



**NATIONAL COMMISSION
FOR
SCHEDULED TRIBES**

**NINTH REPORT
FOR THE YEAR
2013-14**

NATIONAL COMMISSION FOR SCHEDULED TRIBES
NINETH REPORT (2013-14)
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D.O. No. 4/7/15-Coord.

Dated:

2016

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

2. In pursuance to the above mentioned provision, the National Commission for Scheduled Tribes has so far submitted eight Annual Reports and a Special Report on "Good Governance for Tribal Development and Administration". I have now the honour to submit to you the **Ninth Report** of the National Commission for Scheduled Tribes upon the working of the Safeguards for Scheduled Tribes during the year 2013-14. During the period under Report, the Members of the Commission interacted with senior officers and peoples representatives at State, district and local levels. The Commission also held sittings with the senior officers of the State Governments, Central Ministries and Departments, Central Public Sector Enterprises and Financial Institutions. The Commission has also deliberated upon various policy measures initiated by the Government. The experiences of the Commission have been reflected in this Report, which comprises of seven Chapters **(i) Organizational Set-Up & Functioning of the Commission (ii) Service Safeguards (iii) Planning for Development of Scheduled Tribes (iv) Atrocities against Scheduled Tribes (v) Case Studies (vi) Consultation on Policy Related Issues and (vii) SUMMARY OF RECOMMENDATIONS**. The last Chapter contains the recommendations taking into account the observation of the Commission in the respective Chapters.

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

matters relating to all duties and functions assigned to it, the outcome of which reflects on the efforts made by the Commission. Requisite manpower was not provided to the Commission in 2004 when National Commission for Scheduled Tribes was set up. About 40% of the total posts allocated to this Commission from the erstwhile National Commission for Scheduled Castes and Scheduled Tribes in December, 2004 were vacant. 31% of the total posts and almost 57% of the functional posts were vacant till the end of the March, 2014. In the respective years, the Ministry of Tribal Affairs which is the Administrative Ministry for this Commission, the Ministry of Social Justice and Empowerment, National Commission for Scheduled Castes and Department of Personnel and Training which are Cadre Controlling Authorities of various posts in this Commission have failed to provide personnel against these vacant posts.

4. The Commission has so far submitted Nine Reports to the President of India. These include Eight Annual Reports and one Special Report. The Commission expresses its displeasure that the Government, in fulfillment of the provision under Clause 6 of Article 338A of the Constitution, has so far laid in both Houses of Parliament, only three Reports, out of total Nine Reports viz; First Report submitted on 8th August, 2006, Second Report submitted on 3rd September, 2008 and Special Report of the Commission submitted on 18th June, 2012. The Commission also has no information whether any of its Reports has been laid in any State Legislature as required under Clause (7) of Article 338A.

5. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (15th Lok Sabha) in its 11th Report regarding action taken on the 33rd Report (14th Lok Sabha), laid in both Houses of Parliament on 24/03/2011, had mentioned that the **“Committee are disturbed to note that the Ministry of Tribal Affairs have been taking a very long time in consolidating the inputs received from various Ministries/Departments. As such the Committee have no reservation in recommending amendment of clauses 6 & 7 of Article 338A of the Constitution for timely laying of reports of NCST. The Committee, therefore, reiterates their earlier recommendation as also stress for laying of all NCST reports which are long overdue for laying in the Parliament.”**

6. The Constitution of India has made specific provisions for upliftment of the Scheduled Tribes and other weaker sections of the society. These include provisions for reservation for Scheduled Castes and Scheduled Tribes in civil posts and services of the Government. There are several instructions and guidelines relating to implementation of policy of reservation by Govt. Departments and Public Sector Enterprises under them, including Banks, Insurance Companies and Central Universities, etc. **Chapter 2 on 'SERVICE SAFEGUARDS'** discusses some important aspects having vital bearing on the service safeguards available to the members of the Scheduled Tribes. Although de-reservation of posts in direct recruitment is banned since 1989 yet non-availability of ST candidate in various feeder cadre posts has been noticed and consequently, several Ministries and Departments have been seeking de-reservation in promotion, which is still permissible. Government has to take strict

measures to ensure implementation of reservation at the time of direct Recruitment in each cadre and service.

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

8. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 & Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 has been framed to protect the members of these communities from social denigration. There is, however, no substantial reduction in the number of incidents of crimes against Scheduled Tribes. The Commission has also observed that about 15.2% of cases were decided by the Courts during the year 2013 out of which, on an average, only about 16.4% ended in conviction and 83.6% ended in acquittal. It has also been observed that the investigation process is not completed within a reasonable period of time. This is a matter of grave concern; and, there is imperative need to take more effective measures for curbing the incidence of crimes against Scheduled Tribes and ensuring prompt justice to the ST victims of atrocities and timely punishment to the perpetrators of crime. The detail regarding incidence of crimes against Scheduled Tribes and their disposal by Police and Courts have been discussed in **Chapter 4 on ATROCITIES AGAINST SCHEDULED TRIBES**.

9. The Commission receives representations pertaining to grievances and violation of safeguards land rights provided for Scheduled Tribes. These representations are referred to the concerned organizations of the Central Government or the State Governments by the Commission, requesting them to

furnish full facts within a given time frame. The facts furnished by the concerned Government or the organization are examined by the Commission and in case, upon enquiry, the Commission feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given timeframe and apprise the Commission of the action taken. The Commission's intervention brought relief in many cases during the Report period 2013-14. A few representative cases have been discussed in **Chapter 5** titled **CASE STUDIES**.

10. As per Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes. During the year 2013-14, the Commission communicated its views on several policy-related issues, the details of which have been reflected in **Chapter 6** on **CONSULTATION ON POLICY RELATED ISSUES**.

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

12. In this Report, the Commission has persevered to highlight the basic problems of Scheduled Tribes and has made recommendations to improve the efficacy of existing measures to safeguard their rights and the problems being faced by the Commission in fulfilling the mandate assigned to it by the Constitution. **The Commission sincerely hopes that the recommendations and suggestions made in this Report will be given due attention by the Government in the overall interests of the Scheduled Tribes.**

Yours sincerely,

(Rameshwar Oraon)

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

CHAPTER 1

ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

1.1 Creation and composition of the National Commission for Scheduled Tribes

1.1.1 The National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003¹. By this amendment the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST) w.e.f. **19 February, 2004****.

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

1.1.3 The first National Commission for Scheduled Tribes (NCST) was constituted in March, 2004 and comprised Shri Kunwar Singh, Chairperson (who assumed office on 15.3.2004), Shri Tapir Gao, Vice-Chairperson (who assumed office on 3.3.2004), Shri Lama Lobzang, (who assumed office on 2.3.2004), Smt. Prem Bai Mandavi, (who assumed office on 4.3.2004) and Shri Buduru Srinivasulu, (who assumed office on 11.3.2004) as Members. The office of Vice-Chairperson had fallen vacant w.e.f. 31.3.2004 consequent upon resignation of Shri Tapir Gao and was vacant till 29.5.2006 on which date Shri Gajendra Singh Rajukhedi joined the office of Vice-Chairperson. While Shri Kunwar Singh, Chairperson resigned from his office on 14.2.2007 (A/N), the Members of the first Commission demitted their office in the month of March, 2007 from the date of completion of their three years tenure. Shri Gajendra Singh Rajukhedi also resigned from the office of Vice-Chairperson on 15.05.2007.

1.1.4 The second commission comprised of Smt. Urmila Singh, as Chairperson, Shri Maurice Kujur as Vice Chairperson, Shri Tsering Samphel, and Shri Oris Syiem Myriaw, as Members (Smt. Urmila Singh assumed office on 18.06.2007 and resigned on 24.01.2010 consequent upon her

¹Available under the link "<http://ncst.nic.in/content/acts-amendments>" on NCST website <http://ncst.nic.in>

**Detailed background information about the historical evolution of the erstwhile National Commission for Scheduled Caste and Scheduled Tribes has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06.

appointment as Governor of Himachal Pradesh), Shri Maurice Kujur, Vice Chairperson remained in office from 25.04.2008 to 24.04.2011, Shri Tsering Samphel, Member who assumed office on 14.06.2007 demitted his office on 13.06.2010. Similarly, Shri Oris Syiem Myriaw, Member, who assumed office on 17.04.2008 demitted on 16.04.2011 after completion of three-year term.

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

1.1.6 Dr. Rameshwar Oraon has been re-appointed with 2nd term of three years as Chairperson, National Commission for Scheduled Tribes. Similarly, Smt. K. Kamla Kumari and Shri Bheru Lal Meena, were also re-appointed with 2nd term of three years as Members of the Commission. All of them assumed the respective Offices on 01/11/2013. Shri Ravi Thakur, MLA in Himachal Pradesh Assembly has been appointed as Vice-Chairperson of the Commission. Shri Ravi Thakur has assumed the office on 13/11/2013.

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

1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. They are appointed for a period of 3 years from the date of assumption of charge. It has been noticed that the posts of Members remain unfilled for long duration adversely affecting the functioning of the Commission despite the fact that Ministry of Tribal Affairs, which is the Nodal Ministry is aware about the vacancies in the Commission. **In view of the above it is recommended that timely action for filling the posts of Chairperson, Vice-Chairperson and Members of the Commission may be initiated so that these posts do not remain vacant after demitting the office by the above dignitaries.**

1.3 Functions and Duties of the National Commission for Scheduled Tribes

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

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
- (c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule, specify.

Expanded Terms of Reference of the Commission

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

1.4 Powers of the Commission

(A) Procedural Autonomy

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

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

1.4.2 A copy of the Rules of Procedure is available² on the website of the Commission (<http://ncst.nic.in>). No changes were made to these Rules during the Report period. However, an amendment to the Rules of Procedure was made recently in order to enable the Commission to hold its meetings in absence of adequate quorum as three posts of Members in the Commission were vacant for a long time. A copy of the Notification regarding Amendment of the Rules of Procedure is placed at **ANNEXURE-1.II** .

(B) Powers to act as a Civil Court

1.4.3 Clause (8) of Article 338A provides that the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of Clause (5) have all the powers of a civil court trying a suit and in particular in respect of the following:

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

Supreme Court's interpretation regarding powers of the Commission

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

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

(C) Advisory Role of the Commission

1.4.5 Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Tribes. The policy matters referred to the Commission are discussed in detail in the meetings of the Commission on the basis of the views expressed by the Members and the notes on the subject matter, indicating historical background, current status and relevant Rules etc., prepared by the Commission's Secretariat; and the views of the Commission³ are communicated in substantive fashion, also seeking feedback regarding the outcome of such consideration.

1.5 Organization of the Headquarters Office and Secretariat of the Commission

(A) Organizational set up of Headquarters Office

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

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

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

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

1.5.4 To facilitate smooth performance of various natures of duties assigned to the Commission, through the Members, the subject matters relating to

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

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

1.6 Functional Activities of the Commission

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

1.6.2 During 2013-14, the Chairperson held sittings in respect of 26 cases while 19 sittings were held by other Members of the Commission. The proceedings⁴ of the sittings are available on the Website of the Commission in the interests of petitioners and to maintain transparency and good governance.

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

⁴See the link "**Hearings/ Proceedings**" on the web-site of the Commission (<http://ncst.nic.in>)

Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country.

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

1.7 Meetings of the Commission

1.7.1 During the report period 2013-14, seven meetings of the Commission were held. The meetings were held on 24/04/2013, 10/06/2013, 9/07/2013, 19/07/2013, 02/09/2013, 22/11/2013 and 23/01/2014. The agenda items discussed in the meetings, and proceedings of the meetings are available on the website of the Commission. These may be seen under the main link [Meetings of Commission](#) on the Website of the Commission.

1.8 Review of programmes and safeguards for STs in States

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

1.8.2 Information about visits undertaken by the Chairperson, the Vice-Chairperson and the Members of the Commission during 2013-14 is available on the website of the Commission. However, a statement indicating the particulars of the visits undertaken by the Chairperson, the Vice-Chairperson and each Member of the Commission during 2013-14 is placed at **ANNEXURE-1.III**

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

1.9.1 Clauses (5) (d) and (5) (e) of Article 338A provide that it shall be duty of the Commission to present to the President annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards provided to Scheduled Tribes, and to make recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other necessary measures for the protection, welfare and socio-economic development of the Scheduled Tribes. Clause 6 of Article 338A provides that, %The President shall cause all such reports to be laid before each House of Parliament along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of such recommendations.

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

TABLE 1.3

	Reports of the NCST	Period	Submitted to the President of India on	Laid in the Lok Sabha on	Laid in the Rajya Sabha on
1	2	3	4	5	6
(1)	First Annual Report	2004-05 & 2005-06	08.08.2006	31.08.2012	30.08.2012
(2)	Second Annual Report	2006-07	03.09.2008	26.04.2013	02.05.2013
(3)	Third Annual Report	2007-08	29.03.2010	Yet to be laid*	Yet to be laid*
(4)	Fourth Annual Report	2008-09	27.08.2010	Yet to be laid*	Yet to be laid*
(5)	Fifth Annual Report	2009-10	13.07.2011	Yet to be laid*	Yet to be laid*
(6)	Special Report	2012	18.06.2012	13.12.2013	12.12.2013
(7)	Sixth Annual Report	2010-11	25.10.2013	Yet to be laid*	Yet to be laid*
(8)	Seventh Annual Report	2011-12	20.02.2015	Yet to be laid*	Yet to be laid*
(9)	Eighth Annual Report	2012-13	16.01.2015	Yet to be laid*	Yet to be laid*

1.9.3 As it is evident from the above table that only 3 reports have so far been laid in the Parliament and it is taking many years to lay these reports along with Action Taken Memorandum in both houses of the Parliament. In view of the above, the Commission recommends to de-link the laying of the report in the Parliament from laying of the Action Taken

Memorandum on the recommendations contained in the report of the Commission.

1.10 Compliance of the RTI Act, 2005

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

Disposal of RTI Applications

1.10.2 During the Report period 2013-14, the National Commission for Scheduled Tribes received a total of 242 applications seeking information under the Right to Information Act, 2005. Information was furnished in all the applications. 40 out of 242 applications were received and replied by the Regional Offices of the Commission while others 202 were replied by the concerned PIO of the headquarter Office of the Commission. List of the applications received and dealt with during the Report period is available⁵ on the Website of the Commission. It will be noticed that information was furnished within specified time limit in 227 out of 242 applications while information could not be furnished in time in 15 applications only. The scrutiny of the replies reveals that in many of these cases information sought was voluminous and needed collection and compilation of information from various sources.

1.11 Representation in Court Cases

1.11.1. For proper implementation of the Constitutional safeguards provided for the Scheduled Tribes and to advise the Union and the State Governments on all major policy matters affecting the Scheduled Tribes, the Commission is on occasion required to file affidavits containing its views in cases relating to important issues concerning the Scheduled Tribes which were dealt in the Commission or filed in various Courts by various parties, including the members of the Scheduled Tribe community and/ or by their associations, involving National Commission for Scheduled Tribes as one of the respondents. A statement showing the particulars of court cases registered during the report year 2013-14 is at **ANNEXURE-1.IV**.

⁵ Pl. see the Sub-link 'RTI Applications' under link 'RTI Disclosures' on the website of the Commission (<http://ncst.nic.in>)

1.12 Computerized Monitoring System

1.12.1 At present, NCST office is equipped with PCs, Printers and Scanners etc. All the officers and Sections/Units have been provided with computers for efficient handling of their work, though many of them are outdated and need replacement. The Computers are networked through NIC and have continuous support from the NIC Networking Group.

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

(A) Effectiveness of the Monitoring System

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

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

- f. Subject-wise categorization of files facilitating close monitoring of Court/Policy/VIP and other cases etc.
- g. In-built flexibility to generation of various statistical and generic reports of files and grievances for customized requirements.
- h. Status of pendency/disposal of files and receipts in the concerned sections/divisions and focus more attention to long pending cases.

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

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

1.12.5 The **PGRMS** has already been implemented at the NCST Hqrs. The process of linking of the Regional Offices of the Commission has been started. So far, five of the six regional offices of the Commission located at Bhopal, Bhubaneswar, Jaipur Raipur and Ranchi have been linked to **PGRMS** and training has been imparted to the officials of these Regional offices. The linking of Regional office, Shillong is under process. However, due to acute shortage of manpower and computers in the Regional Offices they are facing difficulties in making the system operational.

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

1.13.1 As mentioned earlier, the File Tracking System (FTS) was introduced in the headquarter office since July, 2008. Centralized diarizing of the Papers/ letters/ representations etc. received in the Commission and opening and movement of files are parts of the FTS. In order to place complete information about current as well as already closed files, details about each file that was closed but not yet destroyed till July, 2008 were also entered in the FTS. Closed files can be re-opened when required (and subsequently closed again). This is a continuous process and therefore, the number of files, including case files relating to grievances, brought forward from previous year, as downloaded now from the FTS, may be different from the information about number of live cases at the end of the year 2013-14 as given in the 9th Report. As data in respect of the Regional offices is in progress of entry, the information in the next paras is limited to the work handled in the Headquarter office of the Commission.

1.13.2 As per computerized File Tracking System (FTS) of this Commission, 2734 receipts were pending for action, at various levels in the Commission headquarter, on 01/04/2013 and 6719 receipts were received during the report period 2013-14 making a total of 9453 receipts for action during 2013-14. Out of 9453 receipts, 6352 receipts were merged in the concerned files for appropriate action and 3101 receipts only were pending for action at the end of the report period 2013-14.

1.13.3A total of 5307 files were in current stage as on 31/03/2013 in the Headquarter office of the Commission.1347 new files were created during the year 2013-14 thus making a total of 6654 files for action during the report period. Action was taken on current files, as well as old files in which follow-up was necessary. Out of these files, 2147 files were closed during the report period 2013-14 after completion of action. Remaining 4507 files were current as on 31/03/2014. The fewer disposal of case files during 2013-14 is attributed to acute shortage of manpower in the Commission.

1.14. Functioning of the Regional Offices of the Commission

(A) Location, Jurisdiction and Duties

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

TABLE 1.5

S. No	Location & Address of Regional Office	Name & Designation of the Officer Incharge	Jurisdiction of the Regional Office
(1)	(2)	(3)	(4)
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Area Hills, Bhopal-462011	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, Bhubaneswar- 751015	Shri S. R. Tiriya Research Officer (Addl. charge) Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Pondicherry
3.	Room No.101 & 102, 1st Floor, Block-A, Kendriya Sadan Sector-10, Vidyadhar Nagar, Jaipur-302023	Shri M. S. Chopra Director Ph:0141 2236462 0141 2235488 (F)	Chandigarh, Gujarat, Haryana, HP, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, Raipur-492006	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443334 Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co- operative Colony, Kadru, Ranchi-834002	Shri S. R. Tiriya Research Officer Ph: 0651 2341677 0651 2340368 (F)	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001	Miss. P. Syiemlieh, Assistant Director Ph: 0364 2504202 0364 2221362 (F)	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

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

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

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

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

- i) State Level Monitoring Committee (headed by the Chief Minister of the State concerned) on implementation of the PoA Act, 1989.
- ii) State level Caste Certificate Scrutiny Committee meetings as a special invitee member.

- iii) State level Bankers Committee meeting organized by the Nationalised Lead Bank in the State.
- iv) Nagar Rajbhasha Karyanvayan Samiti meetings.
- v) Central Govt. Employees welfare Co-ordination Committee meetings.

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

1.14.5 The Regional Offices also receive a large number of receipts of various kinds including grievances and matters relating to Scheduled Tribes from the Scheduled Tribe individuals and their Associations. As most of the cases received in the Regional Offices relate to the offices located in the States, action on those receipts/ cases is taken by the concerned Regional Office. Existence of the Regional Offices in the States helps the local Scheduled Tribes and their well-wishers to easily approach the Commission (through the concerned Regional Office). The presence of the Regional Office nearer to the local Government and their participation and contributions in various Committees fosters constructive relationship between the Regional Office and the Authorities concerned. Consequently, these Regional Offices play an important role in prompt disposal of the complaints of grievances or violation of safeguards for Scheduled Tribes in the States under the jurisdiction of the Regional Offices. Cases in which Sittings is considered necessary for which invoking of power of Civil Court is required to be exercised by the Member of the Commission, the matters are referred by the Regional Offices to the Headquarter Office for taking further necessary action. Broad category-wise files opened/registered in each Regional Office of the Commission during 2013-14 is given in **TABLE 1.6** below:

TABLE 1.6

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

S. No.	Regional Office	Service matters	Economic and Social Development	Atrocity matters	Total
(1)	(2)	(3)	(4)	(5)	(6)
1.	Bhopal	92	99	26	217
2.	Bhubaneswar	56	36	31	123
3.	Jaipur	20	15	30	65
4.	Raipur	23	51	10	84
5.	Ranchi	26	10	45	81
6.	Shillong	15	9	0	24
	TOTAL	232	220	142	594

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

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

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

Regional Office BHOPAL

1.14.9 The Bhopal Regional Office received 1996 total no. of references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations which includes fresh representations, reminders and rejoinders during the year 2013-14, while no receipts were pending for action from the previous year. All the 1996 receipts were disposed off during the year and no fresh receipt remained pending for action at the end of the year 2013-14.

1.14.10 As regards previous year case files there were 529 active files in the Regional Office at the end of the year 2012-13. During the year 2013-14, another 217 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 746 cases for action during the year under report. However, 216 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 14 cases were recorded as successfully closed during the year. Remaining 530 case files were still active for further action at the end of the year 2013-14.

Regional Office, BHUBANESWAR

1.14.11 The Bhubaneswar Regional Office received 718 total no. of references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2013-14 while 14 receipts were brought forward for action from the previous year 2012-13. 727 receipts out of total of 732 receipts for action during 2013-14, were disposed off during the year and only 05 receipts were left for action at the end of the report year 2013-14.

1.14.12 As regards previous year case file work, 166 files were alive at the end of the year 2012-13 in the Regional Office. During the year 2013-14, another 123 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 289 files for action during the year 2013-14. Out of these 289 files, 30 files were closed during the year 2013-14, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 10 cases were recorded as successfully closed during the year. 259 cases were still active for further action at the end of the year.

Regional Office, JAIPUR

1.14.13 The Jaipur Regional Office received 1458 receipts of various kinds (including grievances and other matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2013-14, while 64 receipts were brought forward for action from the previous year 2012-13. 1247 receipts out of total of 1522 receipts for action during 2013-14, were disposed off during the year and only 275 receipts were left for action at the end of the report year 2013-14.

1.14.14 There were 228 active files in the Regional Office at the end of the year 2012-13. During the year 2013-14, another 65 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 293 files for action during the year 2013-14. Out of these 293 files, 71 files were closed during the year (including successful cases), after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. 222 cases were still active for further action at the end of the year.

Regional Office, RAIPUR

1.14.15 The Regional Office, Raipur received 1137 total no. of references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2013-14. All these 1137 receipts were disposed off during the year.

1.14.16 As regards previous year case files there were 231 active files in the Regional Office at the end of the previous year 2012-13 and 84 new case files were opened during the year 2013-14 making a total of 315 cases for action during the year under report. However, 123 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 12 cases were recorded as successfully closed during the year. Remaining 192 case files were still active for further action at the end of the year.

Regional Office RANCHI

1.14.17The Ranchi Regional Office received 469 total no. of references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations as fresh representations, reminders and rejoinders during the year 2013-14. This also includes the Newspaper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motuaction. All these 469 receipts were disposed off during the year.

As regards previous year case filesthere were 53 active files in the Regional Office at the end of the previous year 2012-13. During the year 2013-14 another 83 files were opened which related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 136 cases for action during the year under report. However, 37 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 14 cases were recorded as successfully closed during the year. Remaining 99 case files were still active for further action at the end of the year 2013-14.

Regional Office SHILLONG

1.14.18The Regional Office Shillong received 24 total no. of references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations as fresh representations, reminders and rejoinders beside correspondence relating to Administrative matters during the year 2013-14. This also includes the Newspaper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motu action. All the receipts have been suitably disposed off during the report year 2013-14.

1.14.19As regards previous year case files there were 66 active files in the Regional Office at the end of the year 2012-13. During the year 2013-14, another 24files were opened, which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 90 cases for action during the year under report. However, 20 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 6 cases were recorded as successfully closed during the year. Remaining 70case files were still active for further action at the end of the year.

CHAPTER 2

SERVICE SAFEGUARDS

2.1 Constitutional Provisions

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

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

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

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

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

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

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

2.1.2 Pursuant thereto, the Government have issued instructions from time to time providing for reservation in matters of employment under the Government, public sector undertakings and other autonomous bodies under the control of the Govt. Compendium of instructions on this subject is available on the Department of Personnel and Training website¹. There has been no amendment to the above mentioned constitution provisions during the report period.

2.2 Constitutional validity of the amendments

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

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

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

2.2.2 Creamy layer among STs and SCs

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

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

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

2.2.4 Relaxations and Concessions for Scheduled Tribes.

2.2.4.1 As per the extant provision contained in Article 335 of the Constitution concessions were admissible to SCs and STs in all types of direct recruitment and promotion, such as relaxation in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration (larger than what is provided for general category candidates) etc. However, DoPT vide OM No. 36012/23/96-Estt.(Res) dated

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

2.3 Cadre strength- Direct Recruitment and Promotion-adjustments

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

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

2.4 Reservation in promotion

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

2.4.2 The present instructions of the Govt. provide for reservation in promotion by selection for SCs & STs up to the lowest rung of Group A but not within Group A. But when promotions by selection are made from a Group A post to another Group A post, which carries an ultimate salary of Rs.18,300/- (pre-revised), or less, the SC and ST Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. (DoPT O.M. No. 36028/21/2003-Estt.(Res) dated 29.01.2004)

2.5 Grounds for Own merit appointments

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

2.6 Zone of Consideration

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

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

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

merit, i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.

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

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

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

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

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

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

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

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

2.7 Reservation for SCs and STs beyond 15.11.1997 in financial institutions/ Banks consequent to judgment of Madras High Court dated 09.12.2009- DoPT O.M.No.36012/43/2008-Estt.(Res.) dated 14.01.2010²:

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

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

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

2.8 Representation of Scheduled Tribes in public services

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

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

²Complete O.M. can be seen on the web site of Ministry of Personnel (<http://persmin.nic.in>).

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

2.8.2 Representation of Scheduled Tribes in Central Govt. services as on 01.01.2014 as per the information made available by the Department of Personnel and Training (Ministry of Personnel and Training) vide their letter No. 36027/01/2014-Estt. (Res.) dated 20.10.2015 is as given in the Table 2.1 below:

TABLE 2.1

Representation of Scheduled Tribes in Central Ministries/Departments

(As on 01.01.2014)

Group	Total	STs	%age
A	44811	2084	4.65
B	109920	6952	6.32
C (Excl Safai Karamchari)	1612689	124765	7.74
C (Safai Karachari)	43058	3225	7.49
Total (Including Safai Karamchari)	1810478	137026	7.57

2.8.3 The above data as on 01/01/2014 relates to 54 Ministries/ Departments of the Government of India. It is seen from the above table that overall representation of ST employees in all the Central Ministries/ Department is satisfactory, being 7.57% while representation in Group A and Group B category is below the prescribed reservation level of 7.5% for scheduled tribes. The position is however, better in respect of Group C (Excluding Safai Karamchari) and Group C (Safai Karamchari). **The Commission, therefore, recommends that Department of Personnel and Training may issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in all services and posts and also that all vacant posts may be filled urgently by special recruitment drives and the shortfall in ST quota may be separately filled as per the provisions under Article 16(4B) of the Constitution inserted vide the Constitution (Eighty-fifth Amendment) Act, 2001.**

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

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

and the PSEs. In fulfilling its role, it associates itself with other Ministries and organisations.

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

2.8.6 Based on the information furnished by the Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises) vide their OM No. DPE-GM/0043/2014-GM-FTS-1899 dated 20.11.2015 the consolidated information regarding representation of Scheduled Tribes in Central Public Sector Enterprises as on 31.03.2014 in various categories of posts i.e. Group A, B, C and D is as given in the Table 2.2 below:

TABLE 2.2

Representation of Scheduled Tribes in Central Public Sector Enterprises

Group	Total No. of Employees (As on 31.3.2014)	No. of ST Employees (As on 31.3.2014)	%age
A (Managerial/ Executive Level)	2,70,539	14,492	5.36
B (Supervisory Level)	1,30,345	8,762	6.72
C (Workmen/ Clerical Level)	6,73,164	69,177	10.28
D (Semi-skilled/ Un- skilled excl. Safai Karamcharis)	2,75,445	23,007	8.35
Grand Total (Incl. Safai Karamcharis)	13,49,493	1,15,438	8.55

2.8.7 It is seen from above that overall representation of ST employees in all the CPSEs is satisfactory, being 8.55% while representation in Group A as well as Group B categories is below the prescribed reservation level of 7.5% for Scheduled Tribes. The position is however, better in respect of Group C and Group D categories. CPSE-wise information about representation of ST employees in various categories of posts is available at ANNEXURE 2.I. **The Commission recommends that Department of Public Enterprises may**

issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in Managerial Executive Level and Supervisory Level.

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

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

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

2.8.10 The detailed information relating to representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Officers, (ii) Clerks and (iii) Sub-Staff for the year 2013-14 as per the information available on the website of Ministry of Finance (Annual Report 2013-14) is as given in TABLE-2.3 below.

TABLE 2.3**REPRESENTATION OF ST EMPLOYEES IN DIFFERENT BANKS**

S. No.	Name of Bank	Group A& Bq			Group Cq			Group Dq(excluding Safai Karamcharis)			Group Dq(Safai Karamcharis only)		
		Total	ST	% age	Total	ST	% age	Total	ST	% age	Total	ST	% age
1	Allahabad Bank	12428	948	7.63	8531	529	6.20	1191	97	8.14	2069	108	5.22
2	Andhra Bank	10499	785	7.48	5336	349	6.54	3006	209	6.95	1548	121	7.82
3	Bank of Baroda	19449	1422	7.31	17850	1322	7.41	7084	682	9.63	1020	102	10.00
4	Bank of India	17847	1340	7.51	18115	1846	10.19	4405	454	10.31	3285	344	10.47
5	Bank of Maharashtra	5890	434	7.37	6239	429	6.88	2503	244	9.75	1493	95	6.36
6	Canara Bank	20736	1410	6.80	18835	1087	5.77	7724	353	4.57	867	42	4.84
7	Central Bank of India	16369	1271	7.76	15562	1252	8.05	6086	474	7.79	3077	292	9.49
8	Corporation Bank	7614	415	5.45	7410	393	5.30	3192	212	6.64	0	0	0.00
9	Dena Bank	5368	478	8.90	5173	555	10.73	1948	271	13.91	353	35	9.92
10	Indian Bank	8566	663	7.74	9304	370	3.98	1871	77	4.12	670	22	3.28
11	Indian Overseas Bank	13602	1069	7.86	12504	603	4.82	4354	153	3.51	0	0	0.00
12	Oriental Bank of Commerce	9891	551	5.57	6307	278	4.41	3435	230	6.70	0	0	0.00
13	Punjab National Bank	24121	1510	6.26	26803	1221	4.56	9640	574	5.95	4945	240	4.85
14	Punjab & Sind Bank	6220	350	5.63	2042	59	2.89	791	27	3.41	888	12	1.35
15	Syndicate Bank	11499	846	7.36	10483	595	5.68	3564	253	7.10	2182	116	5.32
16	Union Bank of India	17421	1205	6.92	10365	602	5.81	3815	320	8.39	2470	225	9.11
17	United Bank of India	7526	551	7.32	6454	418	6.48	2747	125	4.55	1463	57	3.90
18	UCO Bank	11839	854	7.21	8530	510	5.98	2744	153	5.58	1708	79	4.63
19	Vijaya Bank	6027	411	6.82	4410	298	6.76	2004	148	7.39	524	42	8.02
20	State Bank of India	79780	5291	6.63	103883	8528	8.21	35448	2591	7.31	4225	227	5.37
21	State Bank of Bikaner & Jaipur	5444	491	9.02	5190	573	11.04	2126	237	11.15	764	20	2.62
22	State Bank of Patiala	5713	207	3.62	6309	69	1.09	3194	62	1.94	596	6	1.01
23	State Bank of Hyderabad	7145	470	6.58	7322	497	6.79	2450	139	5.67	1460	93	6.37
24	State Bank of Mysore	3358	243	7.24	5432	269	4.95	2078	132	6.35	0	0	0.00
25	State Bank of Travancore	5133	147	2.86	7039	197	2.80	1804	75	4.16	589	13	2.21
26	NABARD	2787	213	7.64	671	56	8.35	816	101	12.38	0	0	0.00
27	SIDBI	875	56	6.40	100	8	8.00	63	13	20.63	3	0	0.00
28	IDBI	14415	572	3.97	1199	37	3.09	935	77	8.24	100	2	2.00
29	RBI	7864	499	6.35	3916	252	6.44	4127	359	8.70	1453	104	7.16
30	EXIM Bank	308	20	6.49	0	0	0.00	2	0	0	0	0	0.00
31	National Housing Bank	106	3	2.83	0	0	0.00	0	0	0	0	0	0.00
32	IIFC Ltd.	56	2	3.57	0	0	0.00	1	0	0	0	0	0.00

Source: Annual Report 2013-14, M/o Finance (<http://finmin.nic.in/reports/annualreport.asp>)

2.8.11 It is seen from the above TABLE that the representation of Scheduled Tribes in Group A & B posts is less than the prescribed percentage of 7.5% except in Allahabad Bank (7.63), Bank of India (7.51), Central Bank of India (7.76), Dena Bank (8.90), Indian Bank (7.74), Indian Overseas Bank (7.86) and

State Bank of Bikaner & Jaipur (9.02). The percentage of STs in Group B posts is above the prescribed level of 7.5% only in Bank of India (10.19), Central Bank of India (8.05), Dena Bank (10.73), State Bank of India (8.21) and State Bank of Bikaner & Jaipur (11.04). The representation of STs in Group C posts in many of banks is less than 6% and as low as 1.09% in State Bank of Patiala (2.89) in Punjab & Sind Bank and (2.80) in State Bank of Travancore. As regards in Group D posts the percentage of representation for Scheduled Tribes is above the prescribed limit of 7.5% in Allahabad Bank, Bank of Baroda, Bank of India, Bank of Maharashtra, Central Bank of India, Dena Bank, Union Bank of India State Bank of Bikaner & Jaipur and RBI while in some of the Banks it is not satisfactory, for example Indian Overseas Bank (3.51), Punjab & Sind Bank (3.41), Indian Bank (4.12) and others.

2.8.12 In addition to the Public Sector Banks there are five other Financial Institutions . These are NABARD, National Housing Bank, EXIM Bank, SIDBI and IIFCL. Among these Financial Institutes, NABARD (7.64%) has the highest representation of ST employees followed by SIDBI (6.40%), EXIM Bank (6.49%), IIFCL (3.57%) and National Housing Bank with (2.83%) has the lowest level of representation of ST employees in Group A & B category.

2.8.13 Most of the Nationalised Banks were setup more than 60 years ago and nationalization of these Banks took place in 1969. Therefore, DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Thereafter, detailed instructions were issued for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. The Commission fails to understand the low representation of Scheduled Tribes in respect of each category of posts Groups A to D- even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Commission reiterates its earlier recommendation that the Department of Financial Resources (Banking Division) should direct the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching Special Recruitment Drive and deputing special recruiting teams in the tribal areas and provide at least one-week long pre-recruitment comprehensive coaching for clerical cadre and four-week long coaching for Officer cadres in batches to improve the intake of ST candidates in recruitment at all levels.**

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

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

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

2.8.16 The information relating to representation of Scheduled Tribes under each Group of posts in each of the 7 Public Sector Insurance Companies for the year 2013-14 as available on the website of Ministry of Finance (Annual Report 2013-14) is as given in **TABLE 2.4** below:

TABLE 2.4**Representation of STs in Public Sector Insurance Companies**

S No.	Name of Insurance Company	Group	Total employees	ST employees	% age
(1)	(2)	(3)	(4)	(5)	(6)
1	Life Insurance Company of India	Group A & B	56504	4135	7.32
		Group C	54863	4110	7.49
		Group D (Excl. Safai Karamcharis)	5436	292	5.37
		Group D (Safai Karamcharis)	611	45	7.36
		Total (Including Safai Karamcharis)	117414	8582	7.31
2	General Insurance Company of India	Group A & B	405	20	4.94
		Group C	95	11	11.58
		Group D (Excl. Safai Karamcharis)	26	1	3.85
		Group D (Safai Karamcharis)	0	0	0.00
		Total (Including Safai Karamcharis)	526	32	6.08
3	The New India Assurance Company Ltd.	Group A & B	8640	480	5.56
		Group C	8137	661	8.12
		Group D (Excl. Safai Karamcharis)	2001	166	8.30
		Group D (Safai Karamcharis)	0	0	0.00
		Total (Including Safai Karamcharis)	18778	1307	6.96
4	National Insurance Company Ltd.	Group A & B	7061	360	5.10
		Group C	6468	461	7.13
		Group D (Excl. Safai Karamcharis)	1108	87	7.85
		Group D (Safai Karamcharis)	744	44	5.91
		Total (Including Safai Karamcharis)	15381	952	6.19
5	Oriental Insurance Company Ltd.	Group A & B	6573	368	5.60
		Group C	5884	496	8.43
		Group D (Excl. Safai Karamcharis)	1949	148	7.59
		Group D (Safai Karamcharis)	61	0	0.00
		Total (Including Safai Karamcharis)	14467	1012	7.00
6	United India Insurance Company Ltd.	Group A & B	7865	474	6.03
		Group C	7099	523	7.37
		Group D (Excl. Safai Karamcharis)	1943	150	7.72
		Group D (Safai Karamcharis)	82	3	3.66
		Total (Including Safai Karamcharis)	16989	1150	6.77
7	Agriculture Insurance Company of India Ltd.	Group A & B	252	22	8.73
		Group C	23	4	17.39
		Group D (Excl. Safai Karamcharis)	4	0	0.00
		Group D (Safai Karamcharis)	3	0	0.00
		Total (Including Safai Karamcharis)	282	26	9.22
	Grand Total (all Companies- all Groups) (including Safai Karamcharis)		183837	13035	7.09

Source: Annual Report 2013-14, M/o Finance (<http://finmin.nic.in/reports/annualreport.asp>)

2.8.17 A total of seven insurance companies have responded to the Communication of the Commission regarding representation of the Scheduled Tribes in their services in the year 2013-14. In Life Insurance Corporation of India (LIC), the representation of Scheduled Tribe employees in Group A and B was reported to be 4,135 out of 56,504 employees which is 7.32%. However, in Group C posts, the representation of ST employees was reported as 4110 out of a total of 54,863 which is only 7.49%. It is noteworthy that the appointments are made on regional basis and in certain regions, the representation of ST employees should be according to the percentage of ST population of that State or region. Thus it can be concluded that though in Group C all India percentage of reservation of Scheduled Tribes has almost been achieved but there might be discrepancy in regional basis. It has also been noticed that in Group D (excluding Safai Karamcharis), there representation is only 5.37% which is below the prescribed percentage.

2.8.18 As far as General Insurance Corporation of India (GIC), (The New India Assurance Company Limited (NIAC), National Insurance Company Limited (NIC), (Oriental Insurance Company Limited (OIC) and (United India Insurance Company Limited (UIIC) are concerned, the representation in Group A and B category is below the prescribed percentage. **The Commission further recommends that in order to achieve the representation of STs in Group A posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan in the promotions.**

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

2.8.19 The provisions relating to ensuring representation of Scheduled Tribes in services and posts under the State, as prescribed under Articles 16(4), 16(4A) and 16(4B) under the Constitution, are also applicable to the Central Universities and Deemed to be the Central Universities. The University Grants Commission (UGC) has the unique distinction of being the only grant-giving agency in the country which has been vested with two responsibilities: that of providing funds and that of coordination, determination and maintenance of standards in institutions of higher education. Accordingly, the University Grants Commission issues instructions relating to reservation for Scheduled Tribes in teaching and non-teaching posts in the Central Universities and the Deemed to be Central Universities. The UGC also monitors the implementation of reservation in those Universities. The statistical data in respect of Teaching & non-Teaching posts reserved for STs in respect of each of the 39 Central Universities and 8 Deemed to be Central Universities (as on 01/04/2015) has been received from the University Grants Commission.

(E1) Central Universities- Teaching Posts

2.8.20 There are three broad categories of teaching posts in the Universities. These are Professors, Associate Professors and Assistant Professors/ Lecturers. In addition some Universities appoint Guest faculties also. Besides,

there are posts relating to laboratories etc. which are part of the teaching system. All these posts are grouped as other category of teaching posts. The detailed post-wise representation of STs in Teaching posts in respect of each Central University as received from the UGC are given in the statements at **ANNEXURE-2.II**

2.8.21 It may be seen from the Annexure 2.II That a total of 2376 posts of professors were sanctioned in these Universities as on 1.1.2015 out of which 123 were reserved for ST candidates. A total of 1112 posts of Professors were occupied out of which only 11 belonged to ST category. A total of 1264 posts were lying vacant out of which 112 were reserved for ST category candidates. **Thus, it can be concluded that in the Central Universities, the posts of Professors reserved for ST candidates are hardly filled up anywhere. The Commission recommends that there is a need to see that candidates belonging to ST category also get appointment in requisite numbers in highest teaching post in Central Universities.**

2.8.22 As far as the post of Associate Professors are concerned, out of 4684 sanctioned posts, 273 have been reported to be reserved for ST candidates. A total of 2489 posts have been filled up as on 1.1.2015 out of which only 28 belong to ST category. Thus, a total of 2195 posts of Associate Professors were lying vacant in the Central Universities out of which 245 belonged to ST category. In case of the posts of Assistant Professors, out of 9458 sanctioned posts, 596 were reported to be reserved for ST category. A total of 6819 posts were filled up out of which only 344 were filled by ST category candidates. Thus a total of 2639 posts were lying vacant as on 1.1.2015 out of which 252 belonged to ST category. **The Commission recommends that special efforts should be made by the UGC and all the Central Universities to ensure that the posts of Associate Professors and Assistant Professors meant for STs do not remain unfilled.**

(E2) Central Universities- Non-Teaching Posts

2.8.23 The University wise and Group wise representation of Scheduled Tribes in non-Teaching Posts as on 1.4.2015 in various Central Universities is given in the Statement at **ANNEXURE-2.III**

2.8.24 It is evident from the Annexure 2.III That a total of 1982 Group A non-teaching posts were sanctioned in these Central Universities out of which 52 were reserved for ST category candidates. A total of 1270 posts were occupied out of which 55 were reserved for ST candidates. Thus, the representation of STs in Group A was higher than the minimum prescribed percentage. In Group B posts, the sanctioned strength has been reported to be 4630 out of which 150 were reserved for ST category. A total of 3277 posts were occupied out of which 133 belonged to ST category as on 1.1.2015. All together 1083 posts were lying vacant out of which 17 belonged to ST category. In Group C, out of 27,767 sanctioned posts, 1504 were reserved for ST category. A total of 19,542 posts were occupied out of which 912 belonged to ST category. A total of 8225 posts were lying vacant as on 1.1.2015 out of which 592 belonged to ST

category. **The Commission recommends that these Central Universities should take urgent steps to fill the vacant Group B and C posts reserved for ST candidates in a time bound manner.**

(E3) Deemed Central Universities-Teaching posts

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

2.8.26 The detailed post-wise representation of STs in Teaching posts as on 1.4.2015 in respect of each Deemed-to-be- University, as received from the UGC is given in the statements at **ANNEXURE-2.IV**

2.8.27 As it is evident from Annexure 2.IV , a total of 136 posts of Professors were sanctioned out of which 78 were filled up as on 1.1.2015 and 58 were lying vacant. A total of 11 posts of Professors were reserved for ST category out of which only 2 were filled and 9 were vacant in the 8 Deemed Universities. As far as the posts of Associate Professors are concerned, a total of 304 posts were sanctioned in 8 Deemed Universities out of which 221 were filled and 83 were vacant. Among those 23 posts were reserved for STs out of which only 4 were filled and 19 were vacant. In the case of Assistant Professors, 913 posts were sanctioned in these 8 Deemed Universities out of which 823 were filled up and 90 were vacant. A total of 69 posts of Assistant Professors were reserved for ST category candidates out of which 34 were filled and 35 were vacant. **The Commission observes that there is very less representation of ST teaching faculty in these Deemed Universities and recommends to take urgent action to fill up the vacant posts reserved for ST category candidates.**

(E4) Deemed Central Universities- Non-teaching posts

2.8.28 As mentioned above in respect of teaching posts information in respect of non-teaching posts also is available in respect of 11 Institutions deemed to be Universities. The statement contains information separately in respect of Group ~~A~~q Group ~~B~~q Group ~~C~~q and Group ~~D~~q posts. The detailed post-wise representation of STs in Non-Teaching posts as on 15.12.2014 in respect of each Deemed Central University as received from the UGC is given in the statements at **ANNEXURE-2.V**

2.8.29 As far as non-teaching posts in these 8 Deemed Universities are concerned, a total of 162 posts are sanctioned in Group A category out of which 114 are filled up as on 15.12.2014 and 48 were vacant. A total of 12 such posts were reserved for ST category out of which only 4 were filled and 8 were unfilled. Also a large number of reserved Posts of ST category in Group B, C and D categories are lying vacant in these Institutions and the Commission recommends to take urgent action to fill up these posts.

(E5) Minority Educational Institutions

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

2.9 Recognition of SCs and STs Employees Welfare Associations.

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

2.9.2 These Welfare Associations are established for the benefit of all Scheduled Castes and/or Scheduled Tribes employees of the organization and not for a particular SC or ST community. If recognition can be granted to

Associations of all Ex-servicemen, all women, all boys, all disabled persons then why Associations working for all SC/ST communities, irrespective of any specific SC/ST community, cannot be recognized. These Associations act as mediators and bring better coordination between the management and the SC/ST employees and resolving the issues concerning the problems of those employees and also implementing the Government policy relating to reservation for Scheduled Castes and Scheduled Tribes. **Therefore, the Commission recommends that the Department of Personnel and Training may issue necessary instructions to facilitate recognition to the Welfare Service Associations.**

2.10 DERESERVATION OF POSTS RESERVED FOR SCHEDULED TRIBES

(1) Existing instructions

2.10.1 Existing instructions relating to appointment to civil posts require that, the vacancies reserved for Scheduled Tribes are required to be filled from the candidates belonging to Scheduled Tribes only, both in respect of direct Recruitment and promotion³. In this connection, instructions have been issued from time to time for launching Special Recruitment Drive (s) for filling the reserved vacancies. However, sometimes, it is not possible to fill a vacancy reserved for ST candidates by promotion because of non-availability of eligible candidate in the prescribed zone of consideration in the seniority list of the feeder grade; and at the same time, it is administratively not possible to keep the post vacant indefinitely as it may adversely affect the performance of a Ministry/ Department/ Organization. Such situations arise because, very often, adequate efforts are not made while making appointment to the posts in the feeder grade (or its next below feeder grade) through direct recruitment from candidate(s) belonging to ST category.

(2) Ban on De-reservation in Direct Recruitment

2.10.2 In view of the alarming situation due to non-appointment of Scheduled Tribes in Direct Recruitment the Govt. of India imposed a ban on de-reserving the post(s) to be filled by direct recruitment⁴. The instructions relating to ban on de-reservation in Direct Recruitment provide that in exceptional cases in Group ~~A~~ services where posts cannot be allowed to remain vacant in public interest, the administrative Ministry/Department under which the recruitment was being made shall make a proposal for de-reservation giving full justification for such action and consult NCST / NCSC by obtaining comments and place the same for consideration before the Committee comprising the Secretaries in the (i) Ministry of Personnel & Training (ii) Ministry of Welfare (now the Ministry of Social Justice Empowerment or the Ministry of Tribal Affairs, as the case may be) and (iii) the administrative Ministry under which recruitment was being made. The recommendations of the Committee are required to be placed before the Minister in-charge of DoPT for a final decision.

³ Ministry of Home Affairs Resolution No. 42/21/9/NGSad 13.9.1950

⁴ Department of Personnel & Training OM No. 16012/6/88-Estt.(SCT) dated 25.04.1989

(3). Procedure for De-reservation of posts to be filled by promotion

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

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

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

2.10.6 As per these instructions, the administrative Ministries and Deptts. have been delegated the power to accord approval to the de-reservation of reserved vacancies subject to the following conditions:

- (i) There is no eligible SC/ST candidate available or likely to be shortly available for promotion in the feeder cadre;
- (ii) A copy of the proposal for de-reservation in the appropriate prescribed Performa is sent immediately to (i) the Department of Personnel and Training

- and (ii) the National Commission for Scheduled Tribes in case of post reserved for ST or the National Commission for Scheduled Caste in respect of post reserved for SC as the case may be and thereafter the concerned Deptt. is required to wait for a period of 15 days before going for de-reservation;
- (iii) The proposal for de-reservation has been seen and concurred with by the Liaison Officer of the Ministry/Department concerned;
 - (iv) The proposal for de-reservation has been agreed to at a level not lower than that of the Joint Secretary to the Government of India in the administrative Ministry/ Department (Proper) concerned;
 - (v) In the event of a disagreement between the appointing authority and the Liaison Officer, the advice of the DoPT has been obtained;
 - (vi) The proposal contains a certificate that it is being made with the full knowledge and concurrence of the Liaison Officer of the Ministry/ Department concerned.

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

(4). Examination of de-reservation proposals

2.10.8 Since de-reservation in promotion has not been banned, the National Commission for Scheduled Tribes receives a large number of proposals for de-reservation in promotions. The National Commission for Scheduled Tribes received 74 proposals for de-reservation for Scheduled Tribes from various Ministries/ Departments during the year 2013-14. Detailed list of such proposals is placed at **ANNEXURE-2.VI**

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

- (i) The mode of filling a post or chain of posts in a cadre was 100% by promotion from the feeder grade post(s) and there is no ST candidate in the feeder grade and also in the next below feeder grade post(s). This situation might occur either because reservation instructions were not followed for years together while making Direct Recruitment to the lowest grade feeder post(s) or due to non-availability of ST candidates. Consequently, as no ST candidate is available for several years for making appointment by promotion against reserved points in various grades of posts in the channel for promotion, the concerned Ministry/ Department/ Organisation frequently resorted to de-reservation. This leads to the situation in which "carried-forward" reserved points would never be filled in the absence of ST candidates in the feeder posts and also absence of suitable provisions in the RRs that a certain percentage of posts be filled up through direct recruitment. This situation also

results in non-filling up higher promotion posts reserved for ST by the ST candidates.

- (ii) The eligible ST candidates are not available even after enlarging the zone of consideration (ZoC), upto five times the total number of vacancies to be filled in one recruitment year. In many cases, candidates fulfilling the eligibility conditions for promotion are available outside the extended ZoC.

2.10.14 From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on de-reservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. **The National Commission for Scheduled Tribes, therefore, recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:**

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

- (v) In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.
- (vi) In case of non-availability of ST candidates, at all, in the feeder grade, the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.

CHAPTER 3

PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES

3.1 TRIBAL POPULATION, ITS DISTRIBUTION AND GROWTH

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

3.1.2 The Scheduled Tribe population of the Country which was 3.01 crores in 1961 Census and constituted 6.9% out of the total population of 43.92 crores rose to 7.8% in 1981 Census and 8.1%, 8.2% and 8.6% respectively of the total population of the Country in 1991, 2001 and 2011 Census. As far as distribution of tribal population, is concerned, there are several areas of tribal concentration in India. Some areas have no Scheduled Tribe population while other areas have Scheduled Tribe population concentration in various ratios. A statement indicating State/UT-wise population of Scheduled Tribes and their percentage to the total population in the respective State/ UT and to the total ST population in the country, as per Census 1991, 2001 and 2011 and decadal growth, is placed at **ANNEXURE 3.1**

3.1.3 The Tribal communities, which constitute 8.61% of the total population as per Census 2011, live in about 15% of the country's area in various ecological and geo-climatic conditions ranging from plains to forests, hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted the mainstream way of life at one end of the spectrum, there are 75 Primitive Tribal Groups, now called as Particularly Vulnerable Tribal Groups (PTGs), at the other end, who are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population (c) extremely low literacy and (d) a subsistence level of economy.

3.2 CONSTITUTIONAL PROVISIONS FOR SOCIO-ECONOMIC DEVELOPMENT & PLANNING FOR SCHEDULED TRIBES

3.2.1 Various provisions have been made in the Constitution of India for socio economic development of Scheduled Tribes. It seeks to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of the individual. It further provides social, economic and political guarantees to the disadvantaged sections of people. Some provisions are specific to both Scheduled Castes and Scheduled Tribes and some are specific to only Scheduled Tribes. Most important provisions in relation to Scheduled Tribes are embedded in Articles 15, 16, 46, 164, 243, 244, 275, 330, 332, 335, 338A, 339 and Fifth and Sixth Schedules to the Constitution. These special provisions aim at safeguarding and promoting the rights of Scheduled Tribes and their development along with development of tribal areas. The Constitutional provisions have also authorized the Government of India to issue guidelines and directions on these matters to the States and also release Grants-in-aid in various forms and for various purposes depending upon the nature of schemes and measures to be taken up by the State Governments. Consequently, Central and State Governments have launched several schemes for the welfare and development of the Scheduled Tribes. One important provision has been made in the Article 164 of the Constitution to protect the interests of tribal population as under:-

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

Provided that in the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

3.2.2 In the Constitution of India, this provision was kept to protect the interests of the Scheduled Tribes in the States having areas of tribal concentration. The areas of tribal concentration in various parts of the country, during the British regime in India, had been notified as 'Excluded Areas' or 'Partially Excluded Areas' since these areas were excluded from (kept out of) the administrative control of the British Government in India. These areas were later on notified as Scheduled Areas under the Fifth and Sixth Schedule to the Constitution. The States of Bihar, Madhya Pradesh and Orissa having such Scheduled Areas were mentioned in proviso to Article 164(1) of the Constitution, i.e. providing that 'There shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work'. After re-organization of the State of Bihar in the year 2000 the State was split into two States viz; Bihar and Jharkhand States. Then existing entire Scheduled Areas in the undivided State of Bihar were transferred to the newly created Jharkhand State. Similarly, after re-organization of the State of Madhya Pradesh in the year 2000 the State was split into two States viz;

Madhya Pradesh and Chhattisgarh and then existing Scheduled Areas, which was spread over the entire undivided State of Madhya Pradesh, remained distributed among both newly carved out States. In view of this the proviso under Article 164(1) was amended vide the Constitution (Ninety-Fourth Amendment) Act, 2006 and the name of State %Bihar+mentioned in the original proviso under Article 164(1) was replaced by the name %Chhattisgarh and Jharkhand+.

3.2.3 Keeping in view the spirit behind this proviso it is reiterated that the proviso under Article 164(1) may be standardized/ expanded to benefit the tribals of all those States which presently have or may, in future have, Scheduled Areas under the Fifth Schedule. For this purpose, the existing words “the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa” in Article 164 (1) may be replaced by the words “the States having Scheduled Areas under the Fifth Schedule to the Constitution”. This will avoid the need for amending the Constitution whenever Scheduled Areas are specified in relation to a new State.

3.3 TRIBAL DEVELOPMENT STRATEGY IN RETROSPECT

3.3.1 After independence, the first Five-Year Plan emphasized the provision of additional financial resources through a community development approach to address the problems of tribal people rather than evolving a distinct tribal development strategy. The first systematic effort for the development of the tribal areas was initiated in 1955 in the form of Special Multipurpose Tribal Development Projects and accordingly, 43 Special Multipurpose Tribal Development Projects (MTDPs) were initiated. These MTDPs could not fully serve the interests of the tribal people since the schemes were numerous and of a general nature. The modified version of this programme was taken up on a larger scale during the 2nd Five Year Plan when the Tribal Development Blocks were started. This programme was further expanded during the 3rd Five Year Plan and all areas with more than 2/3rd tribal concentration were covered by the end of this period. Although it was agreed, in principle, to extend the programme to all those areas which had more than 50% tribal population, yet it was not possible to do so during the 4th Five Year Plan. The development effort in the then existing Tribal Development Blocks was consolidated by extending the period of their operation and the area coverage therefore remained practically unchanged up to the end of 4th Five Year Plan. In the meantime, this programme was reviewed on a number of occasions, notably by a Study Team appointed by the Planning Commission under the chairmanship of Shri Shilu Ao. It was found that the development effort from the general sector programmes was not adequate in these areas, particularly in the context of their comparatively lower economic base. It was, therefore, decided to evolve a new strategy for the development of the tribals and the tribal areas.

3.4 TRIBAL SUB-PLAN STRATEGY

3.4.1 A detailed and comprehensive review of the tribal problem was undertaken on the eve of the Fifth Five Year Plan. An Expert Committee for the

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

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

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

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

3.4.3 The Tribal Sub-Plan strategy adopted for tribal development comprised:

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

(B) Scheduled Areas and Tribal Sub-Plan strategy

3.4.4 The Constitution also provides for special administration of certain tribal-predominant areas, specified as Scheduled Areas under the Fifth Schedule to the Constitution, in a number of States. Since the Scheduled Areas specified

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

3.4.5 With an objective to give them special consideration, the TSP areas were made co-terminus with Scheduled Areas by notifying fresh Constitution Orders specifying revised Scheduled Areas in respect of those States which were originally having Scheduled Areas. After reorganization of the States in the year 2000, the States having Scheduled Areas are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, and Rajasthan. The TSP areas in these States also have the benefits of special provisions relating to development and administration of Scheduled Areas as provided under the Fifth Schedule and Article 244 of the Constitution.

(C) Extension of TSP strategy to dispersed tribals

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

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

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

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

3.4.8 The TSP strategy has been in operation in 22 States and 2 UTs. The names of States and UTs having Tribal Sub-Plans are given in the following **TABLE 3.1**

TABLE 3.1

States & Union Territories having Tribal Sub-Plan

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

(E) Integrated Tribal Development approach within TSP

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

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

3.4.10 The funds under SCA to TSP are released for economic development in the following areas and for the following population: -

- (i) ITDP/ITDA areas (194 Nos.), which are generally contiguous areas of the size of at least tehsil or block or more in which the ST population is 50% or more of the total population;
- (ii) MADA pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum population of 10,000;
- (iii) Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum population of 5,000,
- (iv) Particularly Vulnerable Tribal Groups (PTGs), characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy;
- (vi) Dispersed tribal population - those tribals who fall outside the categories at SI No. (i) to (iv) above.

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

3.4.11 In the 5th Five Year Plan, detailed guidelines for preparation of Tribal Sub-Plan by the States and the Central Ministries were issued. Each State Government and Central Ministry/ Department was required to set up a Nodal Department/ Cell to monitor the preparation of Tribal Sub-Plan as part of Annual as well as Five Year Plan exercises. Accordingly, Tribal Welfare Departments in the States were created out of the then existing Social Welfare Departments. Similarly, the Directorates of Social Welfare in most of the States

were replaced by separate Directorates for Scheduled Castes, Scheduled Tribes and other Backward Classes respectively. The Directorates for Scheduled Tribes in major States were redesignated as Commissioners for Tribal Development and the Commissioners were given the power of Head of Department in the States. Some States also created separate Units Namely Directorate of Tribal Area Development and Planning (TADP) for preparation and monitoring of the Tribal Sub-Plan in the States. TSP Cells were also set up in many of the Central Ministries/ Departments for similar objective.

(G) Funding of Tribal Development Programmes

3.4.12 Guidelines has been issued by the Planning Commission for the States to earmark funds for Tribal Sub-Plan, out of the total State Plan outlay, to be placed under a separate Budget Head. As per guidelines issued by the Planning Commission, the Tribal Welfare Departments will be nodal Departments for the formulation and implementation of the Tribal Sub-Plan in the States. Funds for Tribal Sub-Plan are sourced from- State Plans, Sectoral programmes of Central Ministries/ Departments, Grants under Article 275 (1) of the Constitution and funds under other Schemes of the Ministry of Tribal Affairs, Special Central Assistance (SCA) to Tribal Sub Plan and Institutional Finance.

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

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

3.4.14 Though, the actual flow of funds to the TSP areas has increased significantly after adoption of this approach since the Fifth Five Year Plan, yet it did not reach the desired level. A fundamental change in the process of formulating the Tribal Sub-Plan on the Maharashtra model was introduced at the end of the 8th Five Year Plan. The State Plan funds, in proportion to the ST population percentage of the State, were required to be separately earmarked and placed under the control of the Nodal Department for Tribal Development in the State; which would place those funds at the disposal of the line Department after approving the Scheme received from that Department. In this way the Nodal Department was expected to ensure full utilization of the TSP funds in the State. For this purpose, TSP funds were to be earmarked under a separate budget head of the State Nodal Department. This Model further helped in improving the actual expenditure under Tribal Sub-Plan in the States having TSP. The State Plan expenditure for tribal development, which was just

0.51% during Fourth Plan i.e. prior to adoption of TSP strategy, increased to 9.47% during the Eighth Plan and was approximately 8% during the Ninth Plan and is likely to be over 10% during 11th Five Year Plan due to adoption of TSP strategy since Fifth Plan. A statement indicating State/UT-wise TSP formulated for the financial year 2013-14 is at **ANNEXURE 3.II**

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

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

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

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

3.4.17 The contribution of Central Ministries has been reviewed from time to time and on the whole it has been found to be much below expectation. According to the Tenth Plan document of the Planning Commission, earmarking of funds for TSP was being carried out in 25 Ministries/Departments of the Central Government and 20 States/UTs. The 11th Five Year Plan document of the Planning Commission however, mentions that 17 Ministries/ Departments were preparing Special Component Plan for Scheduled Castes (now called SCSP) but there is no information about preparation of Tribal Sub-Plan by the Central Ministries. The Parliamentary

Committee on Welfare of Scheduled Castes and Scheduled Tribes had observed that the quantification of benefits was not satisfactory. On occasions the Committee has expressed unhappiness at the performance of the Ministries and urged them as well as the Planning Commission to ensure that the intended funds and benefits from the general sectors are actually availed of for the welfare of Scheduled Tribes. The Parliamentary Committee has also suggested evaluation, to be undertaken periodically, to assess the extent of flow of funds and benefits with a view to rectification of shortcomings and augmentation of the provisions.

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

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

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

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

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

3.4.20 The Task Force examined the situation in relation to implementation of Tribal Sub-Plan and Scheduled Caste Sub-Plan in the States and UTs and preparation of the Sub-Plans by the State Govts./ UT Adms. as well as Central Ministries / Departments. The Task Force had submitted the

recommendations in respect of the Central Ministries/ Departments only on 25/11/2010. The Task Force has made the following observations:

- (a) *Implementation of the guidelines has remained inadequate. Hardly any Ministry is showing its SCSP/TSP outlays under separate Budget Heads. Some Ministries are showing a notional earmarking, but the criterion followed in doing so is not uniform and transparent. Also, in the absence of this outlay being shown under a separate minor head (789 for SCSP or 796 for TSP, as the case may be), such notional earmarking does not have much significance, nor is its non-divertibility ensured. In the absence of separate earmarking and budgeting of funds under SCSP/TSP by Central Ministries/Departments, it is not possible, as of now, to quantify the total amount allocated and/or spent by the Central Government under SCSP/ TSP. The SCSP and TSP strategies thus remain substantially un-implemented at the level of the Central Ministries/ Departments mainly due to lack of an effective mechanism in this behalf.*

3.4.21 The Task Force has recommended that 68 Ministries / Departments of the Central Government can be grouped into four categories:

- I) *No Obligation;*
- II) *Earmarking less than 15 % for Scheduled Castes and 7.5 % for Scheduled Tribes;*
- III) *Earmarking outlays between 15%-16.2% for Scheduled Castes and 7.5% - 8.2% for Scheduled Tribes;*
- IV) *Earmarking more than 16.2% for Scheduled Castes and 8.2% for Scheduled Tribes.*

3.4.22 The Task Force has further observed that the subject, being a complex one, requires detailed examination and deliberations. Also, there are commonalities as well as differences between implementation of SCSP and TSP at the Central and State levels. Observing the problem to be more acute at the Central level, the Task Force, in the first instance, recommended that, from the financial year 2011-12, substantial reforms be introduced in the SCSP/TSP system, for Central Ministries/Departments, which can be further refined from the XII Five Year Plan commencing in 2012- 13.

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

“From 2011-12 Budget, the Planning Commission will be making separate allocations for the SC Sub-Plan/Tribal Sub Plan as part of the Plan allocations, and the same will also be indicated clearly in the Memorandum of Understanding signed between the Planning Commission and the concerned Ministry/Department. The Ministries/ Departments for which such allocations are made by the Planning

Commission as part of the Plan Agreement in Budget 2011-12, must ensure that the provisions are accurately reflected in the concerned Minor Heads relating to Scheduled Caste Sub-Plan and Tribal Sub Plan in their Detailed Demands for Grants by opening a minor head “Special Component Plan for Scheduled Castes” Code ‘789’ for SCSP and a minor head ‘Tribal Sub Plan’ Code ‘796’ below the functional major/sub-major heads whenever necessary, in terms of the instructions under Para 3.8 of the General Directions to the List of Major and Minor Heads of Accounts.”

3.4.24 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise proposed earmarking of plan outlays under TSP for 2011-12 and not the actual funds earmarked by each Ministry. A copy of the statement showing proposed earmarking of funds (in %age) out of total Budget by 28 Ministries/ Departments is placed at **ANNEXURE 3.III** It is noted from the statement that 14 out of 28 Ministries/ Departments have been expected to earmark 8% or more of their budget for TSP while other Ministries/ Departments are expected to earmark between 0.25% to 7.5% for TSP. Entire (100%) Plan outlay of the Ministry of Tribal Affairs has been shown as earmarked outlay under TSP of the Ministry. Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable Fund and utilisation thereof, made in its Fifth Report still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**

3.5 The revision of Guidelines for SCA to TSP and Grants under Article 275(1) of the Constitution

The operational guidelines for formulation, implementation and monitoring of Tribal Sub-Plan and Article 275(1) grants have been issued by the Ministry in March 2014. The revised guidelines, *inter-alia*, emphasize on the following:

3.5.1 Substantive amount of TSP funds are still utilized for infrastructure such as school building and hostels etc. In absence of its own engineering department, most of the ITDAs have to depend on other engineering Departments like PWD for whom our projects are not priority. Therefore, the ITDA and the Tribal Welfare Department must have a strong line of engineering set up.

3.5.2 As ITDAs/micro-projects have to play a big role in facilitating delivery of public goods and services, and particularly carry the schemes relating to livelihood to the people, the role of these institutions has become more important than it was decades ago. Therefore, these need to be strengthened.

3.5.3 Census of year 2011 shows that new Block and pockets have emerged with more than 50% tribal population. New institutions like ITDA have to come up in these areas.

3.5.4 New administrative units should be created in urban areas where the population of Scheduled Tribes exceeds 10,000. **5.6.5** In view of the situational analysis, the grants from Gol will be in the following order of priority: a) Strengthen ITDAs / dedicated micro projects / create new ITDAs. b) Support additional manpower in livelihood and engineering wings within ITDAs etc. c) Strengthen Tribal Research Institutes as stated above. d) Residential Schools and support to Government hospitals in tribal areas. e) Support to linkage with livelihood projects. f) Any other project relating to wellbeing of tribals.
Guidelines for Tribal Sub Plan for States

3.5.5 The present Tribal Sub Plan strategy was initially developed by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of Prof. S.C. Dube for the rapid socio-economic development of tribal people and was adopted for the first time in the Fifth Five Year Plan. The TSP strategy, with some modifications, continues till this day and the salient features with respect to TSP for States, are given below: i) The funds provided under the Tribal Sub Plan of the State have to be at least equal in proportion to the ST population of each State or UT; ii) Tribals and tribal areas of a State or UT are given benefits under the TSP, in addition to what percolates from the overall Plan of a State/UT; iii) The Sub-Plan should ; a) Identify the problems and need of tribal people and critical gaps in their development. b) Identity all available resources for TSP.

Prepare a broad policy framework for development,

d) Prepare a detailed department wise plan

e) Define a suitable administrative strategy for its implementation.

f) Specify the mechanism for monitoring and evaluation.

3.5.6 A sizeable part of the TSP of each State comes from the Welfare of Backward Classes+Sector of the State Plan of each State. This Sector includes allocations largely from various Central sector and Centrally Sponsored Schemes of Ministry of Tribal Affairs. The funding and utilisation under these Schemes of the Ministry of Tribal Affairs are discussed in the following para.

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

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

A. Central Sector Schemes

(i) Grant-in-Aid to Voluntary Organisations

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

B. Centrally Sponsored Schemes

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

C. Lump Sum Provision

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

D. Special Central Assistance

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

3.5.8A statement showing Budget Allocation, Revised Allocation and the expenditure incurred under the Central Sector Schemes and Centrally Sponsored Schemes of the Ministry of Tribal Affairs during 2011-12, 2012-13 and 2013-14 may be seen at **ANNEXURE 3.IV**. It may be noted that against the BE of Rs. 560.31 crores for all central sector plan schemes, the RE for 2013-14 was Rs. 538.87 crores out of which the Ministry could spend a sum of Rs. 524.68 crores only. The shortfall in expenditure was mainly under the schemes of NSTFDC/ State ST Finance and Development Corporations and Development of Particularly Vulnerable Groups.

3.5.9 Similarly, against the BE of Rs. 624.90 crores for various Centrally Sponsored Schemes the RE was Rs. 624.90 crores and the utilization was Rs. 748.44 crores in disbursement of post matric scholarship/ book bank and for up gradation of merit of ST students. The expenditure under many of the schemes has far exceeded the RE while short fall in expenditure has been noted under various schemes related to Research, Information & Mass Education, Tribal Festivals and others and also under Monitoring and Evaluation Scheme. Grants-in-Aid is provided to various States having Scheduled Tribe population as Special Central Assistance for Tribal sub-plan and for Schemes under provision to Article 275 of the Constitution. There has been shortfall in expenditure under both these Schemes.

3.5.10 As per information available on the website of the Ministry of Tribal Affairs and the Annual Report of the Ministry, the scheme of research for the Ministry of Tribal Affairs has two components namely:

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

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

Government of India, the administrative control over these Institutes vests with the concerned State Government.

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

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

- a) to provide policy inputs to the Ministry of Tribal Affairs as well as State Welfare Departments;
- b) to design studies and programmes that improve or support socio-economic aspects of tribal lifestyles;
- c) to become a nerve-centre of tribal concerns, issues and matters in academic, executive and legislative fields;
- d) to coordinate and network with related research institutes and organizations as well as academic bodies;
- e) to set up norms for improvement in the quality of research and training

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

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

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

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

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

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

3.5.18 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission reiterates that Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may have adequate support staff for**

Research as well as Secretariat support. The CTRI may also be responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.

3.5.19 In the above context it may be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission recommends that on similar lines funds under Research and Training and Monitoring & Evaluation Heads may be earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.**

CHAPTER 4

ATROCITIES AGAINST SCHEDULED TRIBES

4.1 Constitutional and Legal Rights of Scheduled Tribes

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

4.1.2. All the above provisions aim at protecting the Scheduled Tribes also from exploitation. Special enactments have been made by the Central and State Governments to protect STs and SCs from all forms of exploitation. There are two important legislations related to Article 17, viz., The Protection of Civil Rights Act, 1955 (PCR Act), and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act). Initially the Untouchability (offences) Act, 1955, had been enacted to abolish the practice of untouchability and social disabilities arising out of it against members of the Scheduled Castes. It was amended in 1977 and renamed as the Protection of Civil Rights Act, 1955. Under the revised Act the practice of untouchability was made both cognizable and non-compoundable and stricter punishment was provided for the offenders. This Act is applicable in matters of discrimination on ground of untouchability with any person belonging to any community. Under Section 15A(4) of the PCR Act 1955 an Annual Report on the working of the Act has to be placed every year on the table of each House of Parliament by the Central Government. Ministry of Social Justice & Empowerment which is the Nodal Ministry with respect to administration of this Act has been laying Annual Reports in Parliament and the latest report that has been laid in the Parliament relates to the year 2013.

4.1.3. More comprehensive and punitive measures to protect the members of SCs & STs from atrocities were taken by enacting the SCs & STs (POA) Act, 1989, which came into force on 30.01.1990. The Act extends to whole of India except the State of Jammu & Kashmir. The offences under this Act are mainly

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

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

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

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

(i) Ministry of Home Affairs

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

(ii) Ministry of Social Justice & Empowerment

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

(iii) Ministry of Tribal Affairs

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

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

4.2 Mandate of the Commission and Atrocities on Scheduled Tribes

4.2.1 Rule 16 of the SCs& STs (PoA) Rules 1995 make it mandatory to associate the Director/ Dy. Director of the Regional office of the Commission as member of the State level Vigilance Committee to monitor cases of atrocities on STs under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4.2.2 The duties assigned to the Commission by Clause 5 of Article 338A of the Constitution include investigation and monitoring of all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government, and to evaluate the working of such safeguards and inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes. These matters and complaints also include atrocities on STs.

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

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

4.4 Analysis of complaints received in the Commission

4.4.1 The Commission receives complaints from various sources regarding atrocities on STs. 247 cases of atrocities on Scheduled Tribes were registered

in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2013-14. The offences committed upon Scheduled Tribes by non-Scheduled Tribes which are treated as atrocities have been defined in sections 3(1), 3(2) and section 4 of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. These are broadly categorized as Murder, Rape, Grievous Hurt, Land Dispute, Caste Abuse and Miscellaneous nature (others). The following **TABLE 4.1** gives the category-wise number of cases registered in the Headquarter Office and the Regional Offices.

TABLE 4.1

Analysis of complaints received in the Commission

S. No.	Office/ Unit	Murder	Rape	Grievous hurt	Land Dispute	Caste Abuse	Others	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Hq Office							
1.	RU-I	2	6	0	4	1	24	37
2.	RU-II	1	4	0	0	1	20	26
3.	RU-III	2	5	0	0	0	18	25
4.	RU-IV	1	1	0	4	0	11	17
	Sub-Total (Hq)	6	16	0	8	2	73	105
	Regional Offices							
1.	Bhopal	1	6	4	0	0	15	26
2.	Bhubaneswar	4	5	8	2	3	9	31
3.	Jaipur	2	1	0	11	7	9	30
4.	Raipur	0	5	0	2	1	2	10
5.	Ranchi	0	2	3	16	2	22	45
6.	Shillong	0	0	0	0	0	0	0
	TOTAL (ROs Sub)	7	19	15	31	13	57	142
	TOTAL	13	35	15	39	15	130	247

4.4.2 It will be noted from the above Table that no case of Atrocity upon Scheduled Tribes was registered in the Shillong Regional Office of the Commission, the possible reason being that the jurisdiction of Shillong Office extends to the north-eastern States only, most of which have majority of Scheduled Tribe population and therefore there is least possibility of atrocity by non-Scheduled Tribes upon Scheduled Tribes as defined under the PoA Act, 1989. Out of 247 cases registered in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2013-14, 13 cases related to Murder, 35 cases of Rape, 15 cases of Grievous hurt, 39 cases of Land dispute, 15 cases related to caste abuse while 130 cases were of other miscellaneous offences. Out of the 247 cases mentioned above the Regional Office of the Commission dealt with 142 cases of atrocities upon Scheduled Tribes during 2013-14. These included 7 cases relating to murder, 19

relating to rape, 15 cases relating to Grievous hurt, 31 cases relating to land dispossession, 13 cases of caste abuse and 57 cases of other or Miscellaneous nature of atrocities.

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

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

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

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

of the Commission and same are forwarded to the State Governments for necessary action.

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

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

4.5 State-wise incidence of crimes against Scheduled Tribes

4.5.1 As is well known, State-wise and national level data relating to the crimes occurring in the entire country is monitored through computerized system by the National Crimes Record Bureau and the same is published annually by the National Crimes Record Bureau. This includes data relating to crimes against Scheduled Tribes also. As per data made available on the website of the National Crimes Record Bureau, the State-wise incidence of all categories of crimes and crimes under PoA Act, 1989 committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2013 is given in the **TABLE 4.2** below:

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

S.No.	State/UT	Total population Census 2011	ST population Census 2011	%age of ST popn to total popn in State 2011	%age of ST popn in State to total ST popn in India in Census 2011	Incidence of total crime against STs in the State during 2013	%age of crime in State to total crime against STs in country during 2013	Rate of incidence of total crime against STs	Incidence of crimes against STs under PoA Act in the State during 2013	%age of crimes under PoA Act in State to total PoA crime in 2013	Rate of incidence of PoA crimes against STs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	Andhra Pradesh	845,80,777	59,18,073	7.00	5.68	672	9.89	11.36	126	9.06	2.13
2	Arunachal Pradesh	13,83,727	9,51,821	68.79	0.91	1	0.01	0.11	0	0.00	0.00
3	Assam	312,05,576	38,84,371	12.45	3.72	0	0.00	0.00	0	0.00	0.00
4	Bihar	1040,99,452	13,36,573	1.28	1.28	91	1.34	6.81	68	4.89	5.09
5	Chhattisgarh*	2554,51,198	78,22,902	30.62	7.50	331	4.87	4.23	0	0.00	0.00
6	Goa	14,58,545	1,49,275	10.23	0.14	10	0.15	6.70	4	0.29	2.68
7	Gujarat	604,39,692	89,17,174	14.75	8.55	224	3.30	2.51	58	4.17	0.65
8	Haryana	253,51,462	-	0	0	0	0.00	0.00	0	0.00	0.00
9	Himachal Pradesh	68,64,602	3,92,126	5.71	0.38	2	0.03	0.51	2	0.14	0.51
10	Jammu & Kashmir	125,41,302	14,93,299	11.91	1.43	0	0.00	0.00	0	0.00	0.00
11	Jharkhand	329,88,134	86,45,042	26.21	8.29	396	5.83	4.58	195	14.03	2.26
12	Karnataka	610,95,297	42,48,987	6.95	4.07	535	7.88	12.59	303	21.80	7.13
13	Kerala	334,06,061	4,84,839	1.45	0.46	135	1.99	27.84	5	0.36	1.03
14	Madhya Pradesh	726,26,809	153,16,784	21.09	14.69	1296	19.08	8.46	0	0.00	0.00
15	Maharashtra	1123,74,333	105,10,213	9.35	10.08	415	6.11	3.95	45	3.24	0.43
16	Manipur	25,70,390	9,02,740	35.12	0.87	2	0.03	0.22	0	0.00	0.00
17	Meghalaya	29,66,889	25,55,861	86.15	2.45	0	0.00	0.00	0	0.00	0.00
18	Mizoram	10,97,206	10,36,115	94.43	0.99	0	0.00	0.00	0	0.00	0.00
19	Nagaland	19,78,502	17,10,973	86.48	1.64	18	0.26	1.05	0	0.00	0.00
20	Orissa	419,74,218	95,90,756	22.85	9.20	791	11.64	8.25	513	36.91	5.35
21	Punjab	277,43,338	-	0	0	0	0.00	0.00	0	0.00	0.00
22	Rajasthan	685,48,437	92,38,534	13.48	8.86	1651	24.30	17.87	24	1.73	0.26
23	Sikkim	6,10,577	2,06,360	33.8	0.20	17	0.25	8.24	0	0.00	0.00
24	Tamil Nadu	721,47,030	7,94,697	1.2	0.76	23	0.34	2.89	6	0.43	0.76
25	Tripura	36,73,917	11,66,813	31.76	1.12	24	0.35	2.06	0	0.00	0.00
26	Uttara-Khand*	100,86,292	2,91,903	2.89	0.28	2	0.03	0.69	1	0.07	0.34
27	Uttar Pradesh	1998,12,341	11,34,273	0.57	1.09	25	0.37	2.20	10	0.72	0.88
28	West Bengal	912,76,115	52,96,953	5.8	5.8	122	1.80	2.30	26	1.87	0.49
	TOTAL (STATES)	14203,52,219	1039,97,457	7.32	99.73	6783	99.85	6.52	1386	99.71	1.33
29	Andaman & Nicobar Islands	3,80,581	28,530	7.5	0.03	2	.03	7.01	0.00	0.00	0.00
30	Chandigarh	10,55,450	-	-	-	0	0.00	-	0	0.00	0.00
31	Dadra & Nagar Haveli	3,43,709	1,78,564	51.95	0.17	7	0.10	3.92	4	0.29	2.24
32	Daman & Diu	2,43,247	15,363	6.32	0.01	1	0.01	6.51	0	0.00	0.00
33	Delhi	167,87,941	-	-	-	0	0.00	-	0	0.00	0.00
34	Lakshadweep	64,473	61,120	94.8	0.06	0	0.00	0.00	0	0.00	0.00
35	Puducherry	12,47,953	-	-	-	0	0.00	-	0	0.00	0.00
	TOTAL (UTs)	201,23,354	2,83,577	1.41	0.27	10	0.15	3.53	4	0.29	1.41
	TOTAL (INDIA)	1,210,569,573	1042,81,034	8.61	100	6793	100	6.51	1390	100.00	1.33

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

Source: NCRB report 2013

4.5.2 It will be noted from above that the average rate of crimes under all categories against Scheduled Tribes in all the country during 2013 was 6.51 per lakh of ST population. The average for all the states during the same year was 6.52 crimes per lakh of ST population. Madhya Pradesh State which has highest ST Population share (14.69%) in the Country has reported second highest share (19.08%) out of 6793 incidents of total crimes against STs in the Country followed by Odisha (11.64%), Andhra Pradesh (09.89%), Karnataka (7.88%), Maharashtra (6.11 %), Jharkhand (5.83%) and Chhattisgarh (4.87%). However, Rajasthan which had largest crimes against Scheduled Tribes in the Country in 2012 has again reported highest number of crimes (1651) which constitute 24.30% of the total crimes against Scheduled Tribes in the Country. This, however, may not be the correct way of comparing the incidents of crimes against Scheduled Tribes in different States/ UTs in the country. The State which have more population and also more Scheduled Tribes than other States may report higher incidents of crime against Scheduled Tribes, as is evident from above. The situation may be understood better if we examine the number of incidents crimes against Scheduled Tribes on equal parameter, say rate of crimes against Scheduled Tribes per lakh of ST population in the State.

4.5.3 The State of Kerala wherein ST population constitute only 1.45% of the total State population has reported highest rate of crimes against Scheduled Tribes i.e. 27.84 per lakh of ST population in the year 2013, followed by Rajasthan (17.87),Karnataka (12.59), Andhra Pradesh (11.36), Madhya Pradesh (8.46), Odisha (8.25), Sikkim (8.24), Bihar (6.81), and Goa(6.70). Among Union Territories Andaman & Nicobar Islands has reported the highest rate of crimes against Scheduled Tribes i.e. 7.01 crimes per lakh of ST population in the UT followed with 6.51 crimes per lakh of ST population in Daman & Diu.

4.5.4 In various States the crime situation with respect to the incidence reported under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 the national average rate of crimes in all the States taken together is 1.33 per lakh of ST population. It is surprising to know that the Madhya Pradesh State, which has highest ST population in the country and the proportion of ST population in the State to the total population in the State constitute 21.09%, has reported NIL crimes against Scheduled Tribes under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2013. Chhattisgarh State with 30.62% ST population has also reported NIL incidence of crime against Scheduled Tribes under PoA Act. Among other States having high level of ST concentration, Rajasthan with 13.48% ST population has reported only 0.26 crime, Maharashtra with 9.3% ST population has reported only 0.43 crime per lakh of ST population. However, Karnataka State with only 6.95% ST population has reported the highest rate of crime (7.13) per lakh of ST population under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during 2013 followed by Odisha State with 22.85% ST population and reporting 5.35 crime per lakh of ST population and Bihar state with only 1.28% ST population has reported 5.09 crime per lakh of ST population under PoA Act.

4.5.6 It is thus observed that the States having high incidence of all kinds of crimes against Scheduled Tribes and also those States having high incidence of crimes against Scheduled Tribes under PoA Act need to concentrate on taking steps necessary for curbing such incidences. The States of first category are Rajasthan, Madhya Pradesh, Odisha, Andhra Pradesh, and Karnataka which have higher rate of incidence of crime than the National average of 6.51 crimes of all categories against Scheduled Tribes. States having higher rates of incidence under PoA Act, than national average of 1.33, are Andhra Pradesh, Bihar, Goa, Jharkhand, Karnataka, Odisha and the Union Territory of Dadar & Nagar Haveli. In order to curb the incidence of crime against Scheduled Tribes, the State Government of the above mentioned States need to ensure that special Police Cells at State Headquarter and special Police Stations in the Districts, as envisaged under Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 function effectively. The functioning of the Vigilance and Monitoring Committees at State and District level, setup under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 also need to be monitored regularly. All other States having ST population also need to take above steps to ensure that all incidences of crimes against Scheduled Tribes are reported and registered in the appropriate Police Station and prompt action is taken by the Police for quick disposal at their end.

4.5.7 The States having highly ST population like Madhya Pradesh, Chhattisgarh, Maharashtra, Rajasthan and some other States have reported NIL or negligible incidence of crime under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2013, and it could not be believed easily. The Commission feels that the data received, compiled and consolidated at National Crimes Record Bureau may be cross verified before including in the Report on "CRIME IN INDIA", whether each incident under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 was being registered at the regular or the Special Police Station and reported in the computerized monitoring system of National Crimes Record Bureau.

4.6 Crime head-wise analysis of Crimes against Scheduled Tribes

4.6.1 As per data made available on the website of the National Crimes Record Bureau, State/ UT-wise incidence of crime against Scheduled Tribes during 2013 is given at **ANNEXURE-4.I** and State/ UT-wise and category-wise incidences of crime against Scheduled Tribes during 2013 is given at **ANNEXURE-4.II**. The year-wise and crime-wise incidence of Crimes including Atrocities committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2009 to 2013 is given in **TABLE 4.3** below:

TABLE 4.3**Crime-wise Comparative Incidence of Crime against Scheduled Tribes during 2009 to 2013**

S.No.	Crime . Head	Year					% age Variation in 2013 over 2012
		2009	2010	2011	2012	2013	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Murder	118	142	143	156	122	-21.79
2.	Rape	583	654	772	729	847	16.18
3.	Kidnapping & Abduction	82	84	137	103	130	26.21
4.	Dacoity	3	7	7	5	8	60
5.	Robbery	24	5	9	15	7	-53.33
6.	Arson	29	39	24	26	33	26.92
7.	Hurt	787	941	803	816	930	13.97
8.	Protection of Civil Rights Act	2	5	7	2	25	1150
9.	SCs and STs (Prevention of Atrocities) Act	944	1169	1154	1311	1390	6.02
10.	Others	2853	2839	2700	2759	3301	19.64
	Total	5425	5885	5756	5922	6793	14.70

Source: NCRB Report 2013

4.6.2 It is revealed from above **TABLE** that total number of crimes committed against Scheduled Tribes in the country have been varying but gradually increasing from 2009 onwards. The increment in crimes in 2013 is more with respect to 2012 as compared to previous increments. The total crimes committed during 2013 were 6793 are 14.70% more than the level of crimes reported during 2012 and 18.01% more than those reported in the year 2011. Out of total of 6793 crimes registered during 2013, 1390 crimes (20.46%) were registered under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 while 13.69% of the total crimes related to hurt and 12.46% related to rape on Scheduled Tribe and a large number of the offences committed upon Scheduled Tribes during 2013 were of other nature of crimes. The crimes relating to kidnapping and abduction of Scheduled Tribe persons were 130 which accounted to 1.91% only of the total crimes while crimes registered under the category of Dacoity, Robbery, Arson and PCR Act, 1955 were found to be almost negligible in relation to total crimes in the whole country. This indicates that special measures are required to reduce the incidence of crimes of serious nature upon Scheduled Tribes

4.6.3 **There is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and creating peace and harmony among all sections of the society. The Government of India and also the State Governments having ST population**

should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.

4.6.4 The crime head-wise details of crimes against Scheduled Tribes, disposed by the Police during 2013, is available at statement presented in **ANNEXURE-4.III**. State/UT-wise details of disposal of crimes against Scheduled Tribes by the Police is given at **ANNEXURE-4.IV**. The statement giving %age crime head-wise details of crimes against Scheduled Tribes disposed by various courts are presented in **ANNEXURE-4.V** and the Disposal of cases by courts for crimes committed against Scheduled Tribes during 2013 is given at **ANNEXURE-4.VI**. The State/UT-wise disposal of crimes against Scheduled Tribes by the courts is given in the statement at **ANNEXURE-4.VII**

4.7 Performance by Special Courts setup for trial of offences under PoA Act.

4.7.1 Section 14 of the POA Act, 1989 provide for designating Courts of Sessions in the Districts as Special Courts for trial of offences registered under this Act. While some States designated the existing Sessions Courts or Additional Session Courts as Special Courts, 11 States have set up Exclusive Special Courts for trial of cases registered under the PoA Act. The Statement at **ANNEXURE 4.VIII** gives the details of 190 Exclusive Special Courts set up in these 11 States (A.P, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, M.P, Rajasthan, Tamil Nadu U.P and Uttarakhand).

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

4.7.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly other wise the objective of making of Special

provision in the Special Act aimed at curbing Atrocities of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes.

4.8 General Issues and Recommendations

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

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

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

4.8.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules.**

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

4.8.6 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities. The Commission, also re-iterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**

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

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

4.8.9 The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. **The Commission, therefore, re-iterates its earlier recommendations that the State Level Vigilance and Monitoring Committees should play a**

pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State Level Committees.

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

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

CHAPTER 5

CASE STUDIES

5.1. Approach and Methodology

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

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

5.1.3 The Commission's intervention brought relief to a number of petitioners during the report period 2013-14 in cases initiated in the same year or in the previous year. A few representative cases dealt in the Commission are discussed below:

5.2 ATROCITY MATTERS

Gang rape with a tribal girl by three culprits

5.2.1 A news appeared in Patrika Newspaper, Bhopal edition on 21-03-2013 regarding gang rape with a tribal girl by three culprits in Seoni District (MP). As per the news, a 17-year-old tribal girl was raped by three culprits in the night near Chamari Tiraha, Motinala. A FIR was registered on the complaint of the victim at Chhapara PS who has identified one of the accused as Mahesh R/o Chhapara. The victim had returned with her father from Nagpur and was on way to her village Bibi Katori. On the way the three accused came and tied her mouth with a towel and forcefully raped her. After raping her, the accused ran away.

5.2.2 The Commission took cognizance of the incident and called for a report from the District Collector and SP, Seoni vide letter dated 09-04-2013. The SP, Seoni sent a report to the Commission vide letter dated 16-04-2013 and informed that a case as crime no. 69/2013 was registered on the complaint of the victim U/s 376, 392 IPC, 3 (1)(xii) and 3 (2)(v) of SC/ST (PoA) Act and 3,4 of POSCO Act against accused Mahesh Yadav, Pimmi alias Pramod Yadav R/o Sanjay colony, Chhapara and Raja Raghuwanshi R/o Dungaria and the case is under investigation. Raja Raghuwanshi R/o Dungaria has been arrested on 24-03-2013 and other two accused are absconding. Both of them have switched off their mobile phones as a result of which their location could not be traced. Keeping in view, the seriousness of the case, a special police team has been constituted under the leadership of Additional SP, Seoni and a prize of Rs. 1,000/- has been declared for the arrest of both the absconding accused. The District Collector, Seoni also sent a report to the Commission vide his letter dated 14-05-2013 on the similar lines.

5.2.3 The Commission followed up the progress of investigation, arrest of accused and monetary compensation to the victim vide letter dated 11-07-2013. SP, Seoni vide his letter dated 29-10-2013 informed that all the accused have been arrested and an amount of Rs. 60,000/- has been paid to the victim vide order dated 01-08-2013 as monetary compensation. The case is under trial.

Abduction and gang rape of a tribal woman

5.2.4 A news appeared in Hindustan Times e-paper, Bhopal edition on 14-04-2013 regarding abduction of a tribal women from Shivpuri District and gang rape with her in Morena District. According to the news, a tribal woman was allegedly gang raped after being abducted from Bhangarh in Shivpuri almost 10 months ago. The incident came to the fore when the victim, who was 3 months pregnant, escaped. The victim reached Bagcheeni Police Station in Morena and informed the Police about her ordeal. As per the news, the 21 year old women was married in Khaira village under Narvar Police Station, Shivpuri. After 10 days of her marriage, she had returned to her mother's house at Bhangarh under Subhashpura Police Station area. The accused Rajendra Gurjar, Chhotu Gurjar, Omveer Gurjar, Prakash Gurjar and Pappu Gurjar of Tussipura kidnapped her

on gun point when she was working in field and took her to Morena. Accused Omveer Gurjar raped her for 4 months at Jouri village under civil lines police station area. The co-accused also raped her. Later, the accused took her to Tussipura under Devgarh police station area. The woman was continuously gang raped and was forced to work as labourer. While working on the fields, the victim told her plight to other labourers who helped her escaped.

5.2.5 The Commission took cognizance of the incident and called for a report from the District Collector and SP, Morena vide letter dated 18-04-2013. The District Collector, Morena informed the Commission vide his letter dated 27-04-2013 that a report was called from SP, Morena on the subject which revealed that on the complaint of the victim, a case no. 0/2013 under section 366, 371, 376 (2g) IPC and section 3 (2) (v) of SC & ST (PoA) Act was registered in Bagcheeni police station of Morena District. As the place of incident was located in Shivpuri District, the case diary was transferred to the SP, Shivpuri.

5.2.6 The Commission followed up the matter with SP, Shivpuri vide letter dated 11-07-2013 for arrest of the accused, payment of compensation and status of investigation of the case. SP, Shivpuri vide his letter dated 02-08-2013 submitted a detailed report to the Commission and informed that all the accused except Omveer Gurjar have been arrested. Action was taken against Omveer Burjar under section 82 of CrPC but action could not be taken under section 83 of CrPC against him as there is no property in his name. The case has been sent for trial under section 299 of Jafta Fauzdari. The accused has been sanctioned an amount of Rs. 1,20,000/- as monetary compensation under SC & ST (PoA) rules, 1995 as amended. The case is pending for trial in the court.

Gang rape with a minor tribal girl

5.2.7 A news appeared in Dainik Bhaskar news paper, Bhopal edition on 03-05-2013 regarding gang rape with a minor tribal girl in Mandideep, Raisen District (M.P.). The Commission took up the matter with IG, Bhopal range and SP, Bhopal on the same day and requested them to send a factual report to the Commission within a week. As no reply was received, a reminder was also sent to them on 10-06-2013. SP, Bhopal sent a report to the Commission vide his letter dated 22-06-2013 and informed that SP (South), Bhopal has got inquired the case. A case has been registered as crime no. 84/2013 under section 376 (A), 376 (D) IPC and 5 and 6 of POSCO Act against un-identified culprits. During investigation, accused Rajesh alias Sukan Lal, Rafique and Ravi alias Phundi R/o Padaria Kachhi were arrested on 03-05-2013 and produced to court who are in the Judicial custody. Section 3 (2) (v) and 3 (1) (xii) of SC & ST (PoA) Act was added during investigation. It was informed that the case diary was forwarded to SP, Raisen District for further investigation.

5.2.8 The Commission followed up the matter with SP, Raisen District vide letter dated 19-07-2013 for payment of monetary compensation to the victim and status of investigation vide letter dated 19-07-2013. SP, Raisen District informed the Commission vide his letter dated 19-09-2013 that challan has been produced in the CJM court on 18-07-2013 after completion of investigation by DSP, AJK,

Raisen. It was also informed that the victim belongs to Vijay Raghogarh, District Katni and the case for payment of compensation was forwarded to Katni District. It was confirmed by the Commission that monitory compensation has been paid to the victim by District Collector, Katni.

Harassment by police

5.2.9 A representation was received in the Commission on 26-04-2013 from Sumatra Bai and other villagers R/o village Tikri Bamhni, P.S.Ugli, Tahsil - Keolari, District- Seoni (M.P.) regarding harassment by Police in the name of investigation after murder of her husband Jeet Singh Gond. As per the representation, husband of the applicant had sold his ox to one Santosh S/o Shyam Lal Patle for Rs. 15,500/- out of which Rs. 100/- was paid by Shyam Lal Patle as advance. Santosh was not paying the balance amount despite repeated requests. Jeet Singh Gond, husband of the applicant Sumatra Bai had gone to take his due amount from Santosh for purchasing another ox on 24-02-2013 and did not return home. The family members searched him but he was not found. They made a complaint to the Ugli P.S. Police Station in this regard. On 27-02-2013, dead body of Jeet Singh Gond was found in a field by the relatives of the applicant and police was informed. The police kept all the family members of applicant in police station despite death of their family members and harassed them. They could hardly perform the last rituals of the deceased. They had made allegation against Santosh and other accused to the police, who were arrested but later Santosh was allowed to flee by the police. The police are summoning her family member again and again and harassing them. The accused persons are harassing her family members. They requested the Commission to help in the matter.

5.2.10 The Commission took up the matter with District Collector and SP, Seoni vide letter dated 31-05-2013. SP, Seoni vide his letter dated 12-06-2013 informed the Commission that the complaint was investigated and it was found that a report of missing person was registered as no. 1/2013 in Ugli P.S. on 26-02-2013 on the complaint of Sumatra Bai, who had reported that her husband Jeet Singh Gond was missing. Death body of Jeet Singh Gond was found in suspicious condition next day on Gorakhpur road as a result of which case of death was recorded as no. 2/2013 U/s 174 Jafta Fauzdari and taken in investigation. During investigation, FIR no. 19/2013 was registered under section 302, 201 of IPC and 3 (2) (v) of SC & ST (PoA) Act against unidentified persons. Intense inquiry was made with the family members and other suspicious persons and it was revealed that accused Santosh Patle, Bisan Singh Marskole and Anil Garhewal had committed the offence who were arrested by the police. The case was presented in JMFC Court Seoni and is under trial. It was also reported that the complainant Sumatra Bai has given statement that the accused persons have been sent to jail and now she doesn't have any problem.

5.2.11 The Commission followed up the matter with SP, Seoni for payment of compensation and status of the case vide letter dated 18-07-2013 who informed the Commission vide his letter dated 29-08-2013 that an amount of Rs. 3,75,000/- was paid to Sumatra Bai as compensation and the case is under trial.

Harassment by neighbor in many ways.

5.2.12 One Shri Purna Chandra Bhoi, S/o Evar Bhoi of Budhijam Village, District:Jharsuguda, Odisha lodged a complaint dated 25.06.2013 in the Commission wherein it was alleged that one Shri Deep Narayan Singh who happens to be his neighbor, is harassing him in many ways. One mango tree which is in his premises has bent towards the premises of applicant causing uncleanness due to of falling of leaves. Moreover, it is also a fact that there is every possibility of damage to the roof of his house as it is made up of tiles, in case any branch of this tree falls on the roof for any reason at any time. Apprehending the above danger, the applicant had approached Shri Deep Narayan Singh for cutting the branches of Mango tree over his house, but the non-applicant threatened him to life and remained adamant and did not hear his complaint.

5.2.13 The Commission took up the case with the Superintendent of Police, Jharsuguda vide letter dated 01.07.2013 which was also followed by reminders. On 11.03.2014, the Commission received a letter from the Superintendent of Police, Jharsuguda vide letter No.276/HRPC dated 19.02.2014 stating that the dispute was mutually settled enclosing therewith the agreement made between the parties.

Entry into their bed-room by one miscreant with a view to raping them.

5.2.14 The Commission received a representation dated 06.08.2013 on 30.09.2013 from Jyotshna Murmu & Mamani Murmu, Village_Nasipur, PO:Dainhal, Dist:Burdwan, West Bengal alleging that on 04.08.2013 one miscreant entered their bed-room at about 3 OqClock with a view to raping them while they were asleep. The moment he tried to molest them they restricted him and alerted an alarm so that their brother sleeping in the adjacent room came to their rescue and prevented the miscreants from the heinous crime. With this, the miscreants shot their brother dead. After the incident, both of them went to nearby Police Station at Katwa to lodge an FIR but initially the Officer-in-charge was hesitant to receive the complaint but subsequently with the help of villagers, the O.I.C. received the FIR. Both of them demanded exemplary punishment to the miscreants.

5.2.15 The Commission took up the case with the Collector & District Magistrate as well as the Superintendent of Police, Burdwan District with a request to cause an enquiry and to submit the report indicating action taken thereupon vide letter dated 09.10.2013. Project Officer-cum-District Welfare Officer, Backward Classes Welfare, Burdwan vide their letter No.1813/BCW/BDN dated 24.12.2013 intimated the Commission that charge sheet has been submitted in the Court and claim for compensation has been submitted to the Assistant Commissioner for Reservation & Assistant Secretary to the Government of West Bengal vide their Memo no. 1598/BCW/BDN dated 12.11.2013.

Alleging non action by the SC/ ST police station, Ranchi

5.2.16 The Commission received a representation dated 02.05.2013 from Shri Samual Charu Oraon, Harmu Basti, Near Mission Centre, Mother Teresa Park, Ranchi regarding alleged non action by the SC/ST Police Station, Ranchi on his complaint. The applicant informed that his father Shri Jodhan Oraon was a Sweeper and an employee of the A to Z Company working under the Ranchi Nagar Nigam. It was also informed that on 29.01 2013 at 8.00 am, while cleaning in front of the House No. 65 which belongs to Shri Saroj Uppadhaya S/o Gajanand Uppadhaya, Back side of R.K. Nursing Home, he asked for household waste-material to be lifted, but instead Shri Saroj Uppadhaya, by profession Advocate, insisted to lift the waste from the drain, he refused and told them that the waste from drain will be lifted by the company vehicle, on which they got angry and he was abused and beaten up badly due to which his backbone is fractured and was permanently disabled. No action was taken by the Police on his report in the matter.

5.2.17 The Commission took up the matter with the Dy. Commissioner, Sr. Supdt. of Police, and Chief Executive officer, Municipal Corporation, Ranchi vide letter dated 20.05.2013 and subsequent reminder dated 21.02.2014. In response, the Sr. Supdt. of Police, Ranchi vide letter dated 25.03.2014 forwarded a copy of the enquiry report wherein it was informed that the complaint was inquired into by Deputy Superintendent of Police, Hatia, Ranchi and it was revealed that the father of the complainant and the non-applicants had a dispute over cleaning of garbage on which a F.I.R No. 176/2013 dated 21.04.2013 was registered in the Doranda Police Station under section 341, 323, 235, 504, 307, 34 IPC and section 3(1) (x) of SC and ST (PoA) Act, 1989. After investigation, charge sheet No. 391/2013 was submitted in the Court on 21.08.2013 under section 341, 323, 325, 504 and 34 IPC. Both the accused were arrested and later released on bail.

Selling a minor tribal girl

5.2.18 A News appeared in the Daily Hari Bhumi News paper, Raipur edition on 26.11.2011 that a minor tribal girl was sold for Rs. 20,000/- in Bagicha Tahsil of Jashpur district (CG). As per the news, two minor tribal girls, who were also sold escaped from Delhi and informed the media that eight tribal minor girls from Jashpur District were sold for Rs. 20,000 to Rs. 25,000 by the agents with the help of police and placement agencies.

5.2.19 The Commission called a report from the District Collector & Superintendent of Police, Jashpur vide this office letter dated 03.05.2012. The Superintendent of Police, Jashpur sent detailed report related to four cases vide his letter dated 23.05.2012, which is given below:

Case no 1.

5.2.20 On complaint of Ms. Kavita, aged 16 Years, R/o village Champa, Tah-Bagicha, Dist- Jashpur, a FIR has been lodged vide crime no. 96/11 under

section 363,370,371 of IPC and 3(2) 5 of SC/ ST (PoA) Act, 1989 at Sanna Police Station against accused Smt. Manpati, aged- 25 Years, R/o victims village who allured that she will be provided better opportunity of work in very healthy environment in Delhi, hence the victims went to Delhi with her. On 28.12.2011, the accused was arrested by the Police and sent to judicial custody. The SP further informed that the matter is sub- judice.

Case no 2.

5.2.21 On the basis of the complaints of Ms. Jayanti Bai, aged 16 years and Ms. Kanchan Bai , aged -14, R/o village Champa, Tah- Bagicha, Dist- Jashpur, a FIR has been lodged vide crime no. 91/11 under section 363, 371 and 34 of IPC at Sanna Police Station against accused Smt. Manmati Bai and Smt. Kunti Bai, aged- 25. On 10.12.2011, both the accused were arrested by Police and sent to judicial custody. The SP further informed that the matter is sub- judice.

Case no 3.

5.2.22 On the basis of complaints of Ms. Saniyaro, Aged-21 years, Ms. Swarwati Bai, aged- 21, Shri Ranjit Kumar aged-21, R/o BedekonaTah-Bagicha, Dist- Jashpur, a FIR has been lodged vide crime no. 92/11 under section 363,371 of IPC at Sanna Police Station against accused Basant Oran, R/o Girhul, Thana-Kusmi, District- Balrampur. He further informed that on 22.12.2011, the accused was arrested by Police and sent to judicial custody and the matter is sub- judice.

Case no 4.

5.2.23 20 tribal youth and children were taken to Delhi for providing better opportunity of work on higher wages and healthy environment by accused Mrital Nayak, aged-26, R/o Jagarnath Prasad, Thana-Bhandari Pokhri, District- Bhadrak, Odisha who was arrested by Police on 09.11.2011. On the basis of complaints of Ms. Muneshwari Pradhan, Aged-20, and 13 other Girls, Shri Abedan Kujur, aged 23 years and 05 Boys, a FIR has been lodged vide crime no. 188/11 under section 371 and 374 of IPC at Kunkuni Police Station against accused Mrital Nayak. The accused was sent onjudicial remand. The matter is sub-judice.

5.2.24 As a follow up, the Commission requested Collector, Jashpur for releasing financial assistance to the victims vide letter dated 23.07.2012 under the provision of SC & ST (PoA) Rules and after constant follow up, the Assistant Commissioner, Tribal Development, Jashpur informed the Commission vide letter dated 11.06.2013 that an amount of Rs. 4,20,000/- was sanctioned and as financial assistance to Ms. Kavita, Ms. Daso Bai, Ms. Kanchan Bai and Ms. Jaswanti Bai and Rs. 60,000/- was paid to the each victim under the SC/ST (PoA) rules.

Gang rape of a minor tribal girl by two accused

5.2.25 A News appeared in the Daily Nai Dunia Newspaper, Raipur edition on 19.05.2013 regarding gang rape of a minor tribal girl by two accused of Village-Kashipali, Tahsil Saraipali, District- Mahasamund (CG). As per the news, the girl was studying from her maternal uncle's house in class 10th. On 4th April, when the girl was watching television in the house, two accused named Mulchand and Nitin Patel of Durgapali village reached there and asked the girl to go with them. When the girl refused to go with them in the field, which was outside the village, they forcibly took her in the field and raped her. The girl immediately informed her mother about the incident. After one month of the incident, the victim lodged a complaint of gang rape against both the accused. The victim informed that reason behind delay in making complaint was fear from the accused.

5.2.26 The Commission took up the matter with the Superintendent of Police and Collector, Mahasamund vide letter dated 20.05.2013. The Superintendent of Police, Mahasamund informed the Commission vide his letter dated 25.06.2013 that the matter was investigated by the Sub-Divisional Police officer, Saraipali and it is incident is confirmed. The accused Upendra Kumar, Mulchand came to her house and forcibly took her in the field and accused Upendra Kumar Patel, Mulchand Patel, Babulal Chandra and Chaman Lal Sahu raped her. On 14.05.2013, victim made complaint in the Saraipali Police Station about the incident. A FIR has been lodged vide crime no. 198/13 under 363, 376 (2), 506 under IPC. The SP further informed that during the time of investigation out of four accused, two accused were arrested on 16.05.2013 and two accused were absconding. The police is searching them. The matter is under investigation.

5.2.27 The report of the SP was examined in the Commission and it was observed that accused belonged to non-SC/ ST community and this case is fit for invoking section 3 (2) (V) of the SC/ ST (PoA) Act, 1989 but Police has not applied it. Hence, the Commission again wrote to SP, Mahasamund to invoke above section of the SC/ ST (PoA) Act, 1989 vide letter dated 09.07.2013. The SP, Mahasamund informed the Commission that vide letter dated 29.07.2013 that after production of caste certificate of the victim's father the SC/ST (PoA) Act, 1989 was added in the case. He further informed that for monetary relief to victim, a proposal along with documents has already been sent to concerned authority. Thereafter, the Commission requested to Collector, Mahasamund for releasing financial assistance to the victim vide letter dated 12.06.2013 under the provision of SC & ST (PoA) Rules and after constant follow, up the Assistant Commissioner, Tribal Development, Mahasamund informed the Commission vide letter dated 07.01.2014 that an amount of Rs, 60,000/- has been sanctioned on 30.11.2013 and paid to victim.

Kidnapping of a 17-year-old tribal girl

5.2.28A News appeared in the Daily Nai Dunia newspaper, Raipur edition on 15.07.2012 regarding kidnapping of a 17 year old tribal girl R/o village-Ghardeepa under Aastha Police Station, District- Jashpur by accused Ansaruddin Ansari, S/o Kamaluddin Ansari aged-19 year R/o village- Ghardeepa

District- Jashpur (CG) from Jashpur Bus Stand. It was also stated that the victim went to Jashpur city to purchase school books along with her friend. After purchasing books, victim and her friend reached the Bus Stand for returning her village. At that time, the accused kidnapped her.

5.2.29 The Commission called a detailed report from Superintendent of Police, Jashpur vide letter dated 26.07.2012, which was followed up with several reminders. The SP, Jashpur informed vide his letter dated 22.09.2012 that a case of kidnapping was registered at the Aastha Police station vide crime no. 22/12 under section 363,366(K) of IPC and the accused in the case is being tracked by Police. The Commission examined the reply of SP and it was observed that accused in the case was not from SC/ST community & police did not invoked the SC/ST (PoA) Act in the case. The Commission advised SP, Jashpur for invoking relevant section of SC/ST (PoA) Act in the matter vide letter dated 28.09.2012. After constant follow up, the SP, Jashpur vide his letter dated 22.02.2013 informed that the police has recorded the victim's statement on 22.08.2012 and after receiving the caste certificate from victim, the additional section under IPC 376 and section 3 (1-11) of SC/ST (PoA) Act, 1989 was included in the case. The SP also informed that on 22.08.2012, the culprit was arrested and sent to judicial remand. The SP also informed that on 22.09.2012, the investigation was completed and the charge sheet in the matter was produced in the Hon'ble court on 10.11.2012.

5.2.30 The Commission also followed up the case with Collector, Jashpur for providing financial assistance to victim vide letter dated 12.03.2013 and subsequent reminders dated 11.04.2013 and 20.05.2013. The Collector, Jashpur informed the Commission vide his letter dated 27.05.2013 that an amount Rs. 1,20,000 was sanctioned on 31.03.2013 out of the which Rs. 60,000/- has been paid vide cheque no. 005159, Rs. 10,000/- vide cheque no. 005160 and Rs. 50,000/- as financial assistance under the SC/ST (PoA) Act.

Allegation of molestation of a first year tribal girl student

5.2.31 A News appeared in the Daily Nai Dunia newspaper, Raipur edition on 15.07.2012 regarding allegation of molestation of a first year tribal (girl) student by Principal, Government Naveen College, Bodla, District- Kabirdham. On the basis of complaint of the victim, a case under section 354 of IPC and section 3 (1) (X) of SC/ ST (PoA) Act, 1989 was registered.

5.2.32 The Commission called a detailed report from Superintendent of Police & Collector, Kabirdham vide letter dated 25.10.2012 and subsequent reminder dated 12.11.2012. The Deputy Collector, Kabirdham informed vide his letter dated 8.01.2012 that a detailed report in this matter was sought from Sub-Divisional Revenue officer, Bodla, As per the report, the victim sent a written complaint to SP, Kabirdham against Principal Shri R.K. Pathak that accused Principal has made vulgar comments to victim. He further informed that a case under section 354 of IPC and section 3 (1) (X) of SC/ ST (PoA) Act, 1989 was registered in the matter. He also informed that the above act of the Principal was also violation conduct rules. Hence, a letter was issued to Commissioner, Higher

Education, Govt. of Chhattisgarh, Raipur vide letter dated 3.11.2012 for giving charge of Principal to another suitable officer.

5.2.33 The SP, Kabirdham informed the Commission vide his letter dated 24.11.2012 that on 09.10.2012 the Principal, Government Naveen College, Bodla, District Kabirdham R.K. Pathak called the victim girl (student) in his Chamber and when the victim entered the chamber, the accused Principal assaulted her and made vulgar comments and also held her hand. It was also reported that the Principal assured her to pass the examination and also asked her to meet alone and keep on contact over mobile phone. The SP informed that on the basis of written complaint against accused Principal, on 9.10.2012 a Crime no. 202/2012 under Section 354 of IPC and section 3(1) (X) of SC/ ST (PoA) Act, 1989 was registered. He further informed that the accused principal was absconding. The SP also informed that the case is under police investigation.

5.2.34 The Commission again called detailed report, Copy of the FIR, Copy of the Charge Sheet and confirmation about arrest of accused Principal from SP, Kabirdham vide letter dated 30.01.2013 and subsequent reminder dated 13.03.2013. The SP, Kabirdham informed Commission vide letter dated 6.04.2013, that the matter was thoroughly investigated by the Police and the allegation of the victim was proved. Hence, on 17.12.2012 at 15.00 hours, the accused Principal was arrested. The accused Principal was released on the basis of the bail order of Hon'ble high court, Bilaspur. A charge sheet in the matter was produced on 24.01.2013 in the Hon'ble, C.J. Court, Kawardha vide case no. 36/13 dated 24.01.2013.

5.2.35 The Commission also followed up the matter with Collector, Kabirdham for providing financial assistance to victim vide letter dated 15.04.2013. The Assistant Commissioner, Tribal Development, Kabirdham informed the Commission vide his letter dated 26.04.2013 that an amount Rs. 15,000 was paid to victim vide cheque no. 04.03.2013 as financial assistance under the SC/ST (PoA) Act.

Threatening and abusing by caste

5.2.36 Smt. Usha Nandini, W/o Shri Pavan Kumar R/o Village . Chikhla Kasa, Tahsil- Dondi, District- Durg sent a representation dated 24.06.2011 to the Commission. In her representation she complained that when she was working in her agricultural land along with Ms. Gitesh, Ms. Shashi and Ms. Shakun, accused Baljeet Singh S/o Nirmal Singh Sikh came there and caught her right hand and started threatening and also abused by castes to her. She also informed that immediately, her father in-law Shri B.R. Kharanshu made a complaint in the Dalli Rajhara, Police Station about the incident but the police did not take any action against the accused. She requested the Commission to help in the matter so that she could get justice. The Commission immediately took up the matter with Superintendent of Police, Durg vide letter dated 5.07.2011 and subsequent reminders dated 06.09.2011 and 17.10.2011. The Superintendent of Police, District Durg informed the Commission vide letter dated 31.10.2011

that the matter was investigated on the basis of the facts and the allegation of the petitioner against accused Baljeet Singh was proved. The Police have registered a crime no. 124/11 under section 294,323,506 B of IPC. He further informed that the accused was arrested on 24.07.2011. A charge Sheet in the matter was also produced before Court, Dalli Rajhara on 06.08.2011.

5.2.37 The Commission further took up the matter with Superintendent of Police, Durg vide letter dated 11.04.2012 and advised to inquire the matter again with competent officer not the below the rank of Deputy Superintendent of Police as per the provisions of SC/ ST (PoA) Act, 1989 and also requested to invoke relevant sections of the SC/ST (PoA) Act, 1989.

5.2.38 Due to bifurcation of the Durg district in three different districts the place of the incidence came under newly created district Balod. Hence, the SP, Durg forwarded the case to SP, Balod under intimation to the Commission vide his letter dated 09.05.2012. On 25.06.2012 the SP, Balod sent the same reply which the Commission had received previously from SP, Durg. Hence, the Commission again requested SP, Balod vide letter dated 12.07.2012 to inquire the matter again through competent officer not the below the rank of Deputy Superintendent of Police as per provisions of SC/ ST (PoA) Act, 1989 and also requested to invoke relevant sections of the SC/ST (PoA) Act, 1989. The SP, Balod informed the Commission vide letter dated 24.01.2013 that the police has invoked section 3 (1) (x), (xi) of the SC/ST (PoA) Act, 1989 in the matter on 28.07.2012 and a crime no. 119/12 was registered against accused Baljeet Singh and on 17.12.2012 the accused was arrested. He further informed that a charge sheet no. 180/12 dated 20.12.2012 was prepared and the challan produced in the court on 29.12.2012.

5.2.39 The Commission also requested Collector, Balod for releasing financial assistance to victim under the SC/ST (POA) Rules vide letter dated 31.01.2013, which was follow up by several reminders. The Deputy Collector, Balod informed the Commission vide letter dated 09.07.2011 that an amount of Rs. 25000/- was sanctioned and Rs. 6250/- was paid vide cheque no 654515 dated 02.05.2013 as financial assistance to the victim.

Police protection to the accused

5.2.40 Smt. Sushila Oroain W/o Shri Nirmal Kaschhap, Village Kasaro, PS. Nagri, Distt. Ranchi sent a representation dated nil to this office has alleged that the Nagri PS officer-in-charge is protecting the accused person in the Nagri PS case No. 59/13 and is rooming with the accused persons. He is pressuring her to withdraw the case and is abusing her in the name of caste. He threatened her that, if you make further complaint then he will shoot his father and no one can do any things to him because he has connection with influential persons.

5.2.41 The Commission took up the matter with the Dy. Commissioner and Sr. Supdtt. of Police, Ranchi vide letter dated 15.09.2013. In response the Dy. Commissioner, Ranchi vide letter dated 17.07.2013 enclosing therewith a report of the Supdtt. of Police, Ranchi has intimated this office that the matter was

inquired into. During inquiry, it was revealed that as the accused person were not being arrested, she had a doubt that the Officer-in-charge is hand-in glove with the accused persons, but now the accused persons had been arrested and she is satisfied with the action taken. In the mean time, the office-in-charge has been transferred to Police centre.

Gang rape of a minor tribal girl

5.2.42 The Commission received a representation dated nil from Shri Prafful Chandra Beshra and others of Tanatoli, Simdega, Distt. Simdega regarding filing of FIR No. 827/13 dated 11.09.2015 related to gang rape of a minor tribal girl under SC/ST (PoA), Act, 1989. The Commission took up the matter with the Dy. Commissioner and Supdtt. of Police, Simdega vide letter dated 21.08.2013. The Supdtt. of Police, Simdega vide his letter dated 30.08.2013 informed the Commission that on enquiry and statement of the witnesses, the case is found to be true and a case has been registered under section 376(D)/354/120B IPC and section 3(1)(xi) of the SC/ST (PoA), Act, 1989 against (1) Praveen Prasad (2) Basant Das (3) Choyab Badiak (4) Sitaram Prasad and also against (5) Driver Golu 2.Kamashewar Badaik. Three accused Praveen Prasad, Basant Das and ChoyaBadaik have been sent to judicial custody and efforts are being made to arrest rest of accused viz; Sitaram Badaik and driver Kamashewar. Compensation would be paid after completion of the enquiry and speedy trial will be done.

Alleged rape of handicapped minor girl

5.2.43 Representation dated 29.01.2013 was received in the Commission from Smt. Kamla Oraon of Bokaro Steel city, Bokaro regarding alleged rape of her handicapped minor daughter by servant of her Neighbour on 15.01.2014. The accused was caught on the spot and was handed over to the police. After the incident Shri Ramvriksh Rai, the neighbour is threatening her and putting pressure to withdraw the case. After the incident, the condition of the girl deteriorated but the Bokaro general hospital refused to admit her even though they are eligible for treatment. The Commission took up the matter with the Supdtt. of Police, Bokaro vide letter dated 21.02.2014. In response, the Supdtt. of Police, Bokaro vide letter dated 14.03.2014 informed the Commission that on enquiry, the matter was found true and case under section 376/511 IPC, section 3(1)(xii) of SC/ST (PoA) Act and POCSSO Act, 2012 has been filed against accused Chatilal Rai S/o Ramayan Rai R/o Village Sikriya, PS. Revilganj, Distt. Chatra and sent to Bal Sudhar Grih.

Sexual harassment in office

5.2.44 Smt. Saro Oraon, Peon, O/o the Dy. Director, Employment, Govt. of Jharkhand, Jamshedpur vide her representation dated 08.01.2014 has submitted that Shri Dasrath Ambuj, Asstt. Director, Employment use to call her at his residence to do household work. During office hours whenever she goes to his chamber for serving water and for office work, he catch holds her hand and touches her body and kisses her. He even forces her to make physical relation

with him. If she opposes, he threatens her that she would be terminated. In this regard, she had filed a case 312/2012 dated 03.10.2012 in the SC/ST Police Station, Birsanagar, Jamshedpur. He was arrested and released on bail, but during bail, he was appointed Director of Dhanbad and Bokaro office. The Commission took up the matter with the Principal Secretary, Labour & Employment Department and Director General of Police, Govt. of Jharkhand vide letter dated 21.05.2013. In response, the Inspector General of Police, CID intimated the Commission vide letter dated 06.08.2015 that the matter was enquired into by Sr. Supdt. of Police, Jamshedpur and during enquiry, the complaint is found to be true. Charge sheet No. 5 dated 31.03.2014 has been filed under section 354/504 IPC and section 3(1)(x) of SC/ST (PoA), Act.

5.3 DEVELOPMENTAL MATTERS

Request to provide security to a person whose life is at risk

5.3.1 The Commission received a representation on 28.01.2013 from Shri Artatrana Kanhar, President, Kui Samaj Seva Samiti, Phulbani alleging that the members of Peace Committee had issued a note in the meeting that they would end the life of Shri Lambodar Kanhar, Secretary as well as Leader of tribals who is taking leading role for the upliftment of poor and downtroddens. In his representation, the President of the Organisation demanded action against the members of Peace Committee along with a request to provide security to Lambodar Kanhar whose life is at risk.

5.3.2 The Commission took up the matter with the Collector & District Magistrate, Phulbani with a request to initiate necessary action besides providing protection to the Shri Lambodar Kanhar. On 12.07.2013, the Commission received a letter No.506/Judl. Dated 06.07.2013 from the Collector and District Magistrate, Phulbani stating that Shri Lambodar Kanhar, Secretary, Nikhil Utkal Kui Co-ordination Committee has been provided with two trained PSOs for his personal security.

Compliance of Revenue Boards decision in a land matter

5.3.3 Shri Rajendra Prasad Mina R/o New Kesari Colony, Adarsh Nagar, Ajmer in his representation dated 20-12-2011 requested for compliance of Revenue Boards decision by the District Administration in a land matter.

5.3.4 The case was referred to District Collector, Alwar, Rajasthan by the Commission vide letter dated 16-01-2012. Reminders dated 14-02-2012, 03-10-2012, 17-05-2013, 16-09-2013, 11-10-2013 and 19-12-2013 were also sent for expediting the reply. The Collector, District Alwar vide his letter dated 06-02-2014 informed the Commission that Tehsildar, Laxmangarh have made the compliance of the decision of Revenue Board, Ajmer and a report to this effect has been sent to Revenue Board, Rajasthan, Ajmer vide his letter No. 3633-35, dated 19-12-2013.

Unauthorized construction in the common passage

5.3.5 Sh. Josphin Kindo R/o Flat No. A118, A-3, Sai Dham Apartment, Sahibabad, Ghaziabad sent a representation dated 7.11.2013 to the Commission regarding harassment by a group of families residing in the apartment wherein it was informed that the non-applicants have made unauthorised construction in the common passage of the ground floor including a toilet causing foul smell, mosquitoes etc. It was also informed that his representations to the Ghaziabad Development Authority and Ghaziabad Nagar Nigam were unheard. The Commission took up the matter with the Vice-Chairman, Ghaziabad Development Authority, Ghaziabad vide letter dated 12.11.2013 as a result of it, Secretary of the above authority sent a report to the Commission vide his letter dated 12.12.2013 wherein it was informed that on the spot inspection was carried out by them and the illegal construction was removed on 12.12.2013 in the presence of a Magistrate and Police force. The applicant was forwarded a copy of the above reply vide Commission's letter dated 20.12.2013.

Opening/ construction of school building for tribal children

5.3.6 A representation was received in the Commission on 12-07-2010 from Shri Biyan Singh Patel, President, District Unit of Adivasi Vikas Parishad, Khargone (MP) regarding opening of school and construction of school building in Gram Panchayat Devjhiri. The tribal children are facing problem in their studies. The Commission took up the matter with the District Collector, Khargone vide letter dated 10-08-2010 who informed that a satellite school is already running in the village since 10-09-2009 and Administrative approval has been provided for construction of school building. The Commission followed up the matter about the working of satellite school and progress in construction of the buildings vide letters dated 04-05-2011, 29-08-2011, 14-12-2011, 11-02-2012, 17-05-2012 and 06-07-2012. The District Collector, Khargone sent a copy of his earlier letter dated 05-08-2011 (not received in the Commission) in which it was informed that the construction work of the school building shall be started shortly and it could not be started earlier due to dispute between the villagers regarding the place of construction.

5.3.7 The Commission constantly followed up the matter as a result of which the District Collector, Khargone informed the Commission vide his letter dated 07-01-2014 that construction of the school building has been completed and the school is running in the said building.

Transfer of land

5.3.8 A representation was received in the Commission on 27-09-2013 from Shri Satai Ram Kol, R/o Village Garhchapa, P.O- Ghatsimaria, District Jabalpur (MP) complaining that four acres of revenue land located in village Korakap, which was in the name of his father, was wrongly transferred in the name of Suresh Patel of Junvani Kala village by the Patwari and Tahsildar, Sihora. Father of the applicant had passed away in the year 1999 and the applicant had submitted

many applications to Tahasildar, Sihora for transferring the land in his name but the same was not being done.

5.3.9 The Commission took up the matter with District Collector, Jabalpur vide letter dated 27-11-2013 who vide his letter dated 31-12-2013 informed that name of applicant has been recorded in the revenue records and the computer records.

Payment of insured amount under Educational Insurance Scheme

5.3.10 A representation was received in the Commission on 10-12-2013 from Shri M.S.Dhurve, District President, Akhil Bhartiya Adivasi Vikas Parishad, Betul (MP) forwarding a representation of Shri Jhammar S/o Doma Gond, R/o village Kunda Raiyat, block- Prabhat Pattan, Betul wherein it was informed that his daughter Kumari Kareena who was studying in II class of Govt. Primary School of the village had gone to the Kunda River for taking bath and washing cloth on 30-06-2013. At the time of bath, she slipped in the river and was drowned resulting in her death. Enclosing a copy of PM report and school progress report, he requested for payment of insured amount under Educational Insurance Scheme for children.

5.3.11 The Commission took up a matter with District Collector, Betul who sanctioned an amount of Rs. 2,000/- to father of the deceased Shri Jhammar S/o Doma Gond under MP SC & ST relief scheme, 1979.

Transfer of Tribal Land

5.3.12 A News appeared in the Daily Hari Bhumi News paper, Raipur edition on 23.08.2011 regarding issue of notice to 73 non - tribals by the Divisional Commissioner (Revenue), Bastar division due to illegal purchase or transfer of tribal land.

5.3.13 The Commission called a report from the Secretary, Revenue Department, Government of Chhattisgarh & Divisional Commissioner (Revenue), Bastar Division, (CG) vide letter dated 26.08.2011 which was followed with several reminders. The Divisional Commissioner (Revenue), Bastar Division informed the Commission vide his letter 19.07.2013 that he has conducted hearing in the above 73 cases and another 14 cases received later from Bastar District under his division regarding transfer of tribal land to non-tribal in his court. The status report in the matter is given below:

- I. The out of 73 cases, 63 cases were related to Bastar District and 10 Cases from South Bastar Dantewara District which were reviewed and order was passed by him as per the provision of Land- Revenue act, 1959, section 50 (1) on 28.01.2012, 30.01.2012 and 10.01.2012. The Commissioner cancelled all the orders passed by the Collectors/ Additional Collectors in violation of section 165 (6) (i) of Land . Revenue Act.

- II. Apart from the above 73 cases, hearing was done in another 14 cases of Bastar district, and order as above were also passed by him and the same have been transferred to Collector, Bastar District for appropriate action.
- III. As per information provided by Collector, Bastar, out of 77 cases, the details of 27 cases were called by Circuit Court, Jagdalpur and the same has been produced before Hon^{ble} Circuit Court. Out of remaining 50 cases in, 47 cases a direction to hand over the land to actual tribal land holder have been passed, and out of three remaining cases, in two cases date have been fixed for suitable order and in one case the Hon^{ble} High Court, Bilaspur given stay order. Hence, the case is kept pending for further action till the final verdict of the Hon^{ble} High Court.
- IV. Out of the 10 cases of South Bastar Dantewara District, in 9 cases, a direction to hand over the land to tribal land holder have been passed. In 8 cases the possession has already been given to the land holder and in remaining one case, there is stay from Hon^{ble} High Court, Bilaspur.
- V. The departmental enquiry have been initiated against Shri D. R. Mandavi, the then Additional Collector, Bastar, Jagdalpur, Shri Phul Singh Netam, then Additional Collector and Shri Neelkanth Tekam, then Sub-divisional Officer (Revenue).

Election of persons of unreserved category from tribal area

5.3.14 A News appeared in the Daily Nav Bharat News paper, Raipur edition on 16.06.2012 regarding election of persons of unreserved category from tribal area in co-operative societies election. As per the news, in District Rajnandgaon, the Co-operative election was recently held without following the reservation policy. From the seats reserved for Scheduled Tribes & OBC candidates, unreserved candidates contested and got elected.

5.3.15 The Commission took up the matter with the Secretary, Department of Co-operative, Government of Chhattisgarh, Raipur vide letter dated 20.07.2012, which was followed up with several reminders. The Special Duty officer, Govt. of Chhattisgarh, Raipur informed the Commission vide letter dated 13.09.2012 that the matter was inquired by the Deputy Registrar, Co-operative Society and it is revealed that election was held for 89 Primary Agriculture Co-operative Societies and 11 members of Board of Directors/ Co-operative Management. Discrepancy/mistake/ omission was noticed in several cases in election of the above 43 Primary Agriculture Co-operative societies,

5.3.16 The Commission again took up the matter with Secretary, Department of Co-operative Society, Govt. of Chhattisgarh, Raipur vide letter dated 1.10.2012 and advised that violation of reservation policy in the election of Co-operative societies in the district may be rectified without further delay. After constant follow up, the Joint Secretary, Co-operative Society, Govt. of CG, Raipur informed vide his letter dated 09.04.2013 that out of 43 Primary Agriculture Cooperative Societies, mistake has been rectified in election of representatives by the members of Board of Directors in 40 Primary Agriculture Cooperative Societies.

In rest of the three societies, the matter is pending for hearing in the Court of Sub - divisional Officer (Revenue).

Villagers left home on threat from Naxalites

5.3.17 A News appeared in the Daily Nav Bharat News paper, Raipur edition on 26.07.2012 that nine tribal families were driven away from their village Gavaram, Kandulnar, District- Bijapur, CG by the Naxalites. As per the news, the nine tribal families of village Gavaram, Kandulnar, Bijapur district were given ultimatum to vacate the village immediately failing which, they will be killed. Because of the above threat, the villagers were forced to vacate the village. After vacating the village, they reached the District head quarter, Bijapur and met the Superintendent of Police, Bijapur and informed about it.

5.3.18 The Commission took up the matter with District Collector & SP, Bijapur vide letter dated 31.07.2012. The SP, Bijapur informed vide his letter dated 8.12.2012 that on 25.07.2012, Shri Michha Narendra S/o Shri Ganga, age 22, Madder Police station, Camp at Shanti Nagar ward, Bijapur made a complaint in the Police Station that on 6.07.2012 in the morning, 15 - 20 Naxalites/ Members of Sangham came to their village and called a meeting with members of 8 families. In the meeting, members of the Sangam asked them that why they are not involved in or helping in the naxali activities like cutting of trees, roads, demolition of school building and murder, hence, they should immediately leave the village, otherwise they will be killed. Due to above threat, of Naxal, all the families (26 members) left the village and reached the district head quarter to save their life. Later, the naxalites plundered / robbed all the crops/ domestic animals and daily consumable items of the villagers costing Rs. 384200/- . A FIR has been lodged vide crime no. 23/2012 under section 395 of IPC and 25, and 27 of Arms Act.

5.3.19 He further informed that some of the family members of the victims went to Andhra Pradesh for some labour work, now they have returned Bijapur and some of the member are working as drivers. The SP further informed that he has recommended District Collector, Bijapur for rehabilitation for above naxal victim 8 families.

5.3.20 The District Collector, Bijapur informed vide his letter dated 02.04.2013 that the naxalites plundered / robbed all the crops/ domestic animals and daily consumable items of the eight families (26 members) as they were not assisting in the naxal activities. A FIR has been lodged in the Kotwali police station. The District Collector also informed that the district administration had provided immediate relief by providing daily use consumable items like cloths, Plates/bowls, Oil and ration like pulse, rice, potato, onion, spices etc. to victim families and as per the government policy, financial assistance of Rs. 10,000/- each was provided in cash and 2.5 Decimal land provided for residential house at Bijapur Ganglur road to each victim family. The Zila Panchyat, Bijapur has also released Rs. 48,500/- for construction of residential house under Indira Awas Yojana to each family.

Selling of tribal land on the basis of fake documents

5.3.21 A News appeared in the Daily Nai Dunia Newspaper, Raipur edition on 02.07.2012 regarding selling of tribal land on the basis of fake documents in Mahasamund District by Bhagat Ram Ratre, his wife Ganeshiya Bai and son Mithlesh Ratre.

5.3.22 The Commission took up the matter with SP & District Collector, Mahasamund vide letter dated 26.07.2012 and after constant follow up through various reminders, the SP Mahasamund informed vide his letter dated 17.09.2013 that on 21.06.2012 Shri Mahesh Ram Patil, Assistant Grade - 2, District office Mahasamund made a complaint against the three accused by name Bhagat Ram Ratre, his wife Ganeshiya Bai and son Mithlesh Ratre that the tribal land was sold on the basis of fake permission of District Collector. A FIR has been lodged vide crime no. 247/ under section of 419, 420, 467, 468, 471 of IPC against the above accused R/o Village- Dhaneli, Post- Mana, Distirct-Raipur. In preliminary inquiry, the allegation was found true and on 28.02.13 accused Ganeshiya Bai and on 22.05.2013, accused Mithlesh Ratre was arrested and produced to Honble CJM Court , Mahasamund. The main accused in the matter committed suicide on 10.03.2013. The SP further informed that the matter is sub-judice. As all the accused belong to Scheduled Castes Community, the SC/ST (PoA) Act, was not invoked in the case. A copy of the report of the SP, Mahasamund dated 17.09.2013 was also forwarded to Commission by the District Collector, Mahasamund vide his letter dated 25.09.2013.

Tribal youth cheated

5.3.23 A News appeared in the Daily Nai Dunia News paper, Raipur edition on 25.07.2011 regarding cheating of Rs. 5 lakhs from a Baiga tribal youth (primitive tribe) on the name of processing fees for disbursement of lottery prize won by the victim.

5.3.24 As per the news, a Baiga tribal youth named Shri Tulsi Baiga, R/o Village Bagmada, District- Kabirdham was cheated by unknown person, who introduced himself over mobile phone that he is from lottery company and the mobile no. of victim was selected for AIR Tel lucky lottery draw competition and he has won the prize money of Rs. 25 lakhs & 15 tola Gold. The accused further asked him to pay the processing, air port custom duty & administration fees for early disbursement of his prize money & gold. Hence, the victim deposited total amount of Rs. 4,85,000/- in many installments in bank account of unknown accused. After one month, the victim understood that he has been cheated by accused. He contacted the SP office and submitted a written complaint to Superintendent of Police, District -Kabirdham.

5.3.25 The Commission took up the matter with Superintendent of Police, District. Kabirdham (CG) vide letter dated 03.08.2011, which was followed up through several reminders. The Superintendent of Police, District . Kabirdham informed the Commission vide his letter dated 31.08.2013 that on 31.08.2013, a FIR has been lodged in the Pandyaria Police Station vide crime

no. 151/11 under section 420, 34 of IPC against accused. The SP further informed that the matter was investigated on the basis of the complaint and during the investigation, 6 accused were arrested and produced before Honble court, from where, they were sent in judicial remand.

Return of original documents

5.3.26 Km. Neelam Meena D/o Shri Bharat Meena, 12, Shivgoraksh Nagar, Model Town, Malviyanagar, Jaipur sent a representation dated 24.06.2013 to the Commission and requested to help her in getting return her original documents from govt. Dental College, Jaipur for submitting them in the counselling for M.B.B.S. Course. The Commission took up the matter with the Principal Secretary, Medical Education Department, Govt. of Rajasthan, Jaipur, Vice-Chancellor, Rajasthan Health University, Jaipur and Principal Govt. Dental College, Jaipur vide letter dated 25-06-2013 which was also followed by reminder dated 14-08-2013. The Principal, Govt. Dental College, Subhash Nagar, Jaipur vide his letter dated 03-09-2013 intimated the Commission that original documents of Km. Neelam Meena, Student of the college have been returned to her on 23-07-2013. The petitioner was informed accordingly vide letter dated 11-09-2013.

Denial of admission to ST category students

5.3.27 A Representation dated Nil was received from Shri K. K. Mina S/o Sh. N. L. Meena, Village and Post . Lagadiawas, Jamwaram Garh, Distt. Jaipur on dated 04-09-2012 and another representation from Km. Dipti Meena were also received in the Commission. In these representations, the applicants stated that in the admissions of MCA Course, 2012 of Rajasthan University, Jaipur the seats reserved from ST Category have been filled up by General Category candidate and they along with one another candidate of ST Category were denied admission. A letter dated 26-09-2012 was written by the Commission to the Vice-Chancellor, Rajasthan University, Jaipur asking him for factual report with supportive documents. On non-response from the university, the matter was placed before the Honble Chairman of the Commission on 16-01-2013 for hearing. The officers of the Rajasthan University presented the case before Honble Chairman, who directed that both the candidates should be given admission in the MCA Course, 2012 against reserved seats of ST category and the Commission informed accordingly within one month's period. The Director, University centre for Computer Science & Information Technology University of Rajasthan, Jaipur, in his letter dated 23-01-2013, informed the Commission that both the ST Candidates have been asked to deposit fees and documents for admission up to 31-01-2013 but both the candidates refused to take admission as they have joined coaching Institute for preparation of competitive exams.

Drinking water problem in village

5.3.28 The Alwar Jila Adiwasi Vikas Parishad District Alwar submitted a Representation dated 24-09-2012 to the Commission stating therein drinking water problem in village Sorakha Khurd, Panchayat Samiti Mundawar, District Alwar which is a tribal dominated area. A letter dated 01-10-2012 was sent to

Principal Secretary P.H.E.D, Government of Rajasthan, Jaipur and Collector, District Alwar (Rajasthan) for factual Report and action taken report in the matter. After sending reminders dated 19-12-2012, 16-04-2013, 15-05-2013 23-07-2013, the Superintending Engineer, P.H.E.D., Alwar circle vide his letter No. 6198, dated 27-01-2014 informed the Commission that work order has been given for installation of Tube-Well on the identified location for resolving the drinking water problem of the concerned village.

Withholding of educational and other certificates

5.3.29 Smt. Anima Kujur W/o Shri Anup Minz, Chinchulla tea Garden, Distt Jalpaiguri (WB) sent a representation dated 17.05.2013 that her parents had forced her to join Sisters of Notre Dame, Patna to practice as nun but later on she left the Society and got married against the wish of her parents. Smt. Kujur has alleged that her Educational and other certificates has been withheld by Provincial Superior, SDN, Patliputra, Patna. The Commission took up the matter with the Sr. Supdtt. of Police, Patna as a result of which her certificates were handed over to her.

Harassment to tribal girls for getting birth certificates

5.3.30 Harassment of Tribal girls for getting birth Certificates from the office of the Panchayat, Ranchi was referred to the Commission by the Honble Minister, MoTA, Shri V. Kishore Chandra Deo vide DO letter No. MTA&Priority 30/30 dated 01.08.2013 to investigate into the matter. In this regard the Honble Chairman took a meeting in the Ranchi Regional office of the Commission with the Dy. Commissioner, Ranchi and the Principal Secretary, Welfare Deptt., Govt. of Jharkhand on 16.08.2013. During the discussion the DC, Ranchi informed that the case relates to Ormajhi and the said girl had been issued birth certificate in time. The Panchayat sevak who was doing mischief has been removed. The news item which was published in the Hindustan Times that the girl had been engaged for sweeping has been refuted by the DC, Ranchi. The Honble Chairman informed during discussion that in Odisha the certificates are being issued to the students of class IX, so that they do not face trouble when they pass out and search for job. He suggested the Welfare Secretary that this model can be followed in Jharkhand also, DC, Ranchi stated that he would complete the report in 2-3 days and would submit the report to the Commission.

Encroachment of land

5.3.31 A representation dated nil from Shri Amrit Jivan Kishore Tete R/o DS/II/114-B Hatia, Railway Colony, Ranchi was received in the Commission regarding encroachment of his land at Mouza Gadkatanga, PS No. 296, Khata No. 03, Plot No. 425, Area 20 dec. which was purchased by him. The matter was taken up with the Dy. Commissioner and Sr. Supdtt. of Police, Ranchi vide letter dated 12.04.2013 and subsequent reminders dated 21.05.2013 and 12.06.2013. In response, the Sr. Supdtt. of Police, Ranchi vide letter dated 08.01.2014 informed the Commission that the matter was enquired into by Dy. Supdtt. of Police, Hatia wherein it was stated that after verification of the documents, it is

ascertained that the land belongs to the applicant but the name of the land mafia could not be known. After finding out the land mafia action will be taken against them.

Screening of film in the Government land without license

5.3.32 A representation dated nil was received in the Commission from Shri Ram Narayan Singh Rohilla, Congress worker, Simdega addressed to the Hon'ble Chairman, NCST regarding screening of film by Raj Film Hall, Simdega in the Govt. Land without license. As directed by the Hon'ble Chairman, the matter was taken up with the Dy. Commissioner, Simdega vide letter dated 04.06.2013. In response, The Dy. Commissioner, Simdega vide his letter dated 21.09.13 informed that screening of film has been stopped until further order.

Mutation of land

5.3.33 Smt. Jema Minz W/o Philip Minz of Pundag, Ranchi seny a representation dated 03.10.2013 to the Commission and informed that she had applied for a land possession case No. 41 R 15/2005-06 in court of LRDC, against Subodra Ram and others in which the LRDC has passed order dated 10.12.2011 in her favour. By enclosing the said order of LRDC, she had submitted the same in the office of the Circle Office, Ratu on 20.04.2012, but the CO is telling her that the order of LRDC has not yet been received in his office, whereas the same was sent the CO office vide letter No. 161 dated 13.01.2012. In the meantime, Pudang area has been transferred to Nagri CO and all the records pertaining to the Pudang area have been sent to Nagri CO except her record as a result of which she is facing difficulties in getting the work done. The Commission took up the matter with the Dy. Commissioner, Ranchi vide letter dated 22.10.2013. Later Smt. Jema Minz telephonically intimated that mutation of her land has been done by the CO, Nagri as a result of Commission's intervention.

Payment of benefits of arrears of salary

5.3.34 Smt. Ashren Lawlin Lakra sent a representation dated nil to the Commission regarding payment of benefits of arrears of salary from the period of 1993 to 2004 of her late husband Anand Masih Tirkey. It was informed that Late Sh. Tirkey, who was posted as a Jeep Driver at Simdega under Bihar/Jharkhand Hill Area Lift Irrigation Corporation, died on 30.06.2013. Smt. Lakra approached the concerned authority to pay entire arrears of salary which was due to him, but no action was taken. During the lifetime, late Sh. Tirkey also approached the authorities for payment of arrears but no action was taken. The Commission took up the matter with the Managing Director, Jharkhand Hill Area Lift Irrigation Corporation, Ranchi vide letter dated 23.01.2014 and in response, Managing Director, Jharkhand Hill Area Lift irrigation Corporation, Ranchi vide his letter dated 15.02.2015 informed the Commission that it appears from records of his office that late Anand Masih Tirkey did not join Jhalco, as such the petitioner (Smt. Ashren Lawlin Lakra) may get relief and arrears of salary etc, for the period mentioned above from the office of Managing Director, BHALCO, still functioning at Patna (State of Bihar).

5.3.35 In the case of State of Jharkhand & another Vs Harihar Yadav & Others in the Civil Appeal No. 10515 of 2013, Hon^{ble} Supreme Court in their Judgment dated 22.11.2013 has directed State of Bihar and State of Jharkhand to pay the salary of employees for the period from 01.01.1995 to 28.12.2001 and 29.12.2001 to 13.09.2004 respectively with interest who unfortunately did not join/absorbed in JHALCO. The Court has also directed state of Bihar and state of Jharkhand to pay the dues within a period of 3 months and 4 months respectively from the date of order.

Harassment in the matter of Admission in electrician trade

5.3.36 One Shri Uday Sankar Mandi, Uttar Baksara Howrah, West Bengal submitted a representation dated 30.07.2013 (received on 11.09.2013) to the Commission alleging that Advance Training Institute, Kolkata is harassing him in the matter of his admission in Electrician Trade under ST category as a private candidate. He further alleged that he applied for the said course on the basis of an Advertisement and ranked top in the merit list. But on the scheduled date of admission, the authority of the Advanced Training Institute denied him admission on the ground of non-availability of vacancy under ST category.

5.3.37 The Commission took up the matter with the Principal, ATI, Kolkata vide letter dated 11.09.2015 followed by a reminder also. Ultimately the authorities of ATI informed the Commission that the case of the applicant would be considered in next quarter. Also in this regard Shri Mandi sent a letter dated 11.12.2013, stating that he got admission in the desired trade in the 2nd quarter.

Non-payment by the contractor

5.3.38 A representation was received in the Commission on 19-07-2013 from Shri Rajesh Kumar and other tribals, Bawadia Kala, Bhopal (MP) informing that they had worked with a contractor Kamal Singh Keer at the sites of Fortune Builders, Bhopal for a period of one and a half year. After completion of the work, an amount of Rs. 27,000/- was due to be paid by the contractor to them but despite repeated requests, he is not making the payment to them. He is also threatening the applicants. The Commission took up the matter with the District Collector and SP, Bhopal vide letter dated 12-11-2013. After constant follow up, the SP, Bhopal informed the Commission vide letter dated 31-01-2014 that the complaint was inquired into by the police and it was revealed that the applicants had worked with the above contractor at different sites for which a payment of Rs. 28,000/- was due but the contractor was not paying the same. Now the contractor has given a cheque of Rs. 28,000/- to the applicants and compromised with them. It was also stated that the applicants do not want any further action on the complaint made by them.

Delay tactics by bank authorities to lease house

5.3.39 Shri Dasarathi Jamidar submitted a representation dated 28.02.2013 to the Commission alleging that Bank Authorities are adopting dilly-dally attitude in

approving his proposal to lease house, raising various objections. As per the applicant, he had submitted his compliances to the points of objections but still the Bank authorities kept it pending for a long time.

5.3.40 On receipt of the representation, the matter was taken up with the Chief General Manager, State Bank of India vide letter dated 05.03.2013 which was followed by a reminder dated 10.06.2013. Ultimately, the Chief General Manager, State Bank of India vide letter No.HR/2389 dated 28.06.2013 intimated the Commission that the house rent on his leased accommodation has been approved and paid by the Bank on 27.03.2013.

5.4 SERVICE MATTERS

Compassionate appointment in railways

5.4.1 Smt. Runumoni Kachari, R/o village Kharikatia (Dhoodan Ali) P/o Khanikatia, District Jorhat, Assam sent a representation dated 27.08.2013 to the Commission regarding compassionate appointment of her daughter in railways. The Commission took up the matter with concerned authorities as a result of which her daughter was appointed on compassionate grounds in railways.

Non-compliance of the order of the High Court

5.4.2 Sh. Dinesh Kumar Sah, S/o Parasnath Sah, Uttam Nagar, Delhi sent a representation dated 10.12.2013 to the Commission regarding non-compliance of the order of the High Court and Director, Primary Education Department, Govt. of Bihar, Patna in the matter of his appointment as Assistant Primary Teacher. He requested the Commission to help in the matter. The Commission took up the matter with Secretary (Primary Education), Education Department, Govt. of Bihar, Director (Primary Education), Education Department, Govt. of Bihar, District Magistrate, Muzaffarpur and District Education Officer, District Muzaffarpur, Bihar vide letters dated 11.12.2013. District Education Officer, District Muzaffarpur, Bihar, vide his letter dated 11.1.2014 informed the Commission that the applicant has been appointed to the said post vide order dated 27.12.2013.

Request to transfer

5.4.3 A representation was received in the Commission on 19-12-2012 from Shri V.K. Raju, Watchman, INS Agrani, Coimbatore R/o Wayanad (Kerala) regarding non-reliving him by his Controlling Officer i.e. the Commanding Officer, INS Agrani despite the transfer order issued by Flag Officer-Commanding in Chief, Southern Naval Command, Kochi. In his representation, the applicant has informed that he belongs to Kurichian community of Wayanad District which is Scheduled Tribe in the State of Kerala. His aged and sick parents who are totally dependent on him were residing at his remotely located native place in Wayanad District and it is very difficult for him to look after them while working at INS Agrani, Coimbatore. So he made a request to the Flag Officer-Commanding in

Chief, Southern Naval Command, Kochi for his transfer to INS Zamorin, Ezhimala, Kannur District who was pleased to transfer him as per his request vide order dated 01-08-2012. But despite a lapse of over 3 months the Commanding Officer, INS Agrani has not relieved him from the post.

5.4.4 The Commission took up the matter with Flag Officer-Commanding in Chief, Southern Naval Command, Kochi vide notice dated 21-03-2013 who informed the Commission vide his office letter dated 12-04-2013 that the applicant has been relieved from INS Agrani and has reported INS Zamorin on 08-04-2013.

Request to provide promotion

5.4.5 A representation was received in the Commission on 15-11-2013 from Shri Dilip Singh Uikey, Production Assistant, Doordarshan Kendra, Bhopal (MP) wherein it was informed that the applicant was working on the post for last 15 years. In Doordarshan Kendra, Bhopal no promotions are being provided to the Production Assistants, Floor Managers and Property Assistants since many years which are affiliated cadre posts. The applicant requested the Commission for taking up the matter with his department so that he can get a promotion.

5.4.6 The Commission took up his case with the Director, DDK, Bhopal vide letter dated 19-02-2013 who forwarded the case to the Directorate General, Prasar Bharti, Doordarshan Bhawan, New Delhi for consideration. After constant follow up, the Director, DDK, Bhopal informed the Commission that the applicant has been promoted as Programme Executive w.e.f. 29-11-2013.

Successive transfers in Govt. School

5.4.7 A representation was received in the Commission on 03-12-2012 from Shri Augustus Kerketta, Assistant Legal Advisor, Ministry of Law and Justice, New Delhi regarding successive transfers of his wife Mrs. Philomina Toppo, Head Teacher in Government Girls Secondary School, Jaura Khurd, Morena who was also working as a Warden in hostel of Government girls Higher Secondary School no. 1, Morena in order to harass her. The then Sarpanch of Gram Panchayat and some other persons had made false allegation against her which resulted in frequent transfers of his wife.

5.4.8 The Commission took up the matter with District Collector, Morena vide letter dated 15-01-2013 and subsequent reminders. The District Collector, Morena informed the Commission that the transfer of wife of the applicant has been cancelled by order dated 19-05-2013 and presently she is working in the same school from which she was transferred.

Request to promote after due training

5.4.9 A representation was received in the Commission on 25-07-2011 from Shri Nickson Nicholas, Safai Worker, Ujjain Nagar Palik Nigam (MP) informing that he was working on the above post since 02-02-2007 but he has not been

provided training of Health Inspector by his office. Ujjain Nagar Palik Nigam has provided training to his junior colleagues and promoted them but his requests for training are not acceded to. As a result, he is not getting promotion.

5.4.10 The Commission took up the matter with the Commissioner, Ujjain Nagar Palik Nigam vide letter dated 02-08-2011. After constant follow up, the Commission was informed vide letter dated 21-02-2014 that the applicant has been given permission for joining diploma course of Health Inspector conducted by All India Local Governance Institute, Bhopal vide order dated 26-09-2013 on his own cost.

Request to include name in the Select List

5.4.11 A representation was received in the Commission on 29-01-2013 from Shri Deepak Chauhan, Village Sinkheda, Tahsil and District Khargone (MP) informing that he had applied for the post of Panchayat Secretary and his name should have appeared at S.No.3 in the select list. He had completed DCN (computer) course from Devi Ahilya Vishwavidyalaya, Indore but the selection committee held this course as invalid as a result of which his name was not included in the select list. He informed that he has completed the above course from a recognized University and alleged that this discrimination with him was done on the caste grounds. He requested for assistance in the matter.

5.4.12 The Commission took up the matter with the District Collector, Khargone vide letter dated 19-02-2013 who informed the Commission vide letter dated 19-03-2013 that after receiving the objection from the applicant, the select list of the above post was partly revised and his name appeared at S.No. 2 in the waiting list. Altogether, 18 posts were reserved for STs and no discrimination was done with the applicant on caste grounds. Vide letter dated 06-06-2013, the Commission asked the District Collector, Khargone whether the applicant has been appointed to the post or not. In turn, the Commission was informed by CEO, Zilla Panchayat, Khargone vide letter dated 22-06-2013 that the applicant has been appointed as Panchayat Secretary in Gram Panchayat Chhendia, Janpad Panchayat Jhiranya, Khargone vide order dated 03-06-2013.

Non-payment of salary

5.4.13 A representation was received in the Commission on 23-05-2013 from Shri Daulat Bharia working as Fitter (Cat-III) in base workshop, Jayant Project, NCL, Singrauli (MP) regarding non-payment of salary for two months, non-issuance of employee number and non-inclusion of names of family members in his service records. The Commission took up the matter with General Manager, Jayant Project, NCL, Singrauli vide letter dated 31-05-2013 who, vide his letter dated 27-06-2013 informed that all the above issues have been settled. The applicant also confirmed the same.

Harassment by the University authorities

5.4.14 Shri Kushanath Tudu, Section Officer, Level-II, Utkal University submitted a representation dated 07.12.2012 in the Commission alleging deliberate harassment by the University authorities in respect of giving promotion to him to the post of Section Officer, Level-I although he was eligible for the said post. Further, he alleged that University Authorities are willfully not holding regular DPC as the reserved community employees are likely to get promotion. Soon after receipt of the said representation, Regional Office, Bhubaneswar initiated action vide this office letter No.ORI/10/C/16/2012-GEN. dated 13.12.2012 desiring to know the reason for delaying the holding of the regular DPC. On 11.01.2013, the Commission received a reply wherein the University authority had not agreed to the allegations made in the representation.

5.4.15 Thereafter, the Commission wrote an analytical letter on the basis of said reply to the Registrar, Utkal University vide letter of even no. dated 14.01.2013 for immediate reply. As the reply was delayed from the University Authorities, the Commission took up the case with the Commissioner-cum-Secretary, ST/SC Development Department, Government of Odisha as a nodal Department to furnish their view in respect of Reservation Policy being followed by the University authorities which was followed by reminders dated 09.04.2013 and 03.05.2013. On 13.06.2013, the Commission received a report from the ST/SC Development Department which was called by them from the University. The report was found not convincing. Again, the Commission issued a reminder to the Registrar, Utkal University on 19.06.2013 wherein it was advised to hold DPC and give promotion to the eligible reserved category employees.

5.4.16 On 02.09.2013, the Commission received a communication from the Registrar, Utkal University vide their letter No.11/35(Vol.IV)/25570/2013 dated 03.09.2013 which was analyzed and a letter dated 03.09.2013 was issued seeking clarification on the points raised in the said letter. Observing the silence of University Authorities, the Commission moved to the Principal Secretary to the Governor (being the Chancellor of the University), vide letter dated 04.10.2013. Finally, with the intervention by the ST/SC Development Department, Government of Odisha, University Authorities vide their letter No.32577/SSD, Bhubaneswar dated 01.10.2015 intimated the Commission that Shri Kushanath Tudu was given promotion to the post of Section Officer, Level-I by holding DPC.

Harassment by the office authorities

5.4.17 Shri Saiba Majhi, Investigator Gr.I, All India Radio, Cuttack submitted a representation dated 21.05.2013 in the Commission alleging harassment by the office Authorities. As per the applicant, he had applied for the post of Junior Analyst on absorption basis on the basis of an advertisement published by Ministry of Environment and Forest. For this purpose, required documents like ACR of last 5 years, Vigilance Clearance Certificate, Integrity Certificate and major & minor penalty statement for last 10 years were sought by the Ministry of Environment & Forests. The applicant had submitted an application in his office requesting to forward aforesaid documents to the Environment Ministry officially

within the stipulated period. But amazingly the authorities of AIR took different plea, adopted dilly-dally attitude and delayed the matter so that his candidature for the post of Junior Analyst in the Ministry of Environment cannot be considered. Being harassed by the Department, Shri Majhi approached the Commission for justice.

5.4.18 Soon after receipt of the representation of Shri Majhi, the Commission took up the matter with the Deputy Director General(LP)(I/C), All India Radio, Cuttack, vide letter dated 22.05.2013. The Commission received an interim reply from the Director(I/c), AIR informing that the DDG has been asked to look into the matter. Finally, on 26.06.2013 The Commission received a letter No.21(SM)/2013-G/3951 dated 24.06.2013 wherein it was stated that the required documents were sent to the Ministry of Environment & Forest by AIR along with their comment to the points raised by Shri Majhi for doing the needful at their end.

Request for change of Headquarters during suspension

5.4.19 Shri Siba Charan Naik, Postal Assistant (under suspension) submitted a representation dated 24.01.2014 in the Commission with a request for change of his Headquarters during the period of suspension. As per the applicant he was working as a Postal Assistant in the Sub-Post Office, Gop, Puri. He was placed under suspension, as some financial irregularities were detected by the Higher Authorities. After suspension, his headquarters was fixed as Gop, Puri. He was drawing his Subsistence Allowance from Gop Sub-Post Office. But he was always feeling insecure as the local people of said Post Office were keeping grudge on him because of fraud caused from their saving accounts. He requested his authorities for change of his Headquarters to get rid of ire of local people but the Postal Authorities did not pay any heed to his request. He approached the Commission for the same. The Commission took up the matter with the Senior Superintendent of Post Offices, Bhubaneswar justifying his request for change of Headquarters vide letter dated 27.01.2014.

5.4.20 On 06.02.2014, the Commission received a reply from the Senior Superintendent of Post Offices, Bhubaneswar Division vide his letter No.F-IV/95/10-11 dated 04.02.2014, wherein it was stated that the allegation of Shri Majhi appears to be baseless and fabricated. Therefore, his request is to be considered on the basis of an enquiry scheduled to be conducted by the Inspector of Posts, Nimapara Sub-Division. Finally, on 06.03.2014 the Senior Superintendent of Post Offices, Bhubaneswar intimated the Commission that the Headquarters of the applicant was changed to Nimapara.

Harassment at the workplace

5.4.21 The Commission received a representation dated 06.05.2013 from Ku. Nilima Tigga alleging that the Deputy Manager, Police Housing and Welfare Corporation, Rourkela is harassing her in the workplace in many ways such as forcing her to work beyond office hours at night and insisting her to accompany him after office hour without having any official reason. Further, she alleged that

the Deputy Manager stays in the Office and hangs his inner garments in the office which causes a lot of problem to the lady worker like her. On raising objection on such activities, the Deputy Manager got angry and transferred her to Bhawanipatna which is at a distant place from her native place. She requested the Commission to help a poor tribal lady, who is having an aged widow mother from the clutches of the higher officers.

5.4.22 By looking into the gravity of the case, the matter was taken up with the Chairman-cum-Managing Director, Odisha State Police Housing & Welfare Corporation vide letter dated 09.05.2013 with an advice to conduct an enquiry into the allegation and initiate stern action against the erring official if the allegation is proved to be true. Commission also emphasized on the transfer of poor and unmarried tribal lady to a place nearer to her residence. The matter was also sincerely pursued by the Commission issuing reminder dated 05.06.2013 for action taken report. Finally, the Deputy General Manager(Admn.) Odisha State Police Housing & Welfare Corporation Ltd. Bhubaneswar submitted the enquiry report of %Complaints Committee+ of the Corporation against the erring officials as well as transferring Kumari Nilima Tigga to an office nearer to her native place.

Request to consider case for promotion

5.4.23 Shr Basant Kumar Hembram, Tax Assistant, O/o the Commissioner, Central Excise, Customs & Service Tax, Bhubaneswar submitted a representation dated 04.07.2012 wherein it had been alleged that although he fulfilled all the eligibility criteria to get promotion to the post of Sr. Tax Assistant, his case was not considered by the DPC held on 03.07.2012. The matter was taken up by the Commission with the Chief Commissioner, Central Excises, Customs & Service Tax, Bhubaneswar vide letter dated 06.07.2012 asking for full facts of the case. As the reply was not received, the Commission issued a reminder dated 16.08.2012. On 29.08.2012, the Additional Commissioner(CCO), Bhubaneswar Zone intimated vide letter No.11(26)37/CC/Admn./BBSR/2012/18754-A dated 27.08.2012 that the representation has been forwarded to the Commissioner, Central Excise, Customs & Service Tax, Bhubaneswar for taking appropriate action. The Commission issued reminders dated 12.10.2012, 21.11.2012 and 26.12.2012 for sending factual report but no reply was received from them.

5.4.24 The Commission now sent an analytical letter to the Chairman, Central Board of Excise & Customs, New Delhi on 07.03.2013, wherein it was stated by the Commission that Shri Basanta Kumar Hembram, Tax Assistant is being deliberately harassed and his genuine demand for promotion to the post of Sr. Tax Assistant has been knowingly ignored by the DPC held on 03.07.2012, 03.05.2012 & 05.06.2013. Another letter was sent on 24.07.2013 to the Chief Commissioner, Central Excise, Customs & Service Tax based on the available documents that the legitimate claim of Shri Hembram for promotion is deliberately ignored which may please be looked into by the authorities. A copy of the said letter was also endorsed to the Chairman, Central Board of Excise & Customs, New Delhi. It was evident from the aforesaid correspondences that

the authorities of Central Excise, Customs & Service Tax, Bhubaneswar remained defiant to the letters of the Commission.

5.4.25 In the meantime, on 18.09.2013, i.e. the day on which the 2nd DPC was going to be held, the Commission sent a letter to the Honble Member(P&V), Central Board of Excise & Customs, New Delhi with clear cut advice to place the recommendation of the Commission before the Members of the Departmental Promotion Committee. A copy of the above letter was also endorsed to the Chief Commissioner. After a long pursuance of the case by the Commission, the authorities of the Central Excise, Customs & Service Taxes, Bhubaneswar considered the case of Shri Basanta Kumar Hembram, Tax Assistant for promotion to the post of Senior Tax Assistant with retrospective effect. The above decision was intimated to the Commission vide letter No.11(03)14/DPC/ET/B-I/2013-29719 dated 04.12.2013.

Allotment of departmental staff quarter

5.4.26 A representation was received from Smt. Gouri Singh, Staff Nurse, Dr. Bhimrao Ambedkar Hospital, Raipur (CG) in the Commission on 09.05.2013 wherein it was informed that she joined in the Dr. Bhimrao Ambedkar Memorial Hospital, Raipur (CG) in the year 2008 as staff nurse and was residing in small rented house where her family is facing lot of problems. She further mentioned that though she is eligible for allotment of departmental staff Quarter. On 22.03.2013, she applied through proper channel to the Department of Estate, CG. Govt. for allotment of departmental staff Quarter but the concerned authority did not allot her Govt. Quarter. She further informed that recently quarter no. Junior MIG-58, Kabir Nagar, Raipur was vacated by one of her colleague. She requested the Commission help her in the matter, so that she can get the departmental Quarter. The Commission took up the matter with the Estate Officer, Directorate of Estate, Government of CG, Raipur, vide letter dated 24.05.2013 and subsequent reminder dated 04.07.2013. The Estate Officer, Directorate of Estate, CG Govt. informed the Commission vide letter dated 17.09.2013 that the applicant has been allotted department Quarter.

March by Tribal community for Govt. jobs

5.4.27 A News appeared in the Daily Nav Bharat newspaper, Raipur edition on 14.08.2012 regarding march of Tribals of Pando community (PVTG) with arrows and bows in the different parts of the Surguja district of Chhattisgarh state in support of their demand for government jobs in group C & D posts as being provided to Pahadi Korba+youth (primitive tribes). There is a provision in the Chhattisgarh state, that after passing class 12th exam, Pahadi Korba+youth are employed in group C+and D+posts.

5.4.28 The Commission called a report from the District Collector, Surguja, (Ambikapur), (CG) vide office letter dated 14.08.2012, which was followed up with several reminders. The District Collector, Surguja (Ambikapur) informed the Commission vide letter dated 27.07.2013 that the General Administration department, CG Govt. issued notification dated 21.05.2013. As per the above notification, the Special backward tribes (Pahadi Korba & Pando) candidates will

be given 20% reservation out of the Group C & D posts reserved for Scheduled Tribes in the CG state. The action in the matter is already being initiated by the district administration.

To provide benefit of Assured Career Progression Scheme

5.4.29 A Representation dated 18-03-2013 was received from Shri Ramesh Chand Mina, Chikitsak, Government Aurvedic Hospital, Todpura, District Karauli (Rajasthan) on dated 28-03-2013 regarding request for providing benefit of Assured Career Progression Scheme and Pay fixation accordingly including payment of salary for the month of April, 2011. The matter was taken up by the Commission with the Principal Secretary, Ayurved Department, Government of Rajasthan, Jaipur and Director, Ayurved, Ajmer (Raj.) for facts and action vide letter dated 10-04-2013. Reminders dated 15-01-2013 and 18-06-2013 were also sent for want of reply.

5.4.30 The Directorate of Ayurveda, Rajasthan, Ajmer vide letter dated 05-07-2013 furnished detailed reply stating therein that the petitioner has been sanctioned ACP on completing 10 years and 20 years services and an arrear amount of Rs. 3,24,412/- has been paid on 20-05-2013 after due deduction. The petitioner will soon be granted benefit of another ACP benefit on completion of 30 years service after receiving sanction from the State Government.

Service matter

5.4.31 A Representation dated 07-09-2009) was submitted by Shri Tara Singh Mina, J.T.O. Telecommunication, Khedbhrama, Himmat Nagar (Gujarat) in which he stated that he belongs to District Dausa (Raj.) and is working as J.T.O. in the B.S.N.L., Khedbhrama, Himmatnagar (Gujarat). He was recruited in the year 2005. At the time of recruitment, a FIR No. 570/01 was registered against him and this was already informed to the B.S.N.L. at the time of recruitment. He was also acquitted from the charges levelled in the FIR by the Court on 10-09-2007. A copy of the Court Judgement was also submitted by him to the Department on 20-09-2007. The District Collectors of Dausa and Jaipur have also sent the character Certificate to the Department. In spite of that department has served him notice that he should submit the certified copy of the Court Judgment within 30 days otherwise his service will be terminated without giving any notice. He requested the Commission to intervene in the matter.

5.4.32 The Commission has sent letter dated 10-09-2009 to the Chief General Manager (Telc.) B.S.N.L. circle, Ahmadabad and others for factual report and action after making constant correspondence with the authorities of B.S.N.L. as well as District Administration, Jaipur, the case was ultimately settled and office of the CGMT, Ahmadabad informed the Commission vide letter dated 10-06-2013 that appointment order in respect of Shri Tara Singh Meena, JTO has been issued vide letter dated 04-03-2013 and case is completely settled in all respect.

Request for promotion

5.4.33 Shri Jagraj Singh Mina, Assistant Engineer (O & M), Ajmer Vidyut Vitran Nigam Ltd. Beawar vide his representation dated 05-11-2012 requested for promotion to the post of Executive Engineer against the reserved backlog of ST category vacancy. The case was taken up by the Commission vide letter dated 11-12-2012 with the Secretary, Ajmer Vidyut Vitran Nigam Ltd., Ajmer and a reminder dated 08-05-2013 also sent for reply in the matter. The Secretary (Adm.) A.V.V.N.L, Ajmer vide his letter dated 07-06-2013 informed the Commission that Shri Gagraj Singh Mina has been promoted as Executive Engineer in the DPC for the year 2012-13.

Request for promotion

5.4.34 A Representation dated 28-01-2013 was received from hri Giriraj Prasad Mina Assistant Engineer, Jaipur Vidyut Vitaran Nigam Ltd. Jaipur for his promotion to the post of Executive Engineer. The matter was taken up with the Principal Secretary, Energy Department, Rajasthan State Government, Jaipur and CMD, Jaipur Vidyut Vitaran Nigam Ltd. Jaipur for factual report and action in the matter vide Commission's letter dated 11-02-2013. Reminders dated 08-05-2013 and 18-07-2013 were also sent for expediting the reply. The Secretary (Adm.), Jaipur Vidyut Vitran Nigam Ltd, Jaipur vide his letter dated 08-08-2013 informed the Commission that Shri Giriraj Singh Mina has been promoted to the post of Executive Engineer in the DPC for the year 2012-13. The petitioner was informed accordingly.

Humiliation by the officers

5.4.35 Shri R. L. Mina, Assistant Director, Census Operations, Gandhi Nagar, Gujarat, in his representation dated 10-11-2012, alleged that he has been discriminated and humiliated by the officers of the Department by one way or another viz. not forwarding his application for availing LTC (Home Town) and sanction of leave etc.

5.4.36 The Commission took up the matter with the Registrar General of India, New Delhi and Director, Census Operations, Gandhi Nagar, Gujarat vide letter dated 26-02-2013. Reminders dated 09-04-2013 and 07-05-2013 were also sent. The Dy. Director, Census Operations, Gandhi Nagar Gujarat, vide his letter dated 27-05-2013, intimated the Commission that Home Town LTC, 10 days Earned Leave Encashment and one day earned Leave has been sanctioned to Shri R. L. Mina, Assistant Director. The petitioner was informed accordingly.

Representation against compulsory retirement

5.4.37 Shri R. N. Ninama, SPM (Gandhi Nagar Division) Gujarat Circle represented the Commission vide his representation dated 15-04-2013 against the notice of compulsory retirement from service. The Commission took up the matter with the concerned authorities in his department. The Chief Post Master General, Gujarat Circle, Khanpur, Ahemdabad, vide his letter dated 07-06-2013,

informed the Commission that notice of compulsory retirement was issued by the Divisional Superintendent as a result of misunderstanding and now it has been cancelled.

Request for transfer

5.4.38 Sh. G. K Pathowali, Senior Engineering Assistant, Doordarshan Kendra, Kohima sent a representation to the Commission requesting for his transfer to Doordarshan Kendra, Itanagar as he was on the verge of retirement, the Commission took up the matter with the concerned higher authorities in Guwahati who, after two reminders informed the Commission that the applicant has been transferred to the place of his choice and has joined there on 1.08.2013.

Request for transfer to hometown

5.4.39 Sh. Lee Thomas Salu, DSP, CBI, ACB, Jabalpur sent a representation to the Commission regarding his transfer to home town in Manipur as his child was suffering from Attention deficit and Hyper Active Disorder (ADHD) and needs attention always. He supported the case with appropriate medical record. The Commission took up the matter with the concerned authorities of his office as a result of which he was transferred to his native place.

Alleged torturing and harassment

5.4.40 Smt. Namita Minz, M/o Miss Shabnam Swati Minz, Ashok Nagar, Ranchi sent a representation dated 30.05.2013 to the Commission regarding alleged torturing, harassment and misbehavior with her daughter by Shri Brish Bhan Tiwary, Asstt. Manager. She informed that her daughter Miss Shabnam Swati Minz has been working as Asstt. Manager at Syndicate Bank, Brabourne Road Branch, Kolkata since 2011. Shri Tiwary, a married man who is also working in the same Branch had allured Miss Minz with promising good grade and better prospect and is exploiting her sexually. The applicant, therefore, requested for a transfer of both the persons to a different Branch and requested that her daughter may be transferred to Ranchi.

5.4.41 The matter was taken up by the Commission with the CMD, Syndicate Bank vide letter dated 03.06.2013 and subsequent reminders dated 27.06.2013, 10.07.2013, 08.08.2013 and 27.08.2013. Accordingly, Miss Minz was transferred to Ranchi but she refused to leave Kolkata saying that she is facing threat from her parents.

Misbehavior with filthy language

5.4.42 Smt. Siwan Toppo vide her representation dated 01.08.2013 to the Commission and alleged that on 31.07.2013 Shri Raj Kumar, Lab. Tech. misbehaved and abused her with filthy language in presence of all the staff of the PHC. She had reported the matter to the I/C Medical officer, PHC, Kanke, Ranchi and also to the Civil Surgeon-cum-Chief medical officer, Ranchi but no

action was taken against Shri Kumar. Smt. Toppo has also brought to notice of the Commission about the instruction dated 01.08.2013 of the Civil Surgeon to transfer Shri Kumar to Lupung which has not been carried out and he is still continuing in Kanke PHC.

5.4.43 The Commission took up the matter with the Civil Surgeon-cum-Chief Medical officer, Ranchi and with the Sr. Supdt. of Police, Ranchi vide this office letter No. JHK-10-C/6/2013-14 dated 20.08.2013. Smt. Toppo intimated the Commission that Shri Raj Kumar has been transferred to Lupung. Sr. Supdt. of Police, Ranchi also sent a report to the Commission which revealed that allegation of misbehavior and abuse could not be proved in enquiry.

Request for transfer

5.4.44 A representation dated 09.04.2013 was received in the Commission from Ms. Daisy Pratibha Minz, R/o Village Purnapani, PO.Gotra, Distt. Simdega wherein it was informed that She is working in State Bank of India and has been transferred to Garhwa Branch which is far away from her home town and there is no direct bus or rail service. It takes about 12 hrs. to reach Garhwa. She informed that another lady employee Komal Kimi Kongari who belongs to Khunti has been transferred to Simdega. Therefore, she requested that she may be posted at Distt. Simdega, Khunti, Ranchi, Gumla or Lohardaga District as there is no one to accompany her to Garhwa. She also submitted that as per SBI circular No. PA/CIR/104 dated 25.09.1989, employees who belong to STs and have been recruited on regional basis shall be posted nearby their native places as far as administratively possible. The Commission took up the matter with the State Bank of India, Head office vide letter dated 12.06.2013. In response, DGM (B&O), State Bank of India informed the Commission vide letter dated 13.07.2013 that her grievances have been resolved and the applicant has withdrawn the complaint.

5.5 Observations & Recommendations

5.5.1 As it is evident from the details of various cases mentioned above, it may be seen the authorities concerned with the subject do not act as per rule applicable in the subject matter. There is set procedure to deal with the complaints of atrocity upon Scheduled Tribes, or denial of rights relating to development schemes or in extending the rights and safeguards in service matters available to the Scheduled Tribes as per relevant Rules. These authorities should have taken action in the matter accordingly when the individual lodges a complaint with them. However, the complainants do not get the due response from the concerned authorities and are compelled to approach the Commission for redressal of their grievances. **In view of the above, it is strongly recommended that the liaison officer and other employees dealing with establishment and administration may be adequately trained to deal with the representations from Scheduled Tribe employees working in their establishments and only such trained employees are given assignment of establishment and administration.**

5.5.2 It has also been noticed that many authorities also show disregard even to the communication from the Commission while investigating into such complaints. First of all, they fail to respond to the Commission's communication within the stipulated time and also fail to stop the violation of safeguards available to the Scheduled Tribes. It is generally due to the fact that the concerned Government Officials are not fully aware of various kinds of safeguards provided to the Scheduled Tribes, their duties for ensuring those safeguards to the Scheduled Tribes and the mandate and power vested in such cases under the Constitution with the National Commission for Scheduled Tribes. These authorities as well as the ST complainants are also not aware that they have been permitted by the Govt. to directly approach the National Commission for Scheduled Tribes in the event of the concerned authorities not showing concern with their complaint.

5.5.3 It has also been noticed that the Police authorities also lack knowledge about various provisions of SC and ST (PoA) Act, 1989 and PCR Act, 1955. This results in delay in completion of enquiry and submission of charge sheet in the Court. It adversely affects the trial as in many cases, the witnesses become hostile and the accused are released from the charges levelled against them. In many cases, relevant sections of SC and ST (PoA) Act, 1989 and PCR Act, 1955 are not applied and in some cases, they are dropped at the time of submission of charge sheet. **Hence, it is recommended that the Police personnel in the States and UTs may be appropriately trained and sensitized towards the problems of Scheduled Tribes.**

5.5.4 The delay in sending reply to the Commission on a complaint which could have been resolved within a month or two takes several months to year because concerned officials try to ignore such complaints and even the communication from the National Commission for Scheduled Tribes, possibly due to lack of knowledge and lack of humanitarian attitude towards the needs and problems of poor and shying Scheduled Tribe persons. **The Commission, therefore, recommends that the concerned Departments in the Central Govt. and the States should take effective steps to ensure that each Government Official is fully trained, in the beginning of service about his duties and responsibilities, prescribed under the Rules relating to the Subject matter to be assigned to him/her and his/her role to ensure availability of safeguards to the Scheduled Tribe employees/ beneficiaries under various development schemes as provided under the Constitution and particularly to the victims of atrocities under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. Since the programmes and policies of the Government are revised from time to time, there is a need to keep them updated in respect of all such matters through in-service re-orientation training programmes. The General Administration Department and Police Department of each State may, accordingly, issue necessary instructions and also revise the curricula of the training or re-orientation training programmes of each category of the employees.**

CHAPTER 6

CONSULTATION ON POLICY RELATED ISSUES

6.1 Constitutional provision

6.1.1 Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

6.1.2 The views proffered by the Commission on policy-related issues fall in 3 categories as under:

- i Proposals received from the Central and the State Governments/UT Administrations pursuant to Clause 9 of Article 338A of the Constitution.
- ii Suo-motu recommendations by the Commission on various tribal concerns.
- iii Submissions made in Court cases in which the Commission is one of the Respondents.

6.2 Procedure adopted by the Commission in dealing with policy related issues

6.2.1 The Commission has formulated standard guidelines for dealing with policy related issues in a time-bound manner. The guidelines detail the procedure for selection and approval of agenda item, content and format of the agenda note, presentation of agenda note and preparation/issue of minutes. The policy-related issues referred by any Ministry for comments/ views/ advice of the Commission, or any Court case having policy implications in which NCST, is one of the respondents is brought to the notice of the Secretary, NCST to decide whether the matter needs immediate attention of the Chairperson or that of the Vice-Chairperson (in case the Chairperson is unavailable) and whether the matter requires discussion in the meeting of the Commission. On approval by the Secretary, the material received from Ministry/ Deptt. is circulated by the Unit concerned for comments amongst all Members and Senior Officers of the Commission. Keeping in view the suggestions received, an Agenda Note on the issue is prepared for consideration in the meeting of the Commission.

6.2.2 The agenda note, *inter-alia*, examines conceivable effects of the proposed policy on scheduled tribes, earlier recommendations of the National Commission for Scheduled Tribes(NCST) or the erstwhile National Commission for Scheduled Castes and Scheduled Tribes(NCSCST), if any, and present status of implementation and relevance of the earlier recommendation(s) of the Commission(s) along with suggestions for fresh opinion and draft comments/views/advice for consideration of the Commission. If the matter had been received earlier also, then the purpose of referring the matter again by the Government is also brought out in the agenda note.

6.2.3 The Commission endeavors to communicate the views/comments/ advice on policy related issues in a time-bound manner and also solicits feedback/outcome regarding acceptance or non-acceptance of the comments/ views/advice tendered by the Commission from the concerned Ministry/ Department for inclusion in its Annual Report.

6.3 Views of the National Commission for Scheduled Tribes on policy-related issues/ proposals received from the Central and the State Governments pursuant to Clause 9 of Article 338A of the Constitution:

6.3.1 During the year 2013-14, the National Commission for Scheduled Tribes discussed several policy-related issues sponsored by various Ministries and departments, received either directly from the sponsoring Ministry/ Department or through the Ministry of Tribal Affairs and communicated its views to the concerned/ sponsoring Ministries for necessary action. Details of issues received and discussed in the Commission are as follows:

I	Draft 'The Rajasthan Women (Prevention of Atrocities) Ordinance, 2013.
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6.3.2 The Ministry of Tribal Affairs vide letter No. 16/1/2013-CP&R dated 14/03/2013 have sought comments of the Commission with reference to Ministry of Home Affairs, Government of India letter No. 14/01/2013-Judl&PP dated 09/01/2013 on Draft "The Rajasthan Women (Prevention of Atrocities) Ordinance, 2013".

6.3.3 The Commission has noted that the Government of Rajasthan has proposed to promulgate the Rajasthan Women (Prevention of Atrocities) Ordinance, 2013 to prevent Commission of offences of Atrocities against women in the State of Rajasthan and to provide for constitution of special courts for the trial of such offences, for relief and rehabilitation of the victims of such offences. The subject matter of the proposed Ordinance falls mainly within the entries 1 and 2 of the Concurrent List of the Seventh Schedule to the Constitution. Provisions of Section 3 of the Ordinance run through the field occupied by certain Central Acts like Indian Penal Code, 1860, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Women from the Domestic Violence Act, 2005 etc. and make more stringent provision for punishment of offences against women. Certain provisions are also sought to be made in the proposed Ordinance which seek to override/modify the provisions of the Code of Criminal Procedure, 1973 and the Probation of Offenders Act, 1958 so as to make the trial of offences speedy and effective and to ensure effective preventive measures against Commission of offences against women.

6.3.4 The Commission noted that the problems and need of the Scheduled Tribes are much different of those of the general population. Looking at the facts that Tribal areas lack various facilities hitherto available to urban as well rural areas, there was need to make special emphasis in the Ordinance about the women belonging to Scheduled Tribes and those living in Scheduled areas/Tribal

areas. The Commission, therefore, recommended that the sponsoring Ministry may incorporate a separate chapter within the Ordinance to ensure equitable protection of tribal women in Rajasthan.

II	Draft Cabinet Note for the Registration (Amendment) Bill, 2013.
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6.3.5 The Ministry of Tribal Affairs vide letter No. 4/6/2013-CP&R dated 21/03/2013 with reference to Ministry of Rural Development, Department of Land Resources letter No. 27011/01/2013-LRD dated 13/03/2013 have sought comments of the Commission on Draft Cabinet Note for the Registration (Amendment) Bill, 2013.

6.3.6. The Commission has noted that the changes in the provisions of the existing Act will facilitate the electronic registration of the documents which in turn will boost the computerization of the registration and ensure greater transparency. Compulsory registration of the Power of Attorney (POA) will bring property transactions executed through POA to the Sub Registrar Office (SRO) which will reduce the disputes related to such registration. The proposed amendments will bring daughter par with the son.

6.3.7 The Commission has noted that at present the SRO has no Power to refuse the registration of documents even if these pertain to the transfer of Government properties, properties belonging to charitable and educational institutions of the properties attached by the course or any authority, by unauthorized persons. Even if the State Act bans the transfer of properties belonging to **Scheduled Tribes**, the SRO has no power to refuse but register such documents, if presented to him.

III	Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
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6.3.8 The Ministry of Social Justice and Empowerment, vide letter No. 11020/8/2012-PCR(Desk) dated 04/04/2013 have sought comments of the Commission on Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Commission noted that the matter required detailed examination and therefore, decided that the matter may be placed for discussion in the next meeting of the Commission.

IV	Draft Cabinet Note on scheme 'Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP'.
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6.3.9 The Ministry of Tribal Affairs vide letter No. 2/1/2011-CP&R dated 09/04/2013 have sought comments of the Commission on Draft Cabinet Note on scheme introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP

6.3.10 The Commission has noted that the Draft Cabinet Note is for the approval of the Cabinet for the Scheme of Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP for selected Minor Forest Produce. The Scheme has been designed as a social safety-net improvement of livelihood of MFP gatherers majority of whom are poor Scheduled Tribes. It seeks to establish a system whereby they can be assured a remunerative price for the produce they have ordinarily and traditionally been collecting from the forest.

6.3.11 The Commission noted that Minor Forest Produce (MFP) is the major source of livelihood and provides essential food, nutrition, medicinal needs and cash income to a large number of Tribals who live in and around forests. However, MFP production is highly dispersed spatially and because of food accessibility of these areas, competitive market has not evolved. The basic objective of the scheme is to ensure fair returns to the MFP gatherers through minimum support price for identified MFP collected by them and also provide for necessary infrastructure for local level. The Scheme will be initially implemented in five Scheduled States for non-nationalized and abundant items out of 13 MFP. The Commission has noted that the Ministry of Tribal Affairs shall be the Nodal and Administrative Ministry for implementing the MSP Scheme for the MFP including arranging budgetary support for the scheme. The estimated cost of the project will be Rs. 1072.76 crore as Central Government share in addition States will share an amount of Rs. 281.17 crore towards capital and revenue expenditure.

6.3.12 The Commission agreed to the proposal as the Commission has already agreed to the above proposal at the stage of EFC note earlier. The Commission however recommended that Mahua should also be included as MFP for the purpose of Minimum Sales Price under the proposed set up and provisions, since tribals don't consume the entire produce of Mahua and a lot is left over for sale.

V	Inclusion of 'BINJHIYA' community in the list of Scheduled Tribes of Chhattisgarh State.
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6.3.13 The Ministry of Tribal Affairs vide letter No.12026/10/2005-C&LM-I dated 21/03/2013 forwarded for comments of the Commission a proposal for inclusion of BINJHIYA community in the list of Scheduled Tribes of Chhattisgarh. It was noted that the forwarding letter does mention about enclosing proposal/recommendation of the State Government relating to the above subject and the recommendations of the Registrar General of India on the proposal of the State Government, but the proposal/recommendation of the State Government has not been received. The Commission also noted that the recommendation of the Registrar General of India is based on a study report of the Chhattisgarh State Tribal Research Institute published in the year 2010, but the Report of the TRI cannot be considered as recommendation of the State Government. The Commission therefore recommended that the Ministry of Tribal Affairs may be asked to forward detailed proposal/recommendations of the State Government of Chhattisgarh on the subject. The Commission expressed that, if necessary, a

team from the Commission may also visit the areas inhabited by the BINJHIYA community in the State of Chhattisgarh before formulating its opinion.

VI	Draft SFC Note to consider the Plan Scheme – ‘Marketing Assistance Scheme’ for its continuation in the XIIth Plan.
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6.3.14 The Ministry of Tribal Affairs vide letter No. 2/3/2013-CP&R dated 10/04/2013 with reference to Ministry of Micro, Small and Medium Enterprises letter No. 4(9)/2012-SSI(P)-I dated 18/03/2013 have sought comments of the Commission on Draft SFC Note to consider the Plan Scheme . Marketing Assistance Scheme for its continuation in the XIIth Plan.

6.3.15 The Commission has noted that Marketing Assistance Scheme of the Ministry of MSME is being implemented for the last several years through National Small Industries Corporation Ltd (NSIC), for facilitating MSMEs in their efforts to promote Marketing and enhance the competency for capturing new market opportunities by way of organization/participation in various domestic and international exhibitions trade fairs, buyer-seller meets, intensive campaigns and other marketing events. The scheme has been operating for a long time and has been benefitting the Micro and Small Enterprises in the country. In XIIth plan Period, a total plan outlay of Rs. 96 Crore is proposed for implementation of the scheme.

6.3.16 The Commission noted that NSIC on an average participates in 100 number of domestic exhibition every year on a pan India basis wherein large number of women entrepreneur also participate and avail the benefits of the scheme. Now it is proposed to target more events both domestic and international under the scheme. Ministry of MSME shall implement the scheme through National Small Industries Corporation, which shall carry out the various activities under the scheme through its offices located all over the country. The scheme provides for financial assistance towards space rent, freight charges, air fare for Micro, Small and Medium Enterprises separately as well as for the enterprises belonging to North Eastern Region/Women/SC/ST entrepreneurs subject to a maximum amount of assistance to be given to a unit covering all benefits and depending on location of events.

6.3.17 Since the proposal related to extension of a useful ongoing scheme into XIIth Five Year Plan, the Commission agreed to the proposal.

VII	Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
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6.3.18 The Ministry of Social Justice and Empowerment, vide letter No. 11020/8/2012-PCR(Desk) dated 04/04/2013 sought comments of the Commission on Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6.3.19 The National Commission for Scheduled Tribes considered the Draft Note which acknowledges that continuing high incidence of occurrence of offences against members of SCs and STs is indicative that the deterrent effect of the Act is not adequately felt by wrong doers. Further, occurrences of incidents of offences of atrocities also indicate poor enforcement of effective precautionary and preventive measures. This called for an assessment whether the existing provisions of the Act needed any amendment to fulfill its objectives. It was felt that for considering appropriate amendments in the Act, there was a need for a comprehensive review of the concerned Sections of the Act. Suggestions from various quarters had also been received in this regard in the Ministry of Social Justice & Empowerment. Keeping in view these aspects, it was decided to consider amendments in the Act, after ascertaining the views of concerned agencies in the matter. Accordingly, all the State Governments/ Union Territory Administrations, Central Ministries of Home Affairs, Tribal Affairs, Women & Child Development, Law & Justice and the National Commission for Scheduled Castes were addressed on 10.01.2011 to furnish their views / comments. Since comments from most of them had been received, a Committee, under the Chairpersonship of the Additional Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment, was constituted in August, 2012 to examine the comments received from various agencies in regard to consideration of amendments in the Act, and to draft the amendments therein. The Committee had members from the Ministries of Home Affairs, Tribal Affairs, Women & Child Development, Law & Justice, and the National Commission for Scheduled Castes (NCSC) and some State Governments. Meanwhile, the draft recommendations of the working Group of the National Advisory Council (NAC) had also been received. A consultation was held by the Union Minister for Social Justice & Empowerment with the Ministers in charge of the States and the Union Territories on 20.02.2013. Another consultation meeting was held with certain NGOs and Activists by the Union Minister for Social Justice & Empowerment on 14.03.2013. The Committee considered the comments received from the States / UTs, NCSC, various organizations and individuals, as well as the recommendations of the Working Group of the NAC and the various suggestions received in the meetings held on 20.02.2013 and 14.03.2013, before finalizing its report. The Committee presented its report on 15.03.2013. Following are the amendments to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for which Draft Note for the cabinet has been prepared:

(a) Amendments to Chapter II (Offences of Atrocities) in the Act as outlined below to achieve the following:-

1. define and include as offences some new, emerging and systemic forms of atrocities against members of SCs and STs
2. Obstructing the use of common property resources;
3. Causing physical harm or death on the allegation of practicing witchcraft;
4. Imposing social or economic boycott;
5. Preventing entry to any place of public worship;

(b) **Amendment of some existing definitions** to reflect the present day reality and re-draft following sections to remove elements which thwart the implementation of the Act.

- (1) Section [3(1)(iii)]
- (2) Section [3(1)(v)]
- (3) Section [3(1)(vi)]
- (4) Section [3(1)(vii)]
- (5) Section [3(1)(viii)]
- (6) Section [3(1)(x)]

(c) **define some offences with strict liability**, thus diluting ***mens rea*** for such offences.

(d) Bring within the purview of the Act relevant IPC offences that attract penalties of less than 10 years.

(e) Expand the scope of presumptions (in Section 8) as to whether the perpetrator had knowledge of the SC/ST identity of the victim, while committing the offence.

(f) Strengthen State accountability by clearly defining 'willful negligence' by public servants (in Section 4) and empowering the Dedicated Special Court to take cognizance of such willful negligence by making provisions for:-

(I) Punishment for dereliction of duty by inserting new Section 4 (2). (Duties of public servant) and another new Sub . Section 4 (3)

(II) Institutional strengthening.

(A) In districts where a large number of cases under this Act are reported, Exclusive Special Courts should be established with the powers to take cognizance of offences under this Act.

(B) Special Public Prosecutors should be appointed to try cases on an exclusive basis.

(C) In every trial in the special court and the exclusive special court, the proceedings should be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournments of the same beyond the following day to be necessary for reasons to be recorded. Further, when the trial relates to an offence under this Act, the trial should, as far as possible be completed within a period of two months from the date of filling of the charge sheet.

(D) Cases under the Act should be given priority in appeals.

(III) Establishing rights of the victims and witnesses by inserting comprehensive sections dealing with these rights.

(IV) Strengthening preventive measures by modifying the existing provision under section 10(1) as given below:

"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, or any area identified under the provisions of Section 21(1) (VII), 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 three years, as may be specified in the order."

6.3.20 The Commission noted that the proposed amended Section 10 (1) of the Act needs slight amendment since the words "not exceeding two three years" creates confusion about period of externment. The period should be clearly mentioned as "two years" or "three years". The Commission recommends the limit of ~~three years~~ for this purpose.

6.3.21 The Commission recalled that the Ministry of Tribal Affairs as well as the Ministry of Social Justice and Empowerment had earlier sought views of the Commission on certain proposals of the Ministry for amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and views of the Commission were forwarded to the Ministry. The Commission also noted that the proposals contained in the Draft Cabinet Note were broadly in line with the views of the Commissions forwarded to the Government earlier.

6.3.22 The Commission also recalled that in the context of earlier proposals of the Ministry of Social Justice & Empowerment for amendment of Sections 14 and 21 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 received from the Ministry of Tribal Affairs, the Commission had made certain suggestions while agreeing to the proposed amendment of section 21 of the Act by inserting new sub section 2(A). The amendment of section 21 provided for forwarding of a report, to the National Commission for Scheduled Tribes beside others, by the concerned police officer in each case registered under the PoA Act. On receipt of information in National Commission for Scheduled Tribes about registration of cases under PoA Act, the National Commission for Scheduled Tribes will have to investigate the cases as per mandate of the Commission under Clause (5) of Article 338A of the Constitution. Consequently, the workload relating to investigation and monitoring of cases of atrocities on Scheduled Tribes in this Commission will increase manifold. The Commission had desired that to enable it to concentrate on such cases, a Special Cell, fully equipped with adequate manpower and infrastructure facilities will be required to be created in the Hqrs. Office. The Commission had accordingly suggested that Ministry of Tribal Affairs should request the Ministry of Social Justice & Empowerment to make a provision for creation of a Special Atrocity Cell/ Unit with requisite complement of staff in the Commission in the financial memorandum to be enclosed with the Bill for amendment of the Act. The comments/views of the Commission on the proposed amendments, were communicated to the Ministry of Tribal Affairs vide letter dated 12/08/2008 with the request to ensure due consideration of Commission's views/comments on the proposed amendments by the Ministry of Social Justice & Empowerment.

6.3.23 While discussing the current proposals contained in the Draft Cabinet Note the Commission expressed the view that amendment of section 21, which was aimed at safeguarding the rights of Scheduled Tribes and Scheduled Castes and prompt monitoring of the cases of atrocities committed on them and agreed to by the Commission earlier should also have been considered and incorporated in the proposal as well as Draft Cabinet Note prepared for amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6.3.24 In view of above the Commission agreed to the Draft Cabinet Note.

VIII	Draft Cabinet Note seeking approval for including Homoeopathy under Pharmacopoeia Commission for Indian Medicine (PCIM) and renaming the Commission as Pharmacopoeia Commission for Indian Medicine and Homoeopathy (PCIM&H) and other related amendments.
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6.3.25 The Ministry of Tribal Affairs vide letter No. 17011/21/2013-P&M dated 24/04/2012 have sought comments of the Commission with reference to Ministry of Health & Family Welfare, Department of AYUSH, letter No. A.12025/01/2011-HPC (PCIM) dated 16/04/2013 on the Draft Cabinet Note seeking approval for including Homoeopathy under Pharmacopoeia Commission for Indian Medicine (PCIM) and renaming the Commission as Pharmacopoeia Commission for Indian Medicine and Homoeopathy (PCIM&H) and other related amendments.

6.3.26 As per the Draft Cabinet Note, the Cabinet in its meeting held on 13th May 2010 had approved setting up of Pharmacopoeia Commission of Indian Medicine (PCIM)) as an autonomous society on the lines of Indian Pharmacopoeia Commission (for allopathic medicine) for the purposes of standardization of Ayurvedic, Siddha and Unani (ASU) drugs through a credible institution. Currently the approved governance structure of the PCIM comprises of three bodies, namely the General Body, the Governing Body and the Scientific Body.

6.3.27 At present, PCIM has no legal mandate for setting standards for ASU drugs and legal mandate for setting standards for ASU drugs is with Pharmacopoeia Laboratory of Indian Medicine (PLIM) as per Rule-163A of Drugs & Cosmetics Rule 1945. It is proposed to provide legal standing to the restructured PCIM &H through incorporating amendment in the Drugs & Cosmetics Rules 1945. For this purpose, rules will be appropriately amended.

6.3.28 The Commission observed that the proposals contained in the Draft Cabinet Note primarily related to including Homoeopathy under Pharmacopoeia Commission for Indian Medicine (PCIM) and renaming the Commission as Pharmacopoeia Commission for Indian Medicine and Homoeopathy (PCIM&H) and other related amendments and nothing seemed to be against the interests of the Scheduled Tribes and thus agreed to approve the contents of the draft Note.

IX	Draft SFC Memo for Central Sector Grant-in-aid scheme for Promotion of AYUSH Intervention in Public Health Initiatives
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6.3.29 The Ministry of Tribal Affairs vide letter No. 17019/1/2013-R&M dated 16/05/2013 have sought comments of the Commission with reference to Ministry of Health & Family Welfare, Department of AYUSH, letter No.Z-15014/4/2007 E & C (II) dated 22/04/2013 on Draft SFC Memo for Central Sector Grant-in-aid scheme for Promotion of AYUSH Intervention in Public Health Initiatives.

6.3.30 Commission noted that Central Sector Grant-in-aid scheme for promotion of AYUSH Intervention in Public Health Initiatives is continuing scheme. The scheme implemented in the 11th Plan was proposed to be continued in the 12th Five Year Plan. As per the Draft Note, the Steering Committee has recommended the following:

- I. Support for nationally coordinated projects on public health priorities like anemia, provision of clean drinking water, under-nutrition among children. reduction of maternal & infant mortality
- II. Support for all-India innovative program called AYUSH Gram through government institutional networks to plan, design and implement location specific AYUSH public health interventions in a district, Taluka or a particular cluster of villages. The AYUSH interventions demonstrate the impact of the intervention.
- III. Support for a network of reputed colleges and research institutes including institutions specializing in public health, to design & organize in service training for medical officers and paramedics in clinical medicine and public health.

6.3.31 The Commission noted that the scheme is location specific. A project may be sanctioned to a Public Health Organization for one or more Community Development Blocks. The proposals are mostly invited from the different **backward Districts and tribal area of different States, where the Public Health facilities are very poor or not up to the mark.** During 11th plan total 29 projects were supported in different states and Rs.14.71 Crores has been spent.

6.3.32 The proposals were supported mainly for AYUSH intervention on various communicable and non-communicable diseases like Anemia, Malnutrition, Mother & childcare, Malaria, Autism etc. The main objectives of the scheme i.e. promotion of AYUSH for community health care in different parts of the country is stated to have been fulfilled. Incidence of anemia, malnutrition, occurrence of malaria, Infant Mortality rate in different project implementation area of different States is also stated to have markedly reduced. From the general outcome of the scheme it can be stated that the AYUSH has a great role for prevention of communicable and also some non-communicable diseases.

6.3.33 The total proposed outlay for the 12th Five-year plan period is Rs.28.00 Crores and in the current annual plan there is a provision of Rs. 5.00 Crores. In order to support more such projects in the 12th Plan with focused deliverables and for exploring and implementing strategic AYUSH interventions of Public Health importance through the relevant public health programs / public health organizations, scaled up allocation of Rs 28.00 crore has been proposed for the 12th plan. No modification in Annual Plan has been proposed.

6.3.34 The Commission noted that the proposal relates to continuity of the scheme from the 11th Five Year Plan and covers tribal blocks also. The Commission agreed to the SFC Memorandum for promotion of AYUSH intervention in Public Health initiatives. The Commission emphasized the need for sustained research led health outreach initiatives to tackle tribal specific conditions such as Sickle Cell Anemia etc. The Commission was also of the view that backward tribal blocks particularly those affected by Naxalism or Left Wing Extremism may be covered on priority and grants provided for the purpose liberally.

X	Rashtriya Uchchar Shiksha Abhiyan (RUSA): Draft Expenditure Finance Committee (EFC) proposal.
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6.3.35 The Ministry of Ministry of Human Resource Development, Department of Higher Education (Higher Education Bureau) vide their OM No. F.4-18/2013-U.II dated 10/05/2013 have sought comments of the Commission on the Draft EFC proposal on the above subject.

6.3.36 The Commission noted that Rashtriya Uchchar Shiksha Abhiyan (RUSA) is a new Centrally Sponsored Scheme (CCS) spread over the 12th and 13th Five Year Plan periods, for improving access and quality in the state higher education system, without compromising on its equity aspects. With over 94% of the students enrolled in the state public higher education system, there is a much felt need for State Universities to be strengthened through adequate funding and also by implementing certain much needed reforms. A major cause of concern is the declining investments (plan) of the State Governments in higher education. The scheme envisages to provide incentives to the States to step up investments in higher education.

6.3.37 As per the EFC Note the National Development Council (NDC) has approved the Scheme as part of the 12th Five Year Plan. The Approach Paper to 12th Plan prepared by the Planning Commission had suggested the creation of such a scheme in view of the need for comprehensive reforms in State higher education sector. It had suggested using central funds in a strategic manner to ensure holistic planning at the State level and enhancement of allocations for the State Institutions. The Scheme would be an over-arching scheme for funding the State Universities and colleges to achieve the aims of equity, access, excellence and inclusion. Centre . State funding will be in the ratio of 90:10 for North . Eastern States, Sikkim & J & k, 75:25 for Other Special Category States (Himachal Pradesh and Uttarakhand) and 65:35 for Other States and UTs. Funding will be available to even private aided institutions in a ratio of 50:50 for

permitted activities based on certain norms and parameters. State governments would be free to mobilize 50% of their share of cost through private partnerships. No funding is proposed under RUSA to private unaided institutions. The objectives of RUSA would be to achieve the target of Gross Enrolment Ratio (GER) of 32%, by the year 2022-23 with equity and inclusion.

6.3.38 The second scheme, i.e. the incentivization of states for setting up new institutions and expanding existing institutions, was proposed in the year 2010 with a total outlay of Rs. 16,690 crores but could not be sanctioned since Planning Commission recommended that an umbrella scheme subsuming similar schemes may be taken up in the 12th Plan. This recommendation of the Planning Commission constitutes the basis for the formulation of the Scheme presently under consideration. Additionally, in keeping with the recommendations of the B.K Chaturvedi report, RUSA will subsume a number of schemes in these areas in order to fill in the gaps in design, implementation and outcomes.

6.3.39 The Scheme will subsume the existing Centrally Sponsored Scheme to set up Model Degree Colleges in each of the identified 374 Educationally Backward Districts of the country. Introduced in XI the plan the RUSA would also subsume the existing CSS of Polytechnics. UGC has been implementing some schemes which cater to the objectives now proposed under RUSA, which include one time catch-up grants to non . 12B universities and colleges, additional assistance to already covered universities and colleges, and development grants etc.

6.3.40 The main components of the scheme, for which seats will receive support under RUSA, are as follows:-

- New Universities
- Up gradation of existing autonomous colleges to Universities
- Conversion of colleges to Cluster Universities
- Infrastructure grants to Universities
- New Model Colleges (General)
- Upgradation of existing degree colleges to model colleges
- New Colleges (Professional)
- Infrastructure grants to colleges
- Research, innovation and quality improvement
- Equity initiatives
- Faculty Recruitment Support
- Faculty Improvements
- Research Universities
- Vocationalisation of Higher Education
- Leadership Development of Educational Administrators
- Medical college up gradation
- Institutional restructuring & reforms
- Capacity building & preparation, Data collection & planning
- All India Survey of Higher Education
- Polytechnic Colleges

- Capacity building of Central Institutions/ Agencies

6.3.41 The Scheme will be implemented throughout the country. All state controlled and funded higher educational institutions would be eligible for coverage under the Scheme. Private but aided institutions will be eligible for funds on 50:50 basis. Private unaided institutions will not be covered under RUSA.

6.3.42 The Commission agreed in principle to the proposal as contained in the EFC Note as the scheme was aimed at enhancing level and quality of higher education in the country. The Commission, however, observed that Scheduled Tribes which belong to most backward segment of the society, forming over 8% of the population of the country and by and large reside in areas isolated from the rest of the population also need special attention, keeping in view the needs and problems of Scheduled Tribes and notified Scheduled Areas, Tribal Sub-Plan areas and the Tribal Areas under Sixth Schedule to the Constitution. In order to cater to the needs of these specified areas, the Commission recommended that the Scheme should have a separate chapter highlighting flow of benefits to the Scheduled Tribes and applicability of the Scheme to the Tribal Sub-Plan area, Scheduled Areas and the Tribal Areas in the country. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

XI	Inclusion of Bhuinya, Bhuiyan, Bhuyan, Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh.
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6.3.43 The Ministry of Tribal Affairs vide letter No. 12016/11/2010-C&LM-I dated 20/05/2013 forwarded for comments of the Commission a proposal for Inclusion of Bhuinya, Bhuiyan, Bhuyan, Communities as synonyms of Bharia Bhumia listed at Sl. No.5 in the list of Scheduled Tribes in Chhattisgarh.

6.3.44 The Commission observed that the documents and the material received along with the proposal from the Ministry of Tribal Affairs were not adequate enough to arrive at a conclusion, as per the modalities prescribed by the Government for inclusion of a community in the list of Scheduled Tribes. The Commission decided that a Member of the Commission will visit the habitations of Bhuinya, Bhuiyan, Bhuyan, Communities in the State of Chhattisgarh and recommendation of the Commission will be finalized after taking into consideration the report of the Member.

XII	Additional Central Assistance (ACA) for Left Wing Extremism (LWE) affected Districts – CCEA Note
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6.3.45 The Ministry of Tribal Affairs vide letter No. 17019/13/2013-PC&V dated 30/05/2013 with reference to Planning Commission O.M No. M-13053/6/2/2013-MLP dated 27/05/2013 have sought comments of the

Commission on Draft Note for the Cabinet regarding Additional Central Assistance (ACA) for Left Wing Extremism (LWE) affected Districts.

6.3.46 The Commission noted that while the issue of development of Backward Districts will continue to be addressed largely through the district component of Backward Regions Grant Funds (BRGF) for which enhanced funding has been provided for in the annual plan 2013-14, the feedback from the States and the Ministries has stressed the need for providing some flexi funds to the District Administration to deal with the situation in LWE Districts. Therefore, an amount of Rs. 1000 crore has been provided in Budget 2013-14 as ACA for LWE affected Districts. It is proposed to continue assistance to Districts previously covered under the Integrated Action Plan (IAP) for selected Tribal and Backward Districts with focused attention to Districts affected by Left Wing Extremism.

6.3.47 The Commission noted that as per the guidelines of the scheme, the funds were placed at the disposal of the Committee headed by the District Collector and consisting of the Superintendent of Police of the District and the District Forest Officer. The District level Committee had the flexibility to spend the amount for Development Schemes according to need, as assisted by it. The State Governments and the District Collectors were also advised to ensure a suitable form of consultation with the local members of Parliament on the Schemes to be taken up under the IAP. The District level Committee had to draw up a plan consisting of concrete proposals for public infrastructure such as schools and buildings, Anganwadi Centres, Primary Health Centres, drinking water supply, village roads, electric lights in public places.

6.3.48 The Commission noted that the ACA for LWE affected Districts will be on 100% grant basis and cover 82 Districts. An amount of Rs. 1000 crore will be provided per year involving a total requirement of Rs. 4000 crore for the period 2013-14 to 2016-17. Funds will be allocated on the basis of a fixed amount of Rs. 5 crore per District and the remaining amount will be distributed on the basis of the area and the population of the Districts with equal weightage.

6.3.49 After detailed discussion, the Commission decided to agree with the proposal.

XIII	Memorandum for the Standing Finance Committee (SFC) for approval of the scheme, "Grants-in-Aid to State Tribal Development Corporation for Minor Forest Produce Operation during the Twelfth Five Year Plan".
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6.3.50 The Ministry of Tribal Affairs vide letter No. 2/1/2013-CP&R dated 06/06/2013 have sought comments of the Commission on Draft Memorandum for the Standing Finance Committee (SFC) for approval of the scheme, %Grants-in-Aid to State Tribal Development Corporation for Minor Forest Produce Operation during the Twelfth Five Year Plan+.

6.3.51 The Commission noted that the Central Sector Scheme of Grant-In-Aid to State Tribal Development Corporative Corporations (STDCCs) for Minor Forest Produce (MFP) operations was launched in 1992-93 to ensure better income and livelihood to Tribals whose lives depend on collection and sale of MFP. It was estimated that this operation could generate gainful employment for about 10 million persons per year. The scheme had been framed to ensure that Tribals get remunerative prices for MFP they collect. This was to be achieved by Marketing of Tribal Produce specially MFP and protecting them against exploitation by private traders. Beside continuing the existing activities, it proposes to include operation of important MFP that has not been covered under the scheme so far. This will be implemented in Scheduled 5 States to start with. Under this scheme physical and financial target are not fixed. However, this scheme is being monitored and evaluated on a year to year basis by the Ministry while releasing grants to the States.

6.3.52 The Commission noted that the funds under the scheme will be made available to the STDCCs etc for following activities:

- i. For release of working capital for the corporation with a view to increase a quantum of MFP handled.
- ii. Setting up of scientific warehousing facilities, wherever necessary.
- iii. Establishing, processing industries for value addition with the objective of ensuring maximum returns for the MFPs for the Tribals.
- iv. Supplementing research and development R&D efforts provided that these funds will not be used for meeting any administrative or salary expenses.
- v. Increasing the scope of the scheme to incorporate additional MFP not covered so far.

6.3.53 The Commission noted that this is an ongoing central sector scheme but all references to MFP should be substituted as referring to non-timber forest produce (NTFP). It has been proposed that the scheme will continue in the current plan period and an amount of Rs. 108 crore has been proposed for the scheme. Since the proposal is for extension of a useful ongoing scheme into 12th Five Year Plan, the Commission essentially agreed to the proposal.

XIV	<u>Draft EFC note on restructuring of District Rural Development Agencies (DRDAs)</u>
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6.3.54 Ministry of Tribal Affairs vide letter No. 17014/07/2013-SG-II dated 12/06/2013 with reference to Ministry of Rural Development letter No. R-20015/48/2012-13/DRDA dated 04/06/2013 have sought comments of the Commission on Draft EFC Note on restructuring of District Rural Development Agencies.

6.3.55 The Commission noted that the Ministry of Rural Development has forwarded a proposal on restructuring of District Rural Development Agencies

leading to the establishment of District Plan Support Unit (DPSU) and State Rural Development Agencies (SRDAs). The District Rural Development Agencies (DRDAs) were constituted in 1980 as registered societies to serve as the principal organ at District level to oversee the implementation of different anti-poverty programmes of the Ministry of Rural Development. DRDAs were assigned with the overall charge of planning, monitoring and evaluation of the programmes and also to coordinate with the different agencies.

6.3.56 The Commission further observed that in order to strengthen and professionalize the DRDAs and address the challenges of development of rural areas, the Ministry of Rural Development had constituted a Committee on Restructuring of the DRDAs on 08/11/2010. The Committee, in its report, has recommended that the DRDA administration be restructured for strengthening the District Level Planning and oversight/monitoring/evaluation for Rural Poverty Eradication Programmes. The cost of the project for each of the remaining 4 years of the current plan period is projected to be Rs. 1227.25 crore per annum. The requirement of the 12th Five Year Plan period is estimated at Rs. 5297.53 crore.

6.3.57 The Commission, however notes that the proposals, although exhaustive, have not addressed adequately the existing needs of tribals areas including those falling under the Fifth and Sixth Schedules and the manner in which these needs are reflected in district plans and priorities and in the effectiveness of the implementation of programmes designed for the benefits of tribes- settled and nomadic including those who frequent urban areas for gaining livelihoods. In such cases/areas, it may be desirable to strengthen those DRDAs even at this juncture of countrywide transformation of all DRDAs so that tribals may gain centre stage at least in the districts where they reside.

6.3.58 The Commission directed that the sponsoring Ministry may be advised to incorporate the above views and recommendations of the NCST into the Scheme and also to the EFC Note.

XV	Draft Note for the Cabinet on Hosting of Federation International de Football Association (FIFA) Under-17 World Cup 2017 in India by All India Football Federation (AIFF)-Comments
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6.3.59 Ministry of Tribal Affairs vide O.M. No. 17014/5/2013-R&M dated 04/06/2013 (received on 10/6/2013) have sought the comments of the Commission on the Draft Note for the Cabinet on Hosting of Federation International de Football Association (FIFA) Under 17 Word Cup 2017 in India by All India Football Federation (AIFF) with reference to the Ministry of Youth Affairs and Sports letter No. 28-12/2012-SP.111 dated 14/05/2013.

6.3.60 The Commission noted that the present proposal seeks approval of the Cabinet for agreeing to the Government of India submitting the guarantees sought by the All India Football Federation (AIFF) for their bid to host Federation International de Football Association (FIFA) under-17 World Cup

2017 in India. The FIFA under-17 World Cup is a prestigious event and would be held for the first time in India. The proposed under-17 World Cup would encourage more youngsters to participate in sports and also help to develop the sport of football in the country. It will also promote tourism in the country. The event also has a lot of importance from the point of view of playing technique, training, coaching and competition exposure etc especially under-17 level and thus would be good for the future of football in India. The total approximate estimated cost of holding of the under-17 World Cup to the Government of India would be INR 120 Crores.

6.3.61 After discussion, the Commission decided to agree with the proposal.

XVI	EFC Memo for Central Sector scheme for development of <u>AYUSH industry cluster</u>
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6.3.62 Ministry of Tribal Affairs vide O.M. No. 17019/1/2013-R&M dated 29/05/2013 (received on 10/6/2013) have sought the comments of the Commission on the EFC Memo for Central Sector scheme for Development of AYUSH Industry Cluster- with reference to the Ministry of Health & Family Welfare letter dated 20/05/2013.

6.3.63 The Commission noted that the Scheme is proposed to be continued for the 12th Five Year Plan period. The objective of the Scheme, inter-alia, includes filling in the critical gaps in the sector especially related to standardization, quality assurance and control, productivity, marketing, infrastructure and capacity building through a cluster based approach. The grant-in-aid component for each AYUSH industry cluster will be 60% of the total cost of the cluster or Rs. 15.00 crore whichever is less. The remaining cost will be arranged by the SPV members. The Scheme has covered 08 States and 9 AYUSH clusters in the 11th Plan. However, a study conducted by the Ministry of Health & Family Welfare has revealed that there are around 26 AYUSH clusters and approximately 9,500 manufacturing units in the country in the AYUSH sector. However, at present, the Scheme covers around 300 MSME units only. The Scheme in its second phase is planned to cover units which are located in clusters and have the need to strengthen their production facilities with common support facilities.

6.3.64 After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

XVII	Draft SFC Memo for Central Sector Grant-in-aid scheme for Upgradation to Centres of Excellence (COE)
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6.3.65 Ministry of Tribal Affairs vide O.M. No. 17019/1/2013-R&M dated 29/05/2013 (received on 10/6/2013) have sought the comments of the Commission on the Draft SFC Memo for Central Sector Grant-in-aid scheme for Upgradation to Centres of Excellence (COE) with reference to the Ministry of Health & Family Welfare letter No. 2.15014/02/2007-E&C dated 20/05/2013.

6.3.66 The Commission noted that the scheme was implemented during 11th Five Year Plan and has been approved for 12th Five Year Plan. During 11th Plan, total 30 projects with outlay of Rs. 106.67 crore were approved/ supported in different states and Rs.57.83 crores had been released. The sanctioned projects were supported mainly for AYUSH research and development of AYUSH Health Care facilities to the public and also specifically providing the health care facilities to public below poverty line. The main objectives of the scheme are to support creative and innovative proposals for upgrading both functions and facilities of AYUSH institutes engaged in AYUSH education specialized health care, inter-disciplinary research for scientific validation of AYUSH systems, drug standardization and clinical research to the level of excellence. It also includes support for human resources who will be attached to the new functions. Upgrading facilities implies infrastructure, equipments that will result in a qualitative improvement..

6.3.67 After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

6.3.68 Ministry of Tribal Affairs vide O.M. No. 17019/1/2013-R&M dated 29/05/2013 (received on 10/6/2013) have sought the comments of the Commission on the Draft SFC Memo for Central Sector Grant-in-aid scheme for Upgradation to Centres of Excellence (COE) with reference to the Ministry of Health & Family Welfare letter No. 2.15014/02/2007-E&C dated 20/05/2013.

6.3.69 The Commission noted that the scheme was implemented during 11th Five Year Plan and has been approved for 12th Five Year Plan. During 11th Plan, total 30 projects with outlay of Rs. 106.67 crore were approved/ supported in different states and Rs.57.83 crores had been released. The sanctioned projects were supported mainly for AYUSH research and development of AYUSH Health Care facilities to the public and also specifically providing the health care facilities to public below poverty line. The main objectives of the scheme are to support creative and innovative proposals for upgrading both functions and facilities of AYUSH institutes engaged in AYUSH education specialized health care, inter-disciplinary research for scientific validation of AYUSH systems, drug standardization and clinical research to the level of excellence. It also includes support for human resources who will be attached to the new functions. Upgrading facilities implies infrastructure, equipments that will result in a qualitative improvement.

6.3.70 After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

XVIII	Expenditure Finance Committee for 'Enhancing Development Infrastructure in North Eastern States & Sikkim'
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6.3.71 Ministry of Tribal Affairs vide O.M. No. 17014/05/2013-SG-II dated 07/06/2013 (received on 12/06/2013) have sought the comments of the Commission on the proposal for the Expenditure Finance Committee for

'Enhancing Skill Development Infrastructure in North Eastern States & Sikkim with reference to the Ministry of Labour & Employment letter No. DGET-35/02/2012-PCT/ESDI dated 17/05/2013.

6.3.72 The Commission noted that the Scheme "Enhancing Skill Development Infrastructure in NE States and Sikkim+ was formulated with 100% central funding at a cost of Rs.57.39 crore and was operational from FY 2010-11 to 31st March 2013. The Scheme is proposed to be continued with 100% central funding till 31st March 2017 at a revised cost of Rs.291.17 crore with the following components.

- Existing component - Upgradation of 21 ITIs at a total cost of Rs.30.18 crore. Existing component - Supplementing deficient infrastructure in 28 ITIs at a total cost of Rs.24.24 crore.
- Existing component - Establishment of Project Management Unit at Central and eight State headquarters at a total revised cost of Rs.8.06 crore.
- New component - Construction of retaining wall around new hostel and building of 3 new trades in covered 20 ITIs under existing Scheme at a total cost of Rs.8.40 crore.
- New component- Establishment of 21 new it is at a total cost of Rs.220.29 crore.

6.3.73 After detailed discussions, considering the need for skill upgradation of the STs in the NE States and that the North Eastern States have large tribal concentration, the proposal would largely benefit the tribal youth in those States, the Commission decided to recommend approval to the EFC memo.

XIX	<u>Extension of Rashtriya Swasthya Bima Yojana (RSBY) to other occupational Groups</u>
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3.74 Ministry of Tribal Affairs vide O.M. No. 17019/07/2013-SG-1 dated 07/06/2013 {received on 17/06/2013} have sought the comments of the Commission on the extension of Rashtriya Swasthya Bima Yojana (RSBY) to other occupational groups with reference to the Ministry of Labour & Employment letter No. M-21015/1/2012-RW dated 15/05/2013.

6.3.75 The Commission noted that the health insurance cover is presently applicable for BPL workers, building & other construction workers, street vendors, MGNREGA workers, beedi workers and domestic workers. The Scheme now proposes its extension to cycle rickshaw drivers/ rickshaw pullers, rag pickers, sanitation workers, mine workers and auto rickshaw drivers & taxi drivers.

6.3.76 After detailed discussions, the Commission, while agreeing to the proposal, desired that the MTA should examine the need of specific categories/occupational groups in relation to Scheduled Tribes for coverage under the Scheme and project it for inclusion in the Scheme in due course.

XX	Proposal for Expenditure Finance Committee for continuation of the Centrally Sponsored Scheme of “Vocationatization of Secondary & Higher Secondary Education”
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6.3.77 Ministry of Tribal Affairs vide O.M. No. 19012/01/2013-Education dated 03/06/2013 (received on 09/06/2013) have sought the comments of the Commission on the proposal for Expenditure Finance Committee for continuation of the Centrally Sponsored Scheme of %ocationalization of Secondary & Higher Secondary Education+ with reference to the Ministry of Human Resource Development letter No. 10-4/2012- VE(pt) dated 20/03/2013.

6.3.78 The Commission noted that the major aim of the Scheme is to prepare educated, employable and competent human resource for various sectors of the economy and the global market. The development output of the Scheme, inter-alia, targets larger percentage of girls, SC/ST/Minorities/BPL becoming educated skilled persons. The Commission observed that provision of 25% of the seats for vocational courses for the children of socio-economically weaker sections (SC/ST/OBC/Minorities/children with special needs/children below poverty line out of which 50% would be girls) [Annexure-I, Para 4.3.6, Page 34] dilutes even the fundamental right of the STs to have access to the Scheme in proportion to their population and also doesn’t address the imperative need to provide vocational training at a larger scale to STs, compared to others, especially considering poor socio-economic conditions and lack of employment opportunities among STs. The Commission, therefore, desired that in order to bridge the gap of skill deficit among STs, MoHRD should make a specific provision in the Scheme to ensure coverage of all needy STs and also provide reservation to STs under the Scheme for each district at least in proportion to their population recorded by the Census, 2011 so as to accommodate the disinclination of STs to move from their homes and also to ensure achievement of state level reservation goals.

6.3.79 The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

XXII	Draft EFC note on the World Bank supported project for Rural Drinking Water Supply and Sanitation in four low income States
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6.3.80 Ministry of Tribal Affairs vide letter No. 170/14/06/2013-SG-II dated 10/06/2013 with reference to the Ministry of Drinking Water and Sanitation letter No. 11031/03/2011/W II dated 15/05/2013 have sought comments of the Commission on Draft EFC Note on the World Bank supported project for Rural Drinking Water Supply and Sanitation in four Low Income States i.e. Uttar Pradesh, Bihar, Jharkhand and Assam.

6.3.81 The Commission noted that the Ministry of Drinking Water and Sanitation proposes to launch a World Bank (IDA) supported project for Rural Drinking Water Supply and Sanitation for Four States i.e. Uttar Pradesh, Bihar, Jharkhand and Assam. The proposed project cost is US \$ One billion (Rs 5,500 Crore) with

the project cost being shared equally between the Government of India and the World Bank. The project is proposed to be executed for a period of 6 years. It is a new plan scheme included in the current plan period. The objective of the scheme is to improve piped water supply and sanitation services for selected rural communities in the targeted States through decentralized delivery system.

6.3.82 The Commission observed that there was an imperative need to have targeted focus under the Project on Scheduled and Tribal Areas, taking into account their extent of deprivation, the backwardness/ negligence experienced over the years and the dire need for protected water supply for better health outcomes among STs. The Commission, therefore, desired that the Ministry of Drinking Water and Sanitation should include a special component for the ST habitants under the Project. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

XXIII	Notes for Standing Finance Committee(SFC)- Continuation and revision of scheme of National Overseas Scholarship for ST candidates of the 12th Five Year Plan period from 2012-13 to 2026-17
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6.3.83 Ministry of Tribal Affairs vide letter No. 11016/01/2011-Education dated 07/07/2013 have sought comments of the Commission on Note for Standing Finance Committee (SFC) for continuation and revision of scheme of National Overseas Scholarship for ST Candidates for the 12th Five Year Plan period (from 2012-13 to 2016-17).

6.3.84 The Commission noted that the scheme of National Overseas Scholarship for STs provides financial assistance to students selected for pursuing higher studies abroad in certain subjects at the Masters Level, and for Ph.D and Post Doctoral Research Programmes. During the 11th Plan Period, a target of 75 scholarships were proposed to be awarded to ST students to undertake studies in various Post Doctoral, Ph.D, Master Degree abroad covered by scheme. Against this target of 75 students, 34 candidates could be selected for award for scholarships as per the criteria laid down in the scheme. However, only 15 candidates could be finally awarded scholarship as the rest of the candidates were not found successful in getting admission abroad within the stipulated period of three years for various reasons. Based on the performance review of the scheme by the National Institute of Rural Development (NIRD), Hyderabad during 11th Five Year Plan, payment of T.A to the students, coaching facility for TOEFL and GRE, revision of scholarship amount etc. has been incorporated in the scheme guidelines. The total expenditure during the 11th Plan Period was Rs. 1.54 crore against the allocation of Rs. 5.50 crore. The projected cost of the scheme in the 12th Plan is Rs. 20 crore.

6.3.85 The Commission noted that as per the modified scheme the number of awards will be increased from 15 to 20 to expand the scope of field of study. The income limit of the candidate or his/her parents/guardians is proposed to be raised from Rs. 25000/- per month to Rs. 5 lakh per annum.

6.3.86 After detailed discussion, the Commission agreed to the proposed EFC Note and recommended further processing of the proposal by the Sponsoring Ministry.

XXIV	Memorandum for the Standing Finance Committee(SFC) for the approval of the scheme “Market Development of Tribal Product/Produce’
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6.3.87 The Ministry of Tribal Affairs vide letter No. 3/23/2012-CP&R dated 12/06/2013 have sought comments of the Commission on Memorandum for the Standing Finance Committee (SFC) for approval of the scheme, ‘Market Development of Tribal Product / Produce+during the 12th Five Year Plan.

6.3.88 The Commission noted that Market Development of Tribal Products/Produce is an ongoing Central Sector Scheme. The scheme will be continued in the current plan period from the 11th Plan in which an amount of Rs. 69.59 crore was earmarked by the Planning Commission for the scheme. Now Rs. 186.55 crore has been year marked for the 12th Plan Period for continuing with four activities already covered under 11th Five Year Plan. These include (i) Retail Marketing Development Activity, (ii) MFP Development Activity, (iii) Skill Up-gradation & Capacity Building of ST Artisans (iv) R&D/IPR Activity.

6.3.89 The Commission noted that TRIFED has recorded growth rate of 32.94% in purchase, 104% in sales and 49.68% in the number of beneficiaries trained during the last five years. TRIFED had made a substantial headway in raising the socio-economic standards of STs through this scheme during the 11th Plan Period. An independent evaluation of the performance of the scheme, undertaken by the Council for Social Development(CSD), New Delhi, has highlighted the programmes undertaken by TRIFED in the field of training of Tribals, marketing of tribal products and research and development activities.

6.3.90 The study conducted has also revealed that many families had benefited from the schemes. After detailed discussion, the Commission agreed to the SFC Memorandum and recommended further processing of the proposal by the Sponsoring Ministry.

XXV	Proposal for release of Equity Support to the National Scheduled Tribes Finance and Development Corporation(NSTFDC) and to the State Scheduled Tribes Finance and Development Corporations(STFDCs) during XII Plan-Note for the Expenditure Finance Committee(EFC):
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6.3.91 Ministry of Tribal Affairs vide letter No. 20025/9/2012-SG-II dated 23/05/2013 have sought comments of the Commission on the proposal for release of equity support to the National Scheduled Tribes Finance and Development Corporation (NSTFDC) and to the State Scheduled Tribes Finance and Development Corporations (STFDCs) during 12th Five Year Plan.

6.3.92 After detailed discussion, the Commission recommended further processing of the proposal by the Ministry of Tribal Affairs subject to the above observations of National Commission for Scheduled Tribes. The Commission noted that the proposal is for release of equity support to the National/State Scheduled Tribe Finance and Development Corporations which is a continuing centrally sponsored scheme under which Central Government provides equity support to the National Scheduled Tribe Finance and Development Corporations (NSTFDC) under the Ministry of Tribal Affairs and State Scheduled Tribes Finance and Development Corporations (STFDCs) of various State Governments.

6.3.93 State Scheduled Tribes Finance and Development Corporations catering to STs in various States are provided assistance towards their share capital under the centrally sponsored scheme. The ratio of the share capital contribution between the Central and States Governments is 49:51. NSTFDC is providing concessional financial assistance to STs having annual family income upto double of poverty line. This limit at present is Rs. 81000/- for Rural Areas and Rs. 1,04000/- per annum for Urban Areas based on the norms of the poverty line estimates of the Planning Commission for the Assessment Year 2009-10. The contribution from the Government has strengthened the equity base of NSTFDC and had a multiplier effect for furthering economic growth of the poor STs. NSTFDC has disbursed Rs. 896.42 crores in its 12 year operations up to 31/03/2013. In order to cover projected 2.85 lakh beneficiaries, the total fund requirement with an average loan size of around Rs. 30000/- per beneficiary, works out to Rs. 873 crore. The fund requirement is proposed to be met out of both internal resources as well as equity support from Ministry of Tribal Affairs.

6.3.94 At para 4.3 of the EFC proposal, NSTFDC is envisaging to receive Rs.530.00 crore (para 1.4 of proposal) from the MTA as Equity Support whereas total Gross Budgetary Support (GBS) approved for the 12th Plan period is Rs. 360.00 crore. The total GBS is Rs. 360.00 crore which is to be provided to NSTFDC as well as State Finance Development Corporations. Further vide para 1.4 of the EFC proposal, Rs.203.10 crore are projected to be released. Resource gap need between the project disbursement of Rs.733.10 crore and Gross Budget approved need to be first addressed.

6.3.95 Further, higher projected disbursements of Rs.150.00 crore for the year 2013-14 and Rs.175.00 crore and 2014-15 are indicated for receiving the Equity Support from the Ministry. PSU s are having annual MOUs entered with their respective Ministry. These projection for the year for disbursement need to be aligned with the MOU signed for the 2013-1

6.3.96 Vide para 4.3, NSTFDC has reported recovery of Rs.80.51 crore during the year 2012-13 but in the next two years recovery projections are indicated on the lower side (i.e. Rs.66.00 crore and Rs.72.00 crore) and no reasons have been indicated. Rather with higher disbursals, recovery amount should be higher. MTA to check up the facts on the issue and record the reasons for such situation.

6.3.97 After detailed discussion, the Commission recommended further processing of the proposal by the MTA subject to the above observations of NCST.

XXVI	Proposal for appraisal of SFC Memo for Tagore Cultural Complexes Scheme (TCC) during 12th Plan period
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6.3.98 Ministry of Tribal Affairs vide O.M. No. 17019/01/2013-R&M dated 20/06/2013 (received on 24/6/2013) have sought the comments of the Commission on the proposal for appraisal of SFC Memo for Tagore Cultural Complexes Scheme (TCC) during 12th Plan period with reference to the Ministry of Culture letter No. 20-17/2012-P.Arts dated 07/06/2013.

6.3.99 The Commission noted that the objective of the Scheme is to foster activities in States in different cultural fields (such as music, drama, dance, literature, fine arts, etc.) and promote through them the cultural unity of the country and provide avenues for creative expression and learning to the younger generation. These multi-purpose cultural complexes will work as centers of excellence in all form of art and culture, with facilities and infrastructure (dance, drama and music), exhibitions, seminars, literary activities, film shows, etc. They are intended, therefore, to go beyond the objectives of the earlier/ original scheme and foster a multi-dimensional interest in creativity and cultural expressions. An amount of Rs.80.00 crore has been allocated for the Scheme during the XIIth Five Year Plan period.

6.3.100 The Commission observed from the minutes of the 2nd meeting of National Appraisal Committee-II under the Scheme of Tagore Cultural Complexes (TCCs) held on 28th February, 2012 (enclosed with the proposal) that certain States, predominantly inhabited by STs like Jharkhand, Chhattisgarh etc. were not having any TCC. Therefore, there was an imperative need to inject due funding through the Scheme in such States for propagation and promotion of performing arts, in particular, folk and tribal arts. While agreeing to the proposal, the Commission, therefore, desired that the Ministry of Culture should accord priority to such States under the Scheme and also take pro-active approach in soliciting their proposals for setting up of TCCs in States having sizable tribal population.

XXVII	Proposal for appraisal of EFC Memo for the Scheme for Financial Assistance for Promotion of Art & Culture during 12th Plan period
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6.3.101 The Commission noted that the Scheme had included following components:

- Financial assistance for professional group & individuals for specified
- Performing art projects (proposed Title: Performing Arts Grant Scheme)

- Financial assistance to cultural organizations with national presence
- Financial **assistance to research support to voluntary organizations engaged in cultural development (Short Title; Cultural Functions Grant Scheme)**
- Financial assistance for preservation & development of cultural heritage of himalayas
- Financial assistance for promotion & dissemination of tribal/folk art
- Scheme of MIS for automation of grants-in-aid schemes

6.3.102 However, the Scheme under Component V has been discontinued w.e.f 1.4,2008. A review Committee to review and make recommendations on various grants-in-aid Scheme implemented by Ministry of Culture was constituted by the Ministry of Culture in January, 2008 under the Chairmanship of Shri Bhaskar Ghose which studied various schemes of Ministry of Culture including the Scheme of Financial Assistance for Promotion and Dissemination of Tribal Folk Art & Culture (referred as Component V) and recommended discontinuance of this Scheme on the grounds that (i) the extant scheme of the Ministry already being implemented in the tribal areas and the Scheme¹ in many ways is a duplication of these efforts and (ii) Specific schemes directed at the tribal areas are already being implemented by the Ministry of Tribal Affairs. The recommendations of the Committee was accepted by the competent authority. However, some budgetary provision is being made under the Scheme for release of funds to old cases.

6.3.103 The Commission noted that the Committee constituted under the Chairmanship of Shri Bhaskar Ghose had observed as under:

At present, the remuneration being paid to folk and tribal artists is so low that it dis-empowers them vis-a-vis junior officials of the ZCCs with whom they are in continuous interaction (also thereby opening up the scope for nepotism and corruption, regarding which the Committee have heard sotto voce complaints).

Moreover, low remuneration lowers the personal dignity and social status of the artists, discriminates against the folk and tribal arts as compared to the classical arts, and acts as a disincentive to the artistes's children as well as other youth from taking up these art forms as a profession, thereby endangering their very survival. The honoraria for folk and tribal artistes, therefore, need to be raised so that these art forms are viewed with the same respect and regard as the classical art forms.

6.3.104 The Commission observed that considering the observations of the Committee and the fact that the Ministry of Culture has now discontinued component V of the Scheme pertaining to financial assistance for promotion & dissemination of tribal/folk art. After detailed discussion, the Commission, while agreeing to the proposal, desired that MTA should separately assess the sufficiency of its own schemes, and based thereon, the need to have additional allocation under the Scheme of the Ministry of Culture for tribal/folk art and its

projection to the Ministry of Culture. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

XXVIII	Note for Expenditure Finance Committee (EFC)-Centrally Sponsored Umbrella Scheme for Education of ST Children proposed to be implemented in the 12th Five Year Plan period from 2013-14 to 2016-17 and beyond
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6.3.105 Ministry of Tribal Affairs vide O.M. No. 19012/16/2012-Education dated 21/06/2013 (received on 24/6/2013) have sought the comments of the Commission on the Note for Expenditure Finance Committee (EFC)-Centrally Sponsored Umbrella Scheme for Education of ST Children proposed to be implemented in the 12th Five Year Plan period from 2013-14 to 2016-17 and beyond.

6.3.106 The Commission noted that the MTA has proposed to introduce the Umbrella Scheme for bridging the critical gaps in the existing efforts for education of ST children. For this purpose, the MTA has been implementing the following ten education related schemes for supporting creation of infrastructure, vocational training and providing scholarship/fellowship:

- Establishment of Ashram Schools in TSP areas
- Hostels for ST girls and boys
- Vocational Training in Tribal areas
- Strengthening education among ST girls in low literary districts
- Grant-in-aid to voluntary organization working for the welfare of ST
- Pre Matric Scholarship for needy ST students studying in classes XI & X
- Post Matric Scholarships to the students belonging to ST for studies in India
- Upgradation of Merit of ST students
- Top Class Education for ST students
- Rajiv Gandhi National Fellowship for ST students
- National Overseas Scholarships for ST candidates

6.3.107 The Commission noted that the current proposal is for merger of the existing schemes under an Umbrella Scheme except the scheme for grant-in-aid to voluntary organizations working for the welfare of ST, Rajiv Gandhi Fellowship for ST students and the scheme of National Overseas Scholarships for ST candidates. The merger and reorientation of the existing schemes is expected to expand the scope, and flexibility of interventions that are presently available under these individual stand-alone schemes formulated at different points of time. This will facilitate the State/UTs to choose what they really need from the items available under the Umbrella Scheme. This will also enable the Ministry to implement the DBT Scheme as advised by the Planning Commission.

6.3.108 The Commission observed that the basic problem of tribal schools is similar to other Government, rural schools but problems and outcomes are only accentuated in terms of teachers, teaching quality, studentsq capacity and

confidence, studentsq self-assessment of weak areas and growth. The integration does not solve any of these problems in any manner but constitutes a wish list where outcomes are unknown. Technologies, education/subject/chapter modules, laboratory demos and greater CCE with individualized attention is necessary in relation to education of tribals. As schools become better source of quality education, the enrolment and attainment rate will increase. The Commission further noted that the outlined objectives of the Umbrella Scheme are achievable through augmentation and strengthening of the existing schemes with efficiency in their delivery front, which are likely to result in optimal utilization of resources and economize the projected expenditure including cost of establishing the Project Monitoring Cell, both at national and state level under the proposed Umbrella Scheme.

6.3.109 The Commission, therefore, desired that considering the observations of the Commission mentioned above, MTA needs to review the proposed Umbrella Scheme, and overhaul the existing schemes, addressing the core issues/deficient areas on delivery front resulting in lack of educational development amongst Scheduled Tribes. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

XXIX	Proposal for formulation and introduction of New Plan Scheme viz. National Youth Development Fund (NYDF) by the Department of Youth Affairs
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6.3.110 Ministry of Youth Affairs and Sports (Department of Youth Affairs) vide letter F.No. 1-5/2013-Policy dated 20/06/2013 have sought comments of the Commission on Proposal for formulation and introduction of New Plan Scheme viz. National Youth Development Fund (NYDF) by the Department of Youth Affairs.

6.3.111 The Commission noted that the Ministry of Youth Affairs and Sports has proposed to introduce the NYDF (a new plan scheme) during the current financial year 2013-14. The said scheme has been prepared on the lines of the National Sports Development Fund (NSDF) being implemented by the Department of Sports since 1998 onward. NYDF has an estimated budget outlay of Rs. 20 crore for a period of five years with an initial annual budget provision of Rs.2 crore.

6.3.112 The object of the fund is as under:

- to administer and apply the moneys of the fund for promotion of all around development of youth of India.
- to impart special training and coaching in skill development employable and entrepreneurial skills.
- to construct and maintain infrastructure as may be required for promotion of youth development activities.
- to supply equipment to government and non government organizations and individuals with a view to promote self employment and innovative

entrepreneurial skills.

- to identify problems of different youth target groups and take up research and development studies for addressing the same
- to promote international cooperation in particular exchanges which may promote the development of youth as also the activities which are in the ambit of exchange programmes entered into between India and other Countries.
- to provide low interest or interest free loans for the projects and activities related to any of the aforesaid objectives.

6.3.113 After detailed discussion, the Commission agreed to the proposal subject to the condition that the scheme will give due allocation for tribal youth from the specified areas of tribal concentration under TSP, Fifth and Sixth Schedule respectively to the Constitution of India in the country.

XXX	Letter dated 18/12/2012 from Shri Harishchandra Chavan, Hon'ble Member of Parliament, Lok Sabha, Dindori, Dist - Nasik -(Maha) for enquiry under Article 338A. (5) (a) (b) (c) (f) and instructing DOPT to cancel OM No. 36011/2/10-Estt.(Res.) dated 10th August, 2010 regarding appointment of candidates belonging to Halba Koshti/ Halbi Koshti/Koshti caste against vacancies reserved for the STs
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6.3.114 Shri Harishchandra Chavan, Hon'ble MP(Lok Sabha) sent a letter dated 18/12/2012 to the Commission enclosing representations from various Adivasi Associations for cancellation of the DoPT OM No. 36011/2/10-Estt Res dated 10/08/2010 regarding appointment of candidates belonging to Halba Koshti/Halbi Koshti/Koshti caste against the vacancies reserved for the STs in pursuance of the implementation of Judgement of the Supreme Court in the State of Maharashtra vs Milind & Ors.

6.3.115 The Commission noted that NCST, vide letter dated 28/03/2013, had sought comments in the matter from the Secretary, DoPT, the MTA and the Govt, of Maharashtra. DoPT informed the Commission vide letter dated 22/04/2013 that the matter was examined and the Hon'ble Member was informed at the level of the MoS (PP) vide D.O. letter 30/01/2013, clarifying that specific relief was provided to the Halba Koshti/Halbi Koshti/Koshti caste, whose appointment had become final on or before 28/11/2000 in consonance with the Judgment of the Apex Court in the matter of State of Maharashtra vs Milind & Ors and Punjab National Bank & Anr. vs Vilas after obtaining the opinion of the Department of Legal Affairs.

6.3.116 In the aforesaid letter, MoS (PP) mentioned that in the matter of State of Maharashtra vs Milind and others, respondents had been given the benefit of protection of appointments of the candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28/11/2000 in the circumstances of the case. Subsequently, the Apex Court in its Judgment in Civil Appeal No. 1547 of 2007 (Punjab National Bank & Anr. vs Vilas, S/o Govindrao

Bokade) and some other cases observed that the protection in Milind case was provided in no uncertain terms to such admissions and appointments that had become final. The Apex Court is stated to have held that such candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28/11/2000, the date on which the Supreme Court had decided the Civil Appeal No.2294/1986 (State of Maharashtra v/s. Milind & Ors), shall not be affected. It was further mentioned that the aforesaid Judgment was examined in consultation with the Department of Legal Affairs, and the aforesaid OM was issued to the effect that the persons belonging to the Halba Koshti/Koshti caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28/11/2000, shall not be affected.

6.3.117 The Commission noted that it transpires that the crux of DoPT No 42011/22/2006-Estt. (Res) dated 29/03/2007 was that the relief accorded by the Supreme Court was specific relief provided only to the candidates who were party in the petition. Therefore, the cases other than those protected by the specific order of the Apex court should have been dealt in accordance with the instructions contained in DoPT OM dated 19/5/1993 which, inter-alia. provides as follows:

“Wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any penalty be imposed.”

6.3.118 The aforesaid OM also mentions that the above referred instructions are strengthened by the observations of the Supreme Court in Milind Kumar case (SUPRA) to the effect that if the benefits of reservation are taken away by those for whom they are not meant, the people for whom they are really meant or intended will be deprived of the same and their suffering will continue. Allowing the candidates not belonging to the reserved categories to have the benefit of reservation either in admissions or appointments would lead to making a mockery of the very reservation against the mandate and scheme of Constitution.

6.3.119 The Commission also noted that while disposing Civil Appeal 231 of 2007, the Supreme Court held against respondents in the State of Maharashtra & Ors v/s Sanjay K. Nimje, that the 14 days delay from cut-off date of 15/06/1995 even though he was selected on 15.06.1995 went against the case

of the respondents since he joined only on 29/06/1995. In the Civil Appeal No. 2294 of 1986 (State of Maharashtra v/s Milind &ORS), the Supreme Court also held to the cut-off-date of 15/06/1995. However, DoPT by its OM dated 10/08/2010 appears to have declared, without any evident basis in logic or legal precedent, that in respect of the persons, whose appointments/admissions had become final on or before 28/11/2000, their appointments shall not be affected.

6.3.120 The order of the DoPT appears, therefore, to be not in consonance with law or logic or even the extended cut-off-date of 15/06/95 apparently decided by the Legislature of the State of Maharashtra. As a result of this order, many more non-tribals appear to have received benefits intended for Scheduled Tribes and have deprived them of their rights in consequence.

6.3.121 In view of above, Commission decided to call for a detailed report from DoPT with justification along with relevant records/files for further examination and thereafter hold a Sitting in the matter.

XXXI	The Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill, 2012
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6.3.122 Ministry of Tribal Affairs vide O.M. No. 12026/41/2012-C&LM dated 20/12/2012 have sought the comments of the Commission with reference to the MHA O.M.No. 17/44/2012-Judl.&PP dated 29/11/2012 relating to the Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill.

6.3.123 The Commission noted that the Commission's views/ comments on the Bill were forwarded to the MTA vide letter No. 15/1/MHA/2013/RU-III dated 18/01/2013, advising that the following issues, pertaining to the Bill were required to be examined in consultation with the Ministry of Law and Justice:

- Whether the proposed legislation is Constitutionally valid; or
- Whether there is any conflict with an existing Central Law, and, if so, whether the conflict may be consciously permitted; or
- Whether the proposed State enactment involves any deviation from existing national or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

6.3.124 Subsequently, MTA vide letter No. 12026/41/2012-C&LM dated 22/05/2013, addressed to the Joint Secretary, Judl. & PP Division, Ministry of Home Affairs with a copy to the Joint Secretary, NCST communicated that on the receipt of the views/ comments on the Bill from the different Ministries/ Departments, Deptt. of Legal Affairs is consulted by the Ministry of Home Affairs. Therefore, it would not be appropriate to refer the matter to the Deptt. of Legal Affairs for opinion in the said matter, as advised by the Commission.

6.3.125 The Commission noted that MTA in the aforesaid letter had not communicated the views of the Commission to the MHA and rather forwarded

their comments to MHA mentioning that the matter was examined in the MTA in consultation with the National Commission for Scheduled Tribes. In this connection, the Commission, desired that attention of the MTA should be drawn to the instructions issued by the Cabinet Secretariat vide O.M. dated 16/02/2012 regarding mandatory consultation with NCST etc., on policy related issues concerning STs wherein it is clearly mentioned that the unbridged/ unedited views of the Commission along with the views of the Ministry/ Department administratively concerned with the Commission were required to be included in such matters. The Commission, therefore, desired that MTA should be advised to strictly adhere to the instructions contained in the aforesaid O.M. dt. 16/02/2012.

6.3.126 The Commission also noted that it was mentioned in the Bill that the State Government, shall constitute by notification in the Official Gazette, one or more Scrutiny Committee for verification of caste certificates issued by the Competent Authority under sub-section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committees. The Commission, however, observed that the interaction held with the State Government, and also field visits had revealed that a large number of cases were pending with the Scrutiny Committees in many States for a considerable period and, therefore, the functioning of the Scrutiny Committee was required to be streamlined. The Commission further observed that the Scrutiny Committee in the State should be constituted consistent with the directions contained in the Judgment of the Supreme Court of India in the case of Kumari Madhuri Patil vs. Addl. Commissioner (1994) and the procedure set out therein for the applicant for social status certificate and governing the disposal of verification cases within the indicated time-frame (not exceeding 2 months), and to that effect, necessary provisions should be made in the Bill. The Commission also desired that the views of the Commission in the matter should be urgently communicated to the Ministry of Home Affairs.

XXXII	Revision of the list of Scheduled Tribes –inclusion of “Dhanuhar/Dhanuwar” communities as synonyms of Dhanwar Scheduled Tribes of Chhattisgarh
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6.3.127 Ministry of Tribal Affairs, vide letter No. 12016/4/2012- C&ML- I(pt.) dated 08/07/2013 have sought comments of the Commission on the Draft Note for the Cabinet on revision of the list of Scheduled Tribes with inclusion of Dhanuhar/Dhanuwar+communities as synonyms of Dhanwar Scheduled Tribes of Chhattisgarh.

6.3.128 The Commission recalled that the Commission had earlier recommended accepting the proposal of the State Govt. in the matter in its 45th meeting held on 23/1/2013. Accordingly, the Commission agreed to further processing of the Draft Cabinet Note.

XXXIII	Revision of the list of Scheduled Tribes – inclusion of “Narikoravn grouped with Kurivikkaran” community of Tamil Nadu.
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6.3.129 Ministry of Tribal Affairs, vide letter No. 12016/4/2012- C&ML- I(pt.) dated 08/07/2013 have sought comments of the Commission on the Draft Note for the Cabinet on revision of the list of Scheduled Tribes with inclusion of Narikoravn grouped with Kurivikkaranqcommunity of Tamil Nadu.

6.3.130 The Commission recalled that the Commission had earlier agreed to the proposal of the State Govt. in the matter in its 41st meeting held on 4/1/2013. Accordingly, the Commission agreed to further processing of the Draft Cabinet Note.

XXXIV	Draft Note for the Cabinet for up gradation of the post of Deputy Inspector General of Police in the National Commission for Scheduled Castes (NCSC), to inspector General of Police.
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6.3.131 Ministry of Tribal Affairs vide letter No. 12/10/2013-CP&R dated 12/07/2013, with reference of Ministry of Social Justice and Empowerment letter No. 13013/02/2006/SCD-VI dated 21/06/2012, have sought comments of the Commission on the Draft Note for the Cabinet on up-gradation of the post of Deputy Inspector General of Police in the National Commission for Scheduled Castes to Inspector General of Police.

6.3.132 Considering the justification indicated in the Draft Note for the Cabinet, the Commission agreed to further processing of the proposal.

XXXV	Draft Note for Committee on Non-Plan Expenditure- Proposal for consideration of Committee on Non-Plan Expenditure (CNE)
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6.3.133 Ministry of Tribal Affairs, vide letter No. 42018/14/2013-Estt. dated 10/07/2013, with reference of Ministry of Social Justice and Empowerment letter No. 17016/19/2007-SCD-VI dated 03/07/2013, have sought comments of the Commission on the Draft Note for Committee on Non-Plan Expenditure (CNE) pertaining to a proposal for setting up of Regional Offices of National Commission for Scheduled Castes and up-gradation of sub-offices to Regional Offices.

6.3.134 The Commission noted that the NCSC has proposed strengthening of their administrative set-up and setting up of new 8 Regional Offices due to expansion of their jurisdiction and to meet the expectation and aspiration of the Scheduled Castes. Considering the objective of the proposal and the justification contained in the Draft Note, the Commission agreed to further processing of the proposal.

6.3.135 The Commission recalled that the need for strengthening of the NCST and augmentation of its Regional Offices had also been repeatedly emphasized in the Commission's Annual Reports as well as on the Ministry of Tribal Affairs. In this regard, a detailed proposal was also submitted to the MTA in 2009. The

Commission also noted that the Parliamentary Committee on the Welfare of SCs and STs in para 1.21 of its 33rd Report (14th Lok Sabha) on the subject National Commission for the Scheduled Tribes . its mandate and achievements . a review of its organization and working+has also made the following observation and recommendation:-

*... "The Committee also note that NCST in their First Report (2004-05 and 2005-06) had recommended for upgradation of four regional offices, segmentation of the existing strength of supporting staff in six regional offices and creation of four more regional offices. The Committee do not agree with the reply of the Ministry that a formal proposal in this regard has not been submitted to them by the NCST. **The Committee feel that instead of waiting for a formal proposal from the NCST for so long, the MTA should have taken the initiative after receiving the recommendation of the NCST.** The Committee view that NCST has made a legitimate and genuine demand for upgradation and augmentation of its regional offices since the existing regional offices would not be in a position to handle the needs and problems of ST population spread all over the country in almost all the States/UTs. It would be naïve to think that merely setting up of a separate Commission without sufficient number of regional offices and staff is good enough to achieve the objective for which it has been constituted. The Committee, therefore, recommend that the Government should set up more regional offices according to the present need, upgrade the four regional offices and augment the existing staff strength of NCST accordingly on a priority basis."*

6.3.136 The Commission, therefore, desired that MTA should accordingly urgently process the proposal for strengthening the Commission in order to enable it discharge its constitutional mandate effectively.

XXXVI	Draft Cabinet Note on the First stage proposal for action on the recommendations of the National Commission for De-notified, Nomadic and Semi-nomadic Tribes (NCDNT) and (ii) the National Advisory Council (NAC) which aims at improving the Socio-Economic conditions of the DNTs
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6.3.137 Ministry of Tribal Affairs, vide letter D.O. No.16014/22/2008-BC-II/III (Vol.III) dated 17/07/2013 with reference of Ministry of Social Justice and Empowerment letter No. 16014/22/2008-BC-II/III(Vol.III) dated nil, have sought comments of the Commission on the recommendations of (i) the National Commission for Denotified, Nomadic and Semi-nomadic Tribes (NCDNT) and (ii) the National Advisory Council (NAC) for improving the socio-economic conditions of the De-notified, Nomadic and Semi-nomadic Tribes.

6.3.138 The Commission noted that the draft Cabinet note seeks, inter-alia, approval for establishment of the National Commission for the DNTs. In this connection, the Commission recalled its earlier views in the matter, communicated to the MoSJ&E vide NCST letter No. Press-clippings /Service/

Others/ MTA/ 703/2008/ RU-II dated 8/10/2008 and also contained in the Annexure . III to draft Cabinet Note, as under:

- (i) As entire estimated population of DTs and NTs are stated to be already getting the benefits as either SCs or STs or OBCs, it may not be appropriate to delete them from these categories and put them in a new Constitutional category.
- (ii) If DNTs have been able to get the benefits as SCs/STs/OBCs, the solution lies in addressing those problems and removing them, rather than making large scale amendments in Constitution and subsequent Govt. orders.
- (iii) Those DTs/NTs already categorized as SCs/STs/OBCs may not like the existing arrangements to be disturbed as they would have to forgo the benefits already granted to them as SCs/STs/OBCs.
- (iv) Efforts to maintain social harmony will be jeopardized by further dividing the society on caste basis by specifying another Constitutional category, viz. ~~%~~Scheduled Community+.
- (v) In view of (i) above, there is no need to set up a separate Commission for DTs and NTs beside NCSC, NCST and NCBC.

6.3.139 The Commission noted that the MoSJ&E, as mentioned in the Annexure III to the Draft Cabinet Note, had agreed with the earlier recommendations of the Commission in the matter. However, MoSJ&E had held that the recommendations of the Commission were not practical. The Commission observed that the MoSJ&E should clearly indicate the reasons for not holding the recommendations of the Commission practical in the Draft Cabinet Note. The Commission also noted from para 9.1.4 (iii) of the draft Cabinet Note that as per the NCDNT report, most of the DNTs are already categorized as SCs, STs & OBCs. If they have not been able to derive the benefits as SCs/STs/OBCs, the remedy would seem to lie in removing the obstacles, rather than in making large scale amendments in Constitution and the legal framework. The Commission further observed that considering observations of the Commission in the matter, particularly at para 4(v) above and also the resource crunch being faced in general, the need for constituting a National Commission for De-notified, Nomadic and Semi-Nomadic Tribes requires a critical review before further processing of the case.

XXXVII	Draft Note for the Cabinet Committee on Security- Development of Roads in Left Wing Extremism (LWE) affected areas- Road Requirement Plan-Phase-II
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6.3.140 Ministry of Tribal Affairs, vide letter No. 17019/17/2013- PC&V dated 24/07/2013 with reference of Ministry of Home Affairs letter No. 18015/28/2008-NM-IV dated 22/07/2013, have sought comments of the Commission on the Draft Note for the Cabinet Committee on Security on Development of Roads, in Lift Wing Extremism (LWE) affected areas- Road Requirement Plan (RRP)-Phase-IIq

6.3.141 The Commission noted that RRP-II has been moved as a part of the measures being taken by the Central Government to provide assistance to the State Government concerned for dealing with LWE insurgencies. The Commission further observed that under RRP-I, a total of 24 packages (11 in Chhattisgarh, 10 in Jharkhand and one each in Maharashtra, Odisha and Uttar Pradesh) could not be awarded, mainly due to lack of response from contractors. The Commission desired MHA should take necessary measures to ensure completion of incomplete work packages under RRP-I and also time bound completion of packages planned under RRP-II.

6.3.142 The Commission also observed that the MHA have also proposed dovetailing of RRP-II proposals with the Tribal Sub-Plan. The Commission noted that considering the special purpose of the RRP, the fund should be made available to the Tribal Areas under this Scheme only and not out of TSP which is basically meant for accelerated development of STs with focus on tribal livelihoods, particularly their economic, educational and human development. The Draft Note should, therefore, be modified based on the above observations of the Commission, before further processing.

XXXVIII	Draft Memorandum for the Expenditure Finance Committee (EFC) for establishment of a dedicated bank for women to provide financial services to women in general and women Self-Help Groups in particular
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6.3.143 Ministry of Finance, vide letter F. No. 6/3/013-BO.II dated 18/07/2013 have sought comments of the Commission on the Draft Memorandum for the Expenditure Finance Committee (EFC) for establishment of a dedicated bank for women to provide financial services to women in general and women Self-Help Groups in particular.

6.3.144 The Commission observed that as envisaged in the draft Cabinet Note, around 450 bank branches were planned to be established by the year 2020. If this bank is established this year, it will take several years for rural branches to be put in place. During this period, NABARD and public/ private banks should continue to provide their services in the rural areas. The Commission also desired that the proposed Banks should be established in Scheduled/ tribal areas on priority, as women and SHGs play a major role in Scheduled/ tribal areas towards overall economic development of STs.

XXXIX	Draft Note for the Cabinet Committee on Skill Development (CCSD) regarding National Skill Qualifications Framework (NSQF)
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6.3.145 Ministry of Tribal Affairs, vide letter No. 140/11/08/2013-SG-II dated 19/08/2013, with reference of National Skill Development Agency, Ministry of Finance, vide letter No. 43001/01/2013-NSDA dated 08/08/2013, have sought comments of the Commission on the Draft Note for Cabinet Committee on Skill Development (CCSD) regarding National Skill Qualifications Framework (NSQF).

6.3.146 The Commission observed that STs, very often, tend to get boxed in the lower skill qualification levels, partly due to the lower preparedness of STs and their lower awareness, and partly arising from their greater isolation. Therefore, apart from special upgradation schemes for tribal areas with genuine tribal population, opportunities for upgradation from lower skill levels should be offered on preferred basis to STs and not at the cost of a lower skill test for the lower level. In this regard, comments of MTA at p.88 of Cabinet Note suggest ~~in situ~~ development which may only confine tribals to their isolation. Possibly, MTA means local skill development opportunities and have mis-phrased their views as noted. The Commission desired that the views of the Commission, as above, may be communicated to the MTA.

XL	Inclusion of 'Kisan' community as synonym of Nagesia, Nagasia listed at Sl. No. 32 in the list of Scheduled Tribes of Chhattisgarh State
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6.3.147 Ministry of Tribal Affairs vide letter No. 12026/05/2012-C&LM-I dated 11/03/2013, have sought comments of the Commission with reference to the Registrar General of India DO No. 8/1/2012-SS (Chhattisgarh) dated 06/03/2013 on proposal of the State Government for Inclusion of ~~Kisan~~ community as synonyms of Nagesia, Nagasia listed at Sl.No. 32 in the list of Scheduled Tribes of Chhattisgarh State.

6.3.148 The Commission recalled that the proposal on the subject was earlier discussed in its 45th meeting held on 20/03/2013 wherein it was, inter-alia, decided that a Member of the Commission may be deputed to ascertain socio-economic conditions of the ~~%Kisan~~ community in the Chhattisgarh State and also their position in context of the prescribed criteria for specification of a community as Scheduled Tribes viz; (a) indication of primitive traits; (b) distinctive culture; (c) geographical isolation; (d) shyness of contact with the community at large and (e) backwardness.

6.3.149 Pursuant to the decision of the Commission, mentioned above, Shri B.L. Meena, Member visited Surguja, Balrampur, Jashpur, Rajgarh and Bilaspur Districts of Chhattisgarh State from 10/07/2013 to 16/07/2013 to ascertain the ground position and submitted report (Annexure-I) on 23/08/2013. Member (BLM) in his report has mentioned it shall be appropriate to agree with the proposal of the State Govt. to include the ~~Kisan~~ community as synonym of Nagesia, Nagasia listed at Sl.No. 32 in the list of STs of Chhattisgarh State which is also supported by the RGI. After detailed discussions on the report of the Member (BLM), and referring to the deliberations held in the matter in the 45th meeting of the Commission quoted above, the Commission decided to recommend the proposal for further processing.

XLI	Inclusion of Bhuinya, Bhuiyan, Bhuyan, Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh.
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6.3.150 Ministry of Tribal Affairs vide letter No. 12016/11/2010-C&LM-I dated 20/05/2013 forwarded for comments of the Commission a proposal for inclusion of **Bhuinya, Bhuiyan, Bhuyan, Communities** as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh. The Commission recalled that the proposal on the subject was earlier discussed in its 47th meeting held on 10/06/2013 wherein it was, inter-alia, decided that a Member of the Commission may be deputed to ascertain socio-economic conditions of the Bhuiyan, Bhuinya, Bhuiyan and Bhuyan+community in the Chhattisgarh State and also their position in context of the prescribed criteria for specification of a community as Scheduled Tribes viz; (a) indication of primitive traits; (b) distinctive culture; (c) geographical isolation; (d) shyness of contact with the community at large and (e) backwardness.

6.3.151 Pursuant to the decision of the Commission, as mentioned above, Member (BLM) visited Surguja, Balrampur, Jashpur, Rajgarh and Bilaspur Districts of Chhattisgarh State from 10/07/2013 to 16/07/2013 to ascertain the ground position and submitted report (Annexure-I) on 23/08/2013. Member (BLM) in his report has mentioned it shall be appropriate to agree with the proposal of the State Govt. to include the **Bhuinya, Bhuiyan, Bhuyan, Communities** as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh which is also supported by the RGI. After detailed discussions on the report of the Member (BLM), and also referring to the deliberations held in the matter in the 47th meeting of the Commission quoted above, the Commission decided to recommend the proposal for further processing by the Ministry of Tribal Affairs.

XLII	Memorandum of Expenditure Finance Committee (EFC) for revision of the Scheme of Special Central Assistance (SCA) to Scheduled Castes Sub-Plan (SCSP)
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6.3.152 The Ministry of Tribal Affairs vide letter No. 14019/01/2012-SG-II/CL &LM-I dated 08/08/2013 with reference of Ministry of Social Justice and Empowerment letter No.11014/01/2011-SCD-II dated 26/06/2013 have sought comments of the Commission on the Memorandum of Expenditure Finance Committee (EFC) for revision of the Scheme of Special Central Assistance (SCA) to Scheduled Castes Sub Plan (SCSP).

6.3.153 The Commission observed that the new Scheme does not appear to have recognized the changed scenario in rural areas where SC and other community landless/ marginal farmers travel to inland areas for work and return or else migrate for a few months. Further, the latest census input needs to be consulted while drawing up revised guidelines for dealing a realistic and useful strategy. After detailed discussions, the Commission decided that MoSJ&E may be requested to consider the above observations of the Commission before further processing the proposal.

XLIII	Draft Note for Cabinet Committee on Skill Development for revision of National Policy on Skill Development (NPSD), 2009
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6.3.154 Ministry of Tribal Affairs, vide letter No. 14011/09/2013-SG-II dated 27/08/2013, with reference of Ministry of Finance latter No. 43001/01/2013-NSDA dated 13/08/2013, have sought comments of the Commission on the Draft Note for the Cabinet Committee on Skill Development for revision of National Policy on Skill Development (NPSD), 2009. The Commission noted that the NPSD envisages a key objective to ensure that the skill needs of the disadvantaged and marginalized groups like SCs, STs, OBCs, Minorities, Women and differently-abled persons as well as those living in difficult geographical pockets are appropriately taken care of. Considering the objective of the Scheme, the Commission recommended further processing of the proposal.

XLIV	Draft Note for the Cabinet on the 'Revival Plan for A&N Islands forest and Plantation Development Corporation Ltd. Port Blair, a Central Government undertaking through Transfer of ownership from the Ministry of Environment and Forest, Government of India to the A&N Administration'
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6.3.155 Ministry of Tribal Affairs, vide letter No. 17014/1/2013-SG-II dated 23/08/2013, with reference of Ministry of Environment & Forests latter No. 2-5/2003-SU(Vol.VII) dated 30/07/2013, have sought comments of the Commission on the Draft Note for the Cabinet on the revival plan for A&N Islands forest and Plantation Development Corporation Ltd. Port Blair- a Central Government Undertaking. The revival plan involves transfer of ownership from the Ministry of Environment and Forest, Government of India to the A&N Administration. The Commission noted that the proposed Plan, which includes transferring the ANIFPDC Ltd. to A&N Administration, will help create better employment opportunities for local people in A & N Islands through diversification in various fields such as eco-tourism and bulk procurement and marketing in virgin coconut oil. The Commission, therefore, recommended further processing of the proposal.

XLV	Inclusion of "Karbi (Mikir) community residing in the plain area of Assam at Sr. No. 11 in the list of STs"
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6.3.156 The Secretary, NCST informed that the proposal for including Karbi (Mikir) Community in the district of Assam had been considered previously in the Commission and reserved for investigation. The essential basis for this proposal lies in a letter from the Government of Assam vide no. TAD/BC/87/1993/148 dated 5th June 2013 to the Ministry of Tribal Affairs and enclosed Note No. TRI/RC-SC/ST/271/89/90/8 dated 30th April 1992, which is said to be based on a study by the Assam Institute of Research for Tribals and Scheduled Castes conducted in some pockets of Karbi population in the plains district and by the analysis of their situation with reference to the usual five criteria that are used for determining Scheduled Tribe status. The RGI has supported inclusion of Karbi (Mikir) persons residing in the plains area of Assam in the list of Scheduled Tribes of Assam.

6.3.157 The Secretary, NCST further referred to the documentation sent by the Government of Assam and mentioned that it was crucial to note that it referred to lack of information in the Census conducted in 1971 on the distribution of population of Karbi community persons across Assam. During discussions with the Chief Secretary on their actual distribution, it is learnt that they are found all over the State including the North Eastern districts of Assam. In a note downloaded from NIC, the history of migration of this community and their settlement across Assam suggests a very wide distribution and corresponds to their present status. Therefore, current Census information of regional distribution is important to take a view on this matter. In a related issue arising from the demand of Bodo Kacharis for inclusion of Bodo Kacharis of hills domain council areas in the list of Scheduled Tribes, the Commission did not support inclusion as it was not convincing and realistic in various respects. The Commission had also drawn the attention of the Ministry of Tribal Affairs to the procedure to be followed by the Governor of Assam in respect of claims which impinge on the decision and on various benefits to people. It is, therefore, crucial to a decision for inclusion that a thoroughly analysed proposal covering issues of developmental and political safeguards supported with current data on population and other demographics, is prepared rather than one which focuses arguments on the five criteria for inclusion and which refers vaguely to lack of data in the 1971 Census, already more than 40 years old.

6.3.158 The Chairman, NCST observed that the Commission had the express mandate to ensure to tribals the developmental and protective safeguards including political safeguards provided in the Constitution. Secretary, NCST pointed out that the Commission has, in its Special Report at para 2.2.4 (iii), extracts from the Constitution in Article 330 which reserves seats in the Lok Sabha for the autonomous districts of Assam. Article 332 reserves seats in the Legislative Assembly and excludes non Scheduled Tribes of an autonomous district from election to the Legislative Assembly. In Article 242 (d), provisions have been made for the election to the Panchayat and for election of Chairpersons to Panchayats. There are also detailed provisions on representation by different tribal and non-tribal communities in the Autonomous Councils.

6.3.159 The Secretary, NCST mentioned that while it is true that the present demand is only for inclusion of Karbis as Scheduled Tribes outside their dominant (autonomous) district, the data provided do not enable any clarity on where these populations actually exist and how it will relate to other demands and other autonomous domains. In consequence, the Commission may need to consider the issue of political safeguards while considering the proposal of each community from Assam for inclusion as Scheduled Tribe in places where they reside outside the dominant (autonomous) district to which perhaps they originally belonged or where the majority of that community resides. For this purpose, the State Government of Assam in consultation with the Governor and the various autonomous Councils should carefully examine the issues of developmental and protective safeguards including of political safeguards. This issue will also arise in the case of Bodo Kacharis which was examined separately by the Commission,

6.3.160 The Commission observed that it appears that consultation with various autonomous councils of Assam is a necessary prerequisite to consider any such proposal or claim along with thorough demographic details and analysis of living conditions, etc. Given the critical role and powers of the Governor in VI Schedule Areas, Governor would also need to be consulted. This process would be required for all such proposals made by the State Government.

6.3.166 The Commission further emphasized that the legal interpretation of the position in the foregoing notes may also need competent and independent examination by legal experts through the Ministry of Law and the Commission would suggest that the Ministry of Tribal Affairs examines these issues first, collect necessary data and makes needed consultations before seeking the views of this Commission.

6.3.161 In this context, the Commission also observed that the proposal shows how it has become the responsibility of this Commission to remind the Ministry of Tribal Affairs of the need for systematic collection and arrangement of all information focusing upon and appurtenant to the issue of inclusion/exclusion in proposals sent to the Commission. The selective presentation of data or opinions on the usual five aspects for inclusion would not suffice as they are part of an overall picture which needs detailed demographic and ethnographic data. The Commission can only decide on inclusion within the context of the overall picture. This aspect has also been affirmed by the Commission in a letter to the Hon^{ble} Prime Minister and Minister of Tribal Affairs in D.O. No. 17/5/inclusion/2013/RU-III dated 11th June 2013 as extracted below:

“In the Sitting, certain deficient areas, which are constraining speedy disposal of proposals have emerged. These pertain to the need for the MTA to review the existing criteria for identification of a community of Scheduled Tribe and finalize corresponding guidelines for examination of such cases with well-defined test criteria and the methodology/ procedure for their application. Along side, the need to create the data-base on economic development, educational development and social development of the ST community and to conduct ethnographic studies for STs have also emerged.”

6.3.162 The Commission, therefore, desired that views of the Commission on the proposal as well as the need to streamline the procedure on dealing with such proposals, as discussed in the Sitting held on 13/06/2012 may be communicated to the MTA.

XLVI	Inclusion of “Bodo Kacharis” in the list of STs of Assam
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6.3.163 The Commission noted that the proposal of the State Govt. of Assam was earlier discussed in the 32nd Meeting of the Commission held on 28/03/2012 (views of the Commission communicated to the MTA vide NCST letter dated 16-17/04/2012) and also in the meeting taken by the Chairperson, NCST on 13/06/2012 with the Secretary, MTA, RGI etc. (Record of proceedings forwarded to the MTA vide NCST letter dated 12/07/2012).

6.3.164 The Commission recalled that the Commission in its 32nd meeting had decided not to support the proposal in view of certain deficiencies for which the MTA was advised to examine the proposal in the light of the Commission's observations. However, MTA, vide letter dated 29/10/2012 with reference to NCST letter dated 12/07/2012, drew the attention of the Commission to the modalities for deciding the claims for inclusion in, exclusion from and other modifications in the Orders specifying the lists of SCs and STs (approved by the Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15/6/1999, further amended in its meeting held on 25/6/2002), particularly to para (C) stating that if any additional information/ justification is required for examination of the proposal, the Commission may take up the matter with the State Govt./ RGI. The Commission took strong objection to the observations of the MTA in the matter which apparently appear to be an attempt to dilute their responsibilities as a nodal point for examination of such cases. It is also not clear from the MTA letter dated 29/10/2012 whether the MTA had proceeded with their interpretation of the prescribed procedure, holding back the views of the Commission on the proposal from communicating to the State Govt. (communicated to the MTA vide letter 16-17/04/2012). There is no reference in para (c) of the modalities prescribed vide letter dated 29/10/2012 and quoted by MTA in defence for their stated position, which dilutes their responsibility as a nodal point for processing such cases. The Commission further observed that the proposal was also being periodically reviewed by the MHA with reference to the implementation of Bodo Accord. Therefore, it is much more desirable for the MTA to promptly and fully communicate the views of the Commission on the proposal to the State Government.

6.3.165 The Commission, further observed that the Govt. of Assam vide letter dated 8/08/2013 addressed to MTA, with a copy to the NCST had only forwarded an Ethnographic Report (undated) prepared by the Assam Institute of Research for Tribals and Scheduled Castes, in respect of Bodo Kacharis without any clarification/ details as sought in the 32nd meeting of the Commission held on 28/03/2012 and communicated to MTA vide letter dated 16-17 April, 2012. The report does not include any data to reflect relative backwardness of the community, compared to the society at large and those living in Karbi Anglong and NC Hills Autonomous Council area and also relating to economic, educational and social development. The observations of the Commission, as contained at Sr.No. (iv) (a) to (d), in Commission's letter dated 16-17 April, 2012, are central to the proposal. The Commission further emphasized that the views of the concerned District Council and State Tribal Advisory Council should also be obtained, perhaps since these kinds of demands are proliferating and these institutions that concern tribals and protect their interests are extremely relevant to such proposals.

6.3.166 The Commission, therefore, desired that MTA should be requested to obtain requisite clarification/ details from the State Govt. The Commission also reiterated its views in the matter as contained in the 32nd meeting of the Commission that in its present form, the Commission does not support the proposal in the absence of requisite clarification/ details.

XLVII	Draft Cabinet Note for the Framework for Implementation of National Health Mission (NHM)
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6.3.167 Ministry of Tribal Affairs in their letter F. No. 20014/7/2013-R&M dated 10/09/2013 have sought the comments of the National Commission for Scheduled Tribes on the Draft Note for the Cabinet on the Framework for Implementation of National Health Mission (NHM) received from the Ministry of Health & Family Welfare in their O.M No. Z-14011/2/2012-NRHM-II dated 30/08/2013.

6.3.168 The Commission noted that the Cabinet approved the proposal to launch the National Rural Health Mission (NRHM) in January 2005 to address the healthcare needs of the rural population. The first phase of NRHM ended on 31st March 2012. The Union Cabinet approved continuation of National Rural Health Mission (NRHM) for 5 years from 1st April 2012 to 31st March 2017 i.e. co-terminus with the 12th Five Year Plan. In the light of experience gained over the years in implementing NRHM, the Framework for Implementation of the NRHM was proposed to be revised building on the Framework developed in 2006 for the first phase of NRHM and incorporating the learning of the past seven years.

6.3.169 Meanwhile, the Twelfth Five Year Plan (2012-2017) document was approved by the National Development Council (NDC) which stated that a National Health Mission (NHM) will be set up which would cover all villages, towns and cities in the country. The NHM is categorized as a Flagship scheme. The Government has therefore proposed to lay down the Framework for Implementation of the NHM (rather than of only NRHM), which would spell out the broad principles and strategies of NHM covering both NRHM and NUHM. NHM would have six financing components: (i) NRHM-RCH Flexipool, (ii) NUHM Flexipool, (iii) Flexible pool for Communicable diseases, (iv) Flexible pool for Non communicable diseases including Injury and Trauma, (v) Infrastructure Maintenance and (vi) Family Welfare Central Sector component.

6.3.170 The Commission further noted that National Rural Health Mission, which is presently in its second phase, will now be a Sub-mission of NHM. On the other hand, NUHM is entering into its first phase of implementation under NHM. There is already an existing Framework for Implementation for NRHM. The NRHM and NUHM framework have distinct strategic approaches to address the specific needs of rural and urban populations. However, an overarching implementation framework for NHM is required for laying out the broad principles and strategic direction. NHM would be the main vehicle for this at the primary health care level up to the District Hospital. The NRHM Framework of Implementation and the Framework of Implementation of NUHM will continue to guide the NRHM and NUHM in so far as they are not inconsistent with any of the provisions of the NHM framework. In view of the above, the draft Cabinet Note on the subject was approved by the Commission.

XLVIII	Draft Note for the Cabinet- Proposal to amend the Parliament (Prevention of Disqualification) Act, 1959.
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6.3.171 Ministry of Tribal Affairs in their letter No.12/13/2013-CP&R dated 26/09/2013, received in the Commission on 01/10/2013, sought comments of the National Commission for Scheduled Tribes on the Draft Note for the Cabinet prepared by the Legislative Department under Ministry of Law & Justice on the proposal to amend the Parliament (Prevention of Disqualification) Act, 1959. Draft Bill to amend the Parliament (Prevention of Disqualification) Act, 1959 so as to exempt Members of Parliament from incurring disqualification on being appointed to statutory bodies etc., under the provisions of any law, for the time being in force, was referred to the Joint Committee on Profit (Fifteenth Lok Sabha). The Committee has agreed with the Draft Bill. The proposed amendment to the Parliament (Prevention of Disqualification) Act, 1959 will exempt the office of the Chairman or Chairperson, Member or Director of a Board, Committee, Commission, Authority, Council or Court of University, Body, Society, Trust (by whatever member of the House of the People or the Council of States on being elected or appointed by the case may be, to such office constituted or established under any law for the time being in force, from incurring disqualification. Accordingly, a draft Note for the Cabinet has been received for comments.

6.3.172 While agreeing to the proposal, the Commission noted that the proposal was to include also the Member of a Commission beside its Chairman or Chairperson. The Commission recommended that the above noted proposal should include the Vice- Chairperson and Members of National Commission for Scheduled Tribes without any condition, as NCST is a Constitutional Commission.

XLIX	Draft Memorandum for Expenditure Finance Committee (EFC) for a new scheme titled “Enhancing Institutional Capacity for Training of Trainers”.
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6.3.173 Ministry of Tribal Affairs in their letter F.No.17014/10/2013-SG-II dated 25/09/2013 has sought the views/ comments of the Commission on the draft EFC Memorandum for a new scheme titled “Enhancing Institutional Capacity for Training of Trainers”, proposed by the Ministry of Labour & Employment in their O.M No. DGET-17(4)-ATI & RVTI-NS(TA)/2012 dated 09/09/2013.

6.3.174 The main objectives of the scheme are:

- To create a pool of trained instructors as per need across the country and required for improving the delivery of quality vocational training.
- To improve participation of disadvantaged section in the pool of trained instructors.

6.3.175 The EFC Memo states that the proposal is to roll out the scheme in the XIIth Plan. The actual operation of the Institutes may start in FY 2016-17 onwards. Land has been identified for setting up some of these institutions in anticipation of the approval & efforts are being made to ensure that land for remaining proposed institutes also gets identified within next six months, so that this does not become a constraint in quick roll out of the scheme. The Commission while agreeing to the proposal contained in the EFC Memo observed as follows:

- (i) The scheme should have a separate chapter highlighting the applicability of the scheme to the Scheduled Areas, Tribal Sub-Plan Areas and the Scheduled Tribes and the benefits likely to flow to them.
- (ii) Well represented number of the Institutes to be set up under the scheme should be located in the areas mentioned in (i) above.
- (iii) Reservation for Scheduled Tribes may be maintained while making appointments to various posts in the above Institutes.
- (iv) Reservation for Scheduled Tribes may also be followed while selecting the trainers. In particular, the trainers identified and trained for placement in tribal areas must be specially sensitized to the skill needs and opportunities available for tribals and to sympathetically interact with them.
- (v) The course content of the training programme should be designed to be relevant to the needs of Scheduled Areas/Tribal Areas and the local / regional Tribal Population and their feasible opportunity structure rather than focus on subjects like DTP which may not find any market. The training should aim at enhancing the skills of the tribals linked to the potential for preparing tribal youth for gainful employment or promote feasible avenues of entrepreneurship.

L	Draft Note for the Cabinet on the Rights of Persons with Disabilities Bill, 2013 to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
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6.3.176 The Ministry of Tribal Affairs in letter F.No. 20025/01/2013-C&LM-I dated 03/09/2013 w.r.t. Ministry of Social Justice and Empowerment, Department of Disability Affairs letter F.No. 16-09/2011-DD-III dated 07/2013 have sought comments of the Commission on a Draft Cabinet Note on the Rights of Persons with Disabilities Bill, 2013 to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

6.3.177 The Commission noted that the proposal is to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PwD Act, 1995). by a new legislation to be moved in Parliament namely, the Rights of Persons with Disabilities Bill, 2013. The PwD Act, 1995 defines disability as blindness, low vision, hearing impairment, loco motor disability, mental retardation, mental illness and leprosy-cured. It defines persons with disabilities as those with minimum disability of at least 40%, as certified by a medical authority. The PwD Act, 1995 provides for education, rehabilitation, employment, non-discrimination and social security for persons with disabilities.

6.3.178 The Commission observed that the PwD Act, 1995 has now been in force for the last 17 years. A number of measures have been taken by the Government towards rehabilitation and development of persons with disabilities. However,

much remains to be done towards their full participation, empowerment and inclusion in the society. Over a period of time, the conceptual and legal understanding of the Rights of persons with disabilities has become clearer. At the international level, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) came into effect on 03/05/2008 and India has ratified this Convention. Being a signatory to the Convention, India has an international obligation to comply with the provisions of the Convention. The PwD Act, 1995 is not fully UNCRPD compliant. Therefore, this Act needs to be replaced and institutional mechanism strengthened thereby.

6.3.179 The Commission further noted that the RPwD Bill, 2013 focuses on the following issues which are generally agreed to be part of a progressive and right based approach for the persons with disabilities:

- i. Definition of person with Disabilities
- ii. Rights of persons with Disabilities
- iii. Problem of accessibility
- iv. Human Resources Development
- v. Legal capacity, support and guardianship
- vi. Reservation in educational institutions
- vii. Reservation in employment
- viii. Strengthening of the Monitoring and Grievance Redressal Mechanism
- ix. Financial Support
- x. Stakeholder participation
- xi. Offences and penalties

6.3.180 The Commission observed that the Planning Commission has allocated an amount of Rs. 32,684 crores to the Ministry of Social Justice and Empowerment as a whole, for various schemes to be undertaken during the 12th Plan. 10% of the allocation which is Rs. 3,284 crores has been earmarked to the Department of Disability Affairs.

6.3.181 After detailed discussion, keeping in view the proposed increase in reservation from 3% to 5% for students with benchmark disability in higher educational institutions and employment in government as well as private sector, the existing reservation rules and reservation rosters may be amended accordingly. The Commission also recommended that for adequate representation of ST persons with disabilities, grouping of vacancies for admission in higher educational institutions and posts in government, semi-government as well private sector, grouping of vacancies/posts may be made by the concerned educational institution and employer.

LI	The proposal for relaxation to provide funds for replacement/reconstruction of Rural roads affected by Natural Disaster as one time dispensation in the State of Utrakhand under PMGSY.
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6.3.182 The Ministry of Tribal Affairs in letter No. 17014/09/2013-SG-II dated 26/09/2013 w.r.t. Ministry of Rural Development letter No. P-17026/4/2013-RC

dated 09/09/2013 have sought comments of the Commission on the proposal for relaxation to provide funds for replacement/reconstruction of rural roads affected by natural disaster as one time dispensation in the State of Uttarakhand under PMGSY.

6.3.183 The Commission observed that the proposal under consideration is to allow the sanction of an amount of 61.61 crore under PMGSY to the State of Uttarakhand as a onetime dispensation for repair or replacement or reconstruction of 310 number of rural roads earlier constructed or ongoing under PMGSY and damaged/washed away as a result of natural disasters as special case. The existing program guidelines of PMGSY do not have such provisions and do not provide for repairs or replacement or reconstruction of rural roads earlier constructed under PMGSY.

6.3.184 After discussion, the Commission decided to recommend the proposal for further processing by the Ministry of Tribal Affairs and Ministry of Rural Development, Department of Rural Development.

LII	Proposal for Inclusion of 'Darlong' Community in the list of Scheduled Tribes in the State of Tripura.
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6.3.185 The Ministry of Tribal Affairs in letter No. 1206/15/2001-C&LM-I dated 21/10/2013 has forwarded a proposal for inclusion of Darlong community in the list of Scheduled Tribes of Tripura State. The Commission noted that the proposal for inclusion of Darlong as a sub-tribe of Kuki has been supported by the RGI for inclusion in the ST list of Tripura. The RGI in its report has mentioned that Darlong is one of the main sub groups of the Kuki tribe. Some 41 exogamous clans are reported among this group. Many of these clan names are common across the Kuki tribe. Even though they are stated to be a predominant major sub-tribe of Kuki, Darlong has not yet been notified as a sub entry under the Scheduled Tribe Kuki.

6.3.186 The Commission also observed that the Secretary, TW Department, Government of Tripura in letter No. F.4-(70)/TW/R-Cell/98/5024 dated 17/06/2013 addressed to Ministry of Tribal Affairs has intimated that the Council of Ministers, State Government of Tripura in its Meeting held on 16/11/2002 has approved the proposal for recognizing of Darlong community as a separate tribe under Kuki. However, the following deficiencies have been observed by the Commission in the proposal:

- (a) Only a report of the Committee to examine the representation for inclusion of Darlong tribe separately in the list of STs of Tripura has been forwarded by the State Government along with the proposal and no ethnographic study report has been forwarded.
- (b) The views of the Tribal Council (TTAADC) and of the Governor have also not been forwarded.
- (c) Size of population of Darlong community has not been mentioned in the proposal and no area/location of Darlong community has been specified.

(d) The report does not include any data relating to backwardness of the community compared to the society at large and those living in Tripura and also relating to economic, educational and social development that would distinguish this group and support their inclusion as a Scheduled Tribe of the State.

6.3.187 After discussion, the Commission recommended that MTA should be requested to obtain requisite clarification/ details from the State Government of Tripura. The Commission does not support the proposal in the absence of requisite clarification/ details.

LIII	Draft Scheduled Castes Sub Plan Bill, 2013.
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6.3.188 The Ministry of Tribal Affairs in letter No. JS(A)/MTA/2013/5682 dated 05/11/2013 has forwarded a copy of the draft Scheduled Castes Sub Plan Bill, 2013 and sought for the comments of the Commission on the draft Bill.

6.3.189 After discussion the Commission recommended the proposal for further processing by Ministry of Tribal Affairs/Ministry of Social Justice & Empowerment. The Commission also recommended that similar draft Bill should also be prepared for Tribal Sub Plan (TSP) by the nodal Ministry and forwarded to NCST for comments.

LIV	Clarification issued by MTA in letter No.12026/4/200 dated 27/01/2009 with regard to Hindi version of the Scheduled Tribes through the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 notified on 1.10.79- on Scheduled Tribe's Status to the "Nayak", "Koli" etc. Communities of Rajasthan. Another clarification issues in MTA letter No. 12026/04/2009 dated 13/07/2010 on the Synonymous/Phonetic similarity in name of "Dhanak Dhanuk", Dhankia, (S.No.21) as Scheduled Castes: and "Dhanka, Tadvi, Tetaria, Valvi" (entry S.No.4) as Scheduled Tribes in the State of Rajasthan. To further clarification on the similar communities to be discussed.
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6.3.190 Some of the issues tabled for this meeting had already been considered in the 25th meeting of the NCST on 31/3/2011 on complaints that the Director, Regional Office in Jaipur had directly addressed the Ministry of Tribal Affairs in his letter No. 5/1/Raj./2/2005-RU dated 20/07/2009 in violation of the Rules of Procedure of the Commission. The complainants had then alleged mala fides without any documentary evidence and hence, the Secretary had suitably advised the Director of the Regional Office at Jaipur. Following repeated complaints and also a research article in the Economic & Political Weekly on 26/11/2013 (pp.71-75), it was learnt that this Regional office had been directly addressing Government, purporting to be acting on behalf of the Commission, from as early as the year 2005. The initial correspondence was in relation to Nayak, Koli, Dhanka and other communities and later correspondence in 2009 was specifically with reference to Dhanka etc. communities.

6.3.191 In this context and the need to review the situation in the light of new evidence and the Commission's concerns expressed at various points of time on the issue of bogus and false ST certificates, the Commission decided to have a closer examination of the situation of orders, Court decisions and facts that lie with the clarifications issued in MTA letters No. 12026/4/200 dated 27/01/2009 and No. 12026/4/2009-C&LM-I dated 13/07/2010.

6.3.192 In this regard, the Commission also took note of the concerns expressed by the Commissioner of SC and ST in his 28th Annual Report of 1986-87 where it was noted that members of certain Hindu castes tried to identify themselves as ST persons and thereby, fraudulently availed of benefits including by use of phonetic similarities between the names of their communities and those of the STs. The Report detailed instances from across the country. The Report at p.554, para 11 also noted the context in which area restrictions had been removed in the 1976 Act and the anomalies that had resulted.

6.3.193 In the subsequent report of the National Commission for Scheduled Castes and Scheduled Tribes of 1993-94, the Commission observed that the removal of area restrictions in 1976 (effective from 27/07/1977) made with the intention to alleviate hardships to members of those communities in the area where they were ordinarily resident had created other problems of misuse of benefits by certain castes incorrectly posing themselves as a scheduled caste/tribe. The Commission noted ~~the~~ fact, as is clear from the SCs and STs Orders (Amendment) Bill, 1976, the basic purpose of the Bill was to re-adjust community representation in the newly formed Parliamentary and Assembly constituencies. The Commission also noted several such cases of misuse of benefits in different States. In particular, it noted that Dhankia was an SC under the 1956 Order throughout Rajasthan except Ajmer District, Abu Road Taluka of Sirohi District and Sunel Tappa of Jhalawar Distt. where Dhanka, slightly different from Dhankia in pronunciation was declared as an ST. Dhanak in Ajmer Distt. and Dhanuk of Sunel Tappa of Jhalawar Distt were recognized as SC in pursuance of Section 41 of the States Reorganisation Act, 1956 (Act 37 of 1956). The Commission noted that removal of area restrictions by the 1976 Amendment had resulted in issue of false certificates in this case also. It was incidentally observed that some members of Dhanak communities had migrated to Delhi by obtaining certificates as Dhanak, an SC in Delhi, but at the time of promotion, they began to claim ST status as Dhanka from Rajasthan following which the Commission recommended that Govt. of India should review the whole question based on historical and social factors in order to re-impose area restrictions.

6.3.194 It is, in this context, that a decision was taken in the Madhuri Patil case (CA No.5854 of 1994) by the Supreme Court to affirm the principle of affinity as a central criterion for deciding if a person belonged to the ST or not. Even prior to this judgment, the form for issue of ST certificate has been prescribed by the Ministry of Home Affairs in O.M. No. BC-16014/1/82SC&BCD-I dated 06/08/1984 and the certificate required not only identification of name and full address of the applicant but also that of the father or mother of the applicant including their caste

or tribe and their place of ordinary residence. This format of the caste certificate continues today.

6.3.195 Prior to this letter, Ministry of Home Affairs had in its Letter No. BC/12025/2/76-SCI-I dated 22/03/1977 pointed out that the correct interpretation of the term ~~residence~~ was the permanent residence of a person on the date of the Presidential notification for that community and the relevant Revenue official (the Competent Authority to issue the certificate) would be the one concerned with the locality relevant to the permanent abode of that applicant's community. Therefore, the Revenue Official of one district would not be competent to issue a certificate for persons belonging to another district. The Commission, therefore, noted that the facilitation extended by the 1976 Act was only to help certain persons of these notified tribes who had been living outside the notified area at the time of notification and not to include/exclude other communities, allow for phonetic similarities, and expressly to ensure that the affinity principle applies to these left out persons who were part of the larger tribal community who satisfied the earlier area restrictions.

6.3.196 The National Commission for Scheduled Tribes had also occasion to observe adversely including in its Annual Report (to be tabled before Parliament) on the need to restrict the issue of false/bogus certificates and the expeditious introduction and review by the Caste Scrutiny Committees that were put in place by several States consequent upon the judgment of the Supreme Court in the Madhuri Patil case. The Commission has also noted that despite its urgings, the problem has expanded considerably. In this context, attention of the Commission has been drawn to the decision of the Supreme Court in Directorate of Tribal Welfare, Govt. of AP in 1995 AIR 1506, 1995 SCC (4) 32 decided on 18/04/1995 which placed the burden of proof for tribal status on the applicant for certificate (para 6) and further, specified that only the ~~Native~~ revenue officer could issue such a certificate (para 6) by which it intended that the officer of that locality/district relevant to the applicant and the tribe could issue such a certificate. Attention was also drawn to a case decided by the Full Bench of the Bombay High Court in its Civil Appellate Jurisdiction (WP No. 5028 of 2006) decided on 7th May, 2009, which re-affirmed the need to prove affinity as set out by the Supreme Court in the Madhuri Patil case but also delineated the procedures required to be followed by the Caste Scrutiny Committee and importantly, affirmed that the onus of proof for demonstrating affinity lay upon the applicant for ST certificate. Considering these matters, the Commission has now decided to examine the issue of the application of the SCs & STs Orders (Amendment) Act, 1976 and its implementation.

6.3.197 The Commission noted that the SC & ST Order (Amendment) Act, 1976 which became effective from 20/07/1977 enunciated in its Statement of Objects and Reasons tabled in Parliament on 12/05/1976, that restrictions to certain areas for some communities had been causing difficulties to genuine members of these SC/ST communities in the areas where they had not been so specified and the Bill, therefore, sought to generally remove these area restrictions to facilitate members of these communities. The objects were the tribal communities so notified in previous Presidential Notifications. While the Bill

makes no mention of any inclusion or exclusion and, even the recommendations of the Joint Committee on the SC & ST order (Amendment) Bill, 1976 for exclusion of certain communities were not taken up in that Bill. The Govt. also stated that with the removal of the area restrictions for these castes and tribes, and to safeguard their reservations in terms of Legislative/Parliament seats, the Census authority was required to re-estimate the population for the purpose of re-allocating the reserved constituencies. It was for this purpose that financial provisions had been made to support the Census authority's task of re-estimation. These clearly reveal an intention to make marginal adjustments for previous errors and not for wholesale increase in population sizes. The Act itself reflected these objects in aiming to re-adjust the representation of Parliamentary and Assembly constituencies as necessitated by such inclusion or exclusion. In Section 5 (2) (a), the Act prescribes that where in **any locality in a State specified in relation to any caste or tribe in any of the parts of the Schedules to the Orders referred to in the said section is varied so as to specify a larger area in relation to such caste or tribe, the Census Authority shall take into account the population figures of the caste or tribe as ascertained in the last Census and in any previous Census wherein the population figures of the caste or tribe in respect of the increased area had been ascertained and determine the population of that caste or tribe as on the 1st day of April, 1971 by increasing or decreasing such figures by the proportion in which the general population of the State or, as the case may be, the division, district, taluk, tehsil, police station, development block or other territorial division in relation to which such caste or tribe has been specified by the said amendments has increased or decreased between the previous census aforesaid and the last census."**

6.3.198 The Commission noted that the Act itself provided a specified and detailed direction to the Census authority on the mode of collection of data and specified that they should determine the population of that caste or tribe as on 01/04/1971 and in that context referred to the caste or tribe in the previous order of 1950 as amended in 1956. Therefore, the families omitted by the area restriction of the previous orders but who had been enumerated as ~~the~~tribes in previous censuses, would be now estimated by inflating their previous population by the relevant population growth and figure of that locality. Unfortunately, as it turned out, although proportionately was to be maintained with the general population, the influx of bogus claimants inflated these reserved categories. The Commission observed that there can be no misunderstanding of the purposes and contents of the Act and reference to the Objects and Reasons only clarifies its intentions more accurately.

6.3.199 The Commission also noted the contents of the circular issued by the Ministry of Home Affairs in 1977. This circular was also adopted while issuing clarifications by the Ministry of Tribal Affairs in their letter No.12026/4/2009-C&LM-I dated 13/07/2010. This communication required proof of residence not only in terms of the ordinary place of residence but also by way of a relationship to the place of residence from which migration had allegedly occurred and which would entitle the individual to obtain an ST certificate under the 1950 order as amended in 1956. The Commission observed that the Supreme Court judgment

in the Madhuri Patil judgment on need to prove affinity was consistent with and flowed directly from this nuanced interpretation of the term 'place of residence' and the MHA circular was consistent with this position. As the Supreme Court noted in the Madhuri Patil case (para 9), 'the Scheduled Tribes are inhabitants of intractable terrain regions ' away from the mainstream ' traditional moorings and customary beliefs and practices, ' governed by their own customary code of conduct ' rich cultural heritage, mode of worship and cultural ethos.' Therefore, the place of residence or permanent residence areas of the tribe in question has great sociological significance for the tribe and their identity is closely intertwined with the place of residence. Any other interpretation would, therefore, not be consistent with the nature of the tribe in question. By way of a partial comparison, claims to declaration as a person belonging to a particular Scheduled Caste must necessarily deliberate on the history of untouchability and oppression while in the case of tribes, the sociological point of relevance is different as set out above. As mentioned previously, the Full Bench of the Bombay High Court headed by Chief Justice Swatanter Kumar, Justice V.C.Daga and Justice Dr. D.Y. Chandrachud (WP No. 5028 of 2006) not only set out procedures for the Caste Scrutiny Committee but also placed the burden of proof upon the applicant for ST certificate.

6.3.200 Therefore, the Commission is of the view that there seems to be nothing inherently wrong in the conclusions communicated in the circulars issued by the MTA in their letters No.12026/4/200 dated 27/01/2009 and No.12026/04/2009-C&LM-I dated 13/07/2010 in respect of specified communities from the State of Rajasthan. In point of fact, the Commission observed that the clarifications would have wider implications for other communities in that State and across the country which have made unwarranted claims for ST status as had been pointed out by the Commission for SC & ST in 1986-87, by the National Commission for Scheduled Castes and Scheduled Tribes in its Annual Report 1993-94, and by the National Commission for Scheduled Tribes during its tours and meetings.

6.3.201 The Commission took note of the fact that certain members of the Nayak, Koli etc. communities have filed a case before the Jodhpur High Court in W.P.No. 12891/2013 in which the MTA and NCST were cited as respondents. The Commission continues to emphasize that as an advisory body, NCST should not be cited as respondent in such cases. Further, some members of the Dhanak etc. community who had claimed ST status had also filed a WP before the Jaipur High Court (WP 8623 of 2010). Therefore, it would appear that the matter was sub-judice. The Commission agreed with the view that the matter was under examination by the Court but it was the duty of the Government Counsel concerned in the case to place the Government's concerns and interpretations before the Hon'ble Courts to enable them to take a comprehensive view on the matter by reference to decisions of the Supreme Court and exemplary judgments from High Courts across the country. Therefore, the Commission decided to advise the MTA on its views so that the cases can be appropriately and effectively defended and benefits that should flow to genuine STs are not taken away by bogus certificate holders who are naturally more capable of taking advantage of environmental and economic opportunities than the extremely

backward sections of society who comprise the STs including the primitive tribal groups.

6.3.202 With regard to the letters issued by Shri Somawat, former Director, Regional Office, Jaipur, the Commission noted that this officer had sent a letter to the Chief Secretary, Rajasthan in his reference No. 5/1/Raj./2/2005-RU dated 14/11/2005 in the garb of a routine correspondence relating to various issues of certificates and reservation. He had subsequently taken up and given population statistics for the cases of Dhanak, Tadvi, Valvi, Tetaria and also for Nayaka, Nayakda to support his arguments to deny them ST status. This correspondence had issued without the knowledge of this Commission. He had followed up this correspondence in his letter No. 5/1/Raj./2/2005-RU dated 20/07/2009 arguing against claims by Dhanak, Dhanuk, and Dhankias and pressed the State Govt. to act against issue of certificates to such claimants who he considered were not eligible. He sent reminders to pursue the issue on 22/02/2006, 22/03/2007 and 17/09/2009. He also addressed the Secretary, MTA in his letter No. 5/1/Raj./2/2005-RU dated 22/03/2007 on the case of Nayaks and again in his letter No. 5/1/Raj./2/2005-RU dated 20/07/2009 on the issue of Dhankas. None of this correspondence was brought to the attention of the Commission by the officer. The MTA in its clarifications addressed to the Govt. of Rajasthan on the issue of Nayak, Koli etc. had referred to a letter received from the State Govt. and marked a copy to the Regional Office of NCST with reference to its letter. In the subsequent clarification from MTA on 20/07/2009, the clarification is stated to be based on a letter received from the Director, NCST from its Regional Office, Jaipur. Considering that this issue including that of Dhankas had been a matter for consideration in the Commission in its various avatars from 1986 onwards following the problems raised by the Act of 1976, the Commission observed that the Director had no business to intervene in the manner he did without routing the correspondence along with his view for the prior consideration of the Commission. However, since any further action would require an examination of the circumstances and the fact that the officer has already superannuated from service, the Commission left it to the Secretary to decide on the need and scope of further disciplinary action against the former Director including for consideration of the issue of mala fides, if actually involved in the matter, or of any attempt made to misuse his official position with ulterior motives.

LV	Fulfillment of mandatory consultation by State & Government Department of the Government of India with National Commission for Scheduled Tribes
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6.3.203 The National Commission for Scheduled Tribes has been often urging the Government of India to ensure that all Ministries in the Government of India fulfill their Constitutional mandate to consult the National Commission for Scheduled Tribes before seeking the orders of the Cabinet on Policy issue. The Commission has been insisting that these consultations should be meaningful and the views of the Commission should be reflected entirely while placing the issue before the Cabinet without any editing or any other means of reduction.

6.3.204 Following discussions, the Cabinet Secretary had issued orders in Lr No.1/3/2/2012-Cab dated 16.02.2013 directing all Secretaries to Government of India to refer their Policy notes, prior to submission to the Cabinet, to the National Commission for Scheduled Tribes through the Ministry of Tribal Affairs.

6.3.205 The Commission observed that some Ministries failed to send their Policy Notes or Legislation Proposals despite these specific instructions from the Cabinet Secretary and various pleas of non-application were offered and had been peremptorily rejected as incorrect by the Law Ministry when consulted. In many of the cases, the proposals have been forwarded by the Ministry of Tribal Affairs after months of delay and even years. In such cases, therefore, when the Cabinet note was seen by the Cabinet two weeks after issue of this reference through the Ministry of Tribal Affairs, the Commission had barely any knowledge of the existence of such a note. Therefore, notwithstanding the reference having been made to the Ministry of Tribal Affairs, it may be legally construed that the concerned Administrative Ministry that had prepared the Cabinet note had not fulfilled its constitutional mandate and the delay in intermediation by the Ministry of Tribal Affairs was of no avail in excusing the constitutional lapse which continued to lie with the Administrative Ministry concerned.

6.3.206 Further, in some cases, it was noted by the Commission, that the Ministry of Tribal Affairs sometimes sent only its own comments without attributing any views to the Commission or else incorporated the Commission's views within its comments, neither consequence of which will fulfill the constitutional mandate set for the concerned Administrative Ministry.

6.3.207 Earlier this year, the Commission modified that system of reporting to send comments directly to the administrative Ministries concerned so as to avoid editing and delay by the Ministry of Tribal Affairs. However, the initial delay and the need for placing views of the Commission before the Cabinet was often not fulfilled for the reasons mentioned earlier.

6.3.208 Further, in some cases, the Administrative Ministries formulated policies/proposals which were subsequently referred by the Cabinet to a Group of Ministers constituted under the Terms of Business of the Cabinet Secretariat. This Group of Ministers, as opposed to an Empowered Group of Ministers, was authorized to investigate and consider the issue before reporting to the Cabinet again through the medium of the Administrative Ministry which would provide the secretariat for the purpose. In some of such cases, the original proposals came to be completely altered after the review by the Group of Ministers. In such cases, the constitutional mandate would clearly again intervene and mandate consultation with the National Commission of Scheduled Tribes so that the revised proposals could be considered by the Cabinet along with the views of the Commission since the earlier views may have become quite irrelevant. The Commission has noted that such reformulated proposals following approval by the Group of Ministers are never sent to the Commission and it is considered that this procedure clearly goes against the Constitutional mandate which requires this Commission to provide views with a view to safeguard the interests of the Scheduled Tribes and to reflect their concerns.

6.3.209 The Commission for Scheduled Tribes has also noticed that it is very rarely that State Governments consult the Commission before introducing policies that have a bearing on the needs and concerns of the Scheduled Tribes, even in States with large numbers of Scheduled Tribes.

6.3.210 Under the circumstances, the Commission is of the view that the matter should be taken up with the Cabinet Secretary to ensure that the Administrative Ministries and similarly, the States, fulfill their constitutional mandate by directly sending their proposals giving at least ten days time for the Commission to formulate its views. The Administrative Ministry should also be directed, on similar lines, to refer proposals that have been finalized in consultation with the Group of Ministers, if appointed in any case by the Cabinet. The Cabinet Secretary may also be requested to advise the State Chief Secretaries appropriately under intimation to this Commission.

6.3.211 The Commission also considered the recent developments on the formation of the State of Telengana and the examination underway by a Group of Ministers. Considering the previous experience of Scheduled Tribes in the bifurcated states of Bihar/Jharkhand, Madhya Pradesh/Chhattisgarh, and Uttar Pradesh/Uttarakhand, and the previously recorded views of the Commission on this matter, the Commission authorized the Chairman to convey its views to the Cabinet Secretariat so that the concerns of the Scheduled Tribes may be advised to the Cabinet when the matter is discussed.

LVI	Memorandum for Expenditure Finance Committee – Improving the planning and implementation of all anti- poverty programs in Jammu & Kashmir through Halqa (village) Panchayats as part of National Rural Livelihoods Mission (NRLM).
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6.3.212 The Ministry of Tribal Affairs in letter No. 17014/08/2013-SG-II dated 09/09/2013 w.r.t. Ministry of Rural Development, Department of Rural Development letter No. J.11011/04/2013-RL dated 26/08/2013 have sought comments of the Commission on memorandum for Expenditure Finance Committee . Improving the planning and implementation of all anti-poverty programs in Jammu & Kashmir through Halqa (Village) Panchayats as part of National Rural Livelihoods Mission (NRLM).

6.3.213 The Commission noted that the present proposal is for improving the planning and implementation of all anti-poverty programs in Jammu & Kashmir through Halqa (village) Panchayat as part of NRLM scheme. National Rural Livelihoods Mission (NRLM) is a continuing scheme. The proposal provides for an untied grant of Rs. 10 lakh per Panchayat every year covering all the 4098 Halqa Panchayats which have an average population of 2700 with about 500-550 families. The estimated cost for a five year period is Rs.2049 crores out of which Rs. 1639.20 crores would be incurred during 12th Five year Plan and Rs. 409.80 crores during the 1st year of the 13th Five Year Plan.

6.3.214 The Commission observed that its visits to the State had revealed considerable deficit in the support extended to the scheduled tribes of the State,

more so of the nomadic kind. The inequity in their participation may then lead to lesser allocation to their needs and priorities which may not be resolved by delegating the responsibility for planning to the Panchayats without a mechanism to monitor the design of programmes and the flow of funds to these deprived groups of tribals. Keeping these aspects in view, and after discussions, the Commission decided to recommend the proposal for further processing by the Ministry of Tribal Affairs and Ministry of Rural Development to ensure that the plans reflected and took account of ground level realities that converge programme design, aims and field implementation.

LVII	Registration of Society name and use of “Bharat Entrepreneurs in Scheduled Tribes Chamber of Commerce”
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6.3.215 Ministry of Food & Public Distribution in O.M. No. 23/7/2013-IT dated 04.05.2013 have sought the comments of the Ministry of Tribal Affairs on the above subject The draft OM has been referred by the MTA to this Commission for its views/ comments in their letter No. 15/7/2013-CP&R dated 23.09.2013.

6.3.216 The Commission noted that one Shri D. Shankar Rao, President of a Society has submitted an application to register an Association in the name of %Bharat Entrepreneurs in Scheduled Tribes Chamber of Commerce to Government of Andhra Pradesh. The copies of Memorandum of Association, Rules and Regulations have also been furnished along with the application. The Principal Secretary, Govt. of Andhra Pradesh, Revenue Department, in their letter No. 15827/Regn.II (2)/2013-1 dated 23.05.2013 addressed to the Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi has sought views of the Government on the application seeking registration of Society name and use of %Bharat Entrepreneurs in Scheduled Tribes Chamber of Commerce+. The application has been referred to the Government as the Society proposes to use the word %Bharat+in its name. The Commission was of the view that there were perhaps already directions within Government barring private entities from assuming titles or names that suggested Government ownership or control. The Commission accordingly advised caution since robust systems were needed to guard tribals from being deceived by private entities.

LVIII	Administrative and budgetary matters affecting the functioning of the National Commission for Scheduled Tribes
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6.3.217 The Chairperson inquired of the status of budget allocation. The Secretary advised the Commission of his attendance at the meeting of the Dept of Expenditure and the funding promised. On enquiry, the Joint Secretary, MTA said that the finalized figures were still to be received. On the need for cars for the Members, the Secretary reiterated the budget constraint faced. Chairperson emphasized the importance of providing a vehicle for the Vice Chairperson and Members to travel to and from office in keeping with the status and dignity of the Commission. Since MTA had still not finalized the taxi tender proposals of the Commission for nearly six months, the Commission itself may consider taking up and finalizing a reliable supplier and meanwhile, arrange taxis adopting Ministry

of Tribal Affairs, existing supplier/ rates to meet needs of the member. He said various concerns of Members would be discussed by him in a separate meeting so that suitable solutions could be evolved.

6.3.218 With regard to the petitions received on grievances of Scheduled Tribes, the Chairperson referred to feedback received by him that the complaints were being forwarded to unrelated authorities which, therefore, proved unhelpful and did not permit effective follow-up. He advised senior officers to specify the authorities in the representation or at the initial stage so that results would emerge quickly. An important aspect was to ensure a copy to the petitioner mentioning authorities addressed so that in case of error, the petitioner would respond immediately and effectiveness of intervention would get enhanced.

6.3.219 The Chairperson observed that prompt action on representations in accordance with guidelines and office procedure was critical to the effectiveness of the Commission. To this effect, he desired regular review and action to reduce file pendency; He desired that minutes of meetings, hearings, sittings and Tour reports should be submitted within a day for short meetings and within a week for longer meetings and tours. It was also decided that permission of the concerned Member or Chairperson should be obtained for seeking further time for submission of minutes/ reports.

LIX	Draft Panchayats (Extension to the Scheduled Areas) (Amendment) Bill, 2013
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6.3.220 Ministry of Tribal Affairs in their letter No.18014/7/2013-C&LM-II dated 16/12/2013 have sought the comments of the National Commission for Scheduled Tribes on the Draft Panchayats (Extension to the Scheduled Areas) (Amendment) Bill, 2013-comments received from the Ministry of Panchayati Raj in their O.M. No. N-11012/11/2011-PESA dated 02/12/2013.

6.3.221 The Commission noted that Special provisions relating to functioning of Panchayats in the Scheduled Areas of the country were incorporated in the Constitution by the Panchayats (Extension to the Scheduled Areas) Act, 1996. The Ministry of Panchayati Raj, in its proposal has stated that: "In spite of the critical importance of implementation of PESA and the efforts made by Ministry of Panchayati Raj, certain deficiencies remain. These include:

- a. Six out of nine States have not framed appropriate rules under PESA. Response to adoption of the draft model PESA Rules has been inadequate. As a result modalities for implementing the Act have not been defined clearly.
- b. State subject laws relating to mines and minerals, forests, land acquisition etc. are not PESA complaint. In spite of repeated urging by MoPR, appropriate action in this regard has not been taken
- c. Some sections of the PESA Act have been interpreted contrary to the aim & object of the ACT.

For ensuring proper implementation of PESA Act, the above deficiencies need to be addressed. Ministry of Panchayati Raj has also received certain recommendations to amend the provisions of the Act from the National Advisory Council (NAC). After detailed consultations, it has been thought appropriate to amend the PESA Act. Accordingly, a draft Panchayats (Extension to Scheduled Areas) (Amendment) Bill, 2013 has been prepared.+

6.3.222 In view of above the Ministry of Panchayati Raj has proposed to amend Sections 2 and 4(i), repeal existing Section 5 and insert new Sections 5,6 and 7 in the original Act. Commission noted that amendment of Section 2 relates to addition of definition of certain terms while amendment of Section 4(i) relates to the procedure for taking consent of the Gram Panchayat (without any cap regarding extent of majority decision) in the matter of land acquisition. It is noted that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for seeking consent of 70% to 80% of the persons before acquiring land for different purposes and also has special provisions in relation to Scheduled Areas. The latter provision being more favourable for the tribals and the Scheduled Areas, the amendment to the PESA, 1996 being taken up after implementation of the above Act must consider the provision which is more favourable.

6.3.223 Commission further noted that contents of the proposed new Section 7 also require refinement and the same may be replaced as follows:

Proposed:

7. Any Union or State subject Acts along with rules and procedures thereunder dealing with subjects covered under this amendment Act, shall be null and void to the extent that they contravene this Act, unless brought conformity within one year of the date of effectiveness of this amendment taking effect.

Suggested by NCST

7. Any Union or State subject Acts along with rules and procedures there under dealing with subjects covered under this Act, shall be null and void to the extent that they contravene this Act, unless brought into conformity within one year of the date of effect of the first amendment of this Act as may be notified by the Government.

6.3.224 After detailed discussion, the Commission agreed to the Amendment of the PESA Act, 1996 subject to the observations made above.

LX	EFC Memorandum for Building, Equipment and Establishment of Additional RVTIs for Women.
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6.3.225 Ministry of Tribal Affairs in their letter No.17014/14/2013-SG-II dated 29/11/2013 have sought the comments of the National Commission for Scheduled Tribes on the EFC Memorandum for Building, Equipment and

Establishment of Additional RVTIs for Women received from the Ministry of Labour & Employment in their No. DGET-P-11016/4/2013-WT dated 26/11/2013.

6.3.226 The scheme of Building, Equipment and Establishment of Additional RVTIs for Women was approved in 11th Five Year Plan Period and further continued in the 12th Plan Period. The Ministry of Labour and Employment, DGE & T has proposed to add nine more RVTIs in States where there is no RVTI for women. Regarding justification of the proposal, it is stated that the women's access to employment is to a significant extent related to their access to education and vocational training. The Regional Vocational Training Institutes provide skill training facilities exclusively to women in various trades to help them get wage/self-employment. These are the only Central Government Institutes that extend vocational training facilities exclusively to women. The training programme at RVTIs assist in empowering women, improving their conditions accompanied by advancement in their position and helping them in contributing towards the country's economy. The National Skill Development Policy also focuses on creating opportunities to acquire skills especially for women, youth and disadvantaged groups and has recommended for expansion of outreach, equity and access of Vocational training for women.

6.3.227 The Commission noted that 7 RVTIs were currently existing at Panipat (Haryana), Jaipur (Raj.), Allahabad (UP), Kolkata (WB), Tura (Meghalaya), Vadodara (Guj.), and Indore (MP). Out of Nine additional RVTIs one each is proposed to be established in the States of Tamil Nadu, Uttarakhand, Delhi, Bihar, Punjab (Ludhiana), Himachal Pradesh, Tripura, Goa, Jammu & Kashmir. However, actual location of the proposed RVTIs is not mentioned. There is also no mention about the number of ST women benefitted so far and those likely to be benefitted through the proposed additional RVTIs.

6.3.228 In view of the extreme backwardness of the Scheduled Areas, the tribal people are much behind the general population in terms of education as well as economic empowerment. Thus the requirement of poor and weak tribals and the backward Scheduled Areas has to be kept in view while framing any programme or policy for empowerment of the people. DGE & T should ensure incorporating in the EFC memo the information about (i) location of RVTIs in Scheduled Areas/ Tribal Areas (ii) the quantum of benefits reached so far to the Scheduled Tribe Women under the scheme and (iii) the targeted ST women beneficiaries by the proposed 9 additional RVTIs. The DGE & T should also ensure that Scheduled Tribe women get their due representation in admissions to various vocational courses run by the RVTIs and also in appointments and promotions to various posts and services sanctioned for these RVTIs as per Reservation Policy of the Government. Keeping in view the objective of the scheme, Commission agreed to the proposal subject to the observations made above.

LXI	Identification of Scheduled Tribes in UT of Puducherry.
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6.3.229 Ministry of Tribal Affairs in their letter No.12016/7/2013-TA(RL)/C&LM-I (Part-II) dated 07/11/2013 have sought the comments of the National Commission for Scheduled Tribes on the Identification of community of

Scheduled Tribes in UT of Puducherry, received from the Ministry of Home Affairs vide their D.O. No.8/1/2004-SS(Puducherry) dated 21/06/2013.

6.3.230 The commission noted that the Ministry of Tribal Affairs had forwarded a copy of the Social Welfare, Adi-Dravidar Welfare, Women & Child Development Department, UT of Puducherry letter No. B-23039/34/1991/Wel.SCW.II dated 19.01.2012 containing proposal for inclusion/ identification of five communities namely (i) Irular (including Villi and Vettaikaran), (ii) Kattunayakan, (iii) Malaikuravan, (iv) Yerukkula and (v) Kuruman in the UT of Puducherry. As per the approved modalities, the recommendation along with justification furnished by the UT Administration of Puducherry was referred by the Ministry of Tribal Affairs to the Registrar General of India for comments/views.

6.3.231 The Registrar General of India, vide their D.O. letter No. 8/1/2004-SS(Puducherry) dated 21.06.2013 has furnished the comments. The Office of the RGI has supported the proposal for identification and notification of Irular (including Villi and Vettaikaran) only as Scheduled Tribe in Puducherry and not supported the identification of other communities namely, Kattunayakan, Malakkuravan, Yerukkula and Kuruman as Scheduled Tribes for the UT of Puducherry. The Commission noted that the RGI has examined the proposal taking into account the details contained in the Ethnographic Report furnished by the Puducherry Government on the proposed five communities as well as the information contained in the published literatures. The RGI has stated that persons belonging to Irular Community of the UT have been found still having their tribal characteristics in their economy, material traits, religious activities, traditional community Council etc. as conveyed in the dependable published report received from the UT Government and other sources. Regarding other communities proposed for inclusion in the list of Scheduled Tribes, the RGI in their note has specifically remarked as mentioned below :-

- Malai Kuravan - Recent migrants from other States
- Yerukula - Migrant population from Andhra Pradesh State
- Kuruman - Already specified as Scheduled Castes in the UT of Puducherry
- Malai Kuravan - ST migrants from other Southern States.

6.3.232 The Commission noted that the proposal of the UT of Puducherry relied upon the report of the University of Pondicherry. The report does not indicate the period when the study was conducted and the purpose for which it was conducted. As the study was not conducted at the instance of the UT Government for formulating the proposal for inclusion and also because it does not examine their presence in reference to the census figures on migration, nativity etc., the Commission could not extend credibility to the study report. Since the report discloses shortcomings in terms of data examined, population migration, anthropological studies and legal aspects, the Commission decided that a team from the Commission may visit the UT of Puducherry; particularly the specific areas inhabited by the communities included in the proposal and submit

a report to the Commission for consideration. The Ministry of Tribal Affairs may be informed accordingly.

LXII	The Andhra Pradesh State Commission for Scheduled Tribes Bill, 2013-received for the consideration of the President of India.
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6.3.233 Ministry of Tribal Affairs in their letter No.17019/5/2013-C&LM-I dated 16/12/2013 has sought the comments of the National Commission for Scheduled Tribes on the Andhra Pradesh State Commission for Scheduled Tribes Bill, 2013 received from the Ministry of Home Affairs along with their O.M. No.17/19/2013-Judl & PP dated 29/11/2013. The Bill is stated to have been received in the Ministry of Home Affairs for the consideration of the President of India.

6.3.234 The Commission noted that the proposal of the State Government was to replace the existing Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes by two separate State Commissions for Scheduled Castes and Scheduled Tribes respectively on the lines of replacement in 2004 of the then National Commission for Scheduled Castes and Scheduled Tribes by two separate Commissions namely, National Commission for Scheduled Castes and National Commission for Scheduled Tribes respectively vide the Constitution (89th) Amendment Act, 2003. The Commission was informed that the State Government had earlier sought advice/ suggestions from the National Commission for Scheduled Tribes before drafting the proposed Bill regarding composition of the proposed State Commission for Scheduled Tribes and the NCST had made suggestions to the State Government vide Commission's letters No. 17/01/13-Coord dated 10/07/2013 and 06/08/2013 and now the State Government had forwarded the draft Bill for comments/ advice formally. Section-wise position is discussed in the following para.

Section 5 and 6

The Commission noted that the suggestion made by the Commission has been incorporated in Section 5 of the draft Bill. It was however, noted from the provision relating to composition of the State Commission that appointment of Chairman and members is proposed to be made by the Government and not by the Governor of the State. To assure continuity of functioning of the Commission irrespective of the change in Government, the Chairman and members of the State Commission may be appointed by the Governor of the State. While Section 8 mentions that the salaries and allowances payable to the Chairman and Members should be commensurate to the Status and dignity of the office there is no mention in the Bill about the status and rank of the Chairman and Members of the State Commission. The Commission, in line with the service conditions of National Commission for Scheduled Tribes, suggested that the status and rank of the Chairman may be that of a Cabinet Minister in the State Government and Members may be given the status of Secretary to the State Government. The provision relating to women Members also needs to be clarified so that a woman Member may belong to any of the three areas prescribed for the Members. Therefore, provision relation to

appointment of Chairman and Members belonging to the Scheduled Tribes and appointment of two women members out of five members may be re-written for clarity purpose in Section 5 (1)(a) and(b) of the draft Bill as mentioned below:

Proposed sub-Sections 5 (1)(a) and (b) in the Bill

(a) a Chairperson shall be an eminent person belonging to Scheduled Tribe preferably from Scheduled Areas to be appointed by the Government; and

(b) not more than five members to be appointed by the Government from amongst persons of ability, integrity and having outstanding record of selfless service to the cause of justice for the Scheduled Tribes belonging to Scheduled Tribes with at least one member form the Primitive Tribe Group, one member from the tribes from the plain area and three members from the Scheduled Areas, and out of which two women members shall be appointed by the Government.

Suggested sub-Sections 5 (1) (a) and (b)

(a) a Chairperson shall be an eminent person belonging to a Scheduled Tribe preferably from Scheduled Areas in the State who shall be appointed by the Governor and shall have the status and rank of State Cabinet Minister; and

(b) not more than five members belonging to Scheduled Tribes, out of which two women members, shall be appointed by the Governor from amongst persons of ability, integrity and having outstanding record of selfless service to the cause of justice for the Scheduled Tribes with at least one member from a Particularly Vulnerable Tribal Group, one member from the tribes from the plain area and three members from the Scheduled Areas and all Members shall have the status and the rank of a Secretary to the State Government.

6.3.235 In view of above, the Commission advised that the word %Government+ where ever appearing in Section 6 be replaced by the word %Governor+so that power to appoint and to remove the Chairman or the Member of the State Commission is vested with the Governor only, who shall be the appointing authority.

6.3.236 The Commission further noted from the statement of objects and reasons attached to the draft Bill that the main objective of establishing the State Commission for Scheduled Tribes is as mentioned below:

%o evaluate the working of various safeguards and to protect the rights and interests of the Scheduled Castes and Scheduled Tribes and to undertake a review of the implementation of the policies pursued by the Union and the State Government with respect to the and Scheduled Tribes and to make recommendations with a view to ensure effective implementation and enforcement of all safeguards under

Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and other laws and the rules

6.3.237 The Commission noted that duties assigned to the State Commission in Section 12 are also on the above line but Section 13 of the draft Bill prescribe for preparation of Annual Report giving full account of its (Commission's) activities and not the working of the safeguards for Scheduled Tribes, as mentioned in the above statement. Therefore, provision in Section 13 relating to the contents of the Annual Report of the State Commission needs to be appropriately amended. Besides, as the appointment of Chairman and Members is suggested to be made by the Governor of the State, the Report may be submitted to the Governor of the State and not the Government as mentioned in Section 13. Further, in the context of provision in Section 13 of the Bill relating to laying of the Report of the State Commission in the State Legislature, the Commission recalled that the recommendations contained in the Annual Reports of the National Commission for Scheduled Tribes have been diluted due to undue delay in laying of the Reports in Parliament and the State Legislature because of the provision that the Report is to be laid along with a Memorandum explaining the action taken or proposed to be taken on its recommendations and the reasons for non-acceptance. The Commission noted that the similar provision relating to laying of the Annual Report of the State Commission in the State Legislature has been kept in Section 13 of the draft Bill. The Commission, therefore, recommended replacing the proposed Section 13 of the Bill by the following:

Section 13: The Commission shall prepare once in every year, in such form at such time as may be prescribed, an Annual Report giving a true and full account of working of the safeguards for the Scheduled Tribes as mentioned in Section 12 of the Act, during the previous years and copies thereof shall be forwarded to the Governor and the Governor shall cause the same to be laid before the Legislature of the State within three months of submission to the Governor, and separately laying the memorandum of action taken/ proposed to be taken on its recommendations and the reasons for the non-acceptance, if any, of such recommendations by the State Government for discussion in the State Legislature within six months of laying of the report.

Section 15: The Commission further noted that provision relating to grants to the Commission made in sub-section 15(1) was in contradiction of the provision in sub-section 15(2). Section 15(2) stipulates "the Commission may spend such sums as it thinks fit for performing the function under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section(1)" while sub-section (1) provides that " the Government shall pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purposes of this Act. The Commission after deliberation advised that the words "Government may think fit" in sub-section 15(1) may

be replaced by the words “Commission may think fit” to make both the sub- sections complementary to each other and the State Commission, which is empowered to regulate its own procedure, is fully capable and financially sound in fulfilling the mandate assigned to it under Section 12 of the Act.

6.3.238 The Commission directed that above views of the Commission may be brought to the notice of the concerned Ministry with a copy to the State Government for advance information.

LXIII	Inclusion of ‘Bhogta’, ‘Deshwari’, ‘Ganjhu’, ‘Dautalbandi’, ‘Dwalbandi’, ‘Patbandi’, ‘Raut’, ‘Maajhia’, and ‘Khairi’ (‘Keri’) synonyms of ‘Kharwar’ community as Scheduled Tribes in the State of Jharkhand.
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6.3.239 Ministry of Tribal Affairs in their letter No.12026/23/2012-C&LM-I dated 03/01/2014 have sought the comments of the National Commission for Scheduled Tribes on the Inclusion of ~~Bhogta~~ ~~Deshwari~~ ~~Ganjhu~~ ~~Dautalbandi~~ (~~Dwalbandi~~, ~~Patbandi~~ ~~Raut~~ ~~Maajhia~~ and ~~Khairi~~ (~~Keri~~) as synonyms of ~~Kharwar~~ community which is already included as Scheduled Tribe in relation to the State of Jharkhand.

6.3.240 As complete details, along with requisite supporting documents/ evidences about the proposal of the Government of Jharkhand was not available, the Commission decided that a team of the Commission may visit the State and the areas inhabited by the persons belonging to the Communities proposed to be specified as Scheduled Tribes and submit a report for consideration of the Commission before furnishing its views to the sponsoring Ministry.

LXIV	Inclusion of “Puran” community in the list of STs in the State of Jharkhand.
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6.3.241 Ministry of Tribal Affairs in their letter F. No.12026/23/2012-C&LM-I dated 16/01/2014 have sought the comments of the National Commission for Scheduled Tribes on the Inclusion of %Puran+community in the list of STs in the State of Jharkhand. The Ministry of Tribal Affairs has forwarded a copy of the proposal received from the Government of Jharkhand and also a copy of the RGI letter dated 8/01/2004 forwarding the views of the RGI on the proposal of the State Government.

6.3.242 The Commission noted from the comments of the RGI that the proposal for inclusion of Puran Community in the list of Scheduled Tribes of Jharkhand State, received and examine in the year 2005, was not supported by the RGI mainly on the ground that the proposed community was synonymous to %BHUIYA+community which is specified as Scheduled Caste in relation to the State of Jharkhand. The RGI has now agreed to include Puran Community in the list of Scheduled Tribes of Jharkhand State on the basis of the following observations:

- a) It is true that Purans live in multi ethnic villages along with members of other castes and tribes. They also reportedly maintain Jajmani (Patron-client) relationship with different occupational castes of the village. Different rites and rituals associated with birth, marriage and death in Purans are performed with the help of Brahman as well as with their caste priest known as Pahan. And they also avail the assistance of different occupational castes such as Nai, Kumhar etc. during marriage and in post death rites. Purans speak their own dialect known as Puran Boli which is an admixture of Oriya, Hindi and Panch Pargania (one of the regional languages of Jharkhand). They also speak Mundari, Hindi and Panchparganiya.
- b) A closer analysis suggests that many plain dwelling tribes like Kisan, Munda, Santhal, Mahali, Bhumij etc. of eastern States have interspersed with Hindu Castes and have close socio-cultural interaction with the later. Still they are enjoying the status of Scheduled Tribes with considerable change in their cultural traits.
- c) The above information and analysis suggest that Purans have distinct culture having traces of some primitive traits noticeable in their rites and rituals, custom of bride price, existence of community priest, folk deities, traditional Political Council, totemistic exogamous clans etc. They fulfill the criteria laid down by the Lokur Committee for identification of a Community as a tribe.
- d) Keeping in view the facts stated above we may support the inclusion of Puran Community in the Scheduled Tribes list of Jharkhand.

6.3.243 The Commission observed that the change in views of the RGI does not relate to the basic characteristic of backwardness of a tribal Community due to geographical isolation. The Commission, therefore, decided that a team of the Commission may visit the State and the areas inhabited by the persons belonging to the Puran Community proposed to be specified as Scheduled Tribe and submit a report for consideration of the Commission before furnishing its views to the sponsoring Ministry.

LXV

EFC proposal for revision of National Service Scheme (NSS)

6.3.244 The Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports vide his DO letter F. No. J-15011/1/2013-NSS dated 8/01/2014 sought the comments of the National Commission for Scheduled Tribes on the draft EFC proposal for revision of National Service Scheme. The Commission was informed that the draft EFS proposal had not been received along with the DO letter and the Department of Youth Affairs had been requested vide Commission's letter No. Policy-1/Youth Affairs/2014/RESEARCH UNIT-I dated 17/01/2014 to provide a copy of the draft EFC proposal to enable the Commission to furnish its views. Since draft proposals had not been received till the date of meeting, it was decided that the draft proposal when received may be circulated and placed for consideration in the next meeting of the Commission.

6.3.245 It was recalled that suo motu action was taken by the Commission on the News Report published in the New Delhi Edition of Times of India dated 01/10/2013 regarding atrocity on a tribal girl employed as a domestic servant in the house of one Mrs. Vandana Dhir at Vasant Kunj, New Delhi. It was recalled that sittings with the Officers of Government of NCT of Delhi and the Commissioner of Police Delhi were also held on 4/10/2013 and 10/10/2013 and their attention was invited towards the judgment of the Delhi High Court in WP(CrL.)No.82/2009, WP(CrL.)No.619/2002, and WP(CrL.)No.879/ 2007 delivered on 24/12/2010 wherein the High Court had issued various directions to the Government of NCT of Delhi and the Delhi police. The judgment inter-alia had asked the police to issue a circular to:

- a) Regulate the functioning of placement agencies.
- b) Ensure proper screening of Domestic worker being recruited by placement agencies by maintaining the register of all such agencies.
- c) Ensure that the agencies enroll applicants on the basis of formal application containing full details including the photographs contact address etc.
- d) Verify domestic workers by the police.

6.3.246 The Principal Secretary (Home Department) had informed the Commission that the Government of Delhi would shortly introduce a Bill on the regulation of placement agencies for domestic maids. Chairperson, NCST advised that the final Bill should be sent to the Commission for consultation as mandated under Article 338A(9) of the Constitution and as per the instructions dated 16/02/2012 issued by the Cabinet Secretariat for consultation with the National Commission for Scheduled Tribes in all policy matters and legal issues and incorporated in the Handbook of instructions of the Cabinet Secretariat. Government of NCT of Delhi and Delhi Police were advised to communicate the action taken within a fortnight. The Commission was informed that the Labour Department Government of NCT of Delhi vide their letter dated 3/01/2014, have forwarded a copy of the Delhi Private Placement Agencies Regulation Bill, 2013. It is stated that the said bill shall monitor the working of the placement Agencies including placement of domestic workers in the residential households. The Bill would be placed before the Cabinet as soon as the session of Delhi assembly commences. It is also mentioned that the Honble High Court of Delhi is also monitoring the status of the Bill in WP(C)82/2009.

6.3.247 The Commission noted that the Bill was drafted by the previous Government and since a new Government is in place, the final view as reviewed by the new Government of NCT of Delhi may be sent to this Commission, before the Bill is placed before the Cabinet for introduction of the Bill in the Delhi Legislative Assembly. The Commission directed that the Government of NCT of Delhi may be informed accordingly.

6.4 Observations and Recommendations

6.4.1 The Commission during the year 2013-14 has made recommendations on 66 policy issues on which comments/views/advice of the commission were sought, as required under Article 338A (9) of the Constitution. Government, while laying action taken memorandum on this report in parliament, may also lay the action taken/proposed to be taken by each ministry/department on the recommendation made in each of the policy issue.

CHAPTER 7

SUMMARY OF RECOMMENDATIONS

7.1 The recommendations of the Commission on various aspects have been highlighted in the respective Chapters to facilitate convenient identification for the purpose of taking up follow up action on them. A consolidated statement of each Para containing these recommendations is given below:-

CHAPTER-1 ORGANISATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

- 1 1.9. Only 3 reports of the Commission have so far been laid in the Parliament and it is taking many years to lay these reports along with Action Taken Memorandum in both Houses of the Parliament. **In view of the above, the Commission recommends to de-link the laying of the report in the Parliament from laying of the Action Taken Memorandum on the recommendations contained in the report of the Commission.**
- 2 1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. They are appointed for a period of 3 years from the date of assumption of charge. It has been noticed that the posts of Members remain unfilled for long duration adversely affecting the functioning of the Commission despite the fact that Ministry of Tribal Affairs, which is the Nodal Ministry is aware about the vacancies in the Commission. **In view of the above it is recommended that timely action for filling the posts of Chairperson, Vice-Chairperson and Members of the Commission may be initiated so that these posts do not remain vacant after demitting the office by the above dignitaries.**

CHAPTER-2 SERVICE SAFEGAURDS

- 3 2.6.5 The issue regarding drawl of a Separate Zone of Consideration for SCs and STs was extensively discussed in the Second Report of the Commission for the year 2006-07. **The Commission had recommended that in compliance with the Hon'ble Supreme Court's directions, the DOPT should revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res.) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by whatever method and whether on temporary or on regular basis. In the Action taken Memorandum laid along with the Second Report in the Parliament, the DoPT quoted to have consulted the Department of Legal Affairs and also**

had sought the advice of the Ld. Attorney General of India on the issue. The Ld. Attorney General of India has given the following advice:

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

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

- 4 2.8.3 The above data as on 01/01/2014 relates to 54 Ministries/ Departments of the Government of India. It is seen from the above table that overall representation of ST employees in all the Central Ministries/ Department is satisfactory, being 7.57% while representation in Group A and Group B categories is below the prescribed reservation level of 7.5% for Scheduled Tribes. The position is however, better in respect of Group C (excluding Safai Karamchari) and Group C (Safai Karamchari). **The Commission, therefore, recommends that Department of Personnel and Training may issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in all services and posts and also that all vacant posts may be filled urgently by special recruitment drives and the shortfall in ST quota may be separately filled as per the provisions under Article 16(4B) of the Constitution inserted vide the Constitution (Eighty-fifth Amendment) Act, 2001**
- 5 2.8.7 It is seen from above that overall representation of ST employees in all the CPSEs is satisfactory, being 8.55% while representation in Group A as well as Group B categories is below the prescribed reservation level of 7.5% for Scheduled Tribes. The position is however, better in respect of Group C and Group D categories. CPSE-wise information about representation of ST employees in various categories of posts is available at ANNEXURE 2.I. **The Commission recommends that Department of Public Enterprises may issue necessary instructions to all Cadre Control Authorities for taking requisite steps to ensure needful representation of Scheduled Tribes in Managerial Executive Level and Supervisory Level.**

- 6 2.8.16 Most of the Nationalised Banks were setup more than 60 years ago and nationalization of these Banks took place in 1969. Therefore, DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Thereafter, detailed instructions were issued for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. The Commission fails to understand the low representation of Scheduled Tribes in respect of each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Commission reiterates its earlier recommendation that the Department of Financial Resources (Banking Division) should direct the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching Special Recruitment Drive and deputing special recruiting teams in the tribal areas and provide at least one-week long pre-recruitment comprehensive coaching for clerical cadre and four-week long coaching for Officer cadres in batches to improve the intake of ST candidates in recruitment at all levels.**
- 7 2.8.18 As far as GIC of India, NIAC Ltd, NIC Ltd, OIC Ltd and UIIC Ltd are concerned, the representation in Group ~~Aq~~ and ~~Bq~~ categories is below the prescribed percentage. **The Commission further recommends that in order to enhance/ achieve the representation of STs in Group A posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan in the promotions.**
- 8 2.8.26 It may be seen from the Annexure 2~~o~~ . That a total of 2376 posts of professors were sanctioned in these Universities as on 1.1.2014 out of which 123 were reserved for ST candidates. A total of 1112 posts of Professors were occupied out of which only 11 belonged to ST category. A total of 1264 posts were lying vacant out of which 112 were reserved for ST category candidates. **Thus, it can be concluded that in the Central Universities, the posts of Professors reserved for ST candidates are hardly filled up anywhere and The Commission recommends that there is a need to see that candidates belonging to this category also get appointment in this highest teaching post in Central Universities.**

- 9 2.8.27 As far as the post of Associate Professors are concerned, out of 4684 sanctioned posts, 273 have been reported to be reserved for ST candidates. A total of 2489 posts have been filled up as on 1.1.2014 out of which only 28 belong to ST category. Thus, a total of 2195 posts of Associate Professors was lying vacant in the Central Universities out of which 245 belonged to ST category. In case of the posts of Assistant Professors, out of 9458 sanctioned posts, 596 were reported to be reserved for ST category. A total of 6819 posts were filled up out of which only 344 were filled by ST category candidates. Thus a total of 2639 posts were lying vacant as on 1.1.2014 out of which 252 belonged to ST category. **The Commission recommends that special efforts should be made by all the UGC and Central Universities to ensure that the posts of Associate Professors and Assistant Professors do not remain unfilled.**
- 10 It is evident from the Annexure 2. That a total of 1982 Group ~~A~~ non-teaching posts were sanctioned in these Central Universities out of which 52 were reserved for ST category candidates. A total of 1270 posts were occupied out of which 55 were reserved for ST candidates. Thus there was a surplus/ excess in a ST category. In Group ~~B~~ posts, the sanctioned strength has been reported to be 4630 out of which 150 were reserved for ST category. A total of 3277 posts were occupied out of which 133 belonged to ST category as on 1.1.2014. All together 1083 posts were lying vacant out of which 17 belonged to ST category. In Group C, out of 27,767 sanctioned posts, 1504 were reserved for ST category. A total of 19,542 posts were occupied out of which 912 belonged to ST category. A total of 8225 posts were lying vacant as on 1.1.2014 out of which 592 belonged to ST category. **The Commission recommends that these Central Universities should take urgent steps to fill the vacant Group B and C posts reserved for ST candidates in a time bound manner.**
- 11 As it is evident from Annexure 2. , a total of 136 posts of Professors were sanctioned out of which 78 were filled up as on 1.1.2014 and 58 were lying vacant. A total of 11 posts of Professors were reserved for ST category out of which only 2 were filled and 9 were vacant in the 8 Deemed Universities. As far as the posts of Associate Professors are concerned, a total of 304 posts were sanctioned in 8 Deemed Universities out of which 221 were filled and 83 were vacant. Among those 23 posts were reserved for STs out of which only 4 were filled and 19 were vacant. In the case of Assistant Professors, 913 posts were sanctioned in these 8 Deemed Universities out of which 823 were filled up and 90 were vacant. A total of 69 posts of Assistant Professors were reserved for ST category candidates out of which 34 were filled and 35 were vacant. **The Commission observes that there is very less representation of ST teaching faculty in these Deemed Universities and recommends to take urgent action to fill up the vacant posts reserved for ST category candidates.**

- 12 2.8.44 A number of Minority Educational Institutions have come into existence while some other universities/ Institutes have been granted the status of Minority Educational Institution in various parts of the country. It is difficult for the ST/SC students to get admission in these institutions as the policy of reservation for SCs/STs is not applicable to these institutions as per the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006. The difficulty is more pronounced in the case of ST students as most of them belong to remote areas and cannot afford to get quality coaching for securing employment into these institutions by competing with the students of more forward communities. There is, therefore, urgent need for review of the provisions of Central Educational Institutions (Reservation in Admission) Act, 2006. **The Commission therefore, re-iterates its earlier recommendation that the Ministry of HRD and the Ministry of Minority Affairs should consider suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 to ensure that reservation for STs is made applicable in admissions to at least Govt. run educational institutions which have been granted minority status. As Scheduled Tribes may profess any religion while these Minority Education Institutions give preference to those belonging to the Minority community for which the Institution is setup and do not have SC/ ST based reservation, it is recommended that the Scheduled Tribe candidates belonging to the Minority community may be given preference/ reservation in employment within the total strength for Minority communities.**
- 13 2.9.2 These Welfare Associations are established for the benefit of all Scheduled Castes and/or Scheduled Tribes employees of the organization and not for a particular SC or ST community. If recognition can be granted to Associations of all Ex-servicemen, all women, all boys, all disabled persons then why Associations working for all SC/ST communities, irrespective of any specific SC/ST community, cannot be recognized. These Associations act as mediators and bring better coordination between the management and the SC/ST employees and resolving the issues concerning the problems of those employees and also implementing the Government policy relating to reservation for Scheduled Castes and Scheduled Tribes. **Therefore, the Commission recommends that the Department of Personnel and Training may issue necessary instructions to facilitate recognition to the Welfare Service Associations.**

CHAPTER-3 PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES

- 14 3.4.24 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise proposed earmarking of plan outlays under TSP for 2011-12 and not the actual funds earmarked by each Ministry. A copy of the statement showing proposed earmarking of funds (in %age) out of total Budget by 28 Ministries/ Departments is placed at **ANNEXURE 3.4** It is noted from the statement that 14 out of 28 Ministries/ Departments have been expected

to earmark 8% or more of their budget for TSP while other Ministries/ Departments are expected to earmark between 0.25% to 7.5% for TSP. Entire (100%) Plan outlay of the Ministry of Tribal Affairs has been shown as earmarked outlay under TSP of the Ministry. Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable Fund and utilisation thereof, made in its Fifth Report still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**

- 15 3.5.18 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission reiterates that Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may have adequate support staff for Research as well as Secretariat support. The CTRI may also be responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.**
- 16 3.5.19 In the above context it may be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission**

recommends that on similar lines funds under Research and Training and Monitoring & Evaluation Heads may be earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.

CHAPTER-4 ATROCITIES ON STs

- 17 4.4.5 The outcome of the investigation as well as the rate of success in the appropriate court is adversely affected by the delay in investigation. This also adversely impacts on the process of grant and actual release of relief admissible to the ST victims and their families under PoA Rules 1995. Thus delay in investigation defeats the objective of the special law viz; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the SCs and STs (PoA) Rules, 1995. The Commission therefore recommends that the State Governments and the District Authorities may devise such measures as to ensure that investigation by police in the cases/ crimes involving Scheduled Tribes, to be carried out by the prescribed authorities, viz. Deputy Superintendant of Police, should be promptly completed within the time schedule provided under appropriate law.
- 18 4.4.7 As the Commission is vested with the duty to *inter-alia* investigate and monitor the matters relating to safeguards provided to the Scheduled Tribes and to enquire into specific complaints related to violation of those safeguards and in that context power of civil Court has also been given to the Commission while dealing with such matters, it is mandatory on the part of the State Governments and the District Authorities to cooperate with the Commission and promptly furnish the requisite information sought by the Commission while investigating into such matters. **The Commission, therefore, recommends that the Government of India may urgently advise all the State Governments for furnishing the requisite information as sought by Commission within the time limit stipulated in the communication received by them from the Commission. The Commission also recommends that the State Governments may further advise on similar lines to the District Authorities for timely furnishing the information to the Commission.**
- 19 4.4.8 The Commission also strongly reiterates its earlier recommendations that the State level and District level Vigilance & Monitoring Committees should meet regularly as provided in the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 and closely review the implementation of provisions regarding investigation and charge-sheeting of the cases in the courts and timely payment of monetary relief to the victims of atrocities strictly in accordance with the norms laid down under PoA Rules. Wherever, such committees are either not functional or not reconstituted as per the provision under the PoA Rules, 1995, as amended from time to time, necessary steps should be taken by the

State Government to ensure smooth and periodic/ regular functioning of the Vigilance and Monitoring Committees.

- 20 **4.5.6 It is thus observed that the States having high incidence of all kinds of crimes against Scheduled Tribes and also those States having high incidence of crimes against Scheduled Tribes under PoA Act need to concentrate on taking steps necessary for curbing such incidences. The States of first category are Rajasthan, Madhya Pradesh, Odisha, Andhra Pradesh, and Karnataka which have higher rate of incidence of crime than the National average of 6.51 crimes of all categories against Scheduled Tribes. States having higher rates of incidence under PoA Act, than national average of 1.33, are Andhra Pradesh, Bihar, Goa, Jharkhand, Karnataka, Odisha and the Union Territory of Dadar & Nagar Haveli. In order to curb the incidence of crime against Scheduled Tribes, the State Government of the above mentioned States need to ensure that special Police Cells at State Headquarter and special Police Stations in the Districts, as envisaged under Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 function effectively. The functioning of the Vigilance and Monitoring Committees at State and District level, setup under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 also need to be monitored regularly. All other States having ST population also need to take above steps to ensure that all incidences of crimes against Scheduled Tribes are reported and registered in the appropriate Police Station and prompt action is taken by the Police for quick disposal at their end.**
- 21 **4.5.7 The States having highly ST population like Madhya Pradesh, Chhattisgarh, Maharashtra, Rajasthan and some other States have reported NIL or negligible incidence of crime under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 during the year 2013, and it could not be believed easily, the Commission feels that the data received, compiled and consolidated at National Crimes Record Bureau may be cross verified before including in the Report on “CRIME IN INDIA”, whether each incident under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 was being registered at the regular or the Special Police Station and reported in the computerized monitoring system of National Crimes Record Bureau.**
- 22 **4.6.3 There is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and creating peace and harmony among all sections of the society. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the**

designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.

- 23 4.7.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly other wise the objective of making of Special provision in the Special Act aimed at curbing Atrocities of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes.
- 24 4.8.1 A large section of the general public and ST population is still unaware of the provisions the PoA Act and Rules. **The Commission, therefore, consider it necessary to reiterate earlier recommendation that with a view to create awareness among the masses about various provisions of the Act and Rules including the provisions for relief and compensation, Special Awareness Programmes should be conducted by the Government through the mass media and by organizing seminars and workshops at different places, particularly in rural and remote areas. NGOs working for the cause of combating crimes of atrocities on STs alongwith the local bodies should also be involved in the task by extending adequate financial help to them. Awareness about the provisions of the Act/Rules may also be spread by installing hoardings at prominent locations.**
- 25 4.8.2 There is an imperative need of timely investigation of atrocity cases so that a charge sheet is submitted in the Court at the earliest. **The Commission, therefore, recommends that it should be ensured that the case is under PoA Act and involving STs as victim or accused investigated by an officer of the rank of Dy. SP and investigation report is submitted by him within 30 days. The Commission also feels that the charge sheet should be filed with due care and with a sense of urgency to ensure that the accused person is not acquitted on technical grounds or on account of delay in filing the charge sheet.**

- 26 4.8.3 The delay in the arrest of the accused also leads to delay in investigation of the cases and which, in turn, causes delay in dispensing justice to the victim(s). **The Commission, therefore, further recommends that all efforts should be made by the police to ensure that the accused is arrested as early as possible particularly in the cases of heinous crimes like murder, arson, rape, etc. and also in cases involving police as accused.**
- 27 4.8.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules.**
- 28 4.8.5 **The Commission also re-iterates earlier recommendation that the police personnel at all level in every State/UT need to be sensitized about the importance of effective implementation of the PoA Act through regular training and refresher programmes by the Police Training Institutes. The training programmes for the police personnel should also include lessons about legal provisions and related procedures to ensure drafting of fool proof charge sheets in atrocity cases.**
- 29 4.8.6 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities. The Commission also reiterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**
- 30 4.8.7 There is an imperative need to strengthen working of the Special Public Prosecutors also for timely disposal of the cases with highest conviction rates in the Special Courts. **The Commission, therefore, reiterates earlier recommendation that Directorate of Prosecution should make all efforts to ensure that adequate number of Special**

Public Prosecutors are attached with the Special Courts for speedy trial of atrocity cases. The Special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special PP is required to be suitably enhanced to attract more qualified persons dedicated to the cause of Scheduled Castes and Scheduled Tribes in particular. There is also a need for periodical Training of the Special Public Prosecutors.

- 31 4.8.8 The Commission has noted that the ST persons are, very often, subjected to naxalism related violence and deprivation of rights in States like Chhattisgarh, Jharkhand and Orissa, ineffective implementation of Minimum Wages Act and Bonded Labour, non-implementation of land reforms and abnormal delay in redress of land disputes etc. These results in denial of not only basic rights and freedom granted to them under the Constitution, but may also lead to the atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. **The Commission, therefore, recommends that there is an imperative need to formulate a policy for taking up effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in such cases.**
- 32 4.8.9 The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. **The Commission, therefore, re-iterates its earlier recommendations that the State level Vigilance and Monitoring Committees should play a pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State level Committees.**
- 33 4.8.10 It was brought to the notice of the Commission during the Review Meetings with the State Governments that in a large number of cases, the victims and their witnesses become hostile during the hearing of PoA cases in the Courts. This results in the acquittal of the accused by the Courts. One of the main reason behind the victims and witnesses turning hostile in the Courts was that there was no clear policy /norms for payment of TA/DA to the victims and witnesses in most of the States; and a meager amount is generally given to them for the days on which they are called in the Court which deprives them of their wages for the day(s) as most of the victims and witnesses earn their livelihood on daily wage basis. **The Commission, therefore, re-iterates its recommendations contained in its earlier Reports that the State Governments/UTs should issue instructions to ensure that the**

victims and witnesses are paid TA/DA which should not be less than minimum wages fixed from time to time.

- 34 4.8.11 It has been observed by the Commission during the review meeting with various State Governments that a large number of cases are being closed by the Police Department on various counts including undue delay by police officials. **The Commission, therefore, recommends that all the State Governments/UTs Administration should issue necessary instructions that the Superintendent of Police in all the districts will review at least 5% of the closed cases on a quarterly basis and initiate action against the concerned police officials if the cases were closed due to delay on their part. This action by SP will be in addition to the review by District level vigilance and Monitoring committee.**

CHAPTER-5 CASE STUDIES

- 35 5.5.1 As it is evident from the details of various cases mentioned above, the authorities concerned with the subject do not act as per rule applicable in the subject matter. There is set procedure to deal with the complaints of atrocity upon Scheduled Tribes, or denial of rights relating to development schemes or in extending the rights and safeguards in service matters available to the Scheduled Tribes as per relevant Rules. These authorities should have taken action in the matter accordingly when the individual lodges a complaint with them. However, the complainants don't get the due response from the concerned authorities and are compelled to approach the Commission for redressal of their grievances. **In view of the above, it is strongly recommended that the liaison officer and other employees dealing with establishment and administration may be adequately trained to deal with the representations from Scheduled Tribe employees working in their establishments and only such trained employees are given assignment of establishment and administration.**
- 36 5.5.3 It has also been noticed that the Police authorities also lack knowledge about various provisions of SC and ST (PoA) Act, 1989 and PCR Act, 1955. This results in delay in completion of enquiry and submission of charge sheet in the Court. It adversely affects the trial as in many cases, the witnesses become hostile and the accused are released from the charges levelled against them. In many cases, relevant sections of SC and ST (PoA) Act, 1989 and PCR Act, 1955 are not applied and in some cases, they are dropped at the time of submission of charge sheet. **Hence, it is recommended that the Police personnel in the States and UTs may be appropriately trained and sensitized towards the problems of Scheduled Tribes.**
- 37 5.5.4 The delay in sending reply to the Commission on a complaint which could have been resolved within a month or two takes several months to year because concerned officials try to ignore such complaints and even the communication from the National Commission for

Scheduled Tribes, possibly due to lack of knowledge and lack of humanitarian attitude towards the needs and problems of poor and shying Scheduled Tribe persons. **The Commission, therefore, recommends that the concerned Departments in the Central Govt. and the States should take effective steps to ensure that each Government Official is fully trained, in the beginning of service about his duties and responsibilities, prescribed under the Rules relating to the Subject matter to be assigned to him/her and his/her role to ensure availability of safeguards to the Scheduled Tribe employees/ beneficiaries under various development schemes as provided under the Constitution and particularly to the victims of atrocities under the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. Since the programmes and policies of the Government are revised from time to time, there is a need to keep them updated in respect of all such matters though in-service re-orientation training programmes. The General Administration Department and Police Department of each State may, accordingly, issue necessary instructions and also revise the curricula of the training or re-orientation training programmes of each category of the employees.**

CHAPTER-6 CONSULTATION WITH COMMISSION ON POLICY RELATED ISSUES

- 38 6.4.1 The Commission during the year 2013-14 has made recommendations on 66 policy issues on which comments/views/advice of the commission were sought, as required under Article 338A (9) of the Constitution. Government, while laying action taken memorandum on this report in parliament, may also lay the action taken/propose to be taken by each ministry/department on the recommendation made on each of the policy issue.

Ministry of Tribal Affairs
Notification
New Delhi, the 23rd August, 2005

S.O. 1175(E) . In exercise of the powers conferred by sub-clause (f) of clause 5 of Article 338A of the Commission, the President hereby makes the following rules to specify the other functions of the National Commission for the Scheduled Tribes, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for the Scheduled Tribe (Specification of other functions) Rules, 2005.

2. The Commission shall discharge the following other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes, namely:-

- (i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug loopholes and to work more viable livelihood strategies.
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already been taken place.
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

(F.No.17014/3/2004-C&LM-II)

Sd/-
S.Chatterjee, Jt. Secy.


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II—Section 3—Sub-section (i)

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(कार्यविधि के नियम)
शुद्धि पत्र

नई दिल्ली, 20 अगस्त, 2014

सा.का. नि. 605(V)-- अध्याय IV में : नियम 46 और शीर्षक कोरम

नियम

विद्यमान प्रविष्टियों के लिए

46.

अध्यक्ष और/अथवा उपाध्यक्ष सहित कम से कम 3 सदस्यों की उपस्थिति, आयोग की बैठक आयोजित करने के लिए अनिवार्य होगा।

- पढ़ें
- (i) नियुक्त सदस्यों, अध्यक्ष और/अथवा उपाध्यक्ष सहित, में से कम से कम 50 प्रतिशत की उपस्थिति आयोग की बैठक आयोजित करने के लिए अनिवार्य होगी।
- (ii) यदि कोरम पूरा नहीं होता है तो अध्यक्ष आठ घंटे के लिए बैठक स्थगित कर सकते हैं। जब आयोग पुनः बैठक करेगा तो कोरम अनिवार्यता लागू नहीं होगी।

(सं. 12/2/2014—समन्वय)
श्रीमती के.डी. बन्सौर, निदेशक

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(Rules of Procedure)

CORRIGENDUM

New Delhi, the 20th August, 2014

G.S.R. 605(E).6 In Chapter IV : Rule 46 and Title Quorum

Rule

For Existing entries

Read

46. Presence of at least three members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.

- (i) Presence of Minimum 50% of posted members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.
- (ii) If the quorum is not complete, the Chairperson may adjourn the meeting for half an hour. When the Commission reassembles, the quorum requirement shall not apply.

[No. 12/2/2014-Coord]

Mrs. K.D. BHANSOR, Director

3279 GI/2014

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ANNEXURE-1.III
(Ref. Para 1.8.2 9R)

National Commission for Scheduled Tribes
Tours undertaken by the Commission during 2013-14

Tour/ Visits by Chairperson during 2013-14

S. No.	Duration of visit	State(s)/ UTs visited
1	27/04/2013 to 02/05/2013	Rajasthan
2	03/07/2013 to 08/07/2013	Jammu & Kashmir
3	05/08/2013 to 09/08/2013	West Bengal/ Nagaland
4	23/08/2013 to 25/08/2013	Himachal Pradesh
5	25/09/2013 to 28/09/2013	Lakshadweep
6	01/11/2013 to 10/11/2013	Jharkhand
7	15/11/2013 to 20/11/2013	Jharkhand

Tour/ Visits by Vice-Chairperson during 2013-14

S. No.	Duration of visit	State(s) visited
1	14/11/2013 to 20/11/2013	Himachal Pradesh
2	24/11/2013 to 04/12/2013	Himachal Pradesh
3	11/12/2013	Himachal Pradesh
4	15/12/2013 to 21/12/2013	Himachal Pradesh
5	08/01/2014 to 12/01/2014	Bihar (Bodh Gaya)

Tour/ Visits by Member Shri Bheru Lal Meena during 2013-14

S. No.	Duration of visit	State(s)/ Places visited
1	07/04/2013 to 16/04/2013	Udaipur, Dhariyavad (Rajasthan)
2	10/07/2013 to 17/07/2013	Chhattisgarh

Tour/ Visits by Secretary during 2013-14

S. No.	Duration of visit	State(s)/ Places visited
1	07/05/2013 to 13/05/2013	Tamil Nadu
2	03/07/2013 to 08/07/2013	Leh Ladakh
3	05/08/2013 to 09/08/2013	West Bengal/Nagaland
4	30/10/2013	Mumbai, Maharashtra
5	07/01/2014 to 10/01/2014	Chennai
6	02/02/2014 to 08/02/2014	Chennai

ANNEXURE-1.IV
(Ref Para 1.11 9R)

COURT CASES REGISTERED DURING 2013-14

S. No.	File No.	Subject
(1)	(2)	(3)
1	Court Case/12/Development / Rajasthan/ 2013/RU-I	SB WP No. 6079/2012 in the Hon'ble High Court of Rajasthan at Jodhpur filed by Shri Ajay Dhanka V/s Union of India & Ors in the matter of issuance of ST certificate to 'Dhanka' Community of Jodhpur, Rajasthan.
2	Court Case/11/Development/ Jaipur/ 2013/RU-I	SB WP No. 19468/2013 in the Hon'ble High Court of Rajasthan at Jaipur filed by Shri Ajay Dhanka V/s Union of India & Ors in the matter of issuance of ST certificate to 'Dhanka' Community of Jaipur.
3	Court Case /10/ Development/ Rajasthan/ 2013/ RU-I	SB Civil Writ Petition No. 12891/2013 in the Hon'ble High Court of Rajasthan at Jodhpur filled by Shri Lekh Raj Vs. Union of India & Ors. in the matter of issuance of ST certificate to Nayak community of Rajasthan.
4	Court Case/9/Service/Rajasthan/ 2013/RU-I	SB/DB Civil Writ Petition No.15574/2013 submitted in the Hon'ble Rajasthan High Court Jaipur Bench, Jaipur filled by Mr. S.K. Kaimla, S/o Shri Har Sahai, Secretary, Anusuchit Janjati Sansthan, C-62, Bal Nagar, Kartarpura, Jaipur Vs. against the State Rajasthan & others in the matter of issuance of Forged ST certificate to Dhanka Community of Rajasthan State having without Genuine verification.
5	Court Case / 8 / Development / Jaipur /2013/RU-I	SBC. W.P. No. 3616/2013 submitted in the Hon'ble High Court at Rajasthan at Jaipur filed by Piyusha Verma D/o Shri Charan Singh in the matter of denial of issuance of caste certificate to ST.
6	Court Case/7/Development/Jaipur/ 2013/RU-I	S.B. Civil Writ Petition No. 11216/2013 submitted the Hon'ble High Court of Rajasthan at Jodhpur filed by Shri. Kamal Kumar, S/o Shri Hansraj, Vs Union of India in the matter of issuance of ST certificate to (Dhanka) community of Rajasthan.
7	Court Case/6/Service/Railway/ 2013/ RU-I	WPCT No. 143/2013 submitted in the High Court of Judicature at Kolkata filed by Ms. Rupali Rajbansi D/o Late Shri Kiran Chand Rajbansi R/o Purther Nutan Palli, Parwapura, P.O. Shyam Nagar Distt. 24 Pargana, West Bengal V/s Union of India Ministry of Railways in the matter of relating to Non-issuance of letter

		of appointment to the post of TGT under Eastern Railway.
8	Court Case/5/Development/2013/RU-I	DB Civil writ petition No. 1862 of 2013 in the Hon'ble High Court of Rajasthan at Jaipur filed by Captain Gurvinder Singh Vs State and others in the matter of why (ST) community Meena should not be excluded from the ST list of Rajasthan.
9	Court Case/04/Service/Rajasthan/2014/RU-I	SB Civil WP No. 2453/2014 in the Hon'ble High Court of Rajasthan at Jaipur filed by Shri Dulichand Bheel & Ors. V/s State of Rajasthan & Ors. in the matter of differences between Meena and Bheel Meena.
10	Court Case/03/Development/Delhi/2014/RU-I	SB Civil WP No. 6333/2010 in the Hon'ble High Court of Delhi at New Delhi filed by Priya Rawat V/s DSIDC & Ors in the matter of cancellation of allotment of the plots in the PLASTIC group allotted to the companies and not to the individual persons.
11	Court Case/02/Development/Rajasthan /2014/RU-I	SB WP No. 1146/2014 filed in the Hon'ble High Court of Rajasthan at Jaipur by Shri Shanu Indora V/s Union of India & Ors in the matter of issuance of ST certificate to "Dhanka" Community of Jaipur, Rajasthan.
12	Court Case/01/Development / Rajasthan/2014/RU-I	SB WP No. 577/2013 in the Hon'ble High Court of Rajasthan at Jodhpur filed by Shri Naresh Kumar V/s Union of India & Ors in the matter of issuance of ST certificate to "Dhanka" Community of Jodhpur, Rajasthan.
13	Court Case-2/Service/Assam/2013 /RU-II	WP (C) No. 4771/2013 in the Guwahati High Court (High Court of Assam, Nagaland, Mizoram and Arunchal Pradesh) at Guwahati filed by Shri. Gautam Singha agianst the state of Assam and others in the matter of cancellation of S.T. certificate of Shri. Gautam Singha by the SDWD, Hojai, Shankar Dev Nagar, District Nagaon Assam.
14	19/3/Court Case/2013/Research Officer-III	WP No. 15634/2013 dated 11/09/2013 from the Deputy Registrar, (Judl, Rajasthan High Court Jaipur Bench Jaipur. Anushakti Dr. Ambedkar SC/ST Employee Welfare Association Vs Director, (HR) Nuclear Power Corporation of India Ltd. and Ors.
15	19/2/Court Case/2013/Research Officer-III	Letter No. 07/11/2013 dated 02/07/2013 from Ministry of Home Affairs seeking comments on WP No. 7579 of 2011 before the Hon'ble High Court of Jharkhand at Ranchi in the matter of Krishna Chandra Hembrom (District- West Singhbhum) V/s Union of india and others regarding constitutional validity of Acts (Various

		Central and State Acts).
16	19/1/Court Case/2013/Research Officer-III	Regarding Seniority as per roster of Scheduled Tribes.
17	CC/4/2013/TN/RU-IV	WP No. 31604 of 2013 in High Court of Judicature at Madras between A. Mannunaik, S/o Abunaik, No. 90, Kovil Sreet, Thiruvannamalai Dist, TN Vs the Secretary, M/o Social Justice & Empowerment, Shastri Bhawan, New Delhi and 3 others.
18	CC/4/2013/Kerala/RU-IV	WP (Civil) No.995/2013 dated 13.12.2013 from Shri D.S. Mahra, Advocate-on-record for M/o Tribal Affairs, M/o Law & Justice, Deptt. of Legal Affairs, Supreme Court, New Delhi between Akhila Kerala Mavilan Samajam Vs. Union of India & 4 Ors
19	CC/3/2013/MEF/RU-IV	WP No. 29399 of 2013 received from the Asst. Registrar, High Court of Judicature, AP at Hyderabad between Bolli Kushna Murthy S/o Ramulu, R/o Uppusaka Village, Khammam Dist. AP Vs. the Secretary, M/o Environment & Forest and 8 others regarding allotting 445 hectares of Reserve Forest in Sarpaka Village, Ashwapuram Forest Range, Kistasagar Forest Block, Burgumpahad Mandal, Paloncha Forest Division, Khammam Dist. AP.
20	CC/2/2013/Defence/RU-IV	WP No.9976 of 2013 dated 16.04.2013 from the Asst. Registrar (writs), the High Court of Madras between V. Venkatesan, Vehicle/Mechanical, Chennai - 72 vs Secretary, M/o Defence and 9 others.
21	CC/1/2013/Lakshadweep/RU-IV	Subject OA No. 361/2013 dated 26.04.2013 received from the Registrar, CAT, Ernakulam Bench (Kerala) regarding Application of Shri Raheemabi.P. & ors. Vs. MHRD & 4 ors
22	9/1/NCST/2013-Admn.	W.P. (Civil) of 2013 filed by Sh. Ram Narain Dhanka Vs. UoI & Ors. before the Hon'ble High Court of Delhi at New Delhi, in connection with the recruitment of Sh. Govind Singh Sumawat.
23	83/2/NCST/2014-Admn.	O.A. No. 832/2013, filed by Sh. G.S. Somawat, Director(Retd.) in CAT Jaipur
24	F.No. 83/1/NCST/2014-Adm.	O.A. No. 4266/2013 filed by Sh. T.D. Kukreja, PS to Chairperson, NCST in Hon"ble CAT, Principal Bench, New Delhi

ANNEXURE-2.I
Ref. Para 2.8.7 9R

S.N.	Ministry / Deptt. / CPSE	Total No. of Emp.		Group A Managers/Executives Level		Group B Supervisory Level		Group C (Skilled)		Group D Workers (Skilled)		All Categories	
		STs	%age	STs	%age	STs	%age	STs	%age	STs	%age	Total No. of Emp.	%age
MINISTRY OF AGRICULTURE													
INDO AGRICULTURE AND COOPERATION													
	1 NATIONAL SEEDS CORPN. LTD.	205	4.39	143	7.00	0	0.00	211	5.27	142	4.28	761	3.57
SUB TOTAL:		205	4.39	143	7.00	0	0.00	211	5.27	142	4.28	761	3.57
MINISTRY OF CHEMICALS & FERTILIZERS													
INDO CHEMICALS & PETROCHEMICALS													
	2 HINDUSTAN FLUOROCARBONS LIMITED	83	1.20	0	0.00	0	0.00	46	4.87	50	13.26	179	18.10
	3 HINDUSTAN INSECTICIDES LTD.	3	0.06	305	4.11	0	0.00	731	32.19	173	38.21	1112	74.61
	4 HINDUSTAN ORGANIC CHEMICALS LTD.	326	20.61	358	13.33	0	0.00	407	5.12	35	12.18	1146	50.43
SUB TOTAL:		412	21.51	663	17.26	0	0.00	1184	41.36	278	63.26	2577	142.56
MINISTRY OF CHEMICALS & FERTILIZERS													
INDO FERTILIZER													
	5 BRAHMAPUTRA VALLEY FERTILIZER CORPN. LTD.	433	42.97	0	0.00	0	0.00	403	91.18	16	2.12	944	14.30
	6 FCI ALAVALLI GYPSUM & MINERALS (INDIA) LTD.	56	0.06	0	0.00	0	0.00	23	2.80	8	0.09	69	2.29
	7 FERTILIZER CORPN. OF INDIA LTD.	6	1.67	9	0.00	0	0.00	2	0.00	0	0.00	17	1.58
	8 FERTILIZERS & CHEMICALS (TRAVANCORE) LTD.	1320	48.36	0	0.00	0	0.00	955	15.26	607	21.36	2882	94.32
	9 HINDUSTAN FERTILIZER CORPN. LTD.	6	0.00	2	0.00	0	0.00	0	0.00	0	0.00	8	0.00
	10 MADRAS FERTILIZERS LTD.	85	2.35	419	3.72	0	0.00	204	1.49	26	0.09	734	6.82
	11 NATIONAL FERTILIZERS LTD.	1803	113.62	0	0.00	0	0.00	2147	111.63	118	2.16	4068	256.29
	12 PROJECTS & DEVELOPMENT INDIA LTD.	395	18.45	12	0.00	0	0.00	19	1.52	19	0.00	426	19.46
	13 RASHTRIYA CHEMICALS AND FERTILIZERS LTD.	1640	28.26	1759	105.57	0	0.00	914	92.10	360	36.10	4073	261.61
SUB TOTAL:		5124	352.62	2261	108.45	0	0.00	4741	353.74	1135	61.53	13301	714.56
MINISTRY OF CHEMICALS & FERTILIZERS													
INDO PHARMACEUTICALS													
	14 BENGAL CHEMICALS & PHARMACEUTICALS LTD.	69	0.00	95	0.00	0	0.00	290	3.10	27	0.00	481	3.62
	15 HINDUSTAN ANTIBIOTICS LTD.	249	10.42	14	0.00	0	0.00	492	30.40	365	15.41	1120	45.42
	16 IPI (TAMILNADU) LTD.	9	0.00	0	0.00	0	0.00	46	0.00	36	0.00	111	0.00
	17 INDIAN DRUGS & PHARMACEUTICALS LTD.	114	0.00	0	0.00	0	0.00	0	0.00	0	0.00	114	0.00
	18 KARNATAKA ANTIBIOTICS & PHARMACEUTICALS LTD.	240	1.04	0	0.00	0	0.00	478	30.41	20	0.00	738	21.28
	19 DRENA DRUGS & CHEMICALS LTD.	8	0.00	9	0.00	0	0.00	33	0.00	14	0.00	64	0.00
	20 MAHARASHTRA DRUGS & PHARMACEUTICALS LTD.	39	0.00	39	4.10	0	0.00	100	16.00	6	0.00	184	20.18
SUB TOTAL:		728	11.15	157	4.25	0	0.00	1469	59.40	468	15.31	2812	89.31

21 AIR INDIA AIR TRANSPORT SERVICES LTD.	4	0	0.00	146	6	4.11	3233	180	5.57	316	18	5.64	3702	304	5.51
22 AIR INDIA CHARTERS LTD.	65	0	0.00	18	0	0.00	194	0	0.00	0	0	-	277	0	0.00
23 AIR INDIA LTD.	6279	0	0.00	5824	0	0.00	8172	0	0.00	4772	0	0.00	25647	0	0.00
24 AIRLINE ALLIED SERVICES LTD.	400	0	0.00	0	0	-	458	0	0.00	80	0	0.00	938	0	0.00
25 AIRPORTS AUTHORITY OF INDIA LTD.	7699	409	5.45	2668	152	6.11	3140	300	7.35	2729	265	9.71	18036	1217	8.75
26 HOTEL CORPN. OF INDIA LTD.	478	0	0.00	245	0	0.00	478	0	0.00	0	0	-	1201	0	0.00
27 PANWANTHLS LTD.	179	4	2.23	173	16	20.81	115	12	10.43	0	0	-	467	52	11.13
SUB TOTAL :	14994	413	2.17	9874	205	2.26	17790	572	3.32	7000	253	3.58	69668	1473	3.97

MINISTRY OF COAL

28 BHABAT COOKING COAL LTD.	3460	65	2.68	4639	19	0.61	24005	3001	12.35	27556	614	2.23	58969	3799	6.29
29 CENTRAL COALFIELDS LTD.	2765	131	4.78	3173	117	3.80	15141	4310	29.79	25407	2517	11.08	46986	7595	16.27
30 CENTRAL MINE PLANNING & DESIGN INSTITUTE LTD.	970	45	4.64	863	33	2.67	3444	98	9.35	214	78	30.71	3133	244	3.78
31 COAL INDIA LTD.	500	17	3.40	403	8	1.99	2702	540	18.60	3673	4166	11.37	7126	943	13.17
32 EASTERN COALFIELDS LTD.	2518	99	3.91	5633	164	2.91	10904	337	4.93	6361	340	5.33	22274	1895	4.92
33 MAHANADI COALFIELDS LTD.	1879	58	3.09	3140	160	5.10	10399	102	0.92	1609	9	0.64	10449	408	2.42
34 NEVVELI LIGNITE CORPN. LTD.	4228	299	6.78	75	7	9.33	12771	741	5.94	832	421	30.60	16741	1322	7.46
35 NORTHERN COALFIELDS LTD.	1771	30	1.69	1667	90	5.10	35148	9220	26.23	22172	5863	26.44	70710	15912	22.44
36 SOUTHERN COALFIELDS LTD.	3503	135	3.83	10887	694	6.48	26226	2443	9.35	18438	1138	6.28	52484	3946	7.52
37 WESTERN COALFIELDS LTD.	2693	86	3.19	5327	259	4.96	164797	25767	152.64	139866	15500	11.08	363775	43774	12.06
SUB TOTAL :	23885	956	4.09	34007	1951	4.44									

MINISTRY OF COMMERCE & INDUSTRY

DO COMMERCE

38 EXPORT CREDIT GUARANTEE CORPN OF INDIA LTD.	208	9	4.31	347	22	6.34	0	0	-	102	4	3.92	637	35	5.33
39 INDIA TRADE PROMOTION ORGANISATION	167	9	5.39	87	10	11.40	290	6	2.07	396	3	0.76	940	28	2.98
40 KARNATAKA TRADE PROMOTION ORGANISATION	2	0	0.00	8	0	-	0	0	-	0	0	-	2	0	0.00
41 MMT CLTD	573	40	6.98	918	90	9.93	4	0	0.00	43	0	0.00	1336	120	14.45
42 P F C LTD.	162	5	3.08	11	1	9.09	8	0	0.00	7	1	14.29	188	7	3.72
43 STATE TRADING CORPN. OF INDIA LTD.	542	29	5.35	0	0	-	164	12	7.12	89	11	12.26	795	52	6.54
44 STCLTD	15	0	0.00	4	0	0.00	4	0	0.00	2	0	0.00	25	0	0.00
45 TAMIL NADU TRADE PROMOTION ORGANISATION	0	0	-	3	0	-	0	0	-	0	0	-	5	0	-
SUB TOTAL :	1669	92	5.51	1370	133	8.28	470	18	3.63	639	19	3.97	4168	253	6.08

MINISTRY OF COMMUNICATIONS & INFORMATION TECHNOLOGY

DO TELECOMMUNICATIONS

46 BHABAT BROADBAND NETWORK LTD.	90	4	4.44	0	0	-	0	0	-	0	0	-	80	4	4.44
47 BHABAT SANCHEERANGAM LTD.	4756	2541	4.90	0	0	-	19039	9960	5.23	0	0	-	21377	12301	5.16
48 I T I LTD.	3793	43	1.13	0	0	-	3113	20	0.64	442	4	0.90	7350	67	0.91
49 MADANAGAR TELEPHONE NGAM LTD.	5075	130	3.56	0	0	-	21799	391	1.86	9739	769	7.90	38523	1290	3.53
50 MILLERINUM TELECOM LTD.	0	130	-	0	0	-	0	391	-	0	769	-	0	1290	-
51 TELECOMMUNICATIONS CONSULTANTS (INDIA) LTD.	416	16	3.85	214	8	3.74	269	3	1.12	0	0	0	899	27	3.09
SUB TOTAL :	5743	2664	4.66	314	8	3.79	21562	10765	4.89	10181	1542	15.15	28339	14979	5.29

DIO ELECTRONICS AND INFORMATION TECHNOLOGY												
52 NATIONAL INFORMATICS CENTRE SERVICES INCORPORATED												
SUB TOTAL:												
MINISTRY OF CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION												
DIO FOOD & PUBLIC DISTRIBUTION												
53 CENTRAL RAIL SIDE WAREHOUSING CO. LTD.												
54 CENTRAL WAREHOUSING CORPN.												
55 FOOD CORPN. OF INDIA												
56 HINDUSTAN VEGETABLE OILS CORPN. LTD.												
SUB TOTAL:												
MINISTRY OF DEFENCE												
DIO DEFENCE PRODUCTION												
57 BEL OF ELECTRONICS DEVICES LTD												
58 BELCO LTD												
59 BHARAT DYNAMICS LTD												
60 BHARAT ELECTRONICS LTD												
61 GARDEN REACH SHIPBUILDERS & ENGINEERS LTD												
62 ODA SHIPYARD LTD												
63 HINDUSTAN AERONAUTICS LTD												
64 HINDUSTAN SHIPYARD LTD												
65 MALAGON DOCK LTD												
66 MESHERA DHATU NIGAM LTD												
67 VIJAYAN INDUSTRIES LTD												
SUB TOTAL:												
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION												
68 NORTH EASTERN HANDICRAFTS & HANDLOOM DEV CORPN LTD												
69 NORTH EASTERN REGIONAL AGRICULTURE MARKETING CORP. LTD.												
SUB TOTAL:												
MINISTRY OF ENVIRONMENT & FORESTS												
70 ANDAMAN & NICOBAR ISL. FOREST & PLANT DEV CORP LTD												
SUB TOTAL:												
MINISTRY OF FINANCE												
DIO FINANCIAL SERVICES												
71 INDIA INFRASTRUCTURE FINANCE CO. LTD.												
72 IRRIGATION & WATER RESOURCES FINANCE CORPORATION LTD												
SUB TOTAL:												

INDO ECONOMIC AFFAIRS															
	393	14	4.62	1182	97	8.17	7117	724	10.31	3650	219	6.06	12257	1064	8.68
73 SECURITY PRINTING & MINTING CORPN. INDIA LTD.															
SUB TOTAL:	308	14	4.62	1187	97	8.17	7117	734	10.31	3658	219	6.00	12257	1064	8.68
MINISTRY OF HEALTH & FAMILY WELFARE															
BIO A YUSH															
	13	0	0.00	14	0	0.00	119	1	3.84	268	0	0.00	466	1	0.25
74 INDIAN MEDICINES & PHARMACEUTICAL CORPN. LTD.															
SUB TOTAL:	13	0	0.00	14	0	0.00	119	1	0.84	268	0	0.00	466	1	0.25
MINISTRY OF HEALTH & FAMILY WELFARE															
DEPARTMENT OF HEALTH AND FAMILY WELFARE															
	38	0	0.00	56	0	0.00	6	0	0.00	117	0	0.00	207	0	0.00
75 GOA ANTI Biotics & PHARMACEUTICALS LTD.															
	518	9	1.74	213	17	7.98	888	35	3.94	217	13	5.99	1826	74	4.03
76 HILL LIFE CARE LTD.															
	116	0	0.00	16	3	18.75	10	0	0.00	7	0	0.00	143	3	2.10
77 HSCC (INDIA) LTD.															
SUB TOTAL:	666	9	1.37	285	20	7.02	904	35	3.87	341	13	3.81	2186	77	3.52
MINISTRY OF HEAVY INDUSTRIES & PUBLIC ENTERPRISES															
INDO HEAVY INDUSTRIES															
	202	7	2.78	562	35	6.23	334	4626	1140.11	13863	53	0.24	14031	4111	27.35
78 ANDREW YULE & COMPANY LTD.															
	52	0	0.00	36	0	0.00	596	0	0.00	272	0	0.00	866	0	0.00
79 IBI CONSTRUCTION COMPANY LTD.															
	10	0	0.00	4	0	0.00	3	0	0.00	0	0	-	17	0	0.00
80 BHARAT BHARUDDYOD NGIAN LTD.															
	1347	997	7.17	874	488	5.64	23199	1427	6.05	1605	33	2.04	47225	2905	6.31
81 BHARAT HEAVY ELECTRICALS LTD.															
	197	10	5.08	98	19	19.79	811	74	9.12	8	0	0.00	1112	100	9.26
82 BHARAT HEAVY PLATE & VESSELS LTD.															
	171	1	0.58	20	0	0.00	566	3	0.51	3	0	0.00	780	4	0.51
83 BHARAT PUMPS & COMPRESSORS LTD.															
	19	0	0.00	11	0	0.00	97	5	3.15	51	1	1.56	178	6	3.37
84 BHEL ELECTRICAL MACHINES LTD.															
	778	5	0.64	438	1	0.23	217	4	1.84	43	0	0.00	1477	10	0.68
85 BRIDGE & ROOF CO (INDIA) LTD.															
	152	3	1.97	130	3	2.31	508	91	17.91	120	0	0.00	910	97	10.66
86 CEMENT CORPN. OF INDIA LTD.															
	317	12	3.36	61	1	1.64	12	0	0.00	7	0	0.00	437	13	3.97
87 ENGINEERING PROJECTS (INDIA) LTD.															
	819	80	9.77	361	64	17.73	729	217	29.77	126	52	41.27	2035	413	29.29
88 HEAVY ENGINEERING CORPN. LTD.															
	249	6	2.41	351	10	3.39	1992	15	1.37	106	24	12.24	1832	55	3.00
89 HINDUSTAN CABLES LTD.															
	136	0	0.00	69	1	1.67	497	1	0.20	6	0	0.00	702	2	0.28
90 HINDUSTAN NEWSPRINT LTD.															
	371	7	1.89	159	7	4.40	1439	139	9.66	92	29	31.51	3861	182	8.83
91 HINDUSTAN PAPER CORPORATION LTD.															
	71	6	8.45	309	20	9.57	333	14	4.20	74	0	0.00	647	40	5.82
92 HINDUSTAN PHOTO FILMS MANUFACTURING CO. LTD.															
	22	2	9.09	34	1	2.94	55	3	5.45	0	0	-	111	6	5.41
93 HINDUSTAN SALTS LTD.															
	41	2	4.86	7	0	0.00	3	1	33.33	1	0	0.00	52	3	3.77
94 HMT (INTERNATIONAL) LTD.															
	17	0	0.00	9	0	0.00	29	0	0.00	7	0	0.00	62	0	0.00
95 HMT BEARINGS LTD.															
	3	3	106.00	4	0	0.00	42	0	0.00	5	0	0.00	54	3	5.56
96 HMT CHINA WATCHES LTD.															
	184	0	0.00	97	0	0.00	1143	0	0.00	0	0	-	1434	0	0.00
97 HMT LTD.															
	563	16	2.82	250	9	3.60	1024	84	8.20	728	30	4.13	2563	139	5.41
98 HMT MACHINE TOOLS LTD.															
	181	3	1.66	22	0	0.00	990	32	3.56	2	0	0.00	1108	35	3.17
99 HMT WATCHES LTD.															
	7	0	0.00	7	0	0.00	17	0	0.00	22	0	0.00	53	0	0.00
100 HOOGELY PRINTING COMPANY LTD.															
	211	9	4.27	575	26	4.52	369	20	7.43	96	3	3.17	1151	54	5.04
101 INSTRUMENTATION LTD.															
	19	3	15.79	6	4	66.67	123	91	73.98	72	50	69.44	220	148	82.27
102 NAGALAND PULP & PAPER COMPANY LTD.															
	112	0	0.00	0	0	-	599	13	2.55	0	0	-	621	13	2.09
103 NEPA LTD.															
	70	2	2.86	82	0	0.00	59	5	8.47	30	2	6.67	241	9	3.73
104 RAJASTHAN ELECTRONICS AND INSTRUMENTS LTD.															

105	105 RICHARDSON & CRUDDAS (1972) LTD.	7	0	0.00	6	0	0.00	9	0	0.00	0	0	0	0	0	22	0	0.00	
106	106 SAMBHAR SALTS LTD.	11	0	0.00	21	0	0.00	83	4	4.82	0	0	-	-	-	115	4	3.48	
107	107 SCOOTERS INDIA LTD.	118	1	0.85	43	0	0.00	445	0	0.00	14	0	0.00	0.00	0.00	620	1	0.16	
108	108 TAVEN STRUCTURALS LTD.	28	0	0.00	4	0	0.00	93	0	0.00	6	0	0.00	-	-	131	0	0.00	
109	109 TINGBARIHARA STEEL PRODUCTS LTD.	6	1	16.67	17	0	0.00	61	2	3.28	0	0	-	-	84	3	3.57		
110	110 TYRE CORPORATION OF INDIA LTD.	48	0	0.03	47	0	0.00	31	0	0.00	15	0	0.00	-	-	141	0	0.00	
	SUB TOTAL:	18447	1136	6.00	13447	689	5.45	35678	6281	17.60	17462	227	1.47			84604	8363	9.90	
	MINISTRY OF HOME AFFAIRS																		
	SUB TOTAL:	0	0	-	0	0	-	0	0	-	0	0	-	0	0	0	0	-	
	MINISTRY OF HOUSING & URBAN POVERTY ALLEVIATION																		
	SUB TOTAL:	12	0	-	79	1	-	126	8	-	45	0	-	262	9	-	56	6.11	
	112 HINDUSTAN PREFAB LTD.	564	20	3.53	120	8	6.67	110	12	10.91	122	16	13.11	916	56	6.11	56	6.11	
	113 HOUSING & URBAN DEV. CORPN. LTD.	576	20	3.47	199	9	4.52	236	20	8.47	167	16	9.58	1178	65	5.52	65	5.52	
	MINISTRY OF HUMAN RESOURCE DEVELOPMENT																		
	SUB TOTAL:	34	0	0.00	18	0	0.00	18	0	0.00	11	1	9.89	81	1	1.23	1	1.23	
	114 ESCULINDIA LTD.	34	0	0.00	18	0	0.00	18	0	0.00	11	1	9.89	81	1	1.23	1	1.23	
	MINISTRY OF INFORMATION & BROADCASTING																		
	SUB TOTAL:	43	1	2.31	27	0	0.00	0	0	-	0	0	-	70	1	1.43	1	1.43	
	115 BROADCAST ENGG. CONSULTANTS INDIA LTD.	24	0	0.00	17	0	0.00	47	0	0.00	10	0	0.00	98	0	0.00	98	0	0.00
	116 NATIONAL FILM DEV. CORPN. LTD.	67	1	1.49	44	0	0.00	47	0	0.00	10	0	0.00	168	1	0.60	168	1	0.60
	MINISTRY OF MICRO SMALL & MEDIUM ENTERPRISES INDIA																		
	SUB TOTAL:	498	16	3.21	139	5	3.60	171	1	6.58	73	0	0.00	881	22	2.50	22	2.50	
	117 NATIONAL SMALL INDUSTRIES CORPN. LTD.	498	16	3.21	139	5	3.60	171	1	6.58	73	0	0.00	881	22	2.50	22	2.50	
	MINISTRY OF MINES																		
	SUB TOTAL:	287	23	3.92	75	8	10.67	2721	416	15.29	729	102	13.99	4112	549	13.35	549	13.35	
	118 HINDUSTAN COPPER LTD.	304	15	4.93	98	10	10.20	1067	82	7.69	12	1	8.75	1481	108	7.29	108	7.29	
	119 MINERAL EXPLORATION CORPN. LTD.	1809	121	6.69	81	14.6	16.37	3839	875	22.79	896	199	22.21	7425	1341	18.06	1341	18.06	
	120 NATIONAL ALUMINIUM COMPANY LTD.	2700	159	5.38	1064	164	15.56	7627	1373	18.00	1637	362	18.45	13018	1998	15.35	1998	15.35	
	MINISTRY OF MINORITIES AFFAIRS																		
	SUB TOTAL:	11	1	9.09	4	0	0.00	3	0	0.00	14	0	0.00	32	1	3.13	1	3.13	
	121 NATIONAL MINORITIES DEVP. & FINANCE CORPORATION	11	1	9.09	4	0	0.00	3	0	0.00	14	0	0.00	32	1	3.13	1	3.13	
	MINISTRY OF NEW AND RENEWABLE ENERGY																		
	SUB TOTAL:	91	7	7.37	14	1	7.14	2	0	0.00	19	1	5.16	830	9	6.92	9	6.92	
	122 INDIAN RENEWABLE ENERGY DEVT. AGENCY LTD.	31	0	0.00	3	0	0.00	31	0	0.00	0	0	-	36	0	0.00	0	0.00	
	123 SOLAR ENERGY CORPORATION OF INDIA	126	7	5.58	19	1	5.26	2	0	0.00	19	1	5.26	166	9	5.42	9	5.42	

124	BALMER LAWRIE & CO. LTD.	486	6	1.23	211	0	0.00	546	7	1.28	188	3	1.68	151	16	1.12
125	BALMER LAWRIE INVESTMENTS LTD.	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
126	BHARAT PETRO RESOURCES LTD.	34	0	0.00	0	0	-	0	0	-	0	0	-	34	0	0.00
127	BHARAT PETROLEUM CORPN. LTD.	3560	337	5.88	0	0	-	1900	333	17.53	5754	134	2.33	1214	794	6.01
128	BIECCO LAWRIE & CO. LTD.	189	0	0.00	28	0	0.00	146	0	0.00	81	0	0.00	446	0	0.00
129	CERTIFICATION ENGINEERS INTERNATIONAL LTD.	70	0	0.00	3	0	0.00	0	0	0	0	0	-	73	0	0.00
130	CHEMNAI PETROLEUM CORPORATION LTD.	206	7	3.40	572	21	3.67	965	8	0.88	5	2	40.80	1688	36	2.25
131	CELEDA HPC. BIOFUEL LTD.	8	2	25.00	0	0	-	0	0	0	0	0	-	0	2	15.00
132	ENGINEERS (INDIA) LTD.	912	44	4.82	2065	82	3.97	253	12	4.10	6	0	0.00	3276	138	4.21
133	GAIL (INDIA) LTD.	1592	211	6.61	384	41	11.98	424	14	3.30	52	3	9.62	4022	271	6.74
134	GAIL GAS LTD.	104	6	5.77	0	0	-	8	0	0.00	0	0	-	112	6	5.36
135	HINDUSTAN PETROLEUM CORPN. LTD.	1127	173	8.12	2154	249	7.89	4326	369	8.53	1242	138	11.11	10849	929	8.56
136	HPC BIOFUELS LTD.	43	0	0.00	106	1	0.94	92	3	3.26	153	10	6.54	394	14	3.35
137	INDIAN OIL CORPORATION LTD.	14607	1084	7.04	6181	598	9.97	11253	862	7.33	452	45	9.96	33793	2389	7.66
138	INDIAN OIL CREMA BIOFUELS LTD.	5	1	20.00	0	0	-	0	0	0	0	0	-	5	1	20.00
139	MANGALORE REFINERY & PETROCHEMICALS LTD.	704	29	2.84	0	0	-	1011	28	2.77	0	0	-	1715	48	2.80
140	NOMALGANH REFINERY LTD.	433	33	7.62	0	0	-	427	62	14.52	4	1	25.00	864	96	11.11
141	OIL & NATURAL GAS CORPORATION LTD.	20726	1937	7.83	2452	349	14.23	4207	553	13.14	3191	261	8.18	34578	3100	8.97
142	OIL INDIA LTD.	1465	130	8.87	3111	58	7.48	3272	441	13.48	1789	204	11.40	7037	875	11.14
143	ONOC VIDESH LTD.	1259	10	0.57	0	0	-	636	0	0.00	0	0	-	2395	10	0.42
144	PRIZE PETROLEUM COMPANY LTD.	1	0	0.00	22	0	0.00	0	0	0	0	0	-	23	0	0.00
	SUB TOTAL :	5431	3991	6.98	16409	1439	8.74	39946	3182	8.99	12919	403	6.22	116755	8925	7.64
145	KANTI BIULEE UTTARAN NIGAM LTD.	158	10	6.23	0	0	-	37	0	0.00	0	0	-	195	10	5.13
146	NHPC LTD.	238	12	5.04	67	6	8.96	119	13	10.92	116	17	14.66	540	48	8.89
147	NHPC LTD.	3657	207	6.41	1151	70	6.06	3360	150	3.94	1687	125	7.41	9843	548	5.57
148	NORTH EASTERN ELECTRIC POWER CORPORATION LTD.	923	171	18.70	425	115	27.06	1326	473	35.67	53	49	32.85	2729	810	39.68
149	NTPC ELECTRIC SUPPLY COMPANY LTD.	85	2	2.35	0	0	-	2	0	0.00	0	0	-	87	2	2.30
150	NTPC LTD.	12999	653	5.90	298	1	0.34	10043	815	8.12	371	0	0.00	23411	1451	6.20
151	NTPC VIDYUT VYAPAR NIGAM LTD.	52	0	0.00	0	0	-	1	0	0.00	0	0	-	53	0	0.00
152	PPC CAPITAL ADVISORY SERVICE LTD.	6	0	0.00	1	0	0.00	0	0	0	0	0	-	7	0	0.00
153	PPC CONSULTING LTD.	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
154	PPC GREEN ENERGY LTD.	16	0	0.00	2	0	0.00	0	0	0	0	0	-	18	0	0.00
155	POWER FINANCE CORPORATION LTD.	329	17	5.17	85	3	3.53	29	5	17.24	3	0	0.00	446	25	5.61
156	POWER GRID CORPORATION OF INDIA LTD.	3884	191	5.18	2324	179	7.70	2537	211	8.25	129	17	13.18	8694	598	6.88
157	POWER SYSTEM OPERATION CORPORATION LTD.	286	11	3.85	61	3	4.92	103	5	4.85	9	0	0.00	459	19	4.14
158	REC POWER DISTRIBUTION CO. LTD.	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
159	REC TRANSMISSION PROJECTS CO. LTD.	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
160	RURAL ELECTRIFICATION CORPN. LTD.	442	34	3.17	0	0	-	102	0	0.00	87	1	1.15	631	15	2.38
161	SNV LTD.	823	49	5.05	308	9	2.92	623	32	5.14	120	5	7.50	1174	99	5.38
162	THDC (INDIA) LTD.	803	16	1.99	124	0	0.00	760	7	0.92	378	1	0.26	2867	24	1.16
	SUB TOTAL :	37115	1333	5.62	4846	386	7.97	19542	1711	8.76	2953	219	7.42	51666	3649	7.15

163	0	0.00	65	0	0.00	655	0	0.00	4	0	0.00	755	0	0.00
164	0	0.00	47	0	0.00	237	0	0.00	4	0	0.00	328	0	0.00
165	0	0.00	135	1	0.24	591	2	0.34	4	0	0.00	772	3	0.39
166	1	16.67	1	0	0.00	8	0	0.00	0	0	0.00	15	1	6.67
167	3	1.89	193	7	3.63	868	60	6.91	1	0	0.00	1325	72	5.41
168	0	0.00	0	0	0.00	3	0	0.00	15	1	6.25	31	1	3.25
169	10	2.85	588	21	4.76	733	35	4.77	1	0	0.00	1672	73	4.37
170	0	0.00	0	0	0.00	8	0	0.00	3	0	0.00	19	0	0.00
171	0	0.00	4	0	0.00	6	0	0.00	1	0	0.00	10	0	0.00
172	18	2.44	349	11	3.44	347	14	4.03	1	0	0.00	1434	44	3.07
173	3	2.65	1455	60	4.12	2463	149	6.20	140	34	4.25	4987	248	5.12
174	0	0.00	122	1	0.82	0	0	0.00	10	9	0.00	187	1	0.85
175	2	0.32	2	0	0.00	27	0	0.00	1	0	0.00	410	2	0.49
176	18	3.50	8	0	0.00	0	0	0.00	1	0	0.00	572	18	3.45
177	0	0.00	0	0	0.00	0	0	0.00	1	0	0.00	0	0	0.00
178	34	2.56	251	7	2.79	242	3	1.24	246	1	3.25	2251	32	2.32
4144	93	2.34	3320	116	3.60	6124	263	4.29	1080	40	3.98	14508	515	3.54
SUB TOTAL:														
MINISTRY OF SCIENCE & TECHNOLOGY														
DEPT. OF BIOTECHNOLOGY														
179	2	2.35	5	0	0.00	28	2	7.14	0	1	0.00	118	5	4.24
180	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	12	0	0.00
181	0	0.00	2	0	0.00	0	0	0.00	0	0	0.00	3	0	0.00
182	1	1.86	7	0	0.00	28	2	7.14	0	1	0.00	143	5	3.50
SUB TOTAL:														
MINISTRY OF SCIENCE & TECHNOLOGY														
DEPT. OF SCIENTIFIC & INDUSTRIAL RESEARCH														
142	0	0.00	0	0	0.00	323	1	0.31	2	0	0.00	549	1	0.18
143	1	2.78	16	0	0.00	15	0	0.00	19	0	0.00	86	1	1.16
240	1	0.38	16	0	0.00	338	1	0.30	21	0	0.00	635	2	0.31
SUB TOTAL:														
MINISTRY OF SHIPPING														
144	0	0.00	1	0	0.00	220	3	1.26	68	0	0.00	296	3	1.81
145	13	3.62	203	8	3.94	1888	19	1.01	0	0	0.00	2450	40	1.63
146	20	6.33	12	0	0.00	189	10	5.29	43	0	0.00	600	30	5.00
147	0	0.00	45	0	0.00	256	4	1.56	40	0	0.00	378	4	1.06
148	0	0.00	0	0	0.00	43	1	2.33	0	0	0.00	103	1	0.97
149	54	7.71	136	6	4.41	700	0	0.00	0	0	0.00	1305	60	7.18
1479	87	5.88	397	14	3.53	2096	37	1.43	171	0	0.00	4663	138	2.96
SUB TOTAL:														
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT														
149	0	0.00	0	0	0.00	228	0	0.00	16	0	0.00	322	0	0.00
150	0	0.00	7	0	0.00	38	0	0.00	0	0	0.00	47	0	0.00
SUB TOTAL:														

18	NATIONAL HANDICAPPED FINANCE & DEVT. CORP.	13	0	0.90	1	0	0.00	13	0	0.00	5	0	0.00	32	0	0.00
19	NATIONAL SAFAL KARAMCHARIS FINANCE & DEVT. CORP.	6	0	0.90	0	4	-	14	0	0.00	6	0	0.00	30	0	0.00
19A	NATIONAL SCHEDULED CASTES FINANCE & DEVT. CORP.	34	1	2.94	7	1	14.29	21	2	8.70	13	0	0.00	77	4	3.19
SUB TOTAL:		149	1	0.67	15	1	6.67	304	2	0.56	40	0	0.00	508	4	0.79
MINISTRY OF STEEL																
195	BISMA STONE LIME COMPANY LTD	37	1	2.70	47	3	6.35	438	242	52.84	439	263	59.91	981	509	51.85
196	EASTERN INVESTMENT LTD.	1	9	0.80	0	0	-	0	0	-	0	0	-	1	0	0.00
197	FERRON SCAUP NIGAM LTD.	136	3	2.21	0	0	-	871	111	12.74	7	0	0.00	1010	114	11.29
198	HINDUSTAN STEELWORKS COSTN LTD.	78	0	0.80	31	2	6.45	83	11	17.25	4	0	0.00	200	15	6.50
199	J. & K. MINERAL DEVELOPMENT CORP. LTD	0	0	-	0	0	-	2	0	-	3	0	-	5	0	-
200	KOOL LTD.	276	12	4.35	34	1	2.94	695	32	5.29	42	6	14.29	957	51	5.32
201	M S T C LTD.	170	11	6.17	148	5	3.38	0	0	-	0	0	-	318	16	5.02
202	MECON LTD.	1477	98	6.64	71	23	32.39	45	15	34.88	82	37	45.12	1673	173	19.34
203	MOULI LTD.	339	15	4.18	2699	417	15.45	1478	234	15.16	107	912	47.08	6473	1564	24.22
204	NMDC LIA	1162	82	7.66	309	29	9.39	3505	849	23.97	688	266	36.26	5664	1219	21.52
205	ORISSA MINERAL DEVELOPMENT COMPANY LTD.	103	2	1.34	37	9	24.52	87	20	34.48	414	198	47.83	641	239	37.29
206	RASHTRIYA INPAT NIGAM LTD.	5441	402	7.59	7162	398	5.56	3562	383	10.75	2208	140	6.53	16371	1223	7.20
207	SAIL REFRACTORY COMPANY LTD	28	0	0.00	0	0	-	232	6	2.69	7	0	0.00	238	9	2.33
208	STEEL AUTHORITY OF INDIA LTD.	10780	931	6.50	0	0	-	75342	12644	16.81	7875	80	1.01	979397	10539	13.95
SUB TOTAL:		20085	1527	6.47	10238	857	54.2	86155	14582	18.58	13304	1904	13.89	134440	10090	14.05
MINISTRY OF TEXTILES																
209	BIRDS LUTE & ENCORE LTD.	0	0	-	0	0	-	0	0	-	0	0	-	0	0	-
210	BRITISH INDIA CORPORATION LTD.	114	0	0.00	69	0	0.00	1438	0	0.00	183	0	0.00	1802	0	0.00
211	CENTRAL COTTAGE INDUSTRIES CORP. OF INDIA LTD.	159	2	1.36	26	0	0.00	7	0	0.00	105	0	0.00	297	2	0.67
212	COTTON CORP. OF INDIA LTD.	108	3	2.28	856	29	3.59	0	0	-	0	0	-	964	32	3.22
213	HANDICRAFTS & HANDLOOM EXPORTS CORP. OF INDIA LTD.	24	2	8.19	42	2	4.76	41	3	7.32	22	2	9.09	129	9	6.98
214	ITEL CORP. OF INDIA LTD.	57	3	5.36	112	5	4.42	255	9	3.53	257	7	2.72	682	24	3.22
215	NATIONAL HANDLOOM DEVELOPMENT CORPORATION LTD.	69	2	2.96	32	1	3.13	42	1	1.61	70	0	0.00	193	4	2.07
216	NATIONAL JUTE MANUFACTURES CORPORATION LTD.	53	0	0.00	0	0	-	0	0	-	0	0	-	53	0	0.00
217	NATIONAL TEXTILE CORP. LTD.	645	4	0.65	888	10	1.13	5893	67	1.14	914	7	0.77	8310	88	1.06
SUB TOTAL:		1199	16	1.33	2056	47	2.32	7094	80	1.84	1511	16	1.86	15430	105	1.28
MINISTRY OF TOURISM																
218	ASSAM ASHOK HOTEL CORP. LTD.	5	1	20.00	7	0	0.00	49	7	14.29	8	0	0.00	69	8	11.59
219	DONYI POLO ASHOK HOTEL LTD.	2	0	0.00	0	0	-	24	3	12.50	20	1	5.00	46	4	8.20
220	INDIA TOURISM DEV. CORP. LTD.	314	5	1.59	96	1	1.04	904	26	2.64	339	8	2.36	1733	40	1.31
221	KUMARAKSARPA FRONTIER HOTELS LTD.	2	0	0.00	0	0	-	1	0	0.00	0	0	-	3	0	0.00
222	MAHATMA TRADES ASHOK HOTEL CORP. LTD.	4	0	0.00	8	0	0.00	49	2	4.08	0	0	-	61	2	3.28
223	PONJICHERY ASHOK HOTEL CORP. LTD.	3	0	0.00	7	1	14.29	10	0	0.00	0	0	-	20	1	5.00
224	BANCIHE ASHOK HOTEL CORP. LTD.	4	0	0.00	1	0	0.00	25	5	20.00	13	3	23.08	45	8	18.00
225	UTKAL ASHOK HOTEL CORP. LTD.	0	0	-	0	0	-	10	0	-	13	0	-	23	0	-
SUB TOTAL:		334	6	1.00	119	2	1.68	1152	43	3.73	363	12	3.05	1998	63	3.15

MINISTRY OF TRIBAL AFFAIRS

228 NATIONAL SCHEDULED TRIBES FINANCE & DEV. CORPN.	24	7	29.17	4	0	0.00	27	3	11.11	0	0	-	55	16	18.18
SUB TOTAL:	24	7	29.17	4	0	0.00	27	3	11.11	0	0	-	55	16	18.18
MINISTRY OF URBAN DEVELOPMENT															
227 NATIONAL BLDG CONSTN. CORPN. LTD.	417	4	0.96	707	32	4.53	957	3	0.31	55	0	0.00	2106	39	1.83
SUB TOTAL:	417	4	0.96	707	32	4.53	957	3	0.31	55	0	0.00	2106	39	1.83
MINISTRY OF WATER RESOURCES															
218 NATIONAL PROJECTS CONSTRUCTION CORPN. LTD.	310	3	0.97	232	4	1.59	643	5	0.47	148	3	3.38	1555	15	1.11
229 WAPCOS LTD.	484	6	1.29	64	3	4.69	47	1	2.13	43	3	6.98	618	13	2.10
SUB TOTAL:	774	9	1.16	316	7	2.12	692	4	0.58	191	6	4.15	1973	28	1.42
DEPT. OF ATOMIC ENERGY															
230 ELECTRONICS CORPN. OF INDIA LTD.	2081	127	6.07	0	0	-	219	67	8.18	257	8	1.69	3207	202	6.30
231 TITANTRABE EARTHIS LTD.	597	14	2.76	66	0	0.00	973	30	3.08	504	14	1.77	2054	58	2.82
233 NUCLEAR POWER CORPN. OF INDIA LTD.	4334	73	1.68	1755	108	6.15	5683	528	9.29	6	0	-	11772	709	6.02
233 URANIUM CORPORATION OF INDIA LTD.	271	16	5.92	277	31	11.19	1372	374	27.26	2726	1510	53.31	44889	1931	41.53
SUB TOTAL:	7283	236	3.16	3068	139	6.63	8849	999	11.29	3533	1532	43.36	21483	2900	13.37
DEPT. OF SPACE															
234 ANTRIX CORPORATION LTD.	16	1	6.23	3	0	0.00	8	0	-	46	0	0.00	68	1	1.47
SUB TOTAL:	16	1	6.23	3	0	0.00	8	0	-	46	0	0.00	68	1	1.47
GRAND TOTAL:	27859	1492	5.36	13045	8762	6.72	67164	6917	16.28	27544	23067	8.15	134693	11633	8.58

ANNEXURE-2.II
(Ref. Para 2.8.20 9R)

STATEMENT OF TEACHING POSITION OF ST CATEGORY AS ON 1.1.2014 INDICATING SANCTIONED/ EXISTING/ VACANT POSITIONS IN CENTRAL UNIVERSITIES.

Sl. No.	Name of the State	Name of the University	No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts	
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST
			PROFESSORS						ASSOCIATE PROFESSORS						ASSISTANT PROFESSOR					
1	Arunachal Pradesh	Rajiv Gandhi University	24	2	11	1	13	1	41	2	28	1	13	1	119	22	93	18	26	4
2	Assam	Assam University	41	2	29	1	12	1	106	4	91	2	15	2	240	15	236	15	4	0
3	Assam	Tezpur University	50	3	41	1	9	2	69	5	55	1	14	4	130	9	125	9	5	0
4	Bihar	C.U. of South Bihar	22	1	2	0	20	1	43	3	7	0	36	3	88	6	71	3	17	3
5	Chhattisgarh	Guru Ghasidas Vishwavidyalaya	58	4	19	1	39	3	108	8	35	0	73	8	267	19	174	11	93	8
6	Delhi	University of Delhi	264	19	121	0	143	19	648	48	271	1	377	47	794	59	421	23	373	36
7	Delhi	Jamia Millia Islamia	126	0	83	0	43	0	201	0	167	0	34	0	502	20	439	20	63	0
8	Delhi	Jawaharlal Nehru University	205	13	103	1	102	12	366	24	206	4	160	20	338	19	241	10	97	9
9	Gujarat	C.U. of Gujarat	21	1	5	0	16	1	42	3	7	0	35	3	84	6	47	4	37	2
10	Haryana	C.U. of Haryana	25	1	0	0	25	1	50	3	3	0	47	3	100	7	27	1	73	6
11	Himachal Pradesh	C.U. of Himachal Pradesh	27	1	5	0	22	1	53	3	11	1	42	2	108	8	51	3	57	5
12	Jammu & Kashmir	C.U. of Jammu	20	1	4	0	16	1	40	3	3	0	37	3	80	6	46	2	34	4
13	Jammu & Kashmir	C.U. of Kashmir	21	1	6	0	15	1	41	3	3	0	38	3	90	6	38	3	52	3
14	Jharkhand	C.U. of Jharkhand	23	1	9	0	14	1	45	3	10	0	35	3	99	6	77	4	22	2
15	Karnataka	C.U. of Karnataka	20	1	6	0	14	1	40	3	8	0	32	3	80	6	38	2	42	4
16	Kerala	C.U. of Kerala	21	1	1	0	20	1	42	3	10	0	32	3	84	6	35	2	49	4
17	Madhya Pradesh	DR. Harishingh Gour Vishwavidyala	51	4	6	0	45	4	93	7	36	0	57	7	185	14	218	7	33	7
18	Madhya Pradesh	Indira Gandhi National Tribal University	22	1	10	0	12	1	43	3	12	0	31	3	88	6	65	4	23	2
19	Maharashtra	M.G.A. Hindi	18	1	12	0	6	1	15	1	11	0	4	1	59	4	40	1	19	3

		Vishwavidyalaya																		
20	Manipur	Manipur University	38	2	13	0	25	2	87	6	48	4	39	2	198	10	155	9	43	1
21	Meghalaya	North Eastern Hill University	93	3	60	1	33	2	147	6	95	5	52	1	205	16	189	15	16	1
22	Mizoram	Mizoram University	47	1	30	0	17	1	74	3	49	1	25	2	246	20	241	19	5	1
23	Nagaland	Nagaland University	45	2	13	1	32	1	62	2	44	2	18	0	146	7	116	11	30	4
24	Orissa	C.U. of Orissa	23	1	0	0	23	1	43	3	1	0	42	3	88	6	17	1	71	5
25	Punjab	C.U. of Punjab	22	1	1	0	21	1	43	3	2	0	41	3	86	6	37	0	49	6
26	Rajasthan	C.U. of Rajasthan	27	1	8	1	19	0	53	3	17	0	36	3	108	8	67	4	41	4
27	Sikkim	Sikkim University	29	2	4	1	25	1	68	4	28	0	40	4	104	7	89	7	15	0
28	Tamil Nadu	C.U. of Tamil Nadu	22	1	2	0	20	1	43	3	6	0	37	3	86	6	21	1	65	5
29	Telangana	Maulana Azad National Urdu University	47	3	32	1	15	2	88	6	51	0	37	6	247	18	227	13	20	5
30	Telangana	University of Hyderabad	108	8	72	0	36	8	229	17	170	1	59	16	219	16	171	12	48	4
31	Telangana	The English & Foreign Languages University	32	2	22	1	10	1	60	3	41	1	19	2	145	14	125	14	20	0
32	Tripura	Tripura University	46	3	3	0	43	3	67	4	22	1	45	3	156	11	115	11	41	0
33	Uttar Pradesh	Aligarh Muslim University	197	0	129	0	68	0	383	0	273	0	110	0	1026	0	815	0	211	0
34	Uttar Pradesh	Banaras Hindu University	255	17	130	0	125	17	531	37	316	1	215	36	1146	84	770	26	376	58
35	Uttar Pradesh	Babasaheb Bhimrao Ambedkar University	27	1	9	0	18	1	49	3	34	0	15	3	99	6	64	4	35	2
36	Uttar Pradesh	University of Allahabad	79	5	14	0	65	5	189	14	57	0	132	14	584	41	258	8	326	33
37	Uttarakhand	H.N.B. Garhwal University	43	3	16	0	27	3	84	6	38	0	46	6	341	25	249	4	92	21
38	West Bengal	Visva Bharti	70	5	50	0	20	5	154	11	118	2	36	9	415	31	376	26	39	5
39	Puducherry	Pondicherry University	67	4	31	0	36	4	144	10	105	0	39	10	278	20	235	17	43	3
	total		2376	123	1112	11	1264	112	4684	273	2489	28	2195	245	9458	596	6819	344	2639	252

ANNEXURE-2.III
(Ref. Para 2.8.23 9R)

STATEMENT OF NON-TEACHING POSITION OF ST CATEGORY AS ON 1.1.2014 INDICATING SANCTIONED/ EXISTING/
VACANT POSITIONS IN CENTRAL UNIVERSITIES.

Sl. No.	Name of the State	Name of the University	No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts	
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST
			GROUP A						GROUP B						GROUP C					
1	Arunachal Pradesh	Rajiv Gandhi University	24	0	15	11	9	-11	53	0	42	18	11	-18	179	6	155	82	23	-76
2	Assam	Assam University	35	1	29	1	6	0	56	2	48	2	8	0	236	17	212	15	24	2
3	Assam	Tezpur University	40	2	34	2	6	0	55	3	53	3	2	0	179	12	173	12	6	0
4	Bihar	C.U. of South Bihar	21	0	13	0	8	0	30	0	21	0	9	0	67	3	57	3	10	0
5	Chhattisgarh	Guru Ghasidas Vishwavidyalaya	34	0	22	1	12	-1	55	3	34	5	21	-2	368	54	270	34	98	20
6	Delhi	University of Delhi	200	12	103	5	97	7	585	44	402	24	183	20	2495	186	1155	42	1340	144
7	Delhi	Jamia Millia Islamia	68	0	67	0	1	0	60	2	60	2	0	0	1118	7	1090	7	28	0
8	Delhi	Jawaharlal Nehru University	104	5	82	5	22	0	259	22	199	19	60	3	1202	62	961	52	241	10
9	Gujarat	C.U. of Gujarat	20	0	4	0	16	0	31	0	2	0	29	0	75	0	8	2	67	-2
10	Haryana	C.U. of Haryana	20	0	4	0	16	0	28	0	9	0	19	0	60	0	18	0	42	0
11	Himachal Pradesh	C.U. of Himachal Pradesh	17	0	3	0	14	0	31	0	5	0	26	0	73	3	15	3	58	0
12	Jammu & Kashmir	C.U. of Jammu	20	0	11	0	9	0	30	0	18	0	12	0	60	1	27	1	33	0
13	Jammu & Kashmir	C.U. of Kashmir	20	0	6	0	14	0	29	0	14	0	15	0	61	1	40	1	21	0
14	Jharkhand	C.U. of Jharkhand	20	1	7	1	13	0	35	1	13	1	22	0	95	3	39	2	56	1
15	Karnataka	C.U. of Karnataka	20	0	7	0	13	0	32	0	8	0	24	0	69	0	32	0	37	0
16	Kerala	C.U. of Kerala	21	0	11	0	10	0	30	0	18	0	12	0	80	1	31	0	49	1
17	Madhya Pradesh	DR. Harishingh Gour Vishwavidyala	37	1	25	1	12	0	167	9	82	1	85	8	916	134	602	40	314	94
18	Madhya Pradesh	Indira Gandhi National Tribal	20	2	9	2	11	0	35	2	10	1	25	1	87	17	30	7	57	10

		University																		
19	Maharashtra	M.G.A. Hindi Vishwavidyalaya	25	1	18	1	7	0	41	3	37	1	4	2	51	3	42	2	9	1
20	Manipur	Manipur University	38	2	27	3	11	-1	30	1	23	5	7	-4	438	96	300	94	138	2
21	Meghalaya	North Eastern Hill University	68	0	61	0	7	0	186	1	130	1	56	0	777	0	513	0	264	0
22	Mizoram	Mizoram University	39	1	32	1	7	0	80	3	71	3	9	0	384	77	352	66	32	11
23	Nagaland	Nagaland University	36	0	31	4	5	-4	88	1	81	7	7	-6	487	135	487	135	0	0
24	Orissa	C.U. of Orissa	20	1	8	0	12	1	29	2	5	0	24	2	66	4	12	0	54	4
25	Punjab	C.U. of Punjab	22	0	4	0	18	0	34	0	6	0	28	0	75	0	22	0	53	0
26	Rajasthan	C.U. of Rajasthan	20	0	8	0	12	0	35	0	7	0	28	0	90	6	25	0	65	6
27	Sikkim	Sikkim University	16	1	8	1	8	0	29	2	18	1	11	1	85	5	27	2	58	3
28	Tamil Nadu	C.U. of Tamil Nadu	20	1	5	0	15	1	32	2	7	0	25	2	74	5	11	1	63	4
29	Telangana	Maulana Azad National Urdu University	55	0	47	0	8	0	109	3	100	2	9	1	234	8	230	8	4	0
30	Telangana	University of Hyderabad	84	0	65	3	19	-3	188	4	146	7	42	-3	1068	60	690	47	378	13
31	Telangana	The English & Foreign Languages University	43	3	22	2	21	1	49	3	29	2	20	1	350	26	171	21	179	5
32	Tripura	Tripura University	31	0	21	0	10	0	47	0	13	0	34	0	174	41	73	14	101	27
33	Uttar Pradesh	Aligarh Muslim University	169	0	113	0	56	0	1004	0	837	0	167	0	4849	0	4638	0	211	0
34	Uttar Pradesh	Banaras Hindu University	241	9	157	7	84	2	224	12	166	12	58	0	7273	351	4647	158	2626	193
35	Uttar Pradesh	Babasaheb Bhimrao Ambedkar University	23	0	12	0	11	0	35	1	24	0	11	1	90	1	61	1	29	0
36	Uttar Pradesh	University of Allahabad	59	0	21	0	38	0	28	1	150	0	-122	1	1299	31	838	0	461	31
37	Uttarakhand	H.N.B. Garhwal University	51	3	24	0	27	3	61	4	34	0	27	4	748	39	598	11	150	28
38	West Bengal	Visva Bharti	93	4	74	2	19	2	262	14	217	13	45	1	144	98	675	38	770	60
39	Puducherry	Pondicherry University	88	2	60	2	28	0	168	5	138	3	30	2	290	11	214	11	76	0
	total		1982	52	1270	55	712	-3	4360	150	3277	133	1083	17	27767	1504	19542	912	8225	592

ANNEXURE-2.IV
(Ref. Para 2.8.26 9R)

STATEMENT OF TEACHING POSITION OF ST CATEGORY AS ON 1.1.2014 INDICATING SANCTIONED/ EXISTING/ VACANT
POSITIONS IN CENTRAL DEEMED UNIVERSITIES.

Sl. No.	Name of the State	Name of the University	No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts	
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST
			ASSISTANT PROFESSORS						ASSOCIATE PROFESSORS						PROFESSORS					
1	Andhra Pradesh	Rashtriya Sanskrit Vidyapeetha	60	55	5	5	3	2	16	14	2	1	0	1	7	5	2	1	0	1
2	Delhi	Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth	21	13	8	2	0	2	88	57	31	7	1	6	11	0	11	1	0	1
3	Gujarat	Gujarat vidyapeeth	122	97	25	9	9	0	33	14	19	2	0	2	21	10	11	2	0	2
4	Maharashtra	Tata Institute of Social Sciences	88	84	4	7	6	1	60	55	5	5	3	2	29	25	4	2	2	0
5	Tamilnadu	Avinashilingam Institute for Home Sc. & Higher Education for Women	175	167	8	13	6	7	20	15	5	2	0	2	23	15	8	2	0	2
6	Tamilnadu	The Gandhigram Rural Institute	115	107	8	9	5	4	29	23	6	2	0	2	19	13	6	1	0	1
7	Uttar Pradesh	Dayalbag Educational Institute	233	222	11	17	3	14	28	24	4	2	0	2	6	4	2	0	0	0
8	Uttarakhand	Gurukula Kangri Vishwavidyalaya	99	78	21	7	2	5	30	19	11	2	0	2	20	6	14	2	0	2
			913	823	90	69	34	35	304	221	83	23	4	19	136	78	58	11	2	9

ANNEXURE-2.V
(Ref. Para 2.8.28 9R)

STATEMENT OF NON-TEACHING POSITION OF ST CATEGORY AS ON 1.1.2014 INDICATING SANCTIONED/ EXISTING/
VACANT POSITIONS IN CENTRAL DEEMED UNIVERSITIES.

Sl. No.	Name of the State	Name of the University	No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts		No. of sanctioned Posts		No. of Existing Posts		No. of Vacant Posts	
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST
			GROUP A						GROUP B						GROUP C						GROUP D					
1	Andhra Pradesh	Rashtriya Sanskrit Vidyapeetha	11	8	3	1	0	1	16	16	-	1	1	0	29	19	10	2	0	2	28	26	2	2	2	0
2	Delhi	Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth	13	12	1	1	0	1	31	23	8	2	0	2	82	49	33	6	3	3				0	0	0
3	Gujarat	Gujarat vidyapeeth	30	12	18	2	1	1	57	36	21	4	2	2	113	50	63	8	5	3	53	13	40	4	2	2
4	Maharashtra	Tata Institute of Social Sciences	31	23	8	2	1	1	102	85	17	8	3	5	114	100	14	9	10	1	0	0	0	0	0	0
5	Tamilnadu	Avinashilingam Institute for Home Sc. & Higher Education for Women	20	17	3	2	0	2	15	11	4	1	0	1	63	44	19	5	2	3	31	27	4	2	3	-1
6	Tamilnadu	The Gandhigram Rural Institute	25	15	9	2	0	2	47	38	9	4	2	2	173	121	52	13	6	7	-	-	-	0	0	0
7	Uttar Pradesh	Dayalbag Educational Institute	15	12	3	1	1	0	29	25	4	2	1	1	156	1337	19	12	2	10	84	81	3	6	0	6
8	Uttarakhand	Gurukula Kangri Vishwavidyalaya	18	15	3	1	1	0	34	26	8	3	0	3	147	120	27	11	2	9	-	-	-	0	0	0
			162	114	48	12	4	8	331	260	71	25	9	16	877	640	237	66	30	36	196	147	49	15	7	8

NATIONAL COMMISSION FOR SCHEDULED TRIBES

LIST OF DERESERVATION PROPOSALS RECEIVED DURING 2013-14

Sl No.	File No.	Subject
1	<u>De-reservation-29/Service/ CAG/ 2013/RU-II</u>	Proposal dated 06/09/2013 for de-reservation of 1 ST roster point in the cadre of Supervisor in office of the Pr. Accountant General (Audit), Bihar, Patna during the panel year 2013.
2	<u>De-reservation-30/Service/MOT/ 2013/RU-II</u>	Proposal dated 24/09/2013 for de-reservation of vacancies reserved for Scheduled Castes and Scheduled Tribes in Posts filled by promotion.
3	<u>De-reservation-28/Ser./Cabinet Sectt./2013/RU-II</u>	Proposal dated 24/07/2013 for De-reservation of two ST vacancies in the grade of Private Secretary in DG(S).
4	<u>De-reservation-32/Service /Cab.Sect. / 2013/RU-II</u>	Proposal dated 21/11/2013 for de-reservation of one post of Research Officer (IA) meant for ST category for promotion of Deputy Research Officer (IA) in ARC.
5	<u>De-reservation-27/Service/CAG /2013/RU-II</u>	Proposal dated 05/07/2013 for de-reservation of reserved vacancy in the cadre of Astd. Audit Officer in office of the Pr. Director of Audit, East Central Railway, Hajipur during the panel year 2013.
6	<u>De-reservation-31/Service/CAG /2013 /RU-II</u>	Proposal dated 04/11/2013 for de-reservation of 1 ST Roster point in the cadre of Accounts Officer in office of the Pr. Accountant General (A&E), Kerala, Thiruvananthapuram during the panel year 2013.
7	<u>De-reservation-33/Service/CAG/ 2013/RU-II</u>	Proposal dated 22/11/2013 for de-reservation of 2 ST roster points in the cadre of Audit Officer in office of the Pr. Accountant General (Audit), Haryana, Chandigarh during the panel year 2014.
8	<u>De-reservation-34/Service/CAG /2013/RU-II</u>	Proposal dated 22/11/2013 for de-reservation of 1 ST roster point in the cadre of Astd. Accounts Officer in office of the Accountant General (A&E), Himachal Pradesh, Shimla during the panel year 2014.
9	<u>De-reservation-26/Service/CAG/ 2013/RU-II</u>	Proposal dated 30/04/2013 for de-reservation of one ST reserved vacancy in the cadre of Astd. Audit Officer in office of the Pr. Director of Audit, North Eastern Railway, Gorakhpur during the panel year 2013.

10	<u>De-reservation-35/Service/CAG/2013/RU-II</u>	Proposal dated 22/11/2013 for de-reservation of 2 ST roster points in the cadre of Accounts Officer in office of the Accountant General (A&E)-I, Uttar Pradesh, Allahabad during the panel year 2014.
11	<u>De-reservation-36/Service/CAG/2013/RU-II</u>	Proposal dated 22/11/2013 for de-reservation of 2 ST and 1 SC roster points in the cadre of Sr. Audit Officer in office of the Pr. Accountant General (Audit), Haryana, Chandigarh during the panel year 2014.
12	<u>De-reservation-37/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 2 ST roster points in the cadre of Sr. Audit Officer in office of the Director General of Audit, Central, Kolkata during the panel year 2014.
13	<u>De-reservation-38/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of roster points reserved for STs in the cadre of Audit Officer in office of the Pr. Accountant General (G&SSA), Uttar Pradesh, Allahabad during the panel year 2014.
14	<u>De-reservation-40/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 1 ST and 1 SC roster points in the cadre of Sr. Accounts Officer in office of the Pr. Accountant General (A&E), Tamil Nadu, Chennai during the panel year 2014.
15	<u>De-reservation-41/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 01 ST roster points in the cadre of Audit Officer in office of the Pr. Accountant General (Audit), Himachal Pradesh, Shimla during the panel year 2014.
16	<u>De-reservation-39/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 1 ST roster point in the cadre of Audit Officer in office of the Pr. Accountant General (G &SSA), Kerala, Thiruvananthapuram during the panel year 2014.
17	<u>De-reservation-43/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 1 ST roster point in the cadre of Accounts Officer in office of the Pr. Accountant General (A&E), Kerala, Thiruvananthapuram during the panel year 2014.
18	<u>De-reservation-44/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 1 ST roster point in the cadre of Audit Officer in office of the Pr. Director of Audit, South Eastern Railway, Kolkata during the panel year 2014.
19	<u>De-reservation-45/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 2 ST roster points in the cadre of Sr. Audit Officer in office of the Accountant General (Audit), Bihar, Patna during the panel year 2014.

20	<u>De-reservation-46/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 1 ST roster point in the cadre of Accounts Officer in office of the Accountant General (A&E), J&K, Srinagar during the panel year 2014.
21	<u>De-reservation-42/Service/CAG/2013/RU-II</u>	Proposal dated 25/11/2013 for de-reservation of 1 ST roster point in the cadre of Audit officer in office of the Pr. Director of Audit, Western Railway, Mumbai during the panel year 2014.
22	<u>De-reservation-53/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 1 ST roster points in the cadre of Accounts Officer in office of the Pr. Accountant General (A&E), West Bengal, Kolkata during the panel year 2014.
23	<u>De-reservation-47/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 01 ST roster point in the cadre of Accounts Officer in office of the Pr. Accountant General (A&E), Tamil Nadu, Chennai during the panel year 2014.
24	<u>De-reservation-48/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 01 ST roster point in the cadre of Divisional Accounts Officer-I in office of the Pr. Accountant General (A&E), West Bengal, Kolkata during the panel year 2014.
25	<u>De-reservation-49/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 01 ST roster point in the cadre of Sr. Accounts Officer in office of the Pr. Accountant General (A&E), Haryana, Chandigarh during the panel year 2014.
26	<u>De-reservation-50/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 3 ST roster points in the cadre of Audit Officer in office of the Accountant General (Audit), Punjab, Chandigarh during the panel year 2014.
27	<u>De-reservation-52/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 2 ST roster points in the cadre of Sr. Audit Officer in office of the Pr. Accountant General (G&SSA), Kerala, Thiruvananthpura during the panel year 2014.
28	<u>De-reservation-51/Service/CAG/2013/RU-II</u>	Proposal dated 26/11/2013 for de-reservation of 2 ST roster points in the cadre of Asst. Audit Officer in office of the Pr. Director of Audit, East Central Railway, Hajipur during the panel year 2014.
29	<u>De-reservation-54/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 2 ST roster points in the cadre of Audit Officer in office of the Pr. Accountant General (G&SSA), Madhya Pradesh, Gwalior during the panel year 2014.

30	<u>De-reservation-55/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 2 ST roster points in the cadre of Sr. Divisional Accounts Officer in office of the Pr. Accountant General (A&E), Haryana, Chandigarh during the panel year 2014.
31	<u>De-reservation-56/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of roster points reserved for STs in the cadre of Sr. Audit Officer in office of the Pr. Accountant General (G&SSA), Andhra Pradesh, Hyderabad during the panel year 2014.
32	<u>De-reservation-57/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 3 ST roster points in the cadre of Audit Officer in office of the Pr. Director of Audit, Eastern Railway, Kolkata during the panel year 2014.
33	<u>De-reservation-58/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 02 roster points reserved for STs in the cadre of Audit Officer in office of the Pr. Accountant General (G&SSA), Andhra Pradesh, Hyderabad during the panel year 2014.
34	<u>De-reservation-59/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 2 ST roster points in the cadre of Audit Officer in office of the Pr. Accountant General (G&SSA), Tamil Nadu, Chennai during the panel year 2014.
35	<u>De-reservation-60/Service/CAG/2013/RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 1 ST roster point in the cadre of Accounts Officer in office of the Accountant General (A&E), Gujarat, Rajkot during the panel year 2014.
36	<u>De-reservation-61/Service/CAG/2013 /RU-II</u>	Proposal dated 09/12/2013 for de-reservation of 2 ST roster points in the cadre of Sr. Audit Officer in office of the Pr. Accountant General (G&SSA), Madhya Pradesh, Gwalior during the panel year 2014.
37	<u>File No. De-reservation/CAG/Service /2014/RU-II</u>	De-reservation proposal received from CAG, New Delhi
38	<u>De-reservation/CAG/Service /2013/RU-II</u>	De-reservation proposal received from CAG, New Delhi.
39	<u>De-reservation /4/2013/RU-III</u>	Proposal for De-reservation of 06 vacancies reserved for ST promotion quota in the rank of PS in IB.
40	<u>De-reservation/1/2014/RU-III</u>	De-reservation of four post of ST category candidates for promotion from ASI/Pharmacist to the rank of fSI/Pharmacist
41	<u>De-reservation/5/2013/RU-III</u>	One ST post for the position of Assistant Professor Department of Paediatrics Surgery has been dereserved and a general candidate has been appointed by Directorate of Medical

		Education and Training.
42	<u>De-reservation/6/2013/RU-III</u>	De-reservation proposal received for one post of Assistant (General), Grade I, Group B, of Science & Industrial Research Board under Ministry of Science & Technology.
43	<u>De-reservation/2/2014/RU-III</u>	Proposal of NCRB for de-reservation of two vacancies- one each reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the grade DPA-B.
44	<u>De-reservation/3/2014/RU-III</u>	Proposal for De-reservation of the post of SI (Steno) meant for ST category.
45	<u>DR/3/MDEF/2013/RU-IV</u>	De-r proposal Senior Admin Assistant reserved for SC/ST in promotion in DMRL, Hyderabad.
46	<u>DR/1/MDEF/2014/RU-IV</u>	DR proposal received from the US, M/o Defence, Deptt. of Defence Research & Development for one post reserved for ST in the grade of STA 'B' to be filled in through LDCE in DMRL, Hyderabad.
47	<u>DR/5/MDEF/2013/RU-IV</u>	DR proposal Senior Admin Assistant reserved for SC/ST in promotion in CCE(R&D), Secunderabad.
48	<u>DR/4/MDEF/2013/RU-IV</u>	DR proposal Senior Admin Assistant reserved for SC/ST by promotion in PXE, Balasore.
49	<u>DR/6/MDEF/2013/RU-IV</u>	DR proposal Senior Admin Assistant reserved for SC/ST in promotion in NPOL, Kochi.
50	<u>DR/7/MDEF/2013/RU-IV</u>	DR proposal Senior Admin Assistant reserved for SC/ST in promotion in SSPL, Delhi
51	<u>DR/8/MDEF/2013/RU-IV</u>	DR proposal for Admin. Assistant "B" reserved for ST promotion in SSPL, Delhi
52	<u>DR/9/MDEF/2013/RU-IV</u>	DR proposal for Sr. Store Assistant Reserved for ST on promotion in DMRL, Hyderabad
53	<u>DR/10/MDEF/2013/U-IV</u>	Derreservation proposal for the post of Senior Technical Assistant 'B'(STA 'B) reserved for ST in LDCE in DMRL, Hyderabad.
54	<u>DR/11/MDEF/2013/U-IV</u>	De-reservation proposal for the post of Technician 'A' reserved for ST in LDCDE in DLRL, Hyderabad letter dated 25.05.2013 from the US, MoD, New Delhi.
55	<u>DR/13/MDEF/2013/RU-IV</u>	De-reservation proposal for the post of Accounts Officer reserved for ST in promotion in DRDO, HQrs-Letter dated 25.05.2013 from the US, MoD, New Delhi.

56	<u>DR/14/MDEF/2013/RU-IV</u>	De-reservation proposal for the post of Senior Admin Assistant reserved for ST in promotion in DMSRDE, Kanpur-Letter dated 25.05.2013 from the US, MoD, New Delhi.
57	<u>DR/15/MDEF/2013/RU-IV</u>	De-reservation proposal for the post of Attendant Lab. Service-II(ALS-II) reserved for ST in promotion in DMSRDE, Kanpur-Letter dated 25.05.2013 from the US, MoD, New Delhi.
58	<u>DR/12/MDEF/2013/U-IV</u>	De-reservation proposal for the post of Senior Technical Assistant 'B' (STA 'B') reserved for ST in LDCE in DLRL, Hyderabad-Letter dated 25.05.2013 from the US, MoD, New Delhi.
59	<u>DR/16/MDEF/2013/RU-IV</u>	De-reservation of one post ST in the grade of JTO(D), DQA(Naval)
60	<u>DR/17/MDEF/2013/RU-IV</u>	De-reservation proposal for one post of Senior Technical Assistant 'B' (STA 'B') reserved for ST candidate to be filled in through LDCE in DLRL, Hyderabad.
61	<u>DR/18/MDEF/2013/RU-IV</u>	De-reservation proposal for one post of Technician 'A' reserved for ST candidate to be filled through LDCE in DLRL, Hyderabad.
62	<u>DR/19/MDEF/2013/RU-IV</u>	De-reservation proposal for two posts of Technician 'A' reserved for ST candidates to be filled through LDCE in CCE(R&D), South, Secunderabad.
63	<u>DR/20/MDEF/2013/RU-IV</u>	De-reservation proposal for three posts of Admin Assistant 'B' reserved for SC/ST candidates to be filled in by promotion in LRDE Bangalore.
64	<u>DR/21/MDEF/2013/RU-IV</u>	De-reservation proposal for two posts of Civilian Driver 'C' reserved for SC/ST candidates to be filled in by promotion in CCE(R&D) South, Secunderabad.
65	<u>DR/22/MDEF/2013/RU-IV</u>	De-reservation proposal for one post of Senior Technical Assistant 'B' (STA 'B') reserved for ST candidate to be filled in through LDCE in ASL, Hyderabad.
66	<u>DR/23/MDEF/2013/RU-IV</u>	De-reservation proposal for one post reserved for ST in the grade of Attendant Lab Service-II to be filled in by promotion in CCE(R&D) South, Secunderabad.
67	<u>DR/24/MDEF/2013/RU-IV</u>	De-reservation proposal for one post reserved for ST in the grade of Senior Stores Assistant to be filled in by Promotion in IRDE, Dehradun.

68	<u>DR/25/MDEF/2013/RU-IV</u>	De-reservation proposal for one post reserved for ST in the grade of Civilian Driver 'C' to be filled in by promotion in IRDE, Dehradun.
69	<u>DR/26/CPT/MSTR2/2013/RU-IV</u>	De-reservation proposal for various categories of STs in Chennai Port Trust - reg.
70	<u>DR/26/MFIN/2013/RU-IV</u>	Letter dated 25.10.2013 received from the Under Secretary, Deptt. of Revenue, Central Board of Excise & Customs, New Delhi regarding proposal for de-reservation of 06 vacancies of ST category for post of Superintendent of Central Excise & Customs in the CC Zone Chandigarh
71	<u>DR/27/MDEF/2013/RU-IV</u>	Letter dated 23.10.2013 received from the Under Secretary, Deptt. of D(R&D), M/o Defence, New Delhi regarding de-reservation proposal for one post reserved for ST in the grade of STA 'B' to be filled in through LDCE in ASL, Hyderabad.
72	<u>DR/2/MDEF/2014/RU-IV</u>	Letter received from the Under Secretary, M/o Defence, Department of Defence Research & Development regarding de-reservation of one post for ST in the grade of ALS-II to be filled in through DPC-III in CFEES, Delhi.
73	<u>DR/3/MSTR2/2014/RU-IV</u>	Letter received from Smt. Gowri S. Nair, Under Secretary, M/o Shipping, New Delhi regarding de- reservation proposals of Promotional posts of f Mumbai Port Trust.
74	<u>DR/4/MDEF/2014/RU-IV</u>	DR proposal received from the US, M/o Defence, Deptt. of Defence Research & Development for two post reserved for ST in the grade of Tech A in CCE(R&D) South, Secunderabad Zone, DRDO.

ANNEXURE-3.I
(Ref Para 3.1.2 9R)

Total population, Scheduled Tribe population and inter-Census decadal ST population growth during 1991,2001and 2011 census															
S. No.	Name of State/ UT	Total popn. 1991 Census	ST popn. 1991 Censu s	%age of ST popn to total popn in State as per 1991 Census	%age of ST popn. in State to total ST popn in India in 1991 Census	Total popn. 2001 Census	ST popn. 2001 Census	%age of ST popn to total popn in State as per 2001 Census	%age of ST popn in State to total ST popn in India in 2001 Census	%age increase in ST popn. in 2001 over 1991 Census in State	Total popn 2011 Census	ST popn 2011 Census	%age of ST popn to total popn in State as per 2011 Census	%age increase in ST popn. In 2011 over 2001 Census in State	%age of ST popn in State to total ST popn in India in 2011 Census
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Andhra Pradesh	665,08,008	41,99,481	6.31	6.20	762,10,007	50,24,104	6.59	5.96	14.59	845,80,777	59,18,073	7	17.79	5.68
2	Arunachal Pradesh	8,64,558	5,50,351	63.66	0.81	10,97,968	7,05,158	64.22	0.84	27	13,83,727	9,51,821	68.79	34.98	0.91
3	Assam	224,14,322	28,74,441	12.82	4.24	266,55,528	33,08,570	12.41	3.92	18.92	312,05,576	38,84,371	12.45	17.4	3.72
4	Bihar	863,74,465	66,16,914	7.66	9.77	829,98,509	7,58,351	0.91	0.90		1040,99,452	13,36,573	1.28	76.25	1.28
5	Chhattisgarh*	-	-			208,33,803	66,16,596	31.76	7.85		2554,51,198	78,22,902	30.62	18.23	7.5
6	Goa	11,69,793	376	0.03	0.00	13,47,668	566	0.04	0.00	15.21	14,58,545	1,49,275	10.23	26273.67	0.14
7	Gujarat	413,09,582	61,61,775	14.92	9.09	506,71,017	74,81,160	14.76	8.87	22.66	604,39,692	89,17,174	14.75	19.2	8.55
8	Haryana	164,63,648	-			211,44,564	-			28.43	253,51,462	-	0	-	0
9	Himachal Pradesh	51,70,877	2,18,349	4.22	0.32	60,77,900	2,44,587	4.02	0.29	17.54	68,64,602	3,92,126	5.71	60.32.	0.38
10	Jammu & Kashmir	-	-			101,43,700	11,05,979	10.90	1.31		125,41,302	14,93,299	11.91	35.02	1.43
11	Jharkhand	-	-			269,45,829	70,87,068	26.30	8.40		329,88,134	86,45,042	26.21	21.98	8.29
12	Karnataka	449,77,201	19,15,691	4.26	2.83	528,50,562	34,63,986	6.55	4.11	17.51	610,95,297	42,48,987	6.95	22.66	4.07
13	Kerala	290,98,518	3,20,967	1.10	0.47	318,41,374	3,64,189	1.14	0.43	9.43	334,06,061	4,84,839	1.45	33.13	0.46
14	Madhya Pradesh	661,81,170	153,99,034	23.27	22.73	603,48,023	122,33,474	20.27	14.51	-8.81	726,26,809	153,16,784	21.09	25.2	14.69
15	Maharashtra	789,37,187	73,18,281	9.27	10.80	968,78,627	85,77,276	8.85	10.17	22.73	1123,74,333	105,10,213	9.35	22.54	10.08
16	Manipur	18,37,149	6,32,173	34.41	0.93	21,66,788	7,41,141	34.20	0.88	17.94	25,70,390	9,02,740	35.12	21.8	0.87
17	Meghalaya	17,74,778	15,17,927	85.53	2.24	23,18,822	19,92,862	85.94	2.36	30.65	29,66,889	25,55,861	86.15	28.25	2.45
18	Mizoram	6,89,756	6,53,565	94.75	0.96	8,88,573	8,39,310	94.46	1.00	28.82	10,97,206	10,36,115	94.43	23.45	0.99

ANNEXURE-3.I**(Contd.)**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
19	Nagaland	12,09,546	10,60,822	87.70	1.56	19,90,036	17,74,026	89.15	2.10	64.53	19,78,502	17,10,973	86.48	3.55	1.64
20	Orissa	316,59,736	70,32,214	22.21	10.37	368,04,660	81,45,081	22.13	9.66	16.25	419,74,218	95,90,756	22.85	17.75	9.2
21	Punjab	202,81,969	-			243,58,999	-			20.1	277,43,338	-	0	-	0
22	Rajasthan	440,05,990	54,74,881	12.44	8.08	565,07,188	70,97,706	12.56	8.42	28.41	685,48,437	92,38,534	13.48	30.16	8.86
23	Sikkim	4,06,457	90,901	22.36	0.13	5,40,851	1,11,405	20.60	0.13	33.06	6,10,577	2,06,360	33.8	85.23	0.2
24	Tamil Nadu	558,58,946	5,74,194	1.03	0.84	624,05,679	6,51,321	1.04	0.77	11.72	721,47,030	7,94,697	1.2	22.01	0.76
25	Tripura	27,57,205	8,53,345	30.95	1.26	31,99,203	9,93,426	31.05	1.18	16.03	36,73,917	11,66,813	31.76	17.45	1.12
26	Uttarakhand*	-	-			84,89,349	2,56,129	3.02	0.30		100,86,292	2,91,903	2.89	13.97	0.28
27	Uttar Pradesh	1391,12,287	2,87,901	0.21	0.42	1661,97,92 1	1,07,963	0.06	0.13	19.47	1998,12,341	11,34,273	0.57	950.61	1.09
28	West Bengal	680,77,965	38,08,760	5.59	5.62	801,76,197	44,06,794	5.50	5.23	17.77	912,76,115	52,96,953	5.8	20.2	5.8
29	A. & N. Islands	2,80,661	26,770	9.54	0.04	3,56,152	29,469	8.27	0.03	26.9	3,80,581	28,530	7.5	3.19	0.03
30	Chandigarh	6,42,015	-			9,00,635	-			40.28	10,55,450	-	-	-	-
31	Dadra & Nagar Haveli	1,38,477	1,09,380	78.99	0.16	2,20,490	1,37,225	62.24	0.16	59.22	3,43,709	1,78,564	51.95	30.12	0.17
32	Daman & Diu	1,01,586	11,724	11.54	0.02	1,58,204	13,997	8.85	0.02	55.73	2,43,247	15,363	6.32	9.76	0.01
33	Delhi	94,20,644	-			138,50,507	-			47.02	167,87,941	-	-	-	-
34	Lakshadweep	51,707	48,163	93.15	0.07	60,650	57,321	94.51	0.07	17.3	64,473	61,120	94.8	6.63	0.06
35	Puducherry	8,07,785	-			9,74,345	-			20.62	12,47,953	-	-	-	-
	India	8385,83,988	677,58,380	8.08	100.00	10286,10,328	843,26,240	8.20	100.00	22.66	12105,69,573	1042,81,034	8.61	23.66	100.00

ANNEXURE-3.II
(Ref. Para 3.4.14 9R)

TSP Outlay during Annual Plan 2013-14

(Rs. Crore)

Sl. No.	State/ U.T	% of ST Population (2001 Census))	Annual Plan 2013-14		
			Agreed Outlay		
			Total State Plan	TSP Allocation	%
1	Andhra Pradesh	6.6	53000.00	3666.60	6.9
2	Assam	12.4	12400.00	468.83	3.8
3	Bihar	0.9	34000.00	485.00	1.4
4	Chhattisgarh	31.8	25250.00	7784.52	30.8
5	Goa	12.1	4715.00	614.47	13.0
6	Gujarat	14.8	59000.00	7102.85	12.0
7	Himachal Pradesh	4.0	4100.00	369.00	9.0
8	Jammu & Kashmir	10.9	7300.00	NR	
9	Jharkhand	26.3	16800.00	8474.60	50.4
10	Karnataka	6.6	47000.00	2354.70	5.0
11	Kerala	1.1	17000.00	NR	
12	Madhya Pradesh	20.3	35500.00	6800.00	19.2
13	Maharashtra	8.9	49000.00	3817.34	7.8
14	Manipur	34.2	3650.00	1376.28	37.7
15	Odisha	22.1	21500.00	5134.54	23.9
16	Rajasthan	12.6	40500.00	5193.40	12.8
17	Sikkim	20.6	2060.00	NR	
18	Tamil Nadu	1.0	37128.00	7058.73	19.0
19	Tripura	31.1	2500.00	NR	
20	Uttar Pradesh	0.1	69200.00	40.00	0.1
21	Uttrakhand	3.0	8500.00	255.00	3.0
22	West Bengal	5.5	30314.00	2173.14	7.2
23	A & N Islands	8.3		NR	
24	Daman & Diu	8.8		NR	
	TOTAL	8.2	580517.00	63169.00	10.9

Annexure- 3.III
(Ref. Para 3.4.24 9R)

**Ministry-wise Outlay (Total GBS) and Tribal Sub-Plan Outlay for Annual Plan
2013-14 as per Gross Budget Estimate Statement - 21A**

S. No.	MINISTRY/ DEPARTMENT		2013-14			
			TOTAL GBS	Earmarked Allocation		Earmarking of % funds under TSP
		TSP		% to GBS TSP		
	Ministry of Agriculture					
1		Department of Agriculture and Cooperation	11655.00	932.50	8.00	8.00
2		Department of Agricultural Research and Education	34515.00	123.00	0.36	3.60
3	Ministry of coal		450.00	31.60	7.02	8.20
	Ministry of Communication and Information Technology					
4		Department of telecommunication	5800.00	14.50	0.25	0.25
5		Department of Information Technology	3000.00	201.00	6.70	6.70
	Ministry of Consumer Affairs, Food and Public Distribution					
6		Department of Food and Public Distribution	259.00	6.28	2.42	1.40
7	Ministry of Culture		1435.00	28.70	2.00	2.00
8	Ministry of Environment and forests		2430.00	16.00	0.66	--
	Ministry of Health and family Welfare					
9		Department of Health and family Welfare	29165.00	2391.53	8.20	8.20
10		Department of Ayurveda, Yoga & Naturopathy, Unani, siddha and Homoeopathy (AYUSH)	1069.00	21.38	2.00	2.00
11		Department of AIDS Control	1785.00	146.37	8.20	8.20
12	Ministry of Housing and Urban Poverty Alleviation		1460.00	35.04	2.40	2.40
	Ministry of Human Resource Development					
13		Department of School Education and Literacy	49659.00	5313.52	10.70	10.70
14		Department Of Higher Education	16210.00	1219.59	7.52	7.50
15	Ministry of Labour and Employment		2524.00	206.95	8.20	8.20
16	Ministry of Micro, Small and Medium Enterprises		2977.00	244.21	8.20	8.20
17	Ministry of Mines		467.00	9.72	2.08	4.00
18	Ministry of Road Transport and		23500.00	800.00	3.40	3.50

	Highways				
19	Ministry of Panchayati Raj	500.00	37.55	7.51	8.20
	Ministry of Rural Development				
20	Department of Rural Development	74429.00	4452.03	5.98	17.50
21	Department of Land Resources	5765.00	576.45	10.00	10.00
22	Department of Drinking Water & Sanitation	15260.00	1526.00	10.00	10.00
	Ministry of Science and Technology				
23	Department of Science and Technology	2777.00	69.43	2.50	2.50
24	Ministry of Social Justice and Empowerment	6625.00	46.00	0.69	--
25	Ministry of Textiles	4631.00	55.57	1.20	1.20
26	Ministry of Tourism	1282.00	32.05	2.50	2.50
27	Ministry of tribal Affairs	1762.00	4279.00	242.85	100.00
28	Ministry of Water Resources	1500.00	19.50	1.30	1.30
29	Ministry of Women and Child Development	20350.00	1668.70	8.20	8.20
30	Ministry of Youth Affairs and Sports	1093.00	90.28	8.26	8.20
	TOTAL	324334.00	24594.45	7.58	
	GRAND TOTAL				
	All Ministry/ Department - Total	419068.00	24594.45	5.87	

ANNEXURE-3.IV
(Ref. Para 3.5.8 9R)

Budget allocation/ Revised allocation and Expenditure of Ministry of Tribal Affairs

(In crore of Rupees)

M. Head	Programme/ Sub-Schemes	Scheme	2011-12			2012-13			2013-14		
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	Exp.
A	Central Sector Schemes										
2225	Aid to Voluntary Organisations	Grant-in-Aid to NGO for STs including Coaching & Allied Scheme and award for exemplary service	39.50	39.50	53.4822	39.50	23.25	18.0888	39.50	25.00	40.00
2225	Special Incentives to NGOs performing exemplary tasks										
2225	Coaching & Allied Scheme		4.50	4.50	2.4993	4.50	0.50	0.4506	4.50	1.50	1.18
	Total of 2225		44.00	44.00	55.9815	44.00	23.75	18.5394	44.00	26.50	41.18
2225	Vocational Training in Tribal Areas	Vocational Training in Tribal Areas	3.00	3.00	1.7956	3.00	2.22	1.6812	3.00	2.80	2.71
3601			5.00	5.00	6.00	5.00	1.65	2.65	5.00	6.62	6.11
	Total		8.00	8.00	7.7956	8.00	3.87	4.3312	8.00	9.42	8.82
2225	Strengthening of Education among ST Girls in Low Literacy Districts	Strengthening of Education among ST Girls in Low Literacy Districts	40.00	40.00	31.2350	40.00	14.61	7.4149	40.00	42.00	40.30
2225	Market Development of Tribal Products/ Produce	Market Development of Tribal Products/Produce	22.00	22.00	22.00	22.00	47.24	47.24	34.31	34.31	34.31
3601	State Tribal Dev. Coop. Corn. For Minor Forest Produce	State Tribal Dev. Coop. Corn. For Minor Forest Produce	20.00	20.00	20.00	20.00	13.00	13.00	20.00	10.00	10.00
2225	Development of Particularly Vulnerable Tribal Group(PTG)	Development of Particularly Vulnerable Tribal Group(PTG)	5.80	5.80	5.6031	5.80	1.50	1.50	5.80	5.40	5.30
3601			234.20	234.20	225.6999	234.20	173.00	176.90	234.20	197.60	201.60
	Total		240.00	240.00	231.3030	240.00	174.50	178.40	240.00	203.00	206.90
4225	National Scheduled Tribes Finance & Development Corporation	Support to National / State Scheduled Tribes Finance & Development Corporations	70.00	70.00	70.00	70.00	68.10	68.10	70.00	70.00	60.50
4225	State Tribal Development Finance Corp.										
	Total		70.00	70.00	70.00	70.00	68.10	68.10	70.00	70.00	60.50
2225	Rajiv Gandhi National Fellowship for ST Students	Rajiv Gandhi National Fellowship for ST Students	62.00	84.93	84.93	90.00	45.00	45.00	90.00	10.00	0.00
2225	Scheme of Institute of Excellence / Top Class Institute	Scheme of Institute of Excellence / Top Class Institute	5.00	7.00	6.9693	13.00	10.11	10.0958	13.00	9.50	9.50
2225	National Overseas Scholarship Scheme	National Overseas Scholarship Scheme	1.00	1.00	0.7831	1.00	1.00	1.00	1.00	0.98	0.68

M. Head	Programme/ Sub-Schemes	Scheme	2011-12			2012-13			2013-14		
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	Exp.
2225	New Scheme - Mechanism for Marketing of Minor Forest Produce(MFP) through Minimum support Price (MSP) and Development of value Chain for MFP	New Scheme - Mechanism for Marketing of Minor Forest Produce(MFP) through Minimum support Price (MSP) and Development of value Chain for MFP	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.65	0.00
3601			0.00	0.00	0.00	0.00	0.00	0.00	0.00	116.35	112.49
Total			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	122.00
2225	New Scheme - World Bank Project - Improving Development Programmes in the Tribal Areas	New Scheme - World Bank Project - Improving Development Programmes in the Tribal Areas	0.00	0.00	0.0000	0.00	0.00	0.00	0.00	1.16	0.00
Total of A (Central Sector Plan)			512.00	536.93	531.00	548.00	401.18	393.1213	560.31	538.87	524.68
B Centrally Sponsored Schemes											
2225	Post Matric Scholarship for STs/ Book Bank	Scheme of PMS, Book Bank and Ugradation of Merit of ST student	0.10	0.28	0.10	0.10	0.10	0.0699	0.10	0.10	0.0075
Total of 2225			0.10	0.28	0.1000	0.10	0.10	0.0699	0.10	0.10	0.0075
3601	Post Matric Scholarship for STs/ Book Bank		571.40	715.40	865.40	628.10	628.10	730.6735	623.40	623.40	748.28
3601	Upgradation of Merit of ST Students		1.50	2.10	1.9706	1.50	0.64	0.3151	1.50	1.50	0.1590
Total of 3601			572.90	717.50	867.3706	629.60	628.74	730.9886	624.90	624.90	748.44
Total 2225 & 3601		573.00	717.78	867.4706	629.70	628.84	731.0585	625.00	625.00	748.4465	
2225	Pre matric scholarship for ST students	Pre matric scholarship for ST students	1.00	1.00	0.00	1.00	0.33	0.00	1.00	0.33	0.00
3601	Pre matric scholarship for ST students		44.00	44.00	0.00	80.00	106.40	111.40	201.19	201.19	219.43
Total			45.00	45.00	0.00	81.00	106.73	111.40	202.19	201.52	219.43
2225	Girls Hostels	Scheme of Hostel for ST Girls and Boys	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00
2225	Boys Hostels										
Total of 2225			5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00
3601	Girls Hostels		63.00	63.00	73.00	63.00	63.00	73.00	100.80	100.80	101.05
3601	Boys Hostels										
Total of 3601		63.00	63.00	73.00	63.00	63.00	73.00	100.80	100.80	101.05	
Total 2225 & 3601		68.00	68.00	78.00	68.00	68.00	78.00	105.80	105.80	101.05	

M. Head	Programme/ Sub-Schemes	Scheme	2011-12			2012-13			2013-14		
			BE	RE	Exp.	BE	RE	Exp.	BE	RE	Exp.
2225	Establishment of Ashram Schools	Establishment of Ashram Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3601			75.00	75.00	75.00	75.00	61.00	61.00	75.00	72.17	72.17
	Total		75.00	75.00	75.00	75.00	61.00	61.00	75.00	72.17	72.17
2225	Research and Training	Research Information & Mass Education , Tribal Festival and Other	0.10	0.00	0	0.10	0.00	0	0.10	0.03	0.03
2225	Information and Mass Media		3.00	3.00	2.7039	3.00	1.99	1.4062	3.00	2.52	1.53
2225	National Tribal Affairs Award		0.14	0.45	0.4440	0.50	0.46	0.4279	0.50	3.43	2.16
2225	Centre of Excellence		0.65	0.56	2.1575	0.56	1.86	1.0768	0.56	1.59	1.04
2225	Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes		0.40	0.20		0.30			0.30		
2225	Organisation of Tribal Festival		1.50	1.73		1.60			1.60		
2225	Exchange of visits by Tribals		0.71	0.38		0.44			0.44		
	Total of 2225		6.50	6.32	5.3054	6.50	4.31	2.9109	6.50	7.57	4.76
3601	Research and Training		4.00	3.00	3.6652	4.00	3.25	4.1621	4.00	2.57	2.71
	Total 2225 & 3601		10.50	9.32	8.9706	10.50	7.56	7.0730	10.50	10.14	7.47
2225	Monitoring and Evaluation	Monitoring and Evaluation	2.00	1.19	0.9799	2.00	1.35	1.1310	4.00	1.43	0.65
2251	Information Technology	Ministry	1.40	0.40	0.2837	1.40	1.40	1.3478	2.80	2.20	1.04
2225		NCST	0.10	0.10	0.00	0.10	0.10	0.0079	0.20	0.20	0.04
		Total		1.50	0.50	0.2837	1.50	1.50	1.3557	3.00	2.40
	Total of B (Centrally Sponsored Schemes)		775.00	916.79	1030.7048	867.70	874.98	991.0182	1025.49	1018.46	1150.30
2552	Lump-sum Provision for N.E.	Lump-sum Provision for N.E.	143.00	143.00	0.00	157.30	151.30	0.00	176.20	174.53	0.00
	Total of C		143.00	143.00	0.00	157.30	151.30	0.00	176.20	174.53	0.00
	Total of A+B+C		1430.00	1596.72	1561.7023	1573.00	1427.46	1384.1395	1762.00	1731.86	1674.98
D	Special Central Assistance										
3601	Special Central Assistance for Tribal Sub-Plan		1096.01	1015.01	977.3377	1200.00	852.54	852.5435	1200.00	1050.00	1050
3601	Scheme Under Proviso to Art.275 of the Constitution		1197.00	1111.28	1084.8348	1317.00	820.00	819.9978	1317.00	1097.14	1097.14
	Total of C (Special Central Assistance)		2293.01	2126.29	2062.17	2517.00	1672.54	1672.54	2517.00	2147.14	2147.14
	Grand total of A,B ,C & D		3723.01	3723.01	3623.8748	4090.00	3100.00	3056.6808	4279.00	3879.00	3822.1165

Incidence & Rate of Crime Committed Against Scheduled Tribes during 2013

Sl. No.	State/UT	Incidence	Percentage Contribution To All-India Total	ST Population* (in lakh)	Rate Of Total Cognizable Crimes
(1)	(2)	(3)	(4)	(5)	(6)
STATES:					
1	ANDHRA PRADESH	672	9.89	59.18	11.36
2	ARUNACHAL PRADESH	1	0.01	9.52	0.11
3	ASSAM	0	0.00	38.84	0.00
4	BIHAR	91	1.34	13.37	6.81
5	CHHATTISGARH	331	4.87	78.23	4.23
6	GOA	10	0.15	1.49	6.70
7	GUJARAT	224	3.30	89.17	2.51
8	HARYANA	0	0.00	0.00	-
9	HIMACHAL PRADESH	2	0.03	3.92	0.51
10	JAMMU & KASHMIR	0	0.00	14.93	0.00
11	JHARKHAND	396	5.83	86.45	4.58
12	KARNATAKA	535	7.88	42.49	12.59
13	KERALA	135	1.99	4.85	27.84
14	MADHYA PRADESH	1296	19.08	153.17	8.46
15	MAHARASHTRA	415	6.11	105.10	3.95
16	MANIPUR	2	0.03	9.03	0.22
17	MEGHALAYA	0	0.00	25.56	0.00
18	MIZORAM	0	0.00	10.36	0.00
19	NAGALAND	18	0.26	17.11	1.05
20	ODISHA	791	11.64	95.91	8.25
21	PUNJAB	0	0.00	0.00	-
22	RAJASTHAN	1651	24.30	92.39	17.87
23	SIKKIM	17	0.25	2.06	8.24
24	TAMIL NADU	23	0.34	7.95	2.89
25	TRIPURA	24	0.35	11.67	2.06
26	UTTAR PRADESH	25	0.37	11.34	2.20
27	UTTARAKHAND	2	0.03	2.92	0.69
28	WEST BENGAL	122	1.80	52.97	2.30
TOTAL (STATES)		6783	99.85	1039.97	6.52

UNION TERRITORIES:

29	A & N ISLANDS	2	0.03	0.29	7.01
30	CHANDIGARH	0	0.00	0.00	-
31	D & N HAVELI	7	0.10	1.79	3.92
32	DAMAN & DIU	1	0.01	0.15	6.51
33	DELHI	0	0.00	0.00	-
34	LAKSHADWEEP	0	0.00	0.61	0.00
35	PUDUCHERRY	0	0.00	0.00	-
TOTAL (UTs)		10	0.15	2.84	3.53
TOTAL (ALL-INDIA)		6793	100.00	1042.81	6.51

Actual figure of ST population based on the population census 2011 was used due to non availability of projected mid year population of ST for the year 2013. (Source : RGI, MHA)

Note:

- (1) Rate of total cognizable crimes = (incidence of crime on STs / population belongs to ST) x 1,00,000 i.e. incidence of crime against persons belonging to STs per one lakh population of SC during the year.
(2) ±denoting division by zero.

Incidence (I), Rate(R) and Percentage Contribution to All India (P) of Crime Committed Against Scheduled Tribes During 2013

Sl. State/UT No.	ST1 Population (in lakhs)	Murder (Sec. 302 IPC)			Rape (Sec. 376 IPC)			Kidnapping & Abduction (Sec.363-369,371-373 IPC)		
		I	R	P	I	R2	P	I	R	P
STATES:										
1 ANDHRA PRADESH	59.18	9	0.15	7.38	37	1.25	4.37	2	0.03	1.54
2 ARUNACHAL PRADESH	9.52	0	0.00	0.00	1	0.21	0.12	0	0.00	0.00
3 ASSAM	38.84	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
4 BIHAR	13.37	2	0.15	1.64	0	0.00	0.00	1	0.07	0.77
5 CHHATTISGARH	78.23	8	0.10	6.56	112	2.84	13.22	5	0.06	3.85
6 GOA	1.49	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
7 GUJARAT	89.17	8	0.09	6.56	34	0.77	4.01	22	0.25	16.92
8 HARYANA	0.00	0	-	0.00	0	-	0.00	0	-	0.00
9 HIMACHAL PRADESH	3.92	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
10 JAMMU & KASHMIR	14.93	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
11 JHARKHAND	86.45	1	0.01	0.82	15	0.35	1.77	7	0.08	5.38
12 KARNATAKA	42.49	5	0.12	4.10	19	0.90	2.24	2	0.05	1.54
13 KERALA	4.85	0	0.00	0.00	44	17.84	5.19	1	0.21	0.77
14 MADHYA PRADESH	153.17	42	0.27	34.43	329	4.33	38.84	46	0.30	35.38
15 MAHARASHTRA	105.10	7	0.07	5.74	91	1.75	10.74	9	0.09	6.92
16 MANIPUR	9.03	0	0.00	0.00	2	0.44	0.24	0	0.00	0.00
17 MEGHALAYA	25.56	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
18 MIZORAM	10.36	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
19 NAGALAND	17.11	10	0.58	8.20	6	0.71	0.71	0	0.00	0.00
20 ODISHA	95.91	4	0.04	3.28	58	1.19	6.85	8	0.08	6.15
21 PUNJAB	0.00	0	-	0.00	0	-	0.00	0	-	0.00
22 RAJASTHAN	92.39	21	0.23	17.21	83	1.85	9.80	22	0.24	16.92
23 SIKKIM	2.06	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
24 TAMIL NADU	7.95	1	0.13	0.82	2	0.51	0.24	0	0.00	0.00
25 TRIPURA	11.67	0	0.00	0.00	3	0.52	0.35	2	0.17	1.54
26 UTTAR PRADESH	11.34	3	0.26	2.46	2	0.36	0.24	2	0.18	1.54
27 UTTARAKHAND	2.92	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
28 WEST BENGAL	52.97	1	0.02	0.82	9	0.34	1.06	1	0.02	0.77
TOTAL (STATES)	1039.97	122	0.12	100.00	847	1.64	100.00	130	0.13	100.00
UNION TERRITORIES										
29 A & N ISLANDS	0.29	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
30 CHANDIGARH	0.00	0	-	0.00	0	-	0.00	0	-	0.00
31 D & N HAVELI	1.79	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
32 DAMAN & DIU	0.15	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
33 DELHI	0.00	0	-	0.00	0	-	0.00	0	-	0.00
34 LAKSHADWEEP	0.61	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
35 PUDUCHERRY	0.00	0	-	0.00	0	-	0.00	0	-	0.00
TOTAL (UTs)	2.84	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
TOTAL (ALL-INDIA)	1042.81	122	0.12	100.00	847	1.63	100.00	130	0.12	100.00

Actual figure of ST population based on the population census 2011 was used due to non availability of projected mid year population of ST for the year 2013.

(Source : RGI, MHA)

2 Rate of Rape incidences has been calculated on the basis of Female ST population

R - Indicates Incidence per lakh of Total SC Population I - Incidence, R - Rate of

Crime P - Percentage share

(Continued)

Sl.No.	State/UT	Dacoity			Robbery			Arson			Hurt		
		(Sec. 395-398 IPC)			(Sec. 392-394, 397, 398 IPC)			(Sec. 435, 436, 438 IPC)			(Sec. 323-333, 335-338 IPC)		
		I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)
STATES:													
1	ANDHRA PRADESH	0	0.00	0.00	0	0.00	0.00	1	0.02	3.03	82	1.39	8.82
2	ARUNACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
3	ASSAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
4	BIHAR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	15	1.12	1.61
5	CHHATTISGARH	0	0.00	0.00	0	0.00	0.00	1	0.01	3.03	68	0.87	7.31
6	GOA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
7	GUJARAT	1	0.01	12.50	0	0.00	0.00	1	0.01	3.03	36	0.40	3.87
8	HARYANA	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
9	HIMACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
10	JAMMU & KASHMIR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
11	JHARKHAND	0	0.00	0.00	0	0.00	0.00	1	0.01	3.03	71	0.82	7.63
12	KARNATAKA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	45	1.06	4.84
13	KERALA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	31	6.39	3.33
14	MADHYA PRADESH	0	0.00	0.00	0	0.00	0.00	5	0.03	15.15	204	1.33	21.94
15	MAHARASHTRA	6	0.06	75.00	2	0.02	28.57	5	0.05	15.15	29	0.28	3.12
16	MANIPUR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
17	MEGHALAYA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
18	MIZORAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
19	NAGALAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.12	0.22
20	ODISHA	1	0.01	12.50	3	0.03	42.86	5	0.05	15.15	196	2.04	21.08
21	PUNJAB	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
22	RAJASTHAN	0	0.00	0.00	0	0.00	0.00	6	0.06	18.18	120	1.30	12.90
23	SIKKIM	0	0.00	0.00	0	0.00	0.00	8	3.88	24.24	9	4.36	0.97
24	TAMIL NADU	0	0.00	0.00	2	0.25	28.57	0	0.00	0.00	11	1.38	1.18
25	TRIPURA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	7	0.60	0.75
26	UTTAR PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
27	UTTARAKHAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	1	0.34	0.11
28	WEST BENGAL	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	3	0.06	0.32
TOTAL (STATES)		8	0.01	100.00	7	0.01	100.00	33	0.03	100.00	930	0.89	100.00

UNION TERRITORIES

29	A & N ISLANDS	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
30	CHANDIGARH	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
31	D & N HAVELI	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
32	DAMAN & DIU	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
33	DELHI	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
34	LAKSHADWEEP	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
35	PUDUCHERRY	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
TOTAL (UTs)		0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
TOTAL (ALL-INDIA)		8	0.01	100.00	7	0.01	100.00	33	0.03	100.00	930	0.89	100.00

(Continued)

(1)	(2)	I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)
STATES:													
1	ANDHRA PRADESH	0	0.00	0.00	126	2.13	9.06	415	7.01	12.57	672	11.36	9.89
2	ARUNACHAL PRADESH	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	1	0.11	0.01
3	ASSAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
4	BIHAR	0	0.00	0.00	68	5.09	4.89	5	0.37	0.15	91	6.81	1.34
5	CHHATTISGARH	0	0.00	0.00	0	0.00	0.00	137	1.75	4.15	331	4.23	4.87
6	GOA	1	0.67	4.00	4	2.68	0.29	5	3.35	0.15	10	6.70	0.15
7	GUJARAT	0	0.00	0.00	58	0.65	4.17	64	0.72	1.94	224	2.51	3.30
8	HARYANA	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
9	HIMACHAL PRADESH	0	0.00	0.00	2	0.51	0.14	0	0.00	0.00	2	0.51	0.03
10	JAMMU & KASHMIR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
11	JHARKHAND	0	0.00	0.00	195	2.26	14.03	106	1.23	3.21	396	4.58	5.83
12	KARNATAKA	14	0.33	56.00	303	7.13	21.80	147	3.46	4.45	535	12.59	7.88
13	KERALA	0	0.00	0.00	5	1.03	0.36	54	11.14	1.64	135	27.84	1.99
14	MADHYA PRADESH	0	0.00	0.00	0	0.00	0.00	670	4.37	20.30	1296	8.46	19.08
15	MAHARASHTRA	8	0.08	32.00	45	0.43	3.24	213	2.03	6.45	415	3.95	6.10
16	MANIPUR	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	2	0.22	0.03
17	MEGHALAYA	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
18	MIZORAM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
19	NAGALAND	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	18	1.05	0.26
20	ODISHA	1	0.01	4.00	513	5.35	36.91	2	0.02	0.06	791	8.25	11.64
21	PUNJAB	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
22	RAJASTHAN	0	0.00	0.00	24	0.26	1.73	1375	14.88	41.65	1651	17.87	24.30
23	SIKKIM	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	17	8.24	0.25
24	TAMIL NADU	0	0.00	0.00	6	0.76	0.43	1	0.13	0.03	23	2.89	0.34
25	TRIPURA	0	0.00	0.00	0	0.00	0.00	12	1.03	0.36	24	2.06	0.35
26	UTTAR PRADESH	0	0.00	0.00	10	0.88	0.72	8	0.71	0.24	25	2.20	0.37
27	UTTARAKHAND	0	0.00	0.00	1	0.34	0.07	0	0.00	0.00	2	0.69	0.03
28	WEST BENGAL	0	0.00	0.00	26	0.49	1.87	82	1.55	2.48	122	2.30	1.80
TOTAL (STATES)		24	0.02	96.00	1386	1.33	99.71	3296	3.17	99.85	6783	6.52	99.85

UNION TERRITORIES

29	A & N ISLANDS	1	3.51	4.00	0	0.00	0.00	1	3.51	0.03	2	7.01	0.03
30	CHANDIGARH	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
31	D & N HAVELI	0	0.00	0.00	4	2.24	0.29	3	1.68	0.09	7	3.92	0.10
32	DAMAN & DIU	0	0.00	0.00	0	0.00	0.00	1	6.51	0.03	1	6.51	0.01
33	DELHI	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
34	LAKSHADWEEP	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
35	PUDUCHERRY	0	-	0.00	0	-	0.00	0	-	0.00	0	-	0.00
TOTAL (UTs)		1	0.35	4.00	4	1.41	0.29	5	1.76	0.15	10	3.53	0.15
TOTAL (ALL-INDIA)		25	0.02	100.00	1390	1.33	100.00	3301	3.17	100.00	6793	6.51	100.00

XL

Disposal of Cases by Police for Crimes Committed against Scheduled Tribes During
2013

Sl. No.	Crime Head	Total No. Of Cases For Investigation Including Pending Cases from Previous Year	Cases Withdrawn By Govt.	No. Of Cases In Which					No. Of Cases Pending Investigation at the end of the Year
				Investigation Refused or not Investigated	Investigation Completed				
					Charge Found False Mistake Of Fact Or Law Etc.	Final Report True Submitted	Charge Sheets Submitted	Total {(6) + (7) + (8)}	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	MURDER	185	0	0	9	13	122	144	41
2	RAPE	1049	0	1	45	13	768	826	222
3	KIDNAPPING & ABDUCTION	175	0	1	8	8	113	129	45
4	DACOITY	14	0	0	0	1	5	6	8
5	ROBBERY	11	0	0	1	0	7	8	3
6	ARSON	41	0	0	3	2	21	26	15
7	HURT	1118	1	1	126	49	672	847	269
8	PCR ACT,1955 FOR STs	27	0	0	1	0	15	16	11
9	SC/ST (PREV.OF ATROCITIES) ACT	2137	0	0	243	115	1020	1378	759
10	OTHER CRIMES AGAINST STs	4009	0	1	977	88	1993	3058	950
11	TOTAL	8766	1	4	1413	289	4736	6438	2323

ANNEXURE-4.IV
(Ref. Para 4.6.4 9R)

Disposal of cases by police for crimes committed against Scheduled Tribes During 2013

Sl. No.	State/UT	Total No. Of Cases For Investigation Including Pending Cases from Previous Year	Cases With drawn By Govt.	No. Of Cases In Which					No. Of Cases Pending Investigation at the end of the Year	Pendency Percentage	Percentage Of Pendency To All India Total	Charge Sheeting Rate ((Col.8) / Col(7+8) x 100)
				Investigation Refused or not investigated	Investigation Completed			Total ((6) + (7) + (8) }				
					Charge Found False / Mistake Of Fact Or Law Etc.	Final Report True / Submitted	Charge Sheets Submitted					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
STATES:												
1	ANDHRA PRADESH	1141	0	0	257	36	421	714	427	37.4	18.4	92.1
2	ARUNACHAL PRADESH	6	0	0	0	0	1	1	5	83.3	0.2	100.0
3	ASSAM	61	0	0	0	43	0	43	18	29.5	0.8	0.0
4	BIHAR	135	0	0	13	23	62	98	37	27.4	1.6	72.9
5	CHHATTISGARH	385	0	0	0	2	340	342	43	11.2	1.9	99.4
6	GOA	11	0	0	0	0	1	1	10	90.9	0.4	100.0
7	GUJARAT	253	1	1	1	2	220	223	28	11.1	1.2	99.1
8	HARYANA	0	0	0	0	0	0	0	0	0.0	0.0	0.0
9	HIMACHAL PRADESH	3	0	0	2	0	1	3	0	0.0	0.0	100.0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	0	0.0	0.0	0.0
11	JHARKHAND	659	0	0	15	91	186	292	367	55.7	15.8	67.1
12	KARNATAKA	657	0	0	49	25	407	481	176	26.8	7.6	94.2
13	KERALA	236	0	1	37	11	94	142	93	39.4	4.0	89.5
14	MADHYA PRADESH	1380	0	0	2	5	1231	1238	142	10.3	6.1	99.6
15	MAHARASHTRA	525	0	2	29	4	311	344	179	34.1	7.7	98.7
16	MANIPUR	5	0	0	0	0	2	2	3	60.0	0.1	100.0
17	MEGHALAYA	0	0	0	0	0	0	0	0	0.0	0.0	0.0
18	MIZORAM	0	0	0	0	0	0	0	0	0.0	0.0	0.0
19	NAGALAND	18	0	0	0	1	4	5	13	72.2	0.6	80.0
20	ODISHA	1194	0	0	123	26	680	829	365	30.6	15.7	96.3
21	PUNJAB	0	0	0	0	0	0	0	0	0.0	0.0	0.0
22	RAJASTHAN	1773	0	0	881	2	613	1496	277	15.6	11.9	99.7
23	SIKKIM	17	0	0	0	0	17	17	0	0.0	0.0	100.0
24	TAMIL NADU	33	0	0	3	1	12	16	17	51.5	0.7	92.3
25	TRIPURA	35	0	0	0	1	33	34	1	2.9	0.0	97.1
26	UTTAR PRADESH	25	0	0	0	1	22	23	2	8.0	0.1	95.7
27	UTTARAKHAND	3	0	0	0	1	2	3	0	0.0	0.0	66.7
28	WEST BENGAL	191	0	0	1	11	70	82	109	57.1	4.7	86.4
	TOTAL (STATES)	8746	1	4	1413	286	4730	6429	2312	26.4	99.5	94.3
UNION TERRITORIES:												
29	A & N ISLANDS	7	0	0	0	1	5	6	1	14.3	0.0	83.3
30	CHANDIGARH	0	0	0	0	0	0	0	0	0.0	0.0	0.0
31	D & N HAVELI	11	0	0	0	1	1	2	9	81.8	0.4	50.0
32	DAMAN & DIU	2	0	0	0	1	0	1	1	50.0	0.0	0.0
33	DELHI	0	0	0	0	0	0	0	0	0.0	0.0	0.0
34	LAKSHADWEEP	0	0	0	0	0	0	0	0	0.0	0.0	0.0
35	PUDUCHERRY	0	0	0	0	0	0	0	0	0.0	0.0	0.0
	TOTAL (UTs)	20	0	0	0	3	6	9	11	55.0	0.5	66.7
	TOTAL	8766	1	4	1413	289	4736	6438	2323	26.5	100.0	94.2

Percentage of Disposal of Cases by Courts for Crimes Committed against Scheduled Tribes
During 2013

Sl. No.	Crime Head	Cases With-Drawn By Govt.	Compounded Or Withdrawn	No. Of Cases			Pending Trial at the end of the Year	Conviction Rate (5 / 7 x 100)
				In Which Convicted	Trials Completed Acquired Or Discharged	Total ((5) + (6))		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	MURDER (Sec. 302,303 IPC)	0.1	0.0	4.6	12.7	17.3	82.7	26.6
2	RAPE (Sec.376 IPC)	0.1	0.2	3.6	15.0	18.6	81.2	19.5
3	KIDNAPPING & ABDUCTION (Sec. 363-369, 371-373 IPC)	0.0	0.2	3.0	10.2	13.2	86.6	23.0
4	DACOITY (Sec.395-398 IPC)	0.0	0.0	0.0	10.3	10.3	89.7	0.0
5	ROBBERY (392-394, 397,398 IPC)	0.0	0.0	1.6	15.6	17.2	82.8	9.1
6	ARSON (Sec.435, 436, 438 IPC)	0.0	0.0	1.2	8.9	10.1	89.9	11.8
7	HURT (Sec.323-333, 335-338 IPC)	0.0	0.3	2.7	12.1	14.8	84.9	18.1
8	PCR ACT, 1955 FOR STs	0.0	0.0	0.0	20.8	20.8	79.2	0.0
9	SC/ST (PREV. OF ATROCITIES) ACT, 1989 FOR STs	0.0	0.2	1.2	13.7	14.9	84.9	8.2
10	OTHER CRIMES AGAINST STs	0.6	0.7	2.6	11.7	14.3	85.0	17.9
11	TOTAL	0.3	0.4	2.5	12.7	15.1	84.4	16.4

ANNEXURE-4.VI
(Ref. Para 4.6.4 9R)

Disposal of Cases by Courts for Crimes Committed against Scheduled Tribes During 2013

Sl. No.	Crime Head	Total No. For Cases For Trial Including Pending Cases from Previous Year	Cases Withdrawn By Govt.	No. Of Cases				
				Compounded Or Withdrawn	In Which Trials Completed			Pending Trial at the end of the Year
Convicted	Acquitted Or Discharged	Total {(6) + (7)}						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	MURDER	718	1	0	33	122	144	41
2	RAPE	2972	2	5	108	445	553	2414
3	KIDNAPPING & ABDUCTION	462	0	1	14	47	61	400
4	DACOITY	29	0	0	0	3	3	26
5	ROBBERY	64	0	0	1	10	11	53
6	ARSON	169	0	0	2	15	17	152
7	HURT	3178	0	10	85	384	469	2699
8	PCR ACT,1955 FOR STs	24	0	0	0	5	5	19
9	SC/ST (PREV.OF ATROCITIES) ACT	4767	0	9	58	651	709	4049
10	OTHER CRIMES AGAINST STs	9078	53	67	233	1066	1299	7712
11	TOTAL	21461	56	92	534	2717	3251	18118

ANNEXURE-4.VII
(Ref. Para 4.6.4 9R)

Disposal of Cases by Courts for Crimes Committed against Scheduled Tribes During 2013

Sl. No.	Crime Head	Total No. Of Cases For Trial Including Pending Cases from Previous Year	Cases With-drawn By Govt.	No. Of Cases				Pendency Percentage	Percentage Of Pendency To All India Total	Conviction Rate ((Col 6) / (Col 8) x 100)	
				Compounded Or Withdrawn	In Which Trials Completed						Pending Trial at the end of the Year
					Convicted	Acquitted Or Discharged	Total ((6) + (7))				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
STATES:											
1	ANDHRA PRADESH	1242	0	3	18	518	536	703	56.6	3.9	3.4
2	ARUNACHAL PRADESH	267	0	0	0	0	0	267	100.0	1.5	0.0
3	ASSAM	94	0	0	0	73	73	21	22.3	0.1	0.0
4	BIHAR	285	0	3	0	36	36	246	86.3	1.4	0.0
5	CHHATTISGARH	1421	0	5	69	142	211	1205	84.8	6.7	32.7
6	GOA	3	0	0	0	1	1	2	66.7	0.0	0.0
7	GUJARAT	1986	0	1	8	151	159	1826	91.9	10.1	5.0
8	HARYANA	0	0	0	0	0	0	0	0.0	0.0	0.0
9	HIMACHAL PRADESH	5	0	0	0	0	0	5	100.0	0.0	0.0
10	JAMMU & KASHMIR	0	0	0	0	0	0	0	0.0	0.0	0.0
11	JHARKHAND	630	0	1	52	103	155	474	75.2	2.6	33.5
12	KARNATAKA	1129	55	8	4	219	223	898	79.5	5.0	1.8
13	KERALA	468	0	1	7	73	80	387	82.7	2.1	8.8
14	MADHYA PRADESH	4793	0	59	310	773	1083	3651	76.2	20.2	28.6
15	MAHARASHTRA	2281	0	8	11	187	198	2075	91.0	11.5	5.6
16	MANIPUR	3	0	0	1	0	1	2	66.7	0.0	100.0
17	MEGHALAYA	0	0	0	0	0	0	0	0.0	0.0	0.0
18	MIZORAM	0	0	0	0	0	0	0	0.0	0.0	0.0
19	NAGALAND	4	0	0	0	0	0	4	100.0	0.0	0.0
20	ODISHA	3416	0	0	28	355	383	3033	88.8	16.7	7.3
21	PUNJAB	0	0	0	0	0	0	0	0.0	0.0	0.0
22	RAJASTHAN	2860	0	3	10	42	52	2805	98.1	15.5	19.2
23	SIKKIM	24	0	0	7	8	15	9	37.5	0.0	46.7
24	TAMIL NADU	99	0	0	1	6	7	92	92.9	0.5	14.3
25	TRIPURA	73	0	0	0	12	12	61	83.6	0.3	0.0
26	UTTAR PRADESH	111	0	0	4	6	10	101	91.0	0.6	40.0
27	UTTARAKHAND	2	0	0	0	0	0	2	100.0	0.0	0.0
28	WEST BENGAL	211	0	0	1	11	12	199	94.3	1.1	8.3
	TOTAL(STATES)	21407	55	92	531	2716	3247	18068	84.4	99.7	16.4
UNION TERRITORIES:											
29	A & N ISLANDS	31	0	0	3	0	3	28	90.3	0.2	100.0
30	CHANDIGARH	0	0	0	0	0	0	0	0.0	0.0	0.0
31	D & N HAVELI	23	1	0	0	1	1	22	95.7	0.1	0.0
32	DAMAN & DIU	0	0	0	0	0	0	0	0.0	0.0	0.0
33	DELHI	0	0	0	0	0	0	0	0.0	0.0	0.0
34	LAKSHADWEEP	0	0	0	0	0	0	0	0.0	0.0	0.0
35	PUDUCHERRY	0	0	0	0	0	0	0	0.0	0.0	0.0
	TOTAL (UTs)	54	1	0	3	1	4	50	92.6	0.3	75.0
	TOTAL	21461	56	92	534	2717	3251	18118	84.4	100.0	16.4

@ Indicates infinite value because of division by zero

ANNEXURE-4.VIII
(Ref. para 4.7.1 9R)

List of Exclusive Special Courts Under the Scheduled Caste and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989

Sl. No.	State	Total no. of Districts in the State	No. of Districts with Exclusive Special Courts
1.	ANDHRA PRADESH	23	23
2.	BIHAR	38	11
3.	CHHATISHGARH	27	06
4.	GUJURAT	33	26
5.	KARNATAKA	30	08
6.	KERALA	14	02
7.	MADHRA PRADESH	52	43
8.	RAJASTHAN	33	25
9.	TAMIL NADU	32	04
10.	UTTER PRADESH	75	40
11.	UTTRAKHAND	13	02
	TOTAL	370	190