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Letter from Shri Ram Dhan, Chairperson, National Commission for Scheduled Castes and Scheduled Tribes, to the President of India

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No.1/1/93-RC

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Loknayak Bhawan(Floor V) New Delhi-110003

15 August 1994

From: Ram Dhan

Chairperson,

National Commission for SC & ST

To : The President of India

New Delhi

Sir,

I have the honour to present herewith the first Report of the National Commission for Scheduled Castes and Scheduled Tribes after it attained Constitutional status under Article 338 of the Constitution as amended by the Constitution (Sixtyfifth Amendment) Act, 1990. The National Commission faced a number of handicaps in the initial stages due to inadequacy of staff and degree of incoherence in its functioning. distressing that on the very day the National Commission was reconstituted, i.e., 12-3-92, the Ministry of Welfare abolished 106 posts of the Commission. Moreover, to carry out the enhanced functions entrusted to the Commission effectively, the Commission submitted proposals to the Government for sanction of additional staff but no tangible action has yet been taken. In these circumstances this Report of the National Commission has been somewhat delayed.

The functions of the National Commission cover a large area and involve many aspects of the problems and measures relating to the Scheduled Castes and Scheduled Tribes. It is not possible to deal with all of them in the course of one year. process of investigating the working of the safeguards is a continuous one and at various times the Commission would have to lay down its priorities and study them. In the initial stages the Commission had laid stress on the handling of specific complaints regarding service safeguards and implementation of reservation policy. Another important area concerns inquiries into cases of atrocities on the Scheduled Castes and Scheduled The Commission has Tribes by members of other communities. initiated inquiries into almost all the cases that came to its notice involving heinous crimes such as murder, rape, burning, of houses and property and grievous injuries. The findings and recommendations of the National Commission have been communicated to the concerned Government authorities at appropriate levels for immediate action.

The present Report of the National Commission has stressed these aspects and gives an overview of the economic

development and the activities in the Education sector.

I trust that besides fulfilling the Constitutional requirement this Report would be found useful by the Central and the State Governments, Members of Parliament and State Legislatures, social activists and scholars.

Yours faithfully,

Ram Than (Ram Dhan)

CHAPTER I

SETTING UP OF THE NATIONAL COMMISSION AND ITS FUNCTIONS

·Historical background

Article 338 of the Constitution of India originally for the appointment of a Special Officer for the provided Scheduled Castes and Scheduled Tribes charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these In pursuance of this at prescribed intervals. safequards Officer known as the Commissioner provision a Special Scheduled Castes and Scheduled Tribes was appointed for the first time on 18th November, 1950. By 1965 the Commissioner for Scheduled Castes and Scheduled Tribes had 17 regional offices located in various States, headed by Assistant Commissioners for Scheduled Castes and Scheduled Tribes who were, in July 1965, This field organisation redesignated as Deputy Commissioners. of the Commissioner was reorganised into 5 Zonal Offices in June 1967 and placed under the control of the newly created General of Backward Classes Welfare Directorate Department of Social Welfare. Each Zonal Office was headed by a Zonal Director, Backward Classes Welfare (newly created posts) and the erstwhile regional Deputy Commissioners for SC & ST were redesignated as Deputy Directors, Backward Classes Welfare, and placed under the control of the Zonal Directors located at Bhopal (Central Zone), (Northern Zone), Chandigarh Zone) and Madras (Southern (Western (Eastern Zone), Baroda The Eastern Zone office had two branches at Bhubaneswar Shillong and later a branch office of the Central Zone office was set up at Lucknow. Each of these branch offices was The Western Zone office was headed by a Deputy Director. shifted to Ahmedabad in 1969. This arrangement continued till With effect from I-12-78 the field offices were November 1978. transferred to the newly set up Commission for SC & ST and the Zonal Directors, BCW, and the Deputy Directors, BCW, were rechristened as Directors for SC & ST and Deputy Directors for SC & ST respectively. After some time the zonal set-up was abolished and the Commission once again came to have 17 field Since the field Directors were also working for the offices. Commissioner for SC & ST, they were redesignated as Director for SC & ST and ex-officio Deputy Commissioner for SC & ST.

Setting up of the Commission for Scheduled Castes and Scheduled Tribes

1.2 There had been a persistent demand by representatives of SC & ST in the Parliament and elsewhere that instead of one single officer to handle the entire responsibility under Article 338 there should be a multi-member Commission with adequate powers to be effective. This was felt necessary in view of the

magnitude and vastness of the problems relating to the Constitutional safeguards provided for SC and ST. In July 1978 the Government of India decided to set up the Commission for Scheduled Castes and Scheduled Tribes, consisting of a Chairman and four Members including the Special Officer appointed under Article 338 of the Constitution. This was done by the Ministry of Home Affairs Resolution No.13013/9/77-SCT(I) dated 21st July, 1978 (Annexure 1.I) which listed the functions of the Commission as follows:

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, inter alia, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures, including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

Setting up of the National Commission for Scheduled Castes and Scheduled Tribes w.e.f.l-9-87

- The functions of the Commission for SC & ST in the Home Ministry's Resolution dated 21-7-78 and those of the Special Officer appointed under Article 338 of the Constitution overlapped considerably. In July 1987 the Government announced demarcate the functions of twô decision to the organisations, to rename the Commission for SC & ST as the Commission for SC & ST and to strengthen the National organisation of the Commissioner for SC & ST. Accordingly the National Commission for Scheduled Castes and Scheduled Tribes set up vide Ministry of Welfare Resolution 13015/12/86-SCD-VI dated 1-9-1987 (Annexure 1.II).
- 1.4 The Ministry of Welfare Resolution dated 1-9-1987 listed the functions of the National Commission as under:
- (i) To study the extent and ramifications of untouchability and social discrimination arising therefrom and effectiveness of the present measures and recommend further measures to be taken,

- (ii) to study socio-economic and other relevant circumstances leading to the commission of offences against persons belonging to Scheduled Castes and Scheduled Tribes and to recommend appropriate remedial measures to ensure prompt investigation of such offences,
- (iii) to take up studies on different aspects of development of the Scheduled Castes and Scheduled Tribes with a view to ensuring integration of these groups with the mainstream of the society in all aspects. These would include studies in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, communication, agriculture, forestry, horticulture, fisheries, rehabilitation, pollution and enviornment, and
- (iv) such other functions as may be entrusted to the National Commission for Scheduled Castes and Scheduled Tribes in evolving general policies relating to any aspects of development of the Scheduled Castes and Scheduled Tribes as may be thought proper by the Central Government.

Setting up of the Constitutional National Commission for Scheduled Castes and Scheduled Tribes

Though the Commissioner for Scheduled Castes a Constitutional Scheduled Tribes had been functioning as authority under Article 338 since 1950, the Government of India, keeping in view the magnitude of the problems of the Scheduled Castes and Scheduled Tribes, decided to set up a broad based multi-member body as a Constitutional authority in place of a single person to make it more representative and strong. It was of organisation (Commissioner for Scheduled Castes and Scheduled Tribes) would intended merge with that of the Commission. The Government of India introduced the Constitution (Fortysixth Amendment) Bill, 1978 (Bill No.119 of 1978), in the Lok Sabha on 3-8-1978 with the intention of amending Article 338 of the Constitution. This Bill could not be taken up in the 1978 Winter Session of the Parliament due to lack of time and was brought up again in the Lok Sabha as the Constitution (Fiftyfirst Amendment) Bill, 1979. It was debated in the Lok Sabha on 16-5-1979 but during voting on 17-5-1979 the Bill fell through for want of the requisite In these circumstances the two organisations, viz., the Commission for Scheduled Castes and Scheduled Tribes set up by a Resolution of the Government of India and the Commissioner for Scheduled Castes and Scheduled Tribes set up under Article 338 of the Constitution, co-existed till March 11, 1992. A fresh Bill was passed by the Parliament as the Constitution (Sixtyfifth Amendment) Act, 1990, and received the assent of the President on 7-6-1990 (Annexure 1.III). effect to on March 12, 1992.

1.6 The Rules made under the amended Article 338 of the Constitution provide that the Commission shall consist of a Chairperson, a Vice-Chairperson and five other Members. The Ministry of Welfare, vide Notification No.13040/2/90-SCD-VI dated 12-3-1992, announced the appointment of the following persons who took over charge on the dates shown against each:

(1) (2)	Shri Ram Dhan Shri T.Muchi Rai Munda	Chairperson Vice-Chairperson	12-3-1992 (expired before
(3)	Shri B.Sammaiah	Member	assuming office)
(4)	Dr.Sarojini Mahishi	Member	20-3-1992 1-4-1992
(5)	Chaudhry Hari Singh, M.P.	Member	16-3-1992
(6)	Shri Phanindra Nath Brahma	Member	3-4-1992
(7)	Shri Jhinabhai R. Darjee	Member	24-3-1992

Shri Bandi Oraon, MLA (Bihar), was appointed Vice-Chairperson vide Ministry of Welfare Notification No.13014/2/90-SCD-VI dated 16-6-1992. Shri Oraon assumed office on 26-6-1992. Shri Ram Dhan has been given the status of a Union Cabinet Minister and Shri Bandi Oraon that of a Union Minister of State. Such status is personal to them.

Functions of the Commission

- 1.7 Clause (5) of the amended Article 338 provides that it shall be the duty of the Commission:
- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
- (c) to participate and advise on the planning process of socioeconomic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the

effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

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

Clause (4) of Article 338 empowers the Commission to regulate its own procedure.

- 1.8 According to clause (8) of Article 338 the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:
- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may by rule, determine.
- 1.9 Clause (9) of Article 338 provides that the Union and every State Government shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.
- 1.10 The Commission's function in clause 5(a) regarding investigation and monitoring of all matters relating to Constitutional and other safeguards provided for the Scheduled Castes and Scheduled Tribes has the following three components:
- (i) Investigation
- (ii) Monitoring
- (iii) Evaluation

Investigation

1.10(a) The Article provides unlimited scope for the Commission to investigate any matter relating to safeguards. The phrase

"all matters" is a broad enabling provision and the Commission would have to take decisions regarding the matters that it would take up for investigation from time to time. The procedure and methodology of investigation are to be determined by the Commission itself.

Monitoring

- 1.10(b) The Commission has been entrusted with the responsibility of monitoring the working of the safeguards. The two predecessor Commissions constituted in 1978 and 1987 had not been given this function.
- 1.10(c) Articles 15(4), 16, 17, 19(5), 46, 164(1), 244, 244A, 275, 330, 332, 334, 335, 338, 339, 341, 342, 371A, 371B and 371C of the Constitution provide various safeguards for the Scheduled Castes and Scheduled Tribes. In addition, there are the Fifth Schedule, the Sixth Schedule and a number of Acts and various executive orders of the Central and the State Governments for protection of the interests of the Scheduled Castes and Scheduled Tribes. Some of these Acts like the PCR Act, 1955, the Bonded Labour System (Abolition) Act, 1976, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Forest Conservation Act, 1980, excise policies, the laws governing alienation of lands belonging to SC & ST, provision reservation in the allotment of retail agencies like Public Distribution System, petrol, kerosene, L.P.G. reservation in admission to educational institutions in general and professional educational institutions are all safeguards which are intended to take care of the interests of persons belonging to SC & ST.
- 1.10(d) It is not difficult to see that monitoring of all the matters covered by the Constitutional provisions, laws and Government orders has such a big canvas that it would require a very big organisation with a lot of personnel and processing Meaningful monitoring requires keeping a watch on certain matters and pointing out the deficiencies so midcourse correctives can be applied immediately. concurrent evaluation is intended to improve the quality of implementation of a programme. Mere collection of statistics or figures is not monitoring. During the year under report the Commission did not have the required staff support to take up any monitoring work.

Evaluation

1.10(e) When a programme has been completed it is studied to find out its impact and its good and bad features. It is a kind of postmortem which helps the planner and the administrator in formulation of future programmes. The Programme Evaluation Organisation, Planning Commission, some research institutes and academicians have developed evaluation techniques which can be utilised by the Commission.

Inquiry into specific complaints

Clause 5(b) requires the Commission to inquire into specific complaints with respect to deprivation of rights and safequards of SC & ST. The Commission has been receiving a large number of complaints/representations from individuals or from associations/organisations about the various grievances of SC & relating to service safeguards, atrocities, educational, economic, political and other miscellaneous matters. While dealing with these complaints the Commission initiates enquiries to keep a watch on the working of the safeguards It had been the provided in the Constitution, laws, etc. experience in the earlier Commissions and the Commissioner's office that their letters did evoke positive response from the concerned authorities and many of the wrongs were corrected during the course of the enquiry. In a formal and technical during the course of the enquiry. sense the inquiry and investigation by this Commission have to be the inquiry conducted under the the pattern of The Commission may gather facts and Commissions of Inquiry Act. take evidence on oath, if it becomes necessary, and call for documents from any authority or even a court. The powers of the civil court are given to the Commission to enable it to compel the presence of persons or production of documents or deposition on oath, but it may not be necessary to use these powers in all A large number of complaints have been handled with positive results without having to invoke these legal processes.

Participation in the planning process

In Clause 5 (c) of Article 338 the Commission has been entrusted with a very important function of participating in and advising on the planning process of socio-economic development of SC & ST and evaluating the progress of their development under the Union and any State. At the Centre the Commission has to be associated with the Planning Commission and the various Union Ministries in formulation of developmental programmes for SC & ST exclusively or the Tribal Sub-Plan and the Special Component Plan The State Governments the Scheduled Castes. U.T.Administrations are also required to associate the Commission with the process of Plan formulation right from the beginning. In this exercise the Commission and its field offices will have In the year under report the get involved intimately. procedure for this was not fully established.

Consultation with the Commission by Governments on all major policy matters

1.13 Clause (9) of Article 338 makes it obligatory for the Central Government and every State Government to consult the National Commission on all major policy matters affecting SC & ST. This provision implies that the Central Government as well as the State Governments must consult the Commission before taking any major legislative or executive measure affecting the interests of SC & ST. In the year under report only one case of such consultation (setting up of the National Commission on Safai Karmacharis) came to the Commission.

ANNEXURE 1.1

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi-110001 Dated 21 July, 1978/30 Asadha, 1900

RESOLUTION

No. 13013/9/77-SCT.I

Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer.

- 2. Government have accordingly decided to set up a Commission for this purpose which shall consist of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Members of the Commission will not ordinarily exceed three years.
- 3. The headquarters of the Commission will be located at New Delhi.
- 4. The functions of the proposed Commission will broadly correspond with the functions at present entrusted to the Special Officer under Article 338 of the Constitution and will be as follows:
 - (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, inter alia, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes, are, in practice, implemented.
 - (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
 - (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes of Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.
 - (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.
- 5. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and decuments and provide such assistance as may be required by the Commission from time to time. The

Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, insofar as it relates to the Central Government will be laid before each House of Parliament.

ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-(B.G. DESHMUKH) Additional Secretary

ANNEXURE 1.11

GOVERNMENT OF INDIA MINISTRY OF WELFARE

New Delhi, 1st September, 1987

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No. BC-13015/12/86-SCD-VI

RESOLUTION

Whereas a Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as the Commission) was set up under the Ministry of Home Affairs' Resolution No. BC-13013/9/77-SCT I dated the 21st July, 1978 (hereinafter referred to as the said Resolution).

- 2. And whereas according to the said Resolution the functions of the Commission were to broadly correspond with the functions entrusted to the Special Officer under Article 338 of the Constitution.
- 3. And whereas it is considered necessary to modify the functions of the Commission as originally thought of in the said Resolution to avoid any overlapping of the functions of the Special Officer and the Commission.
- 4. Now, therefore, in supersession of the said Resolution, the Government of India have decided to set up a National Commission for Scheduled Castes and Scheduled Tribes in place of the Commission. It shall consist of a Chairman and not more than eleven other members. The terms and conditions of the Chairman and the Members of the National Commission shall be as determined by the Government in each case, provided that their term of office shall not normally exceed three years.
- 5. The National Commission for Scheduled Castes and Scheduled Tribes will be a national level advisory body to advise on broad issues on policy and levels of development of Scheduled Castes and Scheduled Tribes. With this objective in view, the National Commission may include experts in the field of social anthropology, social work and other related social sciences.
- 6. The headquarters of the National Commission will be located at New Delhi.
- 7. The functions of the National Commission for Scheduled Castes and Scheduled Tribes will be as follows:
 - (a) To study the extent and ramifications of untouchability and social discrimination arising therefrom and effectiveness of the present measures and recommend further measures to be taken,
 - (b) to study socio-economic and other relevant circumstances leading to the commission of offences against persons belonging to Scheduled Castes and Scheduled Tribes and to recommend appropriate remedial measures to ensure prompt investigation of such offences,
 - (c) to take up studies on different aspects of development of the Scheduled Castes and Scheduled Tribes with a view to ensuring integration of these groups with the main-

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stream of the society in all aspects. These would include studies in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, communication, agriculture, forestry, horticulture, fisheries, rehabilitation, pollution and environment, and

- (d) such other functions as may be entrusted to the National Commission for Scheduled Castes and Scheduled Tribes in evolving general policies relating to any aspects of development of the Scheduled Castes and Scheduled Tribes as may be thought proper by the Central Government.
- 8. All the Minstries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the National Commission for Scheduled Castes and Scheduled Tribes from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest co-operation and assistance to the National Commission.
- 9. The reports of the National Commission for Scheduled Castes and Scheduled Tribes will be project based to be submitted to the Central Government as and when studies are completed.

ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India. State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

(B.K. MISRA)

Joint Secy. to the Govt. of India.



असाधारण EXTRAORDINARY

भाग II—खण्ड 1 PART II—Section 1

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं० 31] नई दिल्ली, जुजवार, जून 8, 1990/ज्येष्ठ 18, 1912 No. 31] NEW DELHI, FRIDAY, JUNE 8, 1990/JYAISTHA 18, 1912

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

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

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

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

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

THE CONSTITUTION (SIXTY-FIFTH AMENDMENT)
ACT, 1990

(7th June, 1990)

An Act further to amend the Constitution of India-

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

1. (1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990.

Short title and Commencement

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. In article 338 of the Constitution,—

Amendment of

(a) for the marginal heading, the following marginal heading shall be article 338 substituted, namely:—

"National Commission for Scheduled Castes and Scheduled Tribes";

- (b) for clauses (1) and (2), the following clauses shall be substituted, namely:—
- "(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
 - (4) The Commission shall have the power to regulate its own procedure.
 - (5) It shall be the duty of the Commission-
 - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
 - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
 - (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes: and
 - (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
 - (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
 - (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
 - (8) The Commission shall, while investigating any matter referred to in subclause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (b) requiring the discovery and production of any documents;

THE GAZETTE OF INDIA EXTRAORDINARY

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

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

CHAPTER II

ORGANISATIONAL SET-UP OF THE COMMISSION

The functions entrusted to the Commission by the amended Article 338 of the Constitution cover a very wide area. Commission is required to investigate, monitor and evaluate the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution or under any law or any order of the Government. It has also to inquire into specific complaints of violation of rights and safeguards of the Scheduled Caste and Scheduled Tribe people. Experience has shown that the complaints received by the Commission are not only those which pertain to a clear-cut violation of a right or safeguard but that these people also bring up to it their grievances and problems of varied nature. In addition, the Commission has to participate in the planning process and advise the Governments on planning and development matters. There are also a number of miscellaneous references and tasks which come up before the Commission. order to discharge these functions there is a need for sufficient manpower but unfortunately the Commission has been handicapped on this account. The functions to be performed by the Commission cover a much larger area than those performed by the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes and the predecessor non-statutory National Commission for Scheduled Castes and Scheduled Tribes.

2.2 The organisational set-up of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was as under:

Headquarters

Chairman and Members	5
	2
Honorary Members	2
Secretary	1
Joint Secretary	1
Deputy Secretary	1
Director	1
DIG of Police	1
Superintendents of Police	2

Technical staff Administrative staff

Deputy Directors. Asstt.Directors/ROs Sr.Investigators Investigators	2 5 11 3	Under Secretary Asstt. Director(OL) Librarian Section Officers Assistants Sr. Hindi Translator Accountant UDCs	1 1 2 3 1 1 3
		LDCs	/

2.3 There were three Study Units dealing with service safeguards, development and atrocities. The functions performed by these Units were as follows:

Study Unit I

the implementation of Unit was dealing with safeguards provided for representation of SC & ST in the Central and State Government services as well as Central and State Public Sector Undertakings. All complaints/representations of SC/ST persons relating to service matters were dealt with in this Unit in addition to policy matters relating to enactments/Government orders and instructions pertaining to representation of SC & ST studies/surveys services. Evaluation relating implementation of the various Constitutional safeguards respect of service matters were also taken up from time to time by this Unit.

Study Unit II

This Unit was dealing with matters relating to development of SC & ST. The specific items of work entrusted to this Unit were: (i) Special Component Plan for Scheduled Castes, (ii) Scheduled Castes Development Corporations/Tribal Development Corporations, (iii) representations/complaints made by SC/ST persons regarding their grievances on matters other than atrocities, untouchability practices and service matters, (iv) Tribal Sub-Plan, (v) Welfare of Backward Classes Sector, (vi) Tribal Research Institutes and other research bodies, (vii) Land Reforms Acts and their implementation, (viii) land alienation, (ix) educational schemes for SC & ST.

Study Unit III

This Unit was dealing with matters pertaining to atrocities on SC & ST and cases relating to the Protection of Civil Rights Act, the Bonded Labour System (Abolition) Act, the Minimum Wages Act, etc. Evaluation studies and surveys on these subjects were also conducted by this Unit.

Functions of the field organisation

Besides performing the watchdog functions the field offices of the Commission were also required to actively assist Governments/U.T. Administrations in the formulation and implementation of the various programmes for the welfare and development of SC & ST. Their general functions (i) to maintain effective liaison with the Governments/U.T. Administrations on behalf of the Commission, serve the on State level Councils/Committees/Corporations, etc., behalf on Commission, (iii) to provide information about the policies and programmes of the Union Government for the welfare of SC & ST to the States in their respective jurisdication and report to the Headquarters about the important developments, social movements and policy changes in the State affecting the interests of SC & to conduct research studies, sample surveys evaluation studies either on their own or as entrusted to them by the Commission, (v) to inspect the working of various voluntary organisations receiving grants-in-aid directly from the Ministry of Welfare for work among SC & ST, (vi) to inspect the working of

the various Pre-Examination Training Centres both at the Central and State levels, (vii) to conduct on-the-spot enquiries into cases of atrocities on SC & St, and (viii) to deal with complaints/representations on various matters including service matters.

Field offices

2.5 The erstwhile Commission had 17 field offices 12 of which were headed by Directors and 5 by Deputy Directors. The jurisdiction and the designation of the field offices are given below:

•	Location	Designation of the officer incharge	Jurisdiction	Remarks
(1)	Agartala	Dy.Director	Tripura	The post of Dy. Director was abolished on 12-3-92.
(2)	Ahmedabad	Director	Gujarat, Dadra & Nagar Haveli	
(3) (4) (5) (6)	Bangalore Bhopal Bhubaneswar Calcutta	Director Director Director Director	Karnataka Madhya Pradesh Orissa West Bengal, Sikkim, A&N Islands	
(7)	Chandigarh	Dy.Director	Punjab, Haryana, Chandigarh	The post of Dy. Director was abolished on 12-3-92.
(8) (9)	Guwahati Hyderabad	Dy.Director Director	Assam Andhra Pradesh	The post of Director was abolished on 12-3-92.
(10)	Jaipur ,	Director	Rajasthan	The post of Director was abolished on 12-3-92.
°(11) (12)	Lucknow Madras	Director Director	Uttar Pradesh Tamil Nadu, Pondicherry	
ູ (13)	Patna	Director	Bihar	The post of Director was abolished on 12-3-92.
(14)	Pune	Director	Maharashtra, Goa, Daman & Diu	
(15)	Shillong	Director	Meghalaya, Arunachal Pradesh, Manipur, Mizoram,Nagaland	
(16)	Shimla	Dy.Director	Himachal Pradesh, Jammu & Kashmir	
(17)	Thiruvanan- thapuram	Dy.Director	Kerala, Lakshadweep	The post of Dy.Director was abolished on 12-3-92.

Organisation of Commissioner for Scheduled Castes and Scheduled Tribes

2.6 The establishment of the Commissioner for Scheduled Castes and Scheduled Tribes, who was the Constitutional authority under Article 338 upto 11-3-1992, was as follows (except personal staff and Group D staff):

Commissioner for SC & ST Special Commissioners	1 2
Deputy Commissioners	2
Assistant Commissioner	1
Technical Staff	
Asstt. Directors	4
Research Officers	2
Investigators	8
Administrative staff	
Section Officers	2
Asstt. Director (OL)	1
Assistants	7
Sr. Hindi Translator	1

Jr. Hindi Translators

UDCs

LDCs

It was most unfortunate that on the very day the Commission was reconstituted, i.e., on 12-3-92, the Ministry of Welfare abolished 106 posts of the Commission. These included 75 posts of the erstwhile Commissioner's office which was to be with the National Commission as per the Financial Memorandum attached to the Constitution (Sixtyeighth Amendment) Bill that was passed and notified as the Constitution (Sixtyfifth Amendment) Act, 1990. The abolished posts also included 31 posts of the erstwhile Commission which were lying vacant on that date. posts included three Directors (Patna, Jaipur Hyderabad), two Superintendents of Police, four Dy. Directors,. Asstt. Director, one Research Officer, nine Investigators, six Investigators, one Sr.P.A., two Assistants, Superintendent and one Despatch Rider. Although functions and responsibilities of the National Commission were enhanced, the number of staff was reduced. The three field offices covering big States of Bihar, Rajasthan and Andhra Pradesh having substantial SC/ST population were left without a. Director and the offices at Agartala, Chandigarh, Thiruvananthapuram were left without a Deputy Director. highly unsatisfactory state of affairs is exemplified by the field office at Patna which did not have any Gazetted Officer from 1-8-93 to 23-5-94. On 12-3-92 the establishment of the Commissioner for SC & ST was disbanded. Some of its posts were abolished and the remaining staff transferred to the Ministry of Welfare. Subsequently on 31-7-92 and 5-8-92, 27 staff members

7

12

belonging to the erstwhile office of the Commissioner were temporarily attached with the National Commission. Even out of these 27 persons some did not join the Commission. The abolition of 106 posts on 12-3-92 itself was a great blow to the Commission.

- To carry out the enhanced functions entrusted to the 2.8 . Commission effectively, the Commission proposed on 2-6-92 to the Ministry of Welfare to sanction 283 posts for its headquarters and its field offices besides restoring its 31 abolished posts and 75 posts of the erstwhile office of the Commissioner for SC & ST. Detailed justification for this proposal was furnished to the Government. As per the proposed set-up, the Headquarters have four Wings, viz., Services & Tribal . Atrocities, Planning & Development and Administration, assisted Joint Secretary and by a To look after the safeguards provided Directors/Dy.Secretaries. in the Constitution for representation of SC & ST in services, five Units have been proposed and in addition there will be four Inspection Wings and a Grievances and Monitoring Cell. An officer of the rank of Director/Deputy Secretary will hold overall charge of this Wing and will be assisted by three Dy. Directors two of whom will be dealing with complaints representations relating to service matters and the third one will be in charge of inspecting the implementation of reservation orders in the Government and semi-Government offices. All these Units will be served by technical staff like Asstt. Directors, Research Officers, Sr. Investigators and Investigators. In the Tribal and Miscellaneous Safeguards Wing a Director/Dy.Secretary will be having four Units, viz., Tribal Safeguards, Miscellaneous Safeguards and Education, each under the charge of a Dy. Director, and Complaints & Monitoring Cell under the charge of an These Wings will be manned by the usual Assistant Director. Research staff of Asstt. Directors, Sr. Investigators and Investigators. The Atrocities and PCR Wing charge of a Director/Dy.Secretary under the The Wing will have four units, viz., APCR (Investigation). (I&II), Monitoring & Policy and Complaints & Monitoring Cell, bу Asstt. Director and assisted manned by an Another Wing looking after Investigators and Investigators. Atrocities & PCR Act under the charge of a Director/Dy. Secretary (Investigation) will be having two Units, each headed by a Dy. Director and assisted by a Sr. Investigator. These Units will mainly be conducting on-the-spot enquiries, etc. The Planning & Development Wing under the overall charge of a Director/Dy. Secretary will be assisted by five Units, each headed by a Dy. Director and the complementary staff who will be dealing with Central Schemes and State Plans respectively. An Evaluation Wing headed by a Director/Dy.Secretary will be assisted by two Units, each headed by a Dy. Director, and the requisite research staff whose main job will be to conduct evaluation studies in different States in a well planned manner.
 - 2.9 In addition to the above Wings the Commission also proposes to have a Legal Branch to advise the Commission in legal

matters in view of the powers of a civil court having been given to the Commission. This Branch will consist of a Law Adviser of Director's scale, a Law Officer of Under Secretary's grade, a Legal Assistant and other staff. It is also proposed to have a Computer Cell under the charge of an Assistant Director for the purpose of collecting and maintaining statistical data and A Library and Reference Cell headed by a Librarian and assisted by a Research & Reference Officer is also proposed to be strengthened by proposing new posts for this Cell. will be the Professional Services Wing and will be under the charge of a Joint Secretary. There will be a Report Cell headed by a Deputy Director who will be assisted by three Research Officers and other research staff in collection of material and drafting of the Annual Report of the Commission and printing and distribution of the Report. In addition to strengthening the Headquarters it is also proposed to strengthen the field offices in view of the enlarged functions by providing more staff to the existing 17 field offices and also establishing two new offices at Jammu and New Delhi and sub-offices in four bigger States, viz., Madhya Pradesh (Raipur and Indore), Uttar Pradesh (Varanasi and Agra/Meerut), Bihar (Ranchi and Darbhanga) and Maharashtra (Nagpur and Nashik). An abstract of the staff proposals may be seen at Annexure 2.I.

The Commission has not been able to start functioning effectively in respect of several Constitutional provisions due gross insufficiency of the staff. The staff proposals submitted to the Ministry of Welfare are yet to be sanctioned. As against the proposal to have 157 technical officers and staff at the Headquarters office of the Commission it had just 14 officers and staff till the end of December 1993. Only 31 posts were restored in January 1994 out of the 106 posts abolished at the time of the constitution of the Commission on 12-3-92. including demi-official to the Government letters communications from the Chairperson of the Commission to the Prime Minister and the Welfare Minister for sanctioning necessary staff for the Commission have not led to any positive results, though the Welfare Minister has written to the Chairman that the newly constituted National Commission requires more staff due to its enlarged responsibilities and functions.

ANNEXURE 2.I
Proposal for staff

Abstract

	Existing with the Commission	Proposed	Addition- ality	Available with the erstwhile O/o Commr.	Net addi- tionality
Hqs.Office		·			
Technical Staff	17	157	140	17	123
Administrative and ministerial staff	60	177	117	70	47
	77	334	257	87	170
Field Offices	201	345	144	_	144
Grand Total	278	679	401	87	314

This statement does not include the posts meant for the personal staff of Chairperson/Vice-Chairperson/Members.

CHAPTER III

EDUCATION

Education has been conceived as one of the most powerful instruments for socio-economic uplift of an individual and for bringing about socio-economic transformation on egalitarian lines. It was, therefore, quite appropriate that our Constitution framers incorporated specific Articles to ensure that the State took active part in promoting education amongst all and specifically amongst weaker sections of the population.

3.2 The Articles relating to educational safeguards are as follows:

Article 46 included among the Directive Principles of State Policy provides: "The State shall promote with special care the educational and economic interests of the weaker sections of the poeple, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".

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

Article 29(1) provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same". This Article has special significance for all the Scheduled Tribes. Santhals have a script of their own, viz., Olchiki.

Article 350 A reads: "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities." Most of the tribal communities have their own languages or dialects which usually belong to a different family of languages than the one to which Various belongs. State's official language commissions and committees have recommended that instruction should be imparted to tribal children in their mother tongue in primary schools, at least in classes I and II.

3.3 In the traditional societies the role of education was by and large confined to cultural accomplishments. It was also a

source of power in political, economic and religious matters. In the present fast changing world when traditional institutions are being replaced by formal institutions educational ignorance is the biggest weakness for the society at large and fatal particularly for the weaker sections who must understand the mechanism of these new institutions in order to get equal share of the progress as members of a democratic society. Education, in this way, is a basic source of strength and is essential for the poor, particularly SC & ST, to claim their place in the modern world. Educational advancement can be taken as the best indicator of the development of a community.

Independence to strengthen the educational base of SC & ST. Provision of educational institutions on priority basis in areas predominantly inhabited by these communities, provisions of incentives like scholarships, freeships, mid-day meals, uniforms, books and stationery, reservation of seats in admission in matric/post-matric schools and institutions of higher learning, provisions of coaching and hostel facilities are some of the steps which have contributed in raising the educational base of SC & ST. But in spite of all these provisions SC & ST have still to go a long way to come up to the general level in the field of educational development. Concerted efforts would have to be made to identify the causes and weaknesses of different programmes which come in the way of their educational development.

Position of literacy

3.5 As per the 1991 Census the total population of the Scheduled Castes was 13.82 crores (7.19 crores males and 6.63 crores females) and that of the Scheduled Tribes 6.77 crores (3.43 crores males and 3.34 crores females) representing 16.48% and 8.08% respectively of the country's total population. The literacy rate amongst SC & ST from 1961 to 1991 is given below:

	Table 1			
General(including SC & ST) Non-SC/ST population Sch.Castes Sch.Tribes	1961	1971	1981	1991
	24.00	29.45	36.23	52.21
	27.91	33.80	41.30	57.69
	10.27	14.67	21.38	37.41
	8.54	11.29	16.35	29.60

3.6 It may be seen from the above table that the rate of growth of literacy among SC and ST has been increasing steadily but the gap in the literacy rate between SC and ST on the one hand and the other communities has also been widening notwithstanding the growth of literacy as will be evident from the following figures:

	1961	<u>1971</u>	1981	1991
Gap between literacy rates among the Scheduled Castes and non-SC/ST communities	17.64	19.13	19.92	20.28

Gap between literacy rates 19.37 22.51 24.95 28.09

among the Scheduled Tribes and non-SC/ST communities

The above position indicates that in order to bridge the gap much more concerted efforts are required. As will been seen from Annexure 3.I there is a wide disparity of literacy rates between the non-SC/ST population and SC & ST and even between the Scheduled Castes and the Scheduled Tribes and also between males and females.

3.7 The literacy rates amongst SC and ST in the various States (1991 Census) have been shown in descending order at Annexures 3.II and 3.III respectively. The five States/UTs from the top and the five States from the bottom are shown in the table below:

Table	2		

	SCHEDULED CASTES			SCHEDULED TRIBES	
1. 2. 3. 4. 5.	Kerala Daman & Diu Mizoram Dadra & Nagar Haveli Gujarat	79.66% 79.18% 77.92% 77.64% 61.07%	1. 2. 3. 4. 5.	Mizoram Lakshadweep Nagaland Sikkim Kerala	82.71% 80.58% 60.59% 59.01% 57.22%
6. 7. 8. 9.	INDIA Madhya Pradesh Andhra Pradesh Uttar Pradesh Rajasthan Bihar	37.41% 35.08% 31.59% 26.85% 26.29% 19.49%	6. 7. 8. 9.	INDIA Bihar Orissa Madhya Pradesh Rajasthan Andhra Pradesh	29.60% 26.78% 22.31% 21.54% 19.44% 17.16%

In almost all these States several schemes under the Special Component Plan and the Tribal Sub-Plan are being implemented with heavy Central funding. Under these schemes educational development is one of the core sectors in which still heavier investment is required to be made. There is also considerable differential among the different Scheduled Castes and Scheduled Tribes within a State. It is, therefore, suggested that based on 1981 and 1991 Census data, the various States should identify the educationally weaker castes/tribes in their States and take up special measures to improve their literacy and educational level. Efforts should be made to bring children of these vulnerable groups including primitive tribal groups at par with the rest of SC & ST. It should be ensured, through a time bound programme, that they are at least brought at par with the average literacy rate of SC & ST in the State concerned.

Female literacy

3.9 Gender inequality the world over is a stark reality It is an admitted fact that real development cannot take place if it bypasses women who not only represent nearly half of the

population but are the foundation of social change. Educational development is one of the key factors that would bring women in the mainstream of life and they would ultimately be at par with men. The level of literacy among females is comparatively low. The progress of literacy amongst the female population of SC and ST is given below:

 $\begin{array}{c} \text{Table 3} \\ \text{Female literacy rates} \end{array}$

	<u>Lit</u>	eracy r	ates	Growth	rate
	1971	1981	1991	1971-81	1981-91
Scheduled Castes Scheduled Tribes All communities excluding SC & ST	4.85	10.93 8.04 29.43	18.19	69.72 65.77 32.27	117.38 126.24 52.29

Although the rate of growth of female literacy amongst SC and ST has been showing an upward trend, yet the gap in the female literacy rate between SC and ST on the one hand and the other communities has widened as will be evident from the following figures:

Gap between female literacy rates among the Scheduled Castes and non-SC/ST communities	$\frac{1971}{15.81}$	1981 18.50	$\frac{1991}{21.06}$
Gap between female literacy rates among the Scheduled Tribes and non-SC/ST communities	17.40	21.39	26.63

There were 48 districts in the country during 1981 Census (listed at Annexure 3.IV) where the female literacy rate among the Scheduled Tribes was less than 2%. The situation is pitiable. the various Reports of the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes and the erstwhile Commission for Scheduled Castes and Scheduled Tribes several measures had been suggested to increase the literacy rate among SC & ST. concrete steps appear to have been taken to bridge the widening gaps between the non-SC/ST population and the SC & ST population. The concerned State Governments should also take immediate steps to identify those castes/tribes which have a female literacy rate far below the average SC/ST female literacy rate in the State. Special concerted efforts are needed to improve the literacy rate educational level among those communities which conspicuously lagging behind as compared to other communities in the matter of female literacy. Such micro level planning is the need of the hour. Different agencies working for the spread of literacy should have an integrated approach and all literacy improvement programmes, Governmental or non-Governmental, meant for these groups should be taken first among those groups

It is worthwhile to mention here the who are at the bottom. experience of the Shiksha Karmi Project run by the Government of Rajasthan with 90% financial aid from the Swedish International Development Agency at Ralawatan in Dausa District*. It is not as if Ralawatan lacked the basic infrastructure. The village has had a Primary School since 1959 with two trained teachers. But as the teachers were outsiders they did not attend the school regularly, resulting in low enrolment and erratic studies. The project began two Shiksha Karmis (Primary School teachers) selecting belonging to the same village. Though untrained and less qualified than the regular teachers, they were preferred because After an initial training of 37 days they of their commitment. After an replaced the regular teachers. Within a year the Shiksha Karmis changed the scenario of the village in terms of enrolment and It is a model which goes to prove that quality of education. universalisation of primary education does not require huge resources but only committed teachers. Enrolling girls was the biggest challenge for the project. Most of them could not attend the day school as they were busy with household chores or in Therefore, night schools of two hours' duration were This explodes another myth that night schools have to have different syllabus and different books. Ralawatan's example has clearly shown that night school is one of the ways to educate rural girls. It has also shattered the myth that it is diffcult to attract girls to school without providing monetary incentives and ensuring qualified teachers. In this way right planning, selection of right local teachers and community participation can destroy many myths that surround education sector. The other States could undertake this type of experiment. However, in order to attract more SC & ST girls to schools at the primary level incentives to the poorest among parents should be considered. Performance of teachers may also be judged over a period of time in different schools. Those teachers who show good regults may be given incentives. Now that the Panchayati Raj Act has become operative the elected members may be made responsible to ensure that teachers attend schools regularly and take keen interest in the educational development of SC & ST students.

Enrolment

3.11 Enrolment of SC & ST students at pre-primary and primary levels is the most important indicator which would determine the future educational development of these deprived groups of the society. The Ministry of Human Resource Development Planning, Monitoring & Statistics Division (SC & ST) brings out related educational statistics which give enrolment ratio and other statistics for SC & ST. Gross enrolment ratio at primary and middle level of education is the most crucial. It is defined as

^{*}Source: Journal of Literacy Mission, Jan-Mar 1994, published by the Directorate of Adult Education, Ministry of Human Resource Development, New Delhi

the percentage ratio of enrolment in classes I-V and VI-VIII to the estimated child population in the age-groups 6-11 years and 11-14 years respectively. The table below gives the comparative picture of gross enrolment ratio in respect of the general population and that of SC & ST in the primary and middle stages of education:

Table 4 Gross Enrolment Ratio 1992-93 (Percentage of enrolment in the respective age-groups)

		Gene	cal		Schedu]	Led Cas		Schedu]		
Class	Age-group	Boys	Girls	Total	Boys	Girls	Total	Boys_	Girls 7	<u>rotal</u>
I-V		118.1	92.7 53.8	105.7 67.5	127.99 75.07	92.18 44.04	110.58 59.97	126.71 58.54	88.64 32.04	108.19 45.64

- 3.12 It may be seen from the above table that enrolment figures, particularly at the primary stage, do not always reflect the actual situation. As stated above, the Ministry of HRD furnishes enrolment ratios on the basis of the number of children enrolled in the primary classes and the number of children in the respective age-group. Since the former number also includes children in a lower or higher age-group than 6-11 years, the enrolment ratio sometimes is very high. As the above table indicates, the enrolment ratio of SC & ST children in the primary classes is reported to have reached 110.58 and 108.19 respectively. On the face of it these figures are commendable but the variation in enrolment of SC and ST among different States and also within different castes and tribes in each State is very high as is reflected in Annexures 3.V and 3.VI respectively.
- 3.13 The position of enrolment of Scheduled Caste children at primary level is comparatively poor in Arunachal Pradesh, Bihar, J & K, Rajasthan, U.P. and Dadra & Nagar Haveli. The position in regard to Scheduled Tribe children is unsatisfactory in Bihar, Goa, Madhya Pradesh, Meghalaya, Orissa, Rajasthan, Uttar Pradesh and A & N Islands. However, the method of reporting enrolment in terms of enrolment ratio does not give a clear picture. It would be better if in the educational statistics figures are so collected that the number of children below the eligible age-group (6-11) and over that age-group are separately reported so that it may be possible to know the precise coverage of children in the 6-11 age-group.

Drop-out at primary, middle and secondary levels

3.14 It is important to examine school retention rates as they represent the real gains made by expanding facilities. The high or increasing enrolment in classes I and II is not the real indicator of the achievements on the educational front. The effectiveness of enrolment can be judged by examining drop-out rates. Data from 1980-81 to 1988-89 are given in the table below:

-				k					
Year	Drop-ou all com	t to the second		Drop-ou	t rates	of SC	Drop-o	ıts rate	es of ST
	Primary	Middle	Secon.	Primary	Middle	Secon.	Primary	Middle	Secon.
1980-81		72.70	82.46	_	76.84	86.91	_	86.71	91.18
1981-82	53.50	72.10	82.33		74.76	85.72		84.99	91.65
1982-83	52.10	69.57	81.37	60.27	72.44	84.33		83.35	90.42
1983-84	50.26	69.76	79.71	57.84	72.36	82.92	70.63	83.74	89.59
1984-85	47.93	65.39	78.13	55.40	72.16	81.41	69.40	82.86	88.37
1985-86	47.61	64.42	77.62	52.53	72.50	81.36	65.56	81.86	88.82
1986-87	48.60	64.90	76.44	50.79	69.15	79.91	66.12	80.19	87.26
1987-88	46.97	62.29	75.30	51.38	68.81	81.98	65.21	80.01	87.62
1988-89	47.93	65.40	75.36	49.62	67.78	79.88	64.53	78.08	86.72

- 3.15 It is encouraging to note that the trend in reduction of drop-out rates of SC & ST has set in primary, middle and high school levels. But comparing with the drop-out rates of all communities in primary, middle and secondary levels the drop-out rate among SC & ST is still alarming.
- 3.16 Provisional information regarding the percentage of drop-outs at primary, middle and secondary stages and also among males and females in each stage for the year 1989-90 has been given at Annexure 3.VII in respect of the Scheduled Castes and at Annexure 3.VIII in respect of the Scheduled Tribes.
- 3.17 It is noteworthy that the cumulative drop-out rate at the end of the middle stage (classes I to VIII) is higher than that at the end of the primary stage (classes I to V) and that the cumulative drop-out rate at the end of the secondary stage (classes I to X) is higher than that at the end of the middle stage. The three States/UTs each having the highest and the lowest drop-out rate among the Scheduled Castes and the Scheduled Tribes respectively in 1989-90 are shown in the following table:

Table 6 Ranking of States in regard to drop-out rates during 1989-90

	SCHEDULED CASTES			SCHEDULED TRIBES	}
Prin	mary stage (I-V)		Pri	mary stage (I-V)	•
1.	Manipur	81.03%	1.	Orissa	76*19%
2.	Bihar	69:33%	2.	Tripura	73.91%
3.	Sikkim	69.04%	3.	Rajasthan	73.08%
	INDIA	50.32%		INDIA	66.66%

*Source: Education of Scheduled Castes and Scheduled Tribes, 1989-90 Published by Dept. of Education, Ministry of HRD (Planning,
Monitoring, Statistics Division (SC&ST Cell), New Delhi, 1993

4		Gujarat	34.13%	4.	Kerala	17.44%
5	· .	Tamil Nadu	25.92%	5.	A & N Islands	12.36%
	j .	Kerala	0.50%	6.	Lakshadweep	0.00%
		le stage (I-VIII)			le stage (I-VIII)	
	- •	Manipur	85.48%	1.	Tripura	86.64%
	2.	Bihar	85.04%	2.	Andhra Pradesh	86.42%
	3.	Sikkim	84.37%	3.	Bihar	86.33%
		INDIA	68.47%		INDIA	81.40%
. 4	١.	Himachal Pradesh	36.44%	4.	Lakshadweep	45.53%
	5.	Kerala	17.37%	5.	Himachal Pradesh	40.03%
	5.	Pondicherry	5.45%	6.	Kerala	35.68%
		ndary stage (I-X)			ndary stage (I-X)	
		Sikkim	92.51%	1.	West Bengal	92.47%
	2.	West Bengal	90.01%	2.	Meghalaya	92.28%
	3.	Bihar	89.50%	3.	Tripura	91.56%
	•	INDIA	80.21%		INDIA	88.25%
4	1.	Kerala	51.20%	4.	Tamil Nadu	58.60%
	5.	Meghayala	50.00%	5.	Mizoram	52.55%
	5.	Chandigarh	21.03%	6.	Uttar Pradesh	46.31%
•		+ j +-				

The State Governments concerned should gear up their machinery and all official and non-official organisations should put up coordinated efforts to check this wastage. All educational schemes should be formulated keeping in view the ethos of the community ensuring their maximum participation.

Pre-matric Scholarships

The programmes of scholarships and stipends at prematric stage have expanded significantly in recent years in almost all the States. It has been noted that the coverage of these programmes at the primary stage is much better than that at the higher secondary stage. The number of students at the middle and the higher secondary stage drops sharply. Many children somehow manage to cross the primary stage because it is within But most of tribal children cannot attend their easy reach. school at the secondary level because the schools are far away from their homes. Due to the rugged terrain and long distances many tribal children drop out at this stage. The assistance they get is also very meagre. It is, therefore, suggested that the States should devise methods whereby students get assistance from the very day they join school. Proper linkages at middle and secondary stages should also be strengthened. Proper linkages at primary, .

Pre-matric scholarships for children of those engaged in unclean occupations

3.19 The main objective of the scheme started in 1977-78 was to provide financial assistance to enable children of scavengers of dry latrines, sweepers who have traditional link with scavenging, flayers and tanners to pursue pre-matric education. Central assistance is provided to the State Governments on 50:50 basis over and above the committed liability. There were certain inherent defects in the scheme and hence the response of the

State Governments was unsatisfactory. The scheme has been modified with effect from 1st November, 1991, and accordingly the scheme covers day scholars from classes I to X with graded per month for classes I to V, Rs.40 scholarships, i.e., Rs.25 per month for classes VI to VIII and Rs.50 per month for classes The modified scheme covers hostellers from classes IX and X. III to X. The scholarship for hostellers in classes III to VIII is Rs.200 per month and for those in classes IX and X Rs.250 per The scholarship is provided to day scholars as well as 10 months in a year. hostellers for The scheme before modification covered only hostellers in classes VI to X. modified scheme has also a provision of an ad hoc grant of per per scholar, whether annum day scholars The income ceiling for parents has been raised to hostellers. A provision of Rs.ll crores was made under Rs.1,500 per month. the scheme during 1992-93 out of which Rs.6.39 crores had been released to the concerned State Governments during the year. The coverage under the scheme during 1991-92 reached 1.29 lakhs whereas in 1992-93 it reached 1.44 lakhs.

3.20 The scheme is good and can help children to get quality education. It has acquired added significance because of the declared programme to eliminate manual scavenging by the end of the Eighth Five Year Plan. It appears that many families engaged in such unclean occupations are not aware of this scheme. It should be given wide publicity and parents engaged in such unclean occupations motivated to send their children to schools and get the full benefit of the scheme.

Post-matric Scholarships

- The Post-matric Scholarship Scheme for SC/ST students is the most important scheme which is fully funded by the Government of India. This scheme was launched in 1944-45. the first year of its introduction only 114 scholarships were awarded to Scheduled Caste students. The number of tribal scholarship holders was 89 in 1948-49. The number scholarship holders for these two categories together increased to 14,97,059 during 1991-92 and further to 16,80,178 during The scheme is implemented by the 1992-93. State Governments. According to the scheme framed by the Government of India students get the scholarship through the States to which they belong, irrespective of the place of their study.
- 3.22 Under the scheme the level of expenditure reached in the last year of each Plan stands committed to the States/Union Territories and is borne by them from out of their own funds. The Central Government commitment is to assist the States/Union Territories by sanctioning grants over and above the committed liability. The committed liability for all the States/Union Territories together at the end of the Seventh Plan was Rs.144.90 crores. In 1992-93 Central assistance to the tune of Rs.54.19 crores was released to the States.
- 3.23 The effectiveness of the scheme depends on timely

disbursement of scholarships to all eligible students and steps to prevent diversion of funds. The Department of Administrative Reforms in its study conducted in 1991 suggested several measures streamline the system of disbursement. One of recommendations of the study was that disbursement should be made through Banks but some States such as Madhya Pradesh had reported difficulties with the Banks. There is an urgent need streamline the procedure of disbursement. One solution can be to computerise the processing of applications at the district level. This would held in minimising the possibility of bogus/duplicate It should also be ensured that Central assistance is utilised only for financing the existing rates of scholarships under the Government of India and not for any other scheme. thorough review may be undertaken of the rates of Post-matric level of Scholarships and stipends and income parents determine eligibility. These rates were last revised in 1989. The new rates should be linked to a price index. The rise in the determine eligibility. rates of scholarships and stipends should neutralise the effect of rising prices in full. The States should ensure that all eligible students get the scholarship money in the first week of every month.

Book Banks

- 3.24 The scheme is intended to provide text books required for SC/ST students pursuing medical and engineering degree courses. The scheme was started from the year 1978-79. Agriculture, Veterinary and Polytechnic courses have also now been included under the scheme. A group of two students is provided one set of text books.
- 3.25 In 1991-92 an amount of Rs.56.26 lakhs was released to benefit 24,245 SC/ST students. During 1992-93 an amount of Rs.67.32 lakhs was released to cover 11,582 students in the States.
- 3.26 There is scope of considerable expansion of this scheme. Ample funds are available with the Ministry of Welfare but are not being utilised for want of complete proposals from the State Governments in time. It is learnt that the Governments of Assam, Bihar, Gujarat, J & K, Maharashtra, Punjab, Tamilnadu, West Bengal and Pondicherry did not furnish complete proposals during 1992-93. The State Governments should submit complete proposals well in time to make full use of the funds available with the Ministry of Welfare.

National Overseas Scholarships for SC, ST and other students for higher studies abroad

3.27 The Government of India started the scheme for award of National Overseas Scholarships to Scheduled Castes and Scheduled Tribes, Denotified and Nomadic/Semi-nomadic Communities and other economically backward classes in 1954-55 for pursuing postgraduate studies and research abroad for which suitable facilities were not available in India. Now the beneficiaries

are also drawn from SC converts and children of landless agricultural labourers and traditional artisans. At present 30 scholarships are given annually. Besides there is a provision for nine passage grants. Till 1992-93 a total of 465 awardees have so far availed of these scholarships.

Girls' Hostels for SC & ST

3.28 The Centrally Sponsored Scheme of Girls' Hostels for SC & ST was started during the Third Five Year Plan under which assistance is provided to the State Governments/UT Administrations for construction of hostel buildings for SC & ST girls studying in middle and higher level of education on 50:50 basis. Upto 100 inmates can be accommodated in a hostel out of whom 10% may be non-SC/ST. The expenditure on maintenance of the hostels is borne by the State Governments/UT Administrations.

Boys' Hostels for SC & ST

3.29 The Centrally Sponsored Scheme of Boys' Hostels for SC & ST was started in 1989-90 on the pattern of Girls' Hostels. Both these schemes are very useful for educational advancement of these deprived groups. It had been observed in the past that monitoring and evaluation of these two schemes had not been done regularly either by the State Governments or by the Central Government. But the condition of these hostels in almost all the States is generally far from satisfactory. Since crores of rupees have been spent and are being spent by the Central and the State Governments it is desirable that regular monitoring and periodical evaluation of their functioning may be undertaken in order to identify the shortcomings and take remedial measures to improve their working. The State Governments should also ensure that whenever new hostels are opened or the existing ones expanded they should not be exclusively meant for either SC or ST. Each hostel should have both SC & ST students and preferably some non-SC/ST students as well.

Admission to Universities and Colleges

3.30 The Ministry of HRD has been issuing guidelines from all Universities, State time time to Governments/UT Administrations to reserve 15% and 7.5% of seats in educational and technical institutions for the Scheduled Castes and Scheduled Tribes respectively. This reservation is interchangeable, i.e., if sufficient number of candidates are not available to fill the seats reserved for the Scheduled Tribes, these can be filled up by suitable candidates from the Scheduled Castes and vice versa. The Ministry had also suggested that in seats reserved for them remained unfilled, relaxation in marks could be given to SC/ST candidates. encourging to note that the Chairman of the University Grants Commission wrote D.O. letter No.F-8-3/93(SCT) dated 21st July, 1993, to the Vice-Chancellors of all the Universities inviting their attention to the Constitutional commitment to ensure rapid educational development of SC & ST so as to bring them into the

mainstream of national life.

3.31 As in 1991 Census the percentage of SC & ST in the country's population has increased from 15.47% and 7.85% to 16.33% and 8.08% respectively, it is recommended that the number of seats reserved for them in various educational and technical institutions should be raised accordingly. The Ministry of Human Resource Development and the UGC should issue fresh guidelines in this regard to all the Universities and State Governments.

Scheduled Castes/Tribes Unit of the University Grants Commission

Keeping the Constitutional obligation in view an SCT 3.32 Unit was set up by the UGC in January 1979 and was subsequently augmented with a view to watching effective implementation of reservation orders in favour of SC & ST relating to access of higher education to students belonging to these communities. is the responsibility of the Unit to circulate the decisions of the Government of India and the UGC among the Universities and colleges and to collect regularly factual position regarding course-wise admission, through reservation, candidates οf belonging to SC & ST and take follow-up action. The last available information regarding the actual admission made by the Universities and colleges to various courses for these two deprived groups pertains to the year 1979-80. Information Commerce, faculties, viz., Arts, Science, regarding nine Agriculture, Medicine, Engineering/Technology, Education, Veterinary Science and Law in respect of SC & ST at undergraduate and postgraduate levels, as collected from the UGC, is given in the table below:

Faculty-wise position of enrolment of SC & ST in undergraduate and postgraduate courses in AC, UTD/UC* combined (All India) for the year 1979-80

C No	Faculty	Undergra	duate o	courses	Postgrad	<u>uate co</u>	urses
$\underline{\text{S.No.}}$	racurcy	SC	ST	SC&ST	SC	ST	SC&ST
4	7	$\frac{50}{9.84}$	$\frac{2.72}{2.72}$	12.56	$\overline{11.78}$	2.42	14.20
1.	Arts	4.65	0.77	5.42	3.61	1.03	4.64
2.	Science	4.03	1.46	6.37	6.11	1.40	7.51
3.	Commerce	7.12	1.46	8.59	3.49	2.30	5.79
4.	Education		1.43	7.73	1.56	0.01	1.57
5.	Engg./Tech.	6.30	1.43	10.70	4.77	0.71	5.48
6.	Medicine	8.78		8.93	4.06	0.53	4.59
7.	Agriculture	7.74	1.19		1.69	0. 33	1.69
8.	Vet. Science		1.68	9.55		1.31	6.64
9.	Law	6.79	2.02	8.81	5.33		6.05
10.	Others	NA	NA	NA	5.01	1.04	0.05

^{*} AC stands for affiliated colleges.
UTD stands for University Teaching Departments.
UC stands for University Colleges.

- 3.33 It may be seen from the above table that the actual admissions made among SC & ST students on the basis of reservation vary from faculty to faculty. It has been observed that SC & ST students find it difficult to clear the entrance examination even on relaxed standards. Necessary steps are urgently required for their special coaching to help them in clearing the entrance examination for professional courses. Talented students amongst SC & ST should be picked up right at the middle and secondary levels and groomed by giving special coaching.
- 3.34 The Ministry of Human Resource Development, the UGC, the Ministry of Welfare and the State Governments should evolve a mechanism to continuously identify the lacunae and loopholes in effective implementation of various programmes for educational development of SC & ST. It is unfortunate that the SCT Unit of the UGC has not yet been able to tabulate data for undegraduate and postgraduate courses beyond 1979-80. Considerable time is taken by the Universities and colleges in supplying the requisite information in the prescribed proforma to the UGC. All the Universities/colleges must avoid delay in furnishing the data to the UGC. The Special Cells in the Universities should be activated so that exact figures are made available to policy makers and planners in the country at appropriate time.

ANNEXURE 3.I
Literacy rates 1991

State/Union	Ge	eneral		Sched	luled C	astes	Scheo	uled Tr	ibes	
State/Union	Ge	neral		Sched						
, caco, c					Mala	Fomale	Person	Male	Female	
Territory	Person	Male	Female	Person	мате	remare	1015011			
					···				0.60	
- ,	44.00	55 13	32.72	31.59	41.88	20.92	17.16	25.25	8.68	
Andhra Pradesh	44.09	22.12	29.69	57.27	66.25	41.42	34.45	44.00	24.94	
Arunachal Pradesh	41.59	01.40	43.03	53.94	63.88	42.99	49.16	58.93	38.98	
Assam	52.89	01.07	22.02	19.49	30.64	7.07	26.78	38.40	14.75	
Bihar	38.48	52.49	22.89	58.73	61.55		42.91	54.43	29.01	
Goa	75.51	83.64	67.09	61.07	75 47	45.54	36.45	48.25	24.20	
Gujarat	61.29	73.13	48.64	39.22	52 06	24.15	_	_	-	
Harvana	55.85	69.10	40.47	59.44	64 98	41.02	47.09	62.74	31.18	
Himachal Pradesh	63.86	75.36	52.17	53.20	04.70	-11.02	_	_	_	
Jammu & Kashmir		_		-	40 60	25.95	36.01	47.95	23.57	
Karnataka	56.04	67.26	44.34	38.06	49.09	74.31	57.22	63.38	51.07	
Kerala	89.81	93.62	86.13	79.66	85.22	14.31	21.54	32.16	10.73	
Madhya Pradesh	44.20	58.42	28.85	35.08	50.51	18.11	36.79	49.09	24.03	
Maharashtra	64.87	76.56	52.32	56.46		41.59	53.63	62.39	44.48	
Manipur	59.89	71.63	47.60	56.44		47.41		49.78	43.63	
	49.10	53.12	44.85	44.27	54.56	31.19	46.71	86.66	78.70	•
Meghalaya	82.27	85.61	78.60	77.92	77.54	81.25	82.71	66.27	54.51	
Mizoram	61.65	67.62	54.75	-	_	•	60.59	34.44	10.21	
Nagaland	49.09	63.09	34.68	36.78	52.42	20.74	22.31	34.44	10.21	
Orissa	58.51	65.66	50.41	41.09		31.03	-	22 20	4.42	
Punjab	38.55	54 99	20.44	26.29	42.38		19.44	33.29		
Rajasthan	56.94	65 74	46.69	51.03	58.69	42.77	59.01	66.80	50.37	
Sikkim	62.66	73 79	5 51.33	46.74	58.36	34.89	27.89	35.25	20.23	
Tamil Nadu		70 59	3 49.65	56.66	67.25	45.45	40.37	52.88	27.34	
Tripura	60.44		3 25.31	26.85	40.80	10.69	35.70	49.95	19.86	
Uttar Pradesh	41.60		1 46.56	42.21	54.55	28.87	27.28	40.07	14.98	
West Bengal _	57.70		9 65.46	42.2±			56.62	64.16	48.74	
A & N Islands	73.02		4 72.34	55.44	64.74	43.54	-	-	_	
Chandigarh	77.81		6 26.98	77.64		66.61	28.21	40.75	15.94	
D & N Haveli	40.71		0 20.30	79.18	91.85	67.62		63.58	41.49	
Daman & Diu	71.20		6 59.40	57.60	68 7	7 43.82		_	-	
Delhi	75.29		1 66.99	57.00	00.7			89.50	71.72	
Lakshadweep	81.78		8 72.89	- - C 26	66 10	46.28		_	-	
Pondicherry	74.74	83.6	8 65.63	56.26	00.1	70.20				
FORGICIET										
INDIA	52.19		0 39.19	37.41	49.9	1 23.76	29.60	40.65	18.19	

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

ANNEXURE 3.II Literacy rates of Scheduled Castes-1991 Census - in descending order

, S.No.	State/UT	Literacy rate of Scheduled Castes	
1.	Kerala	79.66	
2.	Daman & Diu	79.18	·
3.	Mizoram	77.92	
4.	Dadra & Nagar Haveli	77.64	
5.	Gujarat	61.07	
6.	Goa	58.73	
7.	Delhi	57.60	
8.	Arunachal Pradesh	57.27	•
9.	Tripura	56.66	
10.	Maharashtra	56.46	
11.	Manipur	56.44	
12.	Pondicherry	56.26	
13.	Chandigarh	55.44	,
14.	Assam	53.94	
15.	Himachal Pradesh	53.20	,
16.	Sikkim	51.03	
17.	Tamil Nadu	46.74	
18.	Meghalaya	44.27	
19.	West Bengal	42.21	
20.	Punjab	41.09	
21.	Haryana	39.22	
22.	Karnataka	38.06	
23.	Orissa	36.78	
24.	Madhya Pradesh	35.08	
25.	Andhra Pradesh	31.59	
26.	Uttar Pradesh	26.85	
27.	Rajasthan	26.29	•
28.	Bihar	19.49	
29.	Jammu & Kashmir @		
30.	Nagaland*	_	
31.	A & N Islands*	_	
32.	Lakshadweep*	-	
<u>I</u>	NDIA	37.41	

^{*} Scheduled Caste population does not exist. @ Census was not held in Jammu & Kashmir.

ANNEXURE 3.III

Literacy rates of Scheduled Tribes-1991 Census-in descending order

S.No.	State/UT	Literacy rate of Scheduled Tribes	
Δ.			
1.	Mizoram	82.71	
2.	Lakshadweep	80.58	
3.	Nagaland	60.59	
4.	Sikkim	59.01	
5.	Kerala	57.22	
6.	A & N Islands	56.62	
7.	Manipur	53.63	
8.	Daman & Diu	52.91	
9.	Assam	49.16	
10.	Himachal Pradesh	47.09	
11.	Meghalaya	46.71	
12.	Goa	42.91	
13.	Tripura	40.37	
14.	Maharashtra	36.79	
15.	Gujarat	36.45	
16.	Karnataka	36.01	
17.	Uttar Pradesh	35.70	
18.	Arunachal Pradesh	34.45	
19.	Dadra & Nagar Haveli	28.21	
20.	Tamil Nadu	27.89	
21.	West Bengal	27.28	
22.	Bihar	26.78	
23.	Orissa	22.31	
24.	Madhya Pradesh	21.54	
	Rajasthan	19.44	
25.	Andhra Pradesh	17.16	
26.		-	
27.	Haryana*		
28.	Punjab*		
29.	Chandigarh*	-	
30.	Delhi*	-	
31. 32.	Pondicherry* Jammu & Kashmir @	_	
	INDIA	29.60	

^{*} Scheduled Tribe population does not exist. @ Census was not held in Jammu & Kashmir.

ANNEXURE 3.IV

Districts having less than 2% tribal female literacy rate-1981 Census

S.No	. State	District	Rate of literacy
1.	Andhra Pradesh	Nizamabad Mahbubnagar Medak Adilabad Karimnagar Warangal Nalgonda	0.73 1.19 1.31 1.62 1.61 1.39 1.02
2.	Bihar	Paschim Champaran Purnia	1.21 2.00
3.	Gujarat	Banaskantha Kachchh	1.84 1.44
4.	Madhya Pradesh	Morena Shivpuri Guna Chhatarpur Panna Satna Rewa Sidhi Ratlam Dewas Rajgarh Shahdol Jhabua Dhar West Nimar East Nimar Sehore Raisen	0.46 0.20 0.25 0.39 0.77 0.62 0.43 0.54 0.99 0.87 0.94 1.34 1.65 1.19 1.82 1.93 1.05 1.32
5.	Orissa	Koraput	1.65
6.	Rajasthan	Tonk Pali Jalor Sirohi Bhilwara Udaipur Chhittaurgarh Bundi Alwar Sawai Madhopur Jaipur Dungarpur Banswara Jhalawar	0.67 0.45 0.09 0.58 0.45 0.68 0.46 0.91 1.54 1.35 1.67 1.31 1.07
7.	Uttar Pradesh	Kheri	0.70

1	2	3	4	
		Bahraich Gonda	0.61 0.32	
8.	Arunachal Pradesh	East Kemeng	1.01	

Enrolment ratio of students belonging to Scheduled Castes 1992-93

ANNEXURE 3.V

State/Union		as ses			Clas	sses VI	-VIII
Territory	(6-	-11 yea	ars)			-14 yea:	
		Girls	Total	7	Boys	Girls	Total
,							
Andhra Pradesh	162.74 1	28.92	146.05		79.85	45.76	62.98
Arunachal Pradesh	29.55	13.96	21.71		1.59	0.81	1.21
Assam	245.87 2	207.30	227.09		145.54	127.10	136.59
Bihar	100.15	43.72	72.42		37.65	11.31	24.61
Goa	127.11 1	L09.78	118.43		82.33	57.36	
Gujarat			178.20		117.51	70.40	
Haryana	110.82		102.79		66.63	40.70	
Himachal Pradesh	133.28 1		122.95		99.25	68.21	83.79
Jammu & Kashmir@	108.44	81.55	95.30		83.60	63.48	73.83
Karnataka	143.55 1				69.63	45.72	57.89
Kerala	112.66 1						116.58
Madhya Pradesh			105.80		92.26		60.96
Maharashtra	304.41 2					125.93	154.72
Manipur	137.47 1				78.77	74.72	76.78
Meghalaya	282.23 2						186.92
Mizoram#			_		_		-
Nagaland#	_	_			_	_	_
Orissa	162.93 1	.09.57	136.99		74.26	46.81	60.78
Punjab	141.14 1				68.08	49.33	59.15
Rajasthan	102.37		72.46		62.70	13.38	38.78
Sikkim	126.42 1		120.42		42.12	40.61	41.39
Tamil Nadu	157.95 1				111.87	85.48	98.95
Tripura	170.53 1				100.76	74.60	87.99
Uttar Pradesh	85.85	40.27	64.21		52.63	15.51	35.07
West Bengal	140.65 1				83.01	77.31	80.19
A & N Islands	_	-			-	, ,	-
Chandigarh	119.13 1	07.67	113.68		76.63	73.97	75.40
D & N Haveli		88.06	88.92		77.00	62.02	69.82
Daman & Diu		-	-		77.00	02.02	09.02
Delhi	112.95	99 92	106 93		73.15	62.50	68.31
Lakshadweep					-	· -	-
Pondicherry	179.54 1	88.21	183.83		172 75	161.72	167 28
						TOT . 12	101.20
INDIA	127.99	92.18	110.58	 -	75.07	44.04	59.97
						01	

[#] Scheduled Caste population does not exist.
@ Census was not held in J & K.

ANNEXURE 3.VI

Enrolment ratio of students belonging to Scheduled Tribes 1992-93

State/Union	Class	ses I -	V	Class	ses VI -	- VIII
territory		ll years			-14 year	
	Boys	Girls	Total	Boys	Girĺs	Total
Andhra Pradesh	160.89	106.62	134.12	57.46	25.81	41.80
Arunachal Pradesh	130.87	92.68	111.67	53.51	33.06	43.39
Assam	149.98	128.43	139.49	73.44	60.57	67.19
Bihar	103.57	68.09	86.13	39.88	20.92	30.49
Goa	13.58	10.67	12.12	5.10	2.14	3.62
Gujarat	154.21	113.81	134.41	66.27	38.25	52.52
Haryana#	-	_	_	_	_	_
Himachal Pradesh	122.20	94.20	108.20	95.28	51.79	73.62
Jammu & Kashmir@	_	_	_	_	· · · —	•
Karnataka	136.68	111.18	124.24	60.06	38.71	49.58
Kerala		124.53		90.87	89.81	90.35
Madhya Pradesh	93.25	59.40	76.93	44.37	15.13	30.22
Maharashtra	151.18	119.54	135.62	64.68	39.14	52.27
Manipur	149.66	133.78	142.01	53.85	44.09	49.04
Meghalaya	84.16			39.33	35.39	37.33
Mizoram	147.07	141.72	144.47	80.16	75.08	77.67
Nagaland	106.50		102.41	69.35	68.41	68.89
Orissa	130.69	65.22	98.86	48.12	20.98	34.78
Punjab#	-	-	_	-	· -	_
Rajasthan	107.58			62.16	8.25	36.01
Sikkim		102.87		51.26	49.26	50.29
Tamil Nadu		104.39		75.97	52.75	64.61
Tripura		130.26		100.41	52.78	77.17
Uttar Pradesh		60.16		56.83	22.70	40.69
West Bengal			134.02	93.10	79.25	86.25
A & N Islands k	67.39	56.24	61.613	57.94	49.28	53.68
Chandîgarh#	. -	_	-		_	<u>-</u>
D & N Haveli	123.55	83.05	104.26	52.85	29.29	41.55
Daman & Diu	-	-	- ·	-	-	_
Delhi# %	_			_	-	-
Lakshadweep	173.74	145.70	159.72	144.13	109.65	127.45
Pondicherry#	-			•••		_
		00.5	100 105		20.04	A.F. C.A.
INDIA∞	126.71	88.64	108.195	58.54	32.04	45.64

[#] Scheduled Tribe population does not exist.
@ Census was not held in J & K.

ANNEXURE 3.VII Drop-out rates of Scheduled Castes - 1989-90(Provisional)

State/UT	Pri	mary (I-V)	Midd	lle(I-VIII)		ndary (
	Boys	Girls Total	Boys	Girls Total	Boys	Girls	Total	
Andhra Pradesh#	58 .48	63.72 60.72	77.33	85.69 80.95	83.85	88.57	85.90	
Arunachal Pradesh	_		_		_	_	_	
Assam#	64.00	66.43 65.07	57.73	54.78 56.49	62.44	66.43	64.13	
Bihar	67.69	73.50 69.33	83.37	89.79 85.04	87.88	94.20	89.50	
Goa	39.27	32.06 36.02	55.52	65.68 60.28	79.26	85.57	81.30	
Gujarat	24.95	45.55 34.13	50.40	70.34 59.11	66.50	79.78	72.21	
Haryana	33.90	43.18 38.00	59.19	75.36 65.71	64.64	80.72	69.81	
Himachal Pradesh	36.29	36.50 36.39	32.27	41.88 36.44	67.02	76.81	71.12	
Jammu & Kashmir	39.27	30.39 35.84	50.07	52.73 51.08	77.86	82.32	79.52	
Karnataka	51.05	59.59 54.90	62.11	73.77 67.08	73.63	84.60	78.45	
Kerala	-	1.78 0.50	19.04	15.60 17.37	54.47	47.76	51.20	•
Madhya Pradesh	36.31	52.37 42.41	62.34	79.40 67.78	75.11	86.91	78.48	
Maharashtra	38.54	51.58 44.60	52.90	69.77 60.54	67.91	81.16	73.82	
Manipur	79.86	82.21 81.03	84.89	86.07 85.48	82.14	82.69	82.42	
Meghalaya	33.13	41.88 37.46	27.86	51.85 39.64	34.62	66.39	50.00	
Mizoram			_		. =		-	
Nagaland			_		_	-		
Orissa#	50.53	54.54 52.10	72.30	80.25 75.35	78.16	86.34	81.3 3	
Punjab	36.32	41.59 38.79	63.36	70.56 66.52	78.88	85.96	82.12	
Rajasthan	60.42	74.37 63.89	69.53	83.53 72.18	80.82	92.39	82.96	
Sikkim	70.00	67.85 69.04	84.96	83.67 84.37	91.62	93.60	92.51	
Tamil Nadu	22.56	22.68 25.92	51.04	53.14 51.97	74.75	82.69	78.31	
Tripura	58.21	63.09 60.47	75.87	81.84 78.60	86.88	90.20	88.39	
Uttar Pradesh	32.89	51.69 38.86	57.92	69.52 60.87	66.97	84.97	71.57	
West Bengal#	53.94	66.52 59.45	76.68	82.46 78.94	89.28	91.30	90.01	
A & N Islands	-		_			_		
Chandigarh	_		_		27.17	14.23	21.03	
D & N Haveli	· _		_	- -	· –	-	_	
Daman & Diu*	_		_	- -	_	-	_	
Delhi	33.74	35.74 34.47	47.68	58.61 52.79	54.06	74.25	63.71	
Lakshadweep	_		_		-	_		
Pondicherry			-	11.96 5.45	69.92	75.32	72.42	
INDIA	47.23	55.01 50.32	65.06	74.08 68.47	77.34	85.11	80.21	

^{*} included under Goa. # Figures relate to 1988-89.

ANNEXURE 3.VIII

Drop-out rates of Scheduled Tribes - 1989-90(Provisional)

State/UT	Prim	ary (I-V)		iddle	(I-VI	II)	Second	ary (I-	X)		
	Boys	Girls To	otal B	oys	Girls	Total	Boys	Girls	Total		
		· · · · · · · · · · · · · · · · · · ·		-				·			
Andhra Pradesh#	63.70	68.97 65	5 66 8	4.21	an 11	86.42	88.83	92.77	90.34		
Arunachal Pradesh	63.47	59.43 61		8.52		78.30		88.10	84.06		
Assam#	71.90	70.71 71		6.06		66.95	56.15	77.21	68.18		
Bihar	70.78	70.93 70		5.67	87.57		90.89	92.72	91.51		
Goa	28.99	19.80 24	A Company of the Comp	3.50		67.36	73.58	87.32	79.57		
Gujarat	54.03	66.62 59		6.17		78.88	85.34	89.14	86.90		*
Haryana	31.03	-			02.02	70.00	00.04	02.14	50.50		
Himachal Pradesh	30.59	34.53 32	23 3	6.58	45.89	40.03	67.93	70.41	68.79		
Jammu & Kashmir		-		-	-		-	,0.41	-		
Karnataka	47.97	50.69 49	13 5	6.82	66.68	61.09	72.90	77.23	74.46		
Kerala	18.88	15.88 17		6.28		35.68	70.14	65.86	68.12		
Madhya Pradesh	48.38	60.36 52		5.57	84.14		83.74	91.81	86.14		
Maharashtra	56.99	66.52 61	and the second s	3.14	82.44		81.56	89.50	84.74		**
Manipur	77.54	78.43 71		4.76	85.79		85.44	87.24	86.26		
Meghalaya	40.07	55.34 47		2.78	72.98		91.47	93.14	92.28		*
Mizoram	49.56	49.20 49		1.99	59.78		52.47	52.63	52.55		
Nagaland	34.75	43.54 39		71	64.85		75.97	73.87	75.10		
Orissa#	75.41	77.74 76		3.99		84.59		92.69	89.23		
Punjab	· · · —		, - ,	<u> </u>	· · · · -		-	_ `	-		
Rajasthan	69.76	83.15 73	.08 7	4.74	90.17	77.65	84.93	94.30	86.45		
Sikkim	62.87	50.46 57	7.73 7	L.26	65.41	68.70	85.52	86.81	86.07		*
Tamil Nadu	38.35	49.10 43	.29 5	7.65	66.11	61.31	57.52	60.30	58.60		
Tripura	71.97	76.53 73	.91 85	5.55	88.19	86.64	90.47	93.24	91.56	***	
Uttar Pradesh	17.22	59.64 34	.17 4	7.73	74.11	55.59	33.49	78.84	46.31		4
West Bengal#	63.76	67.55 65	.03 83	3.27	87.03	84.39	92.35	92.74	92.47		
A & N Islands	5.73	19.77 12	.36 49	9.44	47.88	48.73	55.23	62.58	58.57		
Chandigarh	-	-	· _ ·	- <u>-</u> .		. -	· - '	· -	. · · <u>-</u>		
D & N Haveli	37.97	64.90 50	.34 68	3.29	77.04	71.75	84.32	89.28	86.45		, <u>.</u> *
Daman & Diu*	· · · · · · · ·			<u>-</u>	_	·	<u> </u>	. -	· . — ·		
Delhi		·	. -	- - 1	-	_	_				
Lakshadweep	<i>;-</i>	6.56 0	.00 4	L.03	50.62	45.53	75.15	81.85	78.34	-	
Pondicherry	· -			-	-		_	_	. - .		
		-N			· · · · · · · · · · · · · · · · · · ·		·		· .	· ·	
INDIA	64.51	70.17 66	66 70	30	84.87	91 //	86.73	90.99	88.25		

^{*} included under Goa. # Figures relate to 1988-89.

CHAPTER IV

ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

Alleviation of poverty has been the primary consideration in our planning effort ever since India ventured into an era of planned development. However, with the Indian economy passing through many changes by opening up more and more to private and foreign investments, the Scheduled Caste and Scheduled Tribe persons have more at stake today than ever before. In a situation of open competition they are not equipped to secure their rightful share of the fruits of development.

- 4.2 One out of every four Indians belongs either to a Scheduled Caste or to a Scheduled Tribe. The SC & ST constitute the bulk of the poorest sections of the population and, therefore, these groups have to be the focus of many Plan schemes. While the Scheduled Castes are generally dispersed throughout the country, the Scheduled Tribes are, by and large, concentrated in certain areas and pockets. Lower level of literacy, poor resource base, lack of technical skill and entrepreneurial ability among SC & ST entail greater responsibility on the Government in the matter of their development and safeguarding their interests.
- According to the 1991 Census the population of the Scheduled Castes and Scheduled Tribes is 13.82 crores and 6.77 crores respectively and they constitute 16.48% and 8.08% of the total population of 83.85 crores (excluding Jammu & Kashmir). Statewise population of SC and ST in 1991 Census may be seen at Annexure 4.1. More than 20% of the population in Punjab (28.31%), Himachal Pradesh (25.34%), West Bengal (23.62%) and Annexure 4.I. Uttar Pradesh (21.05%) belong to the Scheduled Castes. States, viz., Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal, account for 81.46% of the Scheduled Caste population of the country. In respect of the Scheduled Tribe population, barring the States and UTs of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Dadra & Nagar Haveli and Lakshadweep where majority of the population belongs to the Scheduled Tribes, the other States where a sizeable proportion of the population is from the Scheduled Tribes include Madhya Pradesh (23.27%), Manipur (34.41%), Orissa (22.21%), Sikkim (22.36%) and Tripura(30.95%). Considering the predominance of the tribal population in the three States of Bihar, Madhya Pradesh and Orissa where about 42.9% of the country's tribal population lives the Constitution in Article 164 has provided 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".
- 4.4 The percentages of main workers in the non-SC/ST population, the SC population and the ST population in 1981 and 1991 Census were as follows:

		1981	1991
Non-SC/ST		31.97	32.81
Scheduled	Castes	36.12	36.08
Scheduled	Tribes	42.54	42.02

The 'industrial classification' of the main workers amongst SC and ST in 1991 Census was as follows (in percentage):

	SC	\mathtt{ST}
(I) Cultivators	25.44	54.50
(II) Agricultural labour	49.06	32.69
(III)Household industry	2.41	1.04
(IV) Other workers	23.08	11.76

It is significant that the percentage of cultivators amongst the Scheduled Castes decreased from 28.17% of the main workers in 1981 to 25.44% in 1991. The percentage of agricultural labour amongst them also registered an increase from 48.22% in 1981 to 49.06% in 1991. The reasons for these phenomena require indepth study. The situation in respect of the Scheduled Tribes did not register any significant change, the percentage of cultivators having gone up marginally from 54.43% to 54.50% and that of agricultural labour from 32.67% to 32.69% during the same period.

- 4.5 Amongst the main workers 77.11% of SC main workers and 90.03% of ST main workers were engaged in the primary sector of economy which includes workers engaged as cultivators, landless labourers, in mining, quarrying, animal husbandry, forestry, hunting and plantation, orchards and allied activities. In the secondary sector, which includes workers engaged in household manufacturing other than household industry construction, 9.83% SC and 3.85% ST main workers were engaged. The tertiary sector which includes trade and commerce, transport, storage and communication and other services absorbs 13.06% SC and 6.12% ST main workers. The occupational classification, therefore, brings to light the fact that whereas the secondary and tertiary sectors provide employment opportunities to some extent to the Scheduled Castes, the role of these sectors in tribal economy is still very much limited. A sincere effort is, therefore, required to be made to effect a change occupational classification which is presently very much biased in favour of the primary sector. However, one has to bear in mind that the changes are not to be treated as independent goals but have to be brought about as a result of the overall economic development which must benefit the vulnerable groups, specially SC & ST.
- 4.6 From the First Five Year Plan, the Welfare of Backward Classes Sector was introduced with the intention that the programmes/schemes formulated under this sector would cater exclusively to the needs of the Scheduled Castes, Scheduled Tribes and other Backward Classes. The idea was to hasten the process of development of these communities with the help of these programmes and schemes which would be in addition to the

benefits that would accrue to them from the general developmental effort. However, the expectations did not materialise to the desired extent and hence, the Tribal Sub-Plan for the Scheduled Tribes(TSP) and the Special Component Plan for the Scheduled Castes(SCP) were introduced as fresh strategy during the Fifth and the Sixth Five Year Plans respectively.

Tribal Sub-Plan

- A system which ensures a certain percentage of funds from the State Plan outlays to be spent exclusively for the welfare and development of the Scheduled Tribes has now been fully established in our planing mechanism. Initially, when the TSP strategy was adopted during the Fifth Plan, the emphasis was more on infrastructure development of the areas in which the Scheduled Tribes were concentrated. However, from the Sixth Plan onwards more and more stress has been laid on the family oriented approach according to which priority is given to programmes which provide direct benefit to individual Scheduled Tribe families.
- The TSP is being implemented in 18 States and 2 Union Territories, viz., Andhra Pradesh, Assam, Bihar, Gujarat, Jammu & Kashmir, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tamil Nadu, Sikkim, Tripura, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands and Daman & Diu. The TSP is divided into a number of Integrated Tribal Development Projects (ITDPs) which are presently 193 in number. Besides there are 249 Modified Area Development Approach (MADA) Pockets, 77 clusters of tribal concentration and Micro Projects for 74 Primitive Tribal Groups(PTGs). The four North-Eastern States, viz., Arunachal Pradesh, Meghalaya, Mizoram and Nagaland being predominantly tribal, their entire Plan is expected to benefit the tribals.
- Quring the Sixth Plan period an amount of Rs.3720.36 crores which represented 8.78% of the States' total Plan outlay was earmarked under the TSP. The flow of funds from the State Plans was further enhanced during the Seventh Plan and it was 9.57% of the total State Plans. The increasing trend in allocation continued during the two subsequent Annual Plans, i.e., 1990-91 and 1991-92, when the flow of funds from the State-Plans to the TSP constituted 9.6% and 10.3% respectively. The Commission is pleased to note that the tempo of increased allotment continued during the first year of the Eighth Plan, i.e., 1992-93, when an amount of Rs.3019.74 crores was earmarked under the TSP from the total State Plan outlay of Rs.24611.65 crores and it represented 12.3%.
- 4.10 The following table indicates the quantum of flow of funds to the TSP from State Plans from the Fifth Five Year Plan onwards:

Table l

(Rs.in crores)

and the second s	•			
Plan	State Plan funds	Flow to TSP	%age	
Fifth Plan	17692.48	759.33	4.29	<u> </u>
Sixth Plan	42390.60	3720.36	8.78	
Seventh Plan	73953.35	7076.81	9.57	•
Annual Plan 1990-91	20818.64	1991.98	9.57	•
Annual Plan 1991-92	24377.93	2504.64	10.27	
Annual Plan 1992-93	24611.65	3019.74	12.27	

The Commission recommends that all States/UTs should make provision in the divisible component of the Plan outlay for the TSP not only in proportion to the ST population but in a higher proportion than their population percentage in view of their extreme backwardness and their having been deprived of developmental benefits in the past.

Special Central Assistance

4.11 Another source of funding for the TSP is the Special Central Assistance (SCA) which the Government of India release to the States implementing the TSP to supplement financial resources of the State Governments. The SCA assumes importance as it comes in the form of grant and is meant to be spent on income generating schemes and also for creation of infrastructural facilities in the tribal areas. The Commission is of the view that the utilisation of the SCA has to be carefully monitored. The amounts of the SCA released to the State Governments during 1992-93 are mentioned below:

Table 2

(Rs. in lakhs)

S.No.	State/UT	Amount
1	2	3
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.	Andhra Pradesh Assam Bihar Gujarat Himachal Pradesh Jammu & Kashmir Karnataka Kerala Madhya Pradesh Maharashtra Manipur Orissa Rajasthan Sikkim Tamil Nadu	1529.34 1077.61 3175.25 1855.84 403.39 296.14 327.42 207.23 6785.01 1815.21 383.41 3378.03 1679.46 60.93 270.72

1	2	3
16.	Tripura	414.94
17.	Uttar Pradesh	58.40
18.	West Bengal	1171.67
19.	A & N Islands	86.13
20.	Daman & Diu	23.87
	Total	25000.00

- 4.12 Due to historical and geographical factors a majority of the Scheduled Tribe people have remained backward. It is due to ignorance, lack of education and abject poverty that they have been subjected to exploitation of various kinds by landlords, moneylenders and contractors. Even the most sincere effort to develop the tribal people will not yield results if their assetbase is eroded through devious methods and a reasonable return for their labour is not assured. In this context the role of cooperatives assumes significance because they not only ensure reasonable returns to tribals for the forest produce but they are also a source of credit both for consumption and production besides marketing.
- For the economic development of the Scheduled Tribes a national level institution, viz., the Tribal Cooperative Marketing Development Federation (TRIFED) which functions as an apex body for the State Tribal Development Cooperative Corporations was set There is a need to have a fresh look into the up in 1987. the Multipurpose functioning and effectiveness οf Large Cooperative Societies (LAMPS) established in the tribal areas. The exploitative role of moneylenders, contractors and traders in the tribal economy can be eliminated only when an alternative system which is as flexible and strong as that of moneylenders, etc., operates in these areas.
- 4.14 In this context the new scheme launched in 1992-93 for giving grants-in-aid to the State Tribal Development Corporations, Forest Development Corporations, Minor Forest Produce Trading and Development Federations for minor forest produce (MFP) is a step in the right direction. During 1992-93 an amount of Rs.2 crores was released to the State Tribal Development Cooperative Corporations/Forest Development Corporations by the Government of India.

Special Component Plan for Scheduled Castes

4.15 Most of the Scheduled Caste persons come from the poorest strata of society. Their development should primarily aim at raising their income levels. Keeping this in view the strategy of the Special Component Plan (SCP) for the Scheduled Castes was adopted during the Sixth Plan. During the Sixth Plan an amount of Rs.3614.66 crores was earmarked under the SCP which represented 7.66% of the total State Plan outlay of the States implementing

the SCP. The actual expenditure during the period was, however, Rs.2978.70 crores, constituting only 6.32% of the total Plan size. The quantum of allocation under the SCP was increased to Rs.7385.42 crores during the Seventh Plan, constituting 8.27% of the total State Plan outlay. During the Seventh Plan period the actual expenditure fell short of the outlay and it accounted for only 7.74% of the total State Plan size.

4.16 In 1992-93, 21 States and 3 Union Territories continued to formulate their SCPs. Out of the total State Plan outlay of Rs.30366.51 crores an amount of Rs.3091.53 crores was earmarked under the SCP but the flow of funds was barely 10% of the Plan size. The expenditure during the year was reported by the Ministry of Welfare to be of the order of Rs.2562.80 crores (82.90%). As in the case of the TSP, the Commission recommeds that all the States/UTs should make provision in the divisible component of the Plan outlay for the SCP not only in proportion to the SC population but in a higher proportion than their population percentage in view of their socio-economic backwardness and their having been denied due share in developmental benefits in the past. The following table indicates outlays and expenditure under the SCPs of the States/UTs from the Fifth Plan onwards:

Table 3 (Rs.in crores)

				•	
Plan period	Total State Plan outlay	SCP outlay	%age of col.3 to 2	Actual expendi- ture	%age of col.5 to 3
<u> </u>	2	3	4	5	6
VI Plan VII Plan Annual Plan (1990-91) Annual Plan (1991-92) Annual Plan (1992-93)	47149.89 89322.89 23225.49 28041.04 30366.51	3614.66 7385.42 2377.82 3066.37 3091.53	7.66 8.27 10.23 10.93	2978.70 6916.62 2107.22 2936.45 2562.80	82.41 93.65 88.62 95.76 82.90

^{4.17} A number of Central Ministries/Departments like Labour, Human Resource Development, Science & Technology, Industry, Petroleum & Natural Gas, Health & Family Welfare, Agriculture & Cooperation, Rural Development, etc., have indicated flow of funds to the SCP from their Annual Plans during 1992-93. The Commission suggests that all the concerned Ministries/Departments should quantify funds that will directly benefit the Scheduled Castes and that such quantification is done realistically and not notionally. The Central Ministries/Departments will no doubt formulate their programmes in the Central Sector/Centrally Sponsored Programmes with due consultation and coordination.

Special Central Assistance for Special Component Plan

- The scheme of providing the SCA was started in 1979-80 with a provision of Rs.5 crores. The following criteria have been laid down for allocation of the SCA among the various States/UTs implementating the SCP:
- (i) On the basis of SC population of the State/UT 40% (ii) On the basis of percentage of SC families in the 25% State covered by composite economic development programmes in the Plan to enable them to cross the poverty line (iii) On the basis of relative backwardness of the 10% State/UT (iv) On the basis of the percentage of the SCP to the 10% Annual State Plan as compared to the population percentage in the State/UT (v) On the basis of programmes for the specially 10% vulnerable groups among the SC, viz., sweepers, scavengers, bonded labours On the basis of implementation (performance) of
- 4.19 In 1992-93 an amount of Rs.248.80 crores was allocated under the SCA to various States and the total allocation during the Eighth Plan period is of the order of Rs.1125 crores.

the SCP in the previous year

(vi)

4.20 The State/UT-wise SCA released during 1992-93 is follows:

Table 4

(Rs.in lakhs)

5%

S.No.	State/UT	Amount
1	2	3
1.	Andhra Pradesh	1937.61
2.	Assam	189.44
3.	Bihar	2096.54
4.	Gujarat	908.53
5.	Goa	2.64
6.	Haryana	398.20
7.	Himachal Pradesh	502.69
8. 9.	Jammu & Kashmir	66.79
9.	Karnataka	1310.06
10.	Kerala	502.74
11.	Madhya Pradesh	1839.09
12.	Maharashtra	1698.92
13.	Manipur	7.42
14.	Orissa	1323.38
15.	Punjab	625.32
16.	Rajasthan	1162.90
17.	Sikkim	3.21
18.	Tamil Nadu	1911.34

1	2	3
19.	Tripura	57.38
20.	Uttar Pradesh	5495.07
21.	West Bengal	2669.54
22.	Chandigarh	9.44
23.	Delhi	148.60
24.	Pondicherry	13.15
,	Mode o 1	24880.00
	Total	21000.00

Scheduled Castes Development Corporations

- 4.21 Scheduled Castes Development Corporations have been set up in 18 States and four Union Territories. These Corporations play a very significant role in the matter of welfare and development of the Scheduled Castes, specially in their economic development. The Government of India are participating in the share capital investment of these Corporations to the extent of 49%. During 1992-93, 5.35 lakh families were covered by the schemes of the Corporations. This is considerably higher than in the previous year (4.52 lakhs). The Ministry of Welfare has reviewed the working of these Corporations and felt that there is a need to revise upwards the ceiling on project cost which is presently fixed at Rs.35,000. The Commission too is of the view that the project cost need to be suitably revised keeping in view the rise in cost of production.
 - 4.22 The Commission's field office at Bangalore had recently undertaken a study on the impact of schemes of ISB (Industries, Services and Business) sector implementated by the Karnataka Scheduled Castes/Scheduled Tribes Development Corporation. The study has revealed that a majority of the beneficiaries were covered under the transport sector which includes provision of passenger and goods vehicles and most of the beneficiaries have been ale to augment their incomes. However, there were very few women beneficiaries and those with ITI or any professional qualifications. The study also made some suggestions like identification of more women applicants, publicity of the schemes of the Corporation, etc.
 - 4.23 The margin money scheme is the most popular scheme being implemented by the Corporations. However, the scheme largely depends on availability of finance from commercial banks. It has been observed that there is a great deal of reluctance on the part of the banks to finance a scheme/project sponsored by a Corporation if it does not meet the conditions. In order to avoid such a situation it is desirable that there is better coordination and mutual trust between the Corporations and the banks. One of the ways to encourage greater participation by the banks is to take them into confidence while formulating schemes of the Corporation. This will eliminate the possibility of rejection of the proposals by the banks once they are forwarded by the

Corporation. The importance of these Corporations lies in the fact that they not only act as guarantors and promoters but also provide linkages and tie up arrangements with more than one agency.

4.24 The Corporations should also simplify the present cumbersome procedure and minimise the period taken for processing of applications. Regular monitoring and evaluation of the projects and easy repayment schedules should be in-built in the system. With a large number of Industrial Training Institutes coming up in the country a better coordinated approach in the field is absolutely essential so that the trained youth coming out of these institutions could be covered under the schemes of the Corporations.

Anti-poverty programmes

- 4.25 One of the landmark achievements in the context of rural development is the passing of the Constitution (Seventy-second Amendment) Bill by the Parliament. Under the system of Panchayati Raj it is expected that the process of rural development will be accelerated due to active participation of local people in developmental process. People's participation which is the essence of any modern developmental planning is expected to be achieved through the Panchayati Raj Institutions.
- Most of the anti-poverty programmes aim at generation of employment and income of the rural people, specially the Scheduled Castes and Scheduled Tribes, so that their bare necessities are Simultaneously, there is also a concerted effort on the part of the Government to develop their skills which may enable them, specially the youth, to break away from traditional occupation. A massive Integrated Rural Development Programme(IRDP) was launched on 2nd October, 1980, throughout the country. Under the programme productive assets and inputs are provided to the identified poorest of the poor families in rural areas to enable them to cross the poverty line. The target of coverage of SC & ST families which was 30% in the Seventh Plan has been raised to 50% from April 1990. While the pattern of subsidy is 25% for small farmers, 33-1/3% for marginal farmers, agricultural labourers and rural artisans, the Scheduled Castes and Scheduled Tribes are extended 50% subsidy.
- 4.27 In 1992-93 the target was to assist 18.75 lakh families under the IRDP and it is a matter of satisfaction that the achievement during the year exceeded the target (110.33%). The coverage of SC & ST families was 36.73% and 14.69% respectively of the total number of families. The following table indicates the coverage of families during 1991-92 and 1992-93:

Table 5

(in lakhs)

Year	Target	Achievement	%age	SC	%age	ST	%age	
1991-92 1992-93		25.37 20.69	112.66 110.33		36.08 36.73		15.02 14.69	

- conducted by a studies evaluation The organisations which include the Reserve Bank of India, National Bank for Agriculture & Rural Development (NABARD) and the Programme Evaluation Organisation (PEO) of the Planning Commission have revealed that the implementation of the programme been instrumental in raising the income level of beneficiaries and that a significant proporation of benefits has gone to SC & ST persons. A number of action areas have also been identified such as building of proper linkages, stepping up of level of investment, attention to the sphere of infrastructural development, etc.
- 4.29 The Training of Rural Youth for Self-Employment (TRYSEM) was started as a Centrally Sponsored Scheme in August 1979 in order to equip the rural youth in technical and entrepreneurial skills. Under this programme also the coverage of SC & ST is 50%. During the Sixth Plan period 33% of the beneficiaries were from SC & ST and since then there has been a continuous increase in their coverage-42% in the Seventh Plan and 44% and 45% in the Annual Plans of 1990-91 and 1991-92 respectively. In 1992-93, out of 2.76 lakh youth trained under the programme 1.16 lakh (42%) were from SC & ST. The coverage of SC & ST needs to be stepped up in the remaining period of the Eighth Plan in order to achieve the target of 50% during the Plan period.
- importance of the in view the Keeping 4.30 generation programmes in the context of rural development, a number of schemes have been implemented from time to time. From 1989 (last year of the Seventh Plan) two employment generation programmes, RLEGP and NREP were merged into a single rural employment programme which is now known as Jawahar Rozgar The expenditure under the programme is shared Yojana (JRY). between the Centre and the State in the ratio of 80:20. In this programme preference is given to SC & ST and freed bonded It has also been provided that at the Village labourers. Panchayat level 15% of the annual allocation must be spent on works which directly benefit SC & ST. Out of the total resources under the programme 10% and 30% are earmarked for the Indira Awas Yojana and the Million Wells Scheme respectively. Not less than 60% of the allocation under the Indira Awas Yojana and not less than 66-2/3% of that under the Million Wells Scheme are required The flexibility inbuilt in to be spent on SC/ST beneficiaries. the programme is commendable. The Commission is of the view that the employment generation programmes should be given maximum priority for some more years till the economy of SC & ST is stabilised.
- 4.31 The PEO, Planning Commission, had undertaken a quick study of the JRY in ten States in which about 90% of the rural poor live. The study revealed that the Gram Panchayats could provide employment to a person only to the extent of 11.44 and 15.68 days during 1989-90 and 1990-91 respectively, which appears to be too low. However, the proporation of mandays of employment of SC & ST to total mandays was more than 50%. Considering the fact that SC & ST constitute the bulk of the rural poor, it is

not only the question of coverage that has to be ensured but more mandays of employment have to be generated under the programme. The Commission urges the Centre and the State Governments to carefully monitor this programme considering the importance of the programme in the context of rural development.

- 4.32 Indira Awas Yojana is another important scheme implemented under the JRY. Under this scheme dwelling units are provided free of cost to the poorest SC & ST and freed bonded labourers. The outstanding characteristic of the scheme is that the allotment of houses is made in the names of female members of the beneficiary households. Alternatively, the dwelling unit allotted may be in the joint names of both the husband and the wife. During 1992-93 a target of constructing 1.18 lakh dwelling units was fixed and the achievement was 1.93 lakhs (163.5%).
- 4.33 The PEO had recently conducted a quick study of the Indira Awas Yojana and made a number of useful suggestions which include selection of beneficiaries in an open Gram Sabha meeting, involvement of voluntary organisations, dissociation of contractors in the construction of dwelling units, increase in the share of wage component, etc.
- 4.34 The Million Wells scheme which provides open irrigation wells free of cost to identified poor, small and marginal farmers belonging to SC & ST and freed bonded labourers is also implemented as a component of the JRY. This scheme assumes importance as there is concerted effort on the part of the Government to distribute ceiling surplus land to these sections of the population. During 1992-93 a total of 1,80,995 wells at an expenditure of Rs.53404.63 lakhs were constructed.
- 4.35 The Commission is particularly pleased to note that the JRY is being continuously evaluated in all the districts of the country. Considering the number of components being implemented under the programme the success of the same will hasten the process of socio-economic development of SC & ST.

National scheme of liberation and rehabilitation of scavengers

4.36 A time-bound programme with the objective of providing alternative trade/occupation to scavengers is under operation. Under the scheme training is provided to the identified scavengers and subsequently the trained scavengers are extended financial assistance in the form of subsidy and loan to set up ventures of their own. During 1992-93 a provision of Rs.60 crores was made and the actual release to the State Governments amounted to Rs.60.73 crores. It is expected that four lakh scavengers will be trained during the Eighth Plan period. As the success of the programme largely depends upon identifying scavengers in the country, the Commission urges the State Governments to undertake surveys without further delay so that by the end of the Eighth Plan scavengers will be fully liberated from their hereditary degrading and inhuman practice of manually removing nightsoil.

Land and land reforms

4.37 Ownership of land bestows social status upon the landless people besides providing an asset base. The Commission is of the view that SC & ST families should be given the first priority in allotment of surplus land or newly reclaimed land or developed land. The table below indicates the progress in the implementation of land ceiling laws upto March 1993:

Table 6

Category	Area distributed in acres	No. of beneficiaries
SC ST Others	1747588(34.68%) 702676(13.94%) 2588610(51.38%)	1751491(36.05%) 692266(14.25%) 2414589(49.70%)
Total	5038874(100.00)	4858346(100.00)

The above table brings out that SC & ST have been given priority in the allotment of ceiling surplus land in the country. However, while comparing the average area distributed to SC & ST and to others, it is found that the average works out to 0.997 acre to SC, 1.015 acre to ST and 1.072 acre to others. It may, therefore, be concluded that on an average the share of SC & ST persons in the matter of distribution of ceiling surplus land is less than that of others, which should not be the case as the proportion of these sections of the population is much higher The Commission recommends that SC & ST may be given proportionately higher weightage in terms of area distributed. With the pace of irrigation gaining momentum by bringing more and more areas under assured irrigation due to amongst the rural poor. commissioning of various irrigation projects, the Commission is of the opinion that the exercise of declaring ceiling surplus land may be undertaken simultaneously keeping in view the need to redefine the standard acre in the laws of the different States taking into account the change in the value of land after Many of the unirrigated holdings should irrigation facility. yield substantial average once these receive assured irrigation. Further, whenever land ownership is settled in favour of SC & ST persons it should be immediately entered in the record of rights actual possession given to allottees with simultaneous protection by the law enforcement authorities. The land ceiling laws should be strictly enforced within a time-bound programme. Lacunae in these laws should be identified and removed. It has been noticed that a large number of atrocities committed on SC & Some of the provisions of the ST are due to land disputes. Schedusled Castes and the Scheduled Tribes (Prevention Atrocities) Act, 1989, safeguard the interests of SC & ST in the matter of land. It is desirable to make use of such provisions and refer litigations to the Special Courts set up under the Act to settle the cases expeditiously.

4.39 The economy of SC & ST as of the people of the entire country is passing through many changes. The Scheduled Castes and Scheduled Tribes are also experiencing several problems social, economic, educational and political. Some of these are linked with the past. The planners have now been able to identify the problems and there is a better understanding today. The issues have been analysed and a definite strategy for the welfare and development of SC & ST adopted which focusses adequate attention on the growth pattern favourable to them. It is the pace of implementation of developmental programmes that has to be speeded up now to secure a better future for them.

ANNEXURE 4.I

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

S.No.	State/UT	r	otal		Sched	uled Castes			Schedul	led Tribes	
		1981	1991	1981	ક	1991	ક	1981	૪	1991	ક
1	2	3	4	5	6	7	8	9	10	11	12
1	STATES	E 25 40 (77)	C CE 00 000	70 67 720	14.07	3 05 00 066	75.00	23. 75. 223		47.00.401	
1.	Andhra Pradesh	5,35,49,673	6,65,08,008	79,61,730	14.87		15.93	31,76,001	5.93	41,99,481	
2.	Arunachal Pradesh	6,31,839	8,64,558	2,919	0.46	4,052	0.47	4,41,167	69.82	5,50,351	
3.	Assam	1,98,96,843	2,24,14,322	12,41,526	6.24		7.40	21,85,845	10.99	28,74,441	
4. 5.	bunar Goa	6,99,14,734 10,86,730	8,63,74,465 11,69,793	1,01,42,368 23,432	14.51 2.16	1,25,71,700	14.55 2.08	58,10,867	8.31	66,16,9 <u>1</u> 4	
6 .	Gurjarrat	3,40,85,799	4,13,09,582	24,38,297	7 . 15	24,364 30,60,358	7.41	10,721	0.99		0.03
7 .	Haryana	1,29,22,618	1,64,63,648	24,64,012	19.07	32,50,933	19.75	48,48,586	14.22	61,61,775	14.92
8 .	Himachal Pradesh	42,80,818	51,70,877	10,53,958	24.62	13,10,296		1 07 262	4 61	2 10 240	4 22
9.	Jammu & Kashmir	59,87,389	77,18,700	4,97,363	8.31	6,41,200	25 . 34 8 . 31	1,97,263	4.61	2,18,349	
10.	Karnataka	3,71,35,714	4,49,77,201	55,95,353	15.07	73,69,279		10 25 202	4.01	N.A.	N.A
11.	Kerala	2,54,53,680	2,90,98,518	25,49,382		• •	16.38	18,25,203	4.91	19,15,691	
12.	Madhya Pradesh	5,21,78,844	6,61,81,170	73,58,533	10.02	28,86,522	9.92	2,61,475	1.03	3,20,967	
13.	Maharashtra	6,27,84,171			14.10	96,26,679	14.55	1,19,87,031		1,53,99,034	
14.			7,89,37,187	44,79,763	7.14	87,57,842	11.09	57,72,038	9.19	73,18,281	
	Manipur Madhalas	14,20,953	18,37,149	17,753	1.25	37,105	2.02	3,87,977	27.30	6,32,173	
15.	Meghalaya	13,35,819	17,74,778	5 ,4 92	0.41	9,072	0.51	10,76,345	80.58	15,17,927	
16.	Mizoram	4,93,757	6,89,756	135	0.03	691	0.10	4,61,907	93.55	6,53,565	
17.	Nagaland	7,74,930	12,09,546				<u>-</u>	6,50,885	83,99	10,60,822	
18.	Orissa	2,63,70,271	3,16,59,736	38,65,543	14.66	51,29,314	16.20	59,15,067	22.43	70,32,214	22.21
19.	Punjab	1,67,88,915	2,02,81,969	<i>45,</i> 11,703	26.87	57 , 42 , 528	28.31		_	-	-
20.	Rajasthan	3,42,61,862	4,40,05,990	58 , 38 , 879	17.04	76,07,820	17.29	41,83,124	12.21	54,74,881	12.44
21.	Sikkim	3 , 16 ,3 85	4 , 06 , 457	18,281	5 .7 8	24 , 084	5.93	73 , 623	23.27	90,901	22.36
22.	Tamil Nadu	4,84,08,077	5 ,58,58,94 6	88,81,295	18.35	1,07,12,266	19.18	5,20,226	1.07	5,74,194	1.03
23.	Tripura	<i>2</i> 0 53,05 8	27,57,205	3,10,384	15.12	4,51,116	16.36	5,83,920	28.44	8,53,345	30.95
24.	Uttar Pradesh	11,00,01,013	13,91,12,287	2,34,53,339	21.16	2,92,76,455	21.05	2,32,705	0.21	2,87,901	0.21
25.	West Bengal	5,45,80,647	6,80,77,965	1,20,00,768	21.99	1,60,80,611	23.62	30,70,672	5.63	38,08,760	

1	2	3	4	5	6	7	8	9	10	11	12
1	UNION TERRITORIE Andamen & Nicober Islands	s 1,88,741	2,80,661	_	_		-	22,361	11.85	26,77 0	9.54
2.	Chandigarh	4,51,610	6,42,015	63,621	14.09	1,05,977	16.51	_	_	_	-
3.	Dadira & Nagar	1,03,676	1,38,477	2,041	1.97	2,730	1.97	81,714	78.82	1,09,380	78.99
_	Haveli					o	2.02			11 704	33 64
4.	Demen & Diu	-	1,01,586	. –	-	3 ,8 9	3.83	-	_	11,724	11.54
5.	Delhi.	62,20,406	94,20,644	11,21,643	18.03	17,94,836	19.05	_	-	· -	-
6.	Lakshadweep	40,249	51,707	_	-	-	· -	37 ,7 60	93.82	48,163	93.15
7.	Pondichenry	6,04,471	8,07,785	96,636	15.99	1,31,278	16.25	-	-	-	-
	INDIA	68,51,84,692	84,63,02,688	10,59,96,149	15.47	138223,277	16.33	5 , 38 , 14 ,4 83	7.85	<i>671</i> 58 , 380	8.08

- Note: (1) Source for 1981 figures Series 1, Part II B (ii) and Part II B (iii), Primary Census Abstract Scheduled Castes and Scheduled Tribes respectively (published by RGI in 1983)
 - (2) In 1981 Census was not held in Assam. Total population projected by RGI in PCA. Population of SC/ST projected on growth rate of total general population, i.e., 36.05%.
 - (3) Source for 1991 figures Series 1, Paper 1 of 1993 Union Primary Census Abstract for SC & ST
 - (4) In 1991 Census was not held in Jammu & Kashmir. Total population projected by RGI. Population of SC projected on growth rate of total general population, i.e., 28.92%. Scheduled Tribe figures for 1981 not available as STs were declared for the first time on 7-10-1989.
 - (5) Arunachal Pradesh and Mizoram were Union Territories in 1981 Census but were States in 1991 Census.
 - (6) Goa, Daman & Diu was a Union Territory in 1981 Census. In 1991 Census Goa was a State while Daman & Diu was a Union Territory. For 1981 Census separate figures for Daman & Diu are not available.
 - (7) The percentage of ST in the country's population in 1991 Census (Col.12) has been worked out after excluding the projected total population of J & K from the country's total population since the ST population in J & K could not be projected.

CHAPTER V

SERVICE SAFEGUARDS

Introduction

The representation of the Depressed Classes (who were rechristened as Scheduled Castes in the Government of India Act, 1935, in public services before the Poona Pact (1932) was negligible except in a few pockets like the old Madras Province and the old princely State of Mysore. The primary reason for this situation was educational backwardness amongst the Depressed Classes with the exception of some pockets. Clause 6 of the historic Poona Pact provided that every endeavour shall be made to secure a fair representation of the Depressed Classes in the elections to the local bodies and appointments to public services.

Position before the commencement of the Constitution

- without providing formal reservation that candidates belonging to the Depressed Classes and possessing requisite qualifications should not be deprived of fair opportunities of appointments merely because they could not succeed in open competition. The term 'Scheduled Castes' was used for the first time in the Government of India Act, 1935. In August 1943 the Government of India provided reservation @8-1/3% for the Scheduled Castes in vacancies filled by direct recruitment through open competition. Relaxation in the upper age limit and concession in the examination fees prescribed for appointment to a service or post were also announced in favour of Scheduled Caste candidates.
- 5.3 Soon after attainment of Independence orders were issued on 21-9-1947 providing for reservation in vacancies for the Scheduled Castes $@12\frac{1}{2}\%$ in respect of direct recruitment through open competition. In case of recruitment otherwise than by open competition, separate reservation @16-2/3% was provided in favour of the Scheduled Castes. The question of providing reservation for the tribal communities in the Central services also came up before the Government and instuctions were issued in December 1947 that appointing authorities should consider, as far as possible, the desirability of recruiting suitably qualified candidates from amongst the tribal communities. However, a decision to reserve a definite percentage of vacancies (5%) for candidates from the Scheduled Tribes was taken only after the promulgation of the Constitution in 1950.

Constitutional provisions

5.4 The framers of the Constitution felt that unless special provisions were made for protection of the rights of the Scheduled Castes and Scheduled Tribes to secure fair

representation in public employment in proportion to their population, it would never be possible for them to catch up and compete successfully for securing public employment. In order to representation special provisions for fair reservation in services and posts under the State in favour of Scheduled Castes and Scheduled Tribes were made under Special care was, Articles 16(4) and 335 of the Constitution. however, taken to declare equality of opportunity in the matter of public employment which, besides means of livelihood, gave a certain status. At the same time it was contemplated that equality of opportunity had to be among equals and not unequals. Therefore, Article 16 which provides for equality of opportunity for all citizens irrespective of religion, race, caste, sex, descent, place of birth, residence or any of them, in matters relating to employment or appointment to any office under the State, also empowers the State to make "any provision for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State". This is a positive discrimination in favour of SC and ST. Article 335 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 Constitution makers attached so much importance to the issue of reservation for SC & ST that Article 320(4) provided that consultation with the Public Service Commission was not necessary for the State "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".

5.5 After the Constitution came into force the policy in regard to securing adequate representation for the Scheduled Castes and Scheduled Tribes in the Government services was consolidated. Instructions were issued by the Government of India on 13th September, 1950, providing for $12\frac{1}{2}$ % reservation for the Scheduled Castes in posts filled by direct recruitment on all India basis by open competition. Reservation of 16-2/3% in direct recruitment on all India basis otherwise than by open competition was continued. Reservation of 5% of vacancies filled by direct recruitment was introduced in favour of the Scheduled Tribes. The relaxation in the upper age limit by three years and the concession in application fees, i.e., 25% of the normal fees, were also continued.

Present status

5.6 Reservation for SC & ST was initially made applicable in case of recruitment on all India basis. All citizens of India were eligible for consideration for appointment to posts and services under the Central Government irrespective of their domicile or place of birth. Recruitment to Group A & B posts attracts candidates from all over India and it has a truly all

India basis, whereas for the majority of Group C & D services and posts which are filled through local Employment Exchange, only those residing in the area or the locality in which the establishment is located, are attracted. In the latter case the percentages of reservation for SC & ST were fixed by the Government taking into account the population percentage of SC & ST in that area. The local or regional percentages of reservation, applied to recruitment to Group C & D posts made through the local Employment Exchange or through examinations on regional basis, were revised w.e.f. 1-6-1985 on the basis of the population percentages of SC & ST as per 1981 Census (Dept. of Personnel & Training OM No.36013/4/85-Estt(SCT) dated 24-5-1985). In its Third Report the Commission for SC & ST had recommended that:

"It would be desirable to prescribe the percentage of reservation corresponding with the percentage of population of Scheduled Tribes in the States so that the process of recruitment is not unduly delayed".

- 5.7 The orders regarding reservation of vacancies in favour of SC & ST, made applicable to recruitment in 1950, were not extended to promotions. Promotions continued to be made on the basis of seniority and/or merit, as the case may be, till 1956. Application of reservation orders was extended to promotions in stages from 1957 onwards and covered all areas in the case of seniority-cum-fitness and upto the lowest rung of Group A in promotions by selection till July 1974.
- In 1957 reservations were provided for SC departmental competitive examinations. Reservations in promotion by selection in Groups C & D were provided in 1963 and in the same year reservation in departmental competitive examination was limited to Groups C and D only. The position slightly changed in 1968 when reservations in limited departmental examination to Groups B, C and D and promotions by selection to Groups C & D were subjected to a condition that the element of direct recruitment should not exceed 50%. Reservation in promotion by seniority-cum-fitness was introduced in 1972 subject to the condition that the element of direct recruitment did not exceed In 1974 reservations in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A were introduced provided that the element of direct recruitment did not exceed 50%. The limitation of the direct recruitment not exceeding 50% was raised to 66-2/3% in 1976 and it has been further raised to 75% in 1989. The percentages of reservation @ $12\frac{1}{2}$ % for SC and 5% for ST were raised to 15% and $7\frac{1}{2}$ % respectively with effect from 25-3-1970.

Representation of SC & ST in services

5.9 The concept of reservation and a consistent thrust in its implementation have brought a sizeable population of SC & ST at par with other sections of the society in the matter of services and employment. As a result of concerted efforts made by various

monitoring agencies the overall representation of SC & ST has reached 22.17% which is nearing their population percentages, as would be seen from the data as on 1-1-1992 in respect of various Central Government Departments, Public Sector Undertakings and Banking institutions covering all groups of posts other than sweepers, given in Annexure 5.I. Out of the total 6,699,548 employees in the Government of India, PSUs and Banks on 1-1-1992, 1,127,050 (16.82%) belonged to SC and 358,368 (5.35%) to ST.

5.10 Improvement in the representation of SC & ST in services at various levels was achieved due to three Special Recruitment Drives launched by the Government from 1989 onwards to clear the backlog of reservations accumulated over the years. Detailed information released by the Dept. of Personnel & Training in this regard is given in Annexure 5.II.

Complaints received by the Commission

- 5.11 The National Commission for SC & ST has been receiving a large number of petitions and complaints concerning service matters covering various types of grievances of employees in the Government and Public Sector Undertakings. Complaints and representations are sometimes made by Associations of SC & ST employees in the various organisations and in several cases public leaders like MPs, MLAs, etc., also forward petitions by employees or associations.
- When this Commission acquired Constitutional status on 12-3-1992, 549 petitions were pending with the erstwhile National Commission. addition, the erstwhile office Ιn Commissioner for SC & ST also had a large number of petitions, complaints and representations on which action had to be taken. As a successor body and in the interest of continuity convenience to SC & ST employees this Commission took over the entire backlog of 2,562 petitions from the Commissioner's office and their disposal was speeded up. In course of the year 8,711 more petitions were received and in all 8,858 petitions were attended to and action was taken on those where the grievances or allegations warranted intervention by the Commission.
- The normal procedure followed bу this Commission remained the same as in the earlier Commission and the office of the Commissioner for SC & ST, since the Rules of Procedure for this Commission had not been finalised. The actionable petitions and facts called for sorted out from the concerned organisations or authorities. On receiving a reply if it was found that there was a violation of a safequard or that any serious inconvenience or harassment was caused to the petitioner through violation of any law or Govt. of India orders or instructions, it was brought to the notice of the concerned authorities for correction. As far as possible, with the limited manpower of the Commission, the cases were followed up.

5.14 From the study of a large number of cases and the earlier experience in the erstwhile Commission as also in the office of the Commissioner for SC & ST, certain issues have emerged a few of which are mentioned below:

DIRECT RECRUITMENT

SC/ST selected on merit not to be counted against reserved quota of vacancies

- Instructions have been issued by the Government of India of Personnel & Training Department O.M.No.36012/13/88-Estt.(SCT) dated 22-5-1989 that in cases of direct recruitment to vacancies and posts under the Central Government the SC & ST candidates who are selected on their own merits without relaxed standards alongwith candidates belonging to the other communities should not be adjusted against the The reserved vacancies will be reserved share of vacancies. filled up separately from amongst_the eligible SC & ST candidates who will thus comprise SC & ST candidates who are lower in merit than the last general candidate in the merit list but otherwise It has come to the notice of the suitable for appointment. Commission that some organisations have adjusted the SC & ST candidates who were selected on their own merits against the reserved points thereby depriving the SC & ST candidates of their Ministries/Departments may ensure legitimate share. subject so as compliance with the instructions on the safeguard the interests of SC/ST candidates.
- 5.16 Apprehensions have been expressed that in order to limit the vacancies earmarked for SC/ST candidates the SC/ST candidates selected on their own merits could be kept at the bottom of the panels prepared for direct recruitment. One way of providing a safeguard against such possibility is that at the time of interviews the identity of SC/ST candidates is not disclosed. Once all the candidates are interviewed their merit list should be drawn and the SC/ST candidates selected on their own merits should be placed at their respective places so that they are not adjusted against the reserved points.

Resorting to direct recruitment where SC/ST not available for promotion

5.17 According to the instructions of the Government of India contained in the Department of Personnel & Training O.M.No.AB-14017/30/89-Estt-RR dated 10-7-1990 where recruitment to a grade is made both by promotion and by direct recruitment, i.e., where separate quotas for promotion and direct recruitment are prescsribed 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 could be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to SC/ST,

as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the reserved vacancies in the year(s) when recruitment quota become available they could be re-diverted to the promotion quota to make up for the vacancies diverted The exchange of vacancies in this manner would ensure earlier. composition of the cadre structure and the unaffected in the long run. However, in one case the Department of Personnel & Training themselves recommended to the Commission dereservation of 28 vacancies (9 reserved for SC and 19 for ST) in the grade of Section Officer falling under the promotion quota on the ground that the interest of SC & ST, who might qualify in the departmental competitive examination in future, would suffer if the posts were allowed to be filled by direct recruitment. The Commission did not agree with the proposal and advised the Department of Personnel & Training to fill up these vacancies of Section Officers through direct recruitment by SC/ST candidates as provided in their above mentioned O.M. There could be more such cases and the arguments used by the Department of Personnel & Training could be raised elsewhere also. The Commission feels that the balance of advantage would remain in adhering to the letter and spirit of the above mentioned O.M. dated 10-7-1990.

PROMOTIONS

(i) Concession to SC & ST within Group A

- As mentioned earlier, reservation has been allowed in favour of SC & ST in all posts filled by promotion excepting promotions by selection within Group A posts, provided the element of direct recruitment, if any, therein does not exceed In promotions by selection to posts within Group A, which carry an ultimate salary of Rs.5,700 in the case of the Govt. of and Rs.6,900 in the case of Central Public Undertakings, there is no reservation, but the SC/ST officers who are senior enough in the zone of consideration for promotion, to be within the number of vacancies for which the select list has be drawn up, are required to be included in that list irrespective of their merit, subject to the condition that they are not considered unfit for promotion. Their position in the select list would, however, be the same as assigned to them by the DPC on the basis of their record of service as per the Govt. of India instructions.
- Some cases were brought to the notice of the Commission where the Government Departments or the PSUs had ignored the above concession on the plea that an SC/ST officer suitable/fit for promotion was not available. In a specific case of promotion from the post of Under Secretary to the level of Deputy Secretary in CSS, a large number of SC/ST officers were ignored, declaring them unfit for promotion, even though nothing adverse was ever communicated to them. This case was followed up in the erstwhile office of the Commissioner for SC & ST but without any positive result. Evidently the authorities ignored the concession made

available to SC/ST officers in the matter of promotion by selection within Group A posts. In another similar case which was taken up by the erstwhile office of the Commissioner for SC & ST, an SC officer in the rank of Deputy Secretary was twice rejected by the Dept. of Personnel for inclusion in the select list for Director's post, declaring him unfit for promotion, but he was found fit for inclusion in the panel for Joint Secretary subsequently on his own merit. Strangely the officer having been empanelled for the post of Joint Secretary already was subsequently included in the panel for Director's post on the basis of the same record.

- 5.20 It has been noticed in a number of PSUs that while considering promotions within Group A posts the number of vacancies is generally not declared. At the same time a number of officers are screened and shortlisted before the DPC is actually convened. In such a situation it is difficult to link the seniority aspect of the SC/ST officers with the number of posts for which the select list is drawn, as required to protect the interests of SC/ST officers.
- It is important to mention here in this connection that as per the existing norms, while considering an officer fit for promotion, his performance has to be 'above average' as 'average' is considered as undistinguished and unpromotable. Thus, an officer can be declared unfit for promotion only when he has been communicated adverse remarks or they are just 'average'. In view of the position it is recommended that to safeguard the interests of SC & ST under the existing provision, there is an immediate need to modify the existing instructions in this regard, making suitable provision, thereby the officers belonging to SC/ST who are senior enough to be covered by the number of vacancies, should be automatically included in the select list, if they are rated 'above average', applying the criteria of seniority-cumfitness, after calculating the number of vacancies for which select list is to be drawn as accurately as possible.

(ii) Local/Regional percentages in promotions to Group C & D posts

According to the Govt. of India instructions, all India percentages of reservations prescribed for SC & ST, i.e., 15% and $7\frac{1}{2}\%$ respectively for open competition and 16-2/3% for SC and $7\frac{1}{2}\%$ for ST for otherwise than by open competition, are applied while making direct recruitment to Group A & B posts, whereas for Group C & D posts local/regional percentages have been prescribed on the basis of their population percentages as per 1981 Census in those areas. In the case of recruitment made in Delhi, being the national capital, the all India percentages of reservation are applied to recruitments even in Group C & D posts. In the case of promotions, however, all India percentages of reservation prescribed uniformly @ 15% for SC and $7\frac{1}{2}\%$ for ST are applied to all groups of posts irrespective of the level and method of promotion. It thus follows that the percentages of reservation

prescribed for SC & ST in recruitment to Group C & D posts filled on local/regional basis are different from those prescribed in the matter of promotions to the next higher grade.

Percentages of population of SC & ST which were the basis for reservation for them in recruitment to local/regional basis, vary from State to State. This is at variance with the all India percentages prescribed for promotions. Thus, the important question raised by a number of agencies is whether it would be justified to fix reservation in promotion @ 15% for SC and $7\frac{1}{2}$ % for ST in such of the posts, the feeder cadres of which were initially filled on local or regional basis in a particular area, at the rate of percentages widely different from the percentages of reservation in promotion posts. For instance, in the North-Eastern States the population of SC is negligible and as such sufficient number of SC employees do not become available at the time of promotion, which necessitates dereservation of reserved vacancies. The erstwhile office of the Commissioner for SC & ST raised this matter with the Govt. of India in 1976 to rectify the position by applying the same percentages at the stage of promotion which were applied to direct recruitment. The proposal not agreed to by the Government on the plea that the percentages prescribed for recruitment on local/regional basis could not be applied to promotions. Thus, uniform all India percentages continued to apply ignoring the imbalance. In order to rectify this anomalous situation it is recommended that the percentages of reservation provided for SC & ST to promotions in Group C & D posts under the Central Establishments through a 40point roster should be revised so as to correspond with the local/regional percentages provided for them at the stage of recruitment to those outside Delhi. Alternatively, unutilised reserved vacancies under respective categories of posts/services filled by promotion may be allowed to be exchanged between SC & ST in the same year instead of in the third year of carry forward, as has already been allowed in favour of ST by the Government in the case of unfilled promotion vacancies reserved services under the Union Territories of Lakshadweep, Dadra & Nagar Haveli and A & N Islands where there is a large population of ST.

(iii) Safeguards for SC & ST under sealed cover cases

5.24 According to the instructions contained in para 9.8 of the Brochure on Reservation for SC & ST in Services (1987 edition), in cases of Government servants where the findings of the DPC are kept in a sealed cover because they are under suspension, or a chargesheet has been issued and disciplinary proceedings are pending, or vigilance enquiries are pending, vacancies are required to be kept reserved for them. The authority competent to fill up the vacancy can be advised separately to fill up the vacancy in the higher grade, if necessary, only in an officiating capacity. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Government servant, the

sealed cover containing the assessment made by the DPC shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover and with reference to the date of promotion of his next junior on the basis of such position. The instructions also provide that in such a situation the Government servant may be promoted, if necessary, by reverting the juniormost officiating person. The instructions further provide that where such reversions become necessary these should be made in such a manner that the total number of reservation for SC & ST in the select list is not reduced.

As per the instructions of the Govt. of India prior to 1989 the interests of SC & ST promoted against the reserved quota were duly safeguarded, where reversions became necessary on account of sealed cover cases. It is, however, unfortunate that the Govt. of India while issuing revised guidelines on DPCs with effect from 10-4-1989 omitted the safeguard provided for SC & ST in the event of reversion on account of opening of sealed cover It may be further mentioned that even while issuing revised guidelines on sealed cover cases, with effect 14.9.1992, and the procedure to be followed in the matter of Government servants against whom disciplinary/Court proceedings pending or whose conduct was under investigation, the safeguard provided for SC & ST in the matter of reversion on account of opening of sealed covers was omitted. This amounts to withdrawal of the safeguard available to SC & ST vide the Govt. instructions contained in the Dept. of Personnel This needs to be O.M.No.22011/4/77-Estt.(D) dated 30-7-1977. restored.

It has been the common experience that in many cases the 5.26 SC/ST candidates occupy the lowest position in the panels prepared by the DPCs, either because of low seniority or comparatively lower merit ratings. In the absence of safeguard, when the juniormost officer is to be reverted to accommodate another officer on account of opening of the sealed cover, it would be the SC/ST officers who might generally get reverted in spite of the fact that they were empanelled against the reserved quota, since they occupy the lowest position in the This is bound to affect the representation of SC & ST in Had the other officer not been under cloud he would the panel. have been included in the panel and the SC/ST officer would have also found a place in the panel because of the availability of Thus, the revised instructions have reservation in promotion. adversely affected the interests of SC/ST officers and upset the It is, therefore, reservation for SC/ST in the panel as well. the safeguard available to SC/ST that recommended reversion on account of sealed cover cases may be restored and incorporated in the guidelines on DPCs as well as in the orders about procedures to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending. It is also recommended that where reversions in any grade become necessary after promotions either on account of

reduction in staff, or on account of sealed cover cases, or even on account of reversion of an officer from the higher grade/deputation/transfer, or on account of any other reason, orders need to be issued that the reversions should be made in such a manner that the total number of reservation for SC & ST in any select list is not reduced.

Continuance of reservation in promotions

5.27 The Supreme Court of India in their judgment of 16-11-92 on the question of allowing reservation in services in favour of SEBC not only ruled out reservation for SEBCs in promotion posts, but also observed that "we are convinced that the majority opinion in Rangachari to the extent it holds that Article 16(4) permits reservation even in the matter of promotion, is not sustainable in principle and ought to be departed from". The Supreme Court, therefore, directed that "wherever reservations are already provided in the matter of promotion — be it Central Services or State Services, or for that matter services under any corporation, authority or body falling under the definition of 'State' in Article 12 — such reservations shall continue in operation for a period of five years from this day" (16-11-1992). The Supreme Court further observed that "within this period, it would be open to the appropriate authorities to revise, modify or re-issue the relevant Rules to ensure the achievement of the objective of Article 16(4)".

50% ceiling

In M.R.Balaji and others vs. the State of Mysore (1963 Suppl.(i)SCR 439), the Supreme Court had held with reference to both Article 16(4) and 15(4): "In this matter again, we are reluctant to say definitely what would be a proper provision to Speaking generally and in a broad way a special provision should be less than 50% - how much less than 50% would depend the relevant prevailing circumstances each in Subsequently by a majority decision in the Devadasan case also for backward Supreme Court observed that reservation communities should not be so excessive as to create a monopoly or to disturb unduly the legitimate claims of other communities. In pursuance of these observations of the Supreme Court, the Govt. of India amended the rule of carry-forward vide O.M.No.1/9/74-Estt.(SCT) dated 29-4-1975 and provided that in any recruitment year the number of normal reserved vacancies and the brought forward reserved vacancies put together shall not exceed 50% of the total vacancies. Further, in the light of the observations contained in the subsequent Supreme Court judgment in the case of State of Kerala and another vs. N.M. Thomas and others (1976-SC-490) the Government were advised by the Supreme Court that there would be no objection to exceeding the limit of 50% by way of reservations in such cases because of the carry-forward of vacancies, keeping in view the overall representation of SC & ST in the cadre as a whole. The Govt. of India issued orders vide O.M.No.16/3/73-Estt.(SCT) dated 27-12-1977 according to which brought forward reserved vacancies were to be made available to SC/ST together with current reserved vacancies for utilisation even where the total number of such reserved vacancies exceeded 50% of the vacancies filled in that year, provided the overall representation of SC/ST in the total strength of the concerned grade or cadre was found to be inadequate. According to the 1982 instructions from the Government, which were again based on the Supreme Court judgment in the case of Soshit Karmachari Sangha vs. the Union of India, the restriction of 50% reservation to the total available vacancies was, however, reimposed.

- There were a number of other conflicting judgments on the In the case of of limiting reservation to 50%. V.Narayana Rao vs. State of Andhra Pradesh, a full bench of the Andhra Pradesh High Court, after examining various decisions of the Supreme Court, observed that "where, however, the rule of carry forward is applied in the sense that the unfilled reserved posts are filled by general candidates in a given year, and the corresponding number of posts are carried forward to the next year, the rule of 50% ceiling may be exceeded but, here the excess cannot go far beyond the said ceiling, say 66-2/3% of the vacancies arising in the next year". This gives ample indication that the rule of 50% will not apply to the unfilled carried forward vacancies and the total reservation may go upto 66-2/3%. This position was strengthened when the Govt. of India, while banning dereservation with effect 25th April, from clarified that such carried forward vacancies would be treated as a distinct group to which the ceiling of 50% would not apply. rule of 50%, however, continued to apply on current reservations.
- The position changed dramatically when the Supreme Court in their judgment of 16th November, 1992 on the question of allowing 27% reservation in favour of SEBC, as recommended by the Mandal Commission, observed: "In our opinion, however, the result of the application of carryforward rule in whatever manner it is operated, should not result in breach of the 50% rule". Hon'ble Court also held the view "that for the purpose of applying the rule of 50%, an year should be taken as the unit and not the entire strength of the cadre, service or the unit, as the case may be". This is at variance with the existing provisions, and if the judgment is implemented, the system of carrying forward in the case of direct recruitment will have no meaning as the same cannot be taken care of in view of the total current reservation having already reached 49.5%. This will certainly go against the interests of SC/ST being safeguarded at present in terms of the 25th April, 1989, instructions according to which the carry forward of unfilled reservations is kept apart as backlog which is not subject to the 50% limit.
 - 5.31 According to the opinion of the Law Ministry communicated to the Dept. of Personnel & Training on 28th April, 1993, the backlog of vacancies together with current vacancies for SC/ST has to be limited to 50% of the vacancies that arise in a year.

Legally, so long as the present pronouncement of the Supreme Court is not superseded by a subsequent judgment the same will have to be implemented, as per the opinion of the Law Ministry. It is felt that the Ministry of Law has merely endorsed the view of the Supreme Court ignoring the special provision made vide Dept. of Personnel & Training order of 25th April, 1989. Since the backlog vacancies, being the distinct share of SC and ST, as per the above order, are kept apart, applying 50% limit over those vacancies will have no meaning as the same cannot be allowed to be filled by others in view of complete ban on dereservation. Current reservations for SC, ST and OBC alone count for 49.5% without any scope for adjustment of the backlog. The view point of the Commission communicated to the Govt. of India in its resolution dated 16-7-93 is to protect the interests of SC & ST, even by amending Article 16 of the Constitution of India, if necessary. The Commission, therefore, recommends that Government should not only protect the backlog reservations as distinct share of SC/ST but also enhance the existing percentages of reservation from 15% and $7\frac{1}{2}$ % to 16.5% and 8.0% for SC and ST respectively in keeping with their population percentages of 16.48% and 8.08% in the 1991 Census, by amending the relevant Article of the Constitution.

Rosters

- When the percentages of reservation were fixed for SC and ST after Independence, actual implementation in the matter of calculation of the number of vacancies to be earmarked on the basis of those percentages became somewhat difficult as it was not always possible to arrive at the whole numerical figures for SC and ST. Invariably this number worked out to be a fraction, and as such it was difficult to appoint SC & ST candidates exactly in accordance with the percentages prescribed for them. To obviate this difficulty a system was devised, prescribing 40/100 point rosters to give effect to the reservation policy in proportion to the percentages prescribed for SC & ST. The roster system was thus the first step introduced in 1950 to give effect proper implementation of the policy of reservation services. In brief, rosters are intended to be an aid to determining the number of vacancies to be reserved for SC & ST. Thus, every appointing authority is required to maintain proper rosters to give effect to the prescribed percentages and treat vacancies as 'reserved' or 'unreserved' according to the points in the model roster in which the available vacancies have to be reflected before any recruit ent/promotion action starts.
- 5.33 According to the latest instructions of the Government, before the introduction of reservation for SEBC in Central Civil Services with effect from 8-9-1993, the following percentages were prescribed for different modes of recruitment/promotion and the corresponding roster points for SC & ST:

Method	Percent	300	Roster	Roster point	c fived
Metrica	SC	st.	KOSCEL	SC SC	ST
A. Direct recruitment (1) Rectt.on all India basis					
(a) By open competi- tion	15	7½	40 points	1,8,14,22, 28,36	4,17,31
(b) Otherwise than by open competition	16-2/3	7 1 /2	40 points	1,7,13,20, 25,32,37*	4,17,29
(2) Recruitment to Group C & D posts on a local or regio- nal basis	According the portion of a ST in respect States/except	oula- SC ive UTs,	100 points	according to	arked for SC & ST o prescribed in different
B. <u>Promotions</u> Wherever reservation orders apply	15	7 <u>1</u>	40 points	1,8,14,22, 28,36	4,17,31

5.34 Following the Supreme Court judgment of 16-11-1992 in the Indra Sawhney and others vs. Union of India and others case (writ petition (Civil) No.930 of 1990) the Govt. of India issued orders that 27% of the vacancies in the civil posts and services under the Govt. of India, to be filled through direct recruitment, shall be reserved for SEBC. As a result it became necessary to revise the existing reservation rosters. In respect of direct recruitment on all India basis by open competition where there was reservation of 15% for SC and $7\frac{1}{2}$ % for ST, the existing 40-point roster has been into a 200-point roster as in the model indicated in revised In respect of direct recruitment on all India Annexure 5.III. basis otherwise than by open competition, where there was a reservation of 16-2/3% for SC and $7\frac{1}{2}$ % for ST, the existing 40-point roster has been revised into a 120-point roster as in the model indicated at Annexure 5.IV. In respect of recruitment to Group C & D posts normally attracting candidates from a locality or region, the existing 100-point rosters have also been revised, incorporating therein points for SEBC, as in the revised model 100-point roster at Annexure 5.V.

^{*} In every third cycle the 37th point is treated as unreserved to make it exact 16-2/3% for SC.

^{\$} In Delhi all India percentages are applied.

The salient features of the new model rosters are that whenever reservation is provided to the maximum extent possible, i.e., 50%, all the odd points are reserved and the even points Secondly, in the case of recruitment to Group C & D unreserved. percentages of wherever local/regional basis, on posts reservation for SC and ST taken together exceed 23%, the percentage for SEBC has been reduced to that extent ensuring that the maximum reservation for SC, ST and OBC taken together Thirdly, the reservations made under does not exceed 50%. Article 16(1), i.e., other than reservations prescribed for SC, ST and OBC under Article 16(4), have been kept out of the 50% limit prescribed by the Government. Thus, persons appointed against percentages of reservations other than those prescribed for SC, ST and SEBC, will be adjusted in the 100-point rosters against the respective points for others, SC, ST and SEBC as per There is no change in the existing reservation their status. roster in so far as promotion is concerned, as there is no reservation for SEBC in promotion. The table below indicates the percentages of reservation prescribed for SC, ST and SEBC, The table below indicates revised rosters and the number of roster points earmarked for each category:

Method	Percentages SC ST SEBC	Roster	Roster points(No.) SC ST SEBC
A.Direct recruitment			
(i) Rectt.on all India basis (a) By open competition	$1.5 7\frac{1}{2} 27$	200 points	30 15 54
(b) Otherwise	$16-2/3$ $7\frac{1}{2}$ $25-5/6$	120 points	20 9 31
than by open		-	136 30 10 10 20 51
competition			
A CONTRACTOR OF THE STATE OF TH	According 27%		Points earmarked for SC,ST and OBC according
(ii) Rectt.to Group C & D	According 27% to the po- or		to prescribed %ages
posts on	pulation less#		io preserrada sagaz
local/regi-	of SC & ST		in the second
onal basis	in respec-	•	
	tive States/		
the state of the s	UTs except Delhi*	The second of th	
	Delin.		
B. Promotions	$15 7\frac{1}{2} Nil$	40 points	6 3 -

Inspection of rosters

5.36 As part of the functions of the Commission to monitor the implementation of the Government policy on reservation for SC & ST, a number of studies were conducted by the field offices of the Commission by way of checking the rosters maintained by

[#] Depending upon the total %age for SC & ST.

^{*} In Delhi all India percentages are applicable.

various Government/Public Sector bodies in their respective jurisdiction. Some of the common observations made during investigations into the maintenance of rosters by organisations like the Food Corporation of India (Zonal/Regional Offices at Madras); Coffee Board, Bangalore; Kudremukh Iron Ore, Bangalore; Oil India Limited, Duliajan; Hindustan Paper Corporation, Assam; Shramik Vidyapeeth, Cuttack, etc., are as follows:

- (i) In the FCI, Zonal Office, Madras, the prescribed procedure for dereservation was ignored. The points reserved for ST, which were required to be carried forward for three subsequent recruitment years, were exchanged in some cases ignoring the claims of ST who could become eligible subsequently. Details of vacancies exchanged and points adjusted were not given in the remarks column, and entries made in the promotion rosters for the year 1991 were not verified and signed by the designated authority.
- (ii) In the Coffee Board, Bangalore, a 40-point roster was being maintained (for direct recruitment to Group D posts) which was not correct, as the recruitment to Group C & D posts outside Delhi is made on local/regional basis. A 100-point roster should have been maintained. It appeared that annual inspection of the rosters was not done by the Liaison Officer. No records of inspection were available.
- (iii) In Kudremukh Iron Ore Company Ltd., Bangalore, abstracts about the reserved vacancies and the number of SC/ST appointed were prepared every month in a separate register which was not correct. Abstracts should have been prepared at the close of each calendar year in the same roster register as per the instructions of the Govt. of India. Signature of the appointing authority against each appointment made was not appended.
- (iv) In Oil India Ltd., Duliajan (Assam), general candidates were appointed against reserved vacancies without seeking prior approval of the competent authority, ignoring the prescribed procedure for dereservation. The entries made in the roster registers had not been verified by the appointing authority. The remarks columns of the roster registers were incomplete.
- (v) Oil India Ltd., Duliajan, had decided to regularise 200 labourers every year, out of the large number of contract labourers working at Duliajan through private contractors. There were hardly any SC/ST candidates among them. The organisation which ignored the reservation quota at the time of regularisation of contractual labour was asked to ensure the intake of the SC/ST through direct recruitment as per the prescribed percentages, while regularising the private contract labourers. The authorities ignored the instructions.

- (vi) In the Food Corporation of India Zonal Office, Guwahati, rosters had been maintained for the selection grade and other posts for promotion at Zonal level only and no rosters were maintained for direct recruitment. The roster registers maintained for various grades were not in the prescribed format. Instructions regarding maintenance of separate rosters for permanent appointments and temporary appointments likely to become permanent were completely ignored.
- (vii) In the North-Eastern Regional Agricultural Marketing Corporation, Guwahati, combined rosters were maintained for direct recruitment and promotion, which was wrong. The entries made in the roster registers had not been verified by the appointing authority or any other officer. General candidates were promoted against reserved vacancies without seeking prior approval of the competent authority, ignoring dereservation procedure.
- (viii) The Shramik Vidyapeeth, Cuttack, did not follow the reservation policy and no rosters were maintained. However, the Director of the Vidyapeeth later intimated that the Executive Committee and the Board of Management had decided to introduce reservation in the selections to be held in future. They should do so retrospectively.
- (ix) In the Garden Reach Shipbuilders & Engineers Ltd., Calcutta, grouping of posts was not done in a proper manner and the procedure for dereservation to seek prior approval of the competent authority to fill up reserved posts by others, was ignored.
- (x) In Praga Tools Ltd., Secunderabad, rosters for promotion were not maintained as per the guidelines.
- It would be seen that by and large maintenance of rosters in the organisations investigated by the Commission was satisfactory. Since maintenance of rosters has direct bearing on the implementation of the prescribed percentages in favour of SC & ST, monitoring on the part of the administrative Ministries/Departments needs to be emphasised. Even though the Officer in organisation, each while ensuring implementation of the reservation orders, is expected to inspect the rosters at the close of each calendar year, this is done only ritual ignoring the intentions behind the system, particularly in the public sector. Due to this the Department of Enterprises had to issue instructions on 25-4-1991 instituting a system under which the Joint Secretary in the Ministry/Dept. was made responsible to keep a watch over the implementation of the decisions regarding SC & ST in public enterprises under the control of that Ministry/Dept. and also to keep the Secretary informed of the progress of implementation. Similarly, the Chief Personnel Officer of the public enterprise,

whether at the Board level or below it, was made responsible for ensuring implementation of the reservation orders. It is now more than three years but no visible results could be achieved. The usefulness of the system instituted can be ensured if the Joint Secretary/Chief of Personnel is directed to submit his progress report on the achievements made or remedial measures undertaken during the preceding calendar year and keep the National Commission fully posted.

Writing of CRs of SC & ST

- The Confidential Report is an important document and it provides the basic and vital inputs for assessing the performance of an officer. Thus, the officer reported upon, the Reporting Officer and the Reviewing Officer have to undertake the duty of filling out the form with a high sense of responsibility. Since majority of SC & ST candidates get selected under relaxed standards at the induction stage (this holds good even today) they are not able to secure higher ratings unless the Reporting Officer adopts a sympathetic attitude, and lag behind for promotion under the selection criteria, where comparative merit based on CRs plays a vital role.
- As per the general practice, in promotions made by selection, employees in the zone of consideration are normally considered for inclusion in the select list on the basis of their appraisal reports or CRs. After rejecting those who are considered unfit for promotion, the DPC proceeds to categorise the remaining eligible employees into three categories, viz., 'Outstanding', 'Very Good' and 'Good'. Thus, the CR ratings secured by the employees are made the basis for merit promotions. Since promotions by selection at higher levels, i.e., from Group C to Group B, within Group B and from Group B to the lowest rung of Group A posts were not covered by the scheme of reservation, the Govt. of India decided in July 1968 to upgrade the CRs of SC & ST employees as a measure of improving their representation in Accordingly the DPCs, after excluding SC services. employees considered unfit for promotion, used to give 'one grading higher' than the grading otherwise assignable to them on After the issue of the basis of their record of service. instructions on 20-7-1974 regarding introduction of reservation for SC & ST in posts filled by promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A posts, the earlier instruction providing one grading higher to SC & ST employees/officers was superseded.
- 5.40 It may not be out of place to mention here that majority of the SC & ST staff getting 'Average' reporting, who approach the Commission for redress, argue that their CR ratings were downgraded with the intention that they would be getting 'one grading higher' at the stage of promotion. Some of the SC/ST officers have been alleging that even though the concession of

'one grading higher' stood superseded after introduction of reservation in promotion, the attitude of the Reporting Officers in a number of cases continues to be the same. It is also possible in some cases that where SC & ST are likely to supersede others by virtue of early promotion on account of element of reservation therein, they are given average ratings so that they do not get promotion even against reserved posts. To dispel any apprehension on this count the Govt. of India had to incorporate a column in the CR forms for the Reviewing Officer to comment on the attitude of the Reporting Officer towards the SC & ST employees reported upon, to safeguard their interest against biased reporting.

According to the existing system of writing CRs it is only the adverse rating which is communicated to the employees. The Government instructions also clarify that while 'Average' may not be taken as an adverse remark in respect of an officer, at the same time it cannot be regarded as complimentary to the officer, as 'Average' performance should be regarded as routine and undistinguished. It is only performance that is above 'Average' and really noteworthy which should entitle an officer to recognition and suitable reward in the matter of promotion. Thus, an SC/ST officer who is awarded 'Average' may not get promotion, but at the same time may not get information about his drawbacks and shortcomings to ensure better performance in To ensure that the evaluation of CRs on SC & ST officers is fair, just and unbiased, the system of writing CRs needs to be reviewed and suitably modified to provide that the Officer may invite the SC/ST officer, Reviewing average/adverse ratings, for discussion. This would afford an opportunity to SC/ST employees to know their standing and to represent in case they feel aggrieved. In fact, performance appraisal through Confidential Reports is a tool for human resource development and, as such, the Reporting Officers should realise that the objective is to develop an officer so that he realises his true potential. Thus, the Reporting/Reviewing Officer while pointing out the shortcomings in performance, should also suggest possible lines of development of the officer through training.

ANNEXURE 5.1

Representation of SC/ST in services as on 1-1-1992

(a) Central Government

Group	Total	-se	%age	ST	%age
<u> </u>	65,456	6,331	9.7	1,914	2.9
В	98,519	11,399	11.6	2,349	2.4
С	23,34,003	3,68,494	15.8	73,739	3.2
D .	11,61,413	2,42,485	20.9	78,375	6.7
(Exclusive)					
Total	36,59,391	6,28,709	17.18	1,56,377	4.2
Swee- pers	1,39,687	90,399	64.7	4,765	3.4
Grand total	37,99,078	7,19,108	18.92	1,61,142	4.24

(b) Public Sector Undertakings

(Information available from 225 Undertakings)

Group	Total	SC	%age	ST	%age
A	1,90,926	12,772	6.69	3,161	1.66
В	1,61,569	14,899	9.92	4,765	2.95
c	12,56,636	2,11,392	16.82	1,02,108	8.13
D	5,43,519	1,26,358	23.25	52 , 758 .	9.71
(Exclusive)	•		• •		
Total	21,52,650	3,65,421	16.98	1,62,792	7.56
Group sweep		22,366	71.91	1,257	4.04
Grand total		3,87,787	17.76	1,64,049	7.51

Nationalised Banks/Public Sector Banks

Group	Total	SC	%age	ST	%age
Officers	2,40,979	26,811	11.12	7,519	3.12
Clerical	4,69,835	67,278	14.31	21,434	4.55
Sub-staff	1,76,693	38,831	21.97	10,246	5.79
Total	8,87,507	1,32,920	14.97	39,199	4.41
Sweepers	35,511	19,076	63.71	1,682	4.73
Grand total	9,23,018	1,51,996	16.46	40,881	4.43

Total number of employees (excluding sweepers)

	Total	SC	%age	ST	%age
Govt. of India	36,59,391	6,28,709	17.18	1,56,377	4.2
PSUs	21,52,650	3,65,421	16.98	1,62,792	7.56
Banks	8,87,507	1,32,920	14.97	39,199	4.41
	66,99,548	11,27,050	16.82	3,58,368	5.35

Total number of employees (including sweepers)

	Total	SC	%age	ST	%age
Govt. of India	37,99,078	7,19,108	18.92	1,61,142	4.24
PSUs	21,83,751	3,87,787	17.76	1,64,049	7.51
Banks	9,23,018	1,51,996	16.46	40,881	4.43
Grand total	69,05,847	12,58,981	18.23	3,66,072	5.30

Source: For Central Govt. - Department of Personnel & Training

For PSUs - Bureau of Public Enterprises

For Nationalised - Banking Division of the Ministry

& Public Sector of Finance

Banks

ANNEXURE 5.II

Details of recruitment of SC/ST in the Special Recruitment Drives

Depart	ment	Backlog identified	Appointment offers issued	Percentage to the backlog
	S	pecial Recruit	ment Drive No.1 (1989)	
(i)	Central Govt.	35,647	31,253	87.00
(ii)	PSUs	11,000	8,125	73.90
	Banks	8,822	8,084	91.60
(iv)	Insurance Corporations	3,085	3,023	98.00
		58,554	50,485	86.22
		Special Recruit	ment Drive No.2 (199	D)
(i)	Central Govt.	31,928	19,879	62.30
(ii)	PSUs	10,461	6,316	60.40
•	Banks	3,142	2,197	69.90
(iv)	Insurance Corporations	1,028	1,023	99.50
		46,559	29,415	63.18
		Special Recrui	tment Drive No.3 (199	91–92)
(i)	Central Govt.	13,556	8,811	65.00
(ii)		12,149	7,195	57.00
) Banks	2,242	1,384	61.70
(iv)	Insurance Corporations	804	381	47.40
		28,751	17,771	61.81

Source : Department of Personnel & Training

ANNEXURE 5.III

Model roster for posts filled by direct recruitment on al. India basis by open competition

1.	SC	32.	Unreserved
2.	Unreserved	33.	OBC
3.	ST	34.	Unreserved
4.	Unreserved	35.	ST
5.	OBC	36.	Unreserved
6.	Unreserved	37.	OBC
7.	SC	38.	Unreserved
8.	Unreserved	39.	OBC
9.	UDL	40.	Unreserved
10.	Unreserved	41.	SC
11.	OBC .	42.	Unreserved
12.	Unreserved	43.	OBC
13.	SC	44.	Unreserved
14.	Unreserved	45.	ST
15.	OBC	46.	Unreserved
16.	Unreserved	47.	OBC
17.	ST	48.	Unreserved
18.	Unreserved	49.	SC
19.	OBC	50.	Unreserved
20.	Unreserved	51.	OBC
21.	SC	52.	Unreserved
22.	Unreserved	53.	SC
23.	OBC	54.	Unreserved
24.	Unreserved	55.	OBC
25.	OBC	56.	Unreserved
26.	Unreserved	57.	ST
27.	SC	58.	Unreserved
28.	Unreserved	59.	OBC
29.	OBC	60.	Unreserved
30.	Unreserved	61.	SC
31.	ST	62.	Unreserved
		-	

63.	OBC
n 1 -	UDU

- 64. Unreserved
- 65. OBC
- 66. Unreserved
- 67. SC
- 68. Unreserved
 - 69. OBC
 - 70. Unreserved
 - 71. ST
 - 72. Unreserved
 - 73. OBC
 - 74. Unreserved
 - 75. OBC
 - 76. Unreserved
 - 77. SC
 - 78. Unreserved
 - 79. OBC
 - 80. Unreserved
 - 81. SC
 - 82. Unreserved
 - 83. OBC
 - 84. Unreserved
 - 85. ST
 - 86. Unreserved
 - 87. OBC
 - 88. Unreserved
 - 89. SC
 - 90. Unreserved
 - 91. OBC
 - 92. Unreserved
 - 93. SC
 - 94. Unreserved
 - 95. OBC
 - 96. Unreserved
 - 97. ST
 - 98. Unreserved
 - 99. OBC
 - 100. Unreserved

- 101. SC
- 102. Unreserved
- 103. OBC
- 104. Unreserved
- 105. OBC
- 106. Unreserved
- 107. SC
- 108 Unreserved
- 109. OBC
- 110. Unreserved
- 111. ST
- 112. Unreserved
- 113. OBC
- 114. Unreserved
- 115. SC
- 116. Unreserved
- 117. OBC
- 118. Unreserved
- 119. OBC
- 120. Unreserved
- 121. SC
- 122. Unreserved
- 123. OBC
- 124. Unreserved
- 125. ST
- 126. Unreserved
- 127. OBC
- 128. Unreserved
- 129. SC
- 130. Unreserved
- 131. OBC
- 132. Unreserved
- 133. SC
- 134. Unreserved
- 135. OBC
- 136. Unreserved
- 137. ST
- 138. Unreserved

- 139. OBC
- 140. Unreserved
- 141. SC
- 142. Unreserved
- 143. OBC
- 144. Unreserved
- 145. OBC
- 146. Unreserved
- 147. SC
- 148. Unreserved
- 149. OBC
- 150. Unreserved
- 151. ST
- 152. Unreserved
- 153. OBC
- 154. Unreserved
- 155. SC
- 156. Unreserved
- 157. OBC
- 158. Unreserved
- 159. OBC
- 160. Unreserved
- 161. SC
- 162. Unreserved
- 163. OBC
- 164. Unreserved
- 165. ST
- 166. Unreserved
- 167. OBC
- 168. Unreserved
- 169. SC
- 170. Unreserved
- 171. OBC
- 172. Unreserved
- 173. SC
- 174. Unreserved
- 175. OBC

- 176. Unreserved
- 177. ST
- 178. Unreserved
- 179. OBC
- 180. Unreserved
- 181. SC
- 182. Unreserved
- 183. OBC
- 184. Unreserved
- 185. OBC
- 186. Unreserved
- 187. SC
- 188. Unreserved
- 189. OBC
- 190. Unreserved
- 191. ST
- 192. Unreserved
- 193. OBC
- 194. Unreserved
- 195. SC
- 196. Unreserved
- 197. OBC
- 198. Unreserved
- 199. Unreserved
- 200. Unreserved

ANNEXURE 5.IV

Model roster for posts filled by direct recruitment on all India basis otherwise than by open competition ${\bf r}$

1. SC . 2. Unreserved 3. ST 4. Unreserved 5. OBC Unreserved 6. 7. SC Unreserved 8. 9. OBC 10. Unreserved 11. OBC 12. Unreserved SC 13. 14. Unreserved 15. OBC 16. Unreserved 17. ST 18. Unreserved SC 19. 20. Unreserved 21. OBC 22. Unreserved 23. OBC 24. Unreserved 25. SC 26. Unreserved 27. OBC 28. Unreserved 29. ST 30. Unreserved SC 31. 32. Unreserved 33. OBC

34.

Unreserved

35.	OBC
36.	Unreserved
37.	SC
38.	Unreserved
39.	OBC
40.	Unreserved
41.	SC
42.	Unreserved
43.	ST
44.	Unreserved
45.	OBC
46.	Unreserved
47.	SC
48.	Unreserved
49.	OBC
50.	Unreserved
51.	OBC
52.	Unreserved
53.	SC
54.	Unreserved
55.	OBC
56.	Unreserved
57.	ST
58.	Unreserved
59.	SC
60.	Unreserved
61.	OBC
62.	Unreserved
63.	OBC
64.	Unreserved
65.	OBC
66.	Unreserved
67.	OBC
68.	Unreserved

69.	ST	95. OBC
70.	Unreserved	96. Unreserved
71.	SC	97. ST
72.	Unreserved	98. Unreserved
73.	OBC	99. SC
74.	Unreserved	100. Unreserved
75.	OBC	101. OBC
76.	Unreserved	102. Unreserved
77.	SC	103. OBC
78.	Unreserved	104. Unreserved
79.	OBC	105. SC
80.	Unreserved	106. Unreserved
81.	SC	107. OBC
82.	Unreserved	108. Unreserved
83.	ST	109. ST
84.	Unreserved	110. Unreserved
85.	OBC'	111. sc
86.	Unreserved	112. Unreserved
87.	SC	113. OBC
88.	Unreserved	114. Unreserved
89.	OBC	115. OBC
90.	Unreserved	116. Unreserved
91.	OBC	117. OBC
92.	Unreserved	118. Unreserved
93.	SC	119. OBC

94.

Unreserved

SC-Scheduled Castes 20 points $(16^{-2}/3\%)$ ST-Scheduled Tribes 9 points $(7^{-1}/2\%)$ OBC-Other Backward Classes 31 points $(25^{-5}/6\%)$

120. Unreserved

ANNEXURE 5.V

Model rosters showing the points to be reserved for SC, ST & OBC in a 100-point roster where recruitment is made on a local or regional basis

S.No.	Name of State/Union Territory Percentage of reservation for SC/ST/OBC		Actual points to be in a 100 - point roster for SC/ST/OBC
1	2	3	4
1.	Andhra Pradesh 15 SC/ 6 ST/ 27 OBC	SC	1,7,13,19,25,31,37, 43,49,55,63,69,77,83,89 (15 points)
		ST	3,23,39,59,79,95 (6 points)
		OBC	5,9,11,15,17,21,27,29,33, 35,41,45,47,51,53,57,61, 65,67,71,73,75,81,85,87, 91,93 (27 points)
2.	Assam	SC	3,19,33,53,73,89 (6 points)
	6 SC/ 11 ST/ 27 OBC	ST	1,9,21,29,39,49,57,67,75, 85,93 (11 points)
	-	OBC	5,7,11,15,17,23,27,31,35, 37,41,43,47,51,55,59,61,65, 69,71,77,79,81,83,87,91, 95 (27 points)
3.	Bihar 15 SC/ 9 ST/ 26 OBC	SC	1,7,13,19,27,33,39,43,51, 57,63,69,77,83,89 (15 points)
		ST	3,15,25,37,47,59,67,79,93 (9 points)
		OBC	5,9,11,17,21,23,29,31,35,41, 45,49,53,55,61,65,71,73, 75,81,85,87,91,95,97,99 (26 points)
4.	Gujarat	SC	3,17,31,45,59,73,87 (7 points
	7 SC/ 14 ST/ 27 OBC	ST	1,7,15,21,29,35,43,49,57,63, 71,77,85,91 (14 points)
		OBC	5,9,11,13,19,23,25,27,33,37, 39 41,47,51,53,55,61,65,67, 69,75,79,81,83,89,93,95 (27 points)

5.	Haryana 19 SC/ Nil ST/ 27 OBC	SC	1,5,11,15,21,25,31,35,41,45, 51,55,61,65,71,75,81,85, 91 (19 points)
•		ST	Nil
		OBC	3,7,9,13,17,19,23,27,29,33, 37,39,47,49,53,57,59,63,67, 69,73,77,79,83,87,89,93 (27 points)
6.	Himachal Pradesh 25 SC/ 5 ST/ 20 OBC	SC	1,5,9,13,17,21,25,29,33,37, 41,45,49,53,57,61,65,69,73, 77,81,85,89,93,97 (25 points)
		ST	3,23,43,63,83 (5 points)
			7,11,15,19,27,31,35,39,47, 51,55,59,67,71,75,79,87,91, 95,99 (20 points)
7.	Jammu & Kashmir 9 SC/ 13 ST/ 27 OBC	SC	3,15,27,37,47,59,69,83, 93 (9 points)
		ST	1,9,17,25,33,41,49,57,65, 73,81,89,97 (13 points)
		OBC	5,7,11,13,19,21,23,29,31, 35,39,43,45,51,53,55,61,63, 67,71,75,79,85,87,91,95,99 (27 points)
8.	Karnataka 15 SC/ 5 ST/ 27 OBC	sc	1,7,13,19,27,33,39,45,51, 57,63,69,77,83,89 (15 points)
		ST	3,29,53,79,93 (5 points)
		OBC	5,9,11,15,17,21,25,31,35, 37,41,43,47,55,59,61,65, 67,71,73,75,81,85,87,91, 95,99 (27 points)
9.	Kerala 10 SC/ 1 ST/ 27 OBC	sc	1,9,19,29,39,49,69, 7 9,89 (10 points)
		ST	3 (1 point)
		OBC	5,7,11,15,17,21,23,27,31,35, 37,41,45,47,55,59,61,65,67, 71,73,75,81,85,87,91,95, 99 (27 points)
10.	Madhya Pradesh 14 SC/ 23 ST/ 13 OBC	SC	3,11,19,23,31,35,43,51,59,63,71,75,83,87 (14 points)
		ST	1,5,9,13,17,21,25,29,33,37, 41,45,49,53,57,61,65,69,73, 77,81,85,89 (23 points)
	:	0.0	

		OBC	7,15,27,39,47,55,67,79,91, 93,95,97,99 (13 points)
11.	Maharashtra	sc	3,17,31,45,59,73,87 (7 points)
	7 SC/ 9 ST/ 27 OBC	ST	1,11,23,33,43,55,67,79, 91 (9 points)
		OBC	5,7,9,13,19,21,25,27,35, 37,39,41,47,51,53,57,61,65, 69,71,75,81,83,89,93,95, 99 (27 points)
12.	Manipur ~:	SC	3 (1 point)
	1 SC/ 27 ST/ 22 OBC	ST	1,5,9,13,17,19,23,25,29,33, 37,41,45,49,53,57,61,67,71, 75,79,83,85,89,91,95,97 (27 points)
		OBC	7,11,15,21,27,31,35,39,43, 47,51,55,59,63,65,69,73,77, 81,87,93,99 (22 points)
13.	Meghalaya	SC	3 (1 point)
1 SC/ 44 ST/ 5 OBC		ST	1,5,9,11,13,15,17,19,21,23, 27,29,31,33,35,37,39,41,45, 47,49,51,55,59,61,63,65,67, 69,71,73,75,77,79,81,83,85, 87,89,91,93,95,97 (44 points)
		OBC	7,25,43,57,99 (5 points)
14.	Mizoram Nil SC/ 45 ST/ 5 OBC	SC	Nil
,	RII 50, 45 51, 5 050	ST	1,3,7,9,11,15,17,19,21, 23,25,27,29,31,35,37,39, 41,43,45,47,49,51,55,59,61, 63,65,67,69,71,73,75,77, 79,81,83,85,87,89,93,95, 99 (45 points)
		OBC	5,53,57,91,97 (5 points)
15.	Orissa 15 SC/ 23 ST/ 12 OBC	sc	3,11,19,23,31,35,43,51,59, 63,71,75,83,87,95 (15 points)
		ST	1,5,9,13,17,21,25,29,33,37, 41,45,49,53,57,61,65,69, 73,77,81,85,89 (23 points)
	•	OBC	7,15,27,39,47,55,67,79,91, 93,97,99 (12 points)

16.	Punjab 27 SC/ Nil ST/ 23 OBC	SC	1,5,9,13,17,19,23,25,29, 33,37,41,45,49,53,57,61,67 71,75,79,83,85,89,91,95,9 (27 points)
		ST	Nil.
		OBC	3,7,11,15,21,27,31,35,39,43, 47,51,55,59,63,65,69,73,77, 81,87,93,99 (23 points)
17.	Rajasthan 17 SC/ 13 ST/ 21 OBC	SC	1,7,13,19,25,31,37,43,49, 55,61,67,73,79,85,91,97 (17 points)
		ST	3,11,21,27,35,45,51,59,69, 75,83,93 (12 points)
		OBC	5,9,15,17,23,29,33,39,41,47, 53,57,63,65,71,77,81,87,89, 95,99 (21 points)
18.	Sikkim 6 SC/ 23 ST/ 21 OBC	SC	3,23,41,59,77,93 (6 points)
		ST	1,5,9,13,17,21,27,31,35,39, 45,49,53,57,61,65,69,75,79, 83,87,91,95 (23 points)
		OBC	7,11,15,19,25,29,33,37, 43,47,51,55,63,67,71,73, 81,85,89,97,99 (21 points)
19.	Tamil Nadu 19 SC/ 1 ST/ 27 OBC	SC	1,5,11,15,21,25,31,35,41, 45,51,55,61,65,71,75,81,85, 91 (19 points)
		ST	3 (1 point)
		OBC	7,9,13,17,23,27,29,33,37, 43,47,49,53,57,59,63,67,69, 73,77,79,83,87,89,93,95, 99 (27 points)
20.	Tripura 15 SC/ 29 ST/ 6 OBC	SC	3,11,17,23,31,37,45,53, 59,65,71,77,83,89,95 (15 points)
		ŞT	1,5,9,13,15,19,21,27,29, 33,35,39,41,47,49,51,55, 61,63,67,69,73,75,79,81,85, 87,91,93 (29 points)
		OBC	7,25,43,57,97,99 (6 points)
21.	Uttar Pradesh 21 SC/ 1 ST/ 27 OBC	SC	1,5,11,15,21,25,31,35,41,45, 51,55,61,65,71,75,81,85, 89,95,99 (21 points)
		ST	3 (1 point)

			•
		OBC	7,9,13,17,19,23,27,33,37, 39,43,47,49,53,57,59,63,67, 69,73,77,79,83,87,91,93, 97 (27 points)
22.	West Bengal 22 SC/ 6 ST/ 22 OBC	SC	1,5,9,13,17,21,27,31,35, 39,45,49,53,57,61,65,69, 75,79,83,87,91 (22 points)
A.		ST	3,23,43,63,85,97 (6 points)
		OBC	7,11,15,19,25,29,33,37,41, 47,51,55,59,67,71,73,77, 81,89,93,95,99 (22 points)
•	Union Territories		
1.	Andaman & Nicobar Islands Nil SC/ 12 ST/ 27 OBC	SC	Nil
	RII be, IL bi, L. ese	ST	1,9,17,25,33,43,51,59,67, 75,83,93 (12 points)
		OBC	3,7,11,15,19,21,27,29,31,35, 39,45,47,53,55,61,65,69,71, 77,79,81,85,89,95,97,99 (27 points)
2.	Chandigarh 14 SC/ Nil ST / 27 OBC	SC	1,7,15,21,29,35,43,49,57, 63,71,77,85,91 (14 points)
		ST	Nil
		OBC	3,5,9,13,17,19,23,27,31,33, 37,41,45,47,51,53,59,61,67, 73,79,81,87,89,93,95,99 (27 points)
3.	Dadra and Nagar Haveli 2 SC/ 43 ST/ 5 OBC	SC	3,53 (2 points)
	2 30/ 43 31/ 3 050	ST	1,7,9,11,13,15,17,19,21,23, 25,27,29,31,33,35,37,39, 41,43,45,47,51,57,59,61,63, 65,67,69,71,73,75,77,79, 81,83,85,87,89,91,93,97 (43 points)
		OBC	5,49,55,95,99 (5 points)
4.	Goa and Daman & Diu 2 SC/ 1 ST/ 27 OBC	SC	1,49 (2 points)
	2 00/ 1 01/ 2/ 000	ST	3 (1 point)
		OBC	5,9,11,15,17,21,25,29,35,39, 43,47,53,55,57,61,65,69, 71,73,77,79,83,87,91,95,99 (27 points)

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5. Delhi

The rosters as prescribed for recruitment on all India basis to be followed.

6. **Pondicherry** 16 SC/ Nil ST/ 27 OBC SC 1,7,11,19,25,31,37,45,51, 57,63,69,75,81,87,93 (16 points)

ST Nil

OBC 3,5,13,15,21,23,27,33,35,39, 41,43,47,49,53,59,61,65, 67,73,77,79,85,89,91,95,99 (27 points)

Note: (1) In respect of Arunachal Pradesh, Nagaland and Lakshadweep there is no change in the existing reservation rosters.

- (2) For the UT of Daman & Diu the reservation rosters will be the same as in the case of Goa.
- (3) For Delhi the rosters as prescribed for recruitment on all India basis are to be followed.

SC - Scheduled Castes ST - Scheduled Tribes

OBC - Other Backward Classes

CHAPTER VI

ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES

It is a matter of concern and regret that in our society, its weakest and vulnerable segments continue to suffer discrimination, Incidents of atrocities committed by exploitation and atrocities. higher castes on members of the Scheduled Castes and Scheduled Tribes continue to be reported from almost all the parts of the country in The Scheduled Castes and some of the Scheduled varying numbers. Tribes have been victims of social discrimination and subjected to several disabilities and restrictions in their social existence imposed by dominant upper castes especially in rural areas. Economic and social exploitation of the Scheduled Castes and Scheduled Tribes takes many forms like the practice of bonded labour, denial of minimum wages and discrimination in the use of common public facilities, religious places, etc. Discrimination in and denial of access to public facilties and religious places to 'untouchables' had been a historical phenomenon and it became necessary at the time of the framing of the Constitution to outlaw these despicable practices. The Constitution of India, thus, provided in Article 15 that no citizen would be subjected to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment, use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public. Article 17 of the Constitution declared that "untouchability" was abolished and its practice in any form forbidden. It was further provided that the enforcement of any disability arising out of "untouchability" would be an offence punishable in accordance with banishing the practices of economic exploitation of vulnerable sections of society a provision was included in Article 23 prohibiting traffic in human beings and "begar" and similar other forms of forced labour and it was declared that contravention of this provision would be an offence punishable in accordance with law.

- 6.2 In order to give effect to these Constitutional provisions the following enactments have been made:
- (i) The Untouchability (Offences) Act, 1955, later amended and retitled as the Protection of Civil Rights Act, 1955
- (ii) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- (iii) The Bonded Labour System (Abolition) Act, 1976

The Untouchability (Offences) Act, 1955

6.3 It is widely believed that untouchability is a by-product of the Hindu caste system. Certain castes, which pursued unclean hereditary occupations like scavenging, skinning, flaying, tanning,

leather work, etc., were treated as untouchables. They were segregated from the general population and lived in separate clusters, away from the main habitation. They suffered innumerable disabilities and were not allowed such basic rights as access to public places, fetching water from common water sources, service by barbers and washermen and entry into temples and other places of worship.

6.4 The Untouchability (Offences) Act, 1955, was enacted to give effect to the Constitutional provision abolishing untouchability. The Act came into force on 1-6-1955. The provisions of this Act were not found to be stringent enough and it was felt that there was need to make the provisions stricter so that they could prove to be of greater deterrence.

The Protection of Civil Rights Act, 1955

- 6.5 The Untouchability (Offences) Act, 1955, was re-named in 1975 as the Protection of Civil Rights Act, 1955. Amendments were also made in the earlier Act to make the offence of untouchability non-compoundable. The provisions of punishment were also made stricter. Minimum penalties were provided for offences under the Act and a provision for enhanced punishment in the case of subsequent convictions was included. The Act made some further allied provisions to discourage the practice of untouchability. For example, if a person held any licence in respect of any trade or employment under any law and was convicted for an offence for refusing to sell any goods or render any service, such licence was liable to be cancelled. Similarly, if the Manager or Trustee of a place of worship or any educational institution or hostel which received any grant from the Government was convicted for an offence under the Act, the grant could be suspended.
- 6.6 The PCR Act, 1955, also included a provision (Section 10A) for imposition of collective fine on the inhabitants of an area who were concerned in the offence or its abetment or who failed to render all the assistance in their power to discover or apprehend the offenders or suppressed material evidence of the commission of such offence.
- 6.7 Under Section 15(A) responsibility was legally cast on the State Governments to take such measures as might be necessary for ensuring that the rights arising from the abolition of "untouchability" were made available to the persons subjected to any disability arising out of "untouchability". This could be done through provision of legal aid, appointment of officers for initiating or exercising supervision over prosecutions under the Act, setting up of Special Courts and setting up of committees at appropriate levels to assist the State Governments in formulating or implementing such measures. The Central Government were charged with the responsibility of taking such steps as might be necessary to coordinate measures taken by the State Governments and place a report on the Table of each House of Parliament every year on the working of the PCR Act, 1955.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- The PCR Act, 1955, sought to give effect to the Constitutional provision regarding enforcement of the civil rights However, the dimension of their exploitation downtrodden. perpetration of atrocities on them by higher castes was to be dealt with under the normal penal laws. Cases continued to occur involving brutal incidents resulting in deprivation of life and property of There were numerous incidents involving varied forms SC/ST persons. atrocities on the downtrodden, reflecting a highly perverted social behaviour like forcing persons to drink or eat inedible substances such as human excreta, dumping carcasses or other waste matter in their premises, polluting drinking water sources used by them and implicating them in false cases, etc. The acts of atrocity on SC & ST took myriad forms but in the absence of any firm or legal definition of the term 'atrocity' the Government did not have correct figures of the extent of atrocities that went on.
- Public concern for atrocities on SC & ST was aired in several 6.9 fora and the Parliament which wanted to know as to what steps were taken to prevent the occurrence of such 'atrocities'. Since the expression had not been defined there was no uniformity in the criteria followed by the different State Governments for furnishing information about the cases on 'atrocities'. The Ministry of Home Affairs, through its letter No.III-11013/1/74-NID(A) dated 4-3-1974 urged the State Governments to furnish details in respect of the cases of (a) murder, (b) violence resulting in grievous hurt, (c) rape and (d) serious mischief or arson in respect of properties of SC & ST and started collecting monthly statistics on these crimes. 10-3-1980 the Union Home Minister addressed a letter to the Governors and the Chief Ministers on prevention of atrocities on SC & ST and urged the State Governments to activate the State machinery to take initiative and mete out a fair deal to the Scheduled Castes and to find a permanent solution by putting an end to the basic causes of dispute that led to the commission of atrocities.
- All the measures taken were found to be not effective enough in curbing the incidents of atrocities on SC & ST and finally a law was enacted under the title of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which for the first time legally defined 'atrocity' on SC/ST. The Act (hereinafter referred to as the PAA) provides enhanced punishment for certain offences for which punishment existed under the Indian Penal Code and other laws which, however, did not provide sufficient deterrence. An important feature of the Act was to provide for punishment for wilful neglect of duty under the Act by a public servant belonging to castes or communities other than SC/ST. It spelt out minimum punishments for subsequent convictions. A provision was also included regarding externment from the Scheduled Area of a person who was found to be likely to commit an offence under the Act. Provision for setting up of Special Courts was made mandatory alongwith that of a Special Public Prosecutor. Provision was also added for imposition of collective fine. A copy of the Act may be seen at Annexure 6.I.

A review of the cases registered under the PCR Act, 1955, and the nature of their disposal

- 6.11 The Annual Reports on the PCR Act for the years 1989 and 1990 submitted by the Ministry of Welfare provide useful information about the trend of untouchability offences and the nature of their disposal. Some relevant facts are mentioned below:
- 6.12 The number of cases registered under the PCR Act during 1988 in the country was 3,712 which marginally increased to 3,730 in 1989. In 1990 the number of such cases dropped to 3,373. Majority of the cases registered were from States like Tamil Nadu (886), Karnataka (833), Madhya Pradesh (444), Andhra Pradesh (393) and Uttar Pradesh (386).
- 6.13 During 1989 Karnataka topped the list registering 759 cases followed by Tamil Nadu (660), Andhra Pradesh (465), Madhya Pradesh (410), Bihar (371) and Uttar Pradesh (353). It is significant that the majority of cases registered in the country were in the three southern States of Tamil Nadu, Karnataka and Andhra Pradesh. During the three years, i.e., 1988, 1989 and 1990, the number of cases registered in these three States together constituted 57.36%, 50.51% and 53.28% respectively of the total number of cases registered in the country. No case was reported from Assam, Haryana, Himachal Pradesh, Punjab, Tripura and Chandigarh while five cases each were registered in Delhi and Goa and two cases in Jammu & Kashmir during 1990.
- 6.14 The position of disposal of the cases registered under the PCR Act in the country during 1990 gives a rather disheartening picture. Out of 9,144 cases in the courts during 1990 only 1,033 cases (11.3%) could be disposed of by the courts during the year. Only 127 cases (12.29%) ended in conviction while those ending in acquittal accounted for 87.71%. This, prima facie, shows that the prosecuting agencies did not show the required degree of earnestness and interest in the conduct of the cases.

Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- 6.15 In pursuance of the provisions of the PAA and the PCR Act preventive, precautionary and punitive measures have to be taken by the State Governments/U.T.Administrations. Relief and rehabilitation measures are also to be taken to relieve the hardship faced by victims and their families. A review of the measures adopted by the Central and the State Governments/U.T.Administrations would, however, show that not much has been done in this regard.
- 6.16 Although the PAA requires all the State Governments/U.T.Administrations to set up Special Courts for quick disposal of atrocity/untouchability cases, only Andhra Pradesh and Rajasthan have set up such Courts so far. According to information available with the Commission 3 Exclusive Special Courts have been set up in Andhra Pradesh and six in Rajasthan. In the remaining

States/UTs the existing Sessions Courts have been designated as Special Courts to deal with atrocity/untouchability cases alongwith the others, as a result of which the cases of atrocity do not get priority over other cases. Therefore, the purpose of setting up of Special Courts is not achieved.

- 6.17 For taking preventive/precautionary measures the State Governments are required to conduct periodical surveys to identify sensitive areas prone to atrocities and untouchability. According to information available with the Commission Bihar, Himachal Pradesh and Tamil Nadu have got such surveys conducted. Only seven States, viz., Bihar, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra and Punjab, have identified atrocity-prone areas in 48 districts. In the Chief Ministers' Conference on Prevention of Atrocities on SC & ST convened by the Ministry of Home Affairs in October 1991 it was recommended, inter alia, that a Joint Collector be appointed in each of the atrocity-prone districts to exclusively attend to this problem but only the Government of Andhra Pradesh have appointed such Joint Collectors in three districts.
 - 6.18 Setting up of Special Police Stations helps in prompt registering of crimes committed against SC & ST and creates a sense of confidence among them. Although such Special Police Stations have been set up in some States, their working is far from satisfactory. Such Police Stations are not adequate and do not have proper staff and facilities to function effectively. In Bihar, for example, only 11 Scheduled Caste/Adivasi Police Stations are functioning and the proposal for creation of another 14 such Police Stations is reported to be pending with the State Government. Since one Special Police Station is catering to more than one district, SC/ST victims have to cover long distances to register their cases in the SC/Aivasi Police Stations. Thus, the very purpose of creation of Special Police Stations for SC & ST is defeated.
- The purpose of the PAA is to create conditions and systems which should result in the decline of cases of atrocities on SC and ST and ultimately their total disappearance. However, experience so far has shown that whereas police and administration often do take action in cases after the reporting of an incident, very little has systems attached to activise the other done to administrative machinery like the High Level Committees in the States These Committees should not only mechanically review and districts. the statistics of crimes under the relevant laws but should also act as think-tank to devise meaningful systems at the people's level to educate them in the laws and the punishment attached to certain offences. The process of education should involve the functionaries at the main operational level like the police personnel at the Police Stations.

Relief and rehabilitation

6.20 The SC and ST being a disadvantaged lot perpetration of atrocities on them adds to their miseries. To mitigate the hardship faced by SC/ST victims of atrocities monetary relief is provided and rehabilitation measures are taken by the State

overnments/U.T.Administrations. Prior to 1975 the scheme was implemented only by a few States and victims were not fully compensated for the losses suffered by them. Till 1978 only nine States, viz., Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu and Uttar Pradesh, were providing monetary relief to victims of atrocities. The scale of relief was meagre and no compensation was paid to victims of rape except in Bihar. Andhra Pradesh was the pioneering State to provide rehabilitation measures to victims of atrocities, and the facilities included provision of land, house site and other assets to the widow of the deceased, free education to her children and employment to at least one of the members of the family of the deceased.

During 1981 the erstwhile Commission for SC and ST recommended a uniform scale of monetary relief and rehabilitation facilities to provided to SC/ST victims of atrocities by Governments/U.T.Administrations. The monetary relief recommended for death and permanent incapacitation was Rs.10,000 and for rape The scale of relief and rehabilitation for victims of atrocities recommended by the erstwhile Commission was adopted by all the State Governments except Jammu & Kashmir, Punjab and West Bengal which had taken the stand that the scheme would be accepted provided the entire expenditure was borne by the Government of India. State Governments are competent to determine the quantum of monetary relief. In view of the general rise in prices there is need to enhance the scale of monetary relief. According to the information available with the Commission the Governments of Gujarat, Karnataka, Kerala and Orissa have enhanced the scale of monetary relief. Government of Gujarat have fixed the monetary relief in death cases at Rs.1,00,000. The scale of relief provided by them in various categories is as under:

Table 1

S.No.	Type of atrocity/	Amount of monetary
	losses suffered	relief
1.	Murder	Rs. 1,00,000
2.	Permanent disability	Rs. 25,000
3.	Temporary disability	Rs. 5,000
4.	Serious injury	Rs. 5,000
5.	Rape	Rs. 10,000
6.	Loss of house	Amount equal to actual loss
		limited to Rs.15,000
7.	Loss of immovable property	Rs. 5,000
8.	Loss of income generating	Rs. 10,000
	property such as cattle, boat, vehicle, etc.	
9.	Loss of movable property	Rs. 5,000
10.	Damage to irrigation well, fruit bearing trees, etc.	Amount equal to actual loss (Rs.1,000 to be paid immediately)

The Government of Karnataka have also revised the scale of relief for all types of losses and the compensation for death and permanent incapacitation has been fixed at Rs.50,000. A rape victim is sanctioned Rs.10,000. In Kerala and Orissa the scale of monetary, relief in cases of death and permanent incapacitation has been increased from Rs.10,000 to Rs.25,000 and Rs.20,000 respectively.

6.22 In several States now the family of a person killed in a communal or caste riot is granted at least Rs.l lakh as relief. Therefore, it would be reasonable to provide everywhere monetary relief of at least Rs.l lakh to the family of a Scheduled Caste/Scheduled Tribe person killed in a case of atrocity by non-SC/ST persons, particularly if the deceased was an earning member or was physically fit to earn.

Role of the Central Government

- 6.23 Implementation of the provisions of the PAA is the responsibility of the State Governments and the Central Government are required to coordinate measures taken by the State Governments. Under Section 21(4) of the Act the Central Government are required to place on the Table of each House of Parliament every year a report on the measures taken by them and by the State Governments in pursuance of the provisions of this Section. Section 23 of the Act enjoins that the Central Government shall make rules for carrying out the purposes of this Act. Although the PAA was enacted in September 1989, no rules have so far been notified.
- For implementation of the provisions of the PAA and the PCR Act the Ministry of Welfare provides financial assistance to the States/UTs on 50:50 basis. During 1990-91 an amount of Rs.4.23 crores (Rs.2.29 crores for the PCR Act and Rs.1.94 crores for the Grants-in-aid released PAA) was released to the States and UTs. during 1991-92 to 15 States and the U.T. of Pondicherry amounted to Rs.6.09 crores (Rs.2.07 crores for the PCR Act and Rs.4.02 crores for the PAA). According to the Ministry of Welfare some States/UTs did not avail of any matching assistance for the implementation of the PAA in 1990-91 and 1991-92 and proposals for such grants from many States/UTs were received late. Details of amounts released to the States/UTs for implementation of the PCR Act and the PAA during 1992-93 are given in Annexure 6.II. It may be observed that an amount of Rs. 2, 16, 54, 500 was released to 14 States (Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal) and the UT of Pondicherry for implementation of the PCR Act while an amount of Rs.3,33,45,500 was provided to 10 of the above mentioned 14 States for the PAA. No grants were released to Maharashra, Orissa, Punja, Tamil Nadu and Pondicherry implementation of the PAA. Rajasthan did not avail of any grants for the PCR Act. The Commission is unhappy that some States/UTs have not realised the importance of implementing the PAA Act and have not fully availed of the grants from the Ministry of Welfare for its effective implementation.

Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

6.25 The Ministry of Welfare collects and compiles data on cases of atrocities on SC & ST in respect of all the States/Union Territories. Complete information about the number of atrocities committed on SC & ST in the country during 1992 was not available to the Commission. The details of the cases of atrocities on SC & ST reported in the country during 1989, 1990 and 1991 are given in Annexures 6.III, 6.IV and 6.V respectively. It may be observed that in spite of the implementation of the PAA and measures taken to check commission of atrocities, the number of atrocities committed on SC & ST has increased from 19,422 in 1989 to 21,245 in 1990 and 22,424 in 1991.

Incidence of atrocities on the Scheduled Castes

6.26 The Statewise number of cases of atrocities on the Scheduled Castes as reported to the Government of India during 1989, 1990 and 1991 were as follows:

Table 2

S.No.	State/UT	No. of case	es of atrocities		
	•	1989	1990	1991	
1.	Andhra Pradesh	511	603	660	
2.	Arunachal Pradesh	-		_	
3.	Assam	17	30	14	
4.	Bihar	997	744	511	
5.	Goa	2	_	5	
6.	Gujarat	593	788	1101	
7.	Haryana	77	81	68	
8.	Himachal Pradesh	79	53	25	
9.	Jammu & Kashmir	155	38	43	
10.	Karnataka	490	686	732	
11.	Kerala	616	648	650	
12.	Madhya Pradesh	4226	5210	5432	
13.	Maharashtra	363	489	573	
14.	Manipur	_	_	-	
15.	Meghalaya	-	. · · ·	_	
16.	Mizoram	-	_	_	
17.	Nagaland	_	_	_	•
18.	Orissa	365	480	362	
19.	Punjab	21	-	_	
20.	Rajasthan	1588	1591	2098	
21.	Sikkim	3	· -	-	
22.	Tamil Nadu	482	544	553	
23.	Tripura	-	-	-	
24.	Uttar Pradesh	5195	5670	4798	•
25.	West Bengal	13	6	9	
26.	Andaman & Nicobar Islands	_	_	_	
27.	Dadra & Nagar Haveli	-	1	1	
28.	Daman & Diu	-	_	_	
29.	Delhi	5	5	6	
30.	Pondicherry	1	_	5	
31.	Lakshadweep	-	-	-	
	Total	15799	17667	17646	

6.27 The total number of cases of atrocities on the Scheduled Castes in the country duing 1991 as reported to the Government of India was 17,645 (excluding 1 case from Dadra & Nagar Haveli). To have a comparative picture of the incidence of atrocities in various States it is necessary to correlate the number of atrocities with the size of the Scheduled Caste population. Accordingly the number of cases of atrocities per one lakh SC population in each State/UT is given in the table below, the States/UTs having been arranged in descending order:

Table 3

S.No.	State/UT	No.of atrocities on SC during 1991	Atrocities per one lakh SC population
1.	Madhya Pradesh	5,432	56.42
2.	Gujarat	1,101	35 . 97
3.	Rajasthan	2 , 098	27 . 57
4.	Kerala	650	22.51
5.	Goá	5	20.52
6.	Uttar Pradesh	4,798	16.38
	All India	17,645	12.77
7.	Karnataka	732	9.93
8.	Orissa	362	7.05
9.	Maharashtra	573	6.54
10.	Andhra Pradesh	660	6.23
11.	Tamil Nadu	553	5.16
12.	Pondicherry	5	4.57
13.	Bihar	511	4.06
14.	Haryana	68	2.09
15.	Himachal Pradesh	25	1.90
16.	Assam	14	0.84
17.	Delhi	6	0.33
18.	West Bengal	9	0.05

6.28 The Statewise number of cases of atrocities on the Scheduled Tribes as reported to the Government of India during 1989, 1990 and 1991 were as follows:

Table 4

S.No.	State/UT	No.of cases of atrocities					
	,	1989	1990	1991			
T	2	3	4	5			
1.	Andhra Pradesh	79	108	129			
2.	Arunachal Pradesh	9	-	-			
3.	Assam	18	33	- 6			
4.	Bihar	102	24	14			
5.	Goa	1	_	-			
6.	Gujarat	129	123	203			
7.	Haryana	_	 '	-			
8.	Himachal Pradesh		-	3			
9.	Jammu & Kashmir	-	· -	3 .			

. 1	2.1	3	4	5	
				 	
10. 11.	Karnataka Kerala	87	44	46	
12.	Madhya Pradesh	155 2163	108	102	
13.	Maharashtra	2163	2356 207	3265	
14.	Manipur	214	, 207 5	285	
15.	Meghalaya	* · · <u> </u>	3	5	3
16.	Mizoram	_	_	inter T <u>i</u> antarina	
17.	Nagaland	5	_ _	_	
18.	Orissa	217	97	164	
19.	Punjab		-	104	
20.	Rajasthan	420	450	539	<u>.</u>
21.	Sikkim	7	_	_	·** , . ·
22.	Tamil Nadu	1	_	_	
23.	Tripura	_ : ::	_ ·	and the second second	
24.	Uttar Pradesh	_ '	·	<u> </u>	
25.	West Bengal	9 .	. 12	8	
26.	Andaman & Nicobar Islands	-	-	<u> </u>	
27.	Dadra & Nagar Haveli	7	11 -	6	
28.	Daman & Diu	_	. · ·	—	•
29.	Delhi	_	-	_	
30.	Pondicherry		· . –	<u>-</u> 1	
31.	Lakshadweep	_	_	_	
		·		to the end of the end	
	Total	2622	2570	4770	
	TOCAL COLOR	3623	3578	4778	** *

6.29 The total number of cases of atrocities on the Scheduled Tribes in the country duing 1991 as reported to the Government of India was 4,778. To have a comparative picture of the incidence of atrocities in various States the number of cases of atrocities per one lakh ST population in each State/UT is given in the following table, the States/UTs having been arranged in descending order:

		Table 5	
S.No.	State/UT	No.of atrocities on ST during 1991	Atrocities per one lakh ST population
1. 2. 3.	Kerala Madhya Pradesh Rajasthan	102 3,265 539	31.77 21.20 9.84
	All India	4,778	7.05
4. 5. 6. 7. 8. 9. 10. 11. 12. 13.	Dadra & Nagar Hav Maharashtra Gujarat Andhra Pradesh Karnataka Orissa Himachal Pradesh Manipur Bihar West Bengal Assam	reli 6 285 203 129 46 164 3 5 14 8	5.48 3.89 3.29 3.07 2.40 2.33 1.37 0.79 0.21 0.21 0.21
		0	0.21

- 6.30 The topping of Kerala in atrocities on the Scheduled Tribes, in spite of its having the highest literacy rate of 84.81% (1991 Census) against the all India literacy rate of 52.21%, is indeed surprising. Either there is no connection between literacy and good social behaviour or the figures are high because larger percentage of cases get reported. This, however, deserves to be studied in depth.
- 6.31 The crime-wise classification of the number of atrocities committed on SC & ST during 1989, 1990 and 1991 is given below:

Table 6

S.No.	Type of				No.of	ases re	eported	116		4. 4. 1.
	cases		1989			1990),		19	91
		SC	ST	Total	SC	ST	Total	SC	ST	Total
1.	Murder	556	96	652	584	124	708		146,	756
2.	Griev-	,1630	190	1820	1691	259 .	1950	1706	320	2026
	ous hurt							19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		till til state og det er
3.	Rape	830	343	. 1173	885	339	1224	784	334	1118
4.	Arson	703	51	754	599	59	658	602	70	672
5.	Other	12080	2943	15023	13098	2797	15895	13944	3908	17852
	offences					= "				
<u> </u>						. 1				
Tota	ıl	15799	3623	19422	16857	3578	20435	17646	4778	22424

- 6.32 It may be observed that the total number of atrocities on the Scheduled Castes during 1989 was 15,799. It increased to 16,857 during 1990 and to 17,646 during 1991. In the case of the Scheduled Tribes the number of atrocity cases decreased from 3,623 during 1989 to 3,578 during 1990. However, 4,778 cases were reported during 1991 registering a sharp increase of 25.1% over the year. In 1991 maximum number of atrocities on SC as well as ST were reported from Madhya Pradesh. In the case of SC the number of atrocities committed on them in Madhya Pradesh (5,432) and Uttar Pradesh (4,798) alone constituted 58% of the total cases of atrocities on SC in the country during that year. Madhya Pradesh also topped the list in reporting maximum number of atrocities on ST (3,265) followed by Rajasthan (539), Maharashtra (285), Gujarat (203), Orissa (164), Andhra Pradesh (129) and Kerala (102). About 68.3% of the total number of atrocities on ST were reported from Madhya Pradesh only.
- 6.33 The cases of atrocities on SC/ST under Other IPC offences' constituted 79.6% of the total number of cases of atrocities during 1991, while heinous crimes like rape and murder accounted for 4.90% and 3.37% respectively. The break-up of the

four categories of serious atrocities on the Scheduled Castes was as follows: grievous hurt (1,706), rape (784), murder (610) and arson (602). Similar break-up in respect of the Scheduled Tribes was as follows: rape (334), grievous hurt (320), murder (146) and arson (70).

Enquiries into cases of atrocities by the National Commission for SC and ST during 1992-93

- 6.34 As and when incidents of atrocities on SC and ST came to the notice of the Commission through the press or representations from individuals prompt action was taken to obtain a detailed factual report including information about the action taken by the local administration for payment of monetary relief and providing rehabilitation to the victims or their families and the action taken by the police to investigate the case, arrest the accused and submit challan in the court under relevant sections of the PCR Act and the PAA. In some cases of serious nature the State and district authorities were requested through wireless messages for detailed reports and in cases of murder and mass atrocities the field offices of the Commission were asked to conduct on-the-spot enquiries and submit reports Commission.
- 6.35 During the year 59 on-the-spot enquiries into cases of atrocities on SC and ST were conducted by the Commission. However, the enquiries in 14 cases did not reveal commission of any atrocity against SC/ST. A list of the remaining 45 cases of atrocities has been given at Annexure 6.VI and summaries of 12 serious cases out of these are given at Annexure 6.VII. An analysis of these 45 cases gives an insight into the nature of the crime, causes of the atrocity, role of the district authorities, provision of monetary relief and rehabilitation measures for the victims of atrocities, etc. Out of 45 cases of atrocities 36 pertained to SC persons and 9 to ST persons. State-wise break-up of these 45 cases is as follows:

Rajasthan	10	Punjab	2
Madhya Pradesh	6	Uttar Pradesh	2
Karnataka	6	Assam	1
Tamil Nadu	4	Haryana	1
Andhra Pradesh	3	Himachal Pradesh	1
Bihar	3	Kerala	1
Gujarat	2	West Bengal	1
Maĥarashtra	1	Delhi	1

The crime-wise break-up of these 45 cases was as follows:

Murder	22
Assault	9
Rape	5
Arson	3
Other IPC offences	6

Twentytwo cases involved atrocities on individuals while 23 cases mass atrocities.

- The causes of atrocities on SC and ST are their socioeconomic backwardness, vulnerability on all fronts, dominant who have mindset higher castes attitude and οf historically conditioned into exploiting the underprivileged and getting away with it. The SC are victims of the evil practices of untouchability and social disabilities suffered by them arising out of it. They are also mostly landless and have to depend on non-SC landowners for earning their livelihood by working as agricultural labourers. The economic plight, coupled with social discrimination, suffered by the SC make them easy victims.
- 6.37 Unlike the SC, the ST generally dwell in isolated hilly and forest regions. Illiteracy, poverty and geographical isolation make them vulnerable to exploitation by non-tribal moneylenders, traders, Forest officials, Police and Excise personnel, leading to commission of atrocities on them.
 - 6.38 The causes of the 45 cases of atrocities enquired into by the Commission are classified in the table below:

Table 7

	Table /	
	Causes of atrocities	No.of cases
(A)	Economic reasons	
	 (1) Land dispute (2) Non-payment of minimum wages/ resisting forced and bonded labour (3) Retaliation by non-SC due to the protest of SC against ruining their crop (4) Dispute over sharing of temple collection (5) Quarrel over alleged non-payment of hiring charges of an auto-rickshaw to its non-SC owner (6) Dispute over legal possession of a well 	6 3 1 1 1
(B)	Untouchability and social disabilities (1) Refusal to perform traditional caste service of buffalo sacrifice (2) Installation of deities by SC on a piece of land near the non-SC locality (3) Denial of drawing water from a common hand pump (4) Teasing of SC women/abusing by caste name (5) Discriminatory treatment in a tea shop (6) Dashing against a non-SC person while riding a bicycle	1 1 1 3 1 1
(C)	Other reasons (1) Atrocities by police officials (2) Suspicion of theft (3) Atrocities by Forest officials (4) Personal enmity	10 5 2 1

(5) Sudden provocation(6) Subjugation of SC by dominating non-SC

Τ.

(7) Forcible eviction of an SC person from rented house by the landlord

(D) Rape cases

5

6.39 With the enactment of the PAA the penal provisions for the offences of atrocities on SC & ST by other communities have been made sufficiently stringent. It is too early to assess the full effect of this legislation but the available information does not indicate any appreciable improvement in the situation. Atrocity cases occur more in rural areas and, barring a few exceptions, the larger cities are more or less free from this malaise. The reason is more education, better socio-economic conditions of SC/ST inhabitants of urban areas than those of their rural counterparts, absence of caste clusters and immediate presence of the law enforcing agencies. Since the social life in rural areas is complex and interdependent, mere existence of certain legislations would, not reduce incidents of atrocities. Primarily atrocities are the result of a distorted state of mind and a feeling that one can get away with it. Any effective set of measures would, therefore, have to tackle these two basic problems. In other words, education, creation of awareness, betterment of economic condition and an effective machinery to bring the culprits to book in the shortest possible time are imperative for minimising incidents of atrocities.

The role of Police/Forest officials

- 6.40 Although the root cause of atrocities on SC and ST is their socio-economic condition, the on-the-spot enquiries conducted by the Commission revealed that atrocities were also committed by those very functionaries who were expected to protect them. Such cases included death in polic custody, police firing and torture by the police, rape by the police and other crimes and incidents of atrocities which occurred on account of lapses on the part of the police. The fact that 12 out of 45 cases (26.7%) involved atrocities by Police and Forest officials is alarming. The following cases would illustrate lapse on the part of the police in taking timely action to prevent atrocities.
- 6.41 The caste clash in Allagi(B) village, Gulbarga District in Karnataka on 3-6-92 (case No.13) clearly showed utter negligence on the part of the police in checking the incident in which three SC people were killed and six injured. Although the SC were attacked by the non-SC on 1-6-92 and sought police protection during the Lakshmi Yatra celebration, the police failed to provide them protection in spite of the orders of the Tahsildar. Had precautionary measures been taken in time, the incident of 3-6-92 might have been prevented. The incident at

Kumher in Bharatpur District in Rajasthan (case No.36), in which the clashes between Jats and Jatavs (SC) resulted in killing of one SC person, injuries to many and large scale destruction of property of the SC, also brought to light sheer negligence and apathy of the police as well as the Revenue authorities in taking timely action. In Taluka town of Akot of Akola District in Maharashtra (case No.19) the Police Inspector failed to visit the place of clash immediately after receiving news of the quarrel between the SC and non-SC persons and the police took extreme action of firing even without obtaining the order from the SDM resulting in killing of three persons including an SC person. In the incident of stripping of some SC women by non-SC and forcing the SC residents to eat excreta in village Nichrowli, Sivapuri District of Madhya Pradesh (case No.21) the police officials failed to take prompt action in registering an FIR and arresting the accused. Though the SC persons were beaten on 11-5-92, their medical examination was done only on 20-5-92.

- the following eight incidents of atrocities the police were responsible for the death of SC/ST persons: the death of a tribal youth in Goalpara District of Assam (case No.1), killing of three SC persons in police firing at Devalgangapur in Gulbarga District of Karnataka (case No.16), death of SC and ST persons in police custody in Bandha village, Bilaspur District (case No.23), Gajpur village in Betul District (case No.24) and Ramachandrapur in Surguja District (case No.25) in Madhya Pradesh, custodial death at Lalru Police Station in Patiala District of Punjab (case No.26) and killing of an SC person by a Police Constable in Nalwa village in Solan District of Himachal Pradesh (case No.11) and that of an ST person in Jhargaon in Banswada District of Rajasthan (case Other types of atrocities of the police were castration of an SC youth of Batsana village in Rewari District of Haryana (case No.10), assault on a tribal girl and her bу the Forest officials Kamalakkam at Thiruvananthapuram of District Kerala (case No.18) victimisation of ST persons of Vachathi village of Dharmapuri District of Tamil Nadu by the Police and Forest officials (case No.39).
- 6.43 Delay in registering FIR, investigation of the case, arrest of the accused, non-application of relevant Sections of the PCR Act and the PAA and delay in presentation of challan in the Court show lapses on the part of the police in dealing with the cases of atrocities. An SC youth of Hakimpet village in Hyderabad District of Andhra Pradesh (case No.3) was tortured and branded with hot iron rod by non-SC on suspicion of theft of their buffaloes. In this case only three of the eight accused were arrested by the police on account of alleged political pressure. An incident took place in Chowperwa village in Fatehpur District of Uttar Pradesh (case No.42) in which a Schedulea Caste man and his son were murdered and set afire by a non-SC person with the help of some SC persons.

Though the widow of the deceased lodged a complaint mentioning the name of a non-SC person as the main accused, the police deleted his name from their report to protect the culprit and to make it a non-atrocity case.

- A review of the enquiry reports on these 45 cases reveals that relevant Sections of the PAA were applied by the police only in six cases. In three cases magisterial inquiries were ordered but it is not known whether appropriate Sections of the PAA were applied. In 33 cases relevant Sections of the PAA were not applied and in 3 cases irrelevant Sections of this In none of the 12 cases of police were mentioned. atrocities Section 4 of the PAA was applied against the guilty The incident of group clash in Kurijakulam police officials. village in Nellai Kattabomman District of Tamil Nadu (case No.41) shows involvement of the local Inspector of Police as he prompted the non-SC people to victimise the SC, and apathy on the part of the Revenue officers in settling the issue in time. Since 1988 there was ill feeling between the SC and non-SC of The SC objected to construction of an overhead the village. water tank by non-SC people on a patch of Government land adjacent to the SC locality, but when the SC installed an idol of their deity on the same land, the non-SC people attacked the SC on 14-3-92, killing four of them and injuring two. Had the issue been settled within the long span of four years, the unfortunate incident might not have happened.
- The apathy of the local administration is writ large in the incident at Kumher and adjoining villages in Bharatpur District of Rajasthan (case No.36). Thirteen SC persons were killed, 27 injured and nine missing in the clashes between Jatavs (SC) and Jats (non-SC). About 500 houses belonging to 180 SC persons were burnt alongwith livestock and valuables. The refusal of the police to register a complaint of the SC that their marriage procession was not allowed to pass through the village by Jats infuriated the SC leading to a series of clashes between them and Jats from 1-6-92 to 7-6-92. The local administration took no precautionary measures to curb the In its Twentythird Report on tension at the initial stage. "Atrocities on Scheduled Castes and Scheduled Tribes and patterns of social crimes towards them" the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (1992-93) has observed that in Kumher the local District Magistrate, the Superintendent of Police and the DIG of Police did not have the courage to prevent the non-SC people from committing atrocities on the SC. The powerful non-SC people could win over the officials and the incident occurred with the full knowledge of the local officials.

Relief and rehabilitation measures

6.46 Victims of atrocities need urgent support to sustain themselves. The loss of earning members of the family and

incapacitation, permanent resulting in their iniuries destruction of houses, crops and other properties by arson and other means, imposition of social and economic boycott, etc., break their morale besides shattering their economy. The need for immediate monetary relief and rehabilitation facilities to SC/ST victims of atrocities has been duly felt and a provision Though Section 21 (iii) of the PAA envisages made in the PAA. socio-economic rehabilitation of SC/ST victims of atrocities, there were cases where prompt action was not taken by the local administration to pay monetary relief to the victims and to rehabilitate them. Of the 45 cases of atrocities cited above monetary relief was not given to the SC/ST victims in ten cases; in six cases no rehabilitation facilities were provided; in seven cases neither any monetary relief was provided nor any rehabilitation measures taken; in three cases rehabilitation facilities were provided on the intervention of the Commission and in one case the monetary relief provided was inadequate. Information regarding provision of rehabilitation facilities to SC/ST victims of atrocities in Uttar Pradesh during 1992-93 is According to information received from the I.G. of revealing. Police (Special Investigation Wing), Lucknow, by the Lucknow field office of the Commission, out of 3,183 cases of and ST during 1992-93 rehabilitation on SC facilities were provided only in 160 cases (5.03%).

Recommendations

- 6.47 The Commission makes the following observations and recommendations:
- It is common knowledge that there is general reluctance on (1)the part of the local police to register complaints in cases concerning SC & ST. Special atrocity Stations for registering complaints in atrocity cases are generally located at distant places and the aggrieved SC/ST persons find it difficult to reach there for lodging a view to ensuring that such With their complaints. complaints are registered by the police, it is suggested that the Post Masters of the local Post Offices having to facilities be authorised record telegraph may the the victims and pass on complaints of telegraphically, at Government cost, to the concerned Special Police Station for registering the case. pervices of the Gram Panchayat could also be utilised for reporting such cases to the concerned Police Stations. necessary, the Post Master or the 'Gram Panchayat head (by whatever name called) may be declared honorary police officers.
- (2) In order to ensure that the offenders do not get away, the case should be thoroughly investigated by the police and competently handled by the prosecuting officer. In cases which result in acquittal on technical grounds or due to administrative or other lapses, the Public Prosecutor should reexamine the case and file an appeal to ensure justice to the aggrieved SC/ST persons.

- (3) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a recent enactment and many functionaries including police officials are not fully familiar with its provisions. In order to create awareness of this law amongst the police it is suggested that the subject of atrocities on SC and ST including the PAA should be included in the syllabus in the Departmental examinations and also in their orientation/refresher courses.
- (4) There is greater incidence of atrocities in rural areas than in urban areas. Therefore, wide publicity through mass media should be given to create awareness amongst rural people about the various provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Voluntary social organisations should also be motivated to propagate against the evils of untouchability and publicise the provisions of the PCR Act and the PAA.
- (5) As a preventive measure the State Governments should identify atrocity-prone areas and take appropriate precautionary measures to check occurrence of any such incident. Special Collectors may be appointed in districts having atrocity-prone areas so that the problem can be tackled on priority basis.
- (6) Atrocities on SC/ST persons are generally committed on account of land disputes between them and others, their demand for minimum wages and their resentment against bonded labour. It is, therefore, necessary that the local administration must take early action in resolving such problems faced by SC & ST so that such potential incidents are nipped in the bud.
- (7) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, envisages the setting up of Special Courts by the State Governments to provide speedy justice to atrocity victims. Such Special Courts have been set up only in Andhra Pradesh and Rajasthan. In other States some of the existing Sessions Courts have been empowered to try atrocity offences, in addition to their normal functioning. This does not serve the purpose of the special provisions made in the Act to cut down delays. The concerned State Governments may set up Special Courts as quickly as possible.
- (8) The State Governments provide monetary relief and rehabilitation facilities to victims of atrocities or their dependents. The scales of monetary relief which were fixed in most cases more than a decade ago are quite inadequate in the present times and need upward revision. Some States like Gujarat, Karnataka, Kerala and Orissa have recently revised the rates of compensation but in other States the old scales are continuing. In some

States the family of a person killed in a communal or caste riot is granted at least Rs.l lakh as relief. It would, therefore, be reasonable to provide monetary relief of at least Rs.l lakh to the family of a Scheduled Caste/Scheduled Tribe person killed in a case of atrocity, particularly if the deceased was an earning member or physically fit to earn. Those States which have not followed the practice of providing monetary relief and rehabilitation facilities to victims of atrocities may also do so.

(9) The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes recommended in their Eleventh and Twentyseventh Reports (Eighth Lok Sabha) to re-entrust the subject of 'atrocities' to the Ministry of Home Affairs. In their Twentythird Report on "Atrocities on Scheduled Castes and Scheduled Tribes and patterns of social crimes towards them" presented to the Lok Sabha on 29-4-93 the Committee reiterated that "the Ministry of Home Affairs should be the nodal Ministry for the subject of 'atrocities' as soon as possible". The recommendation of the Parliamentary Committee need be implemented early in the interests of the Scheduled Castes and Scheduled Tribes.



असाधारण

EXTRAORDINARY

भाग II---बच्ड 1 PART II—Section 1

प्राधिकार से प्रकाखित PUBLISHED BY AUTHORITY

सं 39] नई दिल्ली, मंगलवार, सितम्बर 12, 1989/भाव 21, 1911 No. 39] NEW DELHI, TUESDAY, SEPTEMBER 12, 1989/BHADRA 21, 1911

> इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन केरूप में रखाजासके।

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

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th September, 1989/Bhadra 21, 1911 (Saka)

The following Act of Parliament received the assent of the President on the 11th September, 1989, and is hereby published for general information:-

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

No. 33 of 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows :-

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Scheduled Castes and the Scheduled Short title, extent Tribes (Prevention of Atrocities) Act, 1989.

and commence-

(2) It extends to the whole of India except the State of Jammu and ment. Kashmir.

- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. (1) In this Act, unless the context otherwise requires,—
 - (a) "atrocity" means an offence punishable under section 3;
 - (b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974

- (c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;
- (d) "Special Court" means a Court of Session specified as a Special Court in section 14;
- (e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;
- (f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.
- (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

OFFENCES OF ATROCITIES

Punishment for offences of atrocities.

Definations.

- 3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
 - (i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or cat any inedible or obnoxious substance;
 - (ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;
 - (iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;
 - (iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;
 - (v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
 - (vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour

other than any compulsory service for public purposes imposed by Government:

- (vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;
- (viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
- (ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;
- (x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;
- (xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;
- (xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
- (xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;
- (xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

- (2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
 - (i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

- (ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine:
- (iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;
- (iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;
- (v) commits any offence under the Indian Penal Code punishable with 45 of 1860 imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;
- (vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or
- (vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Pupishment for neglect of duties.

4. Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced
punishment for
subsequent
conviction.

5. Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

45 of 1860

6. Subject to the other provisions of this Act, the provisions of section Application of 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and certain provi-Chapter XXIII of the Indian Penal Code, shall, so far as may be, apply for sions of the the purposes of this Act as they apply for the purposes of the Indian Penal Code. Code.

7. (1) Where a person has been convicted of any offence punishable Forfeiture of under this Chapter, the Special Court may, in addition to awarding any property of punishment, by order in writing, declare that any property, movable or immo- certain persons. vable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

to offences.

- (2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to extent it is required for the purpose of realisation of any fine imposed under this Chapter.
- 8. In a prosecution for an offence under this Chapter, if it is proved Presumption as that ---
 - (a) the accused rendered any financial assistance to accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;
 - (b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.
- 9. (1) Notwithstanding anything contained in the Code or in any Conferment of other provision of this Act, the State Government may, if it considers it neces-powers. sary or expedient so to do,---
 - (a) for the prevention of and for coping with any offence under this Act, or
 - (b) for any case or class or group of cases under this Act.

in any district or part thereof, confer; by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, powers of arrest, investigation and prosecution of persons before Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

EXTERNMENT

Removal of person likely to commit offence.

- 10. (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.
- (2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.
- (3) The Special Court may revoke or modify the order made under subsection (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

Procedure on failure of person to remove himself from area and enter thereon after removal.

- 11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area
 - (a) fails to remove himself as directed; or
 - (b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

- (2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.
 - (3) The Special Court may at any time revoke any such permission.
- (4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

- (5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.
- 12. (1) Every person against whom an order has been made under Taking measuresection 10 shall, if so required by the Special Court, allow his measurements ments and phoand photographs to be taken by a police officer.

tographs, etc., of persons against whom order under section 10 is

- (2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.
- (3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code.
- (4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be troved or made over to the person against whom such order is made.
- 13. Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

Penalty for noncompliance of order under section 10.

CHAPTER IV

SPECIAL COURTS

14. For the purpose of providing for speedy trial, the State Government Special Court. shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

15. For every Special Court, the State Government shall, by notification in Special Public the Official Gazette, specify a Public Procecutor or appoint an advocate who Prosecutor. has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER V

MISCELLANEOUS

22 of 1955.

45 of 1860.

16. The provisions of section 10A of the Protection of Civil Rights Act, Power of State 1955, shall, so far as may be, apply for the purposes of imposition and realisation Government to of collective fine and for all other matters connected therewith under this Act.

impose collective fine.

Preventive action to be taken by the law and order machinery.

- 17. (1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take preventive action.
- (2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).
- (3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

Section 438 of the Code not to apply to persons committing an offence under the Act. 18. Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act 19. The provisions of section 360 of the Code and the provisions of the 20 of 1958 Probation of Offenders Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

Act to override other laws.

20. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Duty of Government to ensure effective implementation of the Act.

- 21. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—
- (i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;
- (ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

- (iii) the provision for the economic and social rehabilitation of the victims of the atrocities;
- (iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act:
- (v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures:
- (vi) provisions for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;
- (vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.
- (3) The Central Government shall take steps as may be necessary to co-ordinate the measures taken by the State Governments under subsection (1).
- (4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.
- 22. No suit, prosecution or other legal proceedings shall lie against the Protection of Central Government or against the State Government or any officer or authority action taken in of Government or any other person for anything which is in good faith done or good faith. intended to be done under this Act.

- 23. (1) The Central Government may, by notification in the Official Power to Gazette, make rules for carrying out the purposes of this Act. make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. S. RAMA DEVI, Secy. to the Govt. of India.

ANNEXURE 6.II

STATEMENT SHOWING THE AMOUNT, STATE-WISE, RELEASED UNDER THE PROTECTION OF CIVIL RIGHTS ACT, 1955, AND THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989, DURING 1992-93

			(Amount in Rs.)
S.No.	State/UT	PCR Act	PAA
1	2	3	4
1.	Andhra Pradesh	3,00,000	43,50,000
2.	Bihar	7,00,000	8,00,000
3.	Gujarat	26,52,000	51,81,500
4.	Haryana	2,48,000	3,57,000
5.	Himachal Pradesh	1,00,000	4,000
6.	Karnataka	12,35,200	10,00,000
7.	Kerala	5,68,500	2,00,000
8.	Madhya Pradesh	1,00,000	1,00,00,000
9.	Maharashtra	35,24,712	-
10.	Orissa	3,00,000	
11.	Punjab	12,00,000	-
12.	Rajasthan	-	49,03,000
13.	Tamil Nadu	90,60,500	-
14.	Uttar Pradesh	1,00,000	65,00,000
15.	West Bengal	3,91,000	50,000
16.	Pondicherry	11,74,588	-
	Total	2,16,54,500	3,33,45,500

Total PCR Act + PAA

Rs.5,50,00,000

ANNEXURE 6.III

Statement showing offence-wise distribution of atrocity cases against SC and ST during 1989

State	יזו ידי		Murde	r	Grievous hurt.				Rape			Arso	n	Œ	her IPC	offences	Total cases registered		
Diace	,, 0.1,	ŝ	ST	Total	sc	ST	Total	sc	ST	Total	SC	ST	Total	sc	ST	Total	sc	ST	Total
1		2	3	4	5	6	7	8	9	10	11	12	دا	14	15	16	17	18	19
1. A	ndhra Pradesh	41	7	48	162	19	181	52	8	60	10	5	15	246	40	286	511	7 9	590
2. A	runachal Pradesh	_	· _	_	_	1	1	-	2	2	-	-	-	-	6	6.	-	9	9
3. A	ssam	2.	4	6	_	_	-	3	2	5	-	1	1	12	11	23	17	18	35
4. B	aihar	56	7	63	83	2	85	52	37	89	88	1	89	718	55	<i>77</i> 3	997	102	1099
5. G	ba ba	-	1	1	~	_	-	_	-	-	-	-	-	2	-	2	2	1	3
6. G	arat	14	8	22	64	21	85	16	2 6	42	12	4	16	487	7 0	557	593	129	722
7. H	laryana .	1	_	1	1	-	1	17	_	17	3	_	3	55	-	55	<i>7</i> 7	-	77
8. H	Timechal Pradeeh	1		1	9	_	9	6	-	6	3	-	3	60	-	60	7 9	_	7 9
9. J	Jammu & Kashmir	2	_	2	33	-	33	7	_	7	5	-	5	108		108	155	-	155
10. K	amataka	8	3	11	16	_	16	12	4	16	23	-	23	431	80	511	490	87	577
ш. к	Kerala	8	2	10	18	-	18	33	3	36	15	1	16	542	149	691	616	155	771
12. M	tadhya Pradesh	74	38	112	171	<i>7</i> 7	24 8	225	203	428	65	19	84	3691	1826	5517	4226	2163	6389
13. M	faharashtra	19	9	28	31	19	50	18	18	36	10	8	18	285	160	445	363	214	577
14. M	1eghal <i>a</i> ya	-	-	-	-	-	-	-	_	-	-	-	-	-	÷	-	-	-	-
15. M	Manipur	-	-	-	_	_	-	-	-	-	-	-	-	-	_	-	-	-	-
16. M	fizoram	_	_	-	_	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17. N	Nagaland	-	1	1	_	1	1	-	-	-	-	-	-	-	3	3	-	5	5
18. 0	ori <i>s</i> sa	4	4	8	5	1	6	11	8	19	17	4	21	328	200	528	365	217	582
19. F	Punjab	5	-	5	-	-	-	10	-	10	-	-	-	6	-	6	21	, - .	21
20. F	Parjasthan	34	11	45	136	44	180	97	24	121	5 7	7	64	1264	334	1598	1588	420	2008

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
l. Sik	kim	_	1	1	_	4	4	_	_	_	1	1	2	2	1	3	3	7	10
	il Nadu	15	-	15	12	_	12	14	-	14	32	-	32	409	1	410	482	1	483
3. Trip	pura	_	_	_	_	_	-	_		-	_	_	-	-	_	-	_	-	-
	ar Pradesh	270	_	270	886	_	886	252	_	252	362	-	362	3425	. -	3425	5195		5195
	t Bengal	1	_	1	3	1	4	3	6	9	-	_	_	6	2	8	-13	9	22
6. And	aman & Nicok ands	oer-	-	-	-	-	- ·	-	-	- ,	-	-	-	-	-	-	-	-	-
27. Dad Hav	ra & Nagar eli	_	-	-		-	-		2	2	-	-	-	-	5	5	-	7	7
28. Dam	en & Diu	-	-	_	_	-	-	. -	-	-	-	-	_	-	-	-	_	-	
9. Del	hi	_	_	_	-	_	-	2	-	2	-	-	-	3	-	3	5	-	5
30. Pan	dicherry	1	_	1	_	_	-	_	_	-	-	-	-	-	_	_	1	_	1
	shadweep	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	_	_
	 al	556	96	652	1630	190	1820	830	343	1173	703	51	754	12080	2943	# 15023	15799	3623	19422

Source: Ministry of Welfare

ANNEXURE 6.IV

Statement showing offence-wise distribution of atrocity cases against SC and ST during 1990

					Nati	ure o	of cri	me a	ind r	numbe	r of	cas	ses 1	cepor	ted				·
Sta	ate/U.T.		Mirch	3 C	Q	rievous	hurt		Rap	9		Arso	n	a	ther IR	C offences	To	tal case	registered
	•	sc	ST	Total	sc	ST	Total	sc	ST	Total	sc	ST	Total	sc	$s_{ m I}$	Total	SC	ST	Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1.	Andhra Pradesh	56	13	69	157	26	183	64	19	83	10	2	12	316	48	364	603	108	711
2.	Assam	1	4	5	3	1	4	1	8	9	1	1	2	24	19	43	30	33	63
3.	Bihar	41	4	45	43	_	43	71	8	7 9	55	2	57	534	10	544	744	24	76 8
4.	Goa		-	_		_	_	-	-	-	_	-	-	-	-	-	_	-	-
5.	Gurjarrat.	18	8	26	71	17	88	14	14	28	16	7	23	669	<i>7</i> 7	74 6	738	123	911
6.	Haryana .	4	_	4	9	_	9	17		17	1	_	1	50	_	50	81	-	81
7.	Himachal Pradesh	3	_	3	3	_	3	3	_	3	-	-	_	44	-	44	53		53
8.	Jamnu & Kashmir		_	-	_		_	3	-	3	-	-	_	35	_	35	38		38
9.	Karnataka	21	1	22	42	2	44	23	7	30	19	1	20	581	33	614	686	44	730
10.	Kerala	12	2	14	13	2	15	29	7	36	12	-	12	582	97	679	648	108	756
11.	Madhya Pradesh	81	62	143	295	151	446	252	223	475	82	31	113	4500	1889	6389	5210	2356	7566
12.	Meharashtra	18	12	30	58	7	65	25	15	40	4	6	10	384	167	551	489	207	696
13.	Manipur	_	1	1		-	-	_	3	3	-	-	_	_	1	1	_	5	5
14.	Orissa	7	2	9	13	3	16	17	6	23	13	_	13	430	86	516	480	97	577
15.	Rajasthan	30	14	44	167	49	216	97	23	120	62	8	70	1235	356	1591	15 9 1	450	2041
16.	Tamil Naclu	25	_	25	5	-	5	15		15	27	_	27	472	-	472	544		544
17.	Tripra	_	_	_	_	_	-	_	_	-		-	-	-	_	· -	_	-	· -
18.	Uttar Pradesh	265	_	265	812	-	812	254	_	254	297	_	297	4042	_	4042	5670		5670
19.	West Bengal	2	1	3	-	1	1	-	5	5	-	1	1	4	4	8	6	12	18
20.	Andemen & Nicober	_	_	-	_	-	_	-	-	-	-	-	-	_	_	_	_	-	
	Islands																		
21.	Deder & Nager	_	_	_	_	-	_	-	1	1	-	-	-	1	10	11	1	11	12
	Haveli																		_
22.	Delhi.	_	_	_	_	_	-	-	-	_	-	-	-	5		5	5		5
23.	Pondicherry	-	-	-	-	-	-	-	-		-	-	-	-		-	-	-	-
	Total	584	124	708	1691	259	1950	885	339	1224	599	59	658	13908	2797	16705	17667	3578	21245

Source: Ministry of Welfare

ANNEXURE 6.V

Statement showing offence-wise distribution of atrocity cases against SC & ST during 1991

Nature of crime and number of cases reported

State/U.T.			Murde		G	ievas	hurt.	Rape Arson							r IPC of			Total cases registered		
		sc		Total	sc	ST	Total	SC		Total	sc	ST	Total	SC	ST	"iotal	SC	ST	Tota	
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
		<u> </u>						40		70	22	2	24	337	54	391	660	129	7 89	
1.	Andhra Pradesh	49	12	ഖ	206	29	235	46	32	78	22.	Z	2→	12	. 3	15	14	6	20	
2.	Assam	1	_	1	_	1	1	1	2	3	- 37	1	38	369	10	379	511	14	525	
3.	Bihar	30	1	31	27	-	27	48	2	50	31	Τ.	<i>3</i> 5	309 4	_	4	5	-	5	
4.	Goa	1	_	1	_	_	-	_	-	-	22	3	25	951	129	1080	1101	203	1304	
5.	Gurjarrat	20	19	39	94	33	127	14	19	33	<i>22</i> 5	3	5	38	- L	38	68	_	68	
6.	Haryana	5	-	5	3	-	3	17	-	17) 1	_	1	17	2	19	25	3	28	
7.	Himachal Pradesh	-	-	-	2	-	2	5		6	1	_	_	40	2	42	43	3	46	
8.	Jamnu & Kashmir	_	_	-	1	-	1	2	1	3	20	2	22	638	44	682	732	46	<i>7</i> 78	
9.	Karnataka	2 8	-	2 8	34	_	34	12	_	12	5	1	22 6	584	92	676	650	102	752	
١٥.	Kerala	10	2	12	20	2	22	31	.5	36 465	3 63	26	89	4653	2773	7426	5432	3265	8697	
Ц.	Madhya Pradesh	92	75	167	379	171	550	245	220		12	20 8	20	462	214	676	573	285	858	
12.	Maharashtra	29	17	46	38	20	58	32	26	58	12	-	20	-3.02 -		-	_	5	5	
13.	Manipur	-	2	2		3	3	-	_	-	23	12	35	304	133	437	362	164	526	
14.	Orissa	7	3	10	15	8	23	13	8	21	25 94	15	109	1693	439	2132	2098	539	2637	
15.	Rajasthan	39 13	14	53	159	53	212	113	18	131	13	כנ	13	518		518	55 3	_	553	
16.	Tamil Nadu	13	_	13	4	-	4	5	_	5	כד	_		J <u>1</u> 10	_	_		_	_	
17.	Tripura	_	-	-			-	704	_	104	- 284	_	284	3312	_	3312	4798	_	479 8	
18.	Uttar Pradesh	284	_	284	724	-	724	194	_	194	204	_	204	5	7	12	9	8	17	
19.	West Bengal	-	1	1		-	-	4	_	4	_	_	_	_	<i>.</i>	_	_	-	_	
20.	Andaman & Nicobar	-	-	_	-	_	_	_	_	_	_		_							
	<u>Island</u> s										_	_	_	1	6	7	1	6	7	
21.	Dadica & Nagar	-	_	-	-	_	_	_	_	_		_		_	· ·	·				
	Haveli			_				,		1		_	_	4		4	6	-	6	
22.	Delhi	1	_	1	-	. –	_	1	-		1	_	1	2	_	2	5	_	5	
23.	Pandicherry	1	-	1	-			1										47770	22424	
	Total	610	146	756	1706	320	2026	784	334	1118	602	7 0	672	13944	3908	17852	17646	4778	22424	

Source: Ministry of Welfare

ANNEXURE 6.VI

List of on-the-spot enquiries conducted by the Commission during 1992-93

- 1. Death of a tribal youth of Goalpara, P.S. Kokrajhar, Assam, by police personnel on 19-3-92
- 2. Gang rape of a minor SC girl in village Dommeru, Kovooru Mandal, West Godavari District of Andhra Pradesh on 19-19-3-92
- 3. Branding of an SC youth of village Hakimpat, Golkunda Mandal, District Hyderabad, Andhra Pradesh, with red hot iron rod on 6-3-93
- 4. Attack on SC on 26-7-92 and 27-7-92 at Ananthareddy village, Shamshabad, Rangareddy District, A.P.
- 5. Setting fire to 27 houses of SC in village Mahibarwa, P.S. Khagria, Khagria District of Bihar on 17-2-93
- 6. Demolition of a house of an SC person in village Sadhopur, Jeevan, P.O. Satpura, District Vaishali, Bihar
- 7. Attack on the Gangapur SC colony, killing of one SC person and injuring 6 persons under P.S. Narhat, District Nawada, Bihar, on 18-6-92
- 8. Attack on the SC in Sisvn village, Borsad Taluka, District Kheda, Gujarat
- Murder of an SC youth in village Parasali, Veraval Taluk, District Junagadh, Gujarat
- 10. Castration of an SC youth of village Bhatsana, District Rewari, Haryana, by police on 10-10-92
- 11. Killing of an SC person of village Nalwa, Solan District, in Himachal Pradesh by a Police constable on 18-4-92
- 12. Setting fire to the huts of SC at Yerandahalli village, Anakal Taluk, Bangalore, Karnataka, on 2-4-92
- 13. Incident of group clash between SC and non-SC on 1-6-92, killing 3 SC and injuring 6 SC persons at village Alagi(E), Afzalpur Taluk, District Gulbarga in Karnataka
- 14. Mass rape of a tribal woman in Kothanahally colony by Forest officials of Mettuluppa Forest area of H.D. Kote, District Mysore in Karnataka, on 31-1-93
- 15. Destruction of houses of Adi-Karnataka by non-SC, in village Hosadurga, Kodihalli, Hobli, Kanakapura Taluk, District Bangalore, Karnataka, on 21-1-93

- 16. Killing of three SC persons in police firing at Deval Gangapur, District Gulbarga, Karnataka, on 17-7-92
- 17. Setting fire to 13 houses of SC persons at Tamba village, Indi Taluk, District Bijapur, Karnataka, on 6-7-92
- 18. Assault of a tribal girl and her parents by Forest officials at Kamalakkam, District Trivandrum, in Kerala
- 19. Death of one SC person and injury to 17 others in police firing and caste clash at Taluka town of Akot in Akola District of Maharashtra on 3-7-92
- 20. Harassment of SC persons of village Kullu, District Sagar, Madhya Pradesh, by non-SCs
- 21. Incident in village Nichroli, District Shivpuri in Madhya Pradesh on 11-5-92 in which the SCs were forced to eat inedible items and attempt to strip their women naked
- 22. Rape of an ST woman in village Badora, District Betul, Madhya Pradesh, on 21-5-92
- 23. Custodial death of an ST person in village Bandha P.S. Takhatpur, District Bilaspur, Madhya Pradesh, on 6-1-92
- 24. Death of an ST person in police custody in village Gajpur, District Betul, Madhya Pradesh, on 13-4-92
- 25. Death of an SC person in police custody in P.S. Ramchandrapur, District Surguja, Madhya Pradesh, on 29-2-92
- 26. Incident of custodial death of one SC person at P.S. Lalru, District Patiala, Punjab, on 19-7-92
- 27. Custodial death of one SC woman at Police Post, Ropar, District Ropar, Punjab, on 14-7-92.
- 28. Rape of an SC woman of Madhogarh, P.S. Basti, District Jaipur, Rajasthan, on 12-6-92
- 29. Rape of an SC woman of Vagela, P.S. Sidhhapur, District Churu, Rajasthan, on 17-2-92
- 30. Murder of an SC woman of village Haripura, P.S. Jobner, District Jaipur, Rajasthan, on 28-7-92
- 31. Murder of an SC person of village Sahanali Bari, P.S. Ratannagar, District Churu, Rajasthan, on 27-4-92
- 32. Murder of an SC person of village Mithri Balwant Singh, P.S. Rajgarh, District Churu, Rajasthan
- 33. Murder of an SC person of Railway-Colony, Gangapur City, District Sawai Madhopur, Rajasthan, on 2-1-92

- 34. Murder of an SC person of Rohimaoja Taliwala, P.S. Kshetra Mahajan, District Bikaner, Rajasthan
- 35. Assault on an SC person of Sanda, P.S. and District Dholpur, Rajasthan, on 10-1-92
- 36. Mass killing, arson and looting of SC persons of Kumher town and adjoining villages of Bharatpur District of Rajasthan on June 6-7, 1992
- 37. Killing of an ST person by Police in Jhargaon, District Banswara, Rajasthan, on 27-10-92
- 38. Group clash between SC and Kudaliars in Ponnor village, Vandavasi Taluk, Tiruvannamalai, Sambavaryar District, Tamil Nadu, on 8-11-92
- 39. Atrocities committed on ST of Vachathi village, Harur Taluk, Dharmapuri District Tamil Nadu, by police and Forest officials on 20-6-92
- 40. Attack by non-SC on SC persons of Pattipulam, near Mahabalipuram, Chengalpattu Taluk, Chengalpattu MGR District, Tamil Nadu, on 6-3-92
- 41. Group clash between SC and non-SC and murder of 4 SC persons at Karinjakulam village, Sankarankoil Taluk, Nellai Katta Bomman District, Tamil Nadu, on 14-3-92
- 42. Murder of two SC persons of village Chawpherwa, District Fatehpur, Uttar Pradesh, on 14-3-93
- *43. Killing of two SC persons of Indraruk village, Rural Kanpur, U.P., on 8-3-93
- 44. Harassment of an SC person by his landlord r/o West Patel Nagar, New Delhi
- 45. Rape of a tribal woman in Rangamati Tea Garden, District Jalpaiguri, West Bengal

ANNEXURE 6.VII

A gist of important cases of atrocities committed on Scheduled Castes and Scheduled Tribes

Gang rape of a minor Scheduled Caste girl in village Dommeru, West Godavari District of Andhra Pradesh

An on-the-spot enquiry of the incident of gang rape of Kum T.Lakshmi (12 years) of Dommeru village in Kovvuru Mandal of West Godavari District in Andhra Pradesh was conducted by Shri B.Sammaiah, Member of the Commission. The incident happened when the victim came out to go to toilet during the interval of the second show of a cinema on the night of 19-3-92 at Dommeru. Five persons took her to a thatched shed and each one of them raped her. She was also abused by her caste name and threatened of dire consequences if she disclosed the incident to anybody. When she was taken to the hospital at Kovvuru after lodging a complaint at the Police Station, the Medical Officer did not attend to her promptly.

The police registered a case u/s 376 IPC on 21-3-92 and the District Superintendent of Police visited the place on 21-3-92. On taking up the matter with the district authorities Collector, West Godavari District, intimated that Section 7(1)(d) of the PCR Act, 1955, and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, were applied All the five accused were arrested and sent to the in the case. Special Mobile Court of Judicial 1st Class Magistrate, Eluru, for custody. An amount of Rs.25,000 was sanctioned as monetary relief. The Commission further impressed upon the district authorities for incorporating Section 3(1)(x), (xi) and (xii) of the PAA in the The Chief Minister, Andhra Pradesh, was demi-officially addressed by the Chairman of the Commission for raising the amount of monetary relief to Rs.1 lakh, provision of rehabilitation facilities like land and pucca house to the family of the victim, free educational facilities to the victim and protection from the local anti-social elements. In response to the Chairman's letter the Social Welfare Department, Government of Andhra Pradesh, intimated the Commission that the report of the Forensic of the Forensic Laboratory, Hyderabad, had been received and sent to the court and were instructed to expedite district authorities investigation so that deterrent punishment was awarded to the accused, Relevant Sections of the PAA were also applied in the The victim girl was admitted in Class VI at the Government Residential School and the District Collector requested to provide One <u>pucca</u> house was also economic support to her parents. One <u>pucca</u> house was also sanctioned to the parents under the Weaker Sections Housing Programme.

The case is <u>sub</u> <u>judice</u> and the final outcome awaited. However, contrary to the provisions of the PAA, all the accused have been released on bail by the Andhra Pradesh High Court.

Mass rape of four Scheduled Caste women of Sardanagar, Maheswaram Mandalam, Ranga Reddy District of Andhra Pradesh

On 10-2-92 midnight six unidentified persons arrived in the workers' residential quarters of the grape garden at Sardanagar and raped four SC women by confining them in one of the rooms. All these women were workers of the grape garden. The accused also forcibly took away ornaments worn by the victims and their other valuables. After getting information from the Manager of the garden the police arrived within three hours, but the accused escaped. The police took the victims to the nearest maternity hospital, but proper treatment was not given to them.

A case was booked u/s 395 and 376 (E) of IPC and since the identity of the accused was not known, Sections of the PAA were not applied in the case. The district authorities, however, provided monetary relief of Rs.5,000 to each of the victims even though the police did not consider it a case of atrocity.

The Commission took up the matter with the district administration to identify and arrest the accused and apply the relevant Sections of the PAA. It has been reported to the Commission that five of the six accused were arrested on 21-5-92 and remanded to judicial custody. The District Collector has again been impressed upon to invoke the provisions of the PAA in the case and take suitable rehabilitation measures for the victims.

Death of one ST youth in police firing at P.S.Kokrajhar, District Kokrajhar of Assam

Dr.A.R.Basumatary, P.O.&Dist.Kokrajhar, represented to the Commission regarding the death of his son in police firing on 19-3-92.

An on-the-spot enquiry conducted by the Commission's field office at Guwahati revealed that the police fired at J.Basumatary and Tapan Brahma on suspicion of involvement. Shri Basumatary died and Shri Brahma was seriously A case u/s 302/326/307/34 IPC was registered against the two police personnel who were arrested and suspended for negligence of duty. The kin of the deceased were paid ex gratia payment of Rs.5,000 and an amount of Rs.3,000 has been paid to the injured person. Relevant sections of the PAA were not applied in the case as the State Government did not treat it a case of atrocity. magisterial inquiry was ordered by the Govt. of Assam.

The Commission took up the case with the State Government for speedy investigation and punishment of the guilty police officials and for payment of Rs.l lakh as monetary relief to the kin of the deceased. In spite of repeated reminders a reply is still awaited from the Assam Government.

Group clash and killing of three SC persons at Alagi (B) village in Gulbarga District of Karnataka

On the basis of a news in the Indian Express that three persons were killed and others seriously injured when a group of Dalits was attacked allegedly by non-SC persons, the Commission's field office at Bangalore conducted an on-the-spot enquiry into the incident on June 16-17, 1992. According to the findings of the field enquiry the refusal of SC persons to slaughter a buffalo at the village festival infuriated the non-SC who attacked the SC on 3-6-92 with deadly weapons. Three SC persons were killed and six injured. A case u/s 147,148,341,302,504,506, r/w 149 IPC was registered and twentyfour persons were arrested. An amount of Rs.50,000 was paid to the dependents of each of the deceased and the injured persons were paid Rs.1,500 to Rs.2,500 each. The Dy.S.P., Aland, and ASI, Afzalpur, were placed under suspension and two platoons of police posted in the village.

The Commission observed that the incident was a clear case of domination by the non-SC persons and forcing the SC to render some customary services of the older days. The SC were attacked by the non-SC on 1-6-92 and they sought police protection. The police failed to provide them timely protection. Had precautionary measures been taken in time the incident could have been averted. Till the date of the enquiry all the accused persons could not be Relevant sections of the PAA were also not invoked. taken for rehabilitation of the dependents of the action was The case was still being investigated. The Commission deceased. urged the district authorities to invoke Sections 3(1)(x), 3(2)(v), 16 and 4 of the PAA and Section 7(c) of the PCR Act, 1955, in the case for immediate arrest of all the accused persons and providing rehabilitation measures for the affected families.

The Deputy Commissioner, Gulbarga, intimated the Commission that rehabilitation measures including provision of land, employment and loans ranging from Rs.8,000 to Rs.35,000 were provided to the affected families. Upto 18-1-93, 54 accused were arrested and five were absconding. The relevant Sections of the PAA were not applied in the case on the plea that there was no evidence to prove that the SC were forced to perform animal sacrifice, though Section 7(c) of the PCR Act,1955, was made applicable.

Final outcome of the case is awaited.

Assault on a tribal girl and her parents by Forest officials in Kamalakkam, District Thiruvananthapuram of Kerala

The alleged assault on a tribal girl of Kamalakkam in Thiruvananthapuram District was enquired into by the Commission's field office at Thiruvananthapuram on 24-4-92. The report revealed that sometime in the month of February 1992 two Forest officials visited the house of Shri Ayappan Kami, a tribal, in his absence and attempted to molest Adicha, his daughter. Later the Forest officials also beat the parents of the girl severely. The injured

mother of Adicha had to be hospitalised. The Forest officials alleged that Ayappan Kami expanded his allotted cultivable area in forest land. The enquiry officer did not find any evidence of such encroachment.

The Commission observed that no case was registered against the Forest officials under the provisions of the PAA and monetary relief was not provided to the victims. Action taken by the State Government in this regard is still awaited.

Death of an SC person in police custody in P.S.Ramchandrapur, District Surguja, Madhya Pradesh

A news appeared in the Times of India dated 28-2-92 that a Scheduled Caste person died in police custody in P.S.Ramchandrapur, Surguja District of Madhya Pradesh. A detailed report about the incident was called for from the State Government and an on-thespot enquiry also conducted by the Commission's field office at Bhopal from July 5 to 9, 1992. The enquiry revealed that the S.H.O., P.S.Ramchandrapur, alongwith ASF guards raided the villages Dillatola and Gohra on 27-2-92 in a theft case and apprehended S/Shri Kalicharan, Ramesh Khairwar, Hariprasad Khairwar and his two During interrogation they were allegedly beaten up by the police which resulted in the death of Shri Ramkumar on 28-2-92. case was registered u/s 302,34 IPC in P.S.Ramanujganj. accused persons were arrested and three police officials suspended. The arrested accused persons were released on bail afterwards. Magisterial inquiry was ordered.

The Commission observed that although the death was on account of police brutality and the alleged accused had been suspended from service, the medical report certified that the death was 'natural' and was due to cardiac failure. No monetary relief was paid nor rehabilitation facilities provided to the kin of the deceased. Although these issues were taken up with the State Government in October 1992, no reply has been received.

Death of one SC person and injuries to 11 SC persons in police firing and caste clash at Taluka town of Akot, District Akola, Maharashtra

The field office of the Commission at Pune conducted an on-the-spot enquiry into the incident in which one SC person was killed and ll SC persons were injured in police firing and caste clash at Taluka town of Akot in Akola District of Maharashtra on 3-7-92. The incident was on account of alleged non-payment of dues by SC youths at a teastall resulting in a scuffle followed by a clash between the SC and non-SC. The police was called and they opened fire to disperse the mob. Three persons including one SC died in the police firing. The police did not visit the spot immediately after getting the news of the clash between the SC and non-SC and took the extreme action of firing without the orders of the SDM. Had the police visited the spot in time the incident

could have been averted. Wrong Section of the PAA was quoted in the FIR and Section 4 of the Act was not invoked against the erring police officials.

The matter was taken up with the State Government for taking action on the above lines and for providing monetary relief to the victims and for their rehabilitation. A reply is still awaited.

Death of Shri Chaggan Goma More, a tribal youth of village Avalgaon, Virgaon Police Station, Aurangabad District, Maharashtra, due to beating by non-SC/ST villagers

The incident of death of Shri Chaggan Goma More, a tribal youth of Avalgaon village, on 2-1-92 was enquired into by the Commission's field office at Pune. The enquiry revealed that the tribal youth was beaten to death by the village Sarpanch and others on suspicion of theft. The Sarpanch believed the verdict of an astrologer and instead of reporting the matter to the police took the law into his own hands and assaulted the victim who succumbed to the injuries on his way to the hospital. The S.D.M., Vijapur, and the Tahsildar took the incident lightly and did not visit the village. No monetary relief and rehabilitation facilities were provided to the kin of the deceased and relevant Section of the PAA was not applied in the case.

The Commission urged the District Collector for taking action against the Sarpanch, the Kotwal and the negligent officials under provisions of the PAA and for provision of monetary relief and rehabilitation measures to the family of the deceased. On the recommendation of the Commission monetary relief of Rs.10,000 was paid to the aggrieved family.

Death of an SC youth in police custody in P.S.Lalru, District Patiala, Punjab

An on-the-spot enquiry was conducted by the Commission's field office at Chandigarh on the basis of a news report that Shri Baljit Ram, an SC youth, was killed in police custody in P.S.Lalru, District Patiala, on 19-7-92. The enquiry revealed that the boy was kept in police custody for interrogation regarding a case of elopement of one Brahman girl with an SC boy. He was arrested and produced before the Dy.S.P., Rajpura, on 11-7-92 and kept in the police custody where he died due to police torture. In spite of orders of the I.G. of Police, Internal Vigilance, Punjab, not to harass the members of the family of the deceased the victim and his kins were tortured. The police also extracted Rs.7,000 from his family for releasing them. A case No.36/92 u/s 302/34 IPC was registered against the erring police officials and the accused were only transferred to the police lines.

The Commission observed that the deceased was falsely implicated by Shri Baburam, a police officer of Haryana Police, for settling personal grievances and he tortured the deceased at P.S.Lalru. The police of Lalru P.S. admitted that the postmortem

report of Philadelphia Hospital, Ambala, mentioning the cause of the death as 'acute gastroenteritis' was false. The Commission, therefore, urged that the erring Medical Staff of Philadelphia Hospital, and the delinquent police officials including Shri Baburam should be suspended and tried under relevant Sections of the PAA. In spite of repeated reminders no reply has been received from the State Government about the action taken in the matter. The family of the deceased has been paid Rs.10,000 as monetary relief and the brother of the deceased given a job in the Police Department.

Death of an SC woman in police custody in Ropar District, Punjab

the Commission at Chandigarh office οf field conducted an on-the-spot enquiry into the incident in which one SC soman died in police custody on 16-7-92. It was reported that Smt.Balbiro, an SC woman, working as a maid servant kept her savings with her employer for safe custody. On receiving back the same she was sent to jail on the charge of theft. She was kept in the Police Post for two days which was not shown in the official record and she died due to police torture. The enquiry revealed that Smt.Balbiro was arrested without a warrant. she died due to police torture, the postmortem report stated falsely that she died of epilepsy. No strong action was taken against the accused police officials who were merely transferred to the police lines. No case was registered against them under the PAA.

The Chairman of the Commission took up the above issues demi-officially with the Chief Minister, Punjab, for punishing the accused persons, invoking relevant Sections of the PAA, payment of monetary relief and rehabilitation to the next kin of the deceased and for a CBI enquiry. Though the Chief Minister had assured necessary action, a reply is still awaited from him.

Death of one SC person in a caste clash in village Sanda, P.S. & Dist. Dhaulpur, Rajasthan

The field office of the Commission at Jaipur conducted an on-the-spot enquiry into the incident of a clash between SC and non-SC of Sanda village, P.S. and District Dhaulpur.

The incident was the outcome of a clash between SC and non-SC over fetching water from a public irrigation well on 10-1-92. One Shri Karan Singh fired at Shri Rama Tyagi (Brahman) killing him on the spot and injuring two SC persons. A case was registered u/s 147, 148, 149, 307, 302, 323 IPC and 6 accused persons were arrested. They were released on bail by the court.

The Commission observed that alongwith IPC relevant Sections of the PAA should have been included and the family members of the injured persons given monetary compensation. The accused should not have been released on bail.

At the instance of the Commission Section 3(1)(xiv) of the PAA and Section 4(iv) of the PCR Act, 1955, were included in the FIR and the chargesheet was filed in the court. Action was also initiated at the State level for giving compensation of Rs.5,000 to each of the injured persons.

Caste clash in Kumher and adjoining villages of Bharatpur District, Rajasthan

The Commission conducted an on-the-spot enquiry into the incidents of serious clashes between Jats and Jatavs in Kumher and adjoining villages of Bharatpur District. About 500 houses belonging to SC were reported to have been burnt and all their valuables and livestock perished in the flame. Thirteen persons were reported to have been killed, 27 injured and treated in the Civil Hospital, Bharatpur, and nine others found missing. incident had the genesis in an earlier incident when Jatavs were not allowed to take out a barat. When they approached the police to register a complaint, the latter refused to do so. attitude infuriated them. They blocked traffic and succeeded in getting their report registered. In another incident members of the Jatav community were not permitted by Jats to sit in the cinema hall at Kumher. Similar group clashes were also reported from June 1 to 7, 1992, in the nearby villages and a large cache of country-made rifles and grenades was unearthed during the raids by the police. The negligence of the police and the apathy of the district administration had aggravated the situation. police acted swiftly the incidents could have been averted.

The Commission discussed the incidents with the Director of Police, Rajasthan, and the District Magistrate, Bharatpur, during its tour to Bharatpur. It was assured that relief measures would be taken up quickly. On the request of the Commission the administration released 117 graduate/P.G.students on personal bonds on 11-6-92. The details of monetary relief paid to the victims and rehabilitation measures provided are not known. Commission requested the district authorities details, but no reply was received in this regard. The district administration identified 56 villages in the neighbourhood as highly sensitive. Stray incidents of violence continued in these villages even as the army took position in Kumher on the night of 6-6-92.

The Chief Minister, Rajasthan, had reviewed the situation with senior officers and ordered an independent judicial inquiry into the incidents. The case has also reportedly been handed over to the C.B.I. for investigation. The outcome is still awaited.

CHAPTER VII

PART I

BRIEF RESUME OF RECOMMENDATIONS MADE BY THE ERSTWHILE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES AND THE ERSTWHILE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN THEIR VARIOUS REPORTS (1951-1991)

The problems relating to welfare and development of the Scheduled Castes and Scheduled Tribes have been investigated from various angles in the past by the Special Officer appointed under Article 338 of the Constitution (known as the Commissioner for Scheduled Castes and Scheduled Tribes) and the non-statutory multi-member Commission for Scheduled Castes and Scheduled Tribes The Commissioner for SC & ST initially set up in August 1978. who presented his first Repor to the President in 1952 has in all submitted 30 Reports, the last one relating to the year 1990-91 not yet having been printed and presented to the Parliament. The first non-statutory Commission for Scheduled Castes and Scheduled Tribes set up in August 1978 had submitted its last (Eighth) The reconstituted National for the year 1986-87. Commission for Scheduled Castes and Scheduled Tribes set up in September 1987 was not required to submit any Annual Report as its main function was to conduct research studies. A large number of almost identical recommendations have been made by them subjects specifically covering various safeguards proiveded for SC & ST in the Constitution, economic development programmes including various aspects of agriculture and land problems, social development, elimination of untouchability, harassment and atrocities, educational and political development and a number of other miscellaneous subjects. Though the Government have taken action on many of these recommendations, a large number of them still remain to be implemented or formally Since this is the first Report of the Constitutional Commission, it will be useful to recapitulate some of the mentioned made the above important recommendations by A brief resume of some of the organisations over the years. important recommendations based on the action taken statements in repsect of various Reports as prepared by the Ministry of Welfare is given in the following paragraphs:

were recommendations ones regarding Among the 7.2 Constitutional status to the Commission, making it mandatory for the Government to consult the Commission on all major policy issues relating to the welfare and development of SC & ST, giving it the status and powers as a Commission of Inquiry under the Commission of Inquiries Act, 1952, associating the Commission in the planning process, empowering it to monitor and evaluate developmental programmes for SC & ST etc. While these recommendations have since been accepted by the Government and Constitutional implemented while setting up the present some other important recommendations Commission; provision of adequate staff to the / Commission for headquarters as well as the field offices and placing of adequate

funds at the Commission's disposal with powers to sanction the same to independent agencies and research scholars for work on the problems of SC & ST remain to be accepted.

- A large number of recommendations on various programmes for economic development of SC & ST were made. Their perusal reveals that most of the them remain unimplemented. Important and useful recommendations have been made in respect of economic development programmes suggestisng that the schemes should be need based and action oriented but hardly any serious effort has been made in reorienting various economic development schemes which continue to be of routine and stereotyped nature. recommendation that the Special Central Assistance for the SCP and the TSP should be non-divertible and non-lapsable is yet to Recommendations relating to land problems, implemented. .particularly those regarding allotment of surplus distribution of pattas, updating of land records, prompt disposal of cases of land alienation, etc., remain to be implemented by of number significant a Similarly, Government. recommendations relating to rights of tribals in forests, excise policy, initiating steps to check harassment of tribals at the hands of Forest and police officials, speedy rehabilitation and payment of compensation, etc., to oustees of major dams/projects have yet to find favour with the Government.
 - 7.4 Recommendations relating to reorientating various poverty alleviation programmes, removing anomalies and duplication by different agencies by coordinating and integrating the programmes required urgent attention of the Government, but nothing tangible has been done even though these were reiterated in the subsequent Reports.
 - 7.5 In social development sector a large number of recommendations regarding urgent need to provide adequate civic amenities like safe drinking water, basic medical facilities, houses and house sites and programmes for sweepers and scavengers have been made.
 - More important recommendations under this sector relate to measures for eradication of untouchability and prevention of atrocities against SC & ST. The Government have since enacted a Central legislation, viz., the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Government of India have also since passed the National Commission for Safai Karamcharis Act, 1993 (notified on 4-9-93) in order to wean away scavengers from the obnoxious practice of carrying nightsoil as headload and to rehabilitate the liberated scavengers and their families in alternative gainful occupations.
 - 7.7 The Government have implemented some of the more important recommendations relating to development of education and improvement of literacy, particularly among females belonging to SC & ST by revising upward the rates of Post-matric Scholarships and also those of Pre-matric Scholarships for

children of those engaged in unclean occupations. Emphasis on opening of more Ashram type schools and modifying the pattern of the scheme of hostels for SC & ST boys and girls by enhancing the rates of grant admissible per inmate are some of the steps taken by the Government in encouraging education among children of these communities. Yet some important recommendations regarding eligibility criteria for award of Post-matric Scholarships in respect of waiving off the condition of two child norm, specially for girls, have not been accepted yet.

- 7.8 A number of important recommendations regarding the need to bring forward a suitable legislation for revision of the existing lists of SC & ST to remove anomalies, checking the activities moneylenders and other malpractices of exploitation of SC & ST, freeing them from bondage as labourers and ensuring minimum wages, etc., are yet to be accepted and implemented by the Government. Recommendations regarding effective steps to be taken against violation of services safeguards by the Government Departments and Public Sector Undertakings and educational institutions have not implemented fully. Similarly, recommendations made for having an adequate and efficient administrative machinery for work relating to welfare and development of SC & ST in the various States have not so far been implemented.
- 7.9 Though the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes submitted 30 Reports, his 28th Report for the year 1986-87 is considered to be a comprehensive and important Report as it raised some basic issues for the first time. This Commission reiterates the recommendations contained therein.
- 7.10 The 28th Report of the Commissioner for Scheduled Castes and Scheduled Tribes contains 34 major recommendations on various subjects. Action has been taken by the Government on 27 recommendations some of which have either been fully or partly implemented.
- 7.11 All the four recommendations relating to the PCR Act to enforce it more stringently have been accepted by the Government of India who have also written to the State Governments in the . matter. Two major recommendations on land issues with 13 sub-recommendations have been made and the Government of India have brought these to the notice of the State Governments/UT Administrations for suitable action.
- 7.12 The Commissioner for SC & ST made significant recommendations regarding occupation of forest land by tribals and their role in the management of forests. The Ministry of Welfare has explained the various steps taken by the Government in this direction indicating the provisions made in the National Forest Policy and the recommendations made in the Conference of the State Forest Ministers as well as those in the Working Group on Development of Scheduled Tribes during the Seventh Plan. The State Governments have since been requested to implement these

recommendations. The recommendations relating to improvement in the working conditions of unorganised labour, fixing suitable criteria for minimum wages, etc., have since been accepted and the Government have constituted a Committee to suggest criteria for fixing minimum wages. Besides, the State Governments have been suitably addressed in the matter.

- 7.13 The Government of India have initiated action on the various recommendations relating to improvement in the working conditions of scavengers, leather workers and others engaged in similar unclean occupations to rehabilitate them in alternative gainful occupations. The Government have enacted a legislation known as the National Commission for Safai Karamcharis Act,1993, which was notified in the Official Gazette on 4-9-93 but the Commission had not been constituted till the end of July 1994. The schemes for rehabilitation of scavengers in other gainful occupations are already under way in the various State Governments through the Scheduled Castes and Scheduled Tribes Finance & Development Corporations.
- 7.14 The Ministry of Human Resource Development has initiated a number of steps for implementing the recommendations made for educational development of SC & ST specially for bridging the gap between SC & ST and others at all stages of education. The Ministry of Welfare has also sponsored a few studies to identify low literacy pockets in tribal areas in some States for formulation of suitable action plans. A Centrally Sponsored Scheme has been started to improve literacy among tribal girls. The recommendation relating to enhancement of the rates of the Government of India Post-matric Scholarships for SC & ST was accepted and the rates were increased with effect from 1-7-89.
- 7.15 Important recommendations regarding representation of SC & ST in services relate to making a comprehensive law on reservations alongwith suitable rules and preparation of a comprehensive manual on them instead of merely compiling various circulars. Both these recommendations have not been accepted by the Department of Personnel & Training as reported by the Ministry of Welfare.
- taken The Government have explained in the action that claims of communities for inclusion in exclusion from the lists of SC & ST involve recommendations of the concerned State Governments/UT Administrations. Besides, the Central Government examine all these proposals on the basis of ethnographic notes and views of sociologists and anthropologists. Though some of the lists were amended after 1976, the process is The Government have not accepted the recommendation continuing. that all SC & ST students at the end of their school education should be issued permanent community certificates alongwith It has been clarified that since community computer numbers. certificates are not issued by the educational institutions, it was not possible to accept this recommendation.
- 7.17 The Government have taken action on the recommendations

relating to providing funds for the SCP and the SCA and creating of separate budget heads for these funds by writing to the concerned States/Union Territories. The Government have also since accepted the recommendation regarding preparation of separate Sub-Plans for dispersed tribal people by each State/Union Territory. The recommendation relating to suitably enhancing the SCA for tribal development by about 75% in the Seventh Plan has been implemented.

- 7.18 The Commissioner for SC & ST has made significant recommendations for removal of all forms of exploitation of the tribal people at the hands of middlemen. These relate to excise policy, forest, credit and marketing. The Government have taken action on these recommendations by writing to the States impressing upon them to follow the Centre's guidelines.
- 7.19 It was recommended in the 28th Report of t Commissioner that the highest priority should be given the elimination or exploitation and programmes relating to education It was also recommended that universalisation of and health. elementary education and improving standard of education should be the first charge on the outlays of the TSP and all the programmes should be fully integrated so that they reached the people in the form of undifferentiated package and should be executed through a unified agency. The Government have informed that they have given top priority to tribal education, particularly at the elementary level, and to reduce drop-out rates by opening Ashram Schools, Ashramshalas, Kanya Ashrams, A Centrally Sponsored Scheme for providing financial assistance to the State Governments was taken up from the year Project Officers incharge of ITDPs/MADA Pockets/Clusters/Primitive Groups have been made responsible for implementation of all programmes. They also coordinate all the developmental activities in the project areas.
- 7.20 It was recommended in the 28th Report that planning from below should be the guiding spirit of the TSP and package of programmes at the level of ITDP should be prepared entirely with reference to the needs of the people in each ITDP. It was also recommended that areas and population in each ITDP facing special problems such as more backward areas, zones of influence of industrial and mining complex, urban growth centres, hunting and gathering communities should be identified and micro plans prepared for them within the ITDP. The Ministry of Welfare has informed that all the State Governments/UT Administrations have been asked to strengthen the ITDP/Project Administration and make them viable units of planning and implementation. Allocation of the SCA is being made ITDP-wise to various States. Priority has also been given to improve road network, supply of drinking The backward areas and communities having special water, etc. problems have been identified for special treatment. Report it was recommended that all ITDPs in the States with full as scheme-wise outlays sectoral as well of expenditure should be presented separately as a supplement to the budget demand relating to the TSP in that State.

recommendation has been brought to the notice of the concerned State Governments by the Ministry of Welfare. It was recommended that all ongoing projects 28th Report consideration with the Government at different levels might be reviewed and it might be ensured that safeguards provided for the tribal people in the Constitution were honoured in their real The Government have informed that in respect of major and medium irrigation projects Secretary (Welfare) is a member of which approval accords Techno Advisory Committee irrigation projects implemented by the States and the Ministry been reviewing the rehabilitation component and making suggestions to the Committee for ensuring adequate socio-economic rehabilitation of displaced tribals. The Ministry of Environment & Forests has also issued guidelines that in case of projects involving displacement of SC & ST population a plan for their socio-economic rehabilitation should be prepared. The Ministry of Welfare has also formulated a comprehensive draft National Policy for Rehabilitation of Displaced Tribals which is reported to be under consideration. In the said 28th Report it has been recommended that a systematic review of Primitive Groups should be undertaken, particularly of those who are still struggling for survival like hunters and food gatherers or shifting cultivators. The Government should constitute an expert group for them at the level comprising social scientists, medical nutritional experts and administrators. It was also recommended that institutes like the AIIMS and the National Institute of Nutrition should be associated for providing necessary support for biological survival of the Primitive Groups by way identifying the problems which they faced. The Government have informed that streamlining of programmes for these groups has been kept in view and the Government have constituted an expert group to consider the special situation of PTGs of A & N Islands. The Ministry of Health & Family Welfare has also taken up welfare AIIMS (New Delhi), NIHFW (New Delhi), programmes for them. JIPMER (Pondicherry), NIH under ICMR (Hyderabad) and RMRS under (Jabalpur) have also taken up studies on genetic and biological problems of some primitive tribes in different parts of the country.

- 7.21 The recommendation to extend the policy of positive discrimination to non-Government enterprises in the organised sector has been brought to the notice of all State Governments/UT Administrations by the Government of India for necessary action.
- 7.22 An important recommendation relating to tribals displaced on account of setting up of mining, industrial and hydroelectric projects in tribal areas has been made suggesting that special measures should be taken to ensure that a reasonable share in the new assets being created in the tribal areas accrues to the tribal people.
- 7.23 It has also been particularly recommended that 50% of house sites, residential buildings and commercial establishments should be reserved for members of SC & ST.

- 7.24 The Government have clarified that the guidelines issued by the Bureau of Public Enterprises contain suitable provisions for helping tribals whose lands were acquired for public purposes. Housing being a State subject the State Governments have been suitably addressed in the matter.
- The Commissioner for SC & ST has made some broad recommendations in respect of the Scheduled Areas like extension of ordinary laws to these areas, review by the Supreme Court in case of non-action by the executive, upgrading administration in the Scheduled Areas and for making comprehensive regulations for peace and good government in these areas. The Government of India have explained that since the Tribes Advisory Councils exist in all the Scheduled Area States, they are the proper forum for review of various laws to be extended to the Scheduled Areas. The Ministry of Welfare has already written to the concerned Scheduled Area States to implement the recommendations of the Maheshwar Prasad Committee to follow single line administration Some States like Andhra Pradesh and in the Scheduled Areas. have already introduced single Pradesh Himachal administration. As for upgrading the level of administrative structure in the Scheduled Areas, the Ninth Finance Commission had been given broad based terms of reference to consider financial needs of the States having Scheduled Areas.

PART II

RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THIS REPORT

CHAPTER II

1. The Commission has not been able to start functioning effectively in respect of several Constitutional provisions due to gross insufficiency of the staff. The staff proposals submitted to the Ministry of Welfare are yet to be sanctioned.

(Para 2.10)

CHAPTER III

2. The rate of growth of literacy among SC and ST has been increasing steadily but the gap in the literacy rate between SC and ST on the one hand and non-SC/ST communities on the other has also been widening. In order to bridge the gap much more concerted efforts are required. There is a wide disparity of literacy rates between non-SC/ST population and SC and ST and even between the Scheduled Castes and the Scheduled Tribes and also between males and females.

(Para 3.6)

3. There is considerable differential among the different Scheduled Castes and Scheduled Tribes within a State. It is, therefore, suggested that based on 1981 and 1991 Census data, the various States should identify the educationally weaker castes/tribes in their States and take up special measures to improve their literacy and educational level. It should be ensured, through a time-bound programme, that they are at least brought at par with the average literacy rate of SC & ST in the State concerned.

(Para 3.8)

4. Although the rate of growth of female literacy amongst SC and ST has been showing an upward trend, yet the gap in the female literacy rate between SC and ST on the one hand and non-SC/ST communities on the other has widened. The concerned State Governments should take immediate steps to identify those castes/tribes which have a female literacy rate far below the average SC/ST female literacy rate in the State. Special concerted efforts are needed to improve the literacy rate and educational level among those communities which are conspicuously lagging behind as compared to other SC/ST communities in the matter of literacy rate.

(Para 3.10)

5. Various State Governments/UT Administrations may undertake similar types of experiment as the Shiksha Karmi Project run by the Government of Rajasthan.

(Para 3.10)

6. The of reporting enrolment in terms of enrolment ratio does not give a clear picture. It would be better if in the educational statistics figures are so collected that the number of children below the eligible age-group (6-11) and

over that age-group are separately reported so that it may be possible to know the precise coverage of children in the 6-11 agr-group.

(Para 3.13)

Many families engaged in unclean occupations like scavenging are not aware of the Centrally Sponsored Scheme of pre-matric scholarships for children of those engaged in unclean It should be given wide publicity and parents occupations. engaged in such unclean occupations motivated to send their children to schools.

(Para 3.20)

- A review may be undertaken of the rates of the Government of India Post-matric Scholarships and income level of parents to determine eligibility as the rates were last revised in 1989. (Para 3.23)
- The Governments of Assam, Bihar, Gujarat, J&K, Maharashtra, Punjab, Tamil Nadu, West Bengal and Pondicherry did not avail of the funds under the Centrally Sponsored Scheme of Book Banks during 1992-93. All the State Governments should submit complete proposals well in time to make full use of the funds available with the Ministry of Welfare.

(Para 3.26)

10. The condition of the Girls' Hostels and the Boys' Hostels for SC & ST ihn almost all the States is generally far from IT is desirable that regular monitoring and satisfactory. periodical evaluation of their functioning may be undertaken in order to identify the shortcomings and take remedial measures to improve their working.

(Para 3.29)

11. The State Governments should ensure that whenever new hostels are opened or the existing ones expanded they should not be exclusively meant for either SC or ST. Each hostel should have both SC & ST students and preferably some non-SC/ST students as well.

(Para 3.29)

12. AS in 1991 Census the percentage of SC & ST in the country's population has increased from 15.47% and 7.85% to 16.33% and 8.08% respectively, the number of seats reserved for them in various educational and technical institutions should be The Ministry of HRD and the UGC should raised accordingly. issue fresh guidelines in this regard to all the Universities and State Governments.

(Para 3.31)

13. The SCT Unit of the UGC has not yet been able to tabulate data for undergraduate and postgraduate courses beyond 1979-All the Universities/colleges must avoid delay in furnishing the data to the UGC.

(Para 3.34)

CHAPTER IV

should make provision in the divisible States/UTs 14. All component of the Plan outlay for the TSP and the SCP not only in proportion to the ST and the SC population but in a higher proportion than their population percentages in view of their backwardness and their having been deprived of developmental beneifts in the past.

(Paras 4.10 and 4.16)

15. The SC/ST Finance & Development Corporations should simplify the present cumbersome procedure and minimise the period taken for processing of applications. Regular monitoring and evaluation of the projects and easy repayment schedules should be in-built in the system.

(Para 4.24)

. 16. The coverage of SC & ST under TRYSEM needs to be stepped up in the remaining period of the Eighth Plan in order to achieve the target of 50% during the Plan period.

(Para 4.29)

17. The State Governments may undertake surveys without further delay to identify all the scavengers so that by the end of the Eighth Plan they are fully liberated from their hereditary degrading and inhuman practice of manually removing nightsoil.

(Para 4.36)

18. SC & ST may be given proportionately higher weightage in terms of area distributed under ceiling surplus land. There is also need to redefine the standard acre in the laws of the different States taking into account the change in the value of land after irrigation facility.

(Para 4.38)

19. Whenever land ownership is settled in favour of SC & ST persons it should be immediately entered in the record of rights and actual possession given to allottees with simultaneous protection by the law enforcement authorities.

(Para 4.38)

20. Some of the provisions of the SC and the ST (Prevention of Atrocities) Act, 1989, safeguard the interests of SC & ST in the matter of land. It is desirable to make use of such provisions and refers litigations to the Special Courts set up under the Act to settle the cases expeditiously.

(Para 4.38)

CHAPTER V

21. Apprehensions have been expressed that in order to restrict the induction of SC & ST to the level of reserved quota, those candidates selected irrespective of their merit could be kept at the bottom of the panels for recruitment. One way of providing a safeguard against such possibility is to withhold the identity of SC/ST candidates at the time of interview. Once the merit list is drawn for all the candidates interviewed, the SC and ST may be identified, and those selected on merit adjusted against unreserved quota as per Government instructions.

(Para 5.16)

22. To safeguard the interests of SC and ST officers in promotions by selection within Group A posts in terms of the existing concession available to them, there is an immediate need to modify those instructions to provide that officers belonging to SC and ST who are rated above average and are senior enough to be covered by the number of vacancies are included in the select list on the basis of seniority-cum-

fitness.

(Para 5.21)

(Para 5.23)

- 23. The percentages of reservation for SC and ST for promotion in Group C and D posts under the Central Establishments should be revised so as to correspond with the local/regional percentages provided for them at the stage of recruitment to those outside Delhi. Alternatively, the unutilised reserved vacancies under respective categories of posts filled by promotion may be allowed to be exchanged between SC and ST in the same year instead of in the third year of carry forward, as has already been allowed in favour of ST by the Government in the case of unfilled promotion vacancies reserved for SC in the services under the Union Territories of Lakshadweep, Dadra & Nagar Haveli and Andaman & Nicobar Islands with large population of the Scheduled Tribes.
- 24. The safeguard available to SC/ST against reversion on account of sealed cover cases may be restored and incorporated in the revised guidelines on DPCs issued in 1989 as well as in the orders about the procedure to be followed in the matter of servants against promotion \mathbf{of} Government It is also disciplinary/Court proceedings are pending. in any grade becomes recommended that where reversion necessary after promotion either on account of reduction in staff or on account of sealed cover case or even on account officer from the reversion of an grade/deputation/transfer or on account of any other reason, orders need to be issued that the reversions should be made in such a manner that the total number of reservation for SC and ST in any select list is not reduced. (Para 5.26)
- 25. The Government should not only protect the backlog of reservations as distinct share of SC and ST ignoring 50% ceiling but also enhance the existing percentages of reservation from 15% and 7.5% to 16.5% and 8.0% for SC and ST respectively as per their population percentages according to 1991 Census, by amending the Constitution or by suitable legislation (Para 5.31)
- 26. The usefulness of the system of monitoring implementation of reservation orders by the public enterprises as laid down by the Department of Public Enterprises on 25-4-1991 can be ensured if the Joint Secretary/Chief of Persosnnel Department is directed to submit his progress report on the achievements made and remedial measures undertaken during the preceding calendar year and keep the National Commission fully posted.

 (Para 5.37)
- 27. To ensure that evaluation of CRs on SC/ST officers is fair, just and unbiased the system of writing CRs needs to be reviewed and suitably modified to provide that the Reviewing Officer may invite the SC/ST officer getting average/adverse ratings for discussion. This would afford an opportunity to SC/ST employees to know their standing and to represent in case they feel aggrieved. The Reporting/Reviewing Officer should also suggest possible lines of development of the

CHAPTER VI

- 28. With a view to ensuring that complaints in cases of atrocities on SC & ST are registered by the police, it is suggested that the Post Masters of the local Post Offices having telegraph facilities may be authorised to record complaints of victims and pass on the same telegraphically, at Government cost, to the concerned Special Police Station for registering the case. The services of the Gram Panchayat could also be utilised for reporting such cases to the concerned Police Stations. If necessary, the Post Master or the Gram Panchayat head (by whatever name called) may be declared honorary police officers.
- (Para 6.47)

 29. In cases which result in acquittal on technical grounds or due to administrative or other lapses, the Public Prosecutor should reexamine the case and file an appeal to ensure justice to the aggrieved SC/ST persons.
- (Para 6.47)

 30. In order to create awareness of the SC and the ST (Prevention of Atrocities) Act, 1989, amongst the police it is suggested that the subject of atrocities on SC and ST including the PAA should be included in the syllabus in the Departmental examinations and also in their orientation/refresher courses.
- (Para 6.47)

 There is greater incidence of atrocities in rural areas than in urban areas. Therefore, wide publicity through mass media should be given to create awareness amongst rural people about the various provisions of the SC and the ST (Prevention of Atrocities) Act, 1989. Voluntary social organisations should also be motivated to propagate against the evils of untouchability and publicise the provisions of the PCR Act and the PAA.
- 32. As a preventive measure the State Governments should identify atrocity-prone areas and take appropriate precautionary meausres to check occurrence of any such incident. Special Collectors may be appointed in districts having atrocity-prone areas so that the problem can be tackled on priority basis.
- (Para 6.47)
 33. Atrocities on SC/ST persons are generally committed on account of land disputes between them and others, their demand for minimum wages and their resentment against bonded labour. It is, thereofore, necessary that the local administration must take early action in resolving such problems faced by SC & ST so that such potential incidents are nipped in the bud.
- (Para 6.47)
 34. Special courts as provided in the SC and the ST (Prevention of Atrocities) Act, 1989, should be set up in all the concerned States as quickly as possible.
- 35. In some States the family of a person killed in a communal or

caste riot is granted at least Rs.l lakh as relief. It would, therefore, be reasonable to provide monetary relief of at least Rs.l lakh to the family of a Scheduled Caste/Scheduled Tribe person killed in a case of atrocity, particularly if the deceased was an earning member or physically fit to earn. Those States which have not followed the practice of providing monetary relief and rehabilitation facilities to victims of atrocities may also do so.

(Para 6.47)
Castes and Scheduled Tribes has recommended twice to reentrust the subject of 'atrocities' to the Ministry of Home
Affairs. This subject should be transferred from the
Ministry of Welfare to the Ministry of Home Affairs without
further delay in the interests of SC & ST.

(Para 6.47)