelines. No reply received.
47	De-reservation-44/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o Pr. Director of Audit, NFR, Guwahati under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. No reply received.
48	De-reservation-45/Service/CAG/2011/ RU -II	1 Post of Supervisor in O/o Pr. Director of Audit, NFR, Guwahati under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
49	De-reservation-46/Service/CAG/2011/ RU -II	1 Post of Sr. Accounts Officer of in O/o Pr. Accountant General (A&E)-I, Maharashtra, Mumbai	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
50	De-reservation-47/Service/CAG/2011/ RU -II	1 Post of Senior Audit Officer in O/o the Pr. Accountant General (Audit), Haryana, Chandigarh	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant.
51	De-reservation-48/Service/CAG/2011/ RU -II	2 Posts of Senior Audit Officer in O/o the Director General of Audit , Defence Services, New Delhi under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant.
52	De-reservation-49/Service/CAG/2011/ RU -II	1 Post of Accounts Officer in O/o the Accountant General (A&E), Gujarat, Rajkot under CAG	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant.
53	De-reservation-50/Service/CAG/2011/ RU -II	1 Post of Audit Officer in O/o the Accountant General (Civil Audit), Andhra Pradesh, Hyderabad	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the advice and kept the post vacant.

54	De-reservation-51/Service/CAG/2011/ RU -II	1 Post of Accounts Officer in O/o the Accountant General (A&E)-I, Madhya Pradesh, Gwalior	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
55	De-reservation-52/Service/CAG/2011/ RU -II	8 Posts of Senior Accountant in O/o the Accountant General (A&E), Himachal Pradesh, Shimla	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.
56	13/2/2011/SER/ RU-III	1post –Superintendent in Indian Bureau of Mines, Ministry of Mines, Nagpur	Proposal returned as it was not routed through the Administrative Ministry. No further request received.
57	MT/4/2012/ MHOM7/DERES/R U-III	3 Posts - Assistant Commandant (Min), Director General, Border Security Force, M/o Home Affairs.	Not agreed.
58	DERES/1/2012/MHOM7/DERES/RU-III	1 Post - Assistant in Indo Tibetan Border Police, M/o Home Affairs	Not agreed.
59	VS/1/2012/MLSB1/ DERES/RU-III	1Post - Additional Assistant Director, 1 Post- Senior Scientific Assistant, 1 Post- Junior Scientific Assistant, Directorate General Factory Advice Service & Labour Institutes, M/o Labour & Employment.	Not agreed.
60	Deres/1/012/NCST 3/DERES/RU-III	1 Post- Private Secretary, D/o Atomic Energy.	Not agreed.
61	Deres/4/2012/ RU -III	1 Post- Private Secretary, 1 Post-Stenographer Gr.1 D/o Atomic Energy, Government of India, Mumbai	Not agreed.
62	13/3/2011/SER/ RU -III	30 Post of Sub-Inspector(Min) in O/o Directorate General, BSF, Ministry of Home Affairs	The proposal was not routed through administrative ministry. No further request received.
63	Deres/1/2012/MHOM7/DERES/ RU -III	1 Post of Assistant of ITBP, M/o Home affairs	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. The post has been kept vacant
64	VS/1/2012/MLAB1/ DERES/ RU -III	1 Post of Additional Assistant Director(Safety), 1 Post of Senior Scientific Assistant and 1 Post of Junior Scientific Assistant in DGFAS&LI, Mumbai M/o Labour and Employment	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines.
65	MT/4/2012/MHOM7 /DERES/ RU -III	2Posts of Assistant Commandant(Min) in Hq. Director General, BSF, M/o Home Affairs	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines.
66	DR/1/2011/MDEF2/ DERES/ RU -IV	11 Post of Deputy Director AFHQ/IS Orgn. (AFHQ Civil Services) M/o, Defence	Not agreed by the Commission,
67	DR/3/2011/MDEF2/ DERES/ RU -IV	2 Posts of Halwai-cum-Cook in Zonal DPC-II Secretariat, Hyderabad zone Defence Electronics Research Lab., DRDO, Hyderabad	The Commission sought clarification regarding filling up roster point no 14 (reserved for ST) by UR candidate. The Ministry has withdrawn the dereservation proposal.

68	DR/8/2011/MDEF2/ DERES/ RU -IV	1 Post- Senior Technical Assistant 'B' in DMRL, Hyderabad, Department of Defence Research and Development, M/o Defence	Not agreed as the information sought by the Commission was not received within the stipulated time.
69	DR/9/2011/MDEF2/ DERES/ RU -IV	2 Posts of Accountant Group 'B' Non –Gazetted to be filled through LDCE in DRDO HQRS, Department of Defence Research and Development, M/o Defence	Not agreed as the information sought by the Commission was not received within the stipulated time.
70	DR/4/2011/MDEF2/ DERES/ RU -IV	1 Post of Assistant in DGAFMS, M/o Defence	Not agreed as the information sought by the Commission was not received within the stipulated time. After receiving the information on a later date, the proposal was not agreed to by the Commission and the Department was Advised as per the standard format. No further reply was received.
71	DR/1/2011/MFIN9/ DERES/ RU -IV	1 Post of Auditor in Ministry of Finance , Department of Economic Affairs	Not agreed as the information sought by the Commission was not received within the stipulated time. After receiving the information on a later date, the proposal was not agreed to by the Commission and the Department was Advised as per the standard format. No further reply was received.
72	DR/5/2011/MDEF2/ DERES/ RU -IV	1 Post of Senior System Analyst in AFHQ/ISOs, M/o Defence	The proposal was not agreed to by the Commission and the Department was Advised as per the standard format. No further reply was received.
73	DR/6/2011/MDEF2/ DERES/ RU -IV	1 Post-Technician 'A' in DLRL, Hyderabad, Department of Defence Research and Development, M/o Defence	Not agreed as the information sought by the Commission was not received within the stipulated time. After receiving the information on a later date, the concerned Department was informed that the proposal was already disagreed by the Commission and was Advised to submit the proposal afresh.
74	DR/7/2011/MDEF2/ DERES/RESEARC H UNIT-IV And DR/1/2012/MDEF4/ SEOTH/ RU -IV	1 Post of Senior Technical Assistant 'B',DLRL, Hyderabad, Department of Defence Research and Development, M/o Defence	Not agreed as the information sought by the Commission was not received within the stipulated time.
75	SKD/2/2012/NCST/ DERES/ RU -IV	2 Posts of Accounts Officer, Group 'B' Gazetted in DRDO Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/ Guidelines.
76	DR/2/2012/MDEF2/ SEOTH/ RU -IV	2 Posts-Attendant Lab Service-II(ALS-II) in CVRDE, Chennai, Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.
77	SKD/1/2012/MDEF 2/DERES/ RU -IV	1 Post –Technician 'A' in IRDE, Dehradun, Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.

78	DR/3/2012/MDEF2/ SEOTH/ RU -IV	1 Post-Senior Admin Assistant in LRDE, Bangalore, Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.
79	DR/4/2012/MDEF2/ SEOTH/ RU -IV	3 Posts-Senior Store Assistant in ARDE, Pune, Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.
80	DR/5/2012/MDEF2/ SEOTH/ RU -IV	1 Post-Senior Store Assistant in LRDE, Bangalore, Department of Defence Research and Development, M/o Defence	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.
81	DR/2/2012/MTUR1/ SEOTH/ RU -IV	1 Post of UDC in O/o Director General of Tourism, Ministry of Tourism	Not agreed by the Commission. The Department was Advised as per standard format/Guidelines. No further reply received.
82	DR/1/MTUR1/DER ES/ RU -IV	1 Post of UDC in Indira Gandhi National Center for the ARTs	Not agreed by the Commission. Advice sent as per standard guidelines. CAG agreed to the Advice and kept the post vacant.



**ANNEXURE- 3.3**  
**(Ref. Para 3.5.14 7R)**

**STATUS OF THE TSP FORMULATED BY STATES/UTs FOR 2011-2012**

<b>(a) States which have made adequate/excess provision</b>					
S. No.	State/U.T	ST Population %	A.P. 2011-12 (Rs. crore)		
			Agreed outlay for Annual Plan 2006-07	Outlay for TSP	% of TSP to Annual Plan
1	Andhra Pradesh	6.6	43000.00	2973.13	6.9
2	Bihar	0.9	24000.00	291.34	1.2
3	Chhattisgarh	31.8	16500.25	5561.44	33.7
4	Himachal Pradesh	4.0	3300.00	297.00	9.0
5	Jammu & Kashmir	10.9	6600.00	743.45	11.3
6	Kerala	1.1	11030.00	264.59	2.4
7	Madhya Pradesh	20.3	23000.00	4964.90	21.6
8	Manipur	34.2	3210.00	1168.37	36.4
9	Odisha	22.1	15000.00	3603.43	24.0
10	Rajasthan	12.6	27500.00	3568.18	13.0
11	Tamil Nadu	1.0	23000.00	239.80	1.0
12	Tripura	31.1	1950.00	905.30	46.4
13	Uttar Pradesh	0.1	47000.00	36.20	0.1
14	Uttarakhand	3.0	7800.00	234.00	3.0
15	West Bengal	5.5	22214.00	1353.33	6.1
16	A & N Islands	8.3	1038.75	171.38	16.5
<b>(b) States which have not made adequate provision</b>					
S. No.	State/U.T	ST Population %	A.P. 2011-12 (Rs. crore)		
			Agreed outlay for Annual Plan 2006-07	Outlay for TSP	% of TSP to Annual Plan
1	Assam	12.4	10772.72	255.27	2.4
2	Goa	12.06	3320.00	328.80	9.9
3	Gujarat	14.8	38000.00	5436.36	14.3
4	Jharkhand	26.3	1530.00	76.60	5.0
5	Karnataka	6.6	38070.00	1866.95	4.9
6	Maharashtra	8.9	42000.00	3693.50	8.8
7	Sikkim	20.6	1440.35	NR	-
8	Daman & Diu	8.8	540.00	3.98	0.7
Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, D&N Haveli, Lakshadweep are tribal majority States, so do not have TSP.					

Annual Report 2011-12/23

ANNEXURE- 3.1

(Ref. Para 3.2.1 7R)

Total Population, ST Population as per Censuses 1991, 2001 and 2011 and decadal growth rate

S. No.	Name of State/ UT	Total population				ST Population				%age of ST popn in total ST popn in India in 2011 Census			
		Total 1991 Census	Total 2001 Census	%age increase over 1991 Censu s	Total 2011 Census	%age increase over 2001 Census	Total 1991 Census	%age increase over 1991 Census	Total 2011 Census		%age of ST popn to total popn in State 2011 Census		
1	2	3	4	5	6	7	8	9	10	11	12		
<b>STATES</b>													
1	Andhra Pradesh	665,08,008	762,10,007	14.59	845,80,777	10.98	41,99,481	50,24,104	19.64	59,18,073	17.79	7.00	5.68
2	Arunachal Pradesh	8,64,558	10,97,968	27.00	13,83,727	26.03	5,50,351	7,05,158	28.13	9,51,821	34.98	68.79	0.91
3	Assam	224,14,322	266,55,528	18.92	312,05,576	17.07	28,74,441	33,08,570	15.10	38,84,371	17.4	12.45	3.72
4	Bihar	86,374,465	829,98,509		1040,99,452	25.42	66,16,914	7,58,351	-88.54	13,36,573	76.25	1.28	1.28
5	Chhattisgarh*	-	208,33,803		2554,51,198	22.61	-	66,16,596	-	78,22,902	18.23	30.62	7.50
6	Goa	11,69,793	13,47,668	15.21	14,58,545	8.23	376	566	50.53	1,49,275	26273.67	10.23	0.14
7	Gujarat	413,09,582	506,71,017	22.66	604,39,692	19.28	61,61,775	74,81,160	21.41	89,17,174	19.2	14.75	8.55
8	Haryana	164,63,648	211,44,564	28.43	253,51,462	19.9	-	-	-	-	-	0	0
9	Himachal Pradesh	51,70,877	60,77,900	17.54	68,64,602	12.94	2,18,349	2,44,587	12.02	3,92,126	60.32.	5.71	0.38
10	Jammu & Kashmir	-	101,43,700		125,41,302	23.64	-	11,05,979	-	14,93,299	35.02	11.91	1.43
11	Jharkhand	-	269,45,829		329,88,134	22.42	-	70,87,068	-	86,45,042	21.98	26.21	8.29
12	Karnataka	449,77,201	528,50,562	17.51	610,95,297	15.6	19,15,691	34,63,986	80.82	42,48,987	22.66	6.95	4.07
13	Kerala	290,98,518	318,41,374	9.43	334,06,061	4.91	3,20,967	3,64,189	13.47	4,84,839	33.13	1.45	0.46

14	Madhya Pradesh	661,81,170	603,48,023	-8.81	726,26,809	20.35	153,99,034	122,33,474	-20.56	153,16,784	25.2	21.09	14.69
15	Maharashtra	789,37,187	968,78,627	22.73	1123,74,333	15.99	73,18,281	85,77,276	17.20	105,10,213	22.54	9.35	10.08
16	Manipur	18,37,149	21,66,788	17.94	25,70,390	18.63	6,32,173	7,41,141	17.24	9,02,740	21.8	35.12	0.87
17	Meghalaya	17,74,778	23,18,822	30.65	29,66,889	27.95	15,17,927	19,92,862	31.29	25,55,861	28.25	86.15	2.45
18	Mizoram	6,89,756	8,88,573	28.82	10,97,206	23.48	6,53,565	8,39,310	28.42	10,36,115	23.45	94.43	0.99
19	Nagaland	12,09,546	19,90,036	64.53	19,78,502	0.58	10,60,822	17,74,026	67.23	17,10,973	3.55	86.48	1.64
20	Orissa	316,59,736	368,04,660	16.25	419,74,218	14.05	70,32,214	81,45,081	15.83	95,90,756	17.75	22.85	9.20
21	Punjab	202,81,969	243,58,999	20.10	277,43,338	13.89	-	-	-	-	-	0	0
22	Rajasthan	440,05,990	565,07,188	28.41	685,48,437	21.31	54,74,881	70,97,706	29.64	92,38,534	30.16	13.48	8.86
23	Sikkim	4,06,457	5,40,851	33.06	6,10,577	12.89	90,901	1,11,405	22.56	2,06,360	85.23	33.8	0.20
24	Tamil Nadu	558,58,946	624,05,679	11.72	721,47,030	15.61	5,74,194	6,51,321	13.43	7,94,697	22.01	1.2	0.76
25	Tripura	27,57,205	31,99,203	16.03	36,73,917	14.84	8,53,345	9,93,426	16.42	11,66,813	17.45	31.76	1.12
26	Uttara-Khand*	-	84,89,349		100,86,292	18.81	-	2,56,129	-	2,91,903	13.97	2.89	0.28
27	Uttar Pradesh	1391,12,287	1661,97,921	19.47	1998,12,341	20.23	2,87,901	1,07,963	-62.50	11,34,273	950.61	0.57	1.09
28	West Bengal	680,77,965	801,76,197	17.77	912,76,115	13.84	38,08,760	44,06,794	15.70	52,96,953	20.2	5.8	5.8
UNION TERRITORIES													
29	Andaman & Nicobar Islands	2,80,661	3,56,152	26.90	3,80,581	6.86	26,770	29,469	10.08	28,530	3.19	7.5	0.03
30	Chandigarh	6,42,015	9,00,635	40.28	10,55,450	17.19	-	-	-	-	-	-	-
31	Dadra & Nagar Haveli	1,38,477	2,20,490	59.22	3,43,709	55.88	1,09,380	1,37,225	25.46	1,78,564	30.12	51.95	0.17
32	Daman & Diu	1,01,586	1,58,204	55.73	2,43,247	53.76	11,724	13,997	19.39	15,363	9.76	6.32	0.01
33	Delhi	94,20,644	138,50,507	47.02	167,87,941	21.21	-	-	-	-	-	-	-
34	Lakshadweep	51,707	60,650	17.30	64,473	6.3	48,163	57,321	19.01	61,120	6.63	94.8	0.06
35	Puducherry	8,07,785	9,74,345	20.62	12,47,953	28.08	-	-	-	-	-	-	-
	India	8385,83,988	1,028,610,328	22.66	1,210,569,573	17.69	677,58,380	843,26,240	24.45	1042,81,034	23.66	8.61	100



**ANNEXURE 3.2**  
(Ref: Para 3.5.10 7R)

Integrated Tribal Development Projects/ Agency (ITDPs/ ITDAs), Modified Area Development Approach (MADA) pockets, Cluster and Particularly Vulnerable Tribal Groups (PTGs) in Tribal Sub-Plan area and States having Scheduled Areas and Tribes Advisory Council

S.No	State/ UT	Number of			
		ITDPs/ ITDAs	MADA Pockets	Clusters	PTGs
(1)	(2)	(3)	(4)	(5)	(6)
1	Andhra Pradesh#	8	41	17	12
2	Assam	19	-	-	-
3	Bihar	-	7	-	9**
4	Chhattisgarh#	19	9	2	**
5	Gujarat#	9	1	-	5
6	Himachal Pradesh#	5	2	-	-
7	J&K	-	-	-	-
8	Jharkhand#	14	34	7	**
9	Karnataka	5	-	-	2
10	Kerala	7	-	-	5
11	Madhya Pradesh#	31	30	6	7**
12	Maharashtra#	16	44	24	3
13	Manipur	5	-	-	1
14	Orissa#	21	46	14	13
15	Rajasthan #	5	44	11	1
16	Sikkim	4	-	-	-
17	Tamil Nadu\$	9	-	-	6
18	Tripura*	-	-	-	1
19	Uttar Pradesh	1	1	-	2**
20	Uttarakhand	-	-	-	**
21	West Bengal\$	12	-	1	3
22	A&N Islands	1	-	-	5
23	Daman & Diu	1	-	-	-
	Total	192	259	82	75

\* There are no ITDPs in Tripura. Tripura has Tribal Autonomous District Council (TTAADC). The provisions of Sixth Schedule were extended to Tripura w.e.f. 1985 by 49th Amendment of the Constitution.

\*\* The PTGs for Bihar & Jharkhand, MP & Chhattisgarh and UP & Uttarakhand are common

# States having Scheduled Areas and Tribes Advisory Councils (TACs)

\$ States having TACs also

XXX

Source: Annual Report 2011-12 of the Ministry of Tribal Affairs.

NCST\_7R\_2011-12\_ANNEXURE 3.2

**ANNEXURE 3.4**  
(Ref. Para 3.5.24 7R)

**Ministry- wise Proposed Earmarking of Plan Outlays under TSP for 2011-12**

S. No.	Ministry/ Department	Earmarking of Funds under TSP Recommended for the Ministry (In per cent)
1	2	3
1	D/o Telecommunication	0.25
2	M/o Textiles	1.20
3	M/o Water Resources	1.30
4	D/o Food and Public Distribution	1.40
5	M/o Culture	2.00
6	D/o AYUSH	2.00
7	M/o HUPA	2.40
8	M/o Tourism	2.50
9	D/o Science & Technology	2.50
10	M/o Road Transport & Highways	3.50
11	D/o Agriculture Research & Education	3.60
12	M/o Mines	4.00
13	D/o Information Technology	6.70
14	D/o Higher Education	7.50
15	D/o Agriculture & Cooperation	8.00
16	M/o MSME	8.20
17	M/o Coal	8.20
18	D/o Youth Affairs	8.20
19	M/o Labor and Employment	8.20
20	M/o Panchayati Raj	8.20
21	D/o Sports	8.20
22	M/o Women & Child Development	8.20
23	D/o Health & Family Welfare	8.20
24	D/o Land Resources	10.00
25	D/o Drinking Water and Sanitation	10.00
26	D/o School Education & Literacy	10.70
27	D/o Rural Development	17.50
28	M/o Tribal Affairs	100.00

**ANNEXURE 3.5**  
(Ref Para 3.5.27 7R)

**BUDGET ALLOCATION/ REVISED ALLOCATION AND EXPENDITURE FOR THE YEAR 2010-11, 2011-12 AND 2012-13 (UPTO 31.12.12)**

(In crores 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	52.6092	39.50	39.50	53.4822	39.50	23.25	10.21
2225	Special Incentives to NGOs performing exemplary tasks		0.01	0.50							
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. Com. For Minor Forest Produce	State Tribal Dev. Coop. Com. 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>

XXXIII

SOURCE: Annual Report 2012-13 of Ministry of Tribal Affairs

NCST\_7R\_2011-12\_ANNEXURE 3.5

(In crores 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 Ugradation 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>

XXXIV

SOURCE: Annual Report 2012-13 of Ministry of Tribal Affairs

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(In crores 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	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>0.54</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 SubPlan		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>

\* provisional

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SOURCE: Annual Report 2012-13 of Ministry of Tribal Affairs

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**ANALYSIS of cases of Atrocities dealt in NCST during 2011-12**

**(A) Status of reply by State Government/ Distt Police to communication from the Commission**

Unit/RO	Total No. of Cases registered during the report period	Cases in which reply received within 30 days	1 to 3 months	More than 3 months	More than a year	Total No. of cases in which reply received	Remarks, No reply	Cases not proved
(1)	(2)	(3)	(4)	(5)	(6)	(6A)	(7)	(8)
<b>Hqrs</b>								
RU-I	11	3	5	1	0	9	2	4
RU-II	17	1	9	2	0	12	5	1
RU-III	12	0	2	0	0	2	9	1
RU-IV	4	2	1	0	0	3	2	1
<b>Total</b>	<b>44</b>	<b>6</b>	<b>17</b>	<b>3</b>	<b>0</b>	<b>26</b>	<b>18</b>	<b>7</b>
<b>Regional Offices</b>								
RO, Bhopal	32	6	13	4		23	9	7
RO, Rajasthan	28	3	9	12	0	24	4	8
RO, Raipur	5	0	1	1	0	2	3	-
RO, Ranchi	29	4	1	3	1	9	20	5
RO, Bhub.	9	4	2	1	0	7	2	2
<b>Total</b>	<b>103</b>	<b>17</b>	<b>26</b>	<b>21</b>	<b>2</b>	<b>65</b>	<b>38</b>	<b>22</b>
<b>Grand Total</b>	<b>147</b>	<b>23</b>	<b>39</b>	<b>24</b>	<b>2</b>	<b>91</b>	<b>56</b>	<b>29</b>

**ANNEXURE 4.1(B)**  
(Ref para 4.4.5 7R)

**ANALYSIS of cases of Atrocities dealt in NCST during 2011-12**

**(B) Status of Registration of FIR by Police**

Unit/ RO	Total No. of Cases registered during the report period	No. of cases in which reply received	FIR registered before receipt of complaint in the Commission	FIR registered after receipt of complaint in the Commission	No mention about Dates of FIR	PoA invoked in FIR as well as in charge sheet	PoA act invoked in FIR but not in charge sheet	Cases where charge sheet not filed	Cases where date of filling of charge sheet not indicated	Charge sheet filed on	Information Not available	PoA Cases not proved
(1)	(2)	(3)	(3)	(4)	4(A)	(5)	(6)	(7)	(8)	(9)	(9A)	(10)
Hqrs												
RU-I	11	9	1	0	7	0	0	0	5	0	0	4
RU-II	17	12	4	0	8	2	0	1	8	0	0	1
RU-III	12	3	0	0	3	0	0	1	0	0	0	1
RU-IV	4	2	1	0	1	0	1	1	0	0	0	1
<b>Total</b>	<b>44</b>	<b>26</b>	<b>6</b>	<b>0</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>7</b>
RO, Bhopal	32	23	7	2	7	14	7	7	6	14	2	7
RO, Rajasthan	28	24	12	2	10	4	3	6	10	0	0	8
RO, Raipur	5	2	1	0	0	2	2	0	0	0	0	0
RO, Ranchi	29	9	0	0	8	1	3	0	9	0	0	5
RO, Bhub.	9	7	1	2	4	1	3	5	0	0	0	2
<b>Total</b>	<b>103</b>	<b>65</b>	<b>21</b>	<b>6</b>	<b>29</b>	<b>22</b>	<b>18</b>	<b>18</b>	<b>26</b>	<b>14</b>	<b>2</b>	<b>22</b>
<b>Grand Total</b>	<b>147</b>	<b>91</b>	<b>27</b>	<b>6</b>	<b>48</b>	<b>24</b>	<b>19</b>	<b>21</b>	<b>39</b>	<b>14</b>	<b>2</b>	<b>29</b>

**ANALYSIS of cases of Atrocities dealt in NCST during 2011-12**

**(C) Position on payment of relief to ST victims of atrocities**

Unit	Total No. of Cases registered during the report period	No. of cases in which reply received	No relief	Relief at FIR stage paid	Relief paid after filing of charge sheet	Date of payment of relief not available	Details not available	Cases not proved
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Hqrs								
RU-I	11	9	0	0	0	0	8	4
RU-II	17	12	0	0	1	1	9	1
RU-III	12	3	0	0	0	1	1	1
RU-IV	4	2	0	0	0	0	1	1
<b>Total</b>	<b>44</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>19</b>	<b>7</b>
RO, Bhopal	32	23	0	0	0	3	13	7
RO, Rajasthan	28	24	8	0	19	4	11	8
RO, Raipur	5	2	0	0	1	0	1	0
RO, Ranchi	29	9	0	0	0	0	5	4
RO, Bhub	9	7	0	0	0	0	5	2
<b>Total</b>	<b>103</b>	<b>66</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>7</b>	<b>34</b>	<b>22</b>
<b>Grand Total</b>	<b>147</b>	<b>91</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>9</b>	<b>53</b>	<b>29</b>



**ANALYSIS of cases of Atrocities dealt in NCST during 2011-12**

**(D) Position on completion of Investigation by police**

Unit	Total No. of Cases registered during the report period	No. of cases in which reply received	Within one month	1-3 month	3-6 month	6 M to 1 year	More than 1 year	Total	Details not available	Cases not proved
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
<b>Hqrs</b>										
RU-I	11	9	0	1	2	2	0	5	4	4
RU-II	17	12	2	3	1	1	0	7	5	1
RU-III	12	3	1	0	0	0	0	1	2	1
RU-IV	4	2	0	1	0	0	0	1	1	1
<b>Total</b>	<b>44</b>	<b>26</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>14</b>	<b>12</b>	<b>7</b>
RO, Bhopal	32	23	6	2	0	1	0	9	15	7
RO, Rajasthan	28	24	3	3	0	1	0	7	17	8
RO, Raipur	5	2	1	0	0	0	0	1	1	0
RO, Ranchi	29	9	0	0	0	0	0	0	9	5
RO, Bhubaneswar	9	7	1	0	3	0	0	4	3	2
<b>Total</b>	<b>103</b>	<b>66</b>	<b>11</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>21</b>	<b>45</b>	<b>22</b>
<b>Grand Total</b>	<b>147</b>	<b>91</b>	<b>14</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>0</b>	<b>35</b>	<b>57</b>	<b>29</b>

**TABLE-7.10**  
**Incidence (I), Rate (R) and Percentage Contribution to All India (P) of Crime Committed Against Scheduled Tribes During 2011**

Sl. No.	State/UT	Estimated Mid Year Population (In Lakhs)#	Murder (Sec. 302 IPC)			Rape (Sec. 376 IPC)			Kidnapping & Abduction (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	846.65	9	0.0	6.3	46	0.1	6.0	5	0.0	3.6
2	ARUNACHAL PRADESH	13.83	2	0.1	1.4	3	0.2	0.4	6	0.4	4.4
3	ASSAM	311.69	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
4	BIHAR	1038.04	1	0.0	0.7	1	0.0	0.1	0	0.0	0.0
5	CHHATTISGARH	255.40	22	0.1	15.4	90	0.4	11.7	6	0.0	4.4
6	GOA	14.58	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
7	GUJARAT	603.83	9	0.0	6.3	20	0.0	2.6	16	0.0	11.7
8	HARYANA	253.53	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
9	HIMACHAL PRADESH	68.57	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
10	JAMMU & KASHMIR	125.49	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
11	JHARKHAND	329.66	4	0.0	2.8	27	0.1	3.5	30	0.1	21.9
12	KARNATAKA	611.31	3	0.0	2.1	2	0.0	0.3	0	0.0	0.0
13	KERALA	333.88	0	0.0	0.0	109	0.3	14.1	0	0.0	0.0
14	MADHYA PRADESH	725.98	49	0.1	34.3	306	0.4	39.6	39	0.1	28.5
15	MAHARASHTRA	1123.73	16	0.0	11.2	57	0.1	7.4	11	0.0	8.0
16	MANIPUR	27.22	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
17	MEGHALAYA	29.64	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
18	MIZORAM	10.91	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
19	NAGALAND	19.81	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
20	ODISHA	419.47	6	0.0	4.2	45	0.1	5.8	4	0.0	2.9
21	PUNJAB	277.04	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
22	RAJASTHAN	686.21	19	0.0	13.3	50	0.1	6.5	18	0.0	13.1
23	SIKKIM	6.08	0	0.0	0.0	0	0.0	0.0	1	0.2	0.7
24	TAMIL NADU	721.39	0	0.0	0.0	3	0.0	0.4	0	0.0	0.0
25	TRIPURA	36.71	1	0.0	0.7	7	0.2	0.9	0	0.0	0.0
26	UTTAR PRADESH	1995.81	2	0.0	1.4	0	0.0	0.0	0	0.0	0.0
27	UTTARAKHAND	101.17	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
28	WEST BENGAL	913.48	0	0.0	0.0	4	0.0	0.5	1	0.0	0.7
	<b>TOTAL (STATES)</b>	<b>11901.11</b>	<b>143</b>	<b>0.0</b>	<b>100.0</b>	<b>770</b>	<b>0.1</b>	<b>99.7</b>	<b>137</b>	<b>0.0</b>	<b>100.0</b>
<b>UNION TERRITORIES:</b>											
29	A & N ISLANDS	3.80	0	0.0	0.0	1	0.3	0.1	0	0.0	0.0
30	CHANDIGARH	10.55	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
31	D & N HAVELI	3.43	0	0.0	0.0	1	0.3	0.1	0	0.0	0.0
32	DAMAN & DIU	2.43	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
33	DELHI	167.53	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
34	LAKSHADWEEP	0.64	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
35	PUDUCHERRY	12.44	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
	<b>TOTAL (UTs)</b>	<b>200.82</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>	<b>2</b>	<b>0.0</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>12101.93</b>	<b>143</b>	<b>0.0</b>	<b>100.0</b>	<b>772</b>	<b>0.1</b>	<b>100.0</b>	<b>137</b>	<b>0.0</b>	<b>100.0</b>

# Total population including Scheduled Tribes  
I - Incidence R - Rate of Crime P - Percentage share

TABLE-7.10 (Continued)

Sl.No.	State/UT	Dacoity (Sec. 395-398 IPC)			Robbery (Sec. 392-394,397,398 IPC)			Arson (Sec. 435,436,438 IPC)			Hurt (Sec. 323-333,335-338 IPC)		
		I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)
<b>STATES:</b>													
1	ANDHRA PRADESH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	112	0.1	13.9
2	ARUNACHAL PRADESH	0	0.0	0.0	1	0.1	11.1	0	0.0	0.0	7	0.5	0.9
3	ASSAM	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
4	BIHAR	0	0.0	0.0	0	0.0	0.0	1	0.0	4.2	19	0.0	2.4
5	CHHATTISGARH	0	0.0	0.0	2	0.0	22.2	0	0.0	0.0	67	0.3	8.3
6	GOA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
7	GUJARAT	1	0.0	14.3	1	0.0	11.1	3	0.0	12.5	42	0.1	5.2
8	HARYANA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
9	HIMACHAL PRADESH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
10	JAMMU & KASHMIR	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
11	JHARKHAND	1	0.0	14.3	0	0.0	0.0	0	0.0	0.0	63	0.2	7.8
12	KARNATAKA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	17	0.0	2.1
13	KERALA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	42	0.1	5.2
14	MADHYA PRADESH	2	0.0	28.6	1	0.0	11.1	5	0.0	20.8	263	0.4	32.8
15	MAHARASHTRA	3	0.0	42.9	2	0.0	22.2	4	0.0	16.7	18	0.0	2.2
16	MANIPUR	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
17	MEGHALAYA	0	0.0	0.0	0	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	0.0	0	0.0	0.0
19	NAGALAND	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
20	ODISHA	0	0.0	0.0	0	0.0	0.0	3	0.0	12.5	20	0.0	2.5
21	PUNJAB	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
22	RAJASTHAN	0	0.0	0.0	1	0.0	11.1	7	0.0	29.2	108	0.2	13.4
23	SIKKIM	0	0.0	0.0	1	0.2	11.1	1	0.2	4.2	4	0.7	0.5
24	TAMIL NADU	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	15	0.0	1.9
25	TRIPURA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	6	0.2	0.7
26	UTTAR PRADESH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
27	UTTARAKHAND	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
28	WEST BENGAL	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
	<b>TOTAL (STATES)</b>	<b>7</b>	<b>0.0</b>	<b>100.0</b>	<b>9</b>	<b>0.0</b>	<b>100.0</b>	<b>24</b>	<b>0.0</b>	<b>100.0</b>	<b>803</b>	<b>0.1</b>	<b>100.0</b>
<b>UNION TERRITORIES:</b>													
29	A & N ISLANDS	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
30	CHANDIGARH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
31	D & N HAVELI	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
32	DAMAN & DIU	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
33	DELHI	0	0.0	0.0	0	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	0.0	0	0.0	0.0
35	PUDUCHERRY	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
	<b>TOTAL (UTs)</b>	<b>0</b>	<b>0.00</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>7</b>	<b>0.0</b>	<b>100.0</b>	<b>9</b>	<b>0.0</b>	<b>100.0</b>	<b>24</b>	<b>0.0</b>	<b>100.0</b>	<b>803</b>	<b>0.1</b>	<b>100.0</b>

TABLE-7.10 (Concluded)

Sl. No.	State/UT	Prot.Of Civil Rights Act (1955)			SC/ST Prev.Of Atrocities Act (1989)			Other Offences			Total		
		I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)
<i>STATES:</i>													
1	ANDHRA PRADESH	3	0.0	0.0	233	0.3	20.2	397	0.5	14.7	805	1.0	14.0
2	ARUNACHAL PRADESH	0	0.0	0.0	0	0.0	0.0	15	1.1	0.6	34	2.5	0.6
3	ASSAM	0	0.0	0.0	1	0.0	0.1	1	0.0	0.0	2	0.0	0.0
4	BIHAR	0	0.0	0.0	71	0.1	6.2	4	0.0	0.1	97	0.1	1.7
5	CHHATTISGARH	0	0.0	0.0	1	0.0	0.1	148	0.6	5.5	336	1.3	5.8
6	GOA	0	0.0	0.0	1	0.1	0.1	0	0.0	0.0	1	0.1	0.0
7	GUJARAT	0	0.0	0.0	23	0.0	2.0	38	0.1	1.4	153	0.3	2.7
8	HARYANA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
9	HIMACHAL PRADESH	0	0.0	0.0	4	0.1	0.3	0	0.0	0.0	4	0.1	0.1
10	JAMMU & KASHMIR	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
11	JHARKHAND	0	0.0	0.0	104	0.3	9.0	80	0.2	3.0	309	0.9	5.4
12	KARNATAKA	4	0.0	0.0	162	0.3	14.0	97	0.2	3.6	285	0.5	5.0
13	KERALA	0	0.0	0.0	22	0.1	1.9	58	0.2	2.1	231	0.7	4.0
14	MADHYA PRADESH	0	0.0	0.0	1	0.0	0.1	618	0.9	22.9	1284	1.8	22.3
15	MAHARASHTRA	0	0.0	0.0	61	0.1	5.3	149	0.1	5.5	321	0.3	5.6
16	MANIPUR	0	0.0	0.0	0	0.0	0.0	1	0.0	0.0	1	0.0	0.0
17	MEGHALAYA	0	0.0	0.0	0	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	0.0	0	0.0	0.0
19	NAGALAND	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
20	ODISHA	0	0.0	0.0	406	1.0	35.2	0	0.0	0.0	484	1.2	8.4
21	PUNJAB	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
22	RAJASTHAN	0	0.0	0.0	20	0.0	1.7	1040	1.5	38.5	1263	1.8	21.9
23	SIKKIM	0	0.0	0.0	0	0.0	0.0	1	0.2	0.0	8	1.3	0.1
24	TAMIL NADU	0	0.0	0.0	4	0.0	0.3	1	0.0	0.0	23	0.0	0.4
25	TRIPURA	0	0.0	0.0	1	0.0	0.1	15	0.4	0.6	30	0.8	0.5
26	UTTAR PRADESH	0	0.0	0.0	18	0.0	1.6	15	0.0	0.6	35	0.0	0.6
27	UTTARAKHAND	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
28	WEST BENGAL	0	0.0	0.0	19	0.0	1.6	17	0.0	0.6	41	0.0	0.7
	<b>TOTAL (STATES)</b>	<b>7</b>	<b>0.0</b>	<b>100.0</b>	<b>1152</b>	<b>0.1</b>	<b>99.8</b>	<b>2695</b>	<b>0.2</b>	<b>99.8</b>	<b>5747</b>	<b>0.5</b>	<b>99.8</b>
<i>UNION TERRITORIES:</i>													
29	A & N ISLANDS	0	0.0	0.0	2	0.5	0.2	4	1.1	0.1	7	1.8	0.1
30	CHANDIGARH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
31	D & N HAVELI	0	0.0	0.0	0	0.0	0.0	1	0.3	0.0	2	0.6	0.0
32	DAMAN & DIU	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
33	DELHI	0	0.0	0.0	0	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	0.0	0	0.0	0.0
35	PUDUCHERRY	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
	<b>TOTAL (UTs)</b>	<b>0</b>	<b>0.0</b>	<b>0.0</b>	<b>2</b>	<b>0.0</b>	<b>0.2</b>	<b>5</b>	<b>0.0</b>	<b>0.2</b>	<b>9</b>	<b>0.0</b>	<b>0.2</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>7</b>	<b>0.0</b>	<b>100.0</b>	<b>1154</b>	<b>0.1</b>	<b>100.0</b>	<b>2700</b>	<b>0.2</b>	<b>100.0</b>	<b>5756</b>	<b>0.5</b>	<b>100.0</b>

**TABLE-7.11**  
**Disposal Of Cases By Police For Crimes Committed Against Scheduled Tribes During 2011**

Sl. 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 Sheets Submitted	Total {(6) + (7) + (8)}	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	MURDER (Sec. 302 IPC)	200	0	0	14	4	122	140	60
2	RAPE (Sec.376 IPC)	957	1	0	25	52	647	724	232
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	185	0	0	23	12	100	135	50
4	DACOITY (Sec.395-398 IPC)	12	0	0	1	3	2	6	6
5	ROBBERY (392-394, 397,398 IPC)	16	0	0	1	2	9	12	4
6	ARSON (Sec.435, 436, 438 IPC)	36	0	0	6	2	18	26	10
7	HURT (Sec.323-333, 335-338 IPC)	1000	0	0	115	66	625	806	194
8	PCR ACT, 1955 FOR STs	9	0	0	1	0	3	4	5
9	SC/ST PREV. OF ATROCITIES ACT, 1989 FOR STs	1791	1	2	220	64	832	1116	672
10	OTHER CRIMES AGAINST STs	3366	1	5	873	98	1774	2745	615
11	<b>TOTAL</b>	<b>7572</b>	<b>3</b>	<b>7</b>	<b>1279</b>	<b>303</b>	<b>4132</b>	<b>5714</b>	<b>1848</b>

Source: National Crimes Record Bureau Report Crime in India 2011

NCST\_7R\_2011-12\_ANNEXURE 4.3

**TABLE-7.12**  
**Disposal Of Cases By Police For Crimes Committed Against Scheduled Tribes During 2011**  
**(State & UT Wise)**

Sl. No.	State/UT	Total No. Of Cases For Investigation Including Pending Cases from previous year	Cases With-drawn By Govt.	No. Of Cases In Which					No. Of Cases Pending Investigation at the end of the year	Pendency Percentage	Percentage Of Pendency To All India Total	Charge Sheeting Rate ((Col.8) / (Col.7+8) × 100)
				Investigation Refused	Investigation Completed							
					Charge Found False / Mistake Of Fact Or Law Etc.	Final Report True Submitted	Charge Sheets Submitted	Total {(6) + (7) + (8)}				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
<b>STATES:</b>												
1	ANDHRA PRADESH	1198	0	0	252	20	514	786	412	34.4	22.3	96.3
2	ARUNACHAL PRADESH	36	0	0	0	2	20	22	14	38.9	0.8	90.9
3	ASSAM	97	0	0	5	1	11	17	80	82.5	4.3	91.7
4	BIHAR	253	0	0	43	15	88	146	107	42.3	5.8	85.4
5	CHHATTISGARH	403	1	0	0	10	340	350	52	12.9	2.8	97.1
6	GOA	1	0	0	0	0	0	0	1	100.0	0.1	@
7	GUJARAT	174	0	0	1	9	141	151	23	13.2	1.2	94.0
8	HARYANA	0	0	0	0	0	0	0	0	@	0.0	@
9	HIMACHAL PRADESH	5	0	0	0	0	1	1	4	80.0	0.2	100.0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	0	@	0.0	@
11	JHARKHAND	491	0	0	27	116	142	285	206	42.0	11.1	55.0
12	KARNATAKA	412	0	4	50	20	234	304	104	25.2	5.6	92.1
13	KERALA	267	0	0	29	34	78	141	126	47.2	6.8	69.6
14	MADHYA PRADESH	1376	1	0	17	12	1245	1274	101	7.3	5.5	99.0
15	MAHARASHTRA	435	1	3	32	4	286	322	109	25.1	5.9	98.6
16	MANIPUR	30	0	0	0	28	0	28	2	6.7	0.1	0.0
17	MEGHALAYA	0	0	0	0	0	0	0	0	@	0.0	@
18	MIZORAM	0	0	0	0	0	0	0	0	@	0.0	@
19	NAGALAND	0	0	0	0	0	0	0	0	@	0.0	@
20	ODISHA	763	0	0	26	6	427	459	304	39.8	16.5	98.6
21	PUNJAB	0	0	0	0	0	0	0	0	@	0.0	@
22	RAJASTHAN	1408	0	0	785	10	511	1306	102	7.2	5.5	98.1
23	SIKKIM	8	0	0	0	2	6	8	0	0.0	0.0	75.0
24	TAMIL NADU	28	0	0	4	0	4	8	20	71.4	1.1	100.0
25	TRIPURA	35	0	0	0	3	21	24	11	31.4	0.6	87.5
26	UTTAR PRADESH	35	0	0	4	1	30	35	0	0.0	0.0	96.8
27	UTTARAKHAND	0	0	0	0	0	0	0	0	@	0.0	@
28	WEST BENGAL	103	0	0	4	8	25	37	66	64.1	3.6	75.8
	<b>TOTAL (STATES)</b>	<b>7558</b>	<b>3</b>	<b>7</b>	<b>1279</b>	<b>301</b>	<b>4124</b>	<b>5704</b>	<b>1844</b>	<b>24.4</b>	<b>99.8</b>	<b>93.2</b>
<b>UNION TERRITORIES:</b>												
29	A & N ISLANDS	9	0	0	0	0	7	7	2	22.2	0.1	100.0
30	CHANDIGARH	0	0	0	0	0	0	0	0	@	0.0	@
31	D & N HAVELI	4	0	0	0	2	1	3	1	25.0	0.1	33.3
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	@
34	LAKSHADWEEP	0	0	0	0	0	0	0	0	@	0.0	@
35	PUDUCHERRY	0	0	0	0	0	0	0	0	@	0.0	@
	<b>TOTAL (UTs)</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>8</b>	<b>10</b>	<b>4</b>	<b>28.6</b>	<b>0.2</b>	<b>80.0</b>
	<b>TOTAL</b>	<b>7572</b>	<b>3</b>	<b>7</b>	<b>1279</b>	<b>303</b>	<b>4132</b>	<b>5714</b>	<b>1848</b>	<b>24.4</b>	<b>100.0</b>	<b>93.2</b>

@ Indicates infinite percentage / rate because of division by zero

Source: National Crimes Record Bureau Report Crime in India 2011  
NCST\_7R\_2011-12\_ANNEXURE 4.4

**ANNEXURE- 4.5**  
**(Ref. Para 4.8.2 7R)**

**TABLE-7.16**  
**Percentage Disposal of Cases By Courts For Crimes Committed Against Scheduled Tribes During 2011**

Sl. No.	Crime Head	Cases With-Drawn By Govt.	No. Of Cases				Conviction Rate (5 / 7 × 100)	
			Compounded Or Withdrawn	In Which Trials 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	0.0	5.4	10.6	16.0	84.0	33.9
2	RAPE (Sec.376 IPC)	0.0	0.0	4.4	14.8	19.2	80.8	22.9
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	0.0	0.5	2.0	16.2	18.2	81.3	10.8
4	DACOITY (Sec.395-398 IPC)	0.0	0.0	0.0	17.2	17.2	82.8	0.0
5	ROBBERY (392-394, 397,398 IPC)	0.0	0.0	3.2	4.8	7.9	92.1	40.0
6	ARSON (Sec.435, 436, 438 IPC)	0.0	0.0	1.2	8.6	9.9	90.1	12.5
7	HURT (Sec.323-333, 335-338 IPC)	0.0	1.0	3.3	13.6	16.9	82.1	19.4
8	PCR ACT, 1955 FOR STs	0.0	0.0	0.0	45.2	45.2	54.8	0.0
9	SC/ST PREV. OF ATROCITIES ACT, 1989 FOR STs	0.0	0.8	2.9	18.0	20.9	78.3	13.9
10	OTHER CRIMES AGAINST STs	0.0	1.0	4.0	15.3	19.4	79.6	20.8
11	<b>TOTAL</b>	<b>0.0</b>	<b>0.8</b>	<b>3.7</b>	<b>15.5</b>	<b>19.1</b>	<b>80.1</b>	<b>19.2</b>

Source: National Crimes Record Bureau Report Crime in India 2011  
NCST\_7R\_2011-12\_ANNEXURE 4.5

TABLE-7.14  
Disposal Of Cases By Courts For Crimes Committed Against Scheduled Tribes During 2011

Sl. No.	Crime Head	Total No. For 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	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) {(6) + (7)}	(9)
1	MURDER (Sec. 302 IPC)	698	0	0	38	74	112	586
2	RAPE (Sec.376 IPC)	2617	0	0	115	388	503	2114
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	407	0	2	8	66	74	331
4	DACOITY (Sec..395-398 IPC)	29	0	0	0	5	5	24
5	ROBBERY (Sec. 392-394, 397,398 IPC)	63	0	0	2	3	5	58
6	ARSON (Sec.435, 436, 438 IPC)	162	0	0	2	14	16	146
7	HURT (Sec.323-333, 335-338 IPC)	3077	0	31	101	420	521	2525
8	PCR ACT, 1955 FOR STs	31	0	0	0	14	14	17
9	SC/ST PREV. OF ATROCITIES ACT, 1989 FOR STs	4808	0	37	140	864	1004	3767
10	OTHER CRIMES AGAINST STs	8637	2	87	349	1325	1674	6876
11	<b>TOTAL</b>	<b>20529</b>	<b>2</b>	<b>157</b>	<b>755</b>	<b>3173</b>	<b>3928</b>	<b>16444</b>

Source: National Crimes Record Bureau Report Crime in India 2011

NCST\_7R\_2011-12\_ANNEXURE 4.6



**ANNEXURE- 4.7**  
**(Ref. Para 4.8.2 7R)**

**TABLE-7.15**  
**Disposal Of Cases By Courts For Crimes Committed Against Scheduled Tribes During 2011**

Sl. 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 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)	(10)	(11)	(12)
<b>STATES:</b>											
	ANDHRA PRADESH	1457	0	10	41	473	514	933	64.0	5.7	8.0
2	ARUNACHAL PRADESH	283	0	1	16	5	21	261	92.2	1.6	76.2
3	ASSAM	139	0	0	1	16	17	122	87.8	0.7	5.9
4	BIHAR	245	0	0	12	45	57	188	76.7	1.1	21.1
5	CHHATTISGARH	2038	0	33	137	293	430	1575	77.3	9.6	31.9
6	GOA	1	0	0	0	0	0	1	100.0	0.0	@
7	GUJARAT	1760	0	6	4	92	96	1658	94.2	10.1	4.2
8	HARYANA	0	0	0	0	0	0	0	@	0.0	@
9	HIMACHAL PRADESH	2	0	0	0	0	0	2	100.0	0.0	@
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	@	0.0	@
11	JHARKHAND	584	0	1	38	134	172	411	70.4	2.5	22.1
12	KARNATAKA	896	0	0	7	174	181	715	79.8	4.3	3.9
13	KERALA	367	0	0	6	33	39	328	89.4	2.0	15.4
14	MADHYA PRADESH	4755	0	52	301	893	1194	3509	73.8	21.3	25.2
15	MAHARASHTRA	2133	2	2	8	198	206	1925	90.2	11.7	3.9
16	MANIPUR	0	0	0	0	0	0	0	@	0.0	@
17	MEGHALAYA	0	0	0	0	0	0	0	@	0.0	@
18	MIZORAM	0	0	0	0	0	0	0	@	0.0	@
19	NAGALAND	0	0	0	0	0	0	0	@	0.0	@
20	ODISHA	3133	0	0	43	426	469	2664	85.0	16.2	9.2
21	PUNJAB	0	0	0	0	0	0	0	@	0.0	@
22	RAJASTHAN	2423	0	51	126	365	491	1881	77.6	11.4	25.7
23	SIKKIM	16	0	1	7	3	10	5	31.3	0.0	70.0
24	TAMIL NADU	74	0	0	0	6	6	68	91.9	0.4	0.0
25	TRIPURA	38	0	0	1	11	12	26	68.4	0.2	8.3
26	UTTAR PRADESH	60	0	0	6	2	8	52	86.7	0.3	75.0
27	UTTARAKHAND	0	0	0	0	0	0	0	@	0.0	@
28	WEST BENGAL	71	0	0	0	4	4	67	94.4	0.4	0.0
	<b>STATES)</b>	<b>20475</b>	<b>2</b>	<b>157</b>	<b>754</b>	<b>3173</b>	<b>3927</b>	<b>16391</b>	<b>80.1</b>	<b>99.7</b>	<b>19.2</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	@
31	D & N HAVELI	26	0	0	0	0	0	26	100.0	0.2	0.0
32	DAMAN & DIU	1	0	0	0	0	0	1	100.0	0.0	0.0
33	DELHI	0	0	0	0	0	0	0	@	0.0	@
34	LAKSHADWEEP	1	0	0	1	0	1	0	0.0	0.0	100.0
35	PUDUCHERRY	0	0	0	0	0	0	0	@	0.0	@
	<b>TOTAL (UTs)</b>	<b>54</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>53</b>	<b>98.1</b>	<b>0.3</b>	<b>100.0</b>
	<b>TOTAL</b>	<b>20529</b>	<b>2</b>	<b>157</b>	<b>755</b>	<b>3173</b>	<b>3928</b>	<b>16444</b>	<b>80.1</b>	<b>100.0</b>	<b>19.2</b>

@ Indicates infinite percentage / rate because of division by zero

Source: National Crimes Record Bureau Report Crime in India 2011  
NCST\_7R\_2011-12\_ANNEXURE 4.7

**ANNEXURE 4. 8**

(Ref Para 4.9.1 7R)

**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	1. Mahabubnagar 2. Nellore 3. Kurnool 4. Medak 5. Prakasham 7. Guntur (Ongole) 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. Vizianagarm 23. Visakhapatam <b>(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>(11)</b>
3.	Chhattisgarh	1. Raipur 2. Durg 3. Rajnandgaon 4. Bilaspur 5. Surguja 6. Jagdalpur. <b>(6)</b>
4.	Gujarat	1. Banaskantha (Palanpur) 2. Ahmedabad (Rural) 3. Katch (Bhuj) 4. Amreli 5. Vadodara 6. Junagadh 7. Panchmahal (Godhra) 8. Rajkot 9. Surat 10. Surendranagar 11. Navsari 12. Vasal 13. Dahod 14. Narmd 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>(25)</b>
5.	Karnataka	1. Bijapur 2. Gulbarga 3. Kolar 4. Raichur 5. Mysore 6. Belgaum 7. Tumkur 8. Ramanagara <b>(8)</b>
6.	Kerala	1. Manchery in Malappuram 2. Kalpetta in Wyanad <b>(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. Mandaleshwar 12. Dewas 13. Mandaur 14. Indore 15. 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. Shoyopur Kala 37. Balaghat 38. Chindwara 39. Kandwa 40. Shivpuri 41. Sidhi 42. Harda 43. Neemach. <b>(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. Karouli 25. Sirohi <b>(25)</b>
9.	Tamil Nadu	1. Trichy 2. Madurai 3. Thanjavur 4. Tirunelveli <b>(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. Hardau 37. Shravasti 38. Bagpat 39. Bareilly 40. Jyotibaphulenagar <b>(40)</b>
11.	Uttarakhand	1. Nainital 2. Haridwar <b>(2)</b>

Source: MSJE Website

NCST\_7R\_2011-12\_ANNEXURE 4.8