



**NATIONAL COMMISSION  
FOR  
SCHEDULED TRIBES**

**TENTH REPORT  
FOR THE YEAR  
2014-15**



**NATIONAL COMMISSION FOR SCHEDULED TRIBES  
TENTH REPORT (2014-15)  
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# CHAPTER 1

## ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

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

1.1.1 The National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003<sup>1</sup>. By this amendment the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST) w.e.f. **19 February, 2004\*\***.

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 appointment as Governor of

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<sup>1</sup> Available 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.

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. However, due to sudden demise of Smt. K. Kamla Kumari on 17.7.2014 and Shri Bheru Lal Meena on 19/8/2014, three posts of Members are presently lying vacant in the Commission.

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

1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. 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 available<sup>2</sup> on the website of the Commission (<http://ncst.nic.in>). No changes were made to these Rules during the Report period. However, an amendment to the Rules of Procedure was made recently in order to enable the Commission to hold its meetings in absence of adequate quorum as three posts of Members in the Commission were vacant for a long time. A copy of the Notification regarding Amendment of the Rules of Procedure is placed at **ANNEXURE-1.II** .

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

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

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

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

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

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

1.4.5 Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled

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



Tribes. The policy matters referred to the Commission are discussed in detail in the meetings of the Commission on the basis of the views expressed by the Members and the notes on the subject matter, indicating historical background, current status and relevant Rules etc., prepared by the Commission's Secretariat; and the views of the Commission<sup>3</sup> are communicated in substantive fashion, also seeking feedback regarding the outcome of such consideration.

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

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

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

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

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

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

1.5.4 To facilitate smooth performance of various natures of duties assigned to the Commission, through the Members, the subject matters relating to safeguards provided for the Scheduled Tribes in relation to specific States/ UTs and Central Ministries/ Departments (and CPSEs under their administrative control) have been allotted to each Member of the Commission. Cases of investigations into

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

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 2014-15, the Chairperson held sittings in respect of 7 cases while 30 sittings were held by the Vice-Chairperson and 3 sittings were held by other Members of the Commission. The proceedings<sup>4</sup> 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 **1 800 11 7777** has been commissioned on which the Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country.

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

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 2014-15, 14 meetings of the Commission were held. The meetings were held on 22.5.2014, 25.6.2014, 4.7.2014, 5.8.2014, 25.8.2014, 16.9.2014, 17.10.2014, 31.10.2014, 21.11.2014, 10.12.2014, 19.12.2014, 5.1.2015, 12.2.2015 and 20/03/2015. 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 **2014-15** 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 **2014-15** 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*
(10)	Ninth Annual Report	2013-14	24.05.2016	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 Application**

1.10.2 During the Report period **2014-15**, the National Commission for Scheduled Tribes received a total of **250** applications seeking information under the Right to Information Act, 2005. Information was furnished in all the applications. **62** out of **250** applications were received and replied by the Regional Offices of the Commission while others **188** were replied by the concerned PIO of the headquarter Office of the Commission. List of the applications received and dealt during the Report period is available<sup>5</sup> on the Website of the Commission.

### **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 **2014-15** is at **ANNEXURE-1.IV**.

### **1.12 Computerized Monitoring System**

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

1.12.2 In order to establish an effective system for disposal and monitoring of receipts and case files, action was initiated in April 2008 with National Informatics Center (NIC). Personnel & Public Grievances Informatics (PersInfotech) Division of NIC has provided a computerized system by integrating and customizing %Centralized Public Grievance Redressal and Monitoring System (CPGRAMS)+ and %File Tracking System (FTS)” to suit specific requirements of the Commission and to maintain the integrity of the data and its sharing. These systems have evolved as an effective and powerful Complete Grievance Management Tool (CGMT), which is also being utilized as an effective %**Public Grievance**

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

**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 enables the users in the Commission to maintain a consistent watch over monitoring of files/receipts and their movements at different levels, which plays an important role in the decision making process. All files have been categorised subject-wise to facilitate efficient handling.**

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

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

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

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

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

1.12.5 The **PGRMS** has already been implemented at the NCST Hqrs. The process of linking of the Regional Offices of the Commission has been started. So far, 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 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 2014-15 as given in the 10th Report. As data in respect of the Regional offices is in progress of entry, the information in the next paras is limited to the work handled in the Headquarter office of the Commission.

1.13.2 As per computerized FTS of this Commission, 3101 receipts were pending for action, at various levels in the Commission headquarter, on 31/03/2014 and 7128 receipts were received during the report period **2014-15** making a total of 10229 receipts for action during **2014-15**. Out of 10229 receipts, 6765 receipts were merged in the concerned files for appropriate action and 3464 receipts were pending for action at the end of the report period 2014-15.

1.13.3 A total of 4488 files were in current stage as on 31/03/2014 in the Headquarter office of the Commission. 1380 new files were created during the year 2014-15 thus making a total of 5868 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, 4466 files were closed during the report period 2014-15 after completion of action. Remaining 1402 files were current as on 31/03/2015. The fewer disposal of case files during 2014-15 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**

<b>S. No</b>	<b>Location &amp; Address of Regional Office</b>	<b>Name &amp; Designation of the Officer Incharge</b>	<b>Jurisdiction of the Regional Office</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Area Hills, <b>Bhopal-462011</b>	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, <b>Bhubaneshwar- 751015</b>	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, <b>Jaipur-302023</b>	Shri Pramod Chand, Deputy Secretary (Additional Charge) Ph:0141 2236462 0141 2235488 (F)	Chandigarh, Gujarat, Haryana, HP, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, <b>Raipur-492006</b>	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443334 Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co- operative Colony, Kadru, <b>Ranchi-834002</b>	Shri S. R. Tiriya Research Officer Ph: 0651 2341677 0651 2340368 (F)	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, <b>Shillong-793001</b>	Shri S. P. Meena (Additional Charge), 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 2014-15 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.	<b>Bhopal</b>	<b>87</b>	<b>135</b>	<b>41</b>	<b>263</b>
2.	<b>Bhubaneswar</b>	<b>62</b>	<b>33</b>	<b>77</b>	<b>172</b>
3.	<b>Jaipur</b>	<b>54</b>	<b>16</b>	<b>51</b>	<b>121</b>
4.	<b>Raipur</b>	<b>34</b>	<b>46</b>	<b>10</b>	<b>90</b>
5.	<b>Ranchi</b>	<b>29</b>	<b>5</b>	<b>37</b>	<b>71</b>
6.	<b>Shillong</b>	<b>12</b>	<b>9</b>	<b>13</b>	<b>34</b>
	TOTAL	278	244	229	751

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.

#### **R.O. BHOPAL**

1.14.9 The Bhopal Regional Office received **1568** 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 **2014-15**, while no receipts were pending for action from the previous year. All the **1568** receipts were disposed off during the year and no fresh receipt remained pending for action at the end of the year **2014-15**.

1.14.10 As regards previous year case files there were **530** active files in the Regional Office at the end of the year 2013-14. During the year **2014-15**, another **263** files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of **793** cases for action during the year under report. However, **392** 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, **16** cases were recorded as successfully closed during the year. Remaining **401** case files were still active for further action at the end of the year 2014-15.

#### **R.O. BHUBANESWAR**

1.14.11 The Bhubaneswar Regional Office received **706** 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 **2014-15** while **5** receipts were brought forward for action from the previous year 2013-14. **694** receipts out of total of 711 receipts for action during 2014-15, were disposed off during the year and only **17** receipts were left for action at the end of the report year 2014-15.

1.14.12 As regards previous year case files there were 324 active files in the Regional Office at the end of the year 2013-14. During the year **2014-15**, another 172 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 496 cases for action during the year under report. However, **28** 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, 9 cases were recorded as successfully closed during the year. Remaining 468 case files were still active for further action at the end of the year 2014-15.

### **R.O. JAIPUR**

1.14.13 There were 222 active files in the Regional Office at the end of the year 2013-14. During the year 2014-15, another 121 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 343 files for action during the year 2014-15. Out of these 343 files, 11 files were closed as successful cases and another 50 were closed due to other reasons like inadmissibility of the claim made by the applicants in the light of the existing rules or orders. 282 cases were still active for further action at the end of the year.

### **R.O, RAIPUR**

1.14.15 The Regional Office, Raipur received **942** 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 2014-15. All these **942** receipts were disposed off during the year.

1.14.16 As regards previous year case files there were 192 active files in the Regional Office at the end of the previous year 2013-14 and 90 new case files were opened during the year 2014-15 making a total of 282 cases for action during the year under report. However, 194 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 10 cases were recorded as successfully closed during the year. Remaining 88 case files were still active for further action at the end of the year.

### **R.O RANCHI**

1.14.17 The Ranchi Regional Office received **389** total no. of receipts of various kinds. **2014-15**. Out of these receipts, there were 164 representations which includes fresh representations, reminders, rejoinders and Newspaper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motu action.

As regards previous year case files there were **18** active files in the Regional Office at the end of the previous year **2013-14**. During the year **2014-15** another **81** files were opened which related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of **99** cases for action during the year under report. However, **22** 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 77 case files were still active for further action at the end of the year **2014-15**.

### **R.O SHILLONG**

1.14.18 The Regional Office Shillong received various kinds of receipts (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 **2014-15**. 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 **2014-15**.

1.14.19 As regards previous year case files there were **70** active files in the Regional Office at the end of the year **2013-14**. During the year **2014-15**, another **34** files were opened, which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of **104** cases for action during the year under report. However, **2** 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, **1 case was** recorded as successfully closed during the year. Remaining **102** case files were still active for further action at the end of the year.

## CHAPTER-2

### ACTIVITIES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

#### 2.1 Policy issues dealt by the Commission

2.1.1 During its visits to the tribal areas in various States, the Commission gains a lot of experience. Meetings with the State Government Officers to review the implementation of various programmes for welfare and development of the Scheduled Tribes in the respective State and the scrutiny of the grievances received in the Commission and the vital issues concerning Scheduled Tribes which require urgent attention of the Government get surfaced on the basis of such experiences. This help the Commission to formulate various recommendations for modifications of the existing policies of the Government and for suggesting new recommendations. The experiences of the Commission is duly utilized in making recommendations to the concerned authorities from time to time, while in revising the existing policies and evolving new policies of the Government, through the provision contained in Clause 9 of Article 338A of the Constitution, which provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

2.1.2 The views offered 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.

#### 2.2 Procedure adopted by Commission in dealing with policy related issues

2.2.1 The Commission has formulated standard guidelines<sup>1</sup> for dealing with policy related issues in a time-bound manner. The guidelines detail the procedure for selection and approval of agenda item, content and format of the agenda note, presentation of agenda note and preparation/issue of minutes. The policy-related issues referred by any Ministry for comments/ views/ advice of the Commission, or any Court case having policy implications in which NCST is one of the respondents is brought to the notice of the Secretary, NCST to decide whether the matter needs immediate attention of the Chairperson or that of the Vice-Chairperson (in case the Chairperson is unavailable) and whether the matter requires discussion in the meeting of the Commission. On approval by the Secretary, the material received from Ministry/ Deptt. is circulated by the Unit concerned for comments amongst all Members and Senior Officers of the Commission. Keeping in view the suggestions received, an

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<sup>1</sup>Copy of the Guidelines may be seen at the website of the Commission i.e. <http://ncst.nic.in>

Agenda Note, on the issue, is prepared for consideration in the meeting of the Commission.

2.2.2 The agenda note, *inter-alia*, examines conceivable effects of the proposed new policy or amendment in the existing policy on scheduled tribes, earlier recommendations of the NCST or of the erstwhile NCSCST, if any, on the subject matter of the policy and present status of implementation and relevance of the earlier recommendation(s) of the Commission(s), along with suggestions 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.

2.2.3 The Commission endeavours 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, from the sponsoring Ministry/ Department, for inclusion in its Annual Report .

### **2.3 Views of the National Commission on Policy related issues and other matters, dealt during the year 2014-15 (Commission's meetings).**

<b>I</b>	<b>EFC proposal for revision of National Service Scheme</b>
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2.3.1 NSS is a continuing Centrally Sponsored Scheme of the Ministry of Youth Affairs and Sports which aims at personality and character development of the students through Voluntary community service. The Scheme has been in operation since 1969. The proposal is to continue NSS, with the following two modifications:

2.3.2 Revision in Funding Pattern: Increase in central share of expenditure under the Scheme

2.3.3 Increase in NSS strength from existing level of 32.58 lakhs in 2013-14 to 57.58 lakhs in 2018-19 @ 5 lakhs per year.

2.3.4 The NSS volunteers work on issues of social relevance, which keep evolving in response to the needs of the community, through regular and special camping activities. Such issues include (i) literacy and education, (ii) health, family welfare and nutrition, (iii) environment conservation, (iv) social service programmes, (v) programmes for empowerment of women, (vi) programmes connected with economic development activities, (vii) rescue and relief during calamities, etc. The NSS activities benefit both the student volunteers as well as the community for which they work.

2.3.5 The Commission agreed to the proposal for continuing and revision of the Scheme as proposed, with the observation that the activities under the Scheme may preferably be located in tribal areas so as to benefit the tribal communities and the tribal areas from the works/ activities taken up by the volunteers of NSS.

<b>II</b>	<b>Draft Note for the Cabinet for approval of "National Agro-Forestry Policy, 2014"</b>
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2.3.6 Ministry of Agriculture, Department of Agriculture and cooperation has sought comments on the draft Note for the Cabinet for approval of National Agro-forestry

Policy, 2004. The sponsoring Department has highlighted the following reasons for preparing the National Agro-Forestry Policy:

- (i) Absence of a dedicated and focused national policy and a suitable institutional mechanism.
- (ii) Lack of an integrated farming systems approach.
- (iii) Restrictive regulatory regime.
- (iv) Inadequate attempts at liberalization of restrictive regulations.
- (v) Insufficient research, extension and capacity building.
- (vi) Dearth of quality planting material.
- (vii) Institutional finance and insurance coverage.
- (viii) Weak market access for agroforestry produce.
- (ix) Industry operations at a sub-optimal level.
- (x) Although farmers are interested to expand agroforestry, as the evidence on adoption shows, there are many missed opportunities for agroforestry to benefit farmer income and the environment due to neglect/oversight of the agencies that are supposed and expected to adequately promote and support it.

2.3.7 The Commission felt that the National Agroforestry Policy will have vital impact on the economy of Scheduled Tribes and the Scheduled Areas and therefore, it needed detailed examination. It was decided that the proposal may be examined in detail and the file may be submitted to the Chairperson for perusal.

<b>III</b>	<b>Inclusion of 'Saura', Sahara', 'Soura', 'Saunra'/ 'Saonra', 'Saora', as synonyms of 'Sawar' and 'Sawara' appearing as ST at SI No. 41 in the list of STs of Chhattisgarh.</b>
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2.3.8 It was decided that a team of the Commission may visit the tribal areas inhabiting the main tribes and the communities which are proposed to be included as synonym/ sub-tribe of the existing main tribe(s). The team may also meet the officials from Tribal Research Institute and the Regional Office of the Anthropological Survey of India. The Team may also inquire into the scope of misuse of such inclusions by groups that are not entitled to be Scheduled Tribes.

<b>IV</b>	<b>EFC memorandum for modification of continuing plan scheme "Setting up of 4 Model Industrial Training Institutes" as Up-gradation of Model Industrial Training Institutes (MITIs) to Advanced Training Institutes (ATIs)" during XII Plan.</b>
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2.3.9 The Ministry of Labour and Employment, DGE&T has proposed to modify the continuing Plan Scheme titled "Model Industrial Training Institutes" with a new title "Upgradation of Model Industrial Training Institutes (MITIs) to Advanced Training Institute (ATIs)" primarily for training of trainers. The Commission was informed that 4



MITIs, proposed to be upgraded as ATIs are presently functioning at (i) Haldwani (Uttarakhand), (ii) Calicut (Kerala), (iii) Jodhpur (Rajasthan) and (iv) Cuttack (Odisha) and the annual intake capacity to trainee candidates in these ATIs would be minimum 800 trainees per year. The Commission noted that the entire expenditure under the scheme including upgradation of the institutes and running of the courses will be met by Government of India. The Scheme provides for making reservation of seats as per Government of India Policy. The Commission, however, observed that separate reservation in admission to each of the national level institute does not ensure due rights to the Scheduled Tribes as all of these institutes are not located in tribal areas. The Commission, therefore, felt that admission to all these institutes may be controlled on all India basis so that reserved seats in each of the institutes get filled as per choice of the ST candidate and the availability of ST reserved seat in the institute. The Commission also recommended that policy of reservation in employment may also be followed in making appointments to various posts in the 4 ATIs.

<b>V</b>	<b>Clarification sought by ECI about ‘Mina’ and ‘Meena’ community in Rajasthan</b>
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2.3.10 The Commission was informed that on the basis of the petitions received in the Election Commission of India (ECI), the ECI had sought the advice of the Commission as to whether %Mina+ and %Meena+ are the same communities or two different communities and, if so, what would be the status of those producing the certificates on which %Meena+ is mentioned as Scheduled Tribes in the State of Rajasthan. The ECI has sought the advice in order to ensure that only genuine persons belonging to a community declare as Scheduled Tribes in a particular State got the benefits of contesting from the seats reserved from Scheduled Tribes. The Commission was informed that vide letter dated 03/03/2014, the ECI has been informed that the Nodal Ministry concerned with the subject matter is the Ministry of Tribal Affairs who should invariably be consulted in such matters. State-wise lists of Scheduled Tribes specified so far have been given in the Annual Reports of the Ministry of Tribal Affairs. These lists are also available on the website of the Ministry of Tribal Affairs. The Commission was also informed that attention of the ECI had also been invited to the direction of the Supreme Court delivered in the famous Madhuri Patil case mandating production of Validation Certificate along with Caste Certificate by the SC/ST candidates while claiming benefits admissible to SCs/ STs and the same had been recommended to the ECI vide this Commission’s D.O. letter dated 14/02/2014 on the basis of the decision taken by the Commission in its 51<sup>st</sup> Meeting held on 22/11/2013. The Commission noted the action taken by the Commission and advised that issuing of any clarification as sought by ECI was within the jurisdiction of Ministry of Tribal Affairs and not the National Commission for Scheduled Tribes.

<b>VI</b>	<b>Fulfillment of mandatory consultation by State Governments and Departments of the Government of India with National Commission for Scheduled Tribes</b>
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2.3.11 The Commission was informed that at the instance of the National Commission for Scheduled Tribes, the Cabinet Secretariat had issued instructions to all Ministries

for making mandatory consultations with the National Commission for Scheduled Tribes on major policy matters, including Legal matters, affecting the Scheduled Tribes and the procedure to be followed in preparing Note for the Cabinet in such matters. The Commission noted that the instructions did not make any mention of the result of deliberations by the Group of Ministers (GoMs) set up by the cabinet to review the policy note. As the deliberations by the Group of Ministers often change the policy note significantly, the consultation with the Commission at this stage is considered necessary in the larger interests of Scheduled Tribes in the country. This matter was discussed in the 51<sup>st</sup> meeting of the Commission and as per decision of the Commission and accordingly, the Cabinet Secretariat was requested to issue revised instructions to all the Secretaries of the Departments of Government of India and to the Chief Secretaries of States to ensure that the Constitutional mandate of consultation with the National Commission for Scheduled Tribes is observed in letter and spirit and the main purpose of ensuring safeguards to tribals is fulfilled. In response the Cabinet Secretariat has stated as:

2.3.12 Even though the issues considered by the GoMs and their recommendation are brought before the Cabinet by the Ministry/Department concerned through an appropriate Cabinet Note, no further consultations are carried out with other Ministries/Departments after the GoMs have considered the matter. The preparation of formal notes for the Cabinet in such cases ensures that the context/background of the proposal(s) is clearly brought out in such notes;

2.3.13 The Commission may, in specific cases, consider taking up the matter with the State Governments concerned with regard to the observation that it is not being consulted by them as per the Constitutional mandate.

2.3.14 The Commission felt that consultation with the NCST after consideration by GoMs (other than Empowered GoMs) was necessary in the larger interest of the Scheduled Tribes and therefore, the Cabinet Secretariat may consider changing the existing practice, in conformity with the Constitution of not consulting the NCST after the recommendations of the GoMs so that the NCST may be able to play its mandated and useful role in major policy/ legal matters affecting Scheduled Tribes. The Commission decided that the matter may be pursued with the Cabinet Secretariat for issuing of revised instructions regarding consultation with the NCST after GoMs meeting and for issue of similar instructions to the State Governments.

<b>VII</b>	<b>Commission may issue Advisory to the Central and State Election Commissions, State Governments and Central Ministries/ Department and Recruitment Agencies like UPSC, SSC State Recruitment Agencies and CPSE Boards for directing the candidates applying against the reserved posts to produce validation of Caste Certificate along with the Caste Certificate – To fulfill the directions of the Supreme Court in the Madhuri Patil case-on the lines of suggestion made to Law Commission and CEC as per decision taken in the 52<sup>nd</sup> Meeting of NCST.</b>
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2.3.15 The Commission was informed that all States/ UTs, in relation to which ST communities have been specified, are required set up the Scrutiny Committee for verification/ validation of ST caste certificates as per the directives of Hon'ble Supreme

Court of India. Not many States have set up such Committees and consequently fraudulent claims by non-ST persons were going unchecked. The Ministry of Tribal Affairs should also take up the matter with all the States/UTs to impress upon them the need for putting in place an effective mechanism for the purpose of validation of the caste certificates and verification of the community status of such persons claiming to belong to Scheduled Tribes or scrutiny of complaints relating to availing benefits on the basis of ST certificates obtained fraudulently by non-Scheduled Tribes and the matters connected therewith. The State and District level Scrutiny Committees should be made functionally effective by providing adequate infrastructure and manpower to them so that validation exercise in each case may be completed within specified time, say three months. As DoPT is the Nodal Department for issuing instructions and directives to various authorities in respect of implementation of reservation policy for Scheduled Tribes etc. it is necessary that a suitable advisory may be issued to the DoPT also which may issue the necessary instructions to all concerned for ensuring that each applicant is carefully checked on the basis of the caste certificate and the validation of that caste certificate issued by the appropriate Scrutiny Committee of the State to which the candidate belongs. In view of the importance of the issue it was decided that the Chairperson may write to the (i) Union Minister for Tribal Affairs, (ii) Chief Ministers of the States having tribal population and (iii) Chairperson, UPSC etc. while Secretary, NCST may write to the (i) Secretary, DoPT, and (ii) Chief Secretaries of the States/UTs having tribal population with copies to the Secretaries in-charge of GAD and Tribal Development Departments respectively in those States/UTs.

<b>VIII</b>	<b>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014-reserved for the consideration of the President.</b>
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2.3.16 The commission was informed that the Tamil Nadu State Legislature has passed a Bill viz; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 and the same has been reserved for consideration of the President. Ministry of Home Affairs has forwarded the Bill for comments/ views of the Commission. The State Governments in their forwarding letter has mentioned:

2.3.17 The law made by the Parliament on the subject %Acquisition and requisitioning of property+, namely the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) contains procedure for acquisition of land for the purposes specified therein. Besides, the said Act contains provisions relating to compensation, rehabilitation, resettlement, etc. The law made by the State Legislature on the same subject, namely, the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) contain different procedure for acquisition of land and the said Tamil Nadu Acts do not contain any provision relating to rehabilitation and resettlement. The Bill which seeks to amend the said Central Act 30 of 2013 so as to continue acquisition of land under the said Tamil Nadu Acts after the date of commencement of the said Central Act 30 of 2013 and to authorise the State Governments to issue a notification to apply the provisions of Central Act 30 of 2013 relating to determination of compensation

alone to the cases of land acquisition under the Tamil Nadu Acts may be said to be repugnant to the provisions of the said Central Act 30 of 2013. Therefore, the Bill has been reserved for the consideration of the President under Article 254(2) of the Constitution.

2.3.18 The Commission noted that the Central Act, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which has come into force w.e.f. 1/01/2014 has the following provision in Section 105(3) of the Act.

2.3.19 The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

2.3.20 Although the Tamil Nadu Acts referred to in the Bill were not received along with the proposal but the statement of the State Government in the forwarding letter, the said Tamil Nadu Acts do not contain any provision relating to rehabilitation and resettlement, itself goes against the spirit of the Section 105(3) of the Central Act. Further, it is evident that these Acts cover most of the grounds for which acquisition takes place and, therefore, effectively undermines the Central Act itself. The Commission therefore, did not approve for giving assent by the President to the above mentioned State Bill for amendment of the Central Act.

<b>IX</b>	<b>Proposal for inclusion of BINJHIYA community in the list of Scheduled Tribes of Chhattisgarh State- Discussion on the Report of the Member.</b>
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2.3.21 The Commission was informed that in pursuance of the decision taken in the 51<sup>st</sup> meeting of the Commission a team of the Commission led by Shri B.L.Meena, Member, National Commission for Scheduled Tribes, had visited the State of Chhattisgarh and conducted the field study on the above proposal of the State Government in February, 2014 and the Report of the Member, NCST was placed for discussion. The Commission noted that, as per Rule 36 of the Rules of Procedure of the Commission, in the context of Investigation or inquiry by an Investigation Team constituted at the Headquarters of the Commission, the report has be placed before the Chairperson of the Commission who will take appropriate action in the matter. It was decided that the Report of the Member on the above subject may be placed before the Chairperson for further directions in the matter.

<b>X</b>	<b>Paper/ Suggestions for the Task Force on inclusion into/ exclusion from the list of Scheduled Tribes constituted by the Ministry of Tribal Affairs.</b>
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2.3.22 The Commission was informed that the Ministry of Tribal Affairs, on 3/02/2014, has constituted a Task Force to examine various observations of National Commission

for Scheduled Tribes, Registrar General of India and claims of State Governments in respect of proposals for inclusion of communities in the list of Scheduled Tribes and suggest measures, if needed, for improving and streamlining the system and procedure and the Ministry of Tribal Affairs has kept a representative of the NCST also a Member of the Task Force. First Meeting of the Task Force was held in the MTA on 7/03/2014. Second Meeting of the Task Force was held at TRI Bhubaneswar on 24<sup>th</sup> and 25<sup>th</sup> April, 2014. The Ministry of Tribal Affairs had sought suggestions on the subject matter from the members of the Task Force. On the basis of the feedback received from various State Governments for inclusion of certain communities in the list of Scheduled Tribes in respect of those States, the Ministry of Tribal Affairs had prepared a draft Report of the Task Force for discussion in the meeting of the Task Force at a very short notice. The Commission was informed that the draft Report was not as per Terms of Reference of the Task Force and therefore a detailed letter was sent to the MTA stating that the Report of the Task Force may not go beyond the scope of the objective for which the Task Force was setup and that a copy of the Report may be sent to the National Commission for Scheduled Tribes for views/comments as per the provision under Article 338A(9) of the Constitution. The Commission also advised that the Ministry of Tribal Affairs may be informed not to include a representative of the National Commission for Scheduled Tribes on such types of Task Force/ Committees which are constituted for preparing Policy framework on matters affecting Scheduled Tribes as these were indirect forms of consultation which did not confirm to the Constitutional mandate of the Commission.

<b>XI</b>	<b>Inclusion of 'Darlong' community in the list of Scheduled Tribes in the State of Tripura.</b>
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2.3.23 It was decided that a team of the Commission may visit the tribal areas inhabiting the main tribes and the communities which are proposed to be included as synonym/ sub-tribe of the existing main tribes. The team may also meet the officials from Tribal Research Institute and the Regional Office of the Anthropological Survey of India.

<b>XII</b>	<b>Draft Note for the Cabinet for Inclusion of Kisan community as synonym of 'Nagesia, Nagasia' listed at SI No. 32 in the list STs of Chhattisgarh, inclusion of 'Bhuinya, Bhuiyan, Bhuyan communities as synonyms of Bharia Bhumia listed at SI No. 5 in the list of STs in Chhattisgarh, inclusion of Malai Vellalar, Karlar, Karalar Gounder, Malayali Gounder as replacement of Malayali at SI. No. 25 in the list of STs in Tamil Nadu.</b>
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2.3.24 The Commission was informed that National Commission for Scheduled Tribes has earlier communicated its consent for inclusion of %Kisan+ community as synonym of ~~Nagesia, Nagasia~~ and inclusion of %Bhuinya, Bhuiyan, Bhuyan communities as synonyms of Bharia Bhumia+ in the list of Scheduled Tribes of Chhattisgarh State. Regarding inclusion of %Malai Vellalar+, %Karlar+, %Karalar Gounder+, %Malayali Gounder+ as replacement of Malayali at SI. No. 25 in the list of STs in Tamil Nadu the Commission was informed that the proposal already agreed by the Commission related to %inclusion of Malayali Gounder without area restriction in

place of Malayali community in the list of Scheduled Tribes only and not about other communities in respect of Tamil Nadu State mentioned in the Note. The Commission decided that the Ministry of Tribal Affairs may be advised to send the detailed proposal along with relevant documents and study reports in respect of proposal for inclusion of Malai Vellalar, Karlar, Karalar Gounder, Malayali Gounder as replacement of Malayali at Sl. No. 25 in the list of STs in Tamil Nadu, if considered necessary from the aspect of real problems encountered by these groups in the field.

<b>XIII</b>	<b>Amendment to Act 9 of 2003 vide the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes (Amendment) Bill 2013 for constitution of Andhra Pradesh State Commission for Scheduled Castes – remarks/ views of NCST</b>
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2.3.25 The Commission was informed that the Government of Andhra Pradesh had setup Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes in pursuance of the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003. The State Government had proposed to replace the combined Commission for Scheduled Castes and Scheduled Tribes by two separate Commission for Scheduled Castes and Scheduled Tribes respectively on the lines of replacement of National Commission for Scheduled Castes and Scheduled Tribes by two separate Commissions namely National Commission for Scheduled Castes and National Commission for Scheduled Tribes. The A.P. State Legislature has passed two Bills with this objective and sent to the Ministry of Home Affairs for assent by the President. The Bill relating to setting up of Andhra Pradesh State Commission for Scheduled Tribes was discussed and approved in the 52<sup>nd</sup> Meeting of the Commission. The above mentioned amendment is for setting up Andhra Pradesh State Commission for Scheduled Castes. Recalling the discussion already held in the 52<sup>nd</sup> Meeting, the Commission agreed to the proposed amendment for setting up Andhra Pradesh State Commission for Scheduled Castes.

<b>XIV</b>	<b>Draft Cabinet Note circulated by Ministry of Tribal Affairs on Streamlining of procedure for Scheduling of communities as STs; revision of criteria for scheduling of communities as STs; and inclusion of names of communities in the STs lists, which have been left out being subsets, phonetic or spelling variations of Scheduled Tribes, and problems arising out of tribe names being written in English, cases of historical omissions without any reason, and cases of ‘involuntary migration’-regarding.</b>
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2.3.26 Ministry Of Tribal Affairs has proposed a draft Cabinet note F.No. 12016/04/2012-C&LM-1 dated 10.06.2014 received on 13.06.2014 proposing streamlining of procedure for the inclusion of various communities as STs. The Cabinet note is based on the Task Force Report on which this Commission has communicated its dissent on various grounds.

2.3.27 The Task Force was charged to suggest measures for improving and streamlining the systems and procedures including the criteria for inclusion/exclusion in the list of Scheduled Tribes. The Task Force has proposed a new Committee on

Scheduling of Tribes comprising official representatives of the Ministry, National Commission, RGI, Anthropological Survey of India, State Government and the State Tribal Research Institute. This Committee would review the recommendations of the State Govt, RGI and also the NCST for finalizing the views of the Ministry in a Cabinet note.

2.3.28 The Task Force has gone beyond its mandate of identifying criteria and has actually proposed inclusion of various communities, grouped as subsets of listed STs, phonetic variations, migration due to bifurcation of states, voluntary migration, unexplained omissions and de-notified tribes. In the guise of setting down procedures and systems, specific communities whose cases have been brought to the attention of the Ministry over the past several years have been identified for inclusion in a summary manner without the prescribed examination and consultation, especially with the NCST.

2.3.29 The Task Force has also identified problems faced in the States because the Constitutionally approved [vide Art.348 (1)(b)] English spelling adopted in the Presidential Order of 1956 as amended from time to time, did not read the same as a local script and this has led to disputes and some opportunistic claims. The Task Force has recommended adoption of an approved list in the Devanagari script which may resolve the issue for some States. However, the Commission is of the view that the correct approach would be to adopt the local script and English in addition to the Devanagari script since a local script may more accurately name the group.

2.3.30 On the work of the Task Force, there have been considerable developments since the Lokur Committee (1965), the Joint Committee of Parliament (1967) and the decisions taken by Government in 1976 when only some area restrictions were removed. While no exclusions have been made, a large number of inclusions and grave misuse of the relaxation of area restrictions have led to further reduction of opportunities to the genuinely backward STs. This Task Force offers no alleviation to these genuine needs.

2.3.31 In regard to the issue of synonyms, phonetic similarities etc this Commission has been receiving proposals from various State routed through the Ministry and the Registrar General of India. These proposals came after a long delay which could be best explained by the Ministry as these delays extend to several years. Even in the case of Orissa, the Commission had noted during its field visit in February 2013 that 167 proposals had been sent by the Government of Orissa between 1978 to 2010 which fell into various categories and these were stated to be pending with the Ministry of Tribal Affairs. The essential problem of delay does not seem to lie in the consultation process but in the paucity of data and inability for expeditious analysis and coordination in the Ministry of Tribal Affairs. The fact that Tribal Research Institutes are, nowadays, seriously deficient in capacity may have also contributed to this situation.

2.3.32 This Commission has invariably insisted that each proposal be accompanied by a thorough ethnographic study and examination by the State Government either through their Tribal Research Institute or by using their own resources. The Commission also requires a thorough examination by the Ministry of these proposals from the aspects of: potential for misuse of tribal names or synonyms by non-tribals

(e.g. Ojha Brahmins of U.P, Meena in Rajasthan); the need to satisfy claims for inclusion of fanciful titles (honorifics) in some cases as also noted by the Lokur Committee; and generally to verify if there is a genuine problem faced by these claimants by way of denial of ST status and certificates or if the proposal is essentially theoretical to overcome possible disputes in the Courts. If there is none, perhaps the exercise itself is infructuous. Further, unexplained omissions may have a background lost in history. As noted by the Task Force, Ghatwar were feudal chiefs and as also noted by the Lokur Committee, merely being a tribal is not enough to be considered backward. Invariably, the justification accompanying proposals for inclusion do not provide any details of current population, expected beneficiaries, impact on improving compliance apart from ethnographic details. The Commission has observed that even minimal efforts are not made and instead efforts are concentrated on pushing incomplete and unexamined proposals through scrutinizing bodies. These point to institutional deficiencies at various levels and not necessarily to procedural bottlenecks which appear only as a symptom and excuse for non-performance. In regard to the need for careful scrutiny as well as for exclusion, a recent case aptly brings out the need to have a relook at the recommendations of the Lokur Committee and to implement some of them. When Mt.Abu taluk (Sirohi District) was added to Rajasthan during the States Reorganization in 1956, the Dhanka Community were listed as ST for this area alone. By the 1961 Census, the population had reduced to zero which was also noted by the Lokur Committee. However, amazingly, the population grew to 157 by 1971 before removal of area restrictions, expanded massively across Rajasthan to 14155 by 1981, further multiplied to 33844 by 1991, to 77079 by 2001, and stands at 96737 in 2011. This has happened allegedly due to the acceptance of claims by Dhanaks, a Scheduled Caste in Rajasthan, by their renaming themselves as Dhankas. Coincidentally, the Dhanak (SC) population increase of 40 times between 1971 and 1981 slowed down to barely 0.25% between 1981 and 1991 and 12% between 1991 and 2001. With their numbers, the Dhanaks/Dhanka have acquired considerable political clout and along with other prosperous communities in the State, they have crowded out the backward STs of Rajasthan such as the Bhils etc. The Lokur Committee also foresaw this very eventuality. In the case of Konda Reddis of Tamil Nadu, the Lokur Committee learnt of only 8 such claimants in the State and recommended deletion since they could not constitute a tribe, but many certificates have since been issued. The case of Dhanka also highlights the pitfalls associated with synonyms, phonetic similarities and so forth and needs to be seriously considered.

2.3.33 In some cases relating to the North East, the Commission has insisted on recommendations of the Tribal Advisory Council headed by the Governor in accordance with the Constitution since, as noted by the Lokur Committee in this region's context, the objective was to gain political rights. Although the criteria proposed are unexceptionable, the crux of the issue lies in the analysis of the group of applicants and not so much in slotting of their applications into these criteria.

2.3.34 In respect of the new procedure proposed of a Committee on Scheduling of Tribes this Commission believes that the Constitution has mandated this Commission to examine such proposals following which proposals may be rejected or placed before the Cabinet and Parliament. A second Committee to review the views of the Commission with an inducted employee of the Commission would not add any



value nor can this Committee smooth over the handicaps pointed out by the Commission which takes into account the views of the RGI, State Government and the MTA while finalizing its views. The additional Committee as proposed appears to have vague objectives which may detract from the Constitutional mandate to this Commission and may well prove to have limited utility.

2.3.35 Further, the Task Force was also charged with identifying issues and procedures for excluding tribal communities that have already gained from the benefits for STs and have advanced far beyond the really backward scheduled tribes. The Task Force has made no efforts in this regard. The Commission considers this of prime importance because certain communities, who have already established themselves and have gained substantially to the practical exclusion of other more backward scheduled tribes, deserve to be excluded. The Commission seeks to emphasize this need for exclusion not merely as an administrative issue but because this Commission has been mandated to safeguard the rights of Scheduled Tribes in respect of their educational and economic betterment. Therefore, if communities that have successfully assimilated themselves continue to claim the benefits intended only for backward Scheduled Tribes, the result will be that the really backward sections deserving state support and encouragement will continue to remain outside the pale of mainstream society and the Constitutional imperative of assimilating them on honourable terms will not prevail.

2.3.36 The Commission is also of the view that an institutional structure needs to be evolved so that continuous review is made possible of the communities in various states in order to eliminate those who have developed sufficiently and/or to suitably accommodate them in one of the other groups such as the backward classes or as was done in one instance by the Maharashtra Government, of a category of special Backward Class.

2.3.37 On the procedural aspect of verification and issue of ST Certificates, this Commission agrees that the problem of identification is less in rural areas as compared to urban areas. By very reference to the characteristic of cohesiveness or geographic isolation even by way of separate hamlet/tola, distinct habits/language, etc, the issue of ST certificates for students in schools at the primary/middle school level could potentially obviate these difficulties. In urban areas, the burden of proof and the requirement to establish affinity for the original tribal group as set out in various Court Orders is a necessary pre-condition. By virtue of the principle of affinity, even claims based on the understanding that area restrictions have been removed could be effectively regulated. However, grave errors of omission and commission could still occur for which the prescription of validation of ST certificate as laid down by the Supreme Court in the Madhuri Patil case (1984) would clearly complement the verification process. The Task Force errs in approvingly noting the deletion of the requirement of prior validation of certificates by the Caste (ST) Scrutiny Committee of one State. The Commission has found that lax implementation of this requirement and the work of the Caste Scrutiny Committee has left verification requests pending even when the individual in question is retiring or has retired from public service. Therefore, the Commission recommends that the Caste Scrutiny Committee be given statutory status as in Maharashtra in each State and the prior validation compulsion implemented systematically especially for those students who pass the Xth or XIIth

standard and are likely to take jobs in Government, PSU, parastatals or stand for elections to Local/State/National bodies.

2.3.38 As a final observation, the Commission would like to recommend the establishment of a Commission comprising technical experts in the field and officials who could quickly inquire into this vexed area of inclusions and exclusions and formulate recommendations for consideration by Government and in the Parliament with a short time frame comparable to the Lokur Committee which completed its task in less than 90 days.

<b>XV</b>	<b>Action on time bound inter-ministerial consultations prescribed for cabinet notes</b>
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2.3.39 The Cabinet Secretariat has issued Office Memorandum No. 1/50/1/2014-Cab dated 11<sup>th</sup> June 2014 prescribing a strict period of 15 days for Ministries and Departments to finalize draft Cabinet Notes after necessary Inter-Ministerial consultations. In order to ensure that NCST is able to furnish its views on such Cabinet Notes, it may be necessary to conduct more frequent and regular meetings of the Commission.

2.3.40 The Commission considered the matter and decided to convene meetings of the Commission every weekly Friday or the next working day except on days when no Cabinet note or any matter of urgency is required to be discussed.

<b>XVI</b>	<b>Grant of License under Dadra &amp; Nagar Haveli Excise Regulation, 2012 and Rules framed thereunder in the villages having more than 50% Tribal Population.</b>
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2.3.41 The Commission was informed that Ministry of Tribal Affairs vide letter No. 6/1/2012-CP&R dated 28.05.2014 have forwarded a copy of Ministry of Home Affairs letter No. U 14012/5/2012 dated 01.01.2014 along with proposal of the Administration of Dadra & Nagar Haveli seeking approval for grant of licenses to hotels and resorts set up in villages having more than 50% Scheduled Tribes, which is not allowed under the Dadra & Nagar Haveli Excise Rules, 2013 framed under Dadra & Nagar Haveli Excise Regulation 2012. The Commission noted that the UT Administration had notified the Dadra & Nagar Haveli Excise Rules 2013 on 30/04/2013 which had repealed the Dadra & Nagar Haveli Excise Rules 1969. The new Rules viz. Dadra & Nagar Haveli Excise Rules 2013 has a Special Chapter (Ch XII) titled *Special Provisions for Protection of Rights of the Tribals*. This Chapter has 2 Rules and Rule 118, included on the advice of the Ministry of Tribal Affairs has the following provision:

***%No new license for wholesale and retail sale shall be granted in a census village having more than 50% tribal population as per the latest census”***

2.3.42 The objective of the provisions of Rule 118 were not to open whole sale or retail vends of liquor in the census villages having more than 50% Tribal population so as to ensure prohibition among tribals to a great extent.

2.3.43 The UT Administration has stated that the provision contained in Rule 118 was not in existence in the repealed DNH Excise Rules 1969 and before coming into force of the DNH Excise Rules of 2013 a number of Hotels/ Resorts were permitted to be constructed in the Rural villages having more than 50% tribal population. The DNH Administration has stated that these hotels/ resorts have applied for excise license for bars as per Rules 76. It is further stated that the prohibition as provided in Rule 118 does not appear to be applicable to the hotels/ resorts.

2.3.44 It was noted that the Rule 118 has been incorporated in the DNH Rules 2013, in a Special Chapter (Ch XII) titled *Special Provisions for Protection of Rights of the Tribals*. These special provisions have over-riding effects on the other provisions in the Rules. It is therefore incorrect that the prohibition as provided in Rule 118 does not appear to be applicable to the hotels/ resorts. The Dadra & Nagar Haveli has more than 50% ST population and there might be regulations/ rules to prohibit transfer of land from Scheduled Tribes to non-Scheduled Tribes. It is to be seen whether the hotels, restaurants and resorts set up in villages having more than 50% tribal population are exclusively owned by the local tribals or by non-tribals only or in partnership with local Scheduled Tribes. In case the hotels/ restaurants/ resorts are not owned by local tribals exclusively, the UT Administration may inform as to how the lands of local Scheduled Tribes was transferred to non-tribals for setting up hotel/restaurant/ resort in the villages having 50% Scheduled Tribe population. In case the land was acquired by the UT Administration and allocated to the non-tribals for setting up the hotel/ restaurant/ resorts in those villages, what was the quantum of compensation and relief and rehabilitation provided to the tribal land oustees? Further the Commission desired to know if any study had been done or facts had been collected to show how tribals had benefited by the development of hotels/resorts and tourism in those areas, the changes and levels of development in their traditional activities, levels of migration outside their villages within the territory and to adjoining areas of Gujarat and Maharashtra.

2.3.45 The Commission further desired to know whether the UT Administration had obtained the opinion of the concerned Gram Sabha before mooted the above proposal. The Commission also felt that the UT Administration should set up Tribes Advisory Council (TAC) for advising the UT Administration on various matters relating to Scheduled Tribes in the UT. In case the TAC already exists, the approval given by the TAC may be communicated to this Commission.

2.3.46 The Commission also desired to know (i) whether the above process was also adopted before granting permission for construction of Hotels/ Restaurants/ Resorts in the Rural villages having more than 50% tribal population before coming into force of the DNH Excise Rules of 2013, and (ii) whether such establishment had been granted license for bars and liquor and (iii) whether there was no negative effect on the life of the local tribals due to grant of license to those hotels/ restaurant/ resorts.

2.3.47 The Commission directed that the DNH Administration may be asked to confirm the correct position about the above issue so that the Commission formulates its considered view on the proposal.

<b>XVII</b>	<b>Proposal on 'USOF supported scheme to provide mobile services in areas affected by Left Wing Extremism (LWE)'.</b>
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2.3.48 Ministry of Communication & IT Department of Telecommunications vide letter No. 30-156-11/2014-USF dated 27/06/2014 sent the Draft Note for the Cabinet on 'USOF supported scheme to provide mobile services in areas affected by Left Wing Extremism (LWE)'. The Commission noted that the proposal was for seeking approval of the Project Cost discovered by BSNL through open tender process for providing mobile services at locations identified by Ministry of Home affairs (MHA) in areas affected by Left Wing Extremism (LWE).

2.3.49 The Commission observed that the USOF was intended as a developmental tool for far flung rural areas to gain good communications. The proposal could be reformulated in such terms and cover, in addition, counter insurgency needs. They should provide mobile, internet, Audio/Video streaming facilities to Scheduled Tribes population to access programmes for promoting tribal culture, cross-cultural exchanges/ understanding and for educational inputs at school/college levels.

<b>XVIII</b>	<b>Proposal on 'Comprehensive Telecom Development Plan for North-Eastern Region (NER)'</b>
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2.3.50 Ministry of Communication and IT, Department of Telecommunication vide letter NO. 30-252/2013-USF dated 30 June 2014 forwarded the Draft Note for the Cabinet on the above subject for comments of the Commission. The Commission supported the views expressed in the Draft Note that for economic development of a region, connectivity-on-the move is an important requirement. The NER, because of its strategic location requires communication and connectivity throughout the main artery that runs through the region, namely, the National Highways. Hence, it is vital to ensure that mobile connectivity is available at least on all National Highways in the NER. Besides the issue of extending access to telecom connectivity, the challenge of ensuring reliability in service provision also needs resolution. The investment proposed for the transmission media plan for the NER aims at strengthening the core network connectivity between State capitals and the respective District Headquarter (DHQS) within the State. This plan has been prepared to upgrade available telecom transmission infrastructure in the NER with increased capacity and to provide the required diversity/ redundancy (fallback) of media in the event of the failure of the connectivity of the main link.

2.3.51 The Commission noted that the proposal aims to

- (i) Provide 2G Mobile coverage in identified uncovered areas of NER.
- (ii) Provide 2G seamless Mobile coverage along the National Highways in NER.
- (iii) Ensure reliability of and redundancy in the transmission network at State capitals and District Headquarter in NER.

2.3.52 According to the Draft Cabinet Note the project involves:

- (i) Installation and Commissioning of 6673 mobile tower sites (along with associated infrastructure) to provide mobile coverage to 8621 identified uncovered villages, for which GLS data is available.

- (ii) Installation and Commissioning of 321 mobile tower sites (along with associated infrastructure) for providing seamless coverage along the National Highways in NER.
- (iii) Laying of 2122 Km of underground Optical Fibre Cable (OFC) and 1091 Km of aerial Optical Fibre Cable, along with associated terminal equipment.

2.3.53 The Commission agreed to the proposal contained in the Draft Cabinet Note keeping in view the objective of the proposal for the benefit of NER region which largely has Tribal population and that the project will be implemented through BSNL an Organisation of Ministry of Communication under Universal Service Obligation for which adequate funds were also available under USOF.

<b>XIX</b>	<b>Cancellation of DoPT OM dated 10/08/2010 conferring benefits to candidates of Halba Koshti/ Halbi Koshti/ Koshti community to continue to occupy vacancies reserved for genuine Scheduled Tribes.</b>
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2.3.54 The Commission was informed that on the representation of Shri Harish Chandra Chavan, Member of Parliament (LS) on the above subject, a sitting was held in the Commission on 25/06/2014 with the Secretary, DoPT, Secretary Department of Legal Affairs, Principal Secretary Tribal Welfare Department, Government of Maharashtra and the Officers of Ministry of Tribal Affairs. The Commission noted that it was a blatant case of atrocity against genuine Scheduled Tribes by issuing the above mentioned OM dated 10/08/2010 by DoPT that too without following the normal as also constitutionally mandated procedure and by consulting the stakeholders i.e. MTA and NCST, by misinterpreting the Supreme Court judgment in the impugned matter. The OM has extended benefits to a very large number of persons belonging to Halba Koshti/ Halbi Koshti/ Koshti community who had obtained false ST certificates as Halba. The Commission was informed by the Secretary Department of Personnel and Training and the Secretary DOLA that in this matter, final hearing has been completed in the Supreme Court and the judgement is awaited. Therefore, Commission decided that further action will be taken up after the pronouncement of the Judgment by the Supreme Court.

<b>XX</b>	<b>Proposal on Economic Affairs (CCEA) for the scheme of "Development of Particularly Vulnerable Tribal Groups (PVTGs) of Ministry of Tribal Affairs.</b>
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2.3.55 Ministry of Tribal Affairs vide OM No. 22040/37/2012-NGO dated 16/06/2014 has sought comments/ views of the National Commission for Scheduled Tribes on the Draft Note for the CCEA on the above subject. The Commission noted that the proposed scheme aims at planning the socio-economic development of the PVTGs in a holistic manner by adopting habitat development approach and intervening in all spheres of their social and economic life, so that the quality of life of PVTGs is improved and they can be brought to a living standard at par with the general living standard in the country and no other Ministry is implementing Scheme exclusively for PVTGs.

2.3.56 The Commission further noted that under the scheme all the 17 State Governments and the Union Territory of A & N Island shall prepare a long term Conservation-Cum-Development (CCD) Plan for each PVTG of their State on the basis of requirement assessed through Baseline Surveys conducted by them during 12<sup>th</sup> Plan Period. The activities would be outcome driven. For implementation of the Scheme, Micro-Project located in or near the habitation shall be created if not already existing in or near the habitation of the PVTGs. Activities under the Scheme will include livelihood, health, education, housing, land distribution, land development, irrigation, agriculture, horticulture, dairy, animal husbandry, fishery, poultry, construction of link roads, social security and any other activity meant for the socio-economic development for the comprehensive socio-economic development of PVTGs.

2.3.57 The Commission also noted that the Ministry of Tribal Affairs has sought continuation of the scheme at a cost of Rs. 1143.40 Crores during 12<sup>th</sup> Five Year Plan onwards with revised guidelines. In view of above the Commission agreed to the proposal contained in the Draft Note for the Cabinet Committee on Economic Affairs received from the Ministry of Tribal Affairs.

2.3.58 The Commission directed that that the views of the Commission on policy matters received from Ministry of Tribal Affairs or the sponsoring Ministry concerned may be forwarded to them promptly with the request that the views of the Commission may be duly incorporated in the revised Note for the Cabinet as per instructions dated 16/02/2012 of the Cabinet Secretariat and final outcome of the proposal may be intimated to this Commission in due course.

<b>XXI</b>	<b>Issues relating to Order dated 10/08/2010 granting ST status to those belonging to Halba Koshti etc. and having obtained employment on the basis of certificates as ST.</b>
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2.3.59 The Commission was informed that the subject matter of the above Agenda Item could not be discussed in the 56<sup>th</sup> meeting as the quorum for the meeting was not complete. It was recalled that a Sitting in the matter was held in the Commission on 25/06/2014 with the Officers from Department of Personnel and Training, Department of Legal Affairs, Ministry of Tribal Affairs and Government of Maharashtra. It was decided that the Commission would proceed internally on related matters with whatever replies that have been or are received. It was noted that the request made to DoPT, CEA, PNB, FCI, Department of Legal Affairs and other organizations employing such bogus certificate holders to identify the persons involved or who failed to take appropriate action especially in regards to the OM dated 10/08/2010 of the Department of Personnel and Training has not yielded any information or reply. As a large number of person have benefitted by the actions of officers and staff of Department of Personnel and Training, Department of Legal Affairs and other organizations, the appropriate course would be to refer the matter to the CVC to take further action, after the pronouncement of the judgment by the Hon<sup>ble</sup> Supreme Court of India in this connection, if it merits so.

<b>XXII</b>	<b>The scheme of “Grants-in-aid to Voluntary Organizations”.</b>
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<b>XXIII</b>	<b>Centrally Sponsored Umbrella Scheme for Education for STs.</b>
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<b>XXIV</b>	<b>Centrally Sponsored Umbrella Scheme for Education for STs.</b>
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The Comments of the Commission on the above three policy matters, after consideration and approval by the Chairperson, were forwarded to the concerned Ministries for necessary action

<b>XXV</b>	<b>Amendment of Rule 46 of Rules of Procedure of National Commission for Scheduled Tribes.</b>
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2.3.60 The National Commission for Scheduled Tribes has five Members including Chairperson, Vice-Chairperson and three other Members. Clause 4 of Article 338A of the Constitution empowers the National Commission for Scheduled Tribes to regulate its own procedure. Accordingly, Rules of Procedure of the National Commission for Scheduled Tribes were approved by the Commission and notified in the Gazette of India related 16/10/2004.

2.3.61 Recently, due to non-availability of some Members and Vice Chairperson the Commission's meeting could not be held as per the provision under Rule 46 of the Rules of Procedure which provide that presence of at least three members including the Chairperson and/or Vice-Chairperson shall constitute the quorum for holding meeting of the Commission. To obviate such situations of quorum in future and as National Commission for Scheduled Tribes is empowered to regulate its own procedure, Rule 46 of Rules of Procedure shall be amended as below, to ensure regular holding of the meetings of the Commission for fulfilling the mandate of the Commission under Article 338A(9) of the Constitution.

<u>Rule</u>	<u>Existing entry</u>	<u>Proposed amendment</u>
46	Presence of at least three members including the Chairperson and/or Vice-Chairperson shall constitute the quorum for holding meeting of the Commission.	Presence of minimum 50% of posted members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.  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.

<b>XXVI</b>	<b>Proposal on the Juvenile Justice (Care and Protection of Children) Bill, 2014 for Comments/ suggestions of NCST – reference from Ministry of Women and Child Development.</b>
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2.3.62 The Commission was informed that Ministry of Tribal Affairs vide OM No. 16015/6/2014-Eco. dated 25/07/2014 has forwarded the draft note for the Cabinet on the above subject received from the Ministry of Women and Child Development vide OM No. 1-3/2012-CW-II (Pt.) dated 24/07/2014 for comments/ views of the National Commission for Scheduled Tribes and that the Ministry of Women and Child Development has sought the comments/ suggestions by 08/08/2014. After detailed discussions over various provisions of the Bill, the Commission approved the draft Note for the Cabinet with the following observations:

- (i) Given the extreme poverty and reticent nature of Scheduled Tribes, the children of ST migrants become easy targets for such crimes by juvenile offenders. ST Parents may be employed under conditions of slavery and may also have been trafficked illegally which renders them weak to file FIRs. In such cases, the offences should not only invite higher minimum punishment in addition to cash compensation, but the minimum Juvenile age level of the person who commits crime should be kept lower than for the case of general category victims.
- (ii) The issue of vicarious criminal and civil responsibilities of the parents/ guardians of the juvenile delinquent (accused) also needs to be considered.

<b>XXVII</b>	<b>Inclusion of Binjhia Community in the list of Scheduled Tribes in respect of Chhattisgarh State</b>
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2.3.63 The Commission was informed that in pursuance of the decision taken in the 51<sup>st</sup> meeting of the Commission a team of the Commission led by Shri B.L. Meena, Member, National Commission for Scheduled Tribes, had visited the State of Chhattisgarh and conducted the field study on the above proposal of the State Government in February, 2014 and the Report of the Member, NCST was placed for discussion in the 53<sup>rd</sup> meeting of the Commission held on 22/05/2014. The Commission had noted that, as per Rule 36 of the Rules of Procedure of the Commission, in the context of Investigation or inquiry by an Investigation Team constituted at the Headquarters of the Commission, the report has be placed before the Chairperson of the Commission who will take appropriate action in the matter. It was decided that the Report of the Member on the above subject may be placed before the Chairperson for further directions in the matter. The file with note of the Secretariat on the report of the Member on the subject matter was placed before the Chairperson. As directed by the Chairperson the matter has been taken up as additional agenda in the meeting.

2.3.64 It was informed that the list of Scheduled Tribes in relation to Chhattisgarh State, created out of Madhya Pradesh State in pursuance of MP Re-organization Act, 2000 has 42 ST communities and %Binjwar+is one such community listed at SI No. 11 in the list of Scheduled Tribes. Binjwar Community is found in Raipur, Janjgir-Champa, Ambikapur, Korba and Koriya Districts of the State. Accorded to the



Historians Russel and Hira Lal (1916) Binjhar Community has for sub-tribes viz; Binjhar, Sonjhara, Birjiya and Binjhia. The Census 1931 also reported Binjhia as Sub-tribe of Binjhar. An earlier Historian Rizle (1891) had also reported Binjhar and Binjhia having the same meaning. Therefore, persons belonging to Binjhia Community have been getting ST certificate prior to 2001, when grant of such certificates was withdrawn after judgment of the Supreme Court of India (AIR 2001 SC 393- State Governments of Maharashtra v/s Milind), according to which a person belonging to a Community which is not specifically mentioned in the Constitution (ST) Order cannot claim as Scheduled Tribe. Consequently, the Revenue Authorities stopped issuing ST certificates to those persons belonging to Binjhia Community. In view of the Supreme Court Judgment the State Government has proposed to include Binjhia as a separate Community in the list of Scheduled Tribes in respect of Chhattisgarh State.

2.3.65 Since the historical and the Census records as well as the study conducted by the Member of the Commission reveal that Binjhia were originally either a synonym or Sub-tribe of Binjhar Community, the Commission accepted the recommendation made in the Report of the Member, National Commission for Scheduled Tribes to include BINJHIA as independent Community in the list of Scheduled Tribes of Chhattisgarh State keeping in view the judgment of the Supreme Court of India. The Registrar General of India has also agreed for inclusion of Binjhia Community in the list of Scheduled Tribes. In order to ensure that genuine persons belonging to BINJHIA community only get the benefit of inclusion of the community in the list of Scheduled Tribes, the Commission recommended inclusion of Binjhia Community in the list of Scheduled Tribes in Raipur, Janjgir- Champa, Ambikapur, Korba and Koriya Districts only of the Chhattisgarh State where they are stated to be found and mention the blocks, villages, tolas and hamlets where they are to be found. Since an area restriction has to be imposed while scheduling BINJHIA community as a ST. The Commission was also of the view that State Government should take steps to assess the population of BINJHIA community in each hamlet/ tola/ village/ Block/ tehsil in the above mentioned districts, which will help check unexpected reporting of its population in the next Census and also assist the revenue authorities while issuing certificates to genuine persons belonging to BINJHIA community.

<b>XXVIII</b>	<b>Proposal for revision of National Service Scheme (NSS)</b>
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2.3.66 The Commission noted that NSS is a continuing Centrally Sponsored Scheme of the Ministry of Youth Affairs and Sports which aims at personality and character development of the students through Voluntary community service. The Scheme has been in operation since 1969. The proposal is to continue NSS, with some modifications. The Commission also noted that the draft EFC proposal for revision of NSS were received earlier and discussed in the 53<sup>rd</sup> meeting of the National Commission for Scheduled Tribes, held on 22/05/2014. The observations made by the Commission were communicated to the sponsoring Ministry (Ministry of Youth Affairs and Sports, Department of Youth Affairs). The sponsoring Ministry has revised the EFC proposal after incorporating the views of the Commission and other Ministries consulted in the matter along with their response in each case. In view of the content

of the revised Note in response to the Commission's earlier observations, the Commission approved the revised EFC proposal.

<b>XXIX</b>	<b>Proposal for Enhancing the Reservation of Women in Panchayats.</b>
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2.3.67 The Commission was informed that the Ministry of Social Justice and Empowerment by letter No. 19014/1/2014-CC dated 12/08/2014 and Ministry of Tribal Affairs vide letter No. 11029/01/2014-C&LM-II(Pt.) dated 11/08/2014, received in this Commission on 14/08/2014, have forwarded the draft note for the Cabinet on the above subject received from the Ministry of Panchayati Raj in their OM No. H-11029/2/2010-RBH(A)/DPE dated 31/07/2014, for comments/ views of the National Commission for Scheduled Tribes by 15/08/2014.

2.3.68 The Commission noted that the States of Assam, Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura, Uttarakhand and West Bengal have already made 50% reservation for women in the Panchayati Raj Institutions. The Ministry of Panchayati Raj has, however, proposed to enhance the reservation for women in PRIs from existing one-third to ~~as~~ nearly as may be one half+to facilitate more and more women to enter the public sphere and to make Panchayats more inclusive Institutions. The term ~~as~~ nearly as may be one half+is very ambiguous since this could allow the States to conduct elections to PRIs in such a way that the actual representation of women may never reach near one half. The Commission viewed that the reservation for women may be in fixed proportion/ percentage. As several States have already made 50% reservation for women in PRIs the Commission recommended to advise the Government for providing exact 50% reservation for women in the total number of seats in the Panchayats and also in the offices of Chairpersons of the Panchayats in all the three tiers.

<b>XXX</b>	<b>Inclusion of Karbi (Mikir) community residing in the plain area of Assam at Sl. No. 11 in the list of STs in Assam.</b>
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2.3.69 The Commission noted that the above proposal had been discussed in the previous meetings of the NCST and accordingly Ministry of Tribal Affairs was requested for taking action on the recommendation of the Commission. It was noted that the Ministry of Tribal Affairs has given reply but the same was not found satisfactory, particularly w.r.t. consultation with the Governor of the State as per provision in the Sixth Schedule. It was directed by the Commission to analyze the case on file.

<b>XXXI</b>	<b>Inclusion of 'Yobin' Community in the list of ST's of Arunachal Pradesh.</b>
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2.3.70 The Commission noted that the Constitution Orders specifying Scheduled Tribes in relation to NE States are unique in the manner of listing

Communities and their synonyms and sub-tribes. The order specifies all the tribes with a common character as a group and considering the large members, avoids a detailed listing and for some cases, provides a few examples that would fall in that tribe but not as an exhaustive list. For instance the orders specify %Any Naga Tribes+ in Arunachal Pradesh , %Any Kuki tribes, including: -(i) to (xxxvii) communities, %Any Mizo (Lushai) tribes+ and %Any Naga tribes+ in Assam State, %Any Mizo (Lushai) Tribes+ in Manipur, %Any Kuki tribes, including+ in Meghalaya, %Any Kuki tribes including+ in Mizoram, %Bhutia (including Chumbipa, Dophap, Dukpa, Kagatey, Sherpa, Tibetan, Tromop, Yolmo)+in Sikkim %Kuki, including the following sub-tribes:- +in Tripura. The words %Any+ and %Any ò ò ò Tribes including+ indicate that all the synonyms and sub-tribes of the specified ST Community are eligible to get ST Certificate as the list is not intended to be an exhaustive list of all sub-tribes or synonyms. It has been argued that the Supreme Court Judgment in state of Maharashtra V. Milind + Ors discusses limited issue of certificates only to communities specifically mentioned in the Constitution Order, including synonyms or sub-tribes of a listed community, Therefore, the sub-tribes or synonyms were alleged to be not getting ST certificates which has become the basis for requesting the separate listing of these communities. The Commission observed that the considerations that went into the unique listing for the North Eastern States were different from the rest of the country and therefore, the Supreme Court orders have to be read harmoniously with the Presidential Order and not applied mechanically.

2.3.71 Further, the Commission was informed that initially when Arunachal Pradesh was part of Assam and known as NEFA, the list of Scheduled Tribes w.r.t. NEFA was specified as %All Tribes of North East Frontier Agency including: ò ò ..+ NEFA was upgraded as a Union Territory in the year 1972 and renamed as Arunachal Pradesh. The Constitution (Scheduled Tribes) (Union Territories) order 1951 was amended and the same list of Scheduled Tribes w.r.t. Arunachal Pradesh was specified as %All Tribes of the Union Territory including:-+ This list was not revised with the comprehensive revision Order of 1976. The Arunachal Pradesh UT got statehood in 1987. It is reported that people belonging to Yobin Tribe were getting ST Certificate as per the interpretation of the words %All Tribes of the Union Territory including:- ò .+

2.3.72 The Communities currently specified in relation to the State of Arunachal Pradesh are listed as below:

All tribes in the State including:-

(i) Abor	(ii) Aka	(iii) Apatani	(iv) Nyishi
(v) Galo	(vi) Khampti	(vii) Howa	(viii) Mishmi, Idu
(ix) Momba	(x) Any Naga Tribes	(xi) Sherdukpen	(xii) Singpho
(xiii) Hrusso	(xiv) Tagin	(xv) Khamba	(xvi) Adi

2.3.73 Given the circumstances and the views of the State Government of Arunachal Pradesh that the YOBIN Community is being disadvantaged by lack of mention of the YOBIN Community and denial of Community certificates, the Commission is of the view that the original intention in the Presidential Order needs to be understood and followed scrupulously. If there is any doubt whether a particular community is an

indigenous tribe of the State, then a proposal needs to be formulated along with an ethnographic study. In all other cases, local inquiries with ethnographic study, where necessary, should suffice for the State to issue Community certificates. If the State Government continues to have doubts in respect of these indigenous communities, they may obtain clarification from the Ministry of Tribal Affairs. No amendment of the Presidential Order is accordingly required given its provisions, which are also not in conflict with the judgment of the Supreme Court.

<b>XXXII</b>	<b>EFC proposal for introduction of a new Central Sector Scheme, namely, National Young Leaders programme (NYLP).</b>
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2.3.74 The Commission was informed that the Ministry of Youth Affairs and Sports, Department of Youth Affairs vide OM No. 2-4/2014/NYKS dated 13/08/2014 have forwarded EFC proposal on the new Central Sector Scheme namely, National Young Leaders Programme (NYLP), formulated in pursuance to the announcement in the Budget Speech of the Hon<sup>ble</sup> Finance Minister to this effect. As the proposal was at the initial stage, the Ministry of Youth Affairs and Sports was being advised to forward the draft note for the Cabinet, when finalized, for comments of this Commission.

<b>XXXIII</b>	<b>Production of Caste Certificate and Validation Certificate by petitioners who approach the Commission for redress of their grievances</b>
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2.3.75 The Commission was informed that several cases of obtaining service and benefits on the basis of false Scheduled Tribes Certificates had come to light and Commission had been advising the implementing authorities to ask the applicant to submit validation certificate along with his Caste Certificate as per the directive of the Supreme Court of India in Madhuri Patil Case. It was suggested that the petitioners employed in Government or Government controlled Organization who made representation to the Commission regarding any grievance or violation of safeguards may also be asked to submit a copy of their Caste Certificate and Validation Certificate along with their representations. It was also suggested that the Chairperson may be entrusted with the discretion to relax the requirement in individual, deserving cases for reasons to be recorded. The Chairperson observed that not all the affected State Governments have set up Caste Scrutiny Committees which would, therefore, place such petitioners into difficulties. It was, therefore, decided that the Ministry of Tribal Affairs may be asked to issue directions to the State Governments having ST Population to immediately establish Caste Scrutiny Committees as per the Supreme Court directives and that the requirement could be enforced for all States where such Committees were in place. It was, therefore, decided that (a) The Ministry of Tribal Affairs may be asked to issue directions to all the State Government having ST population to set up Caste Scrutiny Committees (Scheduled Tribes) to validate and scrutinize the Caste Certificates issued to Scheduled Tribes by the relevant authority in the State as per the Supreme Court directives in Madhuri Patil Case and (b) insist on ST Caste Certificate and Validation Certificate from petitioners employed in

Government or Government controlled Organization and belonging to such States wherein Caste Scrutiny and Validation Committees have been established and were carrying out these tasks.

<b>XXXIV</b>	<b>Revised instructions on reservation roster for implementation of reservation in small cadre.</b>
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2.3.76 The Commission was informed that for implementation of reservation for SCs, STs and OBCs Department of Personnel and Training has broadly prescribed two Post Based Rosters for calculation of the shares of Scheduled Castes, Scheduled Tribes and OBCs respectively in each recruitment mode in a cadre. The method for making a roster is to multiply each post by the prescribed percentage of reservation for the different reserved categories. The point at which the multiple for a community gets a complete number or oversteps the number will be reserved for that community. Accordingly, two Model Post Based Rosters were prescribed by Department of Personnel and Training. One Post Based Roster is 200 point which can be shortened or extended depending upon the number of posts in the cadre. The other model roster is 13 point L-shaped roster for small cadres having only one post to less than 14 posts. This roster demonstrates the replacement process in such a way that each and every category of reserved person gets its due share, sooner or later, even if the number of post is one only. The 200 point roster is practically applicable to cadres having 14 and more posts under a particular mode of recruitment.

2.3.77 It is noted that in the case of cadre having 14 posts Scheduled Castes and Scheduled Tribes both become eligible for reservation. But in the 200 point roster applicable to cadre having 14 posts, 14<sup>th</sup> point is reserved for ST since this was their first entitlement and in order to compensate the reservation for Scheduled Castes, 15<sup>th</sup> point in 200 point roster is reserved for Scheduled Castes, and 16<sup>th</sup> point (post) is reserved for OBCs. Thus according to 200 point roster, in a cadre having 16 posts, Scheduled Tribes, Scheduled Castes and OBCs get their due share of 1,2 and 4 posts respectively. On the other hand 13 point roster for cadres having less than 14 posts spells out the rotation of vacancies by replacement so that SC, ST and OBC get at least one opportunity of reservation for each of them. According to the 13 point L-shaped roster last replacement against each horizontal row is reserved for Scheduled Tribes. For instance, in a single post cadre 13<sup>th</sup> replacement is reserved for Scheduled Tribes. Similarly, in a 7 posts cadre 7<sup>th</sup> replacement and in a 13 posts cadre the first replacement against the 13<sup>th</sup> point is also reserved for Scheduled Tribes. This arrangement covers 14<sup>th</sup> points as mentioned in 200 point roster. The issue raised now is to provide second reservation to Scheduled Castes among small number of posts in a cadre. Department of Personnel Training, on the advice of NCSC, has suggested scrapping L-shaped roster for small cadres.

2.3.78 The Commission observed that L-shaped roster provides for equal opportunity to each category of employees in small sized cadres. On the other hand, if L-shaped roster is done away with and 200 point roster is also made applicable to small cadres, neither Scheduled Tribes nor Scheduled Castes will get their due share if the cadre strength is 14 or less because this roster does not provide for rotational replacement. The National Commission for Scheduled Tribes therefore,

recommended that the existing 13 point L-shaped roster be extended to 14 point roster, by which means, however small the size of the cadre, STs are definitely likely to get one reserved point and Scheduled Castes will be assured of two reserved points by the process of replacement in cadre having less than 15 posts.

XXXV	<b>Amendment to the list of Authorities empowered to issue caste/community certificates.</b>
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2.3.79 The Commission was informed that the list of competent authorities, for issuing caste certificate to the members of SC/ ST/ OBC Communities were revised in 1990 and 1993. This is a uniform list for all States in India. Department of Personnel Training has now proposed to amend the list in respect of Bihar and West Bengal States. It is stated in the proposal that in the State of Bihar, caste certificates are being issued by %Anchal Adhikari+ and in the State of West Bengal caste certificates are being issued by %District Welfare Officer+. Some of the candidates who have been issued caste certificates by these authorities are facing difficulty in securing employment as the recruiting agencies are not accepting the certificates due to the reason that these certificate issuing authorities are not listed in Department of Personnel Training Orders. The Department of Personnel Training has proposed to add %Anchal Adhikari+ for the State of Bihar and %District Welfare Officer, and Ex-officio Joint Director, Backward Classes Welfare+ in regard to Kolkata in the list of authorities empowered to issue caste certificate.

2.3.80 It was recalled that a few years back Government of Bihar, at the advice of the Government of India, had withdrawn Orders empowering Anchal Adhikari to issue caste certificate. The grounds for this withdrawal is not indicated in the present proposal for review, which raises questions on the proposal itself. In the instant case, the Commission noted that the proposal received from Department of Personnel and Training does not indicate whether the concerned State Governments have requested or recommended inclusion of the above mentioned authorities in the list of competent authorities. The correspondence from State Governments attached with the proposal also does not indicate whether, (i) above mentioned authorities have jurisdiction over revenue records, (ii) their status was not less than that of Sub-Divisional Magistrate, and (iii) the two State Governments have recommended for inclusion of the respective authorities in the list of competent authorities empowered to issue SC/ST/OBC certificates. If the above proposal is agreed, this may open the Pandora box as all other States may raise similar demands that only shirk their primary responsibility to ensure accountability of officers. Moreover, with the exception of one or two States, none of them had statutes in place providing for prosecution or punishment of authorities and applicants in the issue of bogus certificates.

2.3.81 The Commission considered the issue of the level of authorities to be entrusted with the task of issuing certificates especially with regard to Scheduled Tribes. It was observed that there have been several Court judgments that prescribe the process to be followed and the determination of %affinity+ to be established to the satisfaction of the Issuing Authority. For a busy taluka or block level officer, which is the primary hub for district administration under the District Magistrate (Collector), the priority required for such examination will be given short shrift. It is, therefore, quite

necessary to assign the responsibility to the next above officer . the SDM supervising the taluka and not some other Deputy Collector whose office can examine all legal aspects concerned before obtaining the SDM's approval for issue of certificate for Scheduled Tribes. The Commission also observed that much of the doubts, for Scheduled Tribes, could well be resolved by issue of such certificates at the primary school level itself in the village school concerned in the presence of all students and their parents.

2.3.82 The Commission, therefore, did not agree to the proposal of Department of Personnel and Training. The Commission also strongly recommends that the Government of India may advise State Governments to take steps to ensure that each child belonging to ST studying in primary or upper primary school may be issued caste certificate, preferably with his/her photograph affixed on it, by the competent authorities. This will reduce corruption and harassment to tribals and enable them to apply well in time to the State Caste Scrutiny Committee for validation prior to entering college or obtaining employment and also deter issue of false certificates.

<b>XXXVI</b>	<b>Memorandum for Expenditure Finance Committee regarding modification in the Implementation Framework of National Rural Livelihood Mission (NRLM)</b>
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2.3.83 The Commission noted that selected tribal and backward districts affected by left wing extremism are covered under the Integrated Action Plan (IAP) to bridge the development deficits under the National Rural Livelihood Mission. The Ministry of Rural Development has proposed to extend the scheme to 100 districts including all those districts newly declared as Integrated Action Plan (IAP) districts. A Special provision is also being proposed in the EFC Memo for modifications of the scheme for North Eastern States and also for modifications in the Himayat Scheme for Jammu and Kashmir State. No additional funds are stated to be required for the addition of 100 districts and modifications of the scheme. It is stated that National Rural Livelihood Mission had initially secured an IDA credit (World Bank Loan) of US\$ 1.00 Billion. The IDA credit for the project was revised to US\$ 500.00 Million in May 2013. It is further stated in the MEMO that the estimated requirements for the current Five Year Plan will be met out of the 12<sup>th</sup> Plan outlay approved for National Rural Livelihood Mission.

2.3.84 As the scheme is being implemented in the tribal and backward districts of Left Wing Extremism Affected States, the scheme will be helpful in empowering the poor tribal women in those districts. The Commission, therefore, agreed to the proposed continuation and modifications of the National Rural Livelihood Mission scheme and the EFC Memo prepared for the purpose.

<b>XXXVII</b>	<b>Draft Expenditure Finance Committee (EFC) Memo on restructuring of India Awaas Yojana (IAY) into Gramin Awaas Mission (GRAM) - Comments.</b>
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2.3.85 The Commission noted that Indira Awaas Yojana (IAY) of Ministry of Rural Development was initiated in the year 1985 for providing assistance to the rural poor (BPL) in the form of house sites and for construction of houses. It is stated that 3.25 crore houses have been built with the assistance under the Scheme since inception

of the scheme in 1985. The cost of house construction is shared between Central and the State Government in the ratio of 75: 25 (Central Share for North Eastern States is 90%). The cost of construction for the purpose of size of grant provided to the beneficiary has been revised from time to time. The last revision was effected from December 2012, when the total grant was revised from 45,000 to 70,000 in plain areas and from 50,000 to 75,000 in hilly and tribal areas. The revised cost also included cost of construction of toilet in the IAY house.

2.3.86 On the basis of findings and recommendations of various studies about the IAY Scheme, the Ministry of Rural Development has proposed restructuring of the scheme in the form of a National Mission (Gramin Awaas Mission) with enhanced cost of the housing unit and enhanced size of grant (upto Rs. 1.25 lakhs) to benefit the rural poor to meet their complete housing need. Convergence of other Centrally Sponsored Schemes viz; Swachh Bharat Abhiyan (SBA) [previously Nirmal Bharat Abhiyan (NBA)] , NRDWP and REC/ New & Renewable Energy with the IAY scheme is envisaged under the new Gramin Awaas Mission (GRAM). Keeping in view the convergence of various schemes and programmes with the GRAM an allocation of Rs. 2,44,910 Crores has been proposed for a period of 7 years from 2015-16 to 2021-22.

2.3.87 Since individual family is free to construct house of their choice and culture-specific needs under the scheme, it will specially help the PVTGs who need to be brought closer to the mainstream and encouraged to develop settled cultivation, educate their children, access health facilities etc. However, The new scheme needs to incorporate appropriate changes in cost structure and cultural sensitivity for acceptance by tribals especially for PVTGs who are mostly living in and off the forests. Their location makes transport of building materials costly even according to the Forest Schedule of Rates and, therefore, a higher cost allocation is necessary for providing the same plinth area construction. Further, these tribals continue to preserve old customs and cultural practices that require the house built for them to be adapted to such tribal societal behavioral norms and not be constrained by artificial norms already arrived at by the mainstream now embodied in the new Gramin Awaas Mission, and which was also the main defect in the previous IAY. As Scheduled Tribe families including PVTGs, most of whom belong to BPL category, are likely to be benefited under the scheme, the Commission agreed to the proposed restructuring of the scheme and the EFC Memo prepared for the purpose subject to the above observation.

<b>XXXVIII</b>	<b>Proposal for Inclusion of Darlong Community in the list of STs in the State of Tripura.</b>
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2.3.88 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. Pursuant to the discussions held in 51<sup>st</sup>, 53<sup>rd</sup> and 60<sup>th</sup> meeting of the Commission, inter-alia on examination of the proposal it was found that a reply on the points raised by the Commission and ethnographic study have been received from the Ministry of Tribal Affairs. The Commission directed for examination of the material received and adjourned the matter to the next meeting, in the meeting held on 25/08/2014.



2.3.89 On examination of the ethnographic study report it is seen that the proposal for inclusion of Darlong+ Community in the Scheduled Tribe list of Tripura fulfills all major modalities. Therefore Commission recommended for inclusion of Darlong community in the list of STs in the State of Tripura.

<b>XXXVIX</b>	<b>Inclusion of Karbi (Mikir) community residing in the plain area of Assam at Sl. No. 11 in the list of STs in Assam.</b>
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2.3.90 The Ministry of Tribal Affairs vide letter No. 12016/3/2000-TA(RI)-C&LM (pt-I) dated 28<sup>th</sup> Feb. 2013 sought comments of the Commission on the proposal sent by the Stat Govt of Assam, for inclusion of Karbi (Mikir) community residing in plain area of Assam , in the list of Scheduled Tribes in Assam. The MoTA in the above letter also interalia informed that the Registrar General of India vide DO letter No. 8/1/2006-SS (Assam) Pt dated 11/09/2006 supported the proposal of inclusion of Karbi (Mikir) community, residing in plain area of Assam.

2.3.91 The Commission had discussed the above proposal in the 45<sup>th</sup>, 48<sup>th</sup> and 50<sup>th</sup> meeting. Action taken on the basis of discussions is as under:

(i) In the 48<sup>th</sup> meeting, Commission decided to undertake a visit the habitations of Karbi (Mikir) community to assess the Socio -economic conditions of the concerned tribes w.r.t to specified criteria for inclusion of tribes in the list of STs. Accordingly programme for visit of the Commission to the State of Assam from 3/8/2013 to 6/8/2013 was made but during the above period due to occurrence of bad Law & Order situation in the Karbi Agnlong District, Assam, the scheduled visit of the Commission from 3/8/2013 to 6/8/2013 was cancelled.

(ii) During discussions held in the 50<sup>th</sup> meeting, certain additional points /observations were made. Accordingly NCST, vide its letter No. Policy-04/2013/Inclusion/RU-II dated 31/3/2014, asked the Ministry of Tribal Affairs to clarify to the observations/ points as raised by the Commission in its 50<sup>th</sup> meeting. Commission noted that Ministry of Tribal Affairs , vide letter No. 12016/2/2008-C&LM-I (Vol.III) dated 30/04/2014 sent the reply to the points /observations ,communicated by NCST vide its letter dated 31/3/2014.

2.3.92 Commission desired to examine the findings of ethnographic report on the basis of fresh study made conducted by the Assam Institute of Research for Tribal and Scheduled Tribes Guwahati.

2.3.93 In view above, it was decided that a team from the Commission may visit to Assam so as to have interaction with the habitants of Karbi (Mikir) community and also to hold discussions with the officials of State Govt. of Assam , officials of Assam Institute of Research of Tribal Scheduled Tribes Guwahati and interact with other concerned stake holders.

<b>LX</b>	<b>Inclusion of ‘Bhogta’ (भोगता), ‘Deshwari’ (दे श्वारी), ‘Ganjhu’ (गंझु), ‘Dautalbandi’ (‘Dwalbandi’) (दौतलबंदी (द्वालबंदी)), ‘Patbandi’ (पटबंदी) , ‘Raut’ (राउत) , ‘Maajhia’ (माझिया), and ‘Khairi’ (‘Kheri’) (खैरी (खेरी)) as synonyms of ‘Kharwar’ (खरवार) community as Scheduled Tribes in the State of Jharkhand.</b>
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2.3.94 Ministry of Tribal Affairs vide letter No.12026/23/2012-C&LM-I dated 03/01/2014 has sought the comments of the Commission, on the Inclusion of **Bhogtaq** (भोगता), **Deshwariq** (देववारी), **Ganjhuq** (गंजू), **Dautalbandiq** (**Dwalbandiq** (दौतलबंदी (द्वालबंदी))), **Patbandiq** (पटबंदी), **Rautq** (राउत), **Maajhiaq** (माझिया), and **Khairiq** (**Kheriq** (खैरी (खेरी))), as synonyms of **Kharwarq** (खरवार) community, which is already included as Scheduled Tribe in relation to the State of Jharkhand. The Commission recalled the earlier discussion held in its 52<sup>nd</sup> meeting on 23/01/2014 wherein it was, inter-alia decided that as the complete details, along with requisite supporting documents/ evidences, about the proposal of the Government of Jharkhand, was not available, a team of the Commission may visit the State and the areas inhabited by the persons belonging to the said Communities, proposed to be specified as Scheduled Tribes, and submit a report for the consideration of the Commission.

2.3.95 Pursuant to the decision of the Commission, Dr. Rameshwar Oraon, Chairperson and Shri B.L. Meena, Member NCST visited Jharkhand State from 25/07/2014 to 21/08/2014 and conducted field visits to Chandva Block Village-Bansdiha, Panchayat - Hutap, Village-Chirogam Panchayat . Boda, Village- Kailakhad, Panchayat - Chetar, Block Chandva on 31/07/2014 Ranchi, to ascertain the ground position and submitted a report (Annexure-I). The team of the Commission in its report has mentioned that it would be appropriate to agree with the proposal of the State Govt. to include the Communities as synonyms of **Kharwarq** listed at Sl.No. 16 in the list of Scheduled Tribes in Jharkhand.

2.3.96 After detailed discussions on the report of the team and referring to the deliberations held in the matter in the 52<sup>nd</sup> meeting of the Commission referred above, the Commission decided to recommend the proposal for Inclusion of **Bhogtaq** (भोगता), **Deshwariq** (देववारी), **Ganjhuq** (गंजू), **Dautalbandiq** (**Dwalbandiq** (दौतलबंदी (द्वालबंदी))) ए **Patbandiq** (पटबंदी), **Rautq** (राउत), **Maajhiaq** (माझिया), and **Khairiq** (**Kheriq** (खैरी (खेरी))) as synonyms of **Kharwarq** (खरवार) community as Scheduled Tribes in the State of Jharkhand.

<b>LXI</b>	<b>Inclusion of “Puran” community in the list of STs in the State of Jharkhand.</b>
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2.3.97 Ministry of Tribal Affairs vide letter F. No.12026/23/2012-C&LM-I dated 16/01/2014 has sought the comments of the National Commission for Scheduled Tribes on the Inclusion of **Buran+** community in the list of STs in the State of Jharkhand. The Commission recalled the earlier discussion held in its 52<sup>nd</sup> meeting on 23/01/2014 wherein it was, inter-alia observed that the change in views of the RGI did 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 **Buran+** Community, proposed to be specified as Scheduled Tribe, and submit a report for consideration of the Commission.

2.3.98 According to the decision of the Commission, Dr. Rameshwar Oraon, Chairperson and Shri B.L. Meena, Member NCST visited Jharkhand State from 25/07/2014 to 21/08/2014 and undertaken filed visits to Tamar Block (तमाड़ ब्लॉक), Marngpidi SINDRI Tola (मारंगपीड़ी सिंदरीटोला) KUDUMBAYOGAM samiti Aarkadi (कुडियंबा

गांव समिति अरकड़ी) on 31/07/2014, Ranchi to ascertain the ground position and submitted report (Annexure-I). The team of the Commission in its report has stated that it would be appropriate to agree with the proposal of the State Govt. to include the %Ruran+ community in the list of STs of Jharkhand State.

2.3.99 After detailed discussions on the report of the team and referring to the deliberations held in the matter in the 52<sup>nd</sup> meeting of the Commission quoted above, the Commission decided to recommend the proposal for Inclusion of %Ruran+ community in the list of STs in the State of Jharkhand.

<b>XLII</b>	<b>Inclusion of 'Kuruman' community as synonym of Kurumans ST of the Tamil Nadu State.</b>
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2.3.100 Ministry of Tribal Affairs vide letter No. 12016/6/2001-C&LM-1 dated 09/10/2014 has sought the comments of the National Commission for Scheduled Tribes on the inclusion of %Kurumanqcommunity as synonym of Kurumans Scheduled Tribes of the Tamil Nadu State. The Ministry of Tribal Affairs intimated that the Government of Tamil Nadu vide letter No. 13194/CV1/2007-22 dated 19/07/2014 has furnished the proposals of inclusion of %Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbarqcommunities as synonym of Kurumans ST of the Tamil Nadu State. Ministry of Tribal Affairs has further informed that the said proposal was forwarded to the RGI for their comments. The Registrar General of India vide letter No. 8/1/2007-SS(Tamil Nadu) dated 21/08/2014, did not support the proposal of inclusion of %Kuruma, Kurumba, Kurumba Gounder, Kurumban and Kurumbarq communities as synonym of Kurumans ST of the Tamil Nadu State.

2.3.101 The Commission observed that the Registrar General of India vide letter No. 8/1/2007-SS (Tamil Nadu) dated 21/08/2014 has not supported the proposal of inclusion of %Kuruma, Kurumba, Kurumba Goudner, Kurumban and Kurumbar+ communities as synonym of Kurumans ST of the Tamil Nadu State.

2.3.102 The Commission also noted from the reference made by the Ministry of Tribal Affairs in the letter dated 09/10/2014 that the RGI D.O. letter No. 8/1/2007-SS (Tamil Nadu) dated 22/03/2007 & D.O. letter No. 8/1/2007-SS (Tamil Nadu) dated 14/01/2009 had supported the proposal for inclusion of Kuruman community as synonym of Kurumans ST of Tamil Nadu.

2.3.103 In view of above, the Commission decided to return the proposal to Ministry of Tribal Affairs and to clarify whether views of the Commission is sought on the proposal of Tamil Nadu letter dated 19/07/2014 which has not supported by RGI vide letter dated 21/08/2014 for inclusion of Kuruma, Kuruman, Kurumba, Kuruman Gounder, Kurumban and Kurumbar communities as synonym of Kurumans ST of Tamil Nadu or with reference to the Registrar General of India vide letter No. 8/1/2007-SS (Tamil Nadu) dated 22/03/2007 and 14/01/2009 which supported the proposal for inclusion of Kuruman community as synonym of Kurumans ST of Tamil Nadu.

2.3.104 The Commission also desired to discuss the matter with Registrar General of India and Ministry of Tribal Affairs.

<b>XLIII</b>	<b>Identification of community of Scheduled Tribes in UT of Puducherry.</b>
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2.3.105 Ministry of Tribal Affairs vide letter No.12016/7/2013-TA (RL)/C&LM-I (Part-II) dated 07/11/2013 has sought the comments of the Commission on the proposal received from the Ministry of Home Affairs vide their D.O. No.8/1/2004-SS (Puducherry) dated 21/06/2013 for Identification of community of Scheduled Tribes in UT of Puducherry; (i) Irular (including Villi and Vettaikaran), (ii) Kattunayakan, (iii) Malikuravan, (iv) Yerukkula and (v) Kuruman) total 5 comments .The proposal was discussed in the 52<sup>nd</sup> meeting of the Commission.

2.3.106 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.

2.3.107 A team Comprising Dr. Rameshwar Oraon, Chairperson, Secretary and Director, of the Commission visited the UT of Puducherry from 31/08/2014 to 03/08/2014. The Commission conducted field visit to the villages namely: (i) T.N. Palayan Habitation (ii) Vadanur Habitation of UT of Puducherry. Also Nallambal (Habitation) and Karukan Kudi Habitation of District Karaikal of the UT of Puducherry and had discussion with anthropologist and Association.

<b>XLIV</b>	<b>Strengthening of Regional Offices of NCST</b>
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2.3.108 Regarding strengthening of Regional offices the Commission was apprised that matter has been taken up with Ministry of Social Justice & Empowerment / MTA & DOPT for filling up vacant posts vide NCST letters dated 25/09/2013, 15/10/2013, 18/11/2013, 12/03/2014, 30/04/2014, 26/05/2014, 04/07/2014 & 30/07/2014 and matter is being perused with MTA.

2.3.109 About creation of four additional Regional Offices of the Commission, one each at Hyderabad, Nagpur, Shimla and Ahmadabad. NCST has written in the Annual report of the Commission to the Govt. and matter has been taken up with MTA.

2.3.110 Immediate infrastructure/ recruitment for each of the Regional Offices Commission was informed that matter has been taken up with Ministry of Social Justice & Empowerment. Till post are filled Commission has considered to appoint DEO\$ and Consultant on Contract basis in Regional Offices. However due to severe

constraint of funds no further action has been taken. The Matter has been taken up with MTA/ Ministry of Finance for providing additional funds.

<b>XLV</b>	<b>Consideration of visit report of the Commission on the proposal for identification of (i) Irular (including Villi and Vettaikaran), (ii) Kattunayakan, (iii) Malikuravan, (iv) Yerukkula and (v) Kuruman tribes . in the list of Scheduled Tribes in UT of Puducherry.</b>
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2.3.111 Proposal for identification of five communities namely(i) Irular (including Villi and Vettaikaran), (ii) Kattunayakan, (iii) Malikuravan, (iv) Yerukkula and (v) Kuruman) in the list of STs was forwarded by the Ministry of Tribal Affairs vide letter No.12016/7/2013-TA (RL)/C&LM-I (Part-II) dated 07/11/2013

2.3.112 Pursuant to discussions held 23/01/2014 on in 52<sup>nd</sup> and 17/10/2014 62<sup>nd</sup> and meeting of Commission, a team from the Commission visited Puducherry during from 31/08/2014 to 03/09/2014. During field visit, interaction was held with the habitants, material was collected and meetings were held with Anthropologists/ experts/representatives. Contents of the treaty of Cession of the French Establishments of Pondicherry were also looked into. Visit report entails following recommendations /observations ;

- (i) Commission consider recommend for identification of Irularq(Villi and Vettaikaran) community in the list of ST of the UT of Puducherry
- (ii) Regarding inclusion of Kattunayakan and Mallakuravan communities, further discussions and interaction with the RGI and UT Administration may be held before formulating a final opinion.
- (iii) As regards Yerukula community it was observed that their economic activities consists of hunting, pig rearing and basket making. Traditionally they are fortune tellers and basket maker. Community accepts food and uncooked food items from other high caste, They tender sooth saying the traditional occupation to both the higher and lower castes. RGI has also mentioned that this is a migrant population from the adjoining State of Andhra Pradesh. In Andhra Pradesh the community is listed at Sl. No. 33 as YERUKULAS as ST. Before formulating any opinion regarding Yerukula community the UT Administration may be asked to carry out detailed ethnographic and socio-economic surveys/studies pertaining to Yerukula community to substantiate the claim for identification of this Community as ST in the UT of Puducherry.
- (iv) About Kuruman community , the Commission noted that as per discussions held with the representatives of Kuruman community, officers of UT and district administration and other social groups and taking into consideration the views of RGI commented vide D.O. No. 8/1/2004-SS/Puducherry dated 21/06/2013 that Kuruman community is having a meagre population of about 100-125 in

the UT distributed in nine villages. They have their own Tribal council with the Head man who is respected and obeyed in the community. The Kuruman consider themselves lower in status due to their traditional occupation of hunting and basket making. Kuruman are also working as scavengers and watchman, they treat themselves superior to SCs. In view of above, a detailed analysis alongwith statistical information regarding their original habitation in Puducherry w.r.t. census records of 1931, 1951 and 1961 is required to formulate any opinion about them.

2.3.113 Considering comments of RGI and findings/observations of the team of the Commission during field visits to Puducherry, the Commission agrees to the observations / findings of the field visit and approves the course of action, as discussed above.

<b>XLVI</b>	<b>Examination of “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014</b>
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2.3.114 Ministry of Tribal Affairs ( MoTA) vide its letter No.16/09/2009-CP & R (Vol. IV) dated nil has asked the Commission to furnish information, Lok Sabha Secretariat vide its O.M. No. 21/4/ESJE/2014 dated 16/10/2014 desired to send comments on the list of points raised by the Standing Committee on The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014+ by 24/10/2014.

2.3.115 On the above , vide letter No. 21/2/2014/RU-II dated 30/10/2014 of the Commission, MoTA has been intimated that their letter under reference has been received in the Commission on 29/10/2014 (evening) and has been asked to send a copy of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014 - and also the list of points placed before the Parliament so as to enable Commission so as to furnish comments , as desired by Lok Sabha Secretariat vide its O.M. No. 21/4/ESJE/2014 dated 16/10/2014.

2.3.116 It was desired by the Commission that on receipt of the information from MoTA, matter may be placed in the next meeting of the Commission for consideration on the subject.

<b>XLVII</b>	<b>Displacement of tribals and others local people in Devaragodhi, Polavaram Mandalam, West Godavari District and Pudipall Panchayat in East Godavari District.</b>
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2.3.117 Vide letter dated 03/12/2013 Minister of Tribal Affairs and Panchayat Raj forwarded the representation dated 01/12/2013 of Dr. Pulla Rao regarding oppression and brutality against tribals in Devaragodhi, Polavaram Mandalam, West Godavari Dist. Andhra Pradesh.

2.3.118 The Commission, vide letter dated 31/12/2013 called report from the concerned departments of Govt. of Andhra Pradesh and Ministry of Environment and Forest. The Commission constituted a team to visit the Polavaram Project, and Smt. K. Kamala Kumari, Member visited the Polavaram Project from 07/01/2014 to 11/01/2014 and submitted the report dated 22/01/2014.

2.3.119 The observation and recommendation of the Member were discussed and it was decided by the Commission to send the report to State Government to provide action taken on the report, to the Commission.

<b>XLVIII</b>	<b>Note for the Committee of Secretaries on “ Streamlining of procedure for scheduling of communities as STs; revision of criteria for scheduling of communities as STs; and inclusion of names of communities in the STs lists, which have been left out being subsets, phonetic or spelling variations of Scheduled Tribes, and problems arising out of tribes names being written in English, cases of historical omission without any reason, and cases of ‘involuntary migration’”</b>
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2.3.120 Commission was apprised that the Draft Cabinet Note circulated by the Ministry of Tribal Affairs (MTA) on scheduling of communities as STs; revision of criteria for scheduling of communities as STs; and inclusion of names of communities in the STs lists, which have been left out being subsets, phonetic or spelling variations of STs, and problems arising out of tribe names being written in English, cases of historical omissions without any reason, and cases of involuntary migration was discussed in the 54<sup>th</sup> meeting of the Commission held on 25/06/2014, as agenda item No. I and accordingly MTA was informed vide letter dated 25/06/2014.

2.3.121 The Commission had received note for the Committee of Secretaries on the subject vide MTA's letter No. 12026/03/2014-C&LM-I dated 31/10/2014. Vide letter No. 17/5/Inclusion/2013/RU-III dated 03/11/2014, the Cabinet Secretariat was informed about views of the Commission in the matter. The meeting of the COS held on 05/11/2014. The Minutes of the meeting of the Committee of Secretaries held on 05/11/2014, received from Cabinet Secretariat vide letter No. 703/2/1/2014-CA.V dated 12/11/2014, were apprised to the Commission as;

- (i) First of all MTA will get the revised criteria and procedure, for scheduling/de-scheduling of communities as STs, approved by the COS.
- (ii) MTA will move separate proposal for consideration of the Cabinet for inclusion of names of communities in the ST list after the revised criteria and procedure are approved by the Cabinet and the Committee gives its recommendations

- (iii) Only proposals recommended by the State/UT would be considered by the Committee which will comprise of Secretaries of Ministries/Agencies concerned.
- (iv) MTA may move a separate proposal for consideration of the Cabinet to bring in legislation for a composite Presidential Order specifying all STs replacing existing multiple orders along with Devnagari version of names of STs to address the problems of phonetic deficiency of English alphabet.
- (v) Inter ministerial committee, comprising of Secretaries of Ministries of Tribal Affairs, Home, Social Justice & Empowerment, Culture and National Commission for STs, may be more effective in sorting our inter ministerial differences and discussions of the committee may precede obtaining written comments of all stake holders.

2.3.122 It was apprised to the Commission that Committee of Secretaries has taken view in line of on the recommendations of the Commission and accordingly taken decision/ recommendations on Draft Cabinet Note. Commission agreed and recommended the Proposal.

<b>XLIX</b>	<b>Draft Memorandum for Expenditure Finance Committee for creation of a Price Stabilization Fund (Revoiving/Cropus fund) for procurement and distribution of perishable Agricultural and Horticultural Commodities.</b>
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2.3.123 A Draft Memorandum for Expenditure Finance Committee for creation of a Price Stabilization Fund (Revolving/Corpus fund) for procurement (minimum support price) and distribution of perishable Agricultural and Horticultural Commodities of the Ministry of Agriculture, Department of Agriculture & cooperation vide letter No. 16014/5/2014-M.II (Pt.), dated 30.10.2014 has been received through MTA vide letter No. 17014/06/2014-SG-I/473 dated 10/11/2014, for the comment/views of the Commission.

2.3.124 The Commission discussed the EFC proposal and suggested that Ministry of Agriculture may be advised that proposal does not mention about any plan about extension of benefits/implementation of the scheme in the Tribal and Scheduled Areas. Because the tribal areas contribute a lot towards Agriculture particularly Fruits and Vegetables, and these areas are not easily accessible and therefore the price stabilization/rates (Minimum Support Price) for procurement of their produce need special attention. With the above observation the Commission agree to the proposal, provided there is a special mention about the procedure to be followed for extending the benefits of the scheme to the STs and the tribal/Scheduled Areas in the country.

<b>L</b>	<b>Proposal for rectification of spelling error of Dhangad community in the Hindi Version of the Notification in ST list of Chhattisgarh.</b>
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2.3.125 MTA vide letter No. 12026/10/2014-C&LM-I dated 11/11/2014 has sent a proposal for rectification of spelling error of Dhangad community in the Hindi version of the Notification in ST list of Chhattisgarh. The Commission examined the RGI comments furnished vide letter No. 8/2/2008-SS (Pt.II) dated 30/08/2014 has suggested that correct Hindi version of 'Dhangadqis' 'धांगड़' another version i.e. 'धनगड़' is incorrect and not applicable for Scheduled Tribes Oraon and Comments of State Govt. of Chhattisgarh sent vide letter No. 7462/R307/GOI/2014/25-2 dated 30.09.2014 that .

2.3.126 जनजातीय कार्य मंत्रालय के पत्र दिनांक 03.09.2014 के संदर्भ में आदिम जाति तथा अनुसूचित जनजाति विकास विभाग, छत्तीसगढ़ शासन ने अपने पत्र संख्या 7462/आर-307/जीओआई/2014/25-2 दिनांक 30.09.2014 के द्वारा बताया है कि भारत सरकार द्वारा छत्तीसगढ़ राज्य हेतु जारी अनुसूचित जनजाति की अंग्रेजी सूची में अनुक्रमांक 33 पर उरांव के साथ 'धनगड़' शामिल है जिसका हिन्दी रूपांतरण धनगड़ के रूप में किया गया है, जबकि छत्तीसगढ़ राज्य में उरांव की उपजाति धांगड़ 'धनगड़' कहलाती है।

2.3.127 उरांव अनुसूचित जनजाति के मिट्टी खोदने एवं कृषि मजदूरों को कुड़ूख बोली में धांगड़ कहा जाता है। राज्य में धांगड़ समुदाय के लोग मुख्य रूप से जांजीगीर-चांपा, जशपुर, बिलासपुर एवं रायगढ़ जिलों में निवासरत है। इनके गोत्र नाम, रीति-रिवाज, वैवाहिक संबंध खान-पान उरांव अनुसूचित जनजाति के ही है।

2.3.128 इनके स्वतंत्रता पूर्व के राजस्व अभिलेखों में जाति धांगड़ अंकित है। (संलग्न) जनगणना निदेशालय, छत्तीसगढ़ द्वारा भारत की जनगणना 2001 में प्रकाशित छत्तीसगढ़ की प्राथमिक जनगणना सार श्रृंखला में पृष्ठ क्रमांक 350 में अनुक्रमांक-33 पर उरांव, धानका के साथ धांगड़ लेख किया है। (संलग्न)

2.3.129 धनगड़ एवं धांगड़ की स्पेलिंग 'धनगड़' हालांकि एक समान है, किन्तु धनगड़ एवं धांगड़ एक ही जाति समुदाय नहीं है। धनगड़ मूलतः भेड़ पालक वर्ग 'मचीमतक हतवनचद्ध के गड़रिया, धनगड़ समूह की जाति है। गड़रिया, धनगड़ जातियां राज्य के अन्य पिछड़ा वर्ग की सूची में शामिल है। उरांव अनुसूचित जनजाति की उपजाति धांगड़ जिसे राज्य की अनुसूचित जनजाति की हिन्दी सूची में धनगड़ रूपांतरण किये जाने के कारण धांगड़ जाति के लोगों को उनका संवैधानिक लाभ प्राप्त नहीं हो पा रहा है।

2.3.130 छत्तीसगढ़ राज्य की अनुसूचित जनजाति की हिन्दी सूची में त्मबजपपिबंजपवद के तहत अनुक्रमांक-33 पर उरांव, धानका के साथ शामिल धनगड़ को विलोपित करते हुए धनगड़ के स्थान पर धांगड़ को प्रतिस्थापित किया जाना प्रस्तावित है।

2.3.131 The Commission felt it appropriate that Government may take necessary action of rectification of spelling error of 'Dhangadq/(kkaxM+)' community in the Hindi version of the Notification in ST list of Chhattisgarh.

<b>LI</b>	<b>Draft Note for Cabinet for enhancing the reservation for women to 50% in Urban Local Bodies.</b>
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2.3.132 Ministry of Urban Development LSP-Division vide letter No. H-11018/1/2014-LSG-I dated 05/12/2014 have forwarded Draft Cabinet Note with regard to amendment to Article 243T of Constitution to provide for 50% reservation for women in municipalities (Local Bodies). The Commission has perused the Draft Cabinet note. It is identified that the Commission has pondered upon the issue and discussed it in detail in its 33<sup>rd</sup> meeting (Agenda No.3) held on 23/04/2012 and given its comments as under:

2.3.132 The Commission supported the proposal in principle. However, in line with the earlier recommendations of the Commission, in relation to reservation of seats within Zila Parishad and Panchayat Samiti, recommended that out of proposed

reservation of 50% for women in the urban local bodies, the seats should be permanently reserved for women in the local bodies having women population more than 50%, and in the remaining local bodies where women population is less than 50%, the principle of rotation should be applied.+

2.3.133 After detailed discussion on the draft Cabinet Note, the Commission decided that the earlier comments given by the Commission vide letter No. Policy/3/2012/UD/Service-RU-II dated 01/05/2012 still hold good and the same reiterated.

<b>LII</b>	<b>Corrigenda of the Andhra Pradesh Reorganisation Act, 2014 (6 to 2014) as published in the Gazette of India, Extraordinary, Part-II, section 01/03/2014 for the list of Scheduled Tribes of Telangana State</b>
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2.3.134 The Ministry of Tribal Affairs vide letter No. 16015/01/2012-C&LM-I dated 02/12/2014 has sent Corrigenda of the Andhra Pradesh Reorganisation Act, 2014 (6 to 2014) as published in the Gazette of India, Extraordinary, Part-II, section 01/03/2014 for the list of Scheduled Tribes of Telangana State.

2.3.135 It was brought to the notice of the Commission that a corrigenda received from the Ministry of Tribal Affairs vide their letter No. 16015/01/2013-C&LM-1 dated 2/12/2014, wherein it was identified that the list of Scheduled Tribes for the States of Andhra Pradesh and Telangana have been published at Sixth Schedule of Andhra Pradesh Reorganisation Act., 2014. The name of ST community namely ~~±~~Holyaq mentioned at page No.53 line number 15 for the State of Telangana was incorrect. The name ~~±~~Holyaq has been corrected as ~~±~~Holvaq vide corrigenda of the Andhra Pradesh Reorganisation Act, 2014, which has been published in Gazette of India, Extraordinary, Part-II, Section 1 dated 25-08-2014 and forwarded a copy of said letter to this Commission for information. It was brought to the notice of the Commission that while dealing with the list of STs for the State of Andhra Pradesh and Telangana in the Sixth Schedule of Andhra Pradesh Reorganisation Act., 2014, the MoTA has not consulted the NCST at any stage. Perhaps, if they have consulted the Commission, this anomaly could have been indicated/ identified at the review stage by the Commission. Incidentally, this also indicates that MoTA is consulting NCST on selective-basis which is contrary to the procedure laid down by the statute and as re-emphasized Cabinet Secretariat letter No. 1/3/2/2012-Cab. dated 16/2/2012.

2.3.136 The Commission has discussed the issue and as the said letter has been received in the Commission for information, thus decided to take no action about it. However, the Commission directed to take the matter with MoTA to consult NCST in each and every case relating to policy matters/ Acts etc., as laid down by Cabinet Secretariat letter No. 1/3/2/2012-Cab. dated 16/2/2012 and not on selective basis.

<b>LIII</b>	<b>Inclusion of 'Saura', Sahara', 'Soura', 'Saunra'/ 'Saonra', 'Saora', as synonyms of 'Sawar' and 'Sawara' appearing as ST at Sl. No. 41 in the list of STs of Chhattisgarh.</b>
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2.3.137 The Ministry of Tribal Affairs in the letter No. 12016/3/2012-C&LM-I dated 24/02/2014 has forwarded a proposal for Inclusion of ~~Sauraq~~ Saharaq ~~Soura~~ ~~Saunraq~~ ~~Saonraq~~ ~~Saoraq~~ as synonyms of ~~Sawar~~ and ~~Sawara~~ appearing as ST at Sl. No. 41 in the list of STs of Chhattisgarh. Pursuant to the discussion held in 53<sup>rd</sup> meeting of the Commission,

2.3.138 It was brought to the notice of the Commission that the Commission could not visit the State being pre-occupied with other important issues and also with similar issues involved in the Task Force Committee which later converted into draft Cabinet Note by MoTA. The Commission discussed the matter and decided in the case that the Commission will visit Raipur in the month of February 2015 and after that it will take a view on the case.

<b>LIV</b>	<b>Report of the High Level Committee on Socio-economic, health and educational status of tribal communities in India.</b>
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2.3.139 The Commission was informed that recommendations made in the Report of the High Level Committee on Socio-economic, health and educational status of tribal communities in India, have been received in the Commission on 17/12/2014 for comments. The Ministry of Tribal Affairs has sought the views/ comments of the Commission on the recommendations by 26/12/2014. Accordingly, an urgent meeting of the Commission has been called by the Chairperson, NCST on 19/12/2014.

<b>LV</b>	<b>Amendment to Article 243ZC(2) of Part IX-A of the constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011</b>
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2.3.140 Ministry of Urban Development (LSG Division) forwarded the draft note on the above subject for seeking views/comments of the Commission on the proposal for amendment of Article 243ZC(2) of the Constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011. The Commission was informed that consequent upon the repealing of Darjeeling Gorkha Hill Council Act, 1988 the immunity/exemption from the ambit of Part IX-A of the Constitution under Clause 2 of Article 243 ZC of 74<sup>th</sup> Constitutional Amendment Act, for the areas mentioned therein has been affected. This amendment seeks to restore the immunity to such areas now covered by the Gorkhaland Territorial Administration Act, 2011. Accordingly, proposal has been made to replace the words ~~'Darjeeling Gorkha Hill Council'~~ with the words ~~'Gorkhaland Territorial Administration or any other such entity'~~. Considering the objective of the amendment, Commission agreed to the proposal.

2.3.141 The Commission directed that above views of the Commission on each agenda item may be promptly forwarded to the concerned Ministry with the request to inform the Commission regarding the nature of acceptance of the views and incorporating the same in the draft Cabinet Note as per instructions dated 16/2/2012 of the Cabinet Secretariat.

<b>LVI</b>	<b>Comments on EFC Memo on North East Road Sector Development scheme.</b>
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2.3.142 Ministry of Development of North Eastern Region vide letter No. DNER/NERSDS/2014-15/1 dated 30<sup>th</sup> December, 2014 has forwarded the Draft EFC Memorandum on the “**North East Road Sector Development Scheme**”. The proposed scheme has been drafted by the Ministry of Development of North Eastern Region. Ministry of Development of North Eastern Region is the sponsoring agency of this scheme.

2.3.143 The Commission examined the proposal, and it is observed that all the States of North East region are major tribal areas and road access to different parts of the North East region has been a continuing problem for a long time. Road linkages are important to livelihoods of people.

2.3.144 The Commission agreed to the proposal provided there is a special mention about the procedure to be followed for extending the benefits of the scheme to the Scheduled Tribes villages in the NER.

<b>LVII</b>	<b>Meeting of ‘Expert Committee under the Chairmanship of Secretary, Tribal Affairs for preparation of policies for various PTGs of Andaman &amp; Nicobar Islands.</b>
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2.3.145 Ministry of Tribal Affairs (C&LM-I Division) vide letter No.11024/01/2010-C&LM-I (Part) dated 29/12/2014 has informed that meeting of Expert Committee, under the Chairmanship of Secretary, Tribal Affairs, for preparation of policies for various PTGS of Andaman & Nicobar Islands, is scheduled at 10.30 A.M. on 08/01/2015, and called JS (NCST) to discussion the agenda:-

- (i) Status of implementation of Policy on Jarawa Tribe of Andaman Islands, 2004.
- (ii) Progress on second phase of the study on Jarawas to ascertain their free will.
- (iii) Progress on the formulation of Draft Policy for Shom Pens.
- (iv) Any other issue.

2.3.146 The Commission reiterated its stand, as taken in case of %Streamlining of procedure for scheduling of communities as STs+and brought to notice of Cabinet Secretariat vide the office letter No.17/5/inclusion/2013/RU-III dated 03/11/2014, that the Commission and not the Secretary, NCST is empowered to deliberate/discuss and give their opinion/advice on any matter relating to the subject as mentioned above and

if they need any opinion/advice of the Commission, they have to submit the proposal to the Commission accordingly.

<b>LVIII</b>	<b>Standing Finance Committee on “Mission Organic Farming North East” – Comments Regarding</b>
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2.3.147 Ministry of Development of North Eastern Region vide letter No. 3/8/2014-Coord/DoNER dated 9<sup>th</sup> February, 2015 has sought comments on draft SFC Memo on North East Sector Development Scheme for Standing Finance Committee on **“Mission Organic Farming North East”**.

2.3.148 The Proposal was examined and noted that the proposed scheme has been drafted by the Ministry of Development of North Eastern Region. Ministry of Development of North Eastern Region is the sponsoring agency of the scheme and it is noted that the Scheme is for all the States of North East Region are major tribal areas and North Eastern Region being traditionally Organic or near to Organic has tremendous potential for development of organic farming due to two major reasons; (a) mostly rain-fed and hilly in topography and (b) external input use is very low to insignificant (except largely with plains of Assam, Manipur and Tripura). The need for production, value addition and processing under organic protocols with growers as owners ensures better empowerment of rural youth and increases new avenues for rural entrepreneurship.

2.3.149 The Commission agreed to the proposal provided there is a special mention about the procedure to be followed for extending the benefits of the scheme to the Scheduled Tribes families or villages in the North East Region.

<b>LIV</b>	<b>Inclusion of ‘Saura’, Sahara’, ‘Soura’, ‘Saunra’/ ‘Saonra’, ‘Saora’, as synonyms of ‘Sawar’ and ‘Sawara’ appearing as ST at Sl. No. 41 in the list of STs of Chhattisgarh.</b>
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2.3.150 The Ministry of Tribal Affairs in the letter No. 12016/3/2012-C&LM-I dated 24/02/2014 has forwarded a proposal for Inclusion of ~~S~~auraq ~~S~~aharaq ~~S~~ouraq ~~S~~aunraq ~~S~~aonraq ~~S~~aoraq as synonyms of ~~S~~awarqand ~~S~~awaraq appearing as ST at Sl. No. 41 in the list of STs of Chhattisgarh. Pursuant to the discussions held in 53<sup>rd</sup> and 65<sup>th</sup> meeting of the Commission. The Commission team visited the State of Chhattisgarh from 17/02/2015 to 20/02/2015 and conducted field visits to Pathrla village in Basna Tahsil of Mahasamunda district and Bodadih village in Bilaigarh Tahsil of Baloda Bazar- Bhatapara district, to ascertain the ground position and CHARACTERISTICS OF STS. During the field visits Commission interacted with Villagers and local leaders of the various Social organizations, officers of the State. The Commission identified, based on the observations of Government, Tibral

Research & Training Institute, Anthropologists and Researchers that the proposal of State Government to include the ~~±Sauraq Saharaq Souraq Saora~~ community also as synonym of Sawar, Sawara in the ST list of the State listed at Sl. No. 41. (copy of Report Annexure-I) is justified.

2.3.151 After detailed discussion on the report Commission decided to recommend the proposal for Inclusion of ~~±Sauraq Saharaq Souraq Saunraq Saonraq Saoraq~~ as synonyms of ~~±Sawarqand ±Sawaraq~~ appearing as ST at Sl. No. 41 in the list of STs of Chhattisgarh.

<b>LV</b>	<b>Inclusion of Karbi (Mikir) community residing in the plain area of Assam at Sl. No. 11 in the list of STs in Assam.</b>
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2.3.152 The Ministry of Tribal Affairs vide letter No. 12016/3/2000-TA(RI)-C&LM (pt-I) dated 28<sup>th</sup> Feb. 2013 sought comments of the Commission on the proposal sent by the Stat Govt of Assam, for inclusion of ~~±Karbi (Mikir)q~~community residing in plain area of Assam , in the list of Scheduled Tribes in Assam. The MoTA in the above letter also inter-alia informed that the Registrar General of India vide DO letter No. 8/1/2006-SS (Assam) Pt dated 11/09/2006 supported the proposal of inclusion of ~~±Karbi (Mikir)q~~community, residing in plain area of Assam. Pursuant to discussion held in the 45<sup>th</sup>, 48<sup>th</sup>, 50<sup>th</sup>, 60<sup>th</sup> and 62<sup>nd</sup> meeting of the Commission, a team led by Hon<sup>ble</sup> Chairperson visited the State of Assam from 04/02/2015 to 06/02/2015 to carry out on the spot study and to ascertain the real position in the process of examining the proposal of the State Govt. to include the KARBI (MIKIR) Community at Sl. No. 11 in the list of Scheduled Tribes (Plains) of the State (Annexure-II).

2.3.153 The Report was discussed in the Commission. The Commission after due deliberation recommended that the KARBI (MIKIR) community residing in the plain districts of State possess tribal characteristics qualify for inclusion in the list of Scheduled Tribes (Plains) of the State.

<b>LVI</b>	<b>Proposal for promulgation of ‘Andaman &amp; Nicobar Islands Registration of Tourism Trade Regulation, 2014’.</b>
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2.3.154 The Ministry of Tribal Affairs vide letter No.20025/1/2012-C&LM-II dated 17/03/2015 has forwarded a proposal of Ministry of Home Affairs vide letter No. 11023/01/2012 dated 02/03/2015 for promulgation of ~~±Andaman & Nicobar Islands Registration of Tourism Trade Regulation, 2014q~~ Proposal for promulgation of ~~± Andaman & Nicobar Island Registration of Tourism Trade Regulation 2014~~ as sent by the Ministry of Tribal Affairs vide its letter No. 20025/1/2012/CL & MII dated 17/3/2015 was discussed.

2.3.155 It was noted that in the 38<sup>th</sup> meeting of the Commission held on 6/9/2012, proposal titled of Andaman & Nicobar Island Registration of Tourism Trade Regulation 2012 was discussed and Commission had given its comments on it and Commission reiterating its earlier advise decided that following should be communicated to the Ministry of Tribal Affairs for in turn communicating it to the Ministry of Home Affairs.

(a) Buffer Zone+notified adjacent to the Jarawa reserved area is meant to protect the Jarawa Tribals from any sort of exploitation and provisions for protecting Buffer Zone should not be reduced in any manner and therefore restriction imposed by Buffer Zone notification may be incorporated in the tourism policy.

(b). Road presently passing through the Jarawa habitations may be closed for tourist as well as other activities except which relate to protection and development of tribals. Therefore, provision for restrictions on the registration of any activity relating to registration of tourism activities in the passing area through the Jarawa habitations should also be made in the promulgation of Andaman & Nicobar Islands Registration of Tourism Trade Regulation 2014.

## **2.4 Observations and Recommendations**

2.4.1 The Commission during the year 2014-15 has made recommendations on above policy issues on which comments/views/advise 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 in each of the policy issue.

## **2.5 FIELD VISITS AND REVIEW MEETINGS TAKEN BY THE COMMISSION**

2.5.1 Visit of the National Commission for Scheduled Tribes (NCST) to the UT of Dadra & Nagar Haveli from 23-02-2015 to 26-02-2015 to review the implementation of development programmes, reservation policy and SCs and STs (PoA) Act, 1989 in respect of STs.

2.5.1.1 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri Ravi Thakur, Hon'ble Vice-Chairperson, Smt. K.D. Bhansor, Director, NCST, Shri T.D. Kukreja, Private Secretary to Chairperson, NCST and Shri R.K.Dubey, Assistant Director, NCST, Regional office, Bhopal visited the UTs of Dadra & Nagar Haveli and Daman from 23-02-15 to 26-02-15 in accordance with the programme communicated to the UT Administration vide Wireless message No. 23/02/DADRA & NAGAR HAVELI/REVIEW/2015/RU-I dated 04-02-2015 for field visits and to review the development programmes, reservation policy and implementation of the SCs and STs (PoA) Act, 1989 in respect of STs in the UTs.

2.5.1.2 Meeting with District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other Senior officers of UT Administration in respect of Petitions of Scheduled Tribe individuals of UT pending in the Commission.

2.5.1.3 In the afternoon, the Commission held sitting with District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other senior officers of UT Administration in respect of 11 petitions of Scheduled Tribe individuals/Associations of UT pending in the Bhopal Regional office of the Commission which included 8 cases of land transfer, 2 cases of alleged atrocities and 1 case of service matter.

2.5.1.4 As per the tour programme conveyed to the UT Administration, the Commission, alongwith District Collector and other officers, proceeded for field visits in the UT of Dadra & Nagar Haveli in the forenoon of 24.2.2015 and observed various development initiatives of the UT administration for socio-economic development of Scheduled tribes residing there. The Commission interacted with the local tribal community to have feedback on the implementation of various developmental programmes being run for their welfare. The details of field visit and observations of the Commission are as under:

2.5.1.5 Visit to Ambavadi village

2.5.1.6 The Commission reached Ambavadi village and observed the activities of %Gayatri Maa Doodh Utpadak Sahakari Mandali+ of the village which is run by the women of the tribal Community. The Commission was informed that this co-operative society has 36 members. There are some other similar co-operative societies running in the UT namely %MS Gokul Kharbharipada Doodh Utpadak Sahakari Mandali+ (with 12 members and 20 cows), %MS Sarsawati Karchond Doodh Utpadak Sahakari Mandali+ (with 10 members and 10 cows), %MS Sarsawati Doodh Utpadak Sahakari Sanstha, Vansda +(with 20 members and 20 cows). Animal husbandry and veterinary department of the UT has assisted these societies. The milk produced by the members of these societies is collected by Vasundhara Dairy run by Valsad Jila Sahakari Doodh Utpadak Sangh Ltd. It was also informed that Dena Bank has extended loan facility to the members by lending Rs 48,000/- to each member. It was also informed that milk



can, chop cutter for cutting fodder and shed are provided to the members of the society. Insurance cover for the cows is also provided to them. Total milk production of the society is about 2,000 Liters. per day and payment to the members for the milk is made after every 15 days. The Commission was informed that there are 91 households in the Ambavadi village. There is a mobile dispensary of Animal husbandry and veterinary department of the UT and the services are offered free of cost. However, the members of the %Gayatri Maa Doodh Utpadak Sahakari Mandali+of the village informed that they are facing hardship in procuring fodder for their cows because of limited subsidy given to them by the Govt. This problem is acute in the non-milching period of cows as there is no income in this period by selling the milk. They demanded for more subsidy/Govt. assistance for procuring fodder. They said that the expenditure on feeding the cows is more resulting in lesser profit to them. **Hon'ble Chairperson, NCST advised the District Collector to examine whether more Govt. assistance can be provided to the members of these co-operative societies. He also suggested that poultry farming has been observed as more successful in tribal areas being cost effective. It should be promoted in the tribal community of the UT to generate more income.**

2.5.1.7 The villagers appreciated the health services in the area and informed that PHC is about 2 kms. away from the village and 108 Ambulance service is also available to them. As far as MGNARGA is concerned, the main activity undertaken is construction of roads. The villagers demanded to include animal husbandry in the scheme. So far, about 12,000 job cards have been issued in the districts out of which 450 cards have been issued in Dudhni Panchayat which is Tribal dominated area. **The villagers informed that they face problems in going to Dudhni during the rainy season when the dam reservoir is filled with water. They demanded for construction of a bridge connecting Dudhni with the village. The villagers also informed the Commission that construction of Dudhni Ambavadi school is not been completed in last few years. The District Collector informed the Commission that the contractor constructing the building has left and the administration is taking necessary steps to complete the construction work. Hon'ble Chairperson, NCST directed the District Collector to take necessary steps for the construction of bridge and completion of school building at the earliest.**

2.5.1.8 During the interaction with the villagers, the Commission was informed that the tribal villagers have agricultural land and they produce paddy during the rainy season. They also produce vegetables like Brinjal, Tomato and coriander. Fodder is also produced for cattle. Most of the irrigation depends on rains. However, pipeline irrigation is also prevalent in some areas by using the water stored in the dam reservoir. **Some tribal women informed the Commission that there is water scarcity in the village, especially during the summer when the dam reservoir dries up. Hon'ble Chairperson, NCST desired to know about the sources of water used by them before the construction of dam. It was informed that earlier they used wells for their water requirements but most of the wells are now filled with silt and soil. Hence, there is no or very little water in the wells. Hon'ble Chairperson, NCST asked them about the solutions available in this regard. The villagers suggested that deep boring in the old wells, construction of new**

**wells/bore wells is the solution. Hon'ble Chairperson, NCST advised the District Collector to make arrangements for deepening of old wells and construction of new wells/bore wells to solve the water crisis especially during the summer when the dam reservoir dries up.**

2.5.1.9 The villagers also informed the Commission about lack of toilets in their houses as a result of which they have to go to the fields for defecation. It was also informed that toilets in Ambavadi School run by the Zila Panchayat have been constructed in the centre of the school buildings and students, especially the girls find it difficult to use them out of shame. Moreover, the other school buildings in the UT have also not been constructed in a planned way. **Hon'ble Chairperson, NCST advised the District Collector to co-ordinate with the Zila Panchayat and get prepared a model plan of the school buildings depicting provision of classrooms, play ground, toilets, front space etc. for all the schools of the UT.**

2.5.1.10 Visit to Dudhni

2.5.1.11 The Commission visited Dhudhni village and interacted with the local officers and villagers. The Commission was informed that 135 fibre boats have been provided to the local population for transportation through the dam reservoir. SC/ST/OBC Finance and Development Corporation of the UT is providing loan up to Rs 5 lacs to the beneficiaries for this purpose. The beneficiaries, however, informed the Commission that they have to wait for 3-4 days or even more for their turn for operating the boat due to large number of boats in the dam reservoir. On query, **the villagers informed that vocational training of tailoring and embroidery is provided to them in Silvassa which is far away. They demanded that a Vocational training center should be opened in Khanvel which is comparatively nearer. They also demanded for installing rope-way for promoting tourism in the area. Hon'ble Chairperson, NCST supported the demands and directed the administration to do the needful in this regard.**

2.5.1.12 The Commission also inquired about the availability of PDS facilities in the area. It was informed that there are 3 ration shops in the Panchayat and computerised ration card is being issued to the beneficiaries. Ration is being provided to all the SC/ST families by the Administration. The Commission inquired about the social impact of MGNARGA in the area and desired to know whether it has affected migration of tribal population in search of employment/livelihood. The Commission was informed that no visible impact is seen and the tribal population migrates to nearby towns like Surat or Valsad after Deepawali festival for earning their livelihood and return to their village before Holi. Many of them also go to adjoining State of Maharashtra and other places in Gujarat State for working in Brick Kiln Industry or as a labour.

2.5.1.13 The local tribal Artists of Kokna and Varli tribes presented Tadpa and Toor dances. Tadpa dance is named after Tadpa instrument. This dance is performed at the time of harvesting of crops. Toor dance is performed at the time of marriage ceremony. **The Commission advised the UT administration to preserve the tribal culture by promoting their folklores, dances and handicrafts.**

#### 2.5.1.14 Visit to Kaucha village

2.5.1.16 The Commission visited Kaucha village and inspected a small scale poultry unit run by a tribal beneficiary. The unit has been started this year only with the assistance of UT Administration. Presently, there are 120 hens. The beneficiary informed the Commission that the eggs and chicken produced in the unit are sold in open market and also utilized in mid-day meal scheme. On query, he informed that his income from the unit is about Rs. 200/- per day. The Commission appreciated the scheme and advised to setup more units benefiting the tribal population of the UT.

2.5.1.17 The Commission met some tribal villagers who have been benefitted by different schemes of the UT Administration like %Swachha Aangan Yojana+ and %Suryoday Awas Yojana+. The Commission was informed that an amount of Rs. 1.50 Lacs is provided to the beneficiaries under %Suryoday Awas Yojana+out of which Rs. 20,000/- is granted for construction of toilet. **The tribal villagers complained about scarcity of potable water in the village and requested the Commission to solve this problem. Residents of Loharpada in the village informed that their habitation is cut off by road for about four months during rainy season due to filling of water in the dam reservoir in which the Kuchha road is submerged. They demanded for construction of Pucca road and demolition of allegedly illegal construction by a public representative which has narrowed the existing Kuchha road. The Commission directed the District Collector to solve the water problem and take necessary steps for road construction as desired by the residents of Loharpada.** District Collector assured the Commission to settle the issues shortly.

2.5.1.18 The Commission also inspected a bio-gas plant in Paraspada of Kaucha village where first bio-gas plant has been setup with the financial assistance of the administration, the Commission was informed that the cost of the unit is Rs. 30,000/- out of which the beneficiary has to pay Rs. 7,500/- and there is 75% subsidy in the scheme. The unit is run with about 2 kg of cow dung and 3-4 ltrs. of water every day. A fiber tank has been provided to the beneficiary and a wormy-compost plant has also been setup by using Gobar-gas slurry. The fertilizer so produced is used in the Agricultural fields of the village. The beneficiary has planted bananas in about half an acre land and used wormy-compost fertilizer in his fields. The Commission

appreciated the scheme and advised the UT administration to setup more such units.

2.5.1.19 In the forenoon, the Commission held meeting with representatives of tribal associations and individuals of Dadra & Nagar Haveli and Daman to get feedback from them on the implementation of developmental programmes in the UTs and to know about their problems. District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli, Deputy Director, Social welfare, Dadra & Nagar Haveli and other DLOs were also present in the meeting. Following issues were brought to the notice of the Commission:

1. A representative of Adivasi Ekta Parishad, Dadra & Nagar Haveli informed the Commission that the tribal and other local residents of Dadra & Nagar Haveli can read, write and speak Gujarati language and do not know English. But the documents of land transactions in the UT are prepared in English language. As the tribals are unable to understand the contents of the agreements made between seller and the purchaser of land and also they are unable to understand the contents of sale deed, they are often cheated and their land is grabbed by other communities and industrial units setup in the UT. Hence, all the documentations work related to land transactions should be done in the language that the tribals understand.
2. In last few years, a large number of industrial units have been setup in Dadra & Nagar Haveli and Daman due to various initiatives of the UT Administration. Now, the land has become very precious. The land belonging to tribal Community is being transferred to non-tribals without the approval of District Collector. For this, first the land use of their land is converted from %Agricultural+ to %Non- Agricultural+and then transferred to non-tribals or to industrialists. In many cases, the tribal land has been transferred to non- tribals on the basis of plain paper agreements, notes and will. Plots of land allotted to poor tribals for cultivation being landless have been converted to %Non- Agricultural+ and transferred to non-tribals. Thus, the tribal community of Dadra & Nagar Haveli is facing the problem of land alienation on very large scale. As the law does not permit transfer of tribal land, all such transfers should be cancelled and the land should be returned to the original owner.
3. %Scheduled Castes and other forest dwellers (Recognition of rights) Act+is not being implemented in the UT of Dadra & Nagar Haveli. So far not a single Pattas (individual or community) have been distributed in the UT despite fact that this is a central Act and the administration is controlled by Union Govt.
4. The number of teachers in the schools located in tribal areas is not sufficient and the teacher- pupil ratio is alarming. Generally, 1 teacher teaches 60-70 students of different classes at a time in Dudhni, Bandhoni and other villages. In Karchun Govapada, there is 1 teacher against 145 students. These teachers are engaged in office work, census, elections work and arrangement of mid-day meal which is adversely affecting the quality of education. Many Schools

have shown 0% Result at high school level. As the students are not detained up to class 8<sup>th</sup>, the quality of education has deteriorated. Many students of class 8<sup>th</sup> are unable to write their names.

5. In the schools which are located in the areas adjoining the State of Maharashtra, Education is imparted in Marathi whereas the board paper is given in Gujarati. The students face great hardship in appearing in the exams due to this language problem as a result of which they are compelled to detain in the same class.
6. The police authorities of the UT are not properly implementing the provisions of SC & ST (PoA) Act, 1989. In many cases of atrocities on tribals, police is not registering cases under this Act. Especially, in the cases of illegal encroachment of land belonging to tribals by non-tribal individuals and companies, relevant sections of this Act should be applied upon by the police.
7. Earlier, the UT administration used to declare holiday on %Diwasa+festival which is a prominent festival of the tribals of UT. This festival is celebrated in the month of %Sawan+. Local holiday on this festival should be declared every year by the administration.
8. %Tadpa Mahotsav+is organized by the UT administration every year to promote tourism and to promote and protect tribal culture of the tribes of the UT. Though, Tadpa and Toor dance as of Varli and Kokna tribes were also performed, singers from film industry were invited by paying them huge amount in lacs. Western dances were also performed in the name of %Tadpa Mahotsav+which is cultural invasion. On the other hand, the group of 15 artists of tribal community who performed Tadpa dance was paid Rs. 1,500 /- only which is discrimination by the organizers. They are expected to promote and protect tribal culture of the tribes of the UT.
9. A large number of migrants of other States, who have come to the UT for employment in industries have become voter in the UT by including their names in electoral roll and are in possession of voter identity card. They are already voter in their respective States. There is a threat that the tribals of the UT will become minority and the Lok Sabha seat, which is presently reserved for STs will be de-reserved.
10. Scheduled tribes of the UT should also be given license to run liquor shops and hotels/bars. Presently they are not getting license from the concerned department of the administration.
11. Reservation policy in recruitment to various posts and services of the UT administration is not being followed by the concerned authorities. There was discrimination with Scheduled tribes in the appointment to the posts of Assistant by the Personnel department of the UT and out of 15 posts, only 1 ST candidate was selected. This is violation of reservation norms.

12. The employment exchange in the UT is not functional. No Scheduled Tribes candidate registered in the employment exchange has been provided employment through it in the last few years. The working of employment exchange should be reviewed and improved.
13. Dadra & Nagar Haveli should be brought under Vth Schedule of the Constitution of India being a tribal dominated UT. Tribal Advisory Council should also be formed in the UT alike other Vth Schedule States.
14. The charges for conversion of land use from Agricultural to Non-Agricultural are very high which should be reduced as poor tribals are unable to pay the same. Moreover, permission is not granted for division of land measuring less than 20 Are which should be reduced further for benefiting the tribals.
15. Due to acquisition of land by Govt. and industrialists for setting up of industries, most of the tribals of Silvassa town have been evicted from the town. The only area in the town where tribals are still residing is also being acquired by the UT administration in the name of setting up of Transport nagar. These tribals will become landless due to acquisition of land. Still they are in possession of the land and cultivating it. Transport nagar should be established at some other place outside the city and not at the proposed place.
16. The Administration has appointed teachers in its schools on contract basis who are working for last many years. Their services should be regularized by the UT administration.
17. As per the existing provisions, the industries being set- up in the UT were expected to provide 80% employment to local population but it was not strictly followed. There is no monitoring or control of the administration on the industries resulting in un-employment and poverty among the tribals of the UT.

2.5.1.20 The Commission held meeting at Daman with Administrator, IGP, Development Commissioner, Secretaries of various departments, District Collector, Dadra & Nagar Haveli, SP, Dadra & Nagar Haveli, District Collector, Daman, SP, Daman and other Senior Officers of UT of Dadra & Nagar Haveli and Daman in the afternoon on implementation of development programmes, reservation policy in posts and services and SCs & STs (PoA) Act, 1989 in the UTs.

2.5.1.21 In the beginning of the meeting, The Administrator of both the Union Territories welcomed Hon<sup>ble</sup> Chairperson, Vice- Chairperson accompanying officers and briefed about various initiatives taken by the Administration for the development of Scheduled Tribes. Thereafter, he requested Hon<sup>ble</sup> Chairperson, NCST to initiate discussion as per the questionnaire sent by the Commission, information submitted by the Administration thereof and observations during the field visits and meetings of the Commission.

2.5.1.22 Hon'ble Chairperson, NCST informed the officers present in the meeting about the Constitutional provisions about the tribal Community and role, functions and powers of the Commission in relation to safeguarding the interests of tribal population of the country. Thereafter, on the basis of the feedback received by the Commission during the field visits and the meetings with the tribal delegates, he covered various issues concerning the tribal population of both the UTs as under:

### **LAND ALIENATION**

2.5.1.23 Initiating the discussion, Hon'ble Chairperson said that a large number of tribals of the UT of Dadra & Nagar Haveli met him at Silvassa during his visit and most of them had their grievances related to transfer of their land to non-tribals or industries. In the sittings taken by the Commission at Silvassa related to the grievances of STs pending in the Commission, out of 11 cases, 9 were related to allegedly illegal transfer of land. As per the representations submitted to the Commission during the visit, the land belonging to tribals was transferred without following the due procedure. In many other cases, the land allotted to them being landless was also transferred on the basis of plain paper will or forged documents and the illiterate tribals were cheated. The Administration allegedly failed to protect the interests of the tribals and supported the industrialists in such acts. **The Commission emphasized the need of restoration of their land by cancelling such mutations as the tribals have become landless due to these illegal transfers. He directed the UT Administration should review such transfer of lands and to provide four times compensation to the tribals under the new policy of the Union Govt. in the recent cases where the acquisition of tribal land is inevitable. He questioned that why the land use of agricultural land was changed to non-agricultural to facilitate such transfer of land to industrialists. The valuable land of tribal community has been grabbed by the way of such transfers as a result of which they are becoming poorer. The companies setup on the land belonging to these tribals have not provided them employment and outsiders have been recruited as workers denying the employment opportunities to the local tribal population. Even these companies have not extended their CSR activities for the socio economic up-liftment of the tribals. The UT Administration should take necessary steps for permanent settlement of the land temporarily allotted to landless tribals of the UT. It should make a balance between the industrial development which is necessary for overall development of the country on one hand and on the other hand it should protect the tribals who own the land since time immemorial.**

### **EDUCATION AND RELATED ISSUES**

2.5.1.24 Hon'ble Chairperson informed that during the field visits of the Commission in Dudhni, the local tribal population expressed its dissatisfaction on the unplanned construction of school buildings in the area. Toilets have been constructed in the center of the building which is not comfortable for the female students. **He advised that a model design of the school buildings should be prepared which should be followed in construction of school buildings in the UT. Hon'ble Chairperson also expressed his concern over the teacher-pupil ratio in the schools located in the tribal areas. He said that the tribals have reported it to be 1:70 in the rural areas. He emphasized the need of quality improvement in teaching and**

requested the administration to adopt the schemes like “Gunotsava” being run in the adjoining State of Gujarat. Under this scheme, the officers of the State Govt. adopt one school each to improve the quality of education being imparted to the students of that school. He said that the Commission has been informed about non-availability of science teachers in the schools located in tribal areas. As the tribals are not being provided quality education especially in science subjects, the teachers are not prepared as usually the non-tribal teachers do not prefer to work in tribal areas. If the tribal students are taught science properly, they can be groomed as science teachers for future requirements. He advised the UT administration to prepare a uniform transfer policy for teachers to meet the shortage of teachers in the tribal areas and issue of alleged discrimination in transfer and posting. Hon’ble Chairperson also informed that there are complaints from tribals related to poor results in high school and above which was due to the reason that the students were taught in Marathi medium whereas the question paper was set in Gujarati medium to which they not familiar. He advised the UT administration to take urgent necessary steps to link the medium of teaching in the schools with the boards of concerned State.

## SERVICE SAFEGUARDS

2.5.1.25 In the meeting, the Commission was informed that the Group A posts under the UT Administration were filled through Union Public Service Commission providing 7.5% reservation in direct recruitment for Scheduled Tribes and 15% reservation for Scheduled Castes through All India open competition. In Groups B and C posts, there is 43% Reservation in direct recruitment for Scheduled Tribes and 2% Reservation for Scheduled Castes. In promotion to Groups B and C posts, the Reservation for Scheduled Tribes is 7.5% and for Scheduled Castes is 15%. The Commission observed that there is no rationality in reservation policy of the UT as the Scheduled Tribes, who are getting 43% reservation in direct recruitment in Groups B and C posts, are being provided only 7.5% reservation in promotion which is a bottleneck in the career up-gradation of ST employee. On the contrary, the Scheduled Castes, who are being provided only 2% reservation in direct recruitment in Groups B and C posts, are being provided only 15% reservation in promotion. This anomaly need to be addressed and Ministry of Home Affairs, Govt. of India, which controls the policy and administrative issues of the UTs should review the same in the interest of Scheduled Tribes of Dadra & Nagar Haveli. **The Commission also observed that there are backlog posts of ST category in lowest rung of Group A. It also noticed that the percentage of ST employees under the Administration was far below than the required percentage under the reservation policy. The Commission directed the UT Administration to clear the backlog of ST posts at the earliest**

## INCOME GENERATION SCHEMES

2.5.1.26 During the discussion, The Commission discussed about the steps taken by the UT Administration in the implementation of income generation schemes in the Dadra & Nagar Haveli. The Commission observed that dairy farming is being promoted among tribal beneficiaries through co-operative societies. The Commission observed that this activity has limited potential in income generation among tribal groups as the



beneficiaries have given a feedback to the Commission about difficulties in purchasing fodder in the season when the cows do not give milk and the income of the beneficiaries is very low. **The Commission appreciated the recent steps taken by the Administration in promoting poultry activities in tribal community which, in view of the Commission, has been proved to be more successful and directed the Administration to expand this scheme on a large basis in the tribal community of the UT.**

2.5.1.27 **The Commission also advised the Administration to focus on skill development of the tribal youth as the number of jobs in the Govt. Sector is very less and the opportunities available in the industries and private sector in the UTs are being grabbed by the outsiders leading to un-employment among the tribals of the UTs. The Commission also directed the Administration to press the industries established in the UTs to provide 80% employment to the members of the affected families whose land was acquired for setting up the industries as per the agreement made between the Administration and the industries at the time of acquisition of land.**

#### **DRINKING WATER AND ELECTRICITY**

2.5.1.28 The Commission, on the basis of feedback received from the tribals during the field visits, observed that there is water scarcity in tribal areas especially during the summer season when the water level in the wells and the dam reservoir recedes to the lowest level. **The Commission advised the UT Administration to bore new deep wells and rejuvenate the old ones so that the issue of water scarcity could be tackled effectively.** The Commission observed that there was no complaint or suggestion by the tribal groups regarding supply of electricity in the tribal villages and the implementation of Rajiv Gandhi Vidyutikaran Yojana was also satisfactor

#### **THE SCHEDULED TRIBES AND OTHER FOREST DWELLERS (RECOGNITION OF RIGHTS) ACT**

2.5.1.29 The Commission was very much concerned about the non-implementation of The Scheduled Tribes and other forest dwellers (Recognition of Rights) Act in the UT. The Commission observed that this is a central Act and the UT Administration is also controlled by central Govt. Despite above, this Act was not implemented in the UTs and not a single Patta or Community Right has been recognized so far in the UTs. The Commission desired to know the reasons for non-implementation of the Act. **It was admitted by the Administration that the implementation of this Act could not be progressed in the UTs. Village level committees were formed in 6-7 villages and measurement of land was also done but the implementation could not proceed beyond the village committee. Hon'ble Chairperson directed the UT Administration to speed up the process as almost 9 years have passed since the Act has been passed but nothing concrete could be achieved in the implementation of the Act.**

#### **TRIBAL SUB-PLAN**

2.5.1.30 The Commission noted that Tribal Sub-Plan is being prepared in Daman and Diu but the outlay out of total UT Plan during the last 5 years was much below 2%

despite the fact that the UT is having 6.31% ST Population. The Commission advised that it should be over and above the percentage of ST population in the UT. Funds other than TSP should also be made available for incurring expenditure on tribal development. The Commission also noticed with concern that no Tribal Sub-Plan is prepared in the UT of Dadra & Nagar Haveli despite the fact that it is having 52% tribal population. The Commission advised the Administration to prepare TSP for the UT and also to ensure that proportionate funds are spent for tribal development.

## **TRIBAL ADVISORY COUNCIL AND GRIEVANCE REDRESSAL MECHANISM FOR THE COMPLAINTS OF TRIBALS**

2.5.1.31 The Commission advised the Administration of UT of Dadra & Nagar Haveli to constitute a Tribal Advisory Council in the UT like other States having sizeable tribal population. Keeping in view the large number of grievances of tribals of the UT, the Commission also recommended setup a grievance redressal mechanism in the UT particularly related to the complaints regarding transfer of tribal land to non-tribals.

## **PROTECTION OF TRIBAL CULTURE**

2.5.1.32 The Commission appreciated the rich tribal culture of Dadra & Nagar Haveli and observed that the tribal dances, arts other cultural activities have potential to attract tourists and businessmen in the area. **The Commission directed the Dadra & Nagar Haveli Administration to take more sincere efforts in protection of the tribal culture which is facing cultural invasion. The demand of local tribals for declaring local holiday on “Diwasa” festival should be considered by the Administration as earlier it used to be declared holiday.**

## **MGNAREGA**

2.5.1.33 The Commission was informed that about 12,000 job cards have been issued to the beneficiaries under MGNAREGA by the Administration in Dadra & Nagar Haveli. About 15,000 accounts have been opened for payment of wages to the beneficiaries under the scheme. Biometric attendance is taken from the workers and payment is made at the earliest. **The Commission stressed the need for providing at least 100 days employment to the willing workers so that their financial condition can be strengthened. The Commission also emphasized that in case the employment is not provided despite demand, compensation as admissible under the Act, should be provided to the beneficiaries.** The Commission also desired to know about the migration of tribals to other State in search of livelihood and the impact of MGNAREGA on such migration. The Commission was informed that the tribals of the UT migrate to nearby districts of the adjoining States of Gujarat and Maharashtra for working as agricultural labourers at the time of harvesting of crops and to work in brick kiln industry. No statistics is available on impact of MGNAREGA on such migration.

## ACQUISITION OF TRIBAL LAND FOR TRANSPORT NAGAR

2.5.1.34 The Commission desired to know about the view of Administration on problems being faced by the tribals whose land was acquired for construction of Transport Nagar in Silvassa as the sufferers had informed the Commission that most of the tribals of Silvassa town have been evicted from the town. The only area in the town where tribals are still residing is also being acquired by the UT administration in the name of setting up of Transport nagar. These tribals will become landless due to acquisition of land. Still they are in possession of the land and cultivating it. They had demanded that Transport nagar should be established at some other place outside the city and not at the proposed place.

2.5.1.35 The Commission was informed that the compensation for the acquired land was deposited in the court as these tribals were opposing it and had refused to accept the payment from the Administration. **The Commission was unhappy that the only place in the Silvassa town where tribals are still residing was being acquired and their voice in opposition was not heard. Many tribals will be left with no land or very little land left with them due to this acquisition. The prices of land have also gone very high and they are being given meager compensation at old rates whereas they should be paid four times compensation as per the new Act. The Commission opined that it was duty of the Administration to protect them instead of devastating them from the city. Transport Nagar should be made outside the city and not in the heart of the city alike other cities in the country. The Administration should review its decisions in the interests of the tribals.**

## ATROCITIES ON SCHEDULED TRIBES

2.5.1.36 The Commission was informed that in Dadra & Nagar Haveli, altogether 22 cases were registered by police under SCs & STs (PoA) Act, 1989 from year 2009 to 2013. These include 12 cases in 2009, 02 cases in 2010, 02 cases in 2011, 02 cases in 2012 and 04 cases in 2013. Five cases of year 2009 were closed after investigation and 07 challaned to court. in the year 2010, both the cases were closed after investigation/court direction. In the 2011 also, 02 cases were closed after investigation. In the year 2012 out of two cases, one was challaned to court and one is pending for investigation. In the year 2013, out of four cases, two were closed after investigation and 02 are pending for investigation. **Hon'ble Chairperson directed the police authorities to complete investigation within the time frame stipulated in the act as some cases, though meager in number are pending for investigation since 2012. The Commission was concerned about the acquittal of most of the accused in the cases and advised the police authority to see whether appeal can be made on merits of the case.** The Commission was appraised that the Principal and Sessions Judge Court has been designated as special court for trial of offences under SCs & STs (PoA) Act, 1989 by the Administration. Relief is being provided to the victims as per provisions of SCs & STs (PoA) Rules.

2.5.1.37 The Commission was satisfied with the information that no cases of atrocities were registered by the police in the UT of Daman and Diu from the year 2009 to 2013.

2.5.1.38 Summarizing the discussions held in the meeting, the Administrator of the UTs agreed that many old cases of land dispute and allegedly illegal transfer of tribal land exist in Dadra & Nagar Haveli. Most of the disputed deals were made by illiterate tribals. Many complaints are related to transfer of land by plain paper wills and allegedly forged documents. The Rights of the tribals on land and its transfer were not defined in the rules of 1972. Now a committee is being constituted under Development Commissioner to see that what changes in existing rules are required for protection of tribal land. He also informed that change of land use from Agricultural to Non-Agricultural is permissible for industrial use in the UTs. However, the Administration will see that the tribals do not become landless due to such acquisition of land. He further informed that steps are being taken by the Administration by forming a society under District Collector to ensure that the industrial units are incurring expenditure under CSR for tribal development also. It has been decided that 2% of such expenditure shall be used for construction of toilets in the UTs.

2.5.1.39 The Administrator agreed with the view of the Commission that there is a need of planning in the construction of school buildings and assured that model school building plan will be prepared and the new school buildings will be prepared as per that model. The Education department of the UT is taking steps for filling the gaps in infrastructure in the schools through common tenders. He also admitted that there is a need to improve the quality of education and an NGO named ASAR has been involved for base line survey of teachers in the UT. The Administration is also planning for training the teachers in institutions of Gujarat and Maharashtra to improve the quality of education. Earlier, some irregularities were done in the appointments of teachers resulting in deterioration of quality of education. Now, the Teachers Eligibility Test (TET) passed candidates are being appointed as teachers and the local candidates are being given additional 20% marks in the recruitment process. He assured the Commission that as per the suggestion of the Commission, a Gunotsav-like arrangements shall be made in the UT like Gujarat and the officers will be given responsibility of monitoring the quality of education in the schools. As far as transfers and postings of teachers are concerned, a transfer policy has been drafted in the UT which will be shortly implemented. Usually, the teachers prefer to work in the city area and do not want to go to the schools in tribal areas. For this, a provision of rotation is being made in the transfer policy. The Administration is also taking steps to affiliate the schools having medium of education as Gujarati or Marathi with the Educational Boards of Gujarat and Maharashtra to solve the problems being faced by the students.

2.5.1.40 As far as implementation of reservation policy for Scheduled tribes was concerned, the Administration has filled up some posts recently and in process of filling remaining posts shortly. The OM's of DoPT are being followed in the direct recruitment and promotions. The issues raised by the Commission related to anomalies in percentage of reservation in direct recruitment and promotions shall be brought to the notice of MHA and DoPT.

2.5.1.41 The Administrator agreed with the suggestion of the Commission to promote poultry activities and also assured to consider the demand of tribal beneficiaries to provide more subsidies at the time of purchasing fodder for the cows under the dairy farming schemes of co-operative societies. He also assured to solve the problems of water scarcity in Dudhni-Bandhoni area by the month of May, 2015 as a scheme of about 200 crores is in progress. In the field of employment, he informed the Commission that the industries are providing 40% employment to the locals but the main problem is lack of skills in the tribals. He assured that the Administration will focus its efforts on skill development so as to enable the local tribals to get employment in the industries located in the UT and adjoining districts of Maharashtra and Gujarat. He also informed that solar lights are being provided to the tribals in Dudhni which is also a model village. The Administration is planning to build a bridge connecting Dudhni-Ambawadi to facilitate transportation. In the meantime, licensed boats are running in the dam reservoir and providing transportation facility. A boat ambulance is also operational in the area to provide emergency health services to the residents of that area. He assured the Commission to consider declaring Diwasa as local holiday and informed that the Administration will take more sincere steps for promoting tribal culture and dances which also attracts the tourists. He also assured that the tribal character of the Tadpa Mohatsav shall be kept intact. The UT Administration is in touch with the TRIFED to promote Varli Art.

2.5.1.42 The Administrator of the UTs agreed to the suggestion of the Commission to sensitize the local police officers about the problems being faced by the tribals and implementation of SCs & STs (PoA) Act, 1989. He assured that the payment of compensation to the victims and their rehabilitation will also be looked into by the Administration.

2.5.1.43 In the end, He thanked the Commission for visiting UTs of Dadra & Nagar Haveli and Daman and also for valuable guidance and assured that the recommendation of the Commission shall be implemented in letter and spirit by the Administration for transforming the lives of tribals of the Union Territories. Hon'ble Chairperson, NCST also thanked the Administrator and other officers of the Administration for extending co-operation to the Commission in performing its constitutional duties.

## **2.5.2 Tour Report of the visit of the National Commission for Scheduled Tribes to Arunachal Pradesh from 11.12.2014 to 18.12.2014 for field visits, District level Review meetings and State Level Review meeting on the implementation of development programmes and reservation policy for STs.**

2.5.2.1 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson accompanied by Smt. K.D. Bhansor, Director and Shri Rajesh Kumar, Under Secretary visited the State of Arunachal Pradesh from 11.12.2014 to 18.12.2014 in accordance with the programme communicated to the State Government vide wireless message No. Review/Service/Arunachal Pradesh/2014/RU-II dated 02.12.2014 for field visits,

review of Districts and State Level Review meeting on the implementation of development programmes and reservation policy for Scheduled Tribes.

#### 2.5.2.2 Field visit to Changprong village of Tawang District

2.5.2.3 The Tawang Block consists of Changprong, Damgin/ Khrembethang/Temilo/Sangeeling/Jamyang Chikorling Gonpa villages predominantly inhabited by Mongpa tribe.

2.5.2.4 The population/Household details of the villages are as under:-

Sl. No.	Name of Village	Total No. of Households	Population		Total No. of Population
			Male	Female	
1.	Changprong	42	102	99	201
2.	Damgin	25	46	69	115
3.	Khrembethang	32	60	75	135
4.	Temilo	12	29	23	52
5.	Sangeeling	3	3	1	4
6.	Jamyang Choikorling Gonpa	22	162	4	166
	<b>Total</b>	<b>136</b>	<b>402</b>	<b>271</b>	<b>673</b>

2.5.2.5 The Hon'ble Chairperson addressed the villagers of Changprong Panchayat about purpose of the visit as per mandate of the Commission. The Changprong Panchayat has 3 villages viz. Damgin, Khremvethang and Temilo Panchayats. The villagers made Commission aware of their problem about inadequacy of teachers in the schools. The teacher pupil ratio is very dissatisfying. The schools have no teachers of science subject. Solar lights are not adequate and there is need that each Panchayat may be considered for supply of solar lights. Under MGNREGA 171 households are registered. The man days reported under MGNREGA in the year 2013-14 was 23 days @ Rs. 135/- per day. In year 2014 till date 7 days work has been provided to the Villagers. It was stated that under MGNREGA 100 days work are allotted but work is not given. Another reason reported by the villagers is that this village is Anchal Village i.e. rural. At the time of socio economic surveys the village has been shown as urban and Panchayat was not consulted. It was mentioned that at every 250 population in a village, one Panchayat is to be formed. Though this village has population of 673, it has been counted as 1 Panchayat. The Commission asked Deputy Commissioner, Tawang to take up the issue with the State Government for rectification. The Villagers said that being a hilly region, there is no plain land for sports etc. The demand raised was that initiatives for promotion of indoor games be under taken by District Administration. The villagers informed that work on the stadium which was under construction has been stopped for want of funds from State Government. In the village, electric and water scarcity is there. The programme under ICDS, Anganvadi is

functioning properly but shortage of material for distribution was reported. The District has a Hospital. People suffer from High Blood Pressure and Gastritis due to dietary habits. Another difficulty being faced is that in Changprong shifting of patient by road from District Tawang to Itanagar Hospital should be improved because every one cannot afford evacuation by Helicopter. Therefore, roads may be constructed or State Government should facilitate the village patients after referral to higher hospitals for treatment.

**2.5.2.6 The Hon'ble Chairperson advised the District Collector to take up the matter with State Government and report to the Commission.**

2.5.2.7 Visit to Kipti Block of Tawang.

2.5.2.8 Kipti Block has Namet, Bomdir, Weikhar, Langputse, KhormtenGonpa, Jyarmang Ani Gonpa, Zyemteng, Tarmang Gonda and Namtungtse villages. Table showing the number of households and population in Kipti Block is as under:

Sl. No.	Name of Village	Total No. of Households	Population		Total No. of Population
			Male	Female	
1.	Namet	36	67	83	<b>150</b>
2.	Bomdir	59	105	130	<b>235</b>
3.	Khormten Gonpa	1	2	0	<b>2</b>
4.	Jyarmang Ani Gonpa	5	0	5	<b>5</b>
5.	Namtungtse	18	43	46	<b>89</b>
6.	Langpuse	30	52	82	<b>134</b>
7.	Zyemteng	30	50	59	<b>109</b>
8.	Tarmang Gonpa	5	10	11	<b>21</b>
9.	Weikhar	19	31	48	<b>79</b>
	<b>Total</b>	<b>203</b>	<b>360</b>	<b>464</b>	<b>824</b>

2.5.2.9 In the block there is Government Primary School at Weikhar, Government ME School at Namet and Primary school at Bomdir where 2,6 and 2 teachers are posted respectively. Dropout reported in the village was nil. There is primary Health Center in Kipti. The people suffer from High Blood Pressure and gastritis. The Director of the Block said that due to hilly climate, people take butter tea with salt which is one of the reasons for this health problem. Under PDS, 113 APL, 40 BPL and 217 AAY ration cards have been issued. In MGNREGA 168 job cards were reported to have been issued. In the year 2011-12, 10 days @ Rs. 118/-per day, in 2012-13, 24 days @ Rs. 124/-per day and in 2013-14, 22 days @ Rs.135/- per day work was provided to job card holders in MGNREGA. The difficulties/problem raised by villagers was that in MGNREGA only 5 man days work have been provided, which is not sufficient. Agriculture is the only source of income of the villagers. The villagers work on roads as labourers engaged by Border Road Organization. Some are working as labourers in Defence sites as porter. Another source of income is making bricks and selling it to BRO. There is no Panchayat Community Centre in the village.

2.5.2.10 ICDS was reported working with 6 centres, 94 children in the centres and 6 Anganwadi workers are there. Old age pension benefits are given to 32 persons. The construction of staff quarters may be completed soon. Under ICDS programme, Anganwadi is running but material like mat, joy toys, weighing machine and other material should be regularly supplied. The honorarium of Anganwadi teachers is Rs. 3000/- and helpers are getting 1500/- which is not paid in time. Timely payment may be ensured and also may be increased equivalent to other States. Asha workers honorarium is Rs. 10,000/- but honorarium has not been paid for last 3 years. Asha kits may be supplied to Asha Workers. people are Cultivating off seasonal vegetables like cabbage, cauliflower, carrot, radish etc on the land available. Potato seeds for multiple farming, gender friendly tool kits, plant protection chemicals and organic manure, training to farmers on modern methods of cultivation are required in the area. The Block Officer informed that the allocation of funds is awaited from State Government. The projects and programmes selection are made by the State authorities under IRYA, whereas villagers said that it should be sanctioned/decided by Local administration. Bathrooms/toilets in the schools are required and also cleaning contract be ensured.

**2.5.2.11 Commission advised the District Collector and officers present – that the problems narrated by the villagers be taken up with State Government. A proposal with regard to increase in man days and timely payment, need based and environment friendly proposals basis may be submitted to State Government under MGNREGA project.**

2.5.2.12 Implementation of reservation policy and Development programmes and implementation of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 held at District Head Quarters, Tawang on 13.12.2014.

2.5.2.13 The discussion on meeting was based on the reply to the Questionnaire furnished by the District Collector to the Commission and the feedback given by the tribals to the Commission during the field visit to Changprong and Kipti Block of the district.

2.5.2.14 Tawang district has 235 villages and 141 hamlets as per the census 2011. The STs population is 34811. Literacy percentage of general male 76.97% female 58.57% total 73.86% of ST male 59.59% , female 44.63% - total 51.79%. There is a gap of 8%. There are no hostels run by Department of Social Welfare for the STs in the district. But at elementary level hostel stipend is granted 575/- and secondary elementary level 600/- per month is paid. The reason informed to the Commission at field visit was that the difficulty in getting the scholarship amount, which is paid at the end of the year. **The Commission advised the District Collector that the scholarship should be paid regularly so that study of students is continued/regular and for want of scholarship, there should not be dropout.**

2.5.2.15 Paddy, maize, millet, wheat, potato and seasonal vegetable (cabbage, cauliflower, broccoli, capsicum, carrot, radish, leafy vegetables etc) in the field of horticulture, fruit such as apple, walnut, kiwi, orange and guava are widely grown. The Commission advised that as the production of above is at good scale and **district should take action for introduction of modern methods of farming like mechanization like power tillers, Paddy de-husking machines, power sprayers,**



**settled cultivation by terracing, vermin-composting, hybrid seeds etc. The Commission suggested to the Collector to initiate programmes marketing and setting up of small industry for processing of Agricultural produces or schemes to be implemented in consultation with ST Financial Corporation in the District.**

2.5.2.16 There is no provision of patta system in Arunachal Pradesh. At village level all the land holdings are either community holdings or individual holdings. However, at district Head quarters there is a provision of allotment of Government land to private individual. 658 numbers of plots have been allotted to STs of Tawang District with the approval of State Government. Under housing and electrification most of the villages have been covered at the proposal etc. Habitant has been sent to REC under the 12<sup>th</sup> Plan. Water supply has been covered to 149 habitants.

2.5.2.17 PDS scheme is working but one of the difficulties noticed at the field level is that under PDS, STs are getting 3.5 litre kerosene oil, which is not sufficient. **The District Collector was advised to take up proposal for increase of supply of kerosene oil on the grounds that Tawang being hilly and coldest area in the State, the supply of kerosene oil to families is insufficient. He suggested District Collector to send the proposal to Food & Civil supply Department for increase of supply of kerosene.**

2.5.2.18 The Commission discussed performance of MGNREGA scheme and the man days reported by the villagers at Changprong and Kipti is 5-7 days. It was informed that under MGNREGA no instance of migration of labour has been reported and there is Annual Action Plan for every year. The Annual Action Plan for 2014-15 had been prepared with a financial target of Rs. 17.10 crore to provide 100 days employment to 7719 households. During 2013-14 man days providing 1.67 lakhs for Tawang is 0.246 and Kipti is 0.209. The Commission suggested the existing provision of engagement of 100 man days of work is needed. Review for commensurate with excess demand in the tribal areas and a proposal should be made for increasing the wages of job card holders because the hard work the labour has to put in the hilly area for lifting in material, cutting of hills etc and hard work comparing to plain area.

2.5.2.19 BRO and Army have taken the land and no compensation had been paid to the village.

2.5.2.20 The Commission observed that Tawang District is located on mountainous area and **attention should be paid for better road connectivity, reliable electricity for the residents of the district. Medical facilities to the people should be improved through more number of specialist doctors in the district and subdivision Head quarters. Specialist in Gynecology, pediatrics, skin specialist, General Surgeon, Radiologists and x-ray machine operator may be recruited and posted to the hospitals as per requirement. Provision of sustainable livelihood to the residents in Tourism sector, Handicrafts etc. is needed. Improvement in farm income by promotion of floriculture, production of high value spices like cardamom, walnuts, strawberries etc. is suggested. Establishment of College and ITI/Polytechnic in the district for professional/vocational education to the locals is required. Promotion of better sanitation facilities to the residents especially in the backward Zemithang-Dudunghar Block of the district is required. There is no restriction on the ST's**

for collecting minor forest produce from their respective private lands or community forests for bonafide use. All the constituencies of Arunachal Pradesh under the Panchayati Raj Institutions are reserved for Scheduled Tribes of Arunachal Pradesh.

#### **2.5.2.21 Visit to Manjushree Vidyapeeth Orphanage, Tawang**

2.5.2.22 The Commission visited Manjushree Vidyapeeth Orphanage which helps and provide basic necessities of life and better education to the orphan, destitute and physically challenged children of the far flung and very remote area. The children of the orphanage hail from different sections of the society cutting across the barrier of the caste, creed, community, gender etc. Children are provided basic necessities of life along with proper education in line with the Buddhist philosophy of love and compassion. The home is meant for those children who have nobody to look after them. The Vidyapeeth is unable to enroll more orphans and destitute as there is lack of accommodation in orphanage. Due to paucity of funds Vidyapeeth is facing difficulty in paying regular salaries to the staff and the daily toiletries, stationeries and clothes to the children.

**2.5.2.22 The Commission observed that Manjushree Vidyapeeth Orphanage is doing a missionary work for orphanage and it should be considered for grant in aid by the State Government and Ministry of Tribal Affairs under the welfare grant. The Manjushree Vidyapeeth Orphanage was advised to approach/apply to State Government and Ministry of Tribal Affairs for considering the Vidyapeeth for sanction of funds/ grant in aid under programems/schemes for upliftment for tribals.**

2.5.2.23 During the visit to Eklavya Model Residential School, Lumla, the Director/Principal of Eklavya Model Residential School informed that at present there are 60 students i.e. 30 boys and 30 girls. The school has 5 teachers of English, Hindi, Science, Sanskrit and Moral Science subjects. The teachers are appointed through Shri Ravi Shankar Management. The emphasis is on moral education and to teach Art of living.

**2.5.2.24 The Hon'ble Chairperson advised that in Tawang Dist. Mongpa community is the main Tribal community and it is centre for learning of Buddhist Philosophy in the entire north-eastern region of India. The school should teach chanting of Lord Buddha and teaching should be in their local language according to their culture. In Arunachal Pradesh, the people speak Hindi language and teachers in Ekalavya Model Residential School are to be appointed from local area. The Hon'ble Chairperson also advised the Director that the children should also be taught science subject.** The Director pointed out difficulties in getting fund. Salary fund is given by the State Government and infrastructure by MTA. The building of the school was ready in year 2010. The class rooms are in good condition with digital black board facilities. The school requires fund for uniform for student as. Separate hostel for boys was also demanded. There is no vehicle for the school for transporting the children to the hospitals or in other emergencies.

2.5.2.25 During the Visit to Chiputa Panchayat and Leiki village under Rose Panchayat, Dr. Rameshwar Oraon, Honble Chairperson, NCST informed the villagers the objective of the visit is to study and know the status of implementation of various tribal welfare schemes and the socio economic conditions of the tribal people. Under the Article 338 A of the Constitution of India The Commission has been given powers for protecting rights of tribals and to safeguard their interest for their accelerated economic development.

2.5.2.26 The population of Chiputa Panchayat is 520 and of Rose Panchayat is 400. The villagers welcomed the Commission with their traditional song Richmo Padombo. The gramudha is Shri Bhumpa Thetada and Shri Updoula was Chiputa Chief.

2.5.2.27 The Commission enquired from panchayat leaders at Leiki and Chiputa Village about the facilities being provided to them in relation to education, health, water and sanitation, electricity, roads and communication, agriculture, irrigation, IAY, MGNREGA and ICDS Aganwadi centres. Villagers informed that there is lack of irrigation facilities at Leiki wet rice cultivation field.

2.5.2.28 The Honble Chairperson said that Commission will discuss with District Collector, State Government and Agriculture Department to provide pump set for irrigation, provision of high yielding varieties of seeds and marketing facilities for agriculture product and on new techniques of farming to increase their productivity.

2.5.2.29 The villages have two Primary schools having 53 students and 5 teachers to teach under ICDS Programme. In Anganwadis mid day meal is provided. One nurse and pharmacist is posted in Health Centre, Doimukh. The supply of medicine is insufficient. There is no road to village although electricity is there. Only 14 man days work is given in the year and payment is given within 10-15 days of work in MGNREGA.

2.5.2.30 Stipend is given to the school students. Middle school is 1 Km. away from Chiputa College is in Doimukh. The villagers demanded that the Government hostels for the students be built, because students have to stay in private hostels which are costlier. To curtail water problem, pipeline may be laid and water be regulated properly. It was reported that area is crime free zone. The villagers asked for a Panchayat Office in the village. The Commission asked the District Collector, Papum pare that villagers are facing problems. The development projects in hills states where small hamlets are located in far . flung and remote areas road connectivity to the villages may be completed in a time bound manner.

2.5.2.31 A review meeting of Papum Pare district in Arunachal Pradesh on implementation of reservation policy and Development programmes and implementation of SCs & STs (PoA) Act, 1989 was held after the visit of the Commission to Chiputa and Leiki villages with Deputy Commissioner and District officials based on the information furnished in the questionnaire to the Commission.

2.5.2.32 Total habitations in Papum Pare District are 485 as per census figures of year 2011. Total number of ST habitations was 1,17,216. It was observed that the literacy percentage of ST male was 80.12% and literacy percentage of ST female was 65.44%. In the District, 190 villages/ ST habitations do not have street lights. The Commission advised the Deputy Commissioner that under RGGVY the proposal should be made and sent to the concerned authorities for early action. The drinking water programmes in the district is run through National Rural Drinking Water Programme (NRDWP).

2.5.2.33 Rice, Wheat, Kerosene etc. are supplied under public distribution system. NRHM scheme and health facilities are there in the district. The common diseases the people face are malaria, diarrhea and typhoid.

2.5.2.34 On the basis of feedback received by the Commission during its visit to Chiputa and Leiki villages, the Commission directed the Deputy Commissioner, Papum Pare district to take action on the problems being faced by the tribal population of the district and to inform the Commission about action taken by the Administration on those issues.

2.5.2.35 The Deputy Commissioner, Papum Pare district assured the Commission to do the needful in the matter urgently.

2.5.2.36 The Commission held a meeting with Chief Secretary and other Senior officers of the State Govt. of Arunachal Pradesh to review the status of implementation of development programmes and reservation policy for STs. in the State of Arunachal Pradesh. The review was based on the reply to the questionnaire furnished by the State Govt to the Commission, and the Review meetings taken by the Commission in districts Tawang & Papum pare of Arunachal Pradesh and the feedback received from the Scheduled Tribe delegates during the field visits to villages changprong, Kipti, Leiki Chaputa of Tawang and Papum pare districts respectively.

2.5.2.37 Beginning the discussion, Hon<sup>ble</sup> Chairperson, NCST focussed the role and functions of the Commission, enshrined under Article 338 A of the Constitution of India. The Chairperson said that the planners should keep in mind the geographical situation while implementing any development project in this hilly State, where small hamlets are located in far-flung and in remote areas. Sharing the experience about his visit to Chiputa village, he informed that he had to walk down with stick to cross the rope-bridge, the Commission realized the problems being faced by the local population and the need to solve their problems through fresh development projects which could be initiated for tribal welfare.

2.5.2.38 Hon<sup>ble</sup> Chairperson appreciated the steps taken by the State Government in the field of education of Scheduled Tribes. Schools were providing quality education to Scheduled Tribes of the State. The Commission observed that the Communication is mainly dependent on surface (road) transport the State and has no Airport. Railways line work was reported to be ready. **The State Government of Arunachal Pradesh may take up the matter with Ministry of Civil Aviation and Airport Authority of India for Airport in the State for connecting remote habitations with less population to International Border areas connected by Porter Tracks and Suspension Bridges.**

2.5.2.39 The Commission observed that Arunachal is lean agricultural State with huge hills and mountains, difficult terrain in which heavy investment is needed for any development activities except foothill areas of Arunachal Pradesh. Due to difficult topography with rocky hills and mountains, transport and communication are very difficult. Arunachal Pradesh is having almost 100% ST population. **Efforts are to be made from the State and the Central Govt. for infrastructure development like roadways, railways, airways and navigation on 5 major rivers in the State. The border roads and adjoining State of Assam should be developed to explore the natural resources of the State. Also, the Govt. should provide incentives for land development in agriculture, horticulture, pisciculture and other livestock in the State with proper marketing facilities.** Arunachal Pradesh falls with virgin natural resources where good number of factories and industries could be established as there is not a single factory or industry where all kind of finished products are marketed to other parts of the country.

2.5.2.40 The Chief Secretary, Govt. of Arunachal Pradesh welcomed the Commission which was followed by the power point presentation on various initiatives taken by the State Govt. for the welfare of Scheduled Tribes of the State. The Chief Secretary mentioned that the problems in one part of the country differ from the problems in another part of the country. Similarly, different part of the State suffers from different problems. There is water scarcity in some hilly parts but in other parts Arunachal Pradesh suffers from problem of excess water as its infrastructures are washed away by heavy rains and floods annually and people living in far-flung areas get isolated and suffer from its aftermath. These problems should form part of development strategy for people to reap the benefit of development.

2.5.2.41 Hon'ble Chairperson observed that the health facilities being provided to the Scheduled Tribes of the State are good despite shortage of Doctors and para-medical staff. In many parts of the State, the people residing at hill are suffering from High Blood Pressure and gastroenteritis.

2.5.2.42 Public distribution system is also effective in providing food security to the Scheduled Tribes of the State. **Hon'ble Chairperson observed that the distribution of supplementary nutritional food to the Scheduled Tribes to mitigate the mal-nutrition among hill based tribes in Tawang and other hill districts is necessary.**

2.5.2.43 The Commission observed that the State General Literacy rate is - 66.95% (Male - 73.69% and Female 59.57%) and Scheduled Tribes is - 64.6% (Male- 71.5% and Female is - 58.0%). More steps are required to enhance female literacy among Scheduled tribes.

2.5.2.44 In Arunachal Pradesh there are 6 Colleges, 18 Higher Secondary Schools, 122 Secondary School and 229 Middle Schools are running. Apart from the above the State having Central Government/State Government/private College of Horticulture and Forestry, under Central Agriculture University, Imphal, Agriculture College, Pasighat, under Central Agriculture, University, Imphal, Central Institute of Himalayan Culture Studies, Dahung, West Kameng Distt., funded by the Ministry of Culture, Govt. of India.

2.5.2.45 Commission noticed that the role of tribal groups in co-operative sector is praiseworthy. There are many registered co-operative societies in the district under the Department of Co-operatives. There are Self Help Groups within the co-operative societies like Co-operative, Textile and Handloom, mini industry, co-operative pisciculture and horticulture including panchayat bodies with full participation of men and women. Arunachal Pradesh is rich in running co-operative societies and organizing many local programmes/ schemes including that of providing food and lodging.

2.5.2.46 Irrigable land in Arunachal Pradesh is very less. From surface water, 6.98 lacs Hectare and from ground water 0.34 lac Hectare land is irrigated which is about 9% of total geographical area of the State. **The Commission during field visit to Chiputa noticed that for lifting water for irrigation pump set is the most essential requirement and that is costly. The irrigation department was asked to look into for providing pump set in different areas of the district at a subsidized rate.**

2.5.2.47 State Government informed that number of beneficiaries under IAY scheme in 2010-11 was 9915 with an expenditure of Rs. 3821.79 lacs. During the year 2011-12, it was 7444 beneficiaries with an expenditure of 4086.81 lacs. During the year 2012-13 it was 9490 beneficiaries with an expenditure of 3652.78 lacs. During the year 2013-14, the number of beneficiaries reduced to 5541 with an expenditure of 4917.73 lacs. Total number of Bank branches is 136; average population served by one bank is 10,174. However, accessibility to bank by the rural population is very low due to distance factor. Credit Deposit Ratio is as Low as 21.22. The Commission advised that State of Arunachal Pradesh to take the issue of opening branches of Banks in hill areas because transportation charges are higher. For example to collect wages under MGNREGA one has to go to Tawang from Chiputa village which costs Rs. 120/-, which is almost equal to one day wage.

2.5.2.48 The schools are equipped with required infrastructure. Stipend of Rs. 560/- is paid to each of the student at Primary level, 560/- at Middle Level, 600/- at Secondary level and Hr. Secondary level. The ST students are provided stipend, Free Text Books, Incentives to Girl students. The Commission said that during the field visits, many tribal representatives met the Commission and demanded for opening up of more hostels for the tribal students. The tribal development is not possible without focusing in the field of education, particularly the tribal females. **The Commission advised the State Government to open more college hostels so that the tribals could come forward to get professional education and higher education. The Commission also pointed out that at many places, hostels have been constructed at far off places and the inmates were facing problem in reaching to various educational institutions for their studies. Proper transport facility should be made available to connect these hostels from the educational institutions.**

2.5.2.49 The Chief Secretary informed that construction of roads, colleges and hostels are at highest priority. There are some constrains in availability of teachers in

urban and rural areas. For Skill development, there is scheme of Ministry of Tribal Affairs and also the State has a scheme in Arunachal Pradesh in which students are sent outside. The State sent the students to outside for better education also. The Chief Secretary said that main problem is due to excess of rain water, as the roads are flooded, power plants are washed away and meager amount of budget is received for repair and renovation.

**2.5.2.50 The Hon'ble Chairperson advised the Chief Secretary that Arunachal Pradesh being the tribal State, there must be a State ST Commission for looking into the problems of STs and for suggesting the ways for their improvement. There was a demand from the Scheduled Tribes of the State to establish a separate Commission for Scheduled Tribes in the State. Presently there is no Commission for the Tribals. Tribal Development Department is catering the needs/implementation of the programme to focus attention on their problems and monitoring of implementation of various developmental programmes being run for them. The State Government should consider this demand in the light of the fact that there is a Commission at the national level.**

**2.5.2.51 The Commission advised the need for bamboo Industry, Textile Industry, hostel for children, IIT, Nursing College, Medical College, Culture tradition, Textile Industries, Lime Industries, Tourism and values of education. Although these industries are at small level should be at the larger scale. It was advised to the Chief Secretary that the State should prepare the schemes and send to the Central Government.** The Chief Secretary informed that the things are moving fast in the State. For example, for food processing plants MOU has been signed, railway lines have been constructed up to Nahar Lagun and there is little difficulty for entry into Arunachal Pradesh. Arunachal Pradesh Government is looking into it and will clear it soon.

2.5.2.52 Discussing about Social Welfare schemes which are under operation in the State, it was informed that Old Age Pension, Rehabilitation of Disabled People, Children in need of Care and Protection and Welfare of Women, Special Nutrition Programme (SNP), Integrated Child Development Programme (ICDS), UDISHA Kishori Shakti Yojana, Swayamsidha Balika Samridhi Yojana are being run in the State. CM's Skill Development Mission, CM's Employment General Council Organizing Job Mela-cum-trainees selection rally, PMEGP Skill Development / Capacity building training programme through RD/UD Employable training under BADP CM's Livelihood Mission School are also being run in the State.

2.5.2.53 Arunachal Pradesh has 810 Health Institutions including 2 General Hospitals, 15 District Hospitals, 63 CHC/PHC, 143 UHC, 03 Dispensaries and 584 Sub-centres. The number of Doctors in the State was reported to be 471 and number of ANM / GNM was reported to be 537.

2.5.2.54 The Commission observed that funds allocated under Article 275 (1) have been 100% utilized. **The Commission noticed that Arunachal Pradesh, which is a tribal majority State, is lagging behind in overall development including the tribal development due to want of funds. Being tribal majority State Arunachal Pradesh does not have TSP and therefore no grants as SCA for TSP is received from Government of India.**

2.5.2.55 The guidelines for implementation of TSP by the States were revised in May, 2003, and further modified in January 2008. Recently in March, 2014, the Ministry has issued operational guidelines for formulation, implementation and monitoring of Tribal Sub-plan and grants under Article 275(1). These guidelines have brought out certain substantive changes in the thrust of the Special Area Programmes, as also some procedural changes. SCA is provided to 22 Tribal Sub-Plan States including the North Eastern States of Assam, Manipur, Sikkim and Tripura and two Union Territories. **The Commission recommends that Ministry of Tribal Affairs and State Government of Arunachal Pradesh should formulate problem based and need based schemes to raise economic and social status of tribals and infrastructural development in the State of Arunachal Pradesh.**

2.5.2.56 **Ministry of Tribal Affairs may also consider devising ways and means to either provide SCA or increasing grants under Article 275(1) of the Constitution to the State which is required for filling the gaps. The funds are very much needed to achieve development goals for the tribal State of Arunachal Pradesh.**

2.5.2.57 The Commission noted that there are several demands related to the construction of roads and for providing vehicle facilities in the tribal villages of Tawang district. **The Commission advised the State Government to pay more attention in construction of roads, transportation, electrification and housing in the tribal areas so that the transportation and communication condition of the Scheduled Tribes could be improved in the State by connectivity to other parts.**

2.5.2.58 The defence personnel also use these Porter Tracks and Suspension Bridges for patrolling in International Borders.

2.5.2.59 The reservation in services under State for the Scheduled Tribes is 80% for group A and reservation of 80% in groups B & C. In promotion within group C it is 80% .

2.5.2.60 **The Commission stressed the need of paying more attention to Tawang district towards the socio-economic development and problems being faced by the tribals of the Districts due to high altitude and cold climate. The Commission observed that more money should be poured for bringing them at par with the other social groups failing which the gap in development will more widen leaving them far behind in development.**

2.5.2.61 The Commission reviewed the implementation of SC/ST (PoA) Act, 1989 and Rules, 1995 in the State. On the basis of the information furnished by the State Government, the Commission observed that State of Arunachal Pradesh is fully domiciled by various ethnic tribal groups unlike other states of Indian Union where



non-tribals are the dominating community, as such the State of Arunachal Pradesh is free from such atrocities.

2.5.2.62 Discussing about implementation of in MGNREGA in respect of tribals it was observed that job cards had been issued in the Tawang to the Scheduled Tribes. On a query, the Commission was informed that the average number of man-days generated per job cardholder was around 15 man days only. During the field visit to village of Kipti, Chiputa, Tawang inhabited by Monpas, the Commission was informed that the villagers were getting only two-three days employment in a month under this scheme. **The Commission emphasized that provisions of the Act give guarantee to the job cardholders for 100 days employment in a year. As the Scheduled Tribes are small and marginal farmers and landless labourers, this scheme has been introduced to generate income particularly in the lean season but in case they are being provided employment for only 15 man days, the Commission could not appreciate the implementation of the scheme. The State Government should try to improve the situation and take up the matter with Central Government.**

2.5.2.63 In the end of the meeting, the Chief Secretary summarized the action point and assured the Commission that the State Government shall consider the recommendations of the Commission seriously and take action on the issues discussed in the meeting. He thanked the Commission for visiting the State and discussing the issues pertaining to the Scheduled Tribes of the State.

2.5.2.64 The Hon<sup>ble</sup> Chairperson, NCST met Chief Minister of Arunachal Pradesh Sh. Nabam Tuki after State Level Review meeting and discussed the gaps identified by the Commission in implementation of the safeguard of the STs in Arunachal Pradesh during the visit and monitoring of the same It was discussed that in the ST list of Arunachal Pradesh necessary corrections in the nomenclature of various tribes of the State which are wrongly depicted and about wrong depiction of name of the tribes in the ST certificates have been hampering the local youths to get the desirous benefit provided by the Central and State Governments. Numerous representations and proposals have already been forwarded to the MTA for consideration. The Hon<sup>ble</sup> Chairperson said that he will take up the matter with Ministry of Tribal Affairs to expedite the pending issues/clarification to the State of Arunachal Pradesh following the modalities on the subject. Following issues were also discussed in the meeting:

1. Concern about racial discrimination meted out the people of North East outside the North Eastern States.
2. (2) Implementation of the Bezbarua Committee report and inclusion of a chapter on tribes, their culture and tradition especially focusing on northeast tribal communities in CBSE syllabus.
3. (3) Arunachal Pradeshq being cent- percent tribal State, GoI should consider opening of a Tribal University. The State Government assured to provide land for the University.

4. (4) To better facilitate ST students, the Scholarship for the tribal students pursuing professional courses inside and outside the State is to be considered.
5. (6) Commission recommended State Govt. to constitute a State ST Commission for safeguarding the interests of STs.
6. (Action by State Government/MTA/MHRD)

2.5.2.65 Dr. Rameshwar Oraon, Chairperson NCST met the Lt. Governor Gen (Retd) Shri. Nirbhay Sharma and apprised him about his visit to Arunachal Pradesh and field visits of District Tawang and Papum pare. Status of development of various programmes for the STs and the gaps identified by the Commission were also discussed. The Commission emphasized to fulfill the needs of tribal communities of the State on the basis of observations during the field visits and requested him to oversee the implementation of these programmes.

### **2.5.3 VISIT OF NCST TO THE UNION TERRITORY OF PUDUCHERRY FROM 31.08.2014 TO 03.09.2014 IDENTIFICATION OF COMMUNITY AS SCHEDULED TRIBES IN UT OF PUDUCHERRY NAMELY((I) IRULAR (INCLUDING VILLI AND VETTAIKARAN),(II) KATTUNAYAKAN, (III) MALAIKURAVAN, (IV) YERUKKULA AND (V) KURUMAN**

2.5.3.1 The Ministry of Tribal Affairs vide letter No. 12016/7/2014-TA(RL)/C&LM-1 (part-II) dated 07.11.2013 have sought the comments of the National Commission for Scheduled Tribes on the Identification of communities as Scheduled Tribes in UT of Puducherry namely (i) Irular (including Villi and Vettaikaran), (ii) Kattunayakan, (iii) Malaikuravan, (iv) Yerukkula and (v) Kuruman enclosing therewith a copy of the Ministry of Home Affairs D.O. No. 8/1/2004-SS (Puducherry) dated 21.06.2013. Pursuant to above proposal, the National Commission for Scheduled Tribes vide letter No. Puducherry/1/ Policy/ 2013/RU-IV dated 04.03.2014 wrote to the Chief Secretary, Government of Puducherry, Puducherry asking for French Government conducted extensive field surveys and records of population of these communities with reference to census of 1931-51-61 etc. to show original population in different parts of the State and the development of habitation of tribals. This letter was followed by subsequent reminders, also.

2.5.3.2 The Union Territory of Puducherry endorsed a copy of the letter No. 528/Secretary(Welfare)/2014 dated 29.03.2014 addressed to the Consulate General of France, Puducherry to provide the data regarding field survey records of population with reference to Census of the years 1931-51-61 etc. to show original population of the tribals in different parts of the State and the development of habitation of tribals as required by the National Commission for Scheduled Tribes for examining the proposal for identification of communities as Scheduled Tribes in the UT of Puducherry.

2.5.3.3 The Union Territory of Puducherry vide letter No. 17016/6/AWD/2-14 dated 29.04.2014 intimated that the Consulate General Puducherry have informed that all local records had been handed over to the Government of India on the day of departure of the French Administration as per the Treaty of Cession.

2.5.3.4 The proposal for identification of communities as STs in UT of Puducherry was discussed in the 52<sup>nd</sup> meeting of the National Commission for Scheduled Tribes held on 23.01.2014 as Agenda Item III. The Commission noted that the Ministry of Tribal Affairs has 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, as ST in the UT of Puducherry. As per the approved modalities for inclusion of and exclusion of communities from the list of STs in relation to a state or UT, the proposal and the recommendation along with justification furnished by the UT Administration of Puducherry was referred for comments/views to the Registrar General of India by the Ministry of Tribal Affairs.

2.5.3.5 The Registrar General of India, vide letter No. 8/1/2004-SS(Puducherry) dated 21.06.2013 has supported the proposal for identification and notification of Irular (including Villi and Vettaikaran) only as Scheduled Tribe in the UT of Puducherry and did not support 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 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.

2.5.3.6 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 shortcoming 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 areas specifically inhabited by the communities included in the proposal and submit a report to the Commission for consideration.

2.5.3.7 Pursuance to the decision, a team headed by Dr. Rameshwar Oraon, Chairperson, NCST and accompanied by Shri R. Vijaykumar, Secretary and Director visited to UT of Puducherry for identification of Scheduled Tribe Communities in the UT of Puducherry from 31.08.2014 to 03.09.2014.

2.5.3.8 Geographical conditions of Union Territory of Puducherry and Background

2.5.3.9 The Union Territory of Puducherry consists of four regions, namely, Puducherry, Karaikal, Mahe and Yanam lying geographically isolated from one another. Puducherry region, which is on the east coast, about 162 kms. south of Chennai is the largest of these and consists of 12 scattered areas interspersed with enclaves of Villupuram district and Cuddalore District of Tamilnadu. Karaikal region is

about 150 Kms. south of Puducherry and it is surrounded by Nagapattinam District of Tamilnadu. Yanam region is located about 840 Kms. north east of Puducherry near Kakinada in Andhra Pradesh. Mahe region lies almost parallel to Puducherry 653 Kms. away on the west coast near Tellicherry in Kerala.

2.5.3.10 Area and Population of the Union Territory of Puducherry is 479 sq.kms. in area and has a population of 12,47,953 consisting of 6,12,511 males and 6,35,442 females according to 2011 census.

2.5.3.11 Status position of Communities proposed to be identified as STs as assessed by UT of Puducherry. The 2011 Census report states that there are no Scheduled Tribes in the Union Territory of Puducherry.

2.5.3.12 Accordingly, the Union Territory of Puducherry Government referred the matter to the State Level Commission for Backward Classes, Puducherry. The State Level Commission for Backward Classes, Puducherry in the 36<sup>th</sup> Report submitted to the Government of Puducherry on 28.05.2009, opined that the total population of Puducherry Union Territory is 9,74,345 as per 2001 Census and out of this, the total population of the above said Most Backward Class People was less than 1% even though their population is less than 1%, the State Level Commission for Backward Classes has taken into consideration the extreme backwardness in the social, educational and economic fields of these tribes, of reservation quota so far, their lowest strata in the Society and that they could not compete with the Other Backward Classes and Most Backward Classes, all other kinds of their practical set-backs and the need for providing them separate reservation.

2.5.3.13 The State level Commission of Backward Classes recorded the following Communities as Backward Tribes.

1. Irular (including the Sub-Castes . Villi, Vettaikarar)  
(Puducherry and Karaikal Region)
2. Malaikuravan/Malakuravan (Puducherry, Karaikal and Yanam Region)
3. Kattunayakan (Puducherry, Yanam Region)
4. Yerukula (Puducherry and Yanam Region)
5. Kuruman/kurumans (Puducherry Region).

2.5.3.14 The State level Backward Class Commission unanimously recommended the deletion of the castes found in MBC list viz (1) Irular/Vettaikaran/Kattunayakan and (9) yerukula.

1. The Lieutenant-Governor, Puducherry accepting the recommendation of the State Level Commission Backward Classes, ordered that the afore-mentioned MBC castes shall be declared as ~~B~~Backward Tribes in the Union Territory and 1% reservation shall be provided to them in respect of recruitment to Group ~~C~~ and ~~D~~ posts and schemes operated under the Government of Puducherry and

ordered that the said castes shall henceforth stand deleted from the MBC List of the Government of Puducherry. Copy of G.O.Ms. No. 6/2010/WEL/SW-V dated 09.06.2010 (Annexed).

2. In this respect two orders were issued by the Government of Puducherry issued G.O.Ms. No.5 dated 12.04.2010 providing 1% reservation in educational benefits to the Backward tribes and extended further reservation benefits in respect of recruitment to Group C & D posts as well as admission in educational institutions and socio-economic welfare schemes vide G.O.Ms. No.6 dated 09.06.2010. (copy of G.O.Ms. No. 5/2009/WEL/SW-V dated 12.04.2010 (Annexed).

2.5.3.15 During the Visits to T.N. Palayam (Habitation) and Vadanur (Habitation) on 01.09.2014, the Commission met the local residents of Irular and other communities residing in TN Palayam and talked to them. It was observed that the Irular speak and dialect in Tamil with many canarese words and phrases. They live in small thatched houses built with the locally available wood, grass and clay. There are very few houses built with bricks and tiles. Some of the houses have cane wattled (thattis) walls, some of them daubed with clay and rest of the houses are only with wind screens made of coconut fronds. The roofing material used for these huts is either cocomettears or the stalk of cumbu, a kind of wild grass cut and moved from the forest. In the house of Smt. Mayawalli Irular, there were few utensils. The vessels used by them were either earthen pots or aluminium. For storing grains they use big mud clay. Irular use wooden combs, plastic combs and mirrors. Most of the houses have furniture like chair, wooden cots. The facility of electricity through one bulb scheme is provided by the Government in the village. The men folk are found in short dhoties and half sleeve shirts. Irular cover their bodies with banians instead of shirts. Their women wear coloured sarees of six or seven yards length. For hunting, the Irular use different kind of hunting instruments like Kanni, (Squirrel catching net) Koondu kanni (squirrel catching equipment) suluki (sparrow) net, for the fishing they use nets and hooks. The Irulas welcomed the guests by playing drum, mud pot etc. Irular are very good in singing traditional folk song. The food habits of Irulars is the rice which is supplemented by millets. The millet flour is cooked with water in the form of porridge locally called kozu. Irulas are skilled hunters and they practice small game as their present habitat does not permit for big game hunt. Irular hunt rabbit, wild fowl, gauna, squirrel, tortoise, field rat and wild boar. The flesh of field rat, rabbit wild boar and tortoise is cooked as curry. The flesh of bison, cow or buffalo is forbidden. They eat the flesh of any other hunted annual animals and birds. Hunting, gathering, rat trapping, agriculture labour and wage labour are their main economic activity. Irular are skilled in catching the snakes and sell their skins. The scope of snake catching too has reduced as the natural scrub jungles have dwindled in size and also due to the restrictions imposed by the forest department on snake trapping. Irulas worship Kannimar, their tribal diety and Mariamma, the general goddess of epidemic disease. Rice, Jaggery, rice flour, betel leaves and arecanuts are offered while praying. About Irulas marriage tradition, it was informed that they show a blend of the most primitive type of traditional marriage type and the universal form of marriage through negotiation through the sporadic incidence of marriage by elopement. They follow traditional marriage system. Before a boy wants to marry a particular girl, an agreement is reached between the parents and the elders of the spouses to allow them to live

together. The boy goes to the girls house with a head load of fire wood and he is accepted into that house. It is said that the boy is even allowed to live with the girl in a separate house for one or two days. This is allowed to understand each other psychologically. It was noted that most of the Irulas in the villages were living below the poverty line. Irular are landless. Irular are affected by coming in contact with outsiders. They are landless and have occupied government land and constructed houses. The schools are outside the villages. The villagers have to go to school by bus which poor people cannot afford. The Irulas children drop out rate from schools are higher due to poverty and also non issuance of their backwardness certificate.

2.5.3.16 During the field visit to Irular T.N. Palayam village habitats it was found that there is no toilet facility and they all go to the open field. There are 268 persons getting Rs.1100/- each as pension and 10 Kg rice under the Antyodaya Yojana. There is no pucca roads in the village not even kharanja. 20 peoples have been given patta by the UT of Puducherry and 16 are yet to get Pattas. It was also reported to the Commission that they have not been issued ration card.

2.5.3.17 During the Visit to Vadanur Habitation, the Kattunaickan and Irular inhabited villagers welcomed the team of NCST in traditional manner and culture pigs in hands, tortoise etc. They speak among themselves in their own dialect which is very close to Kannada language. They speak Tamil and Telugu language also. There is no separate language script for Kattu Nayakan. The Commission noted Kattu Nayakan tribes have constructed their houses on Government land in the village with mud walls. There is no ventilation in the huts. They use mud pots to preserve drinking water and for cooking purpose. Kattu Nayakan are using vessels made of aluminium and plastic. They are non vegetarians and eat flesh of the animals they hunt. Both men and women as well as children actively participate in pig rearing. They collect herbs from the near forests/fields and are also indulge in snake catching and prepare medicine. They workshop Kanniamma under Neem Tree.

2.5.3.18 The NCST team visited Nallambal (Habitation), Karukankudi (Habitation) on 02.09.2014 along with officials habitation of Union Territory of Puducherry in Karaikal District. It was informed that in Karaikal District the followings are habitated.

Name of Community	In habitation
Malaikuravan & Kattunayakan	1. Karukankulam 2. Nallambal 3. Thomas Arul thedal Ambethkar Nagar Karaikal 5. Sethur 6. Sellur Kezhakasakudi (colony theru) 8. Kottuchery 9. Poovam T.R. Pattinam Nellithedal, Neravy Class theru, Thaikaltharu Karaikal Karaikal, Kattunayakantheru

2.5.3.19 In the village Nallambal the Commission met the Malai Kuravan/Mala Kuravan habited persons. Shri A. Ayur is the head of the Village. About 50 houses are there in the village. Villagers are ration card holders. The villagers have been given LGR pattas. Out of 350 houses, 100 persons have got pattas. But for construction of houses then have been given 2 lakhs rupees for construction of houses but SC are given Rs.4 lakhs. The villagers said that amount being provided to them as Back ward classes by the Government is giving less benefits in compensation to SCs. 10 Kg free rice is distributed to them being BPL. The villagers have been provided electricity under one bulb scheme. Water meter connections have also been given and the system is regulated by Joint Electricity Board. It was made known to the Commission that the Kattunayakan have a marital relationship with the adjoining villages of Thiruvanamalai District (Tamil Nadu). The Kattunayakan in the village worship nature and malikuravan worship mother Veeran, Kaliaamma-Mariamman diety periya anundan.

2.5.3.20 During the Meeting with Anthropologists, Sociologists and representatives of Associations, the team of Commission discussed the Report on Identification of the Scheduled Tribes in Pondicherry written by Dr. T. Subramanyam Naidu, Head and Project Director, Department of Anthropology & Centre for Future Studies, Pondicherry University.

2.5.3.21 It was informed that the report was published 13 years back on the task of identifying indigenous cultural groups which are popularly known as tribes, in a cosmopolitan place like Pondicherry, where the overlapping of cultural types is predominant. is a herculean effort. This requires a high degree of scholarship, sincere and perseverant effort, unambiguous vision and a sense of responsibility.

2.5.3.22 The Department of Anthropology, Pondicherry University with the financial support and request from the Government of Pondicherry, through the order No. G.O.Rt.No.76/2000-Wel(SCW) dated 23.02.2000 has undertaken the task to Identify and Prepare Ethnographic Account of the Tribes of Pondicherry Union Territory. The study is mainly aimed at finding out whether there are tribal groups present in the four segments of the Union Territory viz. Pondicherry (proper), Karaikal, Mahe and Yanam. The study also embrace the various facts of their way of life and ethnographic aspects-social, economic, educational, religious conditions and their level of change from the traditional mode of life.

2.5.3.23 The Commission was informed that extensive field work was done for collection of the data. The Tribes are scattered in small groups throughout Pondicherry regions, and care was taken to draw representative samples and to prepare the ethnographic profile. As many as 150 villages were studied. The data, thus collected, were checked, and analysed. Draft chapters were framed to form the basis of series of discussion held with the scholars.

2.5.2.24 During the discussion, it was highlighted that the constitution accords great importance to the protection and advancement of the tribal people and it lies in the realm of Anthropology to examine how the constitutional provisions are operating

in the field. More particularly, it should be seen whether the genuine tribal groups get the opportunity to be benefitted out of constitutional provisions.

2.5.2.25 The tribes of Pondicherry are portrayed based on enquiry and observation. The resultant work corroborated Max Muller's observation, "India is like a living ethnological Museum".

2.5.2.26 The objective of the study was framed to identify the tribal ethnic groups who exist from times immemorial in the Pondicherry State, so that the Government may extend constitutional benefits to those deserving groups.

2.5.2.27 The Commission discussed the study report with background of Ethnographic survey of India, Identification of Community, Declaration of Scheduled Areas, Methodology and research design, sources of data and execution and editing. In the census of 1991-2001 these communities were not enumerated in the recent census 2011 i.e. caste base they have been mentioned as STs. It was also told to the Commission that the people have been living in UT of Puducherry since French time. The French role came to end in 1954 the president order was issued in 1964.

2.5.2.28 In the meeting, the representatives of Association also participated and given representations.

2.5.2.29 During the field visit to Kattunaikan street (Karaikal), the Commission's team visited to Kattunaikan Street of Karaikal on 02.09.2014 and met the families of Malaikuravan community. In this regard, following information was given to the team:

2.5.2.30 Malaikuravan speak a dialect of withan, admixture of Tamil, Malayalam and Telugu. Their dialect contain more Tamil words and phrases than Malayalam and Telugu. Malaikuravan houses are constructed at out-skirt of the town and villages as they are not permitted by the local communities to live with them. They have permanently built huts/house in unoccupied Government land on the road side.

2.5.2.31 Malaikuravans are non-vegetarians. They eat pork, mutton, chicken, tortoise, squirrel, lizard and all kinds of birds. The staple diet of the people consists mostly paddy and ragi. They supplement it by collecting roots and tubers from the forest around. The edible roots collected by them in the forest are (i) Vallikizhangu (ii) ravakizhangu (iii) Kottikizhangu. These tubers are either boiled and eaten or roasted in the fire and then eaten. The shape in which the rice is consumed is by cooking it in water and eating it with a sauce in solid form. They grind the ragi into flour first and then cooked it into a thick paste called kali. The kali is eaten with a sauce made either with pulses on with tamarind and with green chillies.



2.5.2.32 Malaikuravans also eat wild berries and fruits collected from the forest. Some of the common items collected are nellikai (gooseberry) Kelakkai, Kallikai, Kadalaipazham, ilanthai and karunjuri. They prohibit the flesh of bison, cow and buffalo. They consume tea and coffee moderately in the roadside stall. Both men and women regularly take either kallu (toddy) or sarayam (arrack). Men smoking beedis or cigarettes. Women are having habit of chewing tobacco and betel leaves with arecanuts.

2.5.2.33 Malaikuravan are landless community. They are traditionally pig rearers and hunters. Most of them are experts in hunting and bird catching. They have a variety of handmade snares for hunting instruments like, kanni, kooundkanni, suliki, net etc. At present their primary occupation is pig rearing. It is the economic resources for them. Another important source of economy is basket making and scavenging. On enquiry from ladies, it was known that the women are doing scavenging in the houses and roads. Malaikuravans sell the baskets directly to the customers and get money out of these sale.

2.5.2.34 Malaikuravan follow consanguineous and non-consanguineous marriages. The most common type of consanguineous marriages are marrying mother's own sister's daughter, marrying father's own sister's daughter and marrying sister's own daughter. Monogamy is the rule but polygamy, is allowed. These people also allow polyandry, levirate and surrogate types of marriages. Marriage by negotiation, elopement and marriage by service are the usual forms of marriage.

2.5.2.35 Malaikuravans worship the ancestral spirits and also forest deities like Vedapper, Iyanaarappan. They worship a variety of village deities. Every year they celebrate the family deity festival during the month of April-March. In the festivals days they sacrifice pigs, cocks and goat. In every festival they eat sumptuously pork and consume alcohol. They observe, Deepawali and Pongal.

2.5.2.36 The Malaikuravans accept all kinds of food and water from other community people. They visit Hindu religious shrines and participate in traditional festivities in the local temples. Some of them directly depend on land holding communities which provide them wage labour for working in their fields.

2.5.2.37 Mr. Sankaran alias Fakiriswamy . Kattunayakan explained the request about their claim of ST. About it was informed that they are STs in adjoining states. They are not getting several benefits of STs in UT. The ladies of the Kattunayakan street informed that their occupation is coolie, agricultural field labour, sanitary work in municipality, Toilet cleaning, Gardening, road cleaning, College toilet cleaning, cleaning toilets in houses at rate Rs. 20 per day. Smt. Saroja, Smt. Sundran, Malaikuravan makes basket in the street.

## YERUKULA

2.5.2.38 Yerukula is a large homogeneous ethnic group found in Andhra Pradesh, Tamil Nadu and Karnataka, the name Yerukula is popular in Andhra Pradesh, while in Mysore and Madras they are called by the name Kuluvaru or Koravaru, because Yerukulas are fortune tellers. The word Yerukula is linked to the Tamil word arital which means knowing. It has more linguistic meaning akin to Tamil and Telugu.

2.5.2.39 They speak among themselves, in their own dialect called Yerukula Bhasha or Odra which is corrupt polyglot of Telugu, Tamil and Kannada. With others they speak in Telugu or Tamil. The literacy level is very low and most of the elders are uneducated.

2.5.2.40 Yerukula speak non literary Dravidian dialects-It differs from Tamil to a great extent in phonology but less in grammar, it has more linguistic features akin to Tamil and Telugu. It however has a number of lexical items similar to Telugu. The Telugu speaking Yerukulas people of Yanam called themselves as Yerukala, Yerukalavandlu, Erakala, Erakalavaru and Tamilians and refer to themselves as Korcha and Korva. The Yerukulas in Pondicherry speak both Tamil and Telugu.

2.5.2.41 Yerukula use hunting spear called gabicam mostly used for spearing wild cat. This consists of log stick fixed with a pointed iron piece. Yerukula use net (wala) for catching rats, squirrels, cats etc. This net is made of nylon thread.

2.5.2.42 The Yerukula's economic system is primitive one. Their economic activities consist of hunting and pig rearing and basket making. Earlier they were nomadic in nature but now they are living settled life. They are taking their pigs for grazing to nearby villages. Traditionally, Yerukulas are fortune tellers and basket makers. But in Yanam, they neither practise fortune telling nor possess any agricultural land for cultivation. They resorted to make baskets, ropes and mats with date palm leaves (typha angulata) available in their surroundings. Some of them rear pigs as both primary and secondary occupation while a few of them indulge in agriculture labour. The flock of the pigs, which is of great demand for their meat and dearer in cost, adds to their revenue. They have no control over the resource but acquire proprietorship on the basketry, pigs etc.

2.5.2.43 During the meeting with the Chief Secretary and other officers of UT of Puducherry, the Commission discussed the purpose of the visit and stated that Commission had visited villagers in Puducherry, Karaikal had meeting with Anthropologist, Experts and Associations. The Commission wanted to know the French Government record and census report of 1931, 1951 and 1961. The Commission enquired that in the year 1964 a notification of SC was based on 1961 census. The Commission noted the records for not identifying their population details and similar action at that time for STs.

## Conclusion

2.5.2.44 On the basis of the observation and information gathered by the Commission during the field visits, meeting with representatives of different organizations, social groups, individuals, anthropologists, district and UT level authorities, the Commission found that Irular (Villi and vettaikaran) community of the UT of Pondicherry possess Tribal characteristics and qualifies the parameters laid down for identification of Tribal community. Moreover this community of the UT, in its economy, marital traits, religions activities, Traditional community councils etc. have retained their tribal characteristics. Hence, it can be concluded that the Irular (villi and vettaikaran) qualities/fulfills the criteria for inclusion of the community in the ST list of UT of Puducherry.

2.5.2.45 **As regards to Kattunayakan of UT of Puducherry it was observed that they are working as scavengers, watchman, sweepers and agricultural labourers and are treated untouchable in UT. Their status is lower to other communities in the society. They are not found interacting with other groups and no inter-dinning and inter marriage relationship was not found. They are also following traditions occupation like Pig rearing and Basket making.**

2.5.2.46 **This community has been provided tribal status in adjoining and other southern states of Tamil Nadu (Sl. No.9), Andhra Pradesh (Sl. No.11), Karnataka (Sl. No.20) and Kerala (Sl. No.9). The UT administration should come forward with more probative information in support of identification of the community as a ST in the UT.**

## Mallakuravan

2.5.2.47 In the UT of Puducherry, this community is scattered all over Puducherry and Karaikal district. Their houses are mostly constructed on out skirts of the town and villages as they are not permitted by the local communities to live with them. They are landless community and have occupied Government land and built houses. They are traditionally pig rears and hunters. They are also indulged in scavenging and basket making. **It was felt by the Commission that UT administration should furnish more information pertaining to this community on the parameters fixed by the Government viz. indication of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness etc. in support of identification of this community as ST of UT.**

2.5.2.48 On the basis of published reports, discussion with UT level and district level officers and associations of different social groups, the Commission observed Yrukulac are found in smaller numbers in Puducherry and Yanam. This is basically a hunting and food gathering community and their economic activities consists of

hunting, pig rearing and basket making. Traditionally they are fortune tellers and basket maker.

2.5.2.49 It is observed that this community accepts food and uncooked food from other high caste but retain from eating from the levels of Scheduled Castes. They tender sooth saying the traditional occupation to both the higher and lower castes.

2.5.2.50 RGI has also mentioned that this is a migrant population from the adjoining state of Andhra Pradesh. It is noted that Yerukulas is ST in Andhra Pradesh at Sl. No. 33. **The Commission has observed that before formulating any opinion regarding identification of this community as ST, the UT Administration should carry out detailed ethnographic and socio-economic surveys/studies pertaining to this community to substantiate the claim for identification of this Community as ST in the UT of Puducherry.**

### Kuruman

2.5.2.51 On the basis of detailed discussion held by the Commission with the representatives of Kuruman community, officers of UT and district administration and other social groups and taking into consideration the views of RGI commented vide D.O. No. 8/1/2004-SS/Puducherry dated 21.06.2013, the Commission of the view that this community is having a meagre population of about 100-125 in the UT distributed in nine villages. They have their own Tribal council with the Head man who is respected and obeyed in the community. The Kuruman consider themselves lower in status due to their traditional occupation of hunting and basket making. They are also working as scavengers and watchman, they treat themselves superior to SCs. However, **the Commission noticed that detailed statistical information regarding their original habitat in Puducherry w.r.t. census records of 1931, 1951 and 1961 is lacking to formulate any opinion of this population in Puducherry in respect of their limited population.**

### RECOMMENDATION

2.5.2.52 In view of above conclusion, it shall be appropriate to identify and include Arularq (Villi and Vettaikaran) as ST for the UT of Puducherry. **As regard to Kattunayakan and Mallakuravan the Commission feels that more discussion and exchange of views is required with RGI and UT administration before formulating final opinion about their identification and inclusion as ST community of the UT of Puducherry.** With regard to Yerukula and Kuraman, the UT administration should substantiate its claim for identification and inclusion as ST in UT of Puducherry as suggested in the preceding paras above. The Commission shall also make efforts to interact with RGI and UT administration and also to carry out field visits (if required) to further examine the claim of identification of Kattunayakan, Malaikuravan, Yerukula and Kuruman communities as ST of the UT and has decided to keep it open for future assessment.

## **2.5.4 Visit of State of Jharkhand**

### **A. Visit of Gumla District on 18.6.2014**

2.5.4.1 Following recommendations were made by the Commission during review of 52 incidents of atrocity cases on Scheduled Tribes in Gumla District:

- (i) There has been delay in investigation of atrocity cases and the investigation should be completed within the stipulated time under the SC and ST (PoA) Act, 1989.**
- (ii) Many accused have not been arrested for the last many years.**
- (iii) In many cases Superintendent of Police, Gumla has not forwarded the proposal for providing monetary relief to the victims and the officers are not aware about the procedure of the same. Monetary relief should be provided to the victims at the earliest.**
- (iv) As per the provisions of the SC and ST (PoA) Act, 1989 and related rules, a quarterly meeting of Deputy Commissioner, SP and District Welfare Officer should be held to review such cases and taking immediate action but no such meeting was being organized in the District. SP and District Welfare Officer were advised to follow the above instructions.**

### **B. Visit to Lohardaga District on 25.10.2014**

- (i) The tribals of Pakhar village under Kisko Block of Lohardaga District have informed that they are residing in the house constructed on the land of the Forest Department for many years and also practicing agriculture. They had submitted claims for Forest Right Pattas but they have not been provided the above pattas. They should be provided forest rights. The Commission advised the Deputy Commissioner, Lohardaga to consider the claims as per rules and provide them individual and community rights. The tribals and the implementing officers should also be educated on the provisions of the Act.**
- (ii) There is water scarcity in Hilly areas of the Block. The people are taking water from the waterfalls and other sources for their daily use. The Deputy Commissioner, Lohardaga is advised to make arrangements for lifting the water available in the water falls for providing drinking water in the Pakhar Village and other villages of the Block.**
- (iii) The Deputy Commissioner should examine the demand of local tribals for opening a High School in the area. Simultaneously, the Tribal Welfare Department should take necessary steps for construction of Hostel for the students in the Pakhar Village of the Block.**

2.5.5 Visit of National Commission for Scheduled Tribes to Chhattisgarh State regarding proposal on inclusion of ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra, Saoraq as synonym of Sawar, Sawara community listed at Serial no. 41 in the list of Scheduled Tribes of Chhattisgarh State

2.5.5.1 A team of the Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST, New Delhi and accompanied by Smt K.D. Bhansor, Director, NCST, New Delhi, Shri R.K. Dubey, Assistant Director, NCST, Regional office, Bhopal and Shri P.K. Das, Senior Investigator, Regional office, Raipur visited Raipur, Mahasamund and Baloda Bazar- Bhatapara districts of Chhattisgarh State from 17-02-2015 to 20-02-2015 to ascertain the ground position in the process of examination of the proposal of the State Government to include the ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra, Saoraq as synonym of Sawar, Sawara community listed at Serial no. 41 in the list of Scheduled Tribes of Chhattisgarh State.

2.5.5.2 Wide publicity was given to the public through print and electronic media about the visit of the team of the Commission. The team visited Pathrla village in Basna Tahsil of Mahasamund district and Bodadih village in Bilaigarh Tahsil of Baloda Bazar . Bhatapara district, which are the habitations of ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra and Saora community, where large number of leaders and individuals of the community across the State had gathered for interaction with the team. Information related to the cultural aspects, rituals, traits, method of worship, marriages, language, occupation, social structure, totem, Gotras, method of agriculture, agricultural equipments, utensils, present status of socio-economic development, representation in Government services, elected bodies etc. were collected by the team through detailed discussion with the representatives of the ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra and Saora, Sawar and Sawara community, other tribal groups and other interested persons. It also discussed the matter with Secretary, Chhattisgarh State Commission for Scheduled Tribes, Assistant Commissioners (Tribal Development), Sub-divisional officers (Revenue) and Tahsildars of the area to understand various aspects of the issue.

2.5.5.3 As per para (c) of the modalities for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list approved by The Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15-06-1999 and 25-06-2002, experts in the field of anthropology were also associated. In this regard, a meeting was held with **Secretary and Commissioner, Tribal & SC Development Department, Govt. of Chhattisgarh, Director and Deputy Director, Tribal Research & Training Institute, Raipur and Deputy Director, Anthropological Survey of India, Sub-**

**regional Centre, Jagdalpur, District- Bastar** (C.G.) where the issue was discussed in detail by the team of the Commission. Deputy Director, Anthropological Survey of India, Sub-regional centre, Jagdalpur (C.G.) presented copies of published articles on anthropological and ethnological studies related to the community. The observations and findings of the Commission's team on the subject are, as under:

- (i) Sawar and Sawara community is listed at Sl. no. 41 in the list of Scheduled Tribes of Chhattisgarh. The Community is predominantly found in Mahasamund, Baloda Bazar-Bhatapara, Raigarh and Janjgir- Champa districts, which are nearer to or bordering Odisha State but the community is also found in almost all the districts of the State. In Odisha, Saora, Savar, Saura, Sahara etc. is listed at Sl. no. 59 of the list of Scheduled Tribes of the State. Similarly, Sawar, Sawara is listed at Sl. no. 45 of the list of STs of Madhya Pradesh. It is also listed as Scheduled Tribe with same or similar community names in the lists of Scheduled Tribes of Maharashtra, Jharkhand and West Bengal States.
- (ii) In the pre-independence old revenue records and publications of Chhattisgarh State, the name of this community has also been written as ~~S~~Saura, Sahara, Soura, Saunra, Saonra and Saora which are one and the same as ~~S~~Sawar, Sawara which is listed at Sl. no. 41 in the list of Scheduled Tribes of the State. The name of the community has been recorded differently in the pre-independence old revenue records / *misal Bandobast* due to degeneration/corrupt form of **Savar** word, phonetic variation and nasal pronunciation in different parts of the State. Previously, the persons having ~~S~~Saura, Sahara, Soura, Saunra, Saonra and Saora written in their pre-independence old revenue records were issued ST caste certificates by the revenue authorities treating them as ~~S~~Sawar, Sawara which is listed at Sl. no. 41 in the list of Scheduled Tribes of the State.
- (iii) The Supreme Court, in AIR 2001 SC 393 (State of Maharashtra Vs. Milind), observed ~~that~~ *the Scheduled Tribes order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribe order if they are not so specifically mentioned in it*. Pursuant to the above order of the Supreme Court, the revenue authorities started denying issuance of ST caste certificates to the persons having ~~S~~Saura, Sahara, Soura, Saunra, Saonra and Saora written in their pre-independence old revenue records.
- (iv) Though the name of persons belonging to ~~S~~Sawar, Sawara community has also been recorded as ~~S~~Saura, Sahara, Soura, Saunra, Saonra and Saora in the pre-independence old revenue records and publications, they are not being issued Scheduled Tribes community certificates on the plea that the words ~~S~~Saura,

Sahara, Soura, Saunra, Saonra and Saora have not been included in the list of Scheduled Tribes of Chhattisgarh State. Thus, they are being denied their constitutional rights.

- (v) Social organizations and leaders of ~~᳚~~Sawar, Sawaraq community have been consistently raising the demand for inclusion of words ~~᳚~~Saura, Sahara, Soura, Saunra, Saonra, and Saora after ~~᳚~~Sawar, Sawaraq Sl. no. 41 in the list of Scheduled Tribes of Chhattisgarh State and to treat them ~~᳚~~Sawar and Sawaraq being one and the same and also to protect them from above discrimination, deprivation and injustice.
- (vi) The State Government, therefore, directed Tribal Research & Training Institute, Raipur to conduct ethnographical and anthropological study of ~~᳚~~Sawar, Sawaraq community. The study of Tribal Research & Training Institute, Raipur concluded that ~~᳚~~Saura, Sahara, Soura, Saunra, Saonra, and Saora are synonyms of Sawar, Sawara listed at Sl. no. 41 in the list of Scheduled Tribes of Chhattisgarh State. On the basis of this study, the State Government sent a proposal to the Ministry of Tribal Affairs, Government of India to include ~~᳚~~Saura, Sahara, Soura, Saunra, Saonra, and Saora as synonyms of Sawar, Sawara listed at Sl. no. 41 in the list of Scheduled Tribes of Chhattisgarh State.
- (vii) On the above proposal, the office of the RGI, on the basis of published literature and records has recommended inclusion of Saunra, Saonra as synonyms of Sawar, Sawara in the ST list of the State but not supported the inclusion of Saura, Sahara, Saura and Saora. As per the approved modalities, the Ministry of Tribal Affairs, Government of India forwarded the matter to the Commission for views/comments. The Commission, in its 53<sup>rd</sup> and 65<sup>th</sup> meetings held on 22.05.2014 and 10.12.2014 discussed the issue and decided that a team of the Commission may visit the areas to examine the proposal and finalize a view.
- (viii) Pursuant to the above, the team of the Commission visited villages of the community, interacted with the social leaders, individuals, Government officers, Anthropologists etc. and observed that the community resides predominantly in the old Raigarh, Mahasamund, Raipur and Bilaspur Districts ( Now bifurcated in several other districts) with other tribal communities like ~~᳚~~Binjhar, Kanwar, Kharia and Gondqn forested areas. Earlier, they spoke a dialect of Austric language group which has eloped now. Presently, they speak Chhattisgarhi and Oriya. They possess Proto-austroloid features. Their economy was based on hunting, collection of forest produces and agriculture. Due to ban on hunting, now a days, they are indulged in collection of forest produces and labour work. Marriage with maternal sister is permissible in the community and exchange of money and commodities for bride is a common practice known as ~~᳚~~Sukq. Similar to other tribal groups, this community does not take services of



Brahmins during births, marriages and deaths. All the rituals are performed by head of the family or old members of the family. Presently, this community is taking services of barber and washer man in births and deaths. The main gotras of the community are Bagh, Nag, Bhoy, Nayak, Suryawanshi, Sai, Savar, Vishwar, Bhaisa-Vanmula, Hans, Rajhans, Ashwa, Parwa, Parewa, Suvarn, Nak, Kisan, Bhoi, Sandu etc. The different gotras use different totems. Nature worship and appeasement of souls of deceased is also common practice. Dulhadev, Thakurdev, Karia-ghuruwa, Mata-Dewala, Kankali Mata, Sahada-Dev, Bhainsasur, Goraiya, Sambalpurhin, Satbahini, Shabar- Shabri, Khadapath, Samlai Mangala etc. are the main deities worshipped by the community. The community relates itself with Mata Shabri who had offered berry to Lord Ram during his "Vanvaas" (stay in forests). The Binjhar, Kanwar, Kharia, Bhaina and Gond tribes are equivalent tribal groups of Sawar, Sawara in the social order. They treat Binjhar as paternal cousin in the society. The main festivals of the community are Akhati (Akshaya Tritiya), Hariyali, Raksha Bandhan, Janmashtami, Pola, Nawakhai, Ganesh chaturthi, Pitra-paksha, Bidri, Nag . panchami, Rath-Yatra, Navratra, Dussehra, Deepawali, Chherchhera, Til- Sankrant, Holi, Madai etc. Dalkhai, Rahas and Danda are the folk dances of the community and folklores of Chhattisgarhi like Bihavgeet, Dalkhai, Gaurageet and Dadaria are common in the community.

- (ix) During the field visit, it was observed that the community resides in the remote areas and villages adjoining forests. They reside in Kuchha houses built with mud. The roof is made up of locally available wood, grass and Khaprial (earthen tiles). The size of land holding in this community is very small. Most of them are landless. They keep Goats, Cows and Hens with them to supplement the meager income from agriculture or labour work. As per the information furnished by the Tribal Research & Training Institute, Raipur, the literacy in Sawar, Sawara community was 65.83% which included 77.2% male and 53.78% female literacy. As per the information given to the team during field visits, their representation in government jobs is very less and mainly of the level of group C and D posts. The number of professionally qualified person of the community can be counted on finger tips. Thus, it can be concluded that the community is economically, educationally and socially backward.
- (x) It is noticed in the records furnished to the Tribal Research and Training Institute, Raipur that the different records of 1927-28 and 1929-30 like Misal Bandobast index and Khasra panji (Misal records) received from various districts shows that the caste of the same person belonging to the community has been differently written in them which proves that different community names other than Sawar, Sawara existed much before the scheduling of Sawar, Sawara community in the ST list of the State. **The old evidences, research materials and publications furnished by the Tribal Research &**

### **Training Institute, Raipur in support of the proposal are reliable.**

- (xi) It is noteworthy that the names of ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra, and Saoraq are not included in the list of Scheduled Castes or Other backward classes of the State (Central or State list). Hence, there is no possibility of attempt of inclusion of non-deserving community having similar nomenclature for inclusion in the ST list of the State.
- (xii) In the field visit, the team of the Commission also observed that the society, at large treat the ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra, and Saoraq as ~~ᳵ~~Sawar, Sawaraq a ST community. They have marital relation as one and same. No objection was raised by any other tribal groups, organisations or individuals against the inclusion of the ~~ᳵ~~Saura, Sahara, Soura, Saunra, Saonra, and Saoraq in the ST list of the State in the public hearings or meetings taken by the Commission.

### **Conclusion:**

2.5.5.4 It shall be appropriate to agree with the views of ORGI to include Saunra, Saonra as synonyms of Sawar, Sawara in the ST list of the State. Further, on the basis of observations during field visits and discussions with local leaders of the various Social organizations, officers of the State Government, Tribal Research & Training Institute, Anthropologists and Researchers, the proposal of State Government to include the ~~ᳵ~~Saura, Sahara, Soura, Saora community also as synonym of Sawar, Sawara in the ST list of the State listed at Sl. No. 41 is found justified and hence, ~~ᳵ~~Saura, Sahara, Soura, Saora should also be added in the above list.

### **2.5.6 Visit of State of Assam on issue of inclusion of KARBI (MIKIR) Community in the list of Scheduled Tribes (Plains) of Assam State.**

2.5.6.1 A team of the Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST, New Delhi and accompanied by Shri Santosh Kumar, Joint Secretary, Shri Pramod Chand, Deputy Secretary, Shri T.D. Kukreja, P.S. to Hon'ble Chairperson, NCST, New Delhi, Ms. P. Symlieh, Assistant Director, NCST, Regional office, Shillong and Shri R.K. Dubey, Assistant Director, NCST, Regional office, Bhopal visited Assam State from 04-02-2015 to 06-02-2015 to ascertain the ground position in the process of examination of the proposal of the State Government to include the KARBI (MIKIR) community at Sl. No. 11 in the list of Scheduled Tribes (Plains) of the State which was resubmitted by the Govt. of India, Ministry of Tribal Affairs to the Commission along with the comments of the office of the Registrar General of India vide No. 12016/3/2000-TA(RL)-C&LM(pt1) Dated 28-02-2013 for comments of the Commission.

2.5.6.2 As per the approved modalities, wide publicity was given to the public through print and electronic media about the visit of the team of the Commission. The team

met several delegations of various communities claiming scheduled tribe status and visited many villages / habitations of the Karbi (Mikir) community residing in Kamrup and Morigaon districts and gathered information related to the cultural aspects, rituals, traits, method of worship, marriages, language, occupation, social structure, totem, clans and sub-clans, methods of agriculture, agricultural equipments, utensils, present status of socio-economic development, representation in Government services, elected bodies etc. The team held detailed discussion through public hearings with the social leaders of the Karbi (Mikir) community, other tribal groups and other interested persons. As per para (c) of the modalities for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list approved by The Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15-06-1999 and 25-06-2002, experts in the field of anthropology were also associated. Director, Joint Director and Research Officers of Assam Institute of Research for Tribals and Scheduled Castes, Retired Director of the Institute, Superintending Anthropologist, Anthropological Survey of India, Kolkata and other eminent Scholars and experts were also consulted by the Commission on the subject. Copies of published articles on anthropological and ethnological studies related to these communities were also collected. The details of meetings, discussions, observations and findings of the Commission's team on the subject are, as under:

2.5.6.3 Commissions team held two meetings with office bearers and representatives of following social organizations and communities:

2.5.6.4 Meeting with office bearers and representatives of Assam Plains Karbi Adarbar, Karbi Arloso Ashem, Karbi Students Union, Karbi Lammet Amei and Karbi National Convention.

2.5.6.5 In the meeting, Shri Ajit Kathar, General Secretary, Assam Plains Karbi Adarbar welcomed the Commission on behalf of the above organisations and informed that Karbi (Mikir) are the aboriginal tribe of Assam and have been living in both hills and plain areas of Assam since time immemorial. In the year 1951, the United Mikir Hills and North Cachar Hills (presently Karbi Anglong and Dima Hasao) had been declared as a District and on 23-06-1952, both districts got Autonomous District Councils. Since then, the Karbi's living outside the two Autonomous hills Districts are not recognized as scheduled tribe in the plain areas of Assam which was injustice to them. It was also informed them this Community has repeatedly demanded for scheduled tribe status in the plain districts of Assam and Govt. of Assam, WPT & BC department had sent proposal to the Govt. of India many times since 1998 but so far they have not been provided ST status in the plain districts of Assam State.

2.5.6.6 Meeting with office bearers and representatives of Amri Karbi National Council and Amri Karbi Students Union.

2.5.6.7 In the meeting, Mr. Kumud Ronghang, General Secretary, Amri Karbi National Council informed that they are Son of the soil and the land and the King belong to their Community. There is no tribe called Plain Karbi in the state and any Karbi person must either be Amri Karbi or Chinthong Karbi or Ronghang Karbi. He submitted that the proposal for inclusion of Amri Karbi as Scheduled Tribe (Hills) is pending in Ministry of Tribal Affairs, Govt. of India which should be expedited at an early date.

**Field visits and observations:**

2.5.6.8 In the process of examination of the proposal of the State Government to include the KARBI (MIKIR) community at Sl. No. 11 in the list of Scheduled Tribes (Plains) of Assam State, the team visited **Hatimura** and **Bamgphor** villages of **Kamrup** district and **Kuthori No. 2** village of **Morigaon** district on 05-02-2015 predominantly inhabited by the Karbi (Mikir) Community to have a firsthand information about the way of living, rituals, customs, houses, social structure, economic activities, political organization, religious life and folk arts of the community and to observe their standing for qualification for Scheduled Tribe status in terms of criteria for specification of community as ST viz. indication of primitive traits, distinctive culture, geographical isolation, shyness of contact with community at large and backwardness. The team visited the houses of the plain Karbis and interacted with the leaders and individuals of the community on the above aspects. The observations during the field visit of the team and the information provided by the leaders of the community and individuals are as under:

1. **Habitats and status of Karbi (Mikir) Community-** The list of Scheduled Tribes for the State of Assam notified under Article 342 of the Constitution of India has two parts viz. 1) for the Autonomous Districts of Karbi Anglong and North Cachar Hills (Presently Dima Hasao District) and 2) for the State of Assam excluding the Autonomous Districts of Karbi Anglong and North Cachar Hills (Presently Dima Hasao District). In the first part of the list (which is for Hill districts of Karbi Anglong and Dima Hasao) Karbis have been provided ST status. However, in the second list which is for rest of the State including plains, they have not been conferred ST Status. Though, the main concentration of Karbi population resides in Karbi Anglong and Dima Hasao autonomous Districts, a sizeable population of the community resides in the plains districts of the State viz. Kamrup, Morigaon, Nagaon, Sonitpur, Golaghat, Lakhimpur (N) and Cachar Districts where they have not been conferred ST status. On the basis of pattern of distribution or habitat, the Karbis are divided into four groups viz. (i) Chinthong (ii) Ranghang (iii) Amri and (iv) Dumrali. The first three groups of Karbis live in the hills and only the Dumralis live in the valleys and have adopted plough cultivation. Thus, the Dumralis are Karbis living in the plains districts of Assam who are demanding ST status in the instant case.
2. **Population-** Census figures of Karbis living in the plains districts of Assam are not available as they were not separately enumerated as ST. However, as per

the survey conducted by Bhoiyam Karbi Adorbar, the estimated population of the Karbis residing in plains districts is 2,46,938 scattered in 452 villages of above mentioned 7 plain districts of the State. The highest concentration is shown in Kamrup (96,261) followed by Nagaon (61,530), Morigaon (41,449) and Sonitpur (35,700). AIRTSC, Govt. of Assam has supported the above population estimates to be more or less correct.

3. **Physical features-** The Karbis living in the plains belong to the Indo-Mongoloid stock of population and their physical features are like that of other plains tribes of the region. No significant variation is seen in the somatometric measurements between Karbis of Hills and Karbis of the plains.
4. **Language-** The Karbis including the plain Karbis speak a language akin to Kuki- Chin group belonging to the great Tebeto- Burman Linguistic family. They speak their own dialect but while communicating to other people, they speak Assamese.
5. **Religion-** The Karbis residing in plain protects and preserve *Nungpe-armu (Mudha Khuta)* as the sacred post. *Nungpe-armu* occupies the same status as the *Jambil Aathon* of the Hill Karbis. Most of their family rituals are held at the main or original post of the house known as *Nungpe-armu (Mudha Khuta)*. It is a megalithic pole which is worshipped usually in the month of February and on other special occasions. Village deities of Karbis are named as Hempu, Tamlang Mahadu and Nubat in different plains districts of the State. A heap of soil worshiped by the community is called *Dobang*. Their religious philosophy is animistic based which is similar to other tribal societies. They believe in benevolent and malevolent deities and their appeasement by sacrificing boar, goat or fowl. They resort to divination to ascertain the will of gods or the winds of fate. Male priests called Kurusar conducts worship and divination by breaking eggs, observing of liver of sacrificed pigs, hens etc.
6. **Festivals-** Festivals and rituals are the markers of ethnic identity of any community. *Dehal Kachirdom or Rongker* is one of the important festivals of the community in which deities *Longriarenam, Nubot, Longle Ahi'i* are worshiped for the welfare of village as well as villagers. This festival falls during the month of February. *Chojun and Hacha* are the other festivals of the Karbis residing in the plain districts of Assam state. *Hacha* is the harvesting festival celebrated in the month of January. Song and dance is indispensable part of this festival. Only the young boys as well as men participate in the dance. *Chojun* is worship of the god *Barithe* The god of thunder. This worship is aimed for welfare of the family. Community feast gets major importance. *Botor Kekur* (worship of god of cloud praying for timely monsoon, Ritnong Chingdi or Arunong Chingdi) and *Chomangkan* (praying for ancestors soul to reach *ethak* or heaven) are other important festivals of the community.
7. **Cultural heritage-** The Karbis residing in the plain districts have their own folk songs and dances for different social and cultural occasions. *Tomahi dance* is

very popular in the community and outside. Some musical instruments are also used by the community during songs and dances. The men and women wear colourful dresses during the festivals and on other social events. After the birth of a child, the *Kathar* or priest leads the function by sacrificing 12-13 hens and names the child. This function is called *Osoamin kipu*. After the death of a person of the community, the dead body is buried in Kamrup district but in Nagaon district, cremation is done. Megaliths (long-ae) are erected in the memory of the deceased. The community believes in re-birth and whole community is invited in *Chomankan* (gathering after death). They also believe in ancestor worship (*Sil puta*). They offer Rice beer and Chicken to the soul of the deceased occasionally.

8. **Social organization-** The social organization of the plain Karbis is Patrilineal and Patrilocal. Major groups of exogamous clans include *Ingti, Terang, Tumung, Teron and Rohang* related to various groups of hill Karbi. The village organization of the plain Karbis shows distinctive links with the past traditions. *Bangthai* is the traditional head of a village who always belong to Rohang clan. He is overall in charge of social, political and administrative matter pertaining to the community. He works in close collaboration with the *Gaon Bura*. *Deka Bangthai* looks after the affairs of the youths of the village during festivals and community occasions. *Kathar* acts as the priests in all life cycle rituals like birth, marriage, deaths and ceremonial funeral involving erection of monoliths. *Bisar* initiates all legal matters, *Dhan Bharali* works as a treasurers and *Barwa or Huria* communicates the messages.
9. **Marriages-** The Karbis residing in plains have two types of marriages viz. 1) Arranged marriage/marriage by negotiation and 2) marriage by kidnapping or marriage by elopement. The later types of marriages can also be converted to arranged marriage if the *Mel* so orders. Arranged marriages are of three types- (a) Dangor or Bor-biya, (b) sewa choron biya or siyachoron biya and (c) secret or confidential marriage performed in the presence of close relatives but remains secret for the other villagers, which is termed as *Bapek make dekha rajje nedekha biya+*.
10. **Custom of Inheritance-** In the Karbi Community residing in plain districts, property is inherited from father to son. Daughters are not given any share in the property including land property.
11. **Houses and Villages-** The villages of plain Karbis are found usually down the hills. However, the population has later spread to the districts and places away from the hills. They prefer to lead community life. Their houses are made of bamboo, wood and other locally available material and may not be distinguishable from houses of any other neighboring communities. Most of their family rituals are held at the main or original post of the house known as *Mudha Khuta (Nungpe Armu)*. They try to place their kitchen in the easternmost corner of the house. They use utensils and equipments made of bamboo, wood, earthen pots and iron. Banana leaves are used for serving the food.

**12. Level of Development-** The community is socially, economically, and educationally backward. Agriculture is the main occupation of the community and like all farmers; their economic status is also poor. More than 85% land holdings are small and size of average holding is slightly above 1 hectare. Thus, the farmers are left with only meager amount of produce as surplus which gives them an earning not more than Rs-2000/- per month. Almost all villagers are poverty ridden and many of them borrow money and fail to repay in time. Piled up interest push them to further poverty. The community is also backward educationally. Children of the households are engaged in paddy fields. Girls are given the task of baby sitter. Those who go to school rarely continue after attainment of puberty. Thus, the dropout from school at this age is very high. Level of literacy among the community is lower than other communities. Female literacy is also quite lower than male literacy. Very few of the plain Karbis are engaged in Govt. Jobs. Those who have secured Jobs in Govt. are grade IV or at the most Grade III employees. Very few of them have come out as successful businessmen. The community rarely has any potable water source. Those who live in interior areas, use natural streams for water requirement. At other places they dig wells for obtaining water. Most of the villages do not have pucca roads and access to the villages is difficult especially during rainy season. Wooden and bamboo bridges are common on the streams and the transportation facility is poor.

2.5.6.9 Meeting with the officers of the State Govt., Assam Institute of Research for Tribals and Scheduled Castes, Anthropologists, Sociologists and Research Scholars.

2.5.6.10 The Commission held a meeting with the officers of the State Govt., Assam Institute of Research for Tribals and Scheduled Castes, Anthropologists, Sociologists and Research Scholars at the conference hall of AIRT and SC, Guwahati on 06-02-2015 to have discussion on the proposal to include the KARBI (MIKIR) community at Sl. No. 11 in the list of Scheduled Tribes (Plains) of the State which was resubmitted by the Govt. of India, Ministry of Tribal Affairs to the Commission along with the comments of the Registrar General of India vide No. 12016/3/2000-TA(RL)-C&LM(pt1) Dated 28-02-2013 for comments. Following discussion was held in the meeting:

1. Principal Secretary, WPT & BC Department, Govt. of Assam informed that the list of Scheduled Tribes for the State of Assam notified under Article 342 of the Constitution of India has two parts viz. 1) for the Autonomous Districts of Karbi Anglong and North Cachar Hills (Presently Dima Hasao District) and 2) for the State of Assam excluding the Autonomous Districts of Karbi Anglong and North Cachar Hills (Presently Dima Hasao District). In the first part of the list (which is for Hill districts of Karbi Anglong and Dima Hasao) Karbis have been provided ST status.

However, in the second list which is for rest of the State including plains, they have not been conferred ST Status. As per the Scheduled Castes and Scheduled Tribes order (Amendment) Act, 1976, Mikir was notified as a Scheduled Tribe in the Autonomous Districts of Assam. The name Mikir was replaced by Karbi vide the Scheduled Castes and Scheduled Tribes orders (Amendment) Act, 2002. At present Karbi is a notified ST in the Autonomous Districts of the State comprising of hilly areas. However, a sizeable population of the community also resides in the plain districts of the State. The demand of Social Groups and Organizations of Karbi community for inclusion of Karbi (Mikir) community in the list of Scheduled Tribe (Plains) of the State is very old and the Assam Institute of Research for Tribals and Scheduled Castes had conducted field studies in some pockets of the plain districts and supported the inclusion of this community in the Scheduled tribe list (Plains) of the State in the year 1992. In the study, the Institute had applied five criteria laid down by the Govt. of India to determine whether a community could be included in the list of Scheduled Tribes or not and it had recommended for inclusion of the Karbis inhabiting plains districts of the State in the list of Scheduled Tribes (Plains) of Assam State. The State Govt. had sent a proposal to the Govt. of India recommending inclusion of the Karbis inhabiting plains districts of the State in the list of Scheduled Tribes (Plains) of Assam State.

2. The Director, Assam Institute of Research for Tribals and Scheduled Castes also informed that in the study conducted by the Institute, the criteria laid down by the Govt. of India to determine whether a community could be included in the list of Scheduled Tribes or not viz. indication of primitive traits, distinctive culture, Geographical isolation, Shyness of contact with community at large and backwardness were tested and it was revealed that the Karbi (Mikir) community residing in plains districts of the State broadly qualifies for inclusion in the list of Scheduled Tribes (Plains) of the State.
3. The Superintending Anthropologist, Anthropological Survey of India, Kolkata also participated in the discussions and pointed that the Lokur Committee had stated that the Scheduled Tribe can also be generally ascertained by the fact that they live apart in hills, and even where they live on the plains, they lead a separate, excluded existence and are not fully assimilated in the main body of the people. Scheduled Tribes may belong to any religion. They are listed as Scheduled Tribes because of the kind of life led by them. He opined that the above parameters of identification of Communities viz. indication of primitive traits, distinctive culture, Geographical isolation, Shyness of contact with community at large and backwardness were introduced in 1950 and 1960 and is very old. Like other Communities, the tribals are also transforming and the changes in their way of living are easily identifiable. Adoption of some of the socio- cultural practices of other communities, growing contact with other communities due to improved transport and communication facilities and extension of education has affected the general shyness of the tribal groups which are significant changes in tribal characteristics. Presently, the Govt. of India is reviewing the parameters by constituting a task force



- for the purpose. He submitted that only socially and culturally distinct communities should be considered for inclusion in the ST list of any State or UT.
4. The issue of requirement of consultation with the Governor of the State and various Autonomous Districts Councils on the matter of inclusion was also discussed in the meeting. As the proposal of the State Govt. for inclusion was for the list of Scheduled Tribes (Plains) of Assam State outside the Tribal dominated Autonomous Districts, the same was not considered necessary.
  5. The Anthropologists, Sociologists and other Scholars presents in the meeting supported the claim of inclusion of KARBI (MIKIR) community at Sl. No. 11 in the list of Scheduled Tribes (Plains) of the State and justified the same.

### **Conclusion and recommendation:**

2.5.6.11 On the basis of discussions held with various tribal groups, Officers of the State Govt., Officers of the Assam Institute of Research for Tribals and Scheduled Castes, Anthropologists, Sociologists and other Scholars and observations of the team of the Commission during field visits, it has been found that the KARBI (MIKIR) community residing in the plain districts of State possess tribal characteristics and qualify for inclusion in the list of Scheduled Tribes (Plains) of the State. In view of the above, it shall be appropriate to agree with the proposal of the State Government to include the KARBI (MIKIR) community residing in the plain districts of Assam in the ST(Plains) list of the State, which is also supported by the ORGI.

## **2.7 Brief of important successful cases**

### **(A) Atrocity Cases**

2.7.1 A representation dated 07-03-2014 was received in the Commission on 24-03-2014 from Shri Sarvan S/o Harinandan, Village Koylari, Gram Panchayat Juwadi, Vikash Khand Ghodadongri, District Betul (M.P.) regarding illegal transaction from the account of the applicant. As per the representation, the applicant is having saving account in Ghodadongri Branch of Bank of Maharashtra in which an amount of Rs. 20,000/- was deposited under Governments RDP Scheme. When he went to the bank for withdrawal of the amount, he noticed that an amount of Rs. 10,000/- was already withdrawn from his account on 05-02-2014. He had not withdrawn any amount from his account. On enquiry, the Branch Manager of the bank deposited Rs. 100/- from him but no information was provided to him. He requested the Commission to help him in the matter. The Commission took up the matter with the District Collector and SP, Betul vide notice dated 07-05-2014. The District Collector directed the CEO, Janpad Panchayat, Ghodadongri to inquire into the matter. As no reply was received in the Commission, a reminder was also sent on 09-07-2014. SP, Betul sent a report dated 02-08-2014 to the Commission that the complaint was inquired into by him through SDPO, Sarni and informed that the applicant had made complaint as an amount of

Rs. 10,000/- was withdrawn from his account on 05-02-2014. The above amount has been deposited in his account by the bank and both the parties have reached an agreement. The applicant does not want any further action in the matter and has withdrawn the complaint. The applicant was informed accordingly by the Commission vide letter dated 11-09-2014.

2.7.2 A representation of Shri Mitesh Bhai Dhodi of Bhilada, Valsad, Gujarat, regarding his abduction and physical assault with an intension of murder by some students of higher caste of the university was received in the Commission. The matter was taken up with the Collector and Superintendent of Police, Distt.- Valsad, Gujarat vide letter dated 19/09/2011. The report dated 21/12/2011 from Superintendent of Police, Valsad was received. The same was sent to Collector, Valsad for registering the case against the culprits under section 3 (1) (x) of SC/ ST (PoA) Act, 1989 and sanction of financial aid to the victim vide letter dated 27/03/2012. The matter was followed up vide reminders dated 29/10/2012, 17/12/2012, 9/04/2013 and 19/12/2013. Finally, the financial assistance was granted to the victim in August, 2014.

2.7.3 A representation of Shri Bhagram Meena regarding refund of Rs. 50,000/- deposited by him in the bank account of Shri Maharaja Gangasingh Dental Collage, Shriganganagar, Rajasthan towards admission of his daughter in BDS courses was received in the Commission. The matter was taken up with the college to refund the amount vide letter dated 10/05/2013 and further pursued by reminders dated 30/09/2013, 28/03/2014. The college informed vide letter dated 16/04/2014 that the amount has been refunded to the victim along with the receipt obtained from the recipient.

2.7.4 A report on abduction of a minor girl repeatedly from school hostel and report by the parent of the girl was published in the local Daily (Punjab Kesari) dated 18/09/2014. The Commission suo-moto took cognizance of the same called up a report from Collector and Superintendent of Police, Distt. Chittaurgarh, Rajasthan vide letter dated 26/09/2014. Superintendent of Police, Chittaurgarh intimated that the matter had been carefully investigated and the culprits/accused persons have been arrested under section 363, 366, 376 and 370(4) and 120 B of IPC and section 16,17 and 3, 4 of POCSO Act and section 33 (1) (xii) & 3 (2) (v) of SC/ST (PoA) Act, 1989 and produced before the Court. The Minor girl who was victim was sanctioned financial grant of Rs 60000/-.

2.7.5 Smt. Manju Devi W/o late Tuna Oraon, Vill. Joka Jalmahi Oraon Tola, PS. Sadar, Distt Purnia, Bihar vide her representation dated nil addressed to the Commission has submitted that on 26.07.2013 her husband late Tuna Oraon went with Md. Shahjahan S/o Feroj Ali of same village but did not return in the night. She searched for two days. On the third day, she got an information that her husband's dead body was lying in the river near Rankha ghat thana. After getting information, a case was filed in the K-nagar PS, Distt Purnia. Vide case no. 324/13 dated 23.07.2013

u/s 302(B) IPC against Shahjahan. Smt. Manju Devi alleged that the Police did not take any action and the accused Shahjahan was roaming freely and was not arrested by the Police.

The Commission took up the matter with the Supdtt. of Police, Distt. Purnia vide letter dated 24.05.2014. In response, the Supdtt. of Police vide letter dated 02.07.2014 has intimated that as per the written complaint by Smt. Manju Devi against (i) Shahjahan S/o Feroj Ali, Vill. Joka Jalmarai Oraon Tola (ii) Tasimuddin (iii) Idrak (iv) Esfak (v) Bhola (vi) Gafur (vii) Sabbir (viii) Guddu (ix) Lokman Vill. Rehaka Tola, PS-Kasba, Distt. Purnia and after investigation, charges against Shahjahan were found to be true and he was arrested and sent to judicial custody and charges against others could not be proved. Charge sheet against Shahjahan was filed in the court.

2.7.6 The Commission received a representation from Smt. Babitarani Dalabehera, Tahasildar regarding alleged misbehaviour by one Shri Rajendra Panda, Advocate in her Office Chamber. The matter was taken up with the Collector as well as Superintendent of Police of the District followed by reminders at regular interval. Finally, the Joint Enquiry Committee proved the charge as true, charge sheeted the accused under different section besides paying compensation of Rs. 1,00,000/- to the complainant.

2.7.7 The Commission received a representation dated 22.08.2014 from Kumari Manasi of Phulbani District alleging sexual assault against Shri Ananda Prasad Acharya of the locality . Shri Acharya promising to marry her had sexual relation with her on several occasions even to the extent of causing abortion. Kumari Manasi now alleged that Shri Acharya now denies marriage & threatens her of dire consequences if she lodges any complaint. Although the victim lady lodged an FIR in the nearest Police Station, they took no action against the accused.

The Commission took up the matter with the Superintendent of Police, Phulbani with a direction to arrest the accused & initiate necessary action under SC/ ST (PoA) Act, 1989 after investigation. But the Police informed the Commission that the accused was not found although they raided his house several times. Further the petitioner complained that although Shri Acharya is moving scot free in the area, Police is not arresting him. Again the Commission took note of complaint and took up the matter on 17.10.2014 & 10.12.2014 with the Superintendent Police, Phulbani who, in turn, informed that the accused has been arrested and produced in the court vide their letter dated 23.12.2014.

2.7.8 The Commission received a representation from Shri A. Sambaiah, a resident of Shailoji Appartment, Moosorambagh, Hyderabad alleging caste based harassment by the other residents of the said Apartment. The matter was immediately taken up with the Superintendent of Police, Hyderabad vide letter dated 12.09.2014 with a request to probe the allegation and initiate action under SC/ ST (PoA) Act, 1989 if the allegation is found true. The Commission received a letter from the Superintendent, Hyderabad enclosing a copy of enquiry report specially charge sheeting the accused under SC/ ST (PoA) Act, 1989 as the allegations were found true.

2.7.9 The complainant L. Santhamani, ST lady submitted a representation dated 20.11.2014 to the Commission and informed that She was married to Shri M. Subramani a non-tribal man with consent of both the families. Thereafter, they were blessed with two sons. After passage of some time, bitterness developed between them and her husband started torturing her along with his family members. Day by day, her miseries kept on increasing and her life became painful. In order to get rid of her, her husband approached Court for divorce and kept her in tight security so that she would not be able to file counter against divorce. Finally, court upheld the divorce petition and okayed the same. After being successful in divorce case, the family members of her husband forcibly took away all her gold ornaments as well as household belongings. Being disappointed with this she approached the local Police Station & lodged complaint for justice but no action was taken by the Police Authority.

The Commission took up the matter with the Superintendent of Police, Salem District, Tamil Nadu vide letter dated 26.11.2014 requesting for an inquiry report as well as action taken report. Finally by the intervention of Police Authority, her husband agreed to Pay Rs.2,500/- per month for maintaining her livelihood along with two sons.

In this decision Smt. L. Santhamani petitioner was satisfied and in writing submitted her willingness to accept the decision. Accordingly, the petitioner was informed by the Commission vide letter dated 26.03.2015 enclosing therewith the letter No.44/03/NCSC/01237/2015, dated 08.03.2015, the reply letter of Superintendent of Police, Namakkal, Tamilnadu received in the office.

2.7.10 Smt. Lilimani Soren of Mayurbhanj District, whose son Dr. Binjoy Soren died at the early stage in harness, represented before the Commission for helping her in getting Pensionary benefits. The matter was taken up with the authority concerned by the Commission which was also followed by reminders. At last, her pension paper was prepared and sent to the A.G., Odisha, Bhubaneswar for payment.

2.7.11 Shri Tamara Bhatrat (ST), At- Khandroda, Po- Semala, District . Nabarangapur submitted a representation in the Commission alleging harassment by the authority of Ananta Narayan Sanskrit Viswavidyalaya, Kendrapara who declared his result showing him as absent in paper DHS-VI. From the supporting documents, as enclosed by him, and upon proper analysis done by the Commission, a letter in this regard was sent to Vice-Chancellor, Shri Jagannath Sanskrit Viswavidyalaya, Puri. On 01.12.2014, Commission received a letter from the Controller of Examination, Shri Jaganath Sanskrit Vishavidyalaya, wherein it was informed that the paper of petitioner was examined and found that he has passed in 2<sup>nd</sup> Division and the Certificate is being issued to Petitioner.

2.7.12 A News appeared in the Daily Nai Dunia news paper, Raipur edition on 29.05.2012 regarding alleged gang rape of a tribal lady Police constable in the capital near water world Bhatagoan, Raipur, by two local youth when the victim was being accompanied by her male friend from 3<sup>rd</sup> Battalion, Amleshwar, Durg and who were on a visit to water world, near Bahtagoan, Raipur, after completion of their routine

duty at 9.30 pm. The accused caught the male police constable who was brutally beaten and threaten not to disclose anything about the incidence. The constable immediately fled and reached the police station, Purani Basti, Raipur which was far away from the place of incidence to register complaint. In the meantime, both the accused caught hold of the lady police constable and raped her several times one by one.

After receiving the complaint, the police immediately rushed to the place of incidence. But the police could not trace neither victim nor accused in the night. On the next morning, the victim was traced in the nearby areas.

The Commission called a detailed report from Senior Superintendent of Police and District Collector, Raipur vide office letter dated 30.05.2012. The Senior Superintendent of Police & DIG, Raipur informed the Commission vide his office letter dated 11.06.2012 that on the basis of complaint registered by Shr Kuldeep Toppo, Police Constable, 3<sup>rd</sup> battalion, Amleshwar, District, Durg, a crime no 132/12 under section n 341, 506, 394, 366, 34, 376 (2) of IPC and section 3 (2) (5) of SC/ST (PoA) Act, 1989 has been registered at Purani Basti Police station, Raipur. The SSP further informed that the incidence took place on 27.05.2012 at 9.30 PM , Bhatagoan road, Raipur, and both the accused Rakesh Sonkar and Ramnarayan Sonkar R/o of Bhatagoan, Raipur were arrested on 29.05.2012 at 17.40 PM. The SSP further informed that on 27.05.2012, after completion of the daily routine duty, lady Police constable (victim) and her friend Shri Kuldeep toppo Police constable went to water world, near Bahtagoan, Raipur to spend some time together. At around 9.30 PM, both the accused came to them and caught hold of Shri Toppo and started beating Shri Toppo. Shri Toppo, fled the place of incidence and reached Purnai Basti, Police station and informed the police about the incident. Meanwhile, both the accused caught hold of the lady police constable (Victim) and raped her one by one till early morning. The Police along with Shri Toppo rushed to the place of incidence in the night, but they could not trace neither the victim nor the accused. The accused were arrested on 29.05.2012 at 17.40 PM. The accused also accepted the allegation of rape. The SSP further informed that both the accused were taken on judicial remand.

The Commission also wrote to Collector, Raipur for providing financial assistance to victim vide letter dated 12.07.2012 and subsequent reminders dated 24.08.2012, 26.09.2012, 25.10.2012, 20.11.2012, 25.12.2012, 31.01.2013, 07.03.2013, 03.07.2013, 11.09.2014, 09.10.2014, 10.12.2014. The Assistant Commissioner, Tribal Development, Raipur informed the Commission vide his letter dated 09.02.2015 that the victim lady is basically domicile of District- Jashpur, CG, hence, a proposal for providing financial assistance to rape victim was sent to her native place, i.e. Assistant Commissioner, Tribal Development, District Jashpur, CG. The Commission further wrote to the Assistant Commissioner, Tribal Development, Jashpur for providing financial Assistant to rape victim vide this office letter dated 08.03.2015. The Assistant Commissioner, Tribal Development, Jashpur informed the Commission vide his letter dated 17.03.2015 that an amount of Rs 60,000 has been provided to rape victim vide cheque dated 31.03.2013 as per the SC/ST (POA) rules, 1995.

2.7.13 A News appeared in the Daily Nai Dunia news paper, Raipur edition on 10.09.2013 regarding alleged rape of two tribal girls by the Secretary, Punapalli, village

Panchyat and brother of Nagar Panchyat, Dornapal, District- Sukma, Chhattisgarh who is also secretary. As per the news paper Clipping, the victim girls were residing in the base camp of Dornapal, District- Sukma, Chhattisgarh, the incident took place on 09.07.2013 and FIR was registered in the Dornapal Police Station, but due to political influence and bribe the accused could not be arrested even after lapse of two months. The Commission took up the matter with the District Collector & Superintendent of Police, District- Sukma, CG vide this office letter dated 16.09.2013. The Superintendent of Police, Sukma, CG vide his office letter dated 09.10.2013 informed the Commission that two girls aged 19 years and 17 years, R/o of base camp Dornapal made complaint in the Dornapal Police Station on 10.07.2013 about the rape with them. On the basis of the complaint, a crime no 07/13 under section 376, 457, 506 of IPC and a crime no 06/13 under section 376, 457, 506 of IPC and under section 3, 4 of the PASCO act, 2012 was registered against the accused Sitaram Banjara R/o Dornapal. The SP, Sukma further informed that, at the time of investigation of the case on 16.09.2013, the case under section 3 of SC/ST (POA) act, 1989 was also included in both the cases. The SP also assured the commission that the accused in the case will be shortly arrested as the Police search is going on in various locations to arrest the accused.

Thereafter, the Commission again requested the Collector, District- Sukma to release financial assistance to victim girls vide letter dated 03.01.2014 and subsequent reminders dated 11.09.2014, 09.10.2014, 30.10.2014, 24.12.2014, 27.01.2015 under the provision of SC/ST (POA) Rules. The Assistant Commissioner, Tribal Development, District- Sukma informed the Commission vide letter dated 3.02.2015 that an amount of Rs. 60000/- each was sanctioned vide order dated 15.09.2014 to both victims. The amount of the financial assistance was paid to both the victims.

## **(B) Developmental Cases**

2.7.14 A representation dated Nil was received in the Commission on 17-06-2011 from Shri Rama Kakodiya S/o Shri Ratan Singh Kakodiya, P.O. Bhimpur, Tahasil Bhainsdehi, Dist-Betul (M.P.) regarding returning of fine of Rs. 20,000/- illegally imposed on him for excess cutting of trees by Forest Department of the district. The Commission took up the matter with the Principal Chief Conservator of the Forest, Govt. of M.P., Bhopal vide letter dated 15-07-2011 who responded and informed vide his letter 06-08-2011 that the above amount of fine was imposed by SDM (Revenue), Bhainsdehi vide his order dated 29-01-2010 under rule 10 of M.P. Lok Vaniki Niyam, 2002. In compliance, the forest authorities had deposited demand draft of Rs. 20,000/- in his office vide letter dated 12-03-2010 which was recovered from the applicant. In the mean time, Court of the District Collector, Betul cancelled the order of SDM (Revenue), Bhainsdehi and passed order to make the payment to the applicant. Thus, the above amount is lying with SDM (Revenue), Bhainsdhai who has to refund it to the applicant. The matter was followed up by the Commission with District Collector, Betul vide letters dated 22-02-2012, 08-05-2012, 30-11-2012 and 05-03-2013. As no reply was received, Hon'ble Chairperson, NCST decided to hold sitting with District Collector, Betul and Chief Conservator of Forest, Forest Circle, Betul on 14-07-2014. District Collector, Betul informed the Commission vide his letter dated 11-07-2014 that an amount of Rs. 20,000/- through bank draft has been paid to the applicant on 10-

07-2014. Similar reply was received from Chief Conservator of Forest, Forest Circle, Betul on 11-07-2014 and the applicant was accordingly informed by the Commission vide letter dated 30-07-2014. The applicant confirmed having received the bank draft vide his letter dated 14-08-2014 and thanked the Commission for helping him in the matter.

2.7.15 A representation dated Nil was received in the Commission on 27-08-2013 from Shri Jam Singh Bhindhe and Sarma Baghela, Students of second Year studying in Hotel Management Institute, Bhopal (MP) regarding Payment of Scholarship. In the representation the applicants informed that they are studying in second year as a regular student. His institute has submitted proposals to Ministry of Tribal Affairs, Govt. of India for Central Sector Scholarship Scheme of top class education of ST students for the year 2011-12 but despite several reminders, the payment has not been made as a result of which they are facing acute hardships. The commission took up the matter with the Joint Secretary, Ministry of Tribal Affairs, New Delhi vide notice dated 27-11-2013 which was also followed by the reminders dated 30-07-2014 and 16-12-2014. The applicants informed the Commission vide letter dated 18-03-2015 that they have received scholarship for first year, second year and third year and requested to close the case.

2.7.16 A representation dated 25-07-2014 was received in the Commission on 05-09-2014 from Shri Prahlad Singh Karma, Vill. Devli Tahsil Kannod, Dist. Dewas (M.P.) regarding delay and irregularities in distribution of crop compensation to farmers by Dokakui Sewa Sahakari Sanstha. He informed that an amount of Rs. 500/- each was illegally deducted from the compensation from about 1,500 farmers for which no receipt was given to them. He requested the Commission to help in the matter. The Commission took up the matter with District Collector, Dewas vide letter dated 29-09-2014. A reminder was also sent on 19-12-2014. In response, District Collector, Dewas informed the Commission that the complaint was inquired into through Deputy Commissioner, Co-operative Department, Dewas. It was noticed that an amount of Rs. 15,25,971.75/- was misappropriated by Manager and Salesman of the Sanstha and FIR has been registered in this regard they have deposited a part of the above amount in the Sanstha. The services of the Salesman have been terminated from the Sanstha and action is also being taken against the Manager. The applicant was forwarded a copy of the above reply vide letter dated 04-02-2015.

2.7.17 A representation dated Nil was received in the Commission on 01-04-2014 from Miss Lata D/o Shri Rajkumar Mahishram, Scheme No. 103, Quarter-213, Tejpur Gadbadi, Dist. Indore (M.P.) regarding Non-payment of Post Matric Scholarship to her. In her representation, she informed that she is studying in final year of MSc. (Micro-Biology) in Shri Gujarati Innovative Commerce and Science College, Indore. She informed that she was paid Scholarship of Rs. 5,000/- only whereas her fee for the

first year was Rs. 30,000/-. Thereafter, no fee was paid to her. She approached the college Administration and office of the Collector (AJK) Indore but no development took place. She also submitted that her family is very poor and her mother and father work as labour and they don't have money to pay the fee. She requested the Commission to help her in the matter. The Commission took up the matter with District Collector, Indore vide notice dated 09-04-2014 which was followed by reminders dated 04-07-2014 and 31-10-2014. Assistant Commissioner, Tribal Development, Indore informed the Commission vide letter dated 18-12-2014 that the applicant was paid lesser scholarship due to mistake from her college. The difference amount of Rs. 13,790/- has been paid to the applicant in her bank account on 31-08-2014. The applicant was informed accordingly by the Commission.

2.7.18 A representation dated 16-08-2014 was received in the Commission on 20-08-2014 from Shri Yogesh Chandrakant Kawlekar, H.No.322/16, Near Govt. Primary School, Mangado, Corlim, Tiswadi, Goa-403110 regarding payment of Post-matric Scholarship to him. In his representation he informed that he is pursuing PG Diploma in Business Administration from Symbiosis Centre of Distance Learning, Pune and had forwarded application for Post-matric Scholarship for Scheduled Tribe students to Director of Tribal Welfare, Goa. This course was recognized by Distance Education Council, Govt. of India. He informed that despite several verbal and written reminders, he has not been granted aforementioned scholarship. He also informed that the concerned authorities have replied that his institute is not recognized by respective state. However, the institute has replied that it is recognized by Distance Education Council, Govt. of India and Distance Education Bureau (a bureau of UGC). He requested the Commission to look into the matter and help him.

The Commission took up the matter with the Director, Directorate of Tribal Welfare, Govt. of Goa vide notice dated 27-08-2014 who informed the Commission vide her letter dated 09-09-2014 that based on the decision of the concerned committee, the applicant has been asked to furnish the details of information regarding employment, remuneration and leave period and the decision shall be taken on receipt of the information from the applicant.

The applicant was informed accordingly vide commission letter dated 17-09-2014 who submitted the desired information to the Commission as well as Director, Directorate of Tribal Welfare, Govt. of Goa. The Commission also forwarded the relevant papers to Director, Directorate of Tribal Welfare, Govt. of Goa as a result of which the applicant informed the Commission vide his letter dated 16-01-2015 that an amount of Rs. 32,200/- has been credited in his account towards Scholarship on 16-01-2015 itself and he thanked the Commission for assistance in the matter.



2.7.19 A representation dated 24-07-2014 was received in the Commission on 25-09-2014 from Smt. Lilabai W/o Late Govardhan Singh, Gram Dedla, Thana Chapiheda, Tehsil Sarangpur, District Rajgarh (Byavara) M.P. in which it was informed that she is a tribal widow and her husband had died in a bus accident. Her family is a BPL family and she is trying hard for financial assistance from the district authorities but she is not being helped. She requested the Commission to help her in the matter. The Commission took up the matter with District Collector, Rajgarh vide notice dated 28-10-2014. A reminder was also sent on 04-03-2015 as a result of which District Collector concerned informed the Commission vide his letter dated 23-03-2015 that husband of the applicant had died while travelling in the bus and not in the accident. However, an amount of Rs. 2,000/- has been sanctioned to her under %C+category of SC/ST Relief Scheme Rule, 1979. The applicant was informed accordingly by the Commission.

2.7.20 A representation of Shri Panchuram Meena, S/o Sh. Badri Narayan Meena of Badapadampura, Chaksu, Jaipur regarding his application for allotment of land under Indira Awas Yojana was received in the Commission. The case was taken up with the Collector, Jaipur vide letter dated 10/09/2014. The case was considered favourably by the authority and was allocated Amount and land under Indira Awas yojana. As per information provided by the District Collector, Jaipur vide letter no. 180 dated 18.02. 2015, the first installment of Rs 17,500/- was also released to the beneficiary.

2.7.21 A representation of the members of Jagpura Panchayat, Tahasil- Ghatol, Distt. Banswada for construction of bridge over River Mahi for facilitating the communication between the tribal residents of both sides of the bank of the river was received in the Commission. The case was taken up with the Collector, Banswada and the Divisional Commissioner, Banswada vide letter dated 16/04/2014. The construction of bridge was ordered vide Tribal Area Development Department Letter dated 13/06/2014.

2.7.22 A representation was received in the Commission from the Secretary, Bhill Samaj Vikas Samiti, Jaisalmer for sanction of fund for construction of a Girls Hostel at Jethbai Village for the tribal students belonging to Bhill community. The case was taken up by the Commission with the Chief Secretary, Tribal Area Development, Jaipur vide letter dated 17/12/2014. The Additional Commissioner, TAD, Udaipur informed vide letter no. 550 dated 5/01/15 that the amount has been sanctioned and the construction of the Hostel is likely to commence soon..

2.7.23 A representation of Shri Narsi Lal Meena regarding his transfer on Promotion overlooking guidelines of Govt. of India regarding transfer of Handicapped employees and also posting of working Husband and wife at the same place. The case was taken

up with the Bank of India following which the complainant has been posted back in Jaipur as per his request.

2.7.24 The Commission received a representation on 01.12.2014 from the villagers of Talaput, Pangiguda and Sindhiput of Koraput district alleging that HAL acquired their agricultural land during 1960-1963 and paid very little compensation at that time. HAL used some portion of their acquired land and rest portion were left unused. The contention of the villagers was that, as agriculture was their main source of income, they used the unused portion of HAL for their agricultural purpose & earned their livelihood. Further, they complained that HAL acquired their whole agriculture land with a meagre compensation & not provided any employment opportunity. Now the HAL management is going to expand their unit by evacuating them to some other place. They demanded the facilities like Education, Drinking Water, Pucca road, health facility & others like NALCO Management. The Commission took up the matter with the Collector & District Magistrate, Koraput for a pragmatic decision on the demands of the Tribal Villagers. Finally, HAL Sunabeda selected a place and sanctioned required funds for building a colony for them assuring all help for their comfortable life with proper livelihood. As learnt, the construction work is progressing speedily.

2.7.25 A Representation received from Shri Fulsingh Sidar, S/o Shri Sonau, Village- Bandhapali, Tahsil- Dabra, Dist Janjgir Champa, CG sent a representation that in Khasra no 347/1, 347/2, 414/1 and 427 areas 0.12, 0.95, 0.50, 0.71 acres respectively in total land is 2.28 acres was purchased fraudulently without paying actual values of the land by R.K.M. Power Jan Private Limited Company. The petitioner further informed that the R.K.M. Power Jan private limited Company not even paid the actual value of the land as per the rate prescribed by the Government. He further informed that he made complaint against the Company before Sub Divisional officer (Revenue), Dabra, District Janjgir Champa. After hearing of his Petition by the Sub Divisional officer (Revenue), Dabra, District Janjgir Champa, passed a order in his favour. The SDM (Revenue), Dabra also directed the Tahsildar and issued order for restoration of lands to actual land holders (Petitioner's) land record. He further informed, that after lapses of more than two months of the above order of the SDM (Revenue) Dabra, the Tahsildar, Dabra did not take any action for restoration of the land to petitioner land record. He requested the Commission for help in the matter and also requested to direct the District Administration, for restoration of land to his land record.

The Commission took up the matter with District Collector, Janjgir Champa, CG vide this office letters dated 09.07.2014. After regular follow up, the Deputy Collector, Janjgir Champa informed the Commission vide his letter dated 05.12.2014 that all the land in total areas 2.28 acres of Shri Fulsing Sidar at village Bandhapali, Tahsil Dabra, was restored to petitioner land record and possession of the land also given to Shri Fulsingh.

2.7.26 A Representation received from Shri Surtiram Sidar, S/o Shri Kanhakot, Tahsil Dabra, Dist- Janjgir Champa, CG sent a representation that in Khasra no Khasra no 356, 363/2, 369/1, 381/6, 381/7, 381/10, 383/2, 384, 387/4, 397/2 areas

0.42, 0.40, 0.45, 1.30, 0.58, 0.38, 0.76, 0.30, 0.16, 0.15 acres respectively in total land is 4.90 acres was purchased fraudulently, without paying actual values of the land by R.K.M. Power Jan Private Limited Company. The petitioner further informed that the R.K.M. Power Jan private limited Company has even not paid the actual value of the land as per the rate prescribed by the Government. He further informed that he made complaint against the Company before Sub Divisional officer (Revenue), Dabra, District Janjgir Champa. After hearing of his Petition by the Sub Divisional officer (Revenue), Dabra, District Janjgir Champa, passed an order in his favour. The SDM (Revenue), Dabra also directed the Tahsildar and issued an order to restoration of lands to actual land holders (Petitioner's) land record. He further informed that after lapses of more than two months of the above order of the SDM (Revenue) Dabra, the Tahsildar, Dabra did not take any action for restoration of the land to petitioner land record. He requested the Commission for help in the matter and issue of directions to the District Administration, for restoration of land to his land record.

The Commission took up the matter with District Collector, Janjgir Champa, CG vide this office letters dated 09.07.2014. After constant follow up, the Deputy Collector, Janjgir Champa informed the Commission vide his letter dated 08.01.2015 that all the land of Shri Surtiram Sidar at village Kanhakot, Tahsil Dabra, in total areas 4.90 acres, was restored to petitioner land record and possession of the land also given to petitioner.

2.7.27 Ms. Nirmala Maravi, R/o Harish Tent House, Balco Nagar, Korba, CG sent a representation dated 06.03.2013 that she is a registered Research Scholar student of Pandit Sunderlal Sharma (Open) University, Bilaspur vide University Grant Commission sanctioned order no F. 14-2 (ST)/2009 (SA-iii) dated 10.12.2010 under ST category. She further informed that as per the order of the UGC, her Research Scholarship amount would be sent to Pandit Ravi Shankar University, Raipur. She further mentioned that vide her letter dated 30.01.2013, she requested the Registrar, UGC, New Delhi for sending the Research Scholarship amount to Pandit Sunderlal Sharma (Open) University, Bilaspur instead of Pandit Ravi Shankar University, Raipur and also requested for early payment of Scholarship amount. But after lapse of more than two months, UGC, New Delhi, did not take any action in this regard. She requested the Commission to do the needful at the earliest, so that she can continue her further research without any financial crisis. The Commission took up the matter with the Chairman, University Grant Commission, New Delhi vide this office letter dated 19.06.2013 and subsequent reminders dated 4.07.2013, 2.09.2013, 01.01.2013, 15.09.2014, 13.10.2014, 30.10.2014, 30.12.2014 and 4.02.2015. The Education officer, University Grant Commission, New Delhi informed the Commission Vide letter dated 10.02.2015 that the an amount of Rs. 6,00,000/- has already been released vide sanction letter No.14-728(ST)/2009 (SA-III) dated 29.01.2014 to the registrar, Pandit Sunderlal Sharma ( Open) University, Chhattisgarh, in respect of Ms Nirmala Maravi's Scholarship.

2.7.28 Shri Sarvon Gond and Shri Munna, Uslapur, Post- Sakri, Tahsil -Takhatpur, Bilaspur, CG, sent a representation dated 10.04.2012 stating that he is 78 years old and belongs to tribal community. His agricultural land where he has been cultivating since last 50 to 60 years under Patwari halka no 26, Kasra no 445,575, 576, 625 areas

0.64, 0.42, 0.22 and 1.71 and in total 2.99 acres respectively and Khasra no 573/1, 573/2, 574 areas 0.18, 0.20 and 0.47 acres. He further informed that in the year 1992-93 the above cited land were diverted and illegally transferred in the name of Shri Suresh Kumar and Ms. Neelam in revenue records with the help of Shri Shankar Lal Dagla, Ex SDM, Kota, Bilaspur, though he never sold his any of the above cited piece of land. He further informed that he has approached various revenue authorities but they did not hear his plea. He requested the Commission to intervene in the matter to get his own land.

The Commission took up the matter with District Collector, Bilaspur vide this office letter dated 07.05.2012. After regular follow up, the Sub Divisional Officer (Revenue), Kota, District Bilaspur informed the Commission vide his letter dated 30.03.2015 that the court of the Additional Tahsildar, Sakri issued order dated 08.10.2013 for restoration of the above land in the name of the Petitioner Shri Sarvan Gond as per the provision of Chhattisgarh Land Revenue Act, 1959 under section 109, 110.

### **(C) Service Cases**

2.7.29 A representation dated 24-04-2014 was received in the Commission on 06-05-2014 from Miss Deepa C.N., Office Assistant, State Bank of India, R/o Chitradurg District (Karnataka) wherein it was informed that she was earlier working in Pragathi Grameena Bank (PGB), Head office, Bellary from 21-01-12 to 12-01-2013. She was selected under ST quota. She informed that in the mean time, she was selected by State Bank of India for the post of Office Assistant under ST quota. She was given letter of appointment by SBI on 08-01-2013 directing her to report for training at their Staff Training Center, Bangalore on or before 15-01-2013. Hence, with a view to join State Bank of India, she had submitted resignation letter to her employer through Branch Manager, Pragathi Grameena Bank, Honnali Branch with a request to relieve her from the service of the bank. She had also requested the bank to recover salary for the notice period. The Branch Manager of Pragathi Grameena Bank, Honnali Branch had orally informed her to join SBI Staff Training Center at Bangalore and assured to send relieving letter, acceptance of resignation letter etc. at her residential address. She left Honnali on 12-01-2013 and reported at SBI Staff Training Center at Bangalore on 15-01-2013. While reporting there, she failed to disclose the details of her previous employment because she was un-employed at the time of applying for Clerical Post in SBI and she joined the training by producing other necessary information and documents. After verification of her documents, SBI posted her to Zonal office, Hubli where she reported on 21-01-2013.

The applicant further stated that to her great shock and disappointment, the Pragathi Grameena Bank, Head Office Bellary complained to SBI Local Head Office, Bangalore that she had left the branch without permission and reported at STC, SBI, Bangalore suppressing the previous employment and not to get the proper relieving letter from Pragathi Grameena Bank. Ultimately, the bank issued the discharge letter on 30-01-2013 even though she had submitted her resignation to that bank on 12-01-2013. She alleged that the bank had deliberately accepted her resignation on 30-01-2013 with the intention to lose jobs in SBI and PGB and the PGB paid the salary upto 10-01-2013 and recovered 1 month's salary towards notice period and training expenditure of Rs. 17,278/- which was debited to her SB account on 31-01-2013.

She further informed that after getting the complaint from PGB, Bellary, she was orally officials of SBI Zonal Office, to get the reliving letter from PGB on or before 15-01-2013 instead of 30-01-2013. When she approached PGB for the same, they did not consider her request and rejected to give reliving letter. Then she conveyed the same to AGM, SBI, LHO, Bangalore and she was orally instructed her not to report for duty from Feb, 2013. She was not given any written instructions on the subject. Later, SBI issued her show cause notice for not disclosing the fact of her previous employment at the time of joining SBI and whether she had drawn salary from both the banks. The applicant submitted exhaustive reply to the bank and submitted that she had no intention to hide the information and requested the SBI management to condone the mistake and allow her to join her duties. The SBI management did not respond to her appeal so far. Hence, she was compelled to approach the Commission for justice in the matter.

On receipt of the complaint, the Commission took up the matter simultaneously with the Chairman, Pragathi Grameen Bank, Bellary and AGM, SBI, LHO, Bangalore vide notice dated 07-05-2014. The Pragathi Grameen Bank, Bellary vide their letter dated 21-05-2014 submitted that they have provided no objection certificate to the State Bank of India, LHO, Bangalore to recruit the applicant at their end. On the other hand, the SBI confirmed that a notice was given to the applicant for not disclosing her previous employment and informed that considering the reply given by the applicant, it has been decided not to terminate her services and to continue her in employment with the bank. Hence, the matter has been settled. The applicant was informed accordingly and she informed that she had got appointment order in SBI and reported for duty on 13-06-2014. She thanked the Commission for helping her.

2.7.30 A representation dated 09-01-2014 was received in the Commission on 15-01-2014 from Shri D. Nagendrappa, Retired TOA (G), Lokikere, Davangere (Karnataka) regarding alleged harassment and undue delay in settlement of his terminal benefits on voluntary retirement w.e.f. 01-10-2013 forenoon under deemed rule-48 A of CCS (Pension) rule, 1972 by the General Manager , Telecom, BSNL, Davangere. The Commission took up the matter with the Chief General Manager, Telecom, Karnataka Circle, Bangalore vide letter dated 10-03-2014 who informed vide letter dated 03-04-2014 that the case of the applicant was examined in detail. It was submitted that the applicant had applied for voluntary retirement on 04-07-2013 under rule 37 sub-rule 11 (A) of CCS (Pension) rule, 1972 w.e.f. 01-10-2013. It was also informed that the applicant was charge sheeted under rule 14 for his unauthorized absence from duty from 11-10-2002 to 09-02-2002 and was imposed penalty of reduction to lower time scale of pay of Rs. 4720-150-6970 in grade TOA (G) with immediate effect for a period of 8 years with the direction that he will not any increment during the period of reduction and the period of his absence shall be treated as ~~Die-~~non+. It was also informed that as per the extent rules, vigilance clearance is mandatory for processing the cases of voluntary retirement and as the official was still under the process of penalty, he has not been permitted to retire.

A copy of reply was sent to the applicant who submitted a rejoinder vide letter dated 15-04-2014 and informed that as per the Ministry of Communications, DoT letter no

00566 dated 07-09-1999, vigilance clearance may be withheld only in respect of Govt. servant falling under one or the other of the following three categories- (1) Govt. servants under suspension, (2) Govt. Servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending and (3) Govt. Servants in respect of whom prosecution for a criminal charge is pending. He argued that his case does not come under the above three and the submission of BSNL before the Commission is not correct. A copy of the rejoinder was sent by the Commission to the Chief General Manager, Telecom, Karnataka Circle, Bangalore vide letter dated 25-04-2014 as a result of which the Commission was informed vide letter dated 09-06-2014 by the BSNL that the case is being reviewed by the competent authority. On 18-07-2014, the applicant himself sent a letter to the Commission and informed that his case of voluntary retirement has been settled. He thank the Commission for helping him in the matter.

2.7.31 A representation dated 17-12-2013 was received in the Commission on 24-12-2013 from Shri Chandra Kant Damse, Aundh, Pune regarding his unfair reversion from the post of Executive Engineer to Deputy Executive Engineer in MSEDCL. The applicant submitted that he was working in the company for last 15 years and was selected as Executive Engineer under direct recruitment as ST candidate and posted in Ahmadnagar (R) Division. After working as Executive Engineer, he received an order of reversion from the post of Executive Engineer to Deputy Executive Engineer stating reason ~~on~~ going disciplinary action. He submitted that no disciplinary action was pending against him at the time of selection as well as the time of reversion. He also submitted that on inquiry, Disciplinary Action Cell of the company informed him that due to some typing mistake, his pending case was not closed as feeding of data was not done properly. Thereafter, the necessary rectification was done by the DC cell and report was generated showing no disciplinary action/case pending against him and the same was submitted to CGM (T/E) by DC cell. He informed that he had joined corporate office, MSEDCL, Mumbai on the lower post as Deputy Executive Engineer and even after 65 days, no rectification is done. He requested the Commission to give justice in this regard. The Commission took up the matter with the Managing Director, MSEDCL, Mumbai vide notice dated 10-01-2014. Reminders were also sent to him on 03-04-2014 and 22-05-2014. As no reply was received, a sitting was scheduled by Hon<sup>ble</sup> Chairperson of NCST, with the Managing Director, MSEDCL, Mumbai on 15-07-2014 which was later rescheduled for 12-08-2014. The CGM (T/E), MSEDCL, Mumbai informed the Commission vide his letter dated 22-07-2014 that the competent authority has reviewed the gravity of the disciplinary action case of the applicant. It has decided to open the seal cover and to appoint him to the post of Executive Engineer (Dist). Accordingly, office order dated 10-06-2014 has been issued and the applicant has been posted to Akola Urban Division, under Amravati Zone, Akola and the applicant has resumed the duties from 27-06-2014.

2.7.32 A representation dated 10-12-2012 was received in the Commission on 11-12-2012 from Shri H.S. Pandro, District President, Gondwana Karmachari/ Adhikari Sangh, Bhopal regarding deprivation of Shri Vinod Singh Batti, Draftsman P.W.D, Office of Chief Architect and Chief Engineer, Bhopal (M.P.) in the matter of his promotion. The Commission took up the matter with Principal Secretary, GAD

Department, Govt. of M.P. and Chief Engineer, PWD, Bhopal vide letter dated 15-01-2013. It was also followed up vide reminders dated 06-06-2013 and 24-07-2013. As no reply was received, a sitting was scheduled by Hon'ble Chairperson, NCST on 11-08-2014 with Principal Secretary, PWD, Govt. of M.P. and Chief Engineer, PWD. In the meeting, the Commission was informed that the applicant has been promoted as Chief Draftsman from back date i.e. 14-08-2008 and thus, his case stands settled.

2.7.33 A representation dated 10-01-2012 was received in the Commission HQ on 31-01-2013 from Shri Hakim Singh, Lok Nirman Vibhag, Panna (M.P.) which was forwarded to the Regional Office on 13-02-2012 regarding his promotion from the post of Peon to Assistant Grade- III. The applicant, in his representation informed that he is eligible for promotion but his department is not considering him for the same though he belongs to ST category. The Commission took up the matter with Principal Secretary, Public Works Department, Government of M.P. vide notice dated 23-03-2012 which was followed up by reminder dated 30-05-2012. In reply, Chief Engineer, PWD, Sagar Circle, Sagar informed the Commission vide his letter dated 25-05-2012 (received in the Commission on 06-06-2012) that as per para -4 of circular no. C/3-12/2006/3/1/Bhopal dated 17-08-2006 issued by General Administration Department, Govt. of M.P., it is necessary for a candidate to pass class 12<sup>th</sup> Examination in new 10+2 scheme or pass Higher Secondary Examination in old scheme for appointment to the post of Assistant Grade- III. As applicant has not passed class 12<sup>th</sup> Examination in new 10+2 scheme, he could not be promoted. Similar reply was received in the Commission from Under Secretary, PWD, Govt. of M.P. Bhopal vide his letter dated 23-07-2012.

A copy of the reply received from was forwarded to the applicant by the Commission vide letter dated 21-06-2012. In response, the applicant submitted a rejoinder dated Nil received in the Commission on 17-07-2014 and reiterated that he was eligible for the promotion as per rules and requested the Commission to intervene in the matter. Hon'ble Chairperson, NCST decided to hold a sitting in the Commission with Principal Secretary, PWD, Govt. of M.P. and Chief Engineer, PWD, Bhopal on 11-08-2014 and the notice of the same was issued on 31-07-2014. In reply, the Chief Engineer, PWD, Bhopal informed the Commission vide his letter dated 06-08-2014 that the applicant could not be promoted earlier as he has not passed class 12<sup>th</sup> Examination in new 10+2 scheme. He has submitted his papers regarding passing class 12<sup>th</sup> Examination in new 10+2 scheme with Higher Secondary and Hindi Typing examination certificates in the office of Chief Engineer, PWD, Sagar on 24-07-2013 and his promotion could not be done due to declaration of elections of State Legislative Assemble, Parliament and Municipal Corporations in which employees of the Department were deployed. It was also informed that revised seniority list has been issued on 02-07-2014 and DPC meeting will be held shortly. In the setting held on 11-08-2014 by the Hon'ble Chairperson, NCST, the same reply was furnished by the PWD, Govt. of M.P. Hon'ble Chairperson, NCST, advised the State Government to rectify its mistake and promote the applicant within a period of one month. As a result, the applicant informed the Commission vide his letter dated 01-09-2014 that he has been promoted to the post of Assistant Grade- III vide order dated 29-08-2014 and he has joined the post on 30-08-2014.

2.7.34 A representation dated 11-08-2009 was received in the Commission from Shri Mangal Singh Dhurvey and 3 others including Shri Sakal Bhan Shah Inwati, Assistant Engineers (Civil) regarding their promotion to the post of Executive Engineer in MPEB. On perusal by the Commission, 3 of them were promoted against the reserved posts in the newly formed M.P. Eastern Region Power Distribution Company Ltd. As Shri Sakal Bhan Shah Inwati, Assistant Engineer (Civil) was not promoted due to non-availability of reserved post, he approached the Commission vide his representation dated 18-01-2013. The applicant, in his representation argued that the reserved post were available in the erstwhile MPEB but he was not promoted despite eligibility and now on creation of new companies, the backlog posts were not transferred to the new companies as a result of which officers like in could not be promoted for want of reserved posts. He requested the Commission to help in the matter. The Commission took up the matter with the concerned authorities vide letter dated 24-01-2013 but the concerned company informed the Commission that he could not be promoted as the reserved posts were not available in the new company which is successor company of MPEB. After detailed correspondence on behalf of the, applicant, the Commission and the company for over one and half year, the Chair person, NCST decided to hold a sitting in the matter with Secretary, Energy Department, Govt. of M.P., MD, M.P. Power Management Company Ltd. and M.D, M.P. Eastern Region Power Distribution Company Ltd. on 14-07-2014 which was later rescheduled for 11-08-2014. In the meeting, the applicant, Secretary, Energy Department, Govt. of M.P., MD, M.P. Power Management Company Ltd. and M.D, M.P. Eastern Region Power Distribution Company Ltd. appeared before the Commission. The Commission noted that there was a huge backlog lying in the erstwhile MPEB and these posts were not distributed in the successor companies. On the contrary, before distribution, had promotion exercise against backlog posts completed by MPEB, the applicant would have been promoted. After detailed discussion, Chair person, NCST advised to take any one of the following decision which is most administratively feasible:

1. Transfer of another ST Executive Engineer working in his company on request to M.P. Power Production Company Ltd. as per his request and promotion of applicant against the said post.
2. Sanction of additional post of Executive Engineer in M.P. Eastern Region Power Distribution Company Ltd. and promotion of applicant against the same.

The Commission also advised to complete the above exercise within a period of one month. In response, Secretary, Energy Department, Govt. of M.P. informed the Commission vide his letter dated 09-01-2015 that one post of Executive Engineer (T & D) has been temporarily transferred as Executive Engineer (Civil) in M.P., MD, M.P. Power Management Company Ltd. and applicant has been promoted to the above post which will be adjusted against future reserved vacancies of Executive Engineer (Civil) in M.P., MD, M.P. Power Management Company Ltd.

2.7.35 A representation dated 08-01-2015 was received in the Commission on 15-01-2015 from Smt N. Radhamony, Administrative Officer, CBS, All India Radio. In her



representation, she informed that she was working as Accountant, CBS, All India Radio, Thiruvananthapuram and got promotion as Administrative Officer and joined at same station on 01-01-2015 as per instruction from Directorate, AIR, New Delhi. She further informed that she has now received a posting order wherein she has been posted at AIR, Awadi as Administrative Officer against which she has submitted a representation to her controlling authority narrating her family problems and responsibilities. She informed that one post of Administrative Officer was available at the marketing division, Thiruvananthapuram which is now transferred to AIR, Kannur. The above post of AO was transferred earlier from Madurai to Thiruvananthapuram. She also informed that many officers have been given posting at the same station but she has been transferred to other station despite the fact that she belongs to ST category. She requested the Commission to help in the matter so that she is posted in Thiruvananthapuram only.

The Commission took up the matter with the Director General, AIR, New Delhi vide notice dated 16-01-2015 who informed the Commission that keeping in view the request of applicant, she is being retained at marketing division, Thiruvananthapuram. The applicant was informed accordingly by the Commission vide letter dated 16-03-2015. The applicant thanked the Commission for helping her in the matter.

2.7.36 A representation dated 30-11-2012 was received in the Commission on 27-12-2012 from Shri Patiraj Singh, ST Candidate of post of Lab. Tech. District T.B. Center, District Hospital, Baidhan, District Singrauli (M.P.) wherein it was informed that Dean, Shyamshah Medical College, Rewa had advertised some vacant posts on 08-08-2012 which was followed by written examination on 21-09-2012 and interview on 28-09-2012. Results of the posts of Radiographer and Computer Operators have been declared but the result of the post of Lab. Tech. has not been declared despite laps of over two months. He requested the Commission to intervene in the matter. The Commission took up the matter with Dean, Shyamshah Medical College, Rewa vide notice dated 15-01-2013 which was followed by reminders dated 29-01-2014, 03-04-2014, 01-09-2014, 18-12-2014 and 04-03-2015. Dean, Shyamshah Medical College, Rewa informed the Commission vide letter dated 17-03-2015 that the result was delayed due to objection raised by another candidate which was found correct and the result was cancelled. Fresh return examination was conducted on 02-07-2014 and interviews were held on 25-07-2014 and result was declared on 05-08-2014. The selected candidates including the applicant have joined their duties.

2.7.38 A representation dated 15-11-2014 was received in the Commission on 15-01-2015 from Shri Chhagan, S/o Mangaliya, R/o Village Farmar Falia, Dhadhania, Tehsil Meghnagar, District Jhabua (M.P.) regarding non-payment of pension by railways on retirement of the applicant. The Commission took up the matter with DRM, West Central Railway, Kota, Rajasthan vide notice dated 12-02-2015 who informed the Commission vide letter dated 13-03-2015 that after retirement of the applicant on 31-07-2013, Senior Divisional Commercial Manager had issued PPO to the concerned bank on 08-08-2013. On enquiry, the State Bank of India has informed that the applicant has not submitted his life certificate in the bank's branch at Megh Nagar as a result of which payment of pension is not been made to him. His pension has been revised as per 6<sup>th</sup> CPC and revised PPO has been issued. Senior Divisional

Commercial Manager, Kota has been directed to pay the arrears of pay and other dues. The applicant was accordingly informed by the Commission.

2.7.39 A representation of Shri V. P. Rathod, employee of Saurashtra University, Gujarat was received in the Commission regarding his promotion. The same was taken up with the Authorities of Saurashtra University vide letter dated 2/01/2015. The case was disposed off by the University by promoting him to the post of Asstt. Registrar vide office order dated 16/6/2014.

2.7.40 Shri Sukhal Munda S/o Tunji Munda, Vill- Dahugutu, Pipratoli, PS Khunti, District-Khunti vide his representation dated 20.10.2014 has alleged that in spite of the judgment in the Court of the Sub-Divisional officer, Khunti, in case No. SAR-259/01-02 in his favour, he is not being given possession of his land by the Circle officer, Khunti, District- Khunti.

The Commission took up the matter with the Dy. Commissioner, Khunti and Circle officer Khunti, vide letter dated 28.10.2014. The Circle office vide letter dated 07.11.2014 has intimated that Shri Munda has been given possession of his land at Vill- Dahugutu, Pipratoli, PS Khunti Khata no. 29, Plot No. 05, Area 1.13 Acers.

2.7.41 Ms. Mina Marandi D/o Late Rupas Marandi, Village-Bhaga Po.- Minijam, Distt.- Jamtara, Jharkhand requested vide her letter dated 8.8.2014 to NCST that due to non-cooperative attitude of State Bank of India, CPPC Branch, Administrative Building, Judge Court Road, Patna, there is un-necessary delay by Bank in returning of disbursement half of pension payment order book and issuance of last pension paying certificate of my deceased family pensioner late Nirola Marandi W/o Late Rupas Marandi.

The Commission took up the matter with the Chairman-cum-Managing Director, State Bank Bhawan, Nirwan Bhawan, Mumbai on 21.8.2014 to issue suitable instruction to the Chief Manager, SBI C.P.P.C. Branch, Patna and SBI, Mihijam Branch (8085) Jamtara-815354, Jharkhand (SB A/c No. 01190016183) to send the original PPO Book and LPC Certificate in respect of deceased family pensioner Late Nirola Marandi W/o Late Rupas Marandi to the office of the FA & CAO (sett.), South Eastern Railway, Garden Reach, Kolkatta-43 urgently.

SBI, West Gandhi Maidan, Patna-800001 vide their letter dated 25.9.2014 has replied to the Commission that they sent advise to disbursement half of PPO Book (original) alongwith last payment details to Mihijam branch for onward transmission to Railway authorities. Copy of disbursement half of PPO NO. 07080111503 of Late Rupas Marandi was sent to the applicant.

Shri B. Gopal Naik, who suffered serious injury & underwent major operation due to accident with a running bus, while performing the duty of a Conductor in the A.P. Road Transport Corporation Ltd., represented for alternative work before the authorities. The Corporation was not responding to his request. He approached the Commission and after much persuasion by the Commission he was given alternative job.

2.7.42 A representation dated 21.11.2013 received from Shri K.C.P. Munda, an officer of HPCL, wherein it was alleged that the Organisation had imposed memorandum of charges on him, on some omission & Commission, which would amount to damage his future services career. The matter was taken up with the authority concerned, followed by analytical reminders and in the long run yielded positive result exonerating all the charges communicated vide their letter dated 23.07.2014.

2.7.43 The representationist, Shri D. Dhankotti of Tamilnadu who was working as Officer in the Bank of India was suspended on 01.06.2009 from service on the allegation of embezzlement of Bank Money with collusion of an outsider. The Bank authority lodged an FIR with the Police as it suffered a loss of Rs.6.86 lakhs. Subsequently, the Bank authority dismissed him from service just before his superannuation.

Further, the Disciplinary authority being lenient, modified the major penalty of Dismissal into minor penalty of Reduction of Pay by six stages till retirement. Shri Dhankoti, in the meantime, retired on 31.03.2010. He was only sanctioned provisional pension w.e.f. 01.04.2010 pending judicial proceedings against him. But his other retiral benefits such as leave Encashment, Gratuity & Commutation were not sanctioned as per extant Indian Bank (Employees) Pension Regulations, 1995. Shri Dhankoti submitted a representation dated 29.12.14 to the Commission pleading his innocence and requested Commission's intervention to settle the issue and sanction of retirement benefit. The Commission took up the matter with CMD, Indian Bank on 07.01.2015 and finally the Bank authority granted him retirement benefit along with superannuation pension.

2.7.44 Shri Jagjit Singh Armo, Retired DGM (F), Bharat Sanchar Nigam Limited, R/o of MIG-79, Housing Board Colony, Sector-8, Saddu, Raipur (CG)-492014 sent a representation dated 29.08.2013 to the Commission and informed that that his department has unnecessarily been harassing him by stopping his commutating pension and other retirement financial and nonfinancial benefits. He, further informed that his department has conducted vigilance enquiry against him, long ago, in some false allegation. Even after his retirement of more than two years, he has not been given vigilance clearance from his department resulting in non-payment of gratuity and commutation pension. He requested the commission to help him in this matter so that his department could issue vigilance clearance, which would enable him to receive commutating pension and other retirement financial and nonfinancial benefits. The Commission took up the matter with Chairman & Managing Director, Bharat Sanchar Limited, New Delhi vide this office letter dated 16.09.2013. After constant follow up, the Deputy General Manager Bharat Sanchar Limited, New Delhi informed the Commission vide his letter dated 3.11.2014 that the vigilance clearance in respect of Shri Armo has been received from vigilance branch on 30.06.2014. The DGM (SEA), BSNL further mentioned that his department has issued vigilance clearance and Shri Armo is now cleared from vigilance angle.

2.7.45 Smt. Anima S Kujur, District Commandant, District Home Guard, Raipur sent a representation dated 26.08.2013 to the Commission and informed that her husband Shri Samir Pratap Kujur, Inspector is working under office of the Chief Commissioner, Custom, Central Excise & Service Tax, Bhopal, (MP) and posted at office of the Commissioner, Central excise, Nagpur. She further informed that her husband has submitted several applications of transfer to his department at Raipur but his department did not consider his request. She further mentioned that she is working under Government of Chhattisgarh, hence, her transfer from out of Chhattisgarh state is not possible, though there is a vacant post under O/o the Commissioner, Central excise, Raipur office and as per the Government of India order when both the spouses are government servant, as far as possible, they should be given posting at the same station. She further requested the Commission to intervene in the matter so that her husband could be transferred to Raipur. The Commission took up the matter with the Chief Commissioner, Custom, Central Excise & Service Tax, Bhopal (MP) vide this office letter dated 24.09.2014. After regular follow up, the Additional Commissioner, O/o the Chief Commissioner, Custom, Central Excise & Service Tax, Bhopal (MP) informed the Commission that case of Shri Samir Kujur, Inspector, husband of petitioner, has been considered and Shri Samir Kujur has been transferred to Raipur vide office order no 41/2014 dated 21.11.2014.

2.7.46 Shri Amar Singh Dhruv, Acting Supervisor, District Cooperative Bank, Branch-Mainpur, District, Gariyaband sent a representation dated 20.10.2014 to the Commission and informed that his department has been intentionally harassing him by stopping his salary from last eight months without any reason, due to that his family is facing financial crisis. He further requested the Commission to help him in the matter so as to enable his family to survive. The Commission took up the matter with Chief Executive officer, District Cooperative Central Bank Maryadit, Raipur vide office letter dated 28.10.2014 and subsequent reminders dated 22.12.2014 and 23.01.2015. The Chief Executive officer, District Cooperative Central Bank Maryadit, Raipur informed the Commission vide letter dated 05.02.2013 that due to unauthorised absence from duty by Mr Amar Singh Dhruv his salary was stopped. After joining the duty at his posting place Mainpur, unpaid salary from February 2014 to October 2014 was paid to Mr Amar Singh Dhruv.

2.7.47 One representation dated 02.08.14 received at NCST-Shillong on 12.8.14 from Shri Sanheibor Kharshiing, Customer Assistant of SBI, Tura Main Branch, West Garo Hills, Meghalaya. His complaint against SBI, Tura Bazar Evening Branch, West Garo Hills, Meghalaya, he stated that non receiving of Salary for 3 months from said branch without any prior intimation. 1<sup>st</sup> action taken from NCST-Shillong on 20.08.14, issued letter to The Zonal Manager, SBI, Zonal Office, Bawri Mansion, Dhanketi, Shillong for immediate action against applicants complain. Reminder issued from NCST-Shillong to SBI, Zonal Office on 23.09.14 regarding present status of action initiated on applicants complain. NCST-Shillong received letter from DGM (B&O), SBI-Zonal Office, Bawri Mansion, Dhankheti, Shillong on 15.10.14 against reminder dated 23.9.14. It is informed that Shri Kharshiing was absent from duty from 21.1.14 to 3.3.14 for 42 days without prior permission of EOL. Now his salary & allowances paid on 25.9.14 after regularizing his EOL. Shri Kharshiing informed over phone on 28.9.14 to NCST-Shillong that SBI has released his all dues which are pending.

## **2.8 HEARINGS OF THE COMMISSION DURING 2014-15**

### **A. ATROCITY MATTERS**

2.8.1 A Sitting was held by the Commission on 14.1.2015 with officers of AIR regarding harassment of Shri Manoj Ji Muliana, Sorter, AIR, Rajkot by superior officers. The Commission advised that the applicant should be given the work of sorter according to his post and the controlling officer was not found sympathetic and helpful towards the ST employees. He needs to be careful in future.

2.8.2 A Sitting was held in the Commission on 23.12.2014 with the Registrar, Delhi University and Principal, Mata Sundari College for Women, New Delhi on the representation of Dr. Lalit Meena, Assistant Professor (Hindi), Mata Sundari College for Women, New Delhi regarding Caste Based harassment by his colleagues. After listening both the parties, the Commission advised the Principal to do the needful for permanent solution of the complaint of the applicant. It was also advised that the Principal and governing body of the college shall enquire into the complaint with full transparency and ensure that departmental action is taken against the accused officials. In case the complaint is found correct, action to be taken against the accused under the provisions of SC/ST PoA, Act, 1989. The Principal of the college should ensure healthy working atmosphere in the college.

2.8.3 A Sitting was held by the Commission on 4/10/2013 and 10/10/2013 with Police Commissioner, Delhi regarding the News Report in Time of India captioned 'Savagely scared maid rescued from VK flat'. The Commission desired that the Government of NCT and Delhi Police should communicate the action taken within a fortnight.

### **B. DEVELOPMENT MATTERS**

2.8.4 A Sitting was held by the Commission on 2/07/2014 with concerned officers of Ministry of Tribal Affairs and Ministry of Agriculture on the representation of Shri M. Alwas, Hon. Secretary, Nilgiris Adivasi Welfare Association regarding proposal for establishment of KVKs in Nilgiris district, Tamil Nadu for tribal population separately. The Commission advised the concerned officers to obtain a detailed evaluation of UPASIs KVK after all local consultation and feedback. He shall also organize a separate one-day evaluation of KVKs in tribal areas and associate MTA and NCST for giving feedback of tribals. On the basis of this performance evaluation of KVKs in relation to tribal priorities, ICAR will design useful programs that can utilize the funds under TSP allocated under the Ministry of Agriculture. ICAR was requested to involve knowledgeable representative and specialist in tribal agricultural matters in the scientific advisory committee for KVKs. Thereafter, Secretary, DARE will also look into policy for KVKs with reference to tribal areas to formulate a view on creating institutions led by tribals for promoted their farm based livelihoods as also for development of their incomes for non-timber forest produce and animal husbandry.

2.8.5 A Sitting was held by the Commission on 22/09/2014 with concerned officers of Ministry of Tourism on the representation of Shri Amit Kumar of Himachal Pradesh, regarding relaxation in percentage for selection into Central State Institute of Hotel Management, NOIDA. The petitioner was informed of the Department of Personnel and Training instructions in this regard. The Commission advised the petitioner to approach State Government for any other grievance about relaxation/ concession.

2.8.6 A Sitting was held in the Commission on 25.6.2014 as a follow up of earlier Sittings held on 30.8.2013 and 4.9.2013 on the representation of Sh. Harish Chandra Chavan, Hon'ble M.P (Lok Sabha) for cancellation of DoPT OM No. 36011/2/10-Estt. (RES.) dated 10<sup>th</sup> August, 2010 conferring benefits to candidates of Halba Koshti/ Halbi Koshti/ Koshti community to continue to occupy vacancies reserved for genuine Scheduled Tribes. Secretary, DoPT, Secretary, Department of Legal Affairs, Director, MTA, Govt. of India and Principal Secretary, Tribal Welfare Department, Govt. of Maharashtra attended the meeting and discussed all the aspects of the issue in detail. The Commission advised the DoPT, DoLA and Govt. of Maharashtra to respond with all details and for DoPT to act promptly based on the analysis in the Agenda Note, once orders has been passed by the Supreme Court. Meanwhile, the Commission would proceed internally on related matters with whatever replies that have been or are, received.

2.8.7 A Sitting was held by the Commission 2.1.2015 with Deputy Commissioner, Gumla on the issue of contesting election of Chairman, Nagar Panchayat, Gumla by Shri Dharendra Pratap Singh on the basis of Fake Caste Certificate. Deputy Commissioner, Gumla informed the Commission that he had referred the matter to the State Election Commission which has constituted a three member committee to enquire into the complaint and submit report to it. The Commission advised him to follow up the case for early disposal. It was also decided that the Commission shall write the members of the Committee for taking decision in the matter at the earliest.

### **C. LAND MATTERS**

2.8.8 A Sitting was held by the Commission on 24.3.2015 with the concerned Authorities of Govt. of Jharkhand regarding duping of compensation of Rs. 11 Crores from tribals in Dhanbad District of the State reported in press. The matter was also investigated by a team of officers of the Commission. On the basis of report of the above team, this Sitting was held in which the Commission advised for Stern action against the middlemen and erring officials, registration of FIRs, forfeiting of property of accused and payment of compensation to the victims.

2.8.9 A Sitting was held by the Commission on 2.1.2015 with the Deputy Commissioner, Gumla regarding the representation of Shri Gondara Oraon, Gumla in which he had complained that his land was acquired for the use of Agriculture Department, Govt. of Bihar without payment of any compensation to him. In the Sitting, the Deputy Commissioner, Gumla informed that the acquisition had taken place as

early as 1957 and the records are not available with him at present. There is a possibility that some records might be available with Govt. of Bihar which has to be confirmed. The Commission allowed two months time for the same.

2.8.10 A Sitting was held by the Commission on 19/06/2014 with concerned officers of Government of Bihar in the matter of illegally acquired land. The Commission desired that the action taken report should be communicated to the Commission.

2.8.11 A Sitting was held by the Commission on 28/08/2014 with the concerned officers of Government of Rajasthan regarding return of illegally acquired land of a ST lady. The Commission directed the concerned officers to take stern action against the accused and provide police protection to the applicant.

#### **D. SERVICE MATTERS**

2.8.12 A Sitting was held by the Commission on 9.3.2015 with the officers of MHA regarding promotion of Sh. Karam Chand Negi, Inspector, Delhi Police to the post of ACP. The Commission directed the MHA to explain the reasons for not considering the applicant for promotion in the year 2010 and thereafter and to take further necessary action in the matter.

2.8.13 A Sitting was held by the Commission on 9.3.2015 with officers of NDMC regarding regular promotion of Shri. P. C. Meena, Executive Engineer holding the post on notional basis and release of two months salary. The Commission recommended for consideration of applicant in review DPC and release of salary at the earliest.

2.8.14 A Sitting was held by the Commission on the complaint of Shri B. Chekre Naik, All India General Secretary, FCI officers and staff welfare association, Hyderabad regarding non-implementation of post based roster in FCI. The Commission observed that reservation policy is being followed by FCI and advised the management not to deviate from the instructions issued by the Govt. of India on the subject.

2.8.15 A sitting was held by the Commission on 31.1.2015 with Special Director of Education, Govt. of Delhi on the complaint of Smt. Memtara Mahar, Azad Pur, New Delhi regarding harassment at workplace by not filling the post of TGT Social Science. The Commission recommended to ensure implementation of reservation policy in Govt. aided schools under Govt. of Delhi.

2.8.16 A Sitting was held by the Commission on 6.2.2015 on the representation of Dr. K. K. Verma, Senior AGM, Air India Limited, regarding his promotion to the post of DGM (medical) with the concerned authorities of Air India. The Commission advised the management of Air India to examine the case of applicant on the rules of proforma promotion and report to the Commission.

2.8.17 A Sitting was held in the Commission on 16.1.2015 on the representation of Sh. Lalan Shah, Asstt. Manager, BSNL regarding his promotion w.e.f April, 2010 with the management of BSNL. The Commission advised the management for reconsideration of the case in light of the rules.

2.8.18 A Sitting was held in the Commission on 5.1.2015 with the Special Secretary (Vigilance) and Special Secretary (Services), Govt. of Delhi on the representation of Shri. Samir C Minz, DANICS, Ex-SDM, Seelampur, Delhi regarding non-completion of enquiry initiated against him. The Commission advised for point-wise examination of the submissions made by the applicant by the vigilance cell before proceeding further in the enquiry.

2.8.19 A Sitting was held in the Commission on 5.1.2015 with IG (Personnel) and DIG (Personnel), BSF on the representation of Sh. Chuni Lal Belwa, Commandant BSF regarding restoration of his seniority in the rank of Deputy Commandant with retrospective promotion in the rank of Second in Command, Commandant and DIG. After detailed discussion, the Commission recommended the BSF to hold review DPC, restore seniority and provide all accrual benefits to the applicant.

2.8.20 A Sitting was held in the Commission on 2.1.2015 regarding representation of Dr. Sunil Oraon and others on the pay anomaly of Doctors of Jharkhand Health Service. Joint Secretary, Finance Department, Govt. of Jharkhand appeared before the Commission. The Commission was informed that the matter is under consideration of the State Government. The Commission directed the State Government to appraise the status of progress by 15.2.2015.

2.8.21 A Sitting was held in the Commission on 24.12.2014 to follow up the case of Shri Shakti Singh, Chief Manager (Retd.), UCO Bank regarding his appeal against discrimination by Bank Management in which some recommendations were made by the Commission on 25.2.2014. On behalf of the Management, it was informed that the penalty of Rs. 1,89,267 imposed the applicant has been withdrawn. As there was no progress on the other recommendations made by the Commission, the Commission advised to place the matter before the Board of Directors for payment of interest on the record penalty, withdrawal of charges levelled against him to consider him for promotion as per his entitlement.

2.7.22 A Sitting was held by the Commission on 24.12.2014 with the NDMC management on the complaint of Shri Mohar Singh Meena and Others, Assistant Engineer (Civil), NDMC, New Delhi regarding their promotion to the post of Executive Engineer (Civil). After detailed discussion, the Commission recommended to finalize the seniority list of the post of Assistant Engineer (Civil), duly approved by the Competent Authority, to consider for providing looking after charge to them on the ground of seniority and to submit compliance report to the Commission by 15.1.2015.



2.7.23 A Sitting was held in the Commission on 20.11.2014 on the representation of Shri Mehar Chand, Lahaul & Spiti regarding filling up the posts of Assistant Librarian in District Library Keylong, Govt. College, Kukumseri and Govt. School in Lahaul & Spiti for which the interviews were conducted on 14.1.2003. As the respondents did not appear, the date was re-fixed for 23.12.2014. Director, Higher Education Department, Govt. of Himachal Pradesh submitted a reply and informed that the result of the post could be declared in the year 2009 because of assembly elections. He stated that the applicant was placed at serial number 62 in the merit list out of four vacancies reserved for STs, three have already been filled with ST (General) candidates and one has been filled with ST (IRDP) candidate. These vacancies have been filled as per the rule and as per the prescribed 5% quota for ST candidates. The Commission advised the State Govt. to fill up the remaining vacancies in the cadre of Assistant Librarian at the earliest and to accommodate more and more candidates from tribal areas.

2.7.24 A Sitting was held in the Commission on 8.9.2014 with the officers of Delhi Subordinate Service Selection Board under Govt. of NCT of Delhi on the complaint of Ms. Niang Khaw Lian and Others regarding non-issuance of appointment to the post of staff nurse for which interviews were taken by the Board. After listening both the parties, the Commission advised the Board to issue offer of appointments to the Scheduled Tribes candidates as per the rules and procedure of Govt. of India.

2.7.25 A Sitting was held by the Commission on 21.11.2014 with the officers of MHA, DoPT and ITBP on the issue of relaxation/ concession in recruitment of constables in the paramilitary forces like ITDP in Border areas. After detailed discussion, the Commission advised the ITBP to fill up the vacant posts of constables in tribal areas of Himachal Pradesh and ensure that 50% recruitment of total recruitment may be done from boarder districts as is being followed by the SSB and BSF. It was also advised that 5% recruitment should be made from the ST women. Relaxation in height for STs may also be considered.

2.7.26 A Sitting was held in the Commission on 21.11.2014 with the Oriental Insurance Company Limited Authorities on the representation of Shri Sanjay Kumrawat, Ex-Assistant, OICL, Indore regarding harassment and request for reinstatement in service. After detailed discussion, the Commission advised the applicant to prefer an appeal to the appointing authority for reinstatement into OICL and the OICL to consider his appeal sympathetically.

2.7.27 A Sitting was held by the Commission on 21.11.2014 with the Authorities of North Delhi Municipal Corporation regarding representation of Shri Rajpal Meena related to correction of seniority list of Junior Engineer (Electrical) in their Department. The Commission accepted the suggestion of representative of North Delhi Municipal Corporation to seek written clarification from Delhi Subordinate Services Selection Board on the category wise Merit list on the basis of the ranks/ marks obtained by the

candidates. It was also advised by the Commission that North DMC and DSSSB officers shall take needful steps on priority basis and bestow the petitioner his due benefits like seniority, promotion etc. at the earliest.

2.7.28 A Sitting was held by the Commission on 20.11.2014 with the Authorities of M/o Railways, Railway Board, New Delhi to discuss the representation of Shri G. Venkateshwarlu, Andhra Pradesh regarding appointment as Senior Section Engineer in the Railways. The Commission was informed that the petitioner was selected as SSE in Southern Railway. Due to lack of vacancies and merger of posts according to Sixth Pay Commission recommendations, the petitioner could not be accommodated in Southern Railway. After examining the vacancy position, it is noticed that there are vacancies in South Central Railway. The candidature of petitioner would be considered for appointment in SCR. As the railways are taking humanitarian view of the situation, though belatedly, the Commission agreed to the proposed action by the railways and directed Railway Board to take necessary action at the earliest.

2.7.29 A Sitting was held in the Commission on 5.11.2014 with the Authorities of Directorate General of Civil Aviation, New Delhi regarding representation of Sh. K. L. Meena, Deputy Director of Air Safety related to non-receipt of salary for the period from 21.10.2008 to 6.6.2010 from the office of the DGCA, New Delhi. After listening to both the parties, the Commission felt that Sh. K. L. Meena has been harassed while dealing the case by the officers of DGCA and advised DGCA to relook in the case on the basis of records produced in the Sitting. The DG, DGCA assured the Commission that he will look into the case on merit and take appropriate view as discussed in the Sitting and refer the matter to M/o Civil Aviation for release of salary of the Applicant.

2.7.30 A Sitting was held in the Commission on 23.9.2014 with General Manager (Personnel) and other senior officers of BSNL on the representation received from Shri. Sarabjeet Shah, Wireman, BSNL, New Delhi regarding harassment. After detailed discussion, the Commission observed that the main issue in the representation was related to fixation of pay after grant of ACP and the authorities of BSNL had acted as per rules in the case. Hence, there was no merit in the case. The petitioner was informed accordingly.

2.7.31 A Sitting was held by the Commission on 23.9.2014 with Field General Manager, Central Bank of India on the representation received from Shri Bhanu Tudu, Central Bank of India, Matihana Branch, Jharkhand regarding request of previous posts MMG-II officers and request for releasing his pay for the period 17.9.2007 to 7.6.2013. After detailed discussion, the Commission noticed that Bank Administrative Order No. RO/DAD/2013 14/81 dated 5.6.2013 mentioned that ~~setting~~ setting aside the punishment of compulsory retirement as awarded by the disciplinary authority, the reviewing authority has awarded the punishment of reduction of lower grade of posts i.e. from MMGS-II to clerical cadre in terms of regulation 4 (g) of CBIOE (D&A) regulation 1976 with further reduction of ten stages in the reduced time scale of pay

of clerical cadre under regulation 4 (f) of CBIOE (D&A) regulation 1976. Both the punishments would run concurrently and independently i.e. the appellant would be first reverted to clerical cadre and thereafter ten stages of clerical pay would be reduced.+ But the bank authorities have not taken action as per their above order. The Bank Authorities agreed to look into the matter in the light of bank order dated 5.6.2013 and revert back with corrective action to the Commission after a week.

2.7.32 A Sitting was held in the Commission on 23.9.2014 with Field General Manager, Central Bank of India on the representation of Shri. Dilip Kumar, General Secretary, Uttar Bihar Gramin Bank, Muzaffarpur, Bihar regarding reservation policy in promotion in Uttar Bihar Gramin Bank. The Bank Authorities informed that a notification was issued by the General Manager, Uttar Gramin Bank on 22.11.2013 regarding initiation of promotion process of officer level and staff. It was also informed that reservation to SC/ST employee in promotion from Office Attendant to Office Assistant is available and same has been provided in subsequent promotion process in Uttar Bihar Gramin Bank vide their letter dated 8.2.2014.

2.7.33 A Sitting was held in the Commission on 23.9.2014 with General Manager (Personnel) and other senior officers of BSNL on the representation of Shri Balbir Singh, SDE, BSNL, Panchkula (Haryana) regarding harassment. After detailed discussion, the Commission was informed by the BSNL authorities that promotion was given for the higher post. As far as transfer of officers and employees are concerned, the Commission does not intervene in the matter. The BSNL authorities were directed to send compliance report in the matter within 15 days of time.

2.7.34 A Sitting was held by the Commission on 5/8/2014 with the concerned officials of Ministry of Railways regarding alleged harassment and cancellation of transfer of Shri Mukesh Kumar Meena, Dy.CTI from Ambala to Moradabad Division. The Commission informed the officials of Railways that the Commission does not intervene in the matter of vigilance as well as transfer cases.

2.7.35 A Sitting was held by the Commission on 23/06/2014 with concerned representatives of PESB and GAIL regarding representation of Shri Gajendra Singh, Executive Director, GAIL (India) Ltd. New Delhi, on harassment and discrimination against him. The Commission advised that the selection process for the post of Director, Business Development, GAIL India should be reviewed and a fresh action may be initiated by adopting a transparent process.

2.7.36 A Sitting was held by the Commission on 23/06/2014 with concerned officers of Ministry of Water Resources on the representation of Shri R.P. Meena, Asstt. Engineer regarding regular promotion with retrospective effect in Central Water Commission. The Commission advised the CWC to clarify the Recruitment Rules, details of ST posts de-reserved in the past by CWC and to review the case of Shri R.P. Meena for promotion to the post of Asstt. Engineer.

2.7.37 A Sitting was held by the Commission on 19/06/2014 with concerned officers of Ministry of Home Affairs and Shashtra Seema Bal in the matter of Shri Shyam Singh, Area Organizer, regarding supersession in seniority and promotion. The Commission advised to review/ recheck the anomaly for restoration of promotion.

2.7.38 A Sitting was held by the Commission on 17/06/2014 with concerned officers of Bank of Baroda regarding reinstatement in service to the post of Daftry, in respect of Shri Mukesh Kumar Meena. AS the applicant had submitted before the Commission that he was not given opportunity to defend himself in the enquiry and cross examine the witnesses, the Commission advised the officers of Bank of Baroda to look into the case once again if the applicant submits his above statements in an affidavit before the management of the Bank.

2.7.39 A Sitting was held by the Commission on 22/09/2014 with concerned officers of Government of West Bengal, in the matter of Smt. Philomina Dhanwar and others, regarding appointment of Primary Teachers in Government aided Minority Schools. The Commission decided to write to Chief Secretary, Government of West Bengal and Secretary, School Education, to look into the case and send report to the Commission. Smt. Philomina Dhanwar, who could not appear in the Sitting, was informed to produce relevant records of the case for further examination.

2.7.40 A Sitting was held by the Commission on 11/08/2014 with concerned officers of Government of Andhra Pradesh and J.N.T. University, Kakinada on the representation of Dr. D Koteswara Rao, Professor, JNTUK, regarding harassment. The Commission advised the Vice Chancellor to examine the matter and action taken may be reported to the Commission within 15 days.

## CHAPTER 3 SERVICE SAFEGUARDS

### 3.1 Constitutional Provisions

3.1.1 In our Country, the Scheduled Tribes have remained socially, educationally and economically backward due to isolation from the rest of the Society. Due to this backwardness, the Scheduled Tribes were not able to 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".

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

### **3.2 Constitutional validity of the amendments**

3.2.1 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

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

controlling factors or the compelling reasons, namely backwardness and inadequacy of representation, which enables the State to provide for reservation keeping in mind the overall efficiency of the State administration 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).

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

3.2.2.1 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.

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

3.2.3.1 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.

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

3.2.4.1 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.

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

3.3.1 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.

3.3.2 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.

### **3.4 Reservation in promotion**

3.4.1 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.



3.4.2 The present instructions of the Govt.<sup>2</sup> provide for reservation in promotion by selection for SCs & STs up to the lowest rung of Group A but not within Group A. But when promotions by selection are made from a Group A post to another Group A post, which carries an ultimate salary of Rs.18,300/- (pre-revised), or less, the SC and ST Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. (DoPT O.M. No. 36028/21/2003-Estt.(Res) dated 29.01.2004)

### 3.5 Zone of Consideration

3.5.1 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.

3.5.2 **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.

3.5.3 The Department of Personnel & Training vide their O.M. No.22011/2/2002-Estt.(D) dated 6 January, 2006 modified the existing

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

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.

3.5.4 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.

3.5.5 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.**

3.5.6 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.

### **3.6 Adjustment of SC/ST candidates selected on own merit against un-reserved vacancies**

3.6.1 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.

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

3.7.1 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."

3.7.2 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.

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

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

3.8.1 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-

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

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. 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.

3.8.2 Representation of Scheduled Tribes in Central Govt. services as on 01.01.2013 as per the information made available in the Annual Report of Department of Personnel and Training (Ministry of Personnel and Training) is as given in the Table 3.1 below:

**TABLE 3.1**

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

Group	Total	STs	%age
(1)	(2)	(3)	(4)
A	74866	4354	5.82
B	188776	12,073	6.4
C (Excl Safai Karamchari)	25,70,757	2,03,444	7.91
C (Safai Karachari)	1,17,681	8387	7.13
Total (Including Safai Karamchari)	29,52,080	2,28,258	7.73

3.8.3 The above data as on 01/01/2013 relates to 69 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 7.73% 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). **For further improving the representation of scheduled tribes in Govt. services, the Commission recommends strict compliance of DoPT OM No.36017/2/2004-Estt.(Res) dated 5/7/2005 by all the Govt. Departments and to ensure that in direct recruitment to Group C and D posts attracting candidates from a locality and a region, regional percentage of reservation for scheduled tribes is applied. Moreover, the 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)**

3.8.4 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.

3.8.5 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.

3.8.6 As per the information available at Department of Public Enterprises web-site namely://dpe.nic.in/importantlinks\_pe\_survey, the consolidated information regarding representation of Scheduled Tribes in Central Public Sector Enterprises as on 31.3.2015 in various categories of posts i.e. Group A, B, C and D is as given in the TABLE-3.2 below.

**TABLE 3.2**

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

<b>Group</b>	<b>Total No. of Employees</b>	<b>No. of ST Employees</b>	<b>%age</b>
A (Managerial/ Executive Level)	2,62,911	14,234	5.42
B (Supervisory Level)	1,29,996	6,559	5.05
C (Workmen/ Clerical Level)	6,47,511	64,091	9.89
D (Semi-skilled/ Un-skilled excl. Safai Karamcharis)	2,48,743	23,220	9.34
<b>Grand Total</b> (Incl. Safai Karamcharis)	<b>1289161</b>	<b>108104</b>	<b>8.39</b>

3.8.7 It is seen from above that overall representation of ST employees in all the CPSEs is satisfactory, being 8.39% 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 3.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**

3.8.8 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.

3.8.9 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.

3.8.10 The detailed information relating to representation of ST for the year 2014-15 has been taken from the website of Ministry of Finance (Department of Financial Services). The representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Group A and B (Officers), (ii) Group C (Clerks), (iii) Group D (Excluding Safai Karamchari) and (iv) Group D (Safai Karamchari) for the year 2014-15 is given in Table 3.3 below:-

**TABLE 3.3****GROUP-WISE STATUS OF GROWTH OF REPRESENTATION OF ST EMPLOYEES OF ALL BANKS**

S. No.	Name of Bank	Group 'A' & 'B'			Group 'C'			Group 'D' (excluding Safai Karamcharis)			Group 'D' (Safai Karamcharis only)		
		Total	ST	%age	Total	ST	% age	Total	ST	% age	Total	ST	% age
1	Allahabad Bank	12944	1012	7.82	7474	467	6.25	2192	99	4.52	1739	117	6.73
2	Andhra Bank	10446	813	7.78	4970	340	6.84	3087	222	7.19	1271	93	7.32
3	Bank of Baroda	22120	1695	7.66	18875	1489	7.89	5275	512	9.71	2593	276	10.64
4	Bank of India	19591	1574	8.03	18149	1831	10.09	4730	501	10.59	3304	347	10.50
5	Bank of Maharashtra	6470	486	7.51	5490	386	7.03	2307	227	9.84	1447	83	5.74
6	Canara Bank	23725	1649	6.95	20540	1222	5.95	5528	264	4.78	4624	255	5.51
7	Central Bank of India	15780	1275	8.08	14835	1197	8.07	5711	460	8.05	3065	292	9.53
8	Corporation Bank	7881	450	5.71	7759	417	5.37	2084	149	7.15	1218	74	6.08
9	Dena Bank	6487	620	9.56	5052	485	9.60	1906	269	14.11	352	36	10.23
10	Indian Bank	9504	750	7.89	9641	389	4.03	1520	74	4.87	643	20	3.11
11	Indian Overseas Bank	16430	1360	8.28	12039	542	4.50	3056	117	3.83	1023	28	2.74
12	Oriental Bank of Commerce	10554	584	5.53	6841	345	5.04	0	0	0.00	3027	219	7.23
13	Punjab National Bank	25344	1694	6.68	27969	1322	4.73	9504	535	5.63	5248	273	5.20
14	Punjab & Sind Bank	6586	444	6.74	2147	73	3.40	688	23	3.34	1140	16	1.40
15	Syndicate Bank	13091	998	7.62	10736	599	5.58	4080	283	6.94	1709	82	4.80
16	Union Bank of India	18572	1299	6.99	11875	702	5.91	3697	313	8.47	1850	168	9.08
17	United Bank of India	7507	558	7.43	5609	372	6.63	2473	116	4.69	1514	58	3.83
18	UCO Bank	12538	990	7.90	9087	570	6.27	2178	113	5.19	1850	102	5.51
19	Vijaya Bank	6361	459	7.22	4358	309	7.09	2282	167	7.32	685	54	7.88
20	State Bank of India	78968	5295	6.71	95780	8336	8.70	37830	2557	6.76	2700	178	6.59

21	State Bank of Bikaner & Jaipur	5372	511	9.51	4809	537	11.17	2447	241	9.85	771	22	2.85
22	State Bank of Patiala	5603	206	3.68	5735	64	1.12	3105	56	1.80	570	12	2.11
23	State Bank of Hyderabad	7071	482	6.82	6805	488	7.17	2286	120	5.25	1488	94	6.32
24	State Bank of Mysore	3540	211	5.96	4792	247	5.15	2009	121	6.02	0	0	0.00
25	State Bank of Travancore	4958	143	2.88	6445	183	2.84	1785	66	3.70	630	14	2.22
26	NABARD	3322	254	7.65	787	97	12.33	0	0	0.00	0	0	0.00
27	SIDBI	873	55	6.30	99	8	8.08	64	12	18.75	0	0	0.00
28	IDBI	14469	600	4.15	1135	36	3.17	871	76	8.73	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				2	0	0.00	0	0	0.00
31	National Housing Bank	105	3	2.86	0			0	0	0.00	0	0	0.00
32	IIFC Ltd.	66	2	3.03	0			1	0	0.00	0	0	0.00
	Total	384450	26991	7.02			6.98			6.89			6.56
					333749	23305		116825	8052		46014	3019	

3.8.11 It is seen from the above table that a total number of 8,81,038 Officers and Employees were working in all the 32 banks out of it 61,367 (6.96%) belonged to ST category. In Group A and B posts, reservation for Scheduled Tribes in State bank of Trivancore, State bank of Mysore, State bank of Patiala, National Housing Bank, IIFC and IDBI bank is much below the required percentage. In case of Canara Bank, Corporation Bank, Oriental bank of Commerce, State bank of India and State bank of Mysore, it is slightly below the required percentage. In Group C posts, it is very low in Indian bank, Punjab National Bank, Indian Oversease Bank, Punjab & Sind Bank, State Bank of Patiala, State Bank of Trivancore and IDBI. It is slightly below the required percentage in many other banks like Allahabad Bank, Andhra Bank, Canara Bank, Corporation Bank, Union Bank of India, Syndicate Bank, United Bank of India, State Bank of Mysore and RBI. In case of Group D (excluding safai karamcharis), the percentage of Scheduled Tribes is very low in Indian Oversease Bank, Punjab & Sind Bank, United Bank of India, State Bank of Patiala, State Bank of Trivancore and Canara Bank. It is slightly below the required percentage in many other banks like Punjab National Bank, Syndicate Bank, UCO Bank, State Bank of India, State Bank of Hyderabad and State Bank of Mysore.



3.8.12 It is noteworthy that most of the nationalised Banks were setup more than 60 years ago and DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Detailed instructions were issued by DoPT for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. Despite above the representation of Scheduled Tribes in respect of almost each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres is low 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 Department of Financial Resources (Banking Division) should direct the banks to fill up the backlog posts reserved for Scheduled Tribes in a time bound manner and review the performance of banks on quarterly basis to improve the situation.**

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

3.8.13 The Ministry of Finance, Department of Financial Services 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.

3.8.14 As far as Personnel management in Insurance Companies is concerned, the Public Sector Insurance Companies are 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.

3.8.15 As per information available on the website of the Ministry of Finance, Department of Financial Services contained in its Annual Report for the year 2014-15, the representation of Scheduled Tribes under each Group of posts in each of the 7 Public Sector Insurance is as given in **TABLE 3.4** below:

**TABLE 3.4****Representation of Scheduled Tribes among all employees in Public Sector Insurance Companies**

S No.	Name of Insurance Company	Group	Total employees	ST employees	% age
-1	-2	-3	-4	-5	-6
1	LIC of India	Group A & B	57571	4142	7.19
		Group C	55576	4479	8.06
		Group D (Excl. Safai Karamcharis)	4899	224	4.57
		Group D (Safai Karamcharis)	161	7	4.35
		Total (Including Safai Karamcharis)	118207	8852	7.49
2	GIC of India	Group A & B	68	3	4.41
		Group C	10	2	20.00
		Group D (Excl. Safai Karamcharis)			
		Group D (Safai Karamcharis)			
		Total (Including Safai Karamcharis)	78	5	6.41
3	NIAC 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)			
		Total (Including Sweepers)	18778	1307	6.96
4		Group A & B	7205	342	4.75

	NIC Ltd.	Group C	6434	472	7.34
		Group D (Excl. Safai Karamcharis)	1109	86	7.75
		Group D (Safai Karamcharis)	681	38	5.58
		Total (Including Sweepers)	15429	938	6.08
5	OIC Ltd.	Group A & B	6500	370	5.69
		Group C	6002	507	8.45
		Group D (Excl. Safai Karamcharis)			
		Group D (Safai Karamcharis)	1870	140	7.49
		Total (Including Sweepers)	14372	1017	7.08
6	UIIC Ltd.	Group A & B	7844	481	6.13
		Group C	6782	517	7.62
		Group D (Excl. Safai Karamcharis)	1956	150	7.67
		Group D (Safai Karamcharis)	5	0	0.00
		Total (Including Sweepers)	16587	1148	6.92
7	AIC Ltd.	Group A & B	245	22	8.98
		Group C	27	4	14.81
		Group D (Excl. Safai Karamcharis)	2	0	0.00
		Group D (Safai Karamcharis)	2	0	0.00
		Total (Including Sweepers)	276	26	9.42
	GRAND TOTAL		1,83,727	13293	7.24

3.8.16 It is clear from the above table that LIC of India, which is the largest Insurance Company is having 1,18,207 employees of all categories out of which 8852 (7.49%) belonged to ST category and thus the prescribed percentage of reservation for STs has almost reached the desired level. However, on category wise evaluation, it is seen that there is a slight shortage in Group A and B categories and also in Group D category. Similarly, in GIC of India, the all together there are 78 employees, out of which 5 (6.41%) belonged to ST category. The representation of STs is low in Group A and B category. In NIAC Ltd, there are 18,778 employees out of which 1307 (6.96%) belonged to ST category. In Group A and B posts of the company, out of 8460 officers, 480 (5.56%) belonged to ST category which is on a lower side. Same situation prevails in Group A and B category in NIC Ltd, OIC Ltd and UIIC Ltd. Representation of Scheduled Tribes in all other categories of employees is satisfactory.

**3.8.17 The Commission reiterates 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.**

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

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

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

#### **(2) Ban on De-reservation in Direct Recruitment**

3.9.2 In view of the alarming situation due to non-appointment of Scheduled Tribes in Direct Recruitment the Govt. of India imposed a ban on de-reserving

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

the post(s) to be filled by direct recruitment<sup>5</sup>. The instructions relating to ban on 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) Procedure for De-reservation of posts to be filled by promotion**

3.9.3 As 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.

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

3.9.5 Vide OM No. 16/27/74-Estt. (SCT) dated 12/11/1975, DoPT, *inter- alia*, provide that the Liaison Officers(SCs/STs) should ensure proper working of service safeguards for SCs/STs and that they should concur in the proposals of dereservation after carefully examining them with reference to the DoPT's instructions on dereservation. DoPT, vide OM No. 28/14/74/Estt. (SCT) dated 12/07/76, OM 36011/25/79-Estt (SCT) dated 16/11/79 and OM 36012/17/2002/ Estt. (Res.) dated 06/11/2003 has streamlined the procedure for submission of proposals for 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

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

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.

3.9.6 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.

3.9.7 These 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**

3.9.8 As 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 from various Ministries/ Departments during the year 2014-15. Detailed list of such proposals is placed at **ANNEXURE-3.II**

3.9.9 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.

3.9.10 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 4

### PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES AND NEW INITIATIVES

#### 4.1 TRIBAL POPULATION, ITS DISTRIBUTION AND GROWTH

4.1.1 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 8.61% of the total population of the Country in 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 4.I** .

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

#### 4.3 TRIBAL DEVELOPMENT STRATEGY

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

of their operation and the area coverage therefore remained practically unchanged up to the end of 4th Five Year Plan. In the meantime, this programme was reviewed and 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.

#### **4.4 TRIBAL SUB-PLAN STRATEGY**

4.4.1 On the eve of the fifth Five Year Plan, a detailed and comprehensive review of the tribal problem was undertaken. 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**

4.4.2 In view of the above, 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.

4.4.3 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**

4.4.4 There is a provision in the Constitution 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.

4.4.5 The TSP areas were made co-terminus with Scheduled Areas with an objective to give them special consideration 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**

4.4.6 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**

4.4.7 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.

4.4.8 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 4.1**

**TABLE 4.1**

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

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

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

4.4.9 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

4.4.10 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**

4.4.11 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**

4.4.12 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.

4.4.13 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**

4.4.14 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 2011-12 To 2014-15 along with percentage of ST Population as per 2011 census is at **ANNEXURE 4.II.**

**4.4.15 On careful examination of the State-wise TSP outlay indicates that though the tribal population of Assam State is 12.45%, The TSP allocation was only 0.64% of the total State plan outlay. Similarly, the TSP allocation in Goa was 7.27% whereas the tribal population was 10.23%. The States where TSP allocation has been made over and above their percentage of tribal population include Chhattisgarh, Himachal Pradesh and Madhya Pradesh. This will help in bridging the gap of development in tribal areas of these States.**

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

4.4.16 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.

4.4.17 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.

4.4.18 The contribution of Central Ministries has been reviewed from time to time and on the whole it has been found to be much below expectation. According to the Tenth Plan document of the Planning Commission, earmarking of funds for TSP was being carried out in 25 Ministries/Departments of the Central Government and 20 States/UTs. The 11<sup>th</sup> Five Year Plan document of the Planning Commission however, mentions that 17 Ministries/ Departments were preparing Special Component Plan for Scheduled Castes (now called SCSP) but there is no information about preparation of Tribal Sub-Plan by the Central Ministries. The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes had observed that the quantification of benefits was not satisfactory. On occasions the Committee has expressed unhappiness at the performance of the Ministries and urged them as well as the Planning Commission to ensure that the intended funds and benefits from the general sectors are actually availed of for the welfare of Scheduled Tribes. The Parliamentary Committee has also suggested evaluation, to be undertaken periodically, to assess the extent of flow of funds and benefits with a view to rectification of shortcomings and augmentation of the provisions.

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

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

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

4.4.20 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.*

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

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

4.4.22 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.*

4.4.23 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.

4.4.24 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.”*

4.4.25 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise allocation of funds during the financial year 2013-14 and 2014-15. A copy of the statement showing allocation of funds by 30 Ministries/ Departments is placed at **ANNEXURE 4.III** 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.**

#### **4.5 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:

**4.5.1** 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.

**4.5.2** 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.

**4.5.3** 2011 Census shows that new Block and pockets have emerged with more than 50% tribal population. New institution like ITDA have to come up in these areas.

**4.5.4** 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**

**4.5.5** 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 TSP22

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.

**4.5.6** 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.

## **4.2 SOCIO-ECONOMIC DEVELOPMENT & PLANNING FOR SCHEDULED TRIBES**

4.2.1 Central and State Governments have launched several schemes for the welfare and development of the Scheduled Tribes.

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

4.5.7 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

4.5.8 A statement showing Budget Allocation, Revised Allocation and the expenditure incurred under the Central Sector Schemes and Centrally Sponsored Schemes of the Ministry of Tribal Affairs during 2011-12, 2012-13 and 2013-14 may be seen at **ANNEXURE 4.IV**. The Statement has been taken from the Annual Report of the Ministry of Tribal Affairs for the year 2013-14. 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.

4.5.9 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.

4.5.10 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.

4.5.11 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.

4.5.12 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.

4.5.13 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

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

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

4.5.15 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.

4.5.16 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

4.5.17 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.

4.5.18 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.**

4.5.19 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 5

### ATROCITIES AGAINST SCHEDULED TRIBES

#### 5.1 Constitutional and Legal Rights of Scheduled Tribes

5.1.1 Government of India is committed for the welfare and development of its people in general and of vulnerable sections of society in particular. 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. Equality of status and opportunity to all citizens of the Country is guaranteed by the Constitution of India, which also provides that no individual shall be discriminated on the basis of religion, caste or sex etc. 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. Articles 38,39 and 46 in the Constitution of India stand testimony to the commitment of the State towards its people. The strategy of the State is to secure distributive justice and allocation of resources to support programs of social, economic and educational advancement of the weaker sections in general and persons belonging to Scheduled Castes and Scheduled Tribes in particular.

5.1.2. 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 (PCRA), 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.

5.1.3. Keeping in view increased number of incidents of crime against the Scheduled Caste and Scheduled Tribes 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.

5.1.4 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.

5.1.5. The Central Government, in exercise of the powers conferred by Sub Section (1) of Section 23 of the said Act, 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.

5.1.6. . It has been made mandatory for the State Government under this Act 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.

5.1.7. 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.

5.1.8 The Nodal Ministry for crimes relating to atrocities on Scheduled Tribes is Ministry of Home Affairs. 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.

## **5.2 Mandate of the Commission and Atrocities on Scheduled Tribes**

5.2.1 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.

5.2.2 Clause 5 of Article 338A of the Constitution assigns the duties to the Commission which 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.

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

5.3.1 Standard guidelines for dealing with atrocity-related complaints in a time-bound manner have been formulated by the Commission. 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, alongwith 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.

### 5.4 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 5.1** gives the category-wise number of cases registered in the Headquarter Office and the Regional Offices.

**TABLE 5.1**

#### 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)
	<b>Hq Office</b>							
1.	RU-I	3	3	0	2	0	26	34
2.	RU-II	7	2	1	0	1	25	36
3.	RU-III	1	2	0	0	0	12	15
4.	RU-IV	1	1	0	0	0	3	5
	<b>Sub-Total (Hq)</b>	<b>12</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>66</b>	<b>90</b>
	<b>Regional Offices</b>							
1.	Bhopal	5	8	20	0	0	8	41
2.	Bhubaneswar	4	3	3	1	2	24	37

3.	Jaipur	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4.	Raipur	0	3	1	1	2	3	10
5.	Ranchi	1	0	4	12	9	11	37
6.	Shillong	0	0	0	0	0	0	0
	<b>TOTAL (ROs Sub)</b>	<b>10</b>	<b>14</b>	<b>28</b>	<b>14</b>	<b>13</b>	<b>46</b>	<b>125</b>
	<b>TOTAL</b>	<b>22</b>	<b>22</b>	<b>29</b>	<b>16</b>	<b>14</b>	<b>112</b>	<b>215</b>

5.4.2 As it is noted from the above table that altogether 215 cases were received in the Commission and its Regional Offices pertaining to various types of Atrocities committed on the Scheduled Tribes. In the Headquarter office of the Commission, 90 cases of atrocities on the Scheduled Tribes were reported in the year 2014-15 out of which 12 cases were related to murder, 8 cases were related to incidents of rape with Scheduled Tribes women, 1 case was related to grievous hurt, 2 cases were related to Land Dispossession. Remaining 66 cases were related to harassment and other types of atrocities. As far as Regional Offices of the Commission are concerned, altogether 125 cases of atrocities of different kinds committed against Scheduled Tribes were reported out of which 10 were related to murder, 14 were related to rape with tribal women, 28 were related to grievous hurt, 14 were related to land dispute, 13 were related to caste abuse and 46 cases were related to harassment and other types of atrocities. During the period under report, no case of atrocities against Scheduled Tribes was reported in Shillong Regional office of the Commission.

5.4.3 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.

5.4.4 It has been noted that 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.

**5.4.5 It has been seen that 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 Superintendent of Police, should be promptly completed within the time schedule provided under appropriate law.**

5.4.6 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 the same are forwarded to the State Governments for necessary action.

**5.4.7 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.**

**5.4.8 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.

## 5.5 Incidence & Rate of Crimes committed against Scheduled Tribes during 2014

5.5.1 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 5.2** below:

**TABLE-5.2**

### 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 2014	%age of crime in State to total crime against STs in country during 2014	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 country during 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	627	5.5	23.8	389	5.70	14.8
2	Arunachal Pradesh	13,83,727	9,51,821	68.79	0.91	1	0.0	0.1	0	0.00	0.0
3	Assam	312,05,576	38,84,371	12.45	3.72	1	0.0	0.0	1	0.01	0.0
4	Bihar	1040,99,452	13,36,573	1.28	1.28	77	0.7	5.8	77	1.13	5.8
5	Chhattisgarh*	2554,51,198	78,22,902	30.62	7.50	721	6.3	9.2	475	6.96	6.1
6	Goa	14,58,545	1,49,275	10.23	0.14	6	0.1	4.0	6	0.09	4.0
7	Gujarat	604,39,692	89,17,174	14.75	8.55	229	2.0	2.6	223	3.27	2.5
8	Haryana	253,51,462	-	0	0	0	0.0	-	0	0.00	-
9	Himachal Pradesh	68,64,602	3,92,126	5.71	0.38	3	0.0	0.8	3	0.04	0.8
10	Jammu & Kashmir	125,41,302	14,93,299	11.91	1.43	0	0.0	0.0	0	0.00	0.0
11	Jharkhand	329,88,134	86,45,042	26.21	8.29	432	3.8	5.0	402	5.89	4.7
12	Karnataka	610,95,297	42,48,987	6.95	4.07	487	4.3	11.5	397	5.82	9.3
13	Kerala	334,06,061	4,84,839	1.45	0.46	135	1.2	27.8	120	1.76	24.8

14	Madhya Pradesh	726,26,809	153,16,784	21.09	14.69	2279	19.9	14.9	1577	23.10	10.3
15	Maharashtra	1123,74,333	105,10,213	9.35	10.08	443	3.9	4.2	443	6.49	4.2
16	Manipur	25,70,390	9,02,740	35.12	0.87	2	0.0	0.2	1	0.01	0.1
17	Meghalaya	29,66,889	25,55,861	86.15	2.45	1	0.0	0.0	1	0.01	0.0
18	Mizoram	10,97,206	10,36,115	94.43	0.99	1	0.0	0.1	1	0.01	0.1
19	Nagaland	19,78,502	17,10,973	86.48	1.64	0	0.0	0.0	0	0.00	0.0
20	Orissa	419,74,218	95,90,756	22.85	9.20	1259	11.0	13.1	533	7.81	5.6
21	Punjab	277,43,338	-	0	0	0	0.0	-	0	0.00	-
22	Rajasthan	685,48,437	92,38,534	13.48	8.86	3952	34.5	42.8	1681	24.63	18.2
23	Sikkim	6,10,577	2,06,360	33.8	0.20	10	0.1	4.8	1	0.01	0.5
24	Tamil Nadu	721,47,030	7,94,697	1.2	0.76	18	0.2	2.3	18	0.26	2.3
25	Tripura	36,73,917	11,66,813	31.76	1.12	18	0.2	1.5	0	0.00	0.0
26	Uttara-Khand*	100,86,292	2,91,903	2.89	0.28	24	0.2	2.1	24	0.35	2.1
27	Uttar Pradesh	1998,12,341	11,34,273	0.57	1.09	1	0.1	0.3	1	0.01	0.3
28	West Bengal	912,76,115	52,96,953	5.8	5.8	141	1.2	2.7	107	1.57	2.0
	<b>TOTAL (STATES)</b>	<b>14203,52,219</b>	<b>1039,97,457</b>	<b>7.32</b>	<b>99.73</b>	<b>11437</b>	<b>99.9</b>	<b>11.0</b>	<b>6814</b>	<b>99.82</b>	<b>6.6</b>
29	Andaman & Nicobar Islands	3,80,581	28,530	7.5	0.03	7	0.1	24.5	6	0.09	21.0
30	Chandigarh	10,55,450	-	-	-	0	0.0	-	0	0.00	-
31	Dadra & Nagar Haveli	3,43,709	1,78,564	51.95	0.17	3	0.0	1.7	3	0.04	1.7
32	Daman & Diu	2,43,247	15,363	6.32	0.01	0	0.0	0.0	0	0.00	0.0
33	Delhi	167,87,941	-	-	-	2	0.0	-	2	0.03	-
34	Lakshadweep	64,473	61,120	94.8	0.06	0	0.0	0.0	0	0.00	0.0
35	Puducherry	12,47,953	-	-	-	2	0.0	-	1	0.01	-
	<b>TOTAL (UTs)</b>	<b>201,23,354</b>	<b>2,83,577</b>	<b>1.41</b>	<b>0.27</b>	<b>14</b>	<b>0.1</b>	<b>4.9</b>	<b>12</b>	<b>0.18</b>	<b>4.2</b>
	<b>TOTAL (INDIA)</b>	<b>1,210,569,573</b>	<b>1042,81,034</b>	<b>8.61</b>	<b>100</b>	<b>11451</b>	<b>100.0</b>	<b>11.0</b>	<b>6826</b>	<b>100.00</b>	<b>6.5</b>

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

Source: NCRB report 2013

5.5.2 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.



5.5.3 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.

5.5.4 In various States the crime situation with respect to the incidence reported under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 the average rate of crimes in all the States taken together is 1.33 per lakh of ST population. The national average is also 1.33 crimes per lakh of population under PoA Act. 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.

**5.5.6 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.

5.5.7 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.

## 5.6 Crime head-wise analysis of Crimes against Scheduled Tribes

5.6.1 As per the information 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-5.I**

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 2010 to 2014 is given in **TABLE 5.3** below:

**TABLE 5.3**

### Crime-wise Comparative Incidence of Crime against Scheduled Tribes during 2010 to 2014

S.No.	Crime . Head	Year					% age Variation in 2014 over 2013
		2010	2011	2012	2013	2014	
(1)	(2)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Murder	142	143	156	122	157	28.69
2.	Rape	654	772	729	847	925	9.21
3.	Kidnapping & Abduction	84	137	103	130	166	27.69
4.	Dacoity	7	7	5	8	2	-75
5.	Robbery	5	9	15	7	12	71.43
6.	Arson	39	24	26	33	28	-15.15
7.	Hurt	941	803	816	930	308	-66.88
8.	Protection of Civil Rights	5	7	2	25	1	-96

	Act						
9.	SCs and STs (Prevention of Atrocities) Act	1169	1154	1311	1390	1503	8.13
10.	Others	2839	2700	2759	3301	3045	-7.76
	Total	5885	5756	5922	6793	6147	-9.51

Source: NCRB Report 2014

5.6.2 As it is seen from the above TABLE, the number of incidents of Murder, Kidnapping and Abduction and Rape against Scheduled Tribes have increased in the year 2014 in comparison to previous year. The incidents of Murder have increased by 28.69%, Rape has increased by 9.21% and Kidnapping and Abduction have increased by 27.69% which is a matter of serious concern. It is also seen that from the year 2010 to 2014 the incidents of Rape are increasing every year (except 2012). On the other hand, the number of incidents of Dacoity , Arson, Hurt and Other crime have reduced to some extent. The total number of incidents of crimes against Scheduled Tribes in the year 2014 has come down by 9.51% against the previous year. Details of incidents, Victims and Rate of crimes committed against Scheduled Tribes during the year 2014 has been given at ANNEXURE-5.II

**5.6.3 In view of the above, it is felt that there is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and created peace and harmony among all sections of the society. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.**

**5.6.4 As far as disposal of cases under crimes committed against STs by Police during year 2014 is concerned, altogether 2457 cases were pending investigation from the previous year and 11451 cases were reported during the current year. Out of the above, 02 cases were withdrawn by the Govt. during investigation and 10 cases were transferred to other Police stations/ Magistrate. Thus, the total number of cases for investigation during the year 2014 were 13896. During the period, 2 cases were not investigated under Section 157 (1)(b) of CRPC. Out of these crimes against STs, 2277 cases registered under SC/ ST (PoA) Act were brought forward from the previous year and 6826 cases were reported during the year 2014, Among them, 2 cases were withdrawn by the Govt. during investigation and 8 cases were transferred to other police stations/ magistrates. Thus, a total of 9093 cases were prevailing for investigation**

and 2 cases were not investigated under Section 157 (1)(b) of CRPC. Among the cases of atrocities, 90 cases were related to murder, 47 were related to attempt to murder, 234 cases were related to rape, 37 cases were related to attempt to commit rape, 445 cases were related to assault on women with intent to outrage her modesty and 21 were related to insult to the modesty of women. It is seen from Annex. 4.3 that a large number of cases of atrocity were pending investigation and there is a need to insure that timely investigation of atrocity cases are completed by the police and charges-sheeted in the Court.

5.6.5 Insofar as disposal of cases under crimes committed against STs by Courts during 2014 is concerned, a total of 18,715 cases pending trial from the previous year existed. During the year 2014, 8589 cases were sent for trial and 71 cases were withdrawn by the Govt. Altogether 26 cases were disposed by plea bargaining and 27,207 cases were under trial at the end of the year. Out of the above figure, 15,370 cases registered under SC/ ST(PoA) Act pending in the Courts were brought forward from the previous years and 5189 new cases were sent for trial during the year. Out of above, 10 cases were disposed by plea bargaining and 20,549 cases were pending in the Courts for trial. In view of the above, it is strongly felt by the Commission that there is a need to insure that the cases registered under SC/ ST (PoA) Act are expeditiously disposed by the trial Courts so that justice is delivered to the victims of the depressed community at the earliest.

5.6.6 The crime head-wise details of crimes against Scheduled Tribes, disposed by the Police during 2014, is available at statement presented in **ANNEXURE-5.III**. The Disposal of cases by courts for crimes committed against Scheduled Tribes during 2014 is given at **ANNEXURE-5.IV**.

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

5.7.1 Designating Courts of Sessions in the Districts as Special Courts for trial of offences registered under this Act have been setup under Section 14 of the POA Act, 1989. 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 5.V** 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).

5.7.2 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.

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

## **5.8 General Issues and Recommendations**

**5.8.1 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.**

**5.8.2 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.**

5.8.3 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.**

5.8.4 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.**

5.8.5 **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.**

5.8.6 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.**

5.8.7 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.

5.8.8 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.**

5.8.9 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.**

5.8.10 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.**

5.8.11 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.**

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## CHAPTER 6

### 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 1.2.1 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.**
- 2 1.9.3 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.**

#### CHAPTER-2 ACTIVITIES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

1. The Commission during the year 2014-15 has made recommendations on above policy issues on which comments/views/advise 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 in each of the policy issue.

## **FIELD VISITS AND REVIEW MEETINGS AT DADRA AND NAGAR HAVELI**

2. During field visit of the Commission to Ambavadi Village in Dadra & Nagar Haveli District, Hon'ble Chairperson, NCST advised the District Collector to examine whether more Govt. assistance can be provided to the members of Milk Producing co-operative societies in procurement of fodder etc. He also suggested that poultry farming has been observed as more successful in tribal areas being cost effective. It should be promoted in the tribal community of the UT to generate more income.
3. **In Ambavadi village of Dadra and Nagar Haveli District, the villagers informed that they face problems in going to Dudhni during the rainy season when the dam reservoir is filled with water. They demanded for construction of a bridge connecting Dudhni with the village. The villagers also informed the Commission that construction of Dudhni Ambavadi school is not been completed in last few years. The District Collector informed the Commission that the contractor constructing the building has left and the administration is taking necessary steps to complete the construction work. Hon'ble Chairperson, NCST directed the District Collector to take necessary steps for the construction of bridge and completion of school building at the earliest**
4. Some tribal women of **Ambavadi village of Dadra and Nagar Haveli District** informed the Commission that there is water scarcity in the village, especially during the summer when the dam reservoir dries up. Hon'ble Chairperson, NCST desired to know about the sources of water used by them before the construction of dam. It was informed that earlier they used wells for their water requirements but most of the wells are now filled with silt and soil. Hence, there is no or very little water in the wells. Hon'ble Chairperson, NCST asked them about the solutions available in this regard. The villagers suggested that deep boring in the old wells, construction of new wells/bore wells is the solution. Hon'ble Chairperson, NCST advised the District Collector to make arrangements for deepening of old wells and construction of new wells/bore wells to solve the water crisis especially during the summer when the dam reservoir dries up.
5. **Hon'ble Chairperson, NCST advised the District Collector, Dadra and Nagar Haveli to co-ordinate with the Zila Panchayat and get prepared a model plan of the school buildings depicting provision of classrooms, playground, toilets, front space etc. for all the schools of the UT.**
6. **During the field visit of Dudhni village in Dadra and Nagar Haveli District, the villagers informed that vocational training of tailoring and embroidery is provided to them in Silvassa which is far away. They demanded that a Vocational training center should be opened in Khanvel which is comparatively nearer. They also demanded for**

installing rope-way for promoting tourism in the area. Hon'ble Chairperson, NCST supported the demands and directed the administration to do the needful in this regard.

The Commission advised the Dadra and Nagar Haveli administration to preserve the tribal culture by promoting their folklores, dances (like tadpa and toor) and tribal handicrafts.

During the field visit to Kaucha village of Dadra and Nagar Haveli District, the tribal villagers complained about scarcity of potable water in the village and requested the Commission to solve this problem. Residents of Loharpada in the village informed that their habitation is cut off by road for about four months during rainy season due to filling of water in the dam reservoir in which the Kuchha road is submerged. They demanded for construction of Pucca road and demolition of allegedly illegal construction by a public representative which has narrowed the existing Kuchha road. The Commission directed the District Collector to solve the water problem and take necessary steps for road construction as desired by the residents of Loharpada.

The Commission emphasized the need of restoration of tribal land in Dadra and Nagar Haveli by cancelling such mutations as the tribals have become landless due to these illegal transfers. He directed the UT Administration should review such transfer of lands and to provide four times compensation to the tribals under the new policy of the Union Govt. in the recent cases where the acquisition of tribal land is inevitable. He questioned that why the land use of agricultural land was changed to non-agricultural to facilitate such transfer of land to industrialists. The valuable land of tribal community has been grabbed by the way of such transfers as a result of which they are becoming poorer. The Companies setup on the land belonging to these tribals have not provided them employment and outsiders have been recruited as workers denying the employment opportunities to the local tribal population. Even these companies have not extended their CSR activities for the socio economic up-liftment of the tribals. The UT Administration should take necessary steps for permanent settlement of the land temporarily allotted to landless tribals of the UT. It should make a balance between the industrial development which is necessary for overall development of the country on one hand and on the other hand it should protect the tribals who own the land since time immemorial.

The Commission advised that a model design of the school buildings should be prepared which should be followed in construction of school buildings in Dadra and Nagar Haveli. Hon'ble Chairperson also expressed his concern over the teacher-pupil ratio in the schools located in the tribal areas. He said that the

tribals have reported it to be 1:70 in the rural areas. He emphasized the need of quality improvement in teaching and requested the administration to adopt the schemes like “Gunotsava” being run in the adjoining State of Gujarat. Under this scheme, the officers of the State Govt. adopt one school each to improve the quality of education being imparted to the students of that school. He said that the Commission has been informed about non-availability of science teachers in the schools located in tribal areas. As the tribals are not being provided quality education especially in science subjects, the teachers are not prepared as usually the non-tribal teachers do not prefer to work in tribal areas. If the tribal students are taught science properly, they can be groomed as science teachers for future requirements. He advised the UT administration to prepare a uniform transfer policy for teachers to meet the shortage of teachers in the tribal areas and issue of alleged discrimination in transfer and posting. Hon’ble Chairperson also informed that there are complaints from tribals related to poor results in high school and above which was due to the reason that the students were taught in Marathi medium whereas the question paper was set in Gujarati medium to which they not familiar. He advised the UT administration to take urgent necessary steps to link the medium of teaching in the schools with the boards of concerned State.

Reviewing the implementation of reservation policy and other safeguards for scheduled tribes in the UT of Dadra and Nagar Haveli, the Commission observed that there are backlog posts of ST category in lowest rung of Group A. It also noticed that the percentage of ST employees under the Administration was far below than the required percentage under the reservation policy. The Commission directed the UT Administration to clear the backlog of ST posts at the earliest.

The Commission appreciated the recent steps taken by the Administration of Dadra and Nagar Haveli in promoting poultry activities in tribal community which, in view of the Commission, has been proved to be more successful and directed the Administration to expand this scheme on a large basis in the tribal community of the UT.

The Commission also advised the Administration of Dadra and Nagar Haveli to focus on skill development of the tribal youth as the number of jobs in the Govt. Sector is very less and the opportunities available in the industries and private sector in the UTs are being grabbed by the outsiders leading to un-employment among the tribals of the UTs. The Commission also directed the Administration to press the industries established in the UTs to provide 80% employment to the members of the affected families whose land was acquired for setting up the industries as per the

agreement made between the Administration and the industries at the time of acquisition of land.

The Commission advised the Dadra and Nagar Haveli Administration to bore new deep wells and rejuvenate the old ones so that the issue of water scarcity could be tackled effectively. It was admitted by the Administration of Dadra and Nagar Haveli that the implementation of Forest Rights Act could not be progressed in the UT. Village level committees were formed in 6-7 villages and measurement of land was also done but the implementation could not proceed beyond the village committee. Hon'ble Chairperson directed the UT Administration to speed up the process as almost 9 years have passed since the Act has been passed but nothing concrete could be achieved in the implementation of the Act.

The Commission noted that Tribal Sub-Plan is being prepared in Daman and Diu but the outlay out of total UT Plan during the last 5 years was much below 2% despite the fact that the UT is having 6.31% ST Population. The Commission advised that it should be over and above the percentage of ST population in the UT. Funds other than TSP should also be made available for incurring expenditure on tribal development. The Commission also noticed with concern that no Tribal Sub-Plan is prepared in the UT of Dadra & Nagar Haveli despite the fact that it is having 52% tribal population. The Commission advised the Administration to prepare TSP for the UT and also to ensure that proportionate funds are spent for tribal development.

The Commission advised the Administration of UT of Dadra & Nagar Haveli to constitute a Tribal Advisory Council in the UT like other States having sizeable tribal population. Keeping in view the large number of grievances of tribals of the UT, the Commission also recommended setup a grievance redressal mechanism in the UT particularly related to the complaints regarding transfer of tribal land to non-tribals.

The Commission directed the Dadra & Nagar Haveli Administration to take more sincere efforts in protection of the tribal culture which is facing cultural invasion. The demand of local tribals for declaring local holiday on "Diwasa" festival should be considered by the Administration as earlier it used to be declared holiday.

The Commission stressed the need for providing at least 100 days employment to the willing workers of the Dadra & Nagar Haveli so that their financial condition can be strengthened. The Commission also emphasized that in case the employment is not provided despite demand, compensation as admissible under the Act, should be provided to the beneficiaries.

The Commission was unhappy that the only place in the Silvassa town where tribals are still residing was being acquired and their voice in opposition was not heard. Many tribals will be left with no land or very little land left with them due to this acquisition. The prices of land have also gone very high and they are being given meager compensation at old rates whereas they should be paid four times compensation as per the new Act. The Commission opined that it was duty of the Administration to protect them instead of devastating them from the city. Transport Nagar should be made outside the city and not in the heart of the city alike other cities in the country. The Administration should review its decisions in the interests of the tribals.

Hon'ble Chairperson directed the police authorities of Dadra and Nagar Haveli to complete investigation within the time frame stipulated in the act as some cases, though meager in number are pending for investigation since 2012. The Commission was concerned about the acquittal of most of the accused in the cases and advised the police authority to see whether appeal can be made on merits of the case.

#### **FIELD VISITS AND REVIEW MEETINGS IN ARUNACHAL PRADESH**

The village of Changprong Panchayat of Tawang has 3 villages viz. Damgin, Khremvethang and Temilo . The villagers made Commission aware of their problem about inadequacy of teachers in the schools. The teacher pupil ratio is very dissatisfying. The schools have no teachers of science subject. Solar lights are not adequate and there is need that each Panchayat may be considered for supply of solar lights. Under MGNREGA 171 households are registered. The man days reported under MGNREGA in the year 2013-14 was 23 days @ Rs. 135/- per day. In year 2014 till date 7 days work has been provided to the Villagers. It was stated that under MGNREGA 100 days work are allotted but work is not given. Another reason reported by the villagers is that this village is Anchal Village i.e. rural. At the time of socio economic surveys the village has been shown as urban and Panchayat was not consulted. It was mentioned that at every 250 population, one village Panchayat is to be formed. Though this village has population of 673, it has been counted as 1 Panchayat. The Commission asked Deputy Commissioner, Tawang to take up the issue with the State Government for rectification. The Villagers said that being a hilly region, there is no plain land for sports etc. The demand raised was that initiatives for promotion of indoor games be under taken by District Administration. The villagers informed that work on the stadium which was under construction has been stopped for want of funds from State Government. In the village, electric and water scarcity is there. The programme under ICDS, Anganvadi is

functioning properly but shortage of material for distribution was reported. The District has a Hospital. People suffer from High Blood Pressure and Gastritis due to dietary habits. Another difficulty being faced is that in Changprong shifting of patient by road from District Tawang to Itanagar Hospital should be improved because every one cannot afford evacuation by Helicopter. Therefore, roads may be constructed or State Government should facilitate the village patients after referral to higher hospitals for treatment.

The Hon'ble Chairperson advised the District Collector to take up the matter with State Government and report to the Commission.

During the visit of Kipti Block of Tawang District, the Commission advised the District Collector and officers present – that the problems narrated by the villagers like delay in payment of honorarium to anganwadi workers, providing lesser days of employment under MGNAREGA and health issues be taken up with State Government. A proposal with regard to increase in man days and timely payment, need based and environment friendly proposals basis may be submitted to State Government under MGNREGA project.

The Commission advised the District Collector, Tawang that the scholarship should be paid regularly so that study of students is continued/regular and for want of scholarship, there should not be dropout.

The District Administration of Tawang should take action for introduction of modern methods of farming like mechanization like power tillers, Paddy de-husking machines, power sprayers, settled cultivation by terracing, vermin-composting, hybrid seeds etc. The Commission suggested to the Collector to initiate programmes marketing and setting up of small industry for processing of Agricultural produces or schemes to be implemented in consultation with ST Financial Corporation in the District.

The District Collector, Tawang was advised to take up proposal for increase of supply of kerosene oil on the grounds that Tawang being hilly and coldest area in the State, the supply of kerosene oil to families is insufficient. He suggested District Collector to send the proposal to Food & Civil supply Department for increase of supply of kerosene.

Attention should be paid for better road connectivity, reliable electricity for the residents of the Tawang district. Medical facilities to the people should be improved through more number of specialist doctors in the district and subdivision Head quarters. Specialist in Gynecology, pediatrics, skin specialist, General Surgeon, Radiologists and x-ray machine operator may be recruited and posted to the hospitals as per requirement. Provision

of sustainable livelihood to the residents in Tourism sector, Handicrafts etc. is needed. Improvement in farm income by promotion of floriculture, production of high value spices like cardamom, walnuts, strawberries etc. is suggested. Establishment of College and ITI/Polytechnic in the district for professional/vocational education to the locals is required. Promotion of better sanitation facilities to the residents especially in the backward Zemithang-Dudunghar Block of the district is required. There is no restriction on the ST's for collecting minor forest produce from their respective private lands or community forests for bonafide use. All the constituencies of Arunachal Pradesh under the Panchayati Raj Institutions are reserved for Scheduled Tribes of Arunachal Pradesh.

The Commission observed that Manjushree Vidyapeeth Orphanage, Tawang is doing a missionary work for orphanage and it should be considered for grant in aid by the State Government and Ministry of Tribal Affairs under the welfare grant. The Manjushree Vidyapeeth Orphanage was advised to approach/apply to State Government and Ministry of Tribal Affairs for considering the Vidyapeeth for sanction of funds/ grant in aid under programems/schemes for upliftment for tribals.

The Hon'ble Chairperson advised that in Tawang Dist. Mongpa community is the main Tribal community and it is centre for learning of Buddhist Philosophy in the entire north-eastern region of India. The Manjushree Vidyapeeth Orphanage, Tawang should teach chanting of Lord Buddha and teaching should be in their local language according to their culture. In Arunachal Pradesh, the people speak Hindi language and teachers in Ekalavya Model Residential School are to be appointed from local area. The Hon'ble Chairperson also advised the Director that the children should also be taught science subject.

The State Government of Arunachal Pradesh may take up the matter with Ministry of Civil Aviation and Airport Authority of India for Airport in the State for connecting remote habitations with less population to International Border areas connected by Porter Tracks and Suspension Bridges.

Efforts should be made from the State and the Central Govt. for infrastructure development like roadways, railways, airways and navigation on 5 major rivers in the State. The border roads and adjoining State of Assam should be developed to explore the natural resources of the State. Also, the Govt. should provide incentives for land development in agriculture, horticulture, pisciculture and other livestock in the State with proper marketing facilities.

Hon'ble Chairperson observed that the distribution of supplementary nutritional food to the Scheduled Tribes to mitigate the mal-nutrition among hill based tribes in Tawang and other hill



**districts is necessary and the State Govt. should do the needful in the matter.**

**The Commission during field visit to Chiputa noticed that for lifting water for irrigation pump set is the most essential requirement and that is costly. The irrigation department was asked to look into for providing pump set in different areas of the district at a subsidized rate.**

**The Commission advised the State Government to open more college hostels so that the tribals could come forward to get professional education and higher education. The Commission also pointed out that at many places, hostels have been constructed at far off places and the inmates were facing problem in reaching to various educational institutions for their studies. Proper transport facility should be made available to connect these hostels from the educational institutions.**

**The Hon'ble Chairperson advised the Chief Secretary that Arunachal Pradesh being the tribal State, there must be a State ST Commission for looking into the problems of STs and for suggesting the ways for their improvement. There was a demand from the Scheduled Tribes of the State to establish a separate Commission for Scheduled Tribes in the State. Presently there is no Commission for the Tribals. Tribal Development Department is catering the needs/implementation of the programme to focus attention on their problems and monitoring of implementation of various developmental programmes being run for them. The State Government should consider this demand in the light of the fact that there is a Commission at the national level.**

**The Commission advised the need for bamboo Industry, Textile Industry, hostel for children, IIT, Nursing College, Medical College, Culture tradition, Textile Industries, Lime Industries, Tourism and values of education. Although these industries are at small level should be at the larger scale. It was advised to the Chief Secretary that the State should prepare the schemes and send to the Central Government.**

**The Commission noticed that Arunachal Pradesh, which is a tribal majority State, is lagging behind in overall development including the tribal development due to want of funds. Being tribal majority State Arunachal Pradesh does not have TSP and therefore no grants as SCA for TSP is received from Government of India. The Commission recommends that Ministry of Tribal Affairs and State Government of Arunachal Pradesh should formulate problem based and need based schemes to raise economic and social status of tribals and infrastructural development in the State of Arunachal Pradesh. Ministry of Tribal Affairs may also consider devising ways and means to either provide SCA or increasing grants under Article 275(1) of the Constitution to the State which is**

required for filling the gaps. The funds are very much needed to achieve development goals for the tribal State of Arunachal Pradesh.

The Commission advised the State Government to pay more attention in construction of roads, transportation, electrification and housing in the tribal areas so that the transportation and communication condition of the Scheduled Tribes could be improved in the State by connectivity to other parts.

The Commission stressed the need of paying more attention to Tawang district towards the socio-economic development and problems being faced by the tribals of the Districts due to high altitude and cold climate. The Commission observed that more money should be poured for bringing them at par with the other social groups failing which the gap in development will more widen leaving them far behind in development.

The Commission emphasized that provisions of the MGNREGA give guarantee to the job cardholders for 100 days employment in a year. As the Scheduled Tribes are small and marginal farmers and landless labourers, this scheme has been introduced to generate income particularly in the lean season but in case they are being provided employment for only 15 man days, the Commission could not appreciate the implementation of the scheme. The State Government should try to improve the situation and take up the matter with Central Government.

#### **FIELD VISITS AND MEETINGS IN CONNECTION WITH INCLUSION OF SOME COMMUNITIES AS ST IN PUDUCHERRY**

As regards to Kattunayakan Community of UT of Puducherry, it was observed by the Commission that they are working as scavengers, watchman, sweepers and agricultural labourers and are treated untouchable in UT. Their status is lower to other communities in the society. They are not found interacting with other groups and no inter-dinning and inter marriage relationship was not found. They are also following traditions occupation like Pig rearing and Basket making.

This community has been provided tribal status in adjoining and other southern states of Tamil Nadu (Sl. No.9), Andhra Pradesh (Sl. No.11), Karnataka (Sl. No.20) and Kerala (Sl. No.9). The UT administration should come forward with more probative information in support of identification of the community as a ST in the UT.

The Commission has observed that before formulating any opinion regarding identification of Yerukula community as ST, the UT

Administration should carry out detailed ethnographic and socio-economic surveys/studies pertaining to this community to substantiate the claim for identification of this Community as ST in the UT of Puducherry.

The Commission noticed that detailed statistical information regarding original habitat of Kuruvan community in Puducherry w.r.t. census records of 1931, 1951 and 1961 is lacking to formulate any opinion of this population in Puducherry in respect of their limited population. The State Govt. should come forward with the above details.

As regard to Kattunayakan and Mallakuravan, the Commission feels that more discussion and exchange of views is required on the parameters fixed by the Government viz. indication of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness etc with RGI and UT administration before formulating final opinion about their identification and inclusion as ST community of the UT of Puducherry.

### **CHAPTER-3 SERVICE SAFEGAURDS**

- 3 3.5.5 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 3.8.3 The above data as on 01/01/2013 relates to 69 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 7.73% 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). **For further improving the representation of scheduled tribes in Govt. services, the Commission recommends strict compliance of DoPT OM No.36017/2/2004-Estt.(Res) dated 5/7/2005 by all the Govt. Departments and to ensure that in direct recruitment to Group C and D posts attracting candidates from a locality and a region, regional percentage of reservation for scheduled tribes is applied. Moreover, the 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.**
  
- 7 3.8.14 **The Commission reiterates 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 3.9.10 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-4 PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES

- 14 4.4.24 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise allocation of funds during the financial year 2013-14 and 2014-15. A copy of the statement showing allocation of funds by 30 Ministries/ Departments is placed at **ANNEXURE 4.III 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 4.5.18 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 4.5.19 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-5 ATROCITIES ON STs**

- 17 5.4.7 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.
- 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 5.4.8 **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.**

- 22 the number of incidents of Murder, Kidnapping and Abduction and Rape against Scheduled Tribes have increased in the year 2014 in comparison to previous year. The incidents of Murder have increased by 28.69%, Rape has increased by 9.21% and Kidnapping and Abduction have increased by 27.69% which is a matter of serious concern. It is also seen that from the year 2010 to 2014 the incidents of Rape are increasing every year (except 2012). On the other hand, the number of incidents of Dacoity , Arson, Hurt and Other crime have reduced to some extent. The total number of incidents of crimes against Scheduled Tribes in the year 2014 has come down by 9.51% against the previous year. Details of incidents, Victims and Rate of crimes committed against Scheduled Tribes during the year 2014 has been given at ANNEXURE-4õ ..

**5.6.3 In view of the above, it is felt that there is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and created peace and harmony among all sections of the society. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Andhra Pradesh, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh.**

- 23 **5.7.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for**



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

- 24 5.8.1 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 5.8.2 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 5.8.3 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 5.8.4 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 5.8.5 **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 5.8.6 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.**
- 30 5.8.7 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.**

- 31 5.8.8 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 5.8.9 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 5.8.10 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.**

34

5.8.11 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.**

**Ministry of Tribal Affairs**  
**Notification**  
New Delhi, the 23<sup>rd</sup> August, 2005

S.O. 1175(E) . In exercise of the powers conferred by sub-clause (f) of clause 5 of Article 338A of the Commission, the President hereby makes the following rules to specify the other functions of the National Commission for the Scheduled Tribes, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for the Scheduled Tribe (Specification of other functions) Rules, 2005.

2. The Commission shall discharge the following other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes, namely:-

- (i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug loopholes and to work more viable livelihood strategies.
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already been taken place.
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

(F.No.17014/3/2004-C&LM-II)

Sd/-  
**S.Chatterjee, Jt. Secy.**

  
सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 440,

नई दिल्ली, शुक्रवार, अगस्त 22, 2014/श्रावण 31, 1936

No. 440,

NEW DELHI, FRIDAY, AUGUST 22, 2014/SRAVANA 31, 1936

राष्ट्रीय अनुसूचित जनजाति आयोग  
(कार्यविधि के नियम )  
शुद्धि पत्र

नई दिल्ली, 20 अगस्त, 2014

सा.का. नि. 605(V)-- अध्याय IV में : नियम 46 और शीर्षक कोरम

नियम

विद्यमान प्रविष्टियों के लिए

46.

अध्यक्ष और/अथवा उपाध्यक्ष सहित कम से कम 3 सदस्यों की उपस्थिति, आयोग की बैठक आयोजित करने के लिए अनिवार्य होगा।

- पढ़ें
- (i) नियुक्त सदस्यों, अध्यक्ष और/अथवा उपाध्यक्ष सहित, में से कम से कम 50 प्रतिशत की उपस्थिति आयोग की बैठक आयोजित करने के लिए अनिवार्य होगी।
- (ii) यदि कोरम पूरा नहीं होता है तो अध्यक्ष 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

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and  
Published by the Controller of Publications, Delhi-110054.

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**STATES/ PLACES VISITS DURING 2014-15**

<b>SI No.</b>	<b>Duration of Visit</b>	<b>State/Places Visited</b>
1	23/02/2015 to 26/02/2015	Dadar & Nagar Haveli and Daman
2	19/02/2015	Chhattisgarh
3	20/01/2015 to 22/01/2015	Rajasthan
4	11/12/2014 to 18/12/2014	Arunachal Pradesh
6	18/10/2014 to 26/10/2014	Jharkhand
7	29/09/2014 to 09/10/2014	Jharkhand
8	20/09/2014 to 24/09/2014	Jharkhand
9	31/08/2014 to 03/09/2014	Puducherry
10	10/08/2014 to 13/08/2014	Madhya Pradesh
11	25/07/2014 to 02/08/2014	Jharkhand
12	13/06/2014 to 20/06/2014	Jharkhand

**ANNEXURE-1.IV**

Ref Para 1.11.1 10R

**NATIONAL COMMISSION FOR SCHEDULED TRIBES****Court cases files opened during 2014-15**

S. No.	File Number	Subject
1	Court Case/3/2014/RU-III	Representation from Shri Dorjee Khandu Thongon, Sub Area Orgganizer, Sashastra Seema Bal, Sikkin Area regarding justice against the Final Order bearing No. 13/SSB/A-4/05(4)-201214-18dated 17/10/2010.
2	Appeal-1/Service/Rajasthan/MTA/2011/RU-III	Appeal dated 13/06/2011 received from Dr. G.S.Somawat, Director, NCST Regional Office Jaipur regarding appeal against the observation of NCST Headquarter on the Writ Petition Civil No.8623/2010 in High Court of Rajasthan, Jodhpur.
3	CC/1/2014/Bank/Fin/RU-IV	W.P. No. 13832 of 2013 filed by K. Marimutthu V/s M/o Finance & others. panel of advocates of the Banks at present the SC/ST/OBC advocates to enrolled them in the panel of the Nationalized Banks.
4	Court Case/2/Development/2013/RU-III	WP No. 20316/2012 submitted the Hon'ble High Court of Rajasthan at Jaipur filled by Shri Harsh Indora Dhanka vs Union of India in the matter of issuance of ST certificate to 'Dhanka' Community of Jaipur.



5	19/3/Court Case/2014/RU-III	S.B. Civil Writ Petition No. 638/14 in respect of High Court of Rajasthan jaipur.
6	Court Case-01/Ser.(FCS)/TMM/Meghalaya/2014/RU-II	WP(C) No. 343 of 2014 submitted in the Hon'ble Supreme Court of India, Civil original jurisdiction filed by Shri. Tennydard M.Mark, Nokgilawe William Nagar, Meghalaya V/s Union of India and others in the matter of notice issued to the State Level Scrutiny Committee Meghalaya for remain staying further proceeding of the Committee.
7	court case-02/Ser.(FCS)/Asso./Meghalaya/2014/RU-II	WP(C)No.384 of 204 submitted and to be heard on 21/07/2014 in the Hon'ble Supreme Court of India Civil Original Jurisdiction filed by All North East Indigenous Garo Law Promoters Association & Ors.Meghalaya V/s Union of India &Ors. in the matter of notice issued to the State Level Scrutiny Committee Meghalaya for remain staying further proceedings of the Committee.
8	19/4/Court Case/2014/RU-III	Civil Appeal No. 4069 of 2008 in the Supreme Court of India, Collector Bilaspur V/s Ajit P.K. Jogi & Others Civil appeal No. 4074, 479 & 4082 of 2008.
9	Court Case/05/Development/Delhi/2014/RU-I	Filing of an appeal in the Hon'ble National Green Tribunal, New Delhi against the judgement dated 06/02/2014.
10	Parliament Qu-01(Lok Sabha)/Service/2014/RU-II	Material for provisional admitted Lok Sabha Unstarred Question No. 4303 for 08.08.2014 by Shri. Dilip

		Kumar Mansukhlal Gandhi in the matter of cases dealt by NCST during the last 3 years.
11	Court Case/06/Development/Gujarat/2014/RU-I	Special Civil Application No. 6037 of 2014 submitted- the Hon'ble High Court of Gujarat at Ahmedabad, District: Kutch filed by Shri Thakor Bakulkumar Mayurkant V/s Union of India & Ors. in the matter of inclusion of 'Vaghri' community in the ST list.
12	19/5/Court Case/2014/RU-III	Application dated 19/07/2014 Civil Writ Petition No. 638/2014 in the High Court of Rajasthan at Jaipur.
13	CC/1/2015/TN/RU-IV	W.P.No.34238 of 2014 filed by The Nilgiri Tribal Solidarity and 2 others.
14	CC/2/2014/Shipping/RU-IV	Criminal Writ Petition No. 4499/2013 in the High Court of Judicature Appellate Side at Bombay Suryakant Dattatraya Shinde Vs the Union of India and 12 others.
15	CC/3/2014/Maharashtra/RU-IV	W.P.(ST) No. 21389 of 2014 received from the Advocate, High Court of Bombay, Maharashtra between Adivasi Samaj Kruti Samiti & Ors Vs State of Maharashtra & Ors regarding issue of inclusion of Dhangar Community in the list of ST in Maharashtra.
16	CC/5/2014/TN/RU-IV	W.P. No. 6802 & 6803 of 2001 received from the Asst. Registrar (Writs), High Court of Judicature at Madras between M/s Tamil Nadu Lambadika Munnetra Sankam, M/s Thanda Pazhangudi, V/s The

		Secretary, Adi Dravidar Welfare and 4 others.
17	CC/4/2014/Kerala/RU-IV	WP (Civil) No. 995 of 2013 from the Assistant Registrar, Supreme Court of India between Akhila Keral Mavilan Samajam Vs Union of India & Ors.
18	CC/6/2014/TN/RU-IV	W.P. No. 3347 of 2014 and M.P. Nos.1 of 2014 received from the Asst. Registrar (CO), High Court of Judicature at Madras N. Rajaraman, Advocate on record Supreme Court of India, New Delhi Vs the Secretary, M/o Social Justice and Empowerment and others.
19	Court Case /07/Service/Delhi/2014/RU-I	Writ Petition No. 49662012 submitted the Hon'ble High Court of Delhi at New Delhi filed by Shri Romeo Dumai.
20	19/6/Court Case/2014/RU-III	Application dated 29/10/2014 Writ Petition No. of 2014 in the High Court of Delhi, New Delhi filed by Deshbandhu College SC&STs Teacher form versus University of Delhi & Others.
21	CC/2/2015/KARALA/RU-IV	WP(C) 2660/2015 IN THE HON'BLE COURT OF KARALA FILED BY LAWYERS CENTER FOR SOCIAL JUSTICE
22	CC/2/2015/KERALA/RU-IV	WP (C) 2660/2015 IN THE HON'BLE HIGH COURT OF KERALA FILED BY LAWYERS CENTER FOR SOCIAL JUSTICE
23	19/1/courtcase/2015/RU - III	Application dated 02/02/2015 W.P. No. 3501 (W) of 2015 in Kolkata High Court of Joseph Bhutia Vs the Director,

		National Institute of Technical Teachers' Training & Research, Kolkata & Others.
24	9/2/NCST/2014-Adm.	Chaudhary Rakesh Eknath V/s Uol & others-735/2014.
25	83/3/NCST/2014-ADMN	COURT CASE SB/DB CIVIL WRIT PETITION NO.11885/14 FILED IN HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR.
26	9/3/NCST/2015-Admn.	Court Case of Pravat Chandra Mall v/s Union of India in the High Court WP(C) No. 25862/2014
27	Court Case-03/Service(FCS)/Tripura/2014/RU-II	W.P. (C) No. 192 of 2014 submitted in the High Court of Tripura Agartala filed by Swarupjyoti Debbarma V/s the State of Tripura and others in the matter of cancellation of S.T.certificate (no. 1 of this case to protect the interest of NCST during proceedings vide letter dated 04/08/2014).

STATEMENT - 24

Representation of SCs, STs and OBCs in the CPSEs under different Ministries/Departments as on 31.3.2015

S.N.	Ministry / Deptt./ CPSE	Total No. of Etnp.	SCs	STs	OBCs	Total No. of Emp.	SCs	STs	OBCs	Total No. of Emp.	SCs	STs	OBCs	Total No. of Emp.	SCs	STs	OBCs
		Group A Managerial/Executives Level				Group B Supervisory Level				Group C Workers (Skilled)				Group D Workers Un-Skilled			
MINISTRY OF AGRICULTURE																	
DIO AGRICULTURE AND COOPERATION																	
1	NATIONAL SEEDS CORPN. LTD.	233	36	9	45	155	11		27	45	80	17	89	784	199	21	237
	SUB TOTAL:	233	36	9	45	158	21	7	27	475	89	17	89	784	119	21	237
MINISTRY OF AGRICULTURE																	
910 OF AGRICULTURE RESEARCH AND EDUCATION																	
2	AGRINNOVATE INDIA LTD.	1	0		0		0		0	2	0	0	0			1	0
	SUB TOTAL:	1	0	0	0	3	0	0	0	2	0	0	0	2	1	0	0
MINISTRY OF ANTIH																	
	INDIAN MEDICINES & PHARMACEUTICAL CORPN. LTD.		0	0	0	122	0	0	0	0	0	0	0	0	0	0	0
	SUB TOTAL :	9	0	0	0	122	0	0	0	0	0	0	0	0	0	0	0
MINISTRY OF CHEMICALS & FERTILIZERS																	
BM CHEMICALS & PETROCHEMICALS																	
4	HINDUSTAN FLUOROCARBONS LIMITED	102	9	1	15	0	0	0	15	24		4	15	25	9		
5	HINDUSTAN INSECTICIDES LTD.		0	0	0	312			50	733	113	31	298	192	3		58
9	HINDUSTAN ORGANIC CHEMICALS LTD.	271	30	15	15	334	01	13	10	388	25		5	48	22	2	34
	SUB TOTAL:	376	45	16	34	646	98	18	60	1145	149	39	369	235	71	60	99
MINISTRY OF CHEMICALS & FERTILIZERS																	
1)10 FERTILIZER																	
	BRAHMAPUTRA VALLEY FERTILIZER CORPN. LTD.	399	36	43	114		0	1	1	421	29	79	145	15	4	1	
8	FCI ARAVALI GYPSUM & MINERALS (INDIA) LTD.	30	5	9	5	0	1)	0	0	24		2	4	4	0	0	0
9	FERTILIZER CORPN. OF INDIA LTD.	4		1	0		3	Q		-	0	0	0	0	0	0	u
10	FERTILIZERS & CHEMICALS (TRAVANCORE) LTD.	1184	142	42	255		0	ti	a	871	115	11	362	537	77		220
11	HINDUSTAN FERTILIZER CORPN. LTD.	4		0	0	2	2	0	11	0	ti	0	0	0	9	0	0
12	MADRAS FERTILIZERS LTD.	72	11	2		410	08	1	17	189	54	1	66	22	14	0	1
13	NATIONAL FERTILIZERS LTD.	1771	198	121	114	0	9	0	0	1917	507	117	15	110	50	1	
14	PROJECTS & DEVELOPMENT INDIA LTD.	364	50	17	00	12	2	0	4	17	4	1	2	0	0	0	0
	RASITIRIYA CHEMICALS AND FERTILIZERS LTD.	977	14	27	75	1151	244	105		891	1	92	178	332	51	30	73
	SUB TOTAL:	4805	787	253	622	2188	337	108	133	4332	825	315	938	1020	236	55	301
MINISTRY OF CHEMICALS & FERTILIZERS																	
DIO PHARMACEUTICALS																	
16	BENGAL CHEMICALS & PHARMACEUTICALS LTD.	97		0	2	21	1	1	u	0	22	33	3	2	2	0	u
17	HINDUSTAN ANTIBIOTICS LTD.	230	28	51	17	9	1	0	1	500	60	19	86	312	69	15	44
18	IDPL (TAMILNADU) LTD.		0	0	4	0	0		1	64	1	0	0	41	0	0	3
19	INDIAN DRUGS & PHARMACEUTICALS LTD.	60	3	0	0	35	0	u	0	0	1	0	4	0	7	0	ti
20	KARNATAKA ANTIBIOTICS & PHARMACEUTICALS LTD.	244		2	29	u	u		0	444	63	24	14	2u	0	0	0

21	ORISSA DRUGS & CHEMICALS LTD.		0	i	0	(0	1	0	I	30	5	0		14	6	0	0
22	RAJASTHAN DRUGS & PHARMACEUTICALS Lm.	12			4	35	0	4		101		15	15		0	a	0
	<b>SUB TOTAL:</b>	647	77	10	56	178	19	4	10	1306	109	61	198	412	82	15	37
<b>MINISTRY OF CIVIL AVIATION</b>																	
23	AIR INDIA AIR TRANSPORT SERVICES LTD.	0	0	0	u	2338	0			3636	0	ii	0	791	0	0	0
24	AIR INDIA CI IARTERS LTD.	103	0	0	ri	103	0	29	0	h	108	it	167	565	0	0	0
25	AIR INDIA ENGINEERING SERVICES LTD.	1500	a	0	0	2200	0	0	0	300	0	0	11	0	0	0	0
26	AIR INDIA LTD.	2918	130	50	17	3985	1437	361	212	4191	964	411	419	2919	1032	194	139
27	AIRLINE ALLIED SERVICES LTD.	400	0	0	0	0	88	42	0	45	0	0	0	219	0	0	0
28	AIRPORTS AUTHORITY OF INDIA	7493	1010	404	1014	2531	4W	147	204	4303	953	361	957	3028	1464	260	382
29	HOTEL CORPN. OF INDIA LTD.	478	0	0	0	245	0	0	ri	478	0	0	0	0	0		
30	PAWAN HANS LTD.	172	14	4	10	LSI	35	IS	14	103	26	19	14	0	0	1	1
	<b>SUB TOTAL:</b>	13064	1154	446	HMI	11633	1361	594	430	13061	2051	791	1537	7522	2496	454	521
<b>MINISTRY OF COAL</b>																	
31	BHARAT COKING COAL LTD.	2454	269	61	206	4962	4'		36(1	36289	9161	2853	10119	12346	4225	583	4091
32	CENTRAL COALFIELDS LTD.	2706	239	152	301	4602	172	117	419	14375	3624	2864	5132	23248	6093	4140	5641
	CENTRAL MINE PLANNING & DESIGN INSTITUTE LTD.	4	9(1	41	171	863	66	2*	77	606	(98	140	133	1221	69	52	155
34	COAL INDIA LTD.	491	28	26	6	376	11	6	25	1415	129	65	86	613	12	29	1
35	EASTERN COALFIELDS LID.	2472	327	(CI	200	4736	374	155	1012	26597	9529	4219	9798	34876	8581	4474	6076
36	M.AHANADI COALEIELDLS LTD.	1884	142	61	194	3260	255	168	00	10654	971	555	96	6461	842	483	76
37	NEYVELI LIGNITE CORPN. LTD.	4277	886	294	377	72	11	100	31	10733	2(192	3	2779	1363	311	2	628
38	NORTIERN COALFIELDS LTD.	1795	109	28	47	1518	476	99	205	12114	1853	893	1606	799	604	209	300
39	SOUTH EASTERN COALFIELDS LTD.	3433	284	135	269	9961	523	691	714	33682	7619	8649	8999	20724	5133	5640	6231
40	WESTERN COALFIELDS LTD.	2631	202	49	463	4921	620	( <sup>04</sup>	1255	24772	7306	2664	3071	17747	2060	1243	9214
	<b>SUB TOTAL:</b>	23(177	2576	942	2247	35356	2555	1586	4301	171237	42482	22905	41869	119398	28010	16855	32424
<b>MINISTRY OF COMMERCE &amp; INDUSTRY</b>																	
<b>LAO COSISIERCE</b>																	
	<b>E. C. O. C. LTD.</b>	210	31	9	24	346	58	23	65	0	12		1	44		0	0
42	INDIA TRADE PROMOTION ORGANISATION	152	35	10	10	77	12	4	I	277	51	6	17	373	129	3	10
43	KARNATAKA TRADE PROMOTION ORGANISATION		0	0	-	0	0	5	0	0	0	0	0	0	0	0	0
44	MMTCL LTD.	546	107	40	39	852	188	87	46	22	38	0	29	18	0	0	0
45	P E C LTD.	146	25	5	20	10	2	1			4	0		6		1	0
46	STATE TRADING CORPN. OF INDIA LTD.	408	117	27	39	0	0	0	0	158	29	15	11	82	40		
47	STCL. LTD.	6	0	0	0	4	0	0	0	2	0	0	2	2	0	0	0
48	TAMIL NADU TRADE PROMOTION ORGANISATION	5			4	0	0	0	6	0	0	0	0	(	0	1)	(
	<b>SUB TOTAL:</b>	1565	316	91	138	1289	260	115	115	466	134	24	61	585	175	12	15
<b>MINISTRY OF CONINIUN ICATIONS&amp; INFORMATION TECHNOLOGY</b>																	
<b>D/O TELECOMMUNICATIONS</b>																	
49	BHARAT BROADBAND NETWORK LTD.	114	13	4	11	0	0	0	0	0	0	0	0	0	0	0	0
50	BHARAT SANCHAR NIGAM LTD.	46694	7729	2305	5986	1			0	178818	32582	9303	14582	0	0	1)	11
	I T I LTD.	3054	478	39	244	0	0			2641	424	18	392	403	90	I	45
52	MAHANAGAR TTLEPHONE NIGAM LID.	4734	663	117	112	0	0	0	0	19949	3357	346	*4	90)7	2194	724	
53	MILLENNIUM TELECOM LTD.	0	0			0	0	li	n	9	0	0	0	0	a	0	0

54	TCIL BINA TOLL ROAD LTD.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
45	TELECOMMUNICATIONS CONSULTANTS (INDIA) LTD.	407		17	51	21	30	6	30	266	43	0	1	9	11	0	0
	SUB TOTAL:	55003	8938	2565	6404	213	30	6	30	201674	36406	9671	15119	9490	2284	725	53
MINISTRY OF COMMUNICATIONS&INFORMATION TECHNOLOGY																	
a0 ELECTRONICS AND INFORMATION TECHNOLOGY																	
56	NATIONAL INFORMATICS CENTRE SERVICES INCORPORATED	0	9					5	0		0		9	0	0	0	0
	SUB TOTAL:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINISTRY OF COMSUMER AFFAIRS.FOOD & PUBLIC DISTRIBUTION																	
13/0 FOOD & PUBLIC DISTRIBL TION																	
57	CENTRAL RAILSIOI WAREHOUSE CO. LTD.	34	,	1	4				11		11	0	0	0	11	0	0
53	CENTRAL WAREI MUSING CORPN.	258	4)	13	22	1 183	327	97	64	1504	341	103	103	557	253	55	52
59	FOOD CORPN. OF INDIA	532	0	0	0	15316	0	0	0	40,0	0	0	0	50743	0	0	0
	SUB TOTAL:	1124	44	14	26	20254	327	97	64	5574	341	11)3	103	51600	283	55	82
MINISTRY OF DEFENCE																	
DIO DEFENCE PRODUCTION																	
60	BEL OPTRONICS DEVICES LTD.	53	,	0	N	0	0	0	0	100	12	1	39	0	0	0	0
61	HEM LTD.	2432	439	130	55;	3162	555	104	656	3722	927	225	6(6	233	101	6	11
62	EMARAT DYNAMICS LTD.	800	148	83	142	0	0			1075	359	197	535	328	84	22	119
63	BHARAT ELECTRONICS LTD.	5134	945	301	1042	233	22	0	37	4052	755	141	790	279	54	22	50
64	GARDEN REACH SHIPBUILDERS & ENGINEERS LTD.	464	88	24	95	375	64	13	33	1500	320		78	475	151	24	46
65	GOA SHIPYARD ITD.	243	24	15	42	198	15	6	18	882	47	43	106	245	7	,	22
66	HINDUSTAN AERONAUTICS LTD.	9675	1698	563	2161	0		0	0	21409	3710	1832	5208	60	5	0	6
67	HINDUSTAN SHIPYARD LTD.	334	75	34	70	641	110	SC	64	663	123	15	63	8	4	0	0
68	AZAGON DOCK SHIPBUILDERS LTD.	1039	0	0	0	13	0	0	0	7264	r	0	0	9	0	0	0
69	MISHRA DHATU NIGAM LTD.	242	36	9	50	105	13	4	25	355	64	20	128	134	29	12	47
70	VIGNYAN INDUSTRIES LTD.		1	1	10	0	0	0				1	40	27	4	2	12
	SUB TOTAL:	20567	3455	1160	4175	5332	782	186	866	41967	6319	2165	7606	1798	469	97	313
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION																	
71	NORTH EASTERN HANDICRAFTS & HANDLOOM DEVCORPN. LTD.		9	0	0	12	1		0	52	4	11	10	0	0	0	( )
72	NORTH EASTERN REGIONAL AGRI. MARKETING CORP.LTD.		0	4	0	U	0							30		9	1
	SUB TOTAL:	13	0	0	0	12	1	3	n	64	7	13	12	30	5	x	1
MINISTRY OF ENVIRONMENT, FORESTS CLIMATE CHANGE																	
73	ANDAMAN & NICOBAR ISL. FOREST & PLANT. DEV.CORP.LTD			1	tt	254	0	17	0	304	0	'	o	0	0	0	0
	SUB TOTAL:	7	0	0	0	254	0	17	0	804	0	2	0	0	0	0	0
MINISTRY OF FINANCE																	
[1/0 FINANCIAL SERVICES																	
74	INDIA INFRASTRUCTURE FINANCE CO. LTD	78	6	,	Ir;	5	0				0	0	0	1	0	0	
75	IRRIGATION & WATER RESOURCES FINANCE CORPORATION LTD.	4	9		0	0	0	0	9		9	9	0	0	0	0	
	SUB TOTAL:	82	6	2	16	0	0	0	0	0	0	0	0	1	0	0	0
MINISTRY OF FINANCE																	
0/0 ECONOMIC AFFAIRS																	

76	SECURITY PRINTING & MINTING CORPN. INDIA LTD	341	54	17	60	1155	07	101	11*	6936	1535	091	9:0	3352	678	200	136
	SI :B TOTAL:	341	54	17	60	1155	197	101	11S	6936	1535	691	916	3352	678	206	136
MINISTRY OF HEALTH & FAMILY WELFARE																	
DEPARTMENT OF HEALTH AND FAMILY WELFARE																	
77	GOA ANTIBIOTICS & PHARMACEUTICALS LTD.	26	11	0	10	35	1		25	3	0			113		0	84
70	HLL BIOTECH LTD.	33	5	0	6	1	6						0	0	0		0
79	HLL LIFECARE LTD.	525	58	6	95	207	54	II	41	058	127	33	235	224	65	14	55
80	IISCC (INDIA) U.M.	118	13	2	17	17	4	0	1	4	8	II			0	0	0
	SUB TOTAL :	707	76	11	128	280	45	17	78	872	135	33	238	344	72	14	139
MINISTRY OF HEAVY INDUSTRIES & PUBLIC ENTERPRISES																	
D10 HEAVY INDUSTRIES																	
81	ANDREW YULE & COMPANY LTD.	247	13	5	35	551	ti	0	9	353	2467	4337	7500	13832	50	33	70
82	BHARAT BHARI UDYOG NIGAM LTD.	12	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0
83	BILARAT HEAVY ELECTRICALS LTD.	12727	2159	921	2671	8519	1596	493	1896	22067	5010	1386	7464	1592	196		165
84	BHARAT PUMPS & COMPRESSORS LTD.	137	14	1	26	20	4	0	9	478	7x	2	176	3	0	0	2
85	BHEL ELECTRICAL MACHINES LTD.	18		0	II	11	1	0	a	95	6	5	64	51		2	40
86	BRAITHWAITE BURN & JESSOP CONSTRUCTION COMPANY LTD.	52	5	0		36	I	0		302		0	0	173		0	0
87	BRIDGE & ROOF CO.(INDIA) LTD.	747	122	8	49	413	24	I	13	175		4		70	x	0	0
88	CEMENT CORPN. OF INDIA LTD.	159	15		12	110			12	494	83	84	75	50	0	0	0
89	ENGINEERING PROJECTS (INDIA) LTD.	363	60	12	46	52	8	I	x	15	4	0			0	11	1
40	HEAVY ENGINEERING CORPN LTD.	733	0	U	0	328	0	0	0	696	0	0	0	0	0	0	0
91	HINDUSTAN CABLES LTD.	195	25	4	15	324	48	6	38	887	111	12	77	127	91	20	27
92	HINDUSTAN NEWSPRINT LTD.	120	4	0	22	55	2	I	C	379	21	I	107	86	17	0	43
93	HINDUSTAN PAPER CORPORATION LTD.	331	27	27	46	133	24	12	13	1321	155	155	116	58	13	13	8
94	HINDUSTAN PHOTO FILMS MANUFACTURING CO. LTD.	14	4	1	6	MI	IS	0	57	171	34	12	81)	62	25	0	33
95	HINDUSTAN SALTS LTD.	20	2	1	1	34	6	I	6	45	8	1	5	123	0	0	0
96	HIT (INTERNATIONAL) LTD.	29	3	2	1	7	0	0			0	I	0	1	0	0	0
97	HMT BEARINGS LTD.			0	1	9	2	0	3	26	7	0	12		0	0	0
90	HMT CHINAR WATCHES LTD.		0	0	0	4	0	0	ii	42	11	0	0	5	0	0	0
99	HMT LTD.	195	33	0	7	93	18	3	7	1133	206	43	91	0	0	0	0
100	HMT MACHINE TOOLS LTD.	482	0	0		226	0		o	876	0	0	0	034	0	0	0
101	HMT WATCHES LTD.	136			24		0	U	ii	849	164	31	120			0	0
102	HILLY PRINTING COMPANY LTD	10	ii	0	0		0	0	ii	14	0	0	0	20	2	0	0
103	INSTRUMENTATION LTD.	193	29	8		528	93	26	101	185	14	54	90	22	3	30	
104	NAGALAND PULP & PAPER COMPANY LTD	14	0		0	14	2	0	0	155	2	133	0	0	0	0	
105	NEPAL LTD.	152	0	1	19	0	0	0	0	483	44	13	37	0	0	0	0
106	RAJASTHAN ELECTRONICS AND INSTRUMENTS LTD.	75	9		15	81	S	U	14	66	23	5	17	30	3	2	11
107	RICHARDSON & CRUDDAS (1972) LTD.	6	0	0	1	4	1	0	0	7	2	0	0	0	0	0	
108	SAMBHAR SALTS LTD.	12	1	I	0	20	2	0	0	86	22	0	0	0	0	0	0
109	SCOOTERS INDIA LTD.	116	17	I	20	43	6	0	14	421	117	0	>10	11	u	0	0
110	TUNGABHADRA STEEL PRODUCTS LTD.	5	U	0	3	14	2	0	4	90	19			0	11	0	0
	SUB TOTAL:	17316	2578	1005	3050	11755	1887	555	2220	31886	8683	6243	16645	17034	437	85	433
MINISTRY OF HOME AFFAIRS																	
I I I I I I I I I I I I I I I I I I																	



III	DEL 1-11 POLICE HOUSING (CORPORATION LTD.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	SUB TOTAL:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINISTRY OF HOUSING & URBAN POVERTY ALLEVIATION																	
112	IIINDUSTAN PREFAB LTD.	14	1	0	0	76	20	1	2	122	64	5	44	12	0	1	
113	HOUSING & URBAN DL.v. CORPN. ura	546	91	20	34	119	43	6	21	109	17	12	16	119	36	16	
	SUB TOTAL:	560	92	20	34	195	43	9	23	230	81	20	18	163	48	16	8
MINISTRY OF HUMAN RESOURCE DEVELOPMENT																	
0/0 SECONDARY EDUCATION & HIGHER EDUCATION																	
114	LLICIL(indta) LW.	36	8	0	6	16	4	0	1	15	4	0	1	11	6	1	1
	SUB TOTAL :	36	8	0	6	16	4	0	1	15	4	0	1	11	6	1	1
MINISTRY OF INFORMATION & BROADCASTING																	
115	BROADCAST ENGG. CONSULTANTS INDIA LTD.	40	9	1	4	27	8		2	0	0	0	0	0	0	0	0
116	NATIONAL FILM DE V. CORPN. LTD.	25	5	1		17	2						45	14	0		
	SUB TOTAL:	65	14	2	6	44	10	0	3	12	3	0	3	45	14	0	10
MINISTRY OF MICRO SMALL & MEDIUM ENTERPRISES																	
117	NATIONAL SMALL INDUSTRIES CORPN. LTD.	510	82	15	04	146	23	4	12	157	31	6	14	67	21	0	X
	SUB TOTAL:	510	82	15	84	146	23	4	12	157	31	0	14	67	21	0	8
MINISTRY OF NIIFNS																	
110	IIINDUSTAN COPPER LTD.	588	93	21	00	s	11	6	17	2316	373	379	277	699	167	88	25
119	MINERAL EXPLORATION CORPN. LTD.	286	51	18	33	107	1^	9	22	952	143	77	61	10	3	0	0
120	NATIONAL ALUMINIUM COMPANY LTD.	1066	248	125	168	042	154	144	53	3070	674	881	466	736	117	174	02
	SUB TOTAL :	2740	382	164	286	1022	182	158	92	7144	1190	1337	804	1445	287	262	107
MINISTRI OF MINORITIES AFFAIRS																	
	NATIONAL. MINORITIES DOVE. & FINANCE. CORPORATION	12		1	1	4	0		2			0		14		0	3
	SUB TOTAL:	12	2	1	1	4	0	0	2	3	2	0	0	14	7	0	3
MINISTRY OF NEW AND RENEWABLE ENERGY																	
121	INDIAN RENEWABLE ENERGY DEVT.AGENCY LTD.	94			17	*	1							18	4	1	*
123	SOLAR ENERGY CORPORATION OF INDIA	30	1	11	2	6	2			''	0		0	tl	0	0	0
	SUB TOTAL:	124	18	8	19	19	4	1	2	2	0	0	0	18	4	1	3
MINISTRY OF PETROLEUM & NATURAL GAS																	
124	BALMER LAWRIE & CO. LTD.	469	40	.	36	227	25	11	38	115	7	0	13	554	75	7	33
125	BALMER LAWRIE INVESTMENTS LTD.	0	0	0	0	0	0	0	8	0	0	0	0	0	0	0	11
126	BIJARAT PETRO RESOURCES LTD.	50		0	0	0	0	(1	0	0	0	0	0	0	0	0	0
127	BHARAT PETROLEUM CORPN. LTD.	5564	493	337	777	0	0	0	0	3379	776	309	594	3744	368	137	212
123	CERTIFICATION ENGINEERS INTERNATIONAL LTD.	70	11	0			0	0		0	0	11	0	0	0	0	0
129	CI IENNAI PETROLEUM CORPORATION LTD.	195	59	r,	13	549	177	21	56	879	209	0	319	5	1	2	0
130	CREDA IIPCL BIOFUEL LTD.	,	1	I	2	U	0	0	0	U	0	0	0	0	0	0	0
131	ENGINEERS INDIA LTD.	926	170	43	33	1979	334	87	372	277	00		32	4	4	0	11

132	GAIL (INDIA) LTD.	1354	546	228	554	0	0	0	0	912	163	58	252	0	0	0	0
133	GAIL GAS LTD.	107	14	6	v	II	0	0	0	0	0	n	0	0	0	0	0
134	HINDUSTAN PF ER01 ECM CORPN. LTD.	2132	416	181	4	3244	549	248	746	4129	787	367	113	1109	3115	124	12
135	FOCI. BIOFUELS LTD.	43	3	0	12	106	ii	1	37	92	5		19	153	12	10	70
136	INDIAN OIL CORPORATION LTD.	15290	2541	1031	2244	5960	979	602	305	10905	2182	791	1923	799	230	65	56
137	INDIAN OIL-CREDA BIOFUELS LTD.	;	0	0	1	0	0	0	0	0	U	0	0	0	0	0	0
138	MANGALORE REFINERY & PETROCHEMICALS LTD.	742	56	18	145	0	0	0	0	978	95	13	376	0	o	0	0
139	NUMALIGAR.H REFINERY LTD.	431	52	33	107	0		ti	0	443	37	62	146	4	2	I	0
140	OIL & NATURAL GAS CORPORATION LTD.	71630	1777	1915	2504	2359	300	350	200	4657	579	535	1522	2514	449	233	352
141	OIL INDIA LTD.	1482	105	131	318	1170	69	103	321	3317	233	431	1022	1923	121	222	593
142	ONGC V3ESH LTD.	1569	41	12		0			0	550	0	n	2	0	0	0	0
143	PRIZE PETROLEUM COMPANY LTD.	I	II		0	22	I)	0	4	0	o	II	o	0	0	0	0
	SUB TOTAL:	56119	8815	3997	6842	15629	2406	1412	2084	30613	5153	2912	6333	10809	1567	821	1334
MINISTRY OF POWER																	
144	KANTI BIJLFE UTPADAN NIGAM LTD.	195	0	0	0	0	0	0	0	0	0	f)	0	0	0	0	
145	NHDC LTD.	280	33	15	64	27			2	113	15	13	11	113	30		,
146	NHPC LTD.	3826	560	251	671	196	47	14	54	3443	350	135	156	1546	275	112	76
147	NORTH EASTERN ELECTRIC POWER CORPORATION LTD.	979	53	193	130	370	10	107	55	1158	76	437	100	50		49	0
148	NTPC ELECTRIC SUPPLY COMPANY LTD.	74	14		11	0	0	0	0	2	.	•	0	0	0	0	0
149	NTPC LTD	12406	1803	661	2388	234	I	(1	0	9386	1767	788	1307	385	0	0	0
150	NTPC VIDYLI VYAPAR NIGAM LTD.	49	4	0	2	0	0	0	0	I	0	9	o	0	0	o	0
151	ITC CAPITAL ADVISORY SERVICE LTD.	9	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
152	ITC CONSULTING LTD.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
153	FTC GREEN ENERGY LTD.	IS	0	0	0	2	0	0	u	0	1	0	0	0	0	0	0
154	POWER FINANCE CORPORATION LTD	318	55	17	57	86	14	5	15	27	6	3	2	4	II	0	1
155	POWER GRID CORPORATION OF INDIA LTD.	3793	515	204	768	2094	302	167	448	2463	337	220	491	75	10	5	22
156	POWER SYSTEM OPERATION CORPORATION LTD.	295	45	II	43	49		,	Q	93	24	4	6	7	0	0	0
157	REC POWER DISTRIBUTION CO. LTD.	13	0	0	0	o	0	0	0	9	0	0	9	0		o	5
158	REC TRANSMISSION PROJECTS CO. LTD.	0	o	0	0	9	0	0	0		0	I/	0	0	0		0
159	RURAL ELECTRIFICATION CORPN. LTD.	427	42	14	53		0	0	0	95	15		3	79	24	I	
160	SJVN LTD.	818	103	52	III	306	67	9	25	599	142	31	30	101	15	9	1
161	THDC INDIA LTD.	750	86	16	61	116	5	0	5	71,0	137	11	76	349	40	0	
	SUB TOTAL:	24382	3349	1437	4370	3686	464	307	617	18135	28711	1642	2290	2717	411	193	143
MINISTRY OF RAILWAYS																	
192	BIJARAT WAGON & ENGG. CO. LTD.	29	5	0		56	29	0	17	623	120	o	120		3	II	3
163	BRAITHWAI I & CO. LTD.	47		I	I	45	6	U		235	32			0	0	0	0
164	BURN STANDARD COMPANY LTD.	40	—	0	I	117	8	I	1	526	31	1		0	0	0	0
165	CONCOR AIR LTD.	0	u	0	0	0	0	0	0	0	0	9	0	0	0	o	0
166	CONTAINER CORPORATION OF INDIA I ID.	204	39	5	44	187	25	7	35	861	134	58	225	0	0	0	0
167	FRESH & HEALTHY ENTERPRISES LTD.	12	I/	0	2	0	0	0	0	3		0	1	12	I	1	'
168	INDIAN RAILWAY CATERING AND TOURISM CORPN. LTD.	293		1.0	37	533	75	22	92	676	0		149	0		0	0
169	INDIAN RAILWAY FINANCE CORPORATION		(	o	0	0	0	0		8		0				0	0
170	INDIAN RAILWAY STATIONS DEVT. CORPORATION LTD.				0	1	0			o	II	0	0		0	0	1)
171	IRCON INFRASTRUCTURE & SERVICES LTD.	6	0	is	0	2	0	0	ii	1	II	0	0	0	0	0	0

172	IRCON INTERNATIONAL LTD.	709	30	19	195	320	54	II	57	330	42	13	46	0	0	0	0	
173	KONKAN RAILWAY CORPORATION LTD.	184	25	5	34	1389	158	53	298	2611	354	145	1085	759	181	84	542	
174	MUMBAI RAILWAY VIKAS CORPORATION LTD.	00	5	0	2	116	0	I		8	0	u	0	14	0	6		
175	RAIL VIKAS NIGAM LTD.	390	23	2	15	0	0	0	0	0	0	0	0	25	0	0	0	
176	RAILTEL CORPORATION INDIA LTD.	519	01	20	113	6	0	II		0	0	0	S	0	0	0	0	
177	RAILWAY ENERGY MANAGEMENT COMPANY	I	0	0	0	0	0	0	II	6	0	0	0	0		0	0	
178	RITES INFRASTRUCTURE SERVICES LTD.	0	0	0	0	0	0	(	11	0	0	0	0	0		0	0	
170	RITES LTD.	1594	174	37	223	258	26	9	27	210	31	3	10	241	4:	8		
SUB TOTAL:		4155	458	99	579	3033	381	104	532	6098	748	252	1645	1060	341	97	571	
AI I NisiRN. OF SCIENCE & TECHNOLOGY																		
DEPT. OF BIOTECHNOLOGY																		
180	BI TARAT IMMUNOLOGICAL S & BIOLOGICALS CORP. LTD.		25	2	4	90	26	3	15			0	0	0	0	0	0	
181	BIOTECHNOLOGY INDUSTRY RESEARCH ASSISTANCE COUNCIL		0	0	4	0	0	0	"	0	0	0	0	0	I:	0	0	
182	INDIAN VACCINE CORP. LTD.	I	0	0	0	7	0		II	0	II	0	0	0	II	0		
SUB TOTAL:		53	1	2	8	92	26	3	15	0	0	0	0	0	0	0	0	
MINISTRY OF SCIENCE & TECHNOLOGY																		
DEPT OF SCIENTIFIC & INDUSTRIAL RESEARCH																		
183	CENTRAL ELECTRONICS LTD.	208				0	0	G	0	307	100		51			0	0	
184	NATIONAL RESEARCH DEVELOPMENT CORPN.	40	9	I	I	13	4	I	0	12	5	I	0	15	is	0	0	
SUB TOTAL:		248	30	I	22	13	4	1	II	319	105	I	51	18	9	0	0	
MINISTRY OF SHIPPING																		
185	CENTRAL INLAND WATER TRANSPORT CORPN. LTD.	5	0	0	0	I		5	0	181	0		0	95	0	0	0	
106	COCHIN SHIPYARD LTD.	275	41	14	00	199	34	12	3	1312	158	0	444	0	0	18	0	
187	DREDGING CORPN. OF INDIA (1,11).	307	51	20	57	9	I		4	169	26	9	32	75	10	3	8	
188	1100GILLY DOCK AND PORT ENGINEERS LTD.	34	I	0	I	41		0	1	226	33	0		38	4	4	0	
109	KAMARAJAR PORT LTD.	60	9	0	27	0	0	0	0	25	6	0	11			1	0	
190	SHIPPING CORPORATION OF INDIA LTD	669	129	53	83	127		6		0	u	0	0	0	u	0	0	
SUB TOTAL:		1350	228	87	238	373	79	18	II	1913	223	9	488	195	20	26	16	
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT																		
DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITY																		
191	ARTIFICIAL LIMBS MFG. CORPN. OF INDIA	ISO	8	U	11	r	1	r1	Q	293	42	2	'	48	11	4	0	I
192	NATIONAL BACKWARD CLASSES FINANCE & DEVP.CO.	10					2	I		u	,		s	0	7	6	0	
193	NATIONAL HANDICAPPED FINANCE & DEVPT. CORPN.		0	o		1		0	0				7			0	1	
194	NATIONAL SAFAI KARAMCHARIS FINANCE & DEVPT. CORPN			0	I	2	I	0	u			0				0		
195	NATIONAL SCHEDULED CASTES FINANCE & DEVP. CORPN.		9				2	I		23				I				
SLB TOTAL:		164	19	I	28	17	7	1	2	276	62	4	66	32	15	0	6	
MINISTRY OF STEEL																		
196	EASTERN INVESTMENT LTD.	±	0	0	0	0	0	0	0	0	II	0	0	0	1)	0		
197	FERRO SCRAP NIGAM LTD.	145	17	2	20	0	0	I.	0	809	169	119	105		3	0	0	
195	INDIAN STEELWORKS COSTN. LTD	55	5	0	8	13	2	I	0	36	9				0	0	I	
199	1.5c K MINERAL DEVELOPMENT CORPN. LTD.	n	0	0	0	0	0	0	0	-	ri	0	0		0	II	0	

200	KI(X'L LTD.	269	44	12	15	49				588	90	30	68	41		6	4
201	MST CLTD.	170	26	11	32	137	32	5	15	0	0	n	ii	(1	0	0	
202	NI ECON LTD.	1368	250	89	160	72	17	25	12	34		13		89	16	.18	11
203	MOIL LTD.	339	50	15	75	2655	613	112	089	1526	334	224	4:9	1897	272	914	605
204	NMDC Ltd.	1218	214	87	190	276	52	26	46	3512	652	915	601	484	50	122	32
"	ORISSA MINERAL DEVELOPMENT COMPANY LTD.	93	5	0	17	34		9	11	81	10		LI	356	40	105	70
206	RASHTRIYA ISPAT NIGAM LID.	5589	957	403	801	6944	1200	397	117	3479	515	381	029	2120	327	136	179
207	SAIL REFRACTORY COMPANY LI I).	26	5	0	12	0		0		203	54	5	145		0	0	
208	STEEL AUTHORITY OF INDIA LTD.	14648	2229	950	1740	0	0	0	0	70884	12799	12234	9100	7820	306	69	53
209	TIIE BISRA STONE LIME COMPANY LTD.	32	-	I	1	43	6	8	9	393	109	75	24	319	91	74	24
SUB TOTAL:		23954	3806	1579	3126	10228	1932	986	11(15	81547	14749	14015	11387	13137	1198	1515	982
MINIST RY OF TEXTILES																	
210	BIRDS JUTE & EXPORTS LTD.	0	0			0	0		0	0	0	0	0	U	0	0	0
211	BRITISH INDIA CORPORATION LTD.	96	.	0	G	57	4			1181	2 <sup>2</sup>	9	0	156	193	0	0
212	CENTRAL COTTAGE INDUSTRIES CORPN. OF INDIA LID.	160	20	1	9	20	0	#	5	12		0		107	39	0	0
213	COTTON CORPN. OF INDIA LTD.	9 <sup>9</sup>	11		9	091	109	31	183	0	0		n	0	0	II	0
"	HANDICRAFTS & HANDLOOM EXPORTS CORP. OF INDIA LTD.	25	1			39		2	8	36	5		11	19			4
215	NATIONAL HANDLOOM DEVELOPMENT CORPORATION LTD.	9			e	34	4		4		6	7		16	29		9
"	NATIONAL JUTE MANUFACTURES	53	0	0	0	0	0		0	0	0	0		0	0	0	0
217	NATIONAL TEXTILE CORPN. LTD.	367	67	2	92	351	79	8	102	6436	1030	95	2996	876	363		100
218	TI IL JUTE CORPN. OF INDIA LTD.	50	3		I	90	16	11	4	222	28	4		218	37		3
SUB TOTAL :		928	119	15	124	1480	278	53	361	7954	1278	93	3027	1401	556	18	174
MINISTRY OF TOURISM																	
219	ASSAM ASHOK 110TE L CORPN. LTD.	3		I	0	7	0	9	0	40	4			7		0	0
220	DONYI POLO ASER)K HOT FL urn.		3	0	0	0			0	24	2	3		0	0	(5	II
221	INDIA TOURISM DEV. CORPN. LTD	21.5	50	5	26	72	13	2	3	956	300	23	42	222	100	6	11
222	KUMARAKRUPPA FRONTIER HOTELS LTD.		0	0	0	0	0	0	0	I	0	0	0				0
2	2 3																
--	PRADESH ASHOK HOTEL CORPN. LTD.	4	0	0	0	3	0	0		49	9	2	4	0	0	0	9
224	PONDICHERRY ASHOK HOTEL CORPN. LTD	2	0	0			2		1	10		0					0
225	RANCHI ASHOK BIHAR HOTEL CORPN. LTD	4	0	0		1	0	1	9	24	2	4		13	4		II
220	UTKAL ASHOK HOTEL CORPN. LTD.	0	0	0	u	9	0	0	9	10	0	0	0	I;	0	0	0
SUB TOTAL:		304	54	6	30	95	15	3	7	1161	326	38	61	255	III	9	17
MINISTRY OF TRIBAL. AFFAIRS																	
227	NATIONAL SCHEDULED TRIBES FINANCE & DEW CORPN.		2		3	4	2	(	9	27	9		6	0	0	0	0
SUB TOTAL :		22	2	7	3	4	2	0	0	27	9	3	6	0	0	0	0
MINISTRY OF URBAN DE VLOPMEN I																	
225	NATIONAL BLDG. CONSTN. CORPN LTD.	119	74	8	20	671	125	25	90	931	152		46	26		0	1
SUB TOTAL:		419	74	8	26	671	125	29	90	931	152	3	36	26	7	6	1
MINISTRY' OF WATER RESOURCES. R1V ER DEVELOPMENT & GANGA II ERNI:NATIO \																	
29	PROJECTS CONSTR LCT1ON C(/RPN.		3		14	21*1	2,	4		541				126			
230	WA PCOS LTD.	53.	70	13	7.		I I			47	12	I	v	4.)	14		
SUB TOTAL :		804	103	20	90 *	289	47	6	14	588	49	4	10	107	22	6	

DEPT ((F ATOMIC ENERGY																	
231	ELECTRONICS CORPN. OF INDIA LTD	1983	294	121	206	0	0	0	0	725	112	67	50	255	65	7	23
232	INDIAN RARE EARTHS LTD.	527	62		110	59	9	0	20	914	147	27	348	461	150		135
233	NUCLEAR POWER CORPN. OF INDIA LTD.	43(2	353	74	560	1750	280	109	490	5503	1063	531	1322	0	0	0	0
234	URANIUM CORPORATION OF INDIA LTD.	267	32	26	43	268	30	41	47	1342	141	360	194	2788	52	1575	105
	SUB TOTAL:	7009	741	232	979	2107	328	150	557	8484	1463	985	1914	3504	497	1594	346
DEPT OF SPACF.																	
235	ANTRIX CORPORATION LTD.	16	0	1	1	5	0	0	2	1	0	1	0	52	24		
	SUB TOTAL:	16	0	1	1	5	0	0	2	1	0	0	0	92	24	3	12
	GRAND TOTAL:	262911	38539	14234	34944	(29996	14282	6559	13984	647511	127839	641191	113863	248743	40633	23220	38538

**ANNEXURE-3.II**

Ref Para 3.9.8 10R

**NATIONAL COMMISSION FOR SCHEDULED TRIBES****De-reservation cases filed during 2014-15**

<b>s. No.</b>	<b>File Number</b>	<b>Subject</b>
1	De-reservation/13/2014/RU-III	De-reservation proposal for ST posts in Group B.
2	De-reservation/12/2014/RU-III	De-reservation of 60 vacancies of ASI(RO) of ST category in Border Security Force (BSF).
3	De-reservation/11/2014/RU-III	Proposal for de-reservation of vacancies reserved for SCs and STs in posts filled by promotion.
4	De-reservation/10/2014/RU-III	Proposal for de-reservation for one post of office superintendent in CGHS Delhi.
5	De-reservation/9/2014/RU-III	Proposal for dereservation of promotion posts reserved for ST.
6	De-reservation/8/2014/RU-III	De-reservation of a post of UDC in New Medial Wing, Ministry of Information & Broadcasting.
7	De-reservation/7/2014/RU-III	Proposal for de-reservation of vacancy reserved for ST for the post of Administrative Officer in Press Information Bureau.
8	De-reservation/CAG/Service/2014/RU-II(PART-II)	De-reservation proposal received from CAG, New Delhi
9	De-reservation/6/2014/RU-III	Proposal for de-reservation of the post of Inspector(Pioneer) meant for ST Category.
10	De-reservaton/Service/2014/RU-I	Proposal for De-reservation.
11	De-reservation/5/2014/RU-III.	De-reservation of vacancy reserved for ST Category in the grade of Plant Protection Officer(Chemistry) under DPPQ&S, DAC, Ministry of Agriculture.

12	De-reservation/2/2014/DoPT/RU-I	De-reservation post of Principal Private Secretary group A in the Office of Department of Personnel & Training, New Delhi.
13	De-reservation/4/2014/RU-III	De-reservation of various technical posts from Scheduled Tribes category to General Category.
14	Policy-01/2014/Development/MTA(CCEA)/RU-II	Draft Note for Cabinet Committee on Economic Affairs (CCEA) for the Scheme of 'Development to particularly Vulnerable Tribals Groups (PVTGs)' of Ministry of Tribal Affairs-comments.
15	Deservation/Service/2014/RU-I	De-reservation of two posts of Upper Division Clerk (UDC) in the Office of Central Vigilance Commission, New Delhi.
16	DR/8/MPNT2/2014/RU-IV	DR proposal received from Deputy Director, Ministry of Communication and Information Technology regarding filling up the Deputy Director in PB-3 Rs. 15600-39,100 plus Grade Pay of Rs. 6600 on regular basis in the Department of Electronics & Information Technology.
17	DR/7/MDEF/2014/RU-IV	Proposal received from the Director (Pers), M/o Defence (DGQA), Deptt. Of Defence Production for one post reserved for ST for promotion in the grade of Junior Technical Officer (Drawing) in Dte. Of Quality Assurance (Naval).
18	DR/2/2015/RU-III	DR of vacancies of ST to General Category.
19	DR/6/MDEF/2014/RU-IV	DR proposal received from the US, M/o Defence, Deptt. of Defence Research & Development for post reserved

		for ST for promotion to PPS grade in OFB Hqrs formation during 2014-15.
20	DR/5/MENV1/2014/RU-IV	Proposal for de-reservation of one vacancy of Scheduled Tribe for the post of Technical Officer (Forestry) Grade I to be filled by promotion.
21	De-reservation/1/2015/RU - III	Proposal for De-reservation of one post of UDC reserved for ST in DASD, Calicut - reg.
22	De-reservation/Service/2015/RU-II(Part-2)	Proposal for de-reservation of vacancies/post
23	DR/2/MDEF/2015/RU-IV	Dereservation proposal received from the us, m/o defence, defence research & development for one post the grade of vehicle operator in it chandipur.
24	DR/1/MDEF/2015/RU-IV	DR proposal received from the US, M/O Defence(R&D)for four posts reserved for ST for promotion of Accounts officers
25	De-reservation/Service/2015/RU-II	Proposal for de-reservation of vacancies/post



**ANNEXURE-4.I**  
(Ref Para 4.1.2 10R)

<b>Total population, Scheduled Tribe population and inter-Census decadal ST population growth during 1991,2001and 2011 census</b>															
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-4.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	1661,97,921	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 4.II**  
Ref Para 4.4.14 10R

**State/UT-wise TSP formulated for the financial year 2011-12 To 2014-15**

Sl. No.	State/UT	% of ST Population (2011 Census)	Annual Plan 2011-12			Annual Plan 2012-13			Annual Plan 2013-14			Annual Plan 2014-15	
			Total State Plan Outlay	TSP Allocation	TSP Actual Expendr.	Total State Plan Outlay	TSP Allocation	TSP Actual Expendr.	Total State Plan Outlay	TSP Allocation	Anticipated Outlay	Proposed Outlay	TSP Allocation
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Andhra Pradesh	7.00	43000.00	2973.13	2228.12	48935.00	3591.39	2241.76	53000.00	3666.60	2070.68	NR	NR
2	Assam	12.45	9000.00	63.16	54.85	10500.00	72.46	65.50	12500.00	82.00	72.55	14029.00	90.20
3	Bihar	1.28	24000.00	269.24	289.81	28000.00	393.86	281.63	34000.00	485.00	434.52	40100.00	508.80
4	Chhattisgarh	30.62	16710.00	5561.44	4229.53	23480.00	7356.00	6177.65	25250.00	7952.17	6946.97	26615.00	9518.57
5	Goa	10.23	3320.00	328.81	226.75	4700.00	566.42	92.19	4715.00	614.47	187.08	4520.48	328.63
6	Gujarat	14.75	38000.00	5103.03	4875.71	51000.00	6682.41	6498.44	59000.00	7236.60	7102.85	NR	NR
7	Himachal Pradesh	5.71	3300.00	297.00	286.05	3700.00	333.00	333.00	4100.00	369.00	369.00	4400.00	395.47
8	Jammu & Kashmir	11.91	6600.00	743.45	743.45	7300.00	1254.77	NR	7300.00	1113.55	1113.55	NR	NR
9	Jharkhand	26.21	15322.75	7501.39	5749.39	16300.00	8199.40	4458.06	16800.00	8474.60	5102.97	26250.00	11680.29
10	Karnataka	6.95	38070.00	1866.95	1866.95	42030.01	2075.00	1679.79	47000.00	2354.70	2480.74	6559.78	4315.07
11	Kerala	1.45	12010.00	284.19	284.19	14010.00	325.15	325.15	17000.00	389.85	389.85	20000.00	600.00
12	Madhya Pradesh	21.09	23000.00	4964.90	4432.57	28000.00	6178.91	5930.89	35500.00	6800.00	6267.45	53512.64	12057.64
13	Maharashtra	9.35	42000.00	3738.00	3106.00	45000.00	4005.00	3065.47	49000.00	3817.34	3713.12	51222.54	4814.92
14	Manipur	35.12	3210.00	1071.85	1030.00	3500.00	1358.53	1566.90	3650.00	1376.28	1280.67	8671.43	3059.68
15	Odisha	22.85	15200.00	3603.44	3282.63	17250.00	4316.40	3741.80	21500.00	5134.54	5099.02	40810.00	9654.10
16	Rajasthan	13.48	27500.00	3568.18	3339.75	33500.00	4321.19	3859.15	40500.00	5193.40	4809.55	69820.05	9178.10
17	Sikkim	33.80	1400.00	37.50	37.50	1877.00	386.66	NR	2060.00	NR	NR	3905.00	NR
18	Tamil Nadu	1.10	23535.00	250.44	245.20	28000.00	353.93	267.76	37128.00	496.13	439.77	59549.86	468.75
19	Tripura	31.76	1950.00	607.47	492.13	2250.00	699.75	740.48	2500.00	NR	NR	3125.00	NR
20	Uttar Pradesh	0.57	47000.00	31.85	26.46	57800.00	38.00	30.26	69200.00	41.50	18.69	113500.00	104.29
21	Uttarakhand	2.80	7800.00	234.00	117.60	8200.00	246.38	145.56	8500.00	255.00	90.99	NR	NR
22	West Bengal	5.80	22214.00	1470.29	1470.29	28000.00	1658.52	1657.52	30314.00	2173.14	2173.14	46290.35	3136.41
23	A & N Islands	7.50	1434.84	173.92	115.15	1701.43	226.43	214.53	1867.10	228.79	228.79	NR	NR
24	Daman & Diu	0.06	324.95	28.79	2.18	568.25	50.29	3.42	630.05	3.90	4.95	2070.07	11.24
	<b>TOTAL</b>		<b>425901.54</b>	<b>44772.42</b>	<b>38532.26</b>	<b>505601.69</b>	<b>54689.85</b>	<b>43376.91</b>	<b>583014.15</b>	<b>58258.56</b>	<b>50396.90</b>	<b>594951.20</b>	<b>69922.16</b>

**Allocation of funds by 30 Ministries/ Departments**

S. No.	Ministries/ Departments	TSP Allocation (2013-14)	TSP Allocation (2014-15)
<b>Ministry of Agriculture</b>			
1	Department of Agriculture and Cooperation	932.50	953.52
2	Department of Agricultural Research and Education	123.00	133.80
3	Ministry of Coal	31.60	37.15
<b>Ministry of Communications and Information Technology</b>			
1	Department of Telecommunications	14.50	17.50
2	Department of Information Technology	201.00	256.00
<b>Ministry of Consumer Affairs, Food and Public Distribution</b>			
1	Department of Food and Public Distribution	6.28	4.13
2	Ministry of Culture	28.70	36.70
3	Ministry of Drinking Water and Sanitation	1526.00	1526.00
4	Ministry of Environment and Forest*	16.00	16.00
<b>Ministry of Health and Family Welfare</b>			
1	Department of Health and Family Welfare	2391.53	2512.89
2	Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)	21.38	21.38
3	Department of AIDS Control	146.37	0.00
4	Ministry of Housing and Urban Poverty Alleviation	35.04	144.00
<b>Ministry of Human Resource Development</b>			
1	Department of School Education and Literacy	5313.52	5663.80
2	Department of Higher Education	1219.59	1267.62
3	Ministry of Labour and Employment	206.95	200.57
4	Ministry of Micro, Small and Medium Enterprises	244.21	273.00
5	Ministry of Mines	9.72	21.47
6	Ministry of Road Transport and Highways	800.00	400.00
7	Ministry of Panchayati Raj	37.55	1203.00
<b>Ministry of Rural Development</b>			
1	Department of Rural Development	4452.03	10358.49
2	Ministry of Land Resources	576.45	375.00
<b>Ministry of Science and Technology</b>			
1	Department of Science and Technology	69.43	78.12
2	Ministry of Social Justice and Empowerment	46.00	45.20
3	Ministry of Textiles	55.57	55.57
4	Ministry of Tourism	32.05	47.05
5	Ministry of Tribal Affairs ***	4279.00	4479.00
6	Ministry of Water Resources	19.50	191.58
7	Ministry of Women and Child Development	1668.70	1730.20
8	Ministry of Youth Affairs and Sports	90.28	101.29

ANNEXURE-4.IV  
(Ref. Para 4.5.8 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.
<b>A</b>	<b>Central Sector Schemes</b>										
2225	Aid to Voluntary Organisations	Grant-in-Aid to NGO for STs including Coaching & Allied Scheme and award for exemplary service	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
	<b>Total of 2225</b>		<b>44.00</b>	<b>44.00</b>	<b>55.9815</b>	<b>44.00</b>	<b>23.75</b>	<b>18.5394</b>	<b>44.00</b>	<b>26.50</b>	<b>41.18</b>
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
	<b>Total</b>		<b>8.00</b>	<b>8.00</b>	<b>7.7956</b>	<b>8.00</b>	<b>3.87</b>	<b>4.3312</b>	<b>8.00</b>	<b>9.42</b>	<b>8.82</b>
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
	<b>Total</b>		<b>240.00</b>	<b>240.00</b>	<b>231.3030</b>	<b>240.00</b>	<b>174.50</b>	<b>178.40</b>	<b>240.00</b>	<b>203.00</b>	<b>206.90</b>
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.										
	<b>Total</b>		<b>70.00</b>	<b>70.00</b>	<b>70.00</b>	<b>70.00</b>	<b>68.10</b>	<b>68.10</b>	<b>70.00</b>	<b>70.00</b>	<b>60.50</b>
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
<b>Total</b>			<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>122.00</b>
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
<b>Total of A (Central Sector Plan)</b>			<b>512.00</b>	<b>536.93</b>	<b>531.00</b>	<b>548.00</b>	<b>401.18</b>	<b>393.1213</b>	<b>560.31</b>	<b>538.87</b>	<b>524.68</b>
<b>B</b>	<b>Centrally Sponsored Schemes</b>										
2225	Post Matric Scholarship for STs/ Book Bank	Scheme of PMS, Book Bank and Ugradation of Merit of ST student	0.10	0.28	0.10	0.10	0.10	0.0699	0.10	0.10	0.0075
<b>Total of 2225</b>			<b>0.10</b>	<b>0.28</b>	<b>0.1000</b>	<b>0.10</b>	<b>0.10</b>	<b>0.0699</b>	<b>0.10</b>	<b>0.10</b>	<b>0.0075</b>
3601			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
<b>Total of 3601</b>			<b>572.90</b>	<b>717.50</b>	<b>867.3706</b>	<b>629.60</b>	<b>628.74</b>	<b>730.9886</b>	<b>624.90</b>	<b>624.90</b>	<b>748.44</b>
<b>Total 2225 &amp; 3601</b>			<b>573.00</b>	<b>717.78</b>	<b>867.4706</b>	<b>629.70</b>	<b>628.84</b>	<b>731.0585</b>	<b>625.00</b>	<b>625.00</b>	<b>748.4465</b>
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
<b>Total</b>			<b>45.00</b>	<b>45.00</b>	<b>0.00</b>	<b>81.00</b>	<b>106.73</b>	<b>111.40</b>	<b>202.19</b>	<b>201.52</b>	<b>219.43</b>
2225	Girls Hostels	Scheme of Hostel for ST Girls and Boys	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00
2225	Boys Hostels										
<b>Total of 2225</b>			<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>0.00</b>
3601	Girls Hostels		63.00	63.00	73.00	63.00	63.00	73.00	100.80	100.80	101.05
3601	Boys Hostels										
<b>Total of 3601</b>		<b>63.00</b>	<b>63.00</b>	<b>73.00</b>	<b>63.00</b>	<b>63.00</b>	<b>73.00</b>	<b>100.80</b>	<b>100.80</b>	<b>101.05</b>	
<b>Total 2225 &amp; 3601</b>			<b>68.00</b>	<b>68.00</b>	<b>78.00</b>	<b>68.00</b>	<b>68.00</b>	<b>78.00</b>	<b>105.80</b>	<b>105.80</b>	<b>101.05</b>

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
	<b>Total</b>		<b>75.00</b>	<b>75.00</b>	<b>75.00</b>	<b>75.00</b>	<b>61.00</b>	<b>61.00</b>	<b>75.00</b>	<b>72.17</b>	<b>72.17</b>
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		
	<b>Total of 2225</b>	<b>6.50</b>	<b>6.32</b>	<b>5.3054</b>	<b>6.50</b>	<b>4.31</b>	<b>2.9109</b>	<b>6.50</b>	<b>7.57</b>	<b>4.76</b>	
3601	Research and Training		4.00	3.00	3.6652	4.00	3.25	4.1621	4.00	2.57	2.71
	<b>Total 2225 &amp; 3601</b>		<b>10.50</b>	<b>9.32</b>	<b>8.9706</b>	<b>10.50</b>	<b>7.56</b>	<b>7.0730</b>	<b>10.50</b>	<b>10.14</b>	<b>7.47</b>
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
		<b>Total</b>	<b>1.50</b>	<b>0.50</b>	<b>0.2837</b>	<b>1.50</b>	<b>1.50</b>	<b>1.3557</b>	<b>3.00</b>	<b>2.40</b>	<b>1.08</b>
	<b>Total of B (Centrally Sponsored Schemes)</b>		<b>775.00</b>	<b>916.79</b>	<b>1030.7048</b>	<b>867.70</b>	<b>874.98</b>	<b>991.0182</b>	<b>1025.49</b>	<b>1018.46</b>	<b>1150.30</b>
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
	<b>Total of C</b>		<b>143.00</b>	<b>143.00</b>	<b>0.00</b>	<b>157.30</b>	<b>151.30</b>	<b>0.00</b>	<b>176.20</b>	<b>174.53</b>	<b>0.00</b>
	<b>Total of A+B+C</b>		<b>1430.00</b>	<b>1596.72</b>	<b>1561.7023</b>	<b>1573.00</b>	<b>1427.46</b>	<b>1384.1395</b>	<b>1762.00</b>	<b>1731.86</b>	<b>1674.98</b>
<b>D</b>	<b>Special Central Assistance</b>										
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
	<b>Total of C (Special Central Assistance)</b>		<b>2293.01</b>	<b>2126.29</b>	<b>2062.17</b>	<b>2517.00</b>	<b>1672.54</b>	<b>1672.54</b>	<b>2517.00</b>	<b>2147.14</b>	<b>2147.14</b>
	<b>Grand total of A,B ,C &amp; D</b>		<b>3723.01</b>	<b>3723.01</b>	<b>3623.8748</b>	<b>4090.00</b>	<b>3100.00</b>	<b>3056.6808</b>	<b>4279.00</b>	<b>3879.00</b>	<b>3822.1165</b>

**ANNEXURE-5.I**

Ref Para 5.6.1 10R

**Incidents\* & Rate of crimes Committed against Scheduled Tribes during 2014**

S. No.	State/ UT	Incidents*	Percentage Contribution to all India total	Population of ST#	Rate of total cognizable crimes \$
(1)	(2)	(3)	(4)	(5)	(6)
<b>STATES</b>					
1	Andhra Pradesh	627	5.5	26.3	23.8
2	Arunachal Pradesh	1	0.0	9.5	0.1
3	Assam	1	0.0	38.8	0.0
4	Bihar	77	0.7	13.4	5.8
5	Chhattisgarh	721	6.3	78.2	9.2
6	Goa	6	0.1	1.5	4.0
7	Gujarat	229	2.0	89.2	2.6
8	Haryana	0	0.0	0.0	-
9	Himachal Pradesh	3	0.0	3.9	0.8
10	Jammu & Kashmir	0	0.0	14.9	0.0
11	Jharkhand	432	3.8	86.5	5.0
12	Karnataka	487	4.3	42.5	11.5
13	Kerala	135	1.2	4.8	27.8
14	Madhya Pradesh	2279	19.9	153.2	14.9
15	Maharashtra	443	3.9	105.1	4.2
16	Manipur	2	0.0	9.0	0.2
17	Meghalaya	1	0.0	25.6	0.0
18	Mizoram	1	0.0	10.4	0.1
19	Nagaland	0	0.0	17.1	0.0
20	Odisha	1259	11.0	95.9	13.1
21	Punjab	0	0.0	0.0	-
22	Rajasthan	3952	34.5	92.4	42.8
23	Sikkim	10	0.1	2.1	4.8
24	Tamil Nadu	18	0.2	7.9	2.3
25	Telangana	569	5.0	32.9	17.3
26	Tripura	18	0.2	11.7	1.5
27	Uttar Pradesh	24	0.2	11.3	2.1
28	Uttarakhand	1	0.0	2.9	0.3
29	West Bengal	141	1.2	53.0	2.7
Total State (s)		11437	99.9	1040.0	11.0
<b>UNION TERRITORIES</b>					
30	A & N Island	7	0.1	0.3	24.5
31	Chandigarh	0	0.0	0.0	-
32	D & N Haveli	3	0.0	1.8	1.7
33	Daman & Diu	0	0.0	0.2	0.0
34	Delhi UT	2	0.0	0.0	-
35	Lakshadweep	0	0.0	0.6	0.0
36 /	Puducherry	2	0.0	0.0	-
	TOTAL UT(S)	14	0.1	2.8	4.9
	TOTAL ( ALL INDIA)	11451	100.0	1042.8	11.0

‡qIt includes IPC crimes in congruence with the SC/ST(PoA) Act, IPC crimes without SC/ST(PoA) Act, the Protection of Civil Rights Act, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act and other SLL crimes against STs. TABLE 7.7 - Page: 1 of 1

#qActual Population of STs as per Population Census 2011 due to non availability of mid-year projected population in respect of SCs , Source RGI/ Population Commissioner, MHA

\$qRate of Total Cognizable crimes = (Total cases reported under crime against STs/Total Population of SCs) \* 100000 i.e., Incidence of Crime per one lakh of Population of STs



**ANNEXURE-4.II**  
Ref Para 5.6.2 10R

Incidence (I), Victim (V) & Rate (R) of crimes committed against Scheduled tribes

S.No	State/UT	Population of STs (in Lakh) +	Protection of Civil Rights Act, 1955			ST/ST(Prevention of Atrocities) Act		
			I	V	R	Murder (Section 302 IPC)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
<b>STATES:</b>								
1	Andhra Pradesh	26.3	1	1	0.0	5	5	0.2
2	Arunachal Pradesh	9.5	0	0	0.0	0	0	0.0
3	Assam	38.8	0	0	0.0	0	0	0.0
4	Bihar	13.4	0	0	0.0	0	0	0.0
5	Chhattisgarh	78.2	0	0	0.0	9	9	0.1
6	Goa	1.5	0	0	0.0	0	0	0.0
7	Gujarat	89.2	0	0	0.0	9	9	0.1
8	Haryana	0.0	0	0	-	0	0	-
9	Himachal Pradesh	3.9	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	14.9	0	0	0.0	0	0	0.0
11	Jharkhand	86.5	0	0	0.0	4	4	0.0
12	Karnataka	42.5	0	0	0.0	17	19	0.4
13	Kerala	4.8	0	0	0.0	2	2	0.4
14	Madhya Pradesh	153.2	0	0	0.0	47	47	0.3
15	Maharashtra	105.1	0	0	0.0	20	24	0.2
16	Manipur	9.0	0	0	0.0	0	0	0.0
17	Meghalaya	25.6	0	0	0.0	1	1	0.0
18	Mizoram	10.4	0	0	0.0	0	0	0.0
19	Nagaland	17.1	0	0	0.0	0	0	0.0
20	Odisha	95.9	0	0	0.0	9	9	0.1
21	Punjab	0.0	0	0	-	0	0	-
22	Rajasthan	92.4	0	0	0.0	26	26	0.3
23	Sikkim	2.1	0	0	0.0	0	0	0.0
24	Tamil Nadu	7.9	0	0	0.0	1	1	0.1
25	Telangana	32.9	0	0	0.0	6	6	0.2
26	Tripura	11.7	0	0	0.0	0	0	0.0
27	Uttar Pradesh	11.3	0	0	0.0	1	1	0.1
28	Uttarakhand	2.9	0	0	0.0	0	0	0.0
29	West Bengal	53.0	0	0	0.0	0	0	0.0
	<b>TOTAL STATE(S)</b>	<b>1040.0</b>	<b>1</b>	<b>1</b>	<b>0.0</b>	<b>157</b>	<b>163</b>	<b>0.2</b>
<b>UNION TERRITORIES:</b>								
30	A & N Islands	0.3	0	0	0.0	0	0	0.0
31	Chandigarh	0.0	0	0	-	0	0	-
32	D&N Haveli	1.8	0	0	0.0	0	0	0.0
33	Daman & Diu	0.2	0	0	0.0	0	0	0.0
34	Delhi UT	0.0	0	0	-	0	0	-
35	Lakshadweep	0.6	0	0	0.0	0	0	0.0
36	Puducherry	0.0	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>2.8</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>1042.8</b>	<b>1</b>	<b>1</b>	<b>0.0</b>	<b>157</b>	<b>163</b>	<b>0.2</b>

S.No	State/UT	ST/ST(Prevention of Atrocities) Act								
		Attempt to Commit Murder (Section 307 IPC)			Rape (Section 376 IPC)			Attempt to Commit Rape (Section 376/511 IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
<b>STATES:</b>										
1	Andhra Pradesh	7	7	0.3	17	21	0.6	1	1	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	2	2	0.1	0	0	0.0	0	0	0.0
5	Chhattisgarh	2	2	0.0	109	111	1.4	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	5	5	0.1	35	35	0.4	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	1	5	0.0	13	13	0.2	1	1	0.0
12	Karnataka	5	12	0.1	18	18	0.4	0	0	0.0
13	Kerala	0	0	0.0	42	42	8.7	0	0	0.0
14	Madhya Pradesh	32	32	0.2	399	401	2.6	5	5	0.0
15	Maharashtra	7	7	0.1	86	86	0.8	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	7	10	0.1	76	76	0.8	2	2	0.0
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	6	6	0.1	85	85	0.9	11	11	0.1
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	2	2	0.1	32	32	1.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	2	4	0.0	11	11	0.2	4	4	0.1
<b>TOTAL STATE(S)</b>		<b>78</b>	<b>94</b>	<b>0.1</b>	<b>923</b>	<b>931</b>	<b>0.9</b>	<b>24</b>	<b>24</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	1	1	3.5	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	1	1	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>2</b>	<b>0.7</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>78</b>	<b>94</b>	<b>0.1</b>	<b>925</b>	<b>933</b>	<b>0.9</b>	<b>24</b>	<b>24</b>	<b>0.0</b>

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S.No	State/UT	ST/ST(Prevention of Atrocities) Act								
		Assault on ST Women to Outrage her Modesty (Section 354 IPC) (Total)			Sexual Harassment (Section 354A IPC)			Assault or use of Criminal Force to Women with Intent to Disrobe (Section 354B IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
<b>STATES:</b>										
1	Andhra Pradesh	29	29	1.1	5	5	0.2	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	1	3	0.0	0	0	0.0	0	0	0.0
4	Bihar	1	1	0.1	0	0	0.0	1	1	0.1
5	Chhattisgarh	66	71	0.8	18	21	0.2	2	2	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	17	17	0.2	7	7	0.1	1	1	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	5	5	0.1	1	1	0.0	3	3	0.0
12	Karnataka	9	11	0.2	0	0	0.0	0	0	0.0
13	Kerala	26	26	5.4	8	8	1.7	2	2	0.4
14	Madhya Pradesh	442	442	2.9	164	164	1.1	8	8	0.1
15	Maharashtra	118	118	1.1	59	59	0.6	6	6	0.1
16	Manipur	1	1	0.1	0	0	0.0	0	0	0.0
17	Meghalaya	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
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	40	42	0.4	6	6	0.1	5	6	0.1
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	51	51	0.6	3	3	0.0	0	0	0.0
23	Sikkim	1	1	0.5	1	1	0.5	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	41	41	1.2	6	6	0.2	3	3	0.1
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	14	14	0.3	2	2	0.0	1	1	0.0
<b>TOTAL STATE(S)</b>		<b>862</b>	<b>873</b>	<b>0.8</b>	<b>280</b>	<b>283</b>	<b>0.3</b>	<b>32</b>	<b>33</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	1	1	-	1	1	-	0	0	-
<b>TOTAL UT(S)</b>		<b>1</b>	<b>1</b>	<b>0.4</b>	<b>1</b>	<b>1</b>	<b>0.4</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>863</b>	<b>874</b>	<b>0.8</b>	<b>281</b>	<b>284</b>	<b>0.3</b>	<b>32</b>	<b>33</b>	<b>0.0</b>

S.No	State/UT	ST/ST(Prevention of Atrocities) Act								
		Voyeurism (Section 354C IPC)			Stalking (Section 354D IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)
<b>STATES:</b>										
1	Andhra Pradesh	1	1	0.0	1	1	0.0	22	22	0.8
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	1	3	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	2	2	0.0	44	46	0.6
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	0	0	0.0	9	9	0.1
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	1	1	0.0
12	Karnataka	0	0	0.0	0	0	0.0	9	11	0.2
13	Kerala	0	0	0.0	0	0	0.0	16	16	3.3
14	Madhya Pradesh	0	0	0.0	21	21	0.1	249	249	1.6
15	Maharashtra	3	3	0.0	4	4	0.0	46	46	0.4
16	Manipur	0	0	0.0	0	0	0.0	1	1	0.1
17	Meghalaya	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
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	0	0	0.0	0	0	0.0	29	30	0.3
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	0	0	0.0	48	48	0.5
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	5	5	0.2	27	27	0.8
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	11	11	0.2
<b>TOTAL STATE(S)</b>		<b>4</b>	<b>4</b>	<b>0.0</b>	<b>33</b>	<b>33</b>	<b>0.0</b>	<b>513</b>	<b>520</b>	<b>0.5</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>4</b>	<b>4</b>	<b>0.0</b>	<b>33</b>	<b>33</b>	<b>0.0</b>	<b>513</b>	<b>520</b>	<b>0.5</b>

S.No	State/UT	ST/ST (Prevention of Atrocities) Act											
		Insult to Modesty of ST Women (Sec 509 IPC)			Kidnapping & Abduction (Section 363,364,364A, 366 IPC) Total			K & A (Section 363 IPC)			K & A (Section 364 IPC)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
<b>STATES:</b>													
1	Andhra Pradesh	4	4	0.2	10	10	0.4	1	1	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	9	9	0.1	2	2	0.0	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	19	20	0.2	7	8	0.1	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	11	11	0.1	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	2	2	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	1	1	0.2	0	0	0.0	0	0	0.0
14	Madhya Pradesh	3	3	0.0	71	72	0.5	15	15	0.1	0	0	0.0
15	Maharashtra	2	2	0.0	8	8	0.1	1	1	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	3	3	0.0	12	12	0.1	5	5	0.1	0	0	0.0
21	Punjab	0	0	-	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	19	21	0.2	5	5	0.1	0	0	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	3	3	0.1	1	1	0.0	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	1	1	0.0	3	4	0.1	2	3	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>16</b>	<b>16</b>	<b>0.0</b>	<b>166</b>	<b>171</b>	<b>0.2</b>	<b>38</b>	<b>40</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>													
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>16</b>	<b>16</b>	<b>0.0</b>	<b>166</b>	<b>171</b>	<b>0.2</b>	<b>38</b>	<b>40</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

S.No	State/UT	ST/ST (Prevention of Atrocities) Act								
		K & A for Ransom (Section 364A IPC)			K & A of ST Women to Compel her for Marriage (Sec 366IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(49)	(50)	(51)	(52)	(53)	(54)	(55)	(56)	(57)
<b>STATES:</b>										
1	Andhra Pradesh	0	0	0.0	1	1	0.0	8	8	0.3
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	2	2	0.0	5	5	0.1
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	11	11	0.1	1	1	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	11	11	0.1	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	2	2	0.0
13	Kerala	0	0	0.0	0	0	0.0	1	1	0.2
14	Madhya Pradesh	0	0	0.0	24	24	0.2	32	33	0.2
15	Maharashtra	0	0	0.0	3	3	0.0	4	4	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	0	0	0.0	1	1	0.0	6	6	0.1
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	10	12	0.1	4	4	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	0	0	0.0	1	1	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	1	1	0.0
	<b>TOTAL STATE(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>63</b>	<b>65</b>	<b>0.1</b>	<b>65</b>	<b>66</b>	<b>0.1</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>63</b>	<b>65</b>	<b>0.1</b>	<b>65</b>	<b>66</b>	<b>0.1</b>

S.No	State/UT	ST/ST (Prevention of Atrocities) Act								
		Dacoity (Section 395,396 & 398 IPC)			Dacoity with Murder (Section 396 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(58)	(59)	(60)	(61)	(62)	(63)	(64)	(65)	(66)
<b>STATES:</b>										
1	Andhra Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	0	0	0.0	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	2	6	0.0	0	0	0.0	2	6	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	0	0	0.0	0	0	0.0
14	Madhya Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	0	0	0.0	0	0	0.0	0	0	0.0
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	0	0	0.0	0	0	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	0	0	0.0
	<b>TOTAL STATE(S)</b>	<b>2</b>	<b>6</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>6</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>2</b>	<b>6</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>6</b>	<b>0.0</b>

S.No	State/UT	ST/ST (Prevention of Atrocities) Act					
		Robbery (Section 392 to 394, 397 & 398 IPC)			Arson (Section 435, 436, 438 IPC)		
		I	V	R	I	V	R
(1)	(2)	(67)	(68)	(69)	(70)	(71)	(72)
<b>STATES:</b>							
1	Andhra Pradesh	0	0	0.0	1	1	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0
7	Gujarat	1	1	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	1	1	0.0
13	Kerala	0	0	0.0	1	1	0.2
14	Madhya Pradesh	5	5	0.0	10	10	0.1
15	Maharashtra	5	5	0.0	4	5	0.0
16	Manipur	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0
20	Odisha	1	1	0.0	3	5	0.0
21	Punjab	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	6	6	0.1
23	Sikkim	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	1	1	0.1
25	Telangana	0	0	0.0	1	1	0.0
26	Tripura	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>12</b>	<b>12</b>	<b>0.0</b>	<b>28</b>	<b>31</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>							
30	A & N Islands	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>12</b>	<b>12</b>	<b>0.0</b>	<b>28</b>	<b>31</b>	<b>0.0</b>



S.No	State/UT	ST/ST (Prevention of Atrocities) Act											
		Grievous Hurt (325,326,326A & 326 B IPC)			Grievous Hurt (Section 325 & 326 IPC)			Acid Attack (Section 326A IPC)			Attempt to Acid Attack (Sec 326B IPC)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(73)	(74)	(75)	(76)	(77)	(78)	(79)	(80)	(81)	(82)	(83)	(84)
<b>STATES:</b>													
1	Andhra Pradesh	3	3	0.1	3	3	0.1	0	0	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	18	18	1.3	18	18	1.3	0	0	0.0	0	0	0.0
5	Chhattisgarh	22	22	0.3	22	22	0.3	0	0	0.0	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	7	10	0.1	7	10	0.1	0	0	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	29	35	0.3	29	35	0.3	0	0	0.0	0	0	0.0
12	Karnataka	11	11	0.3	10	10	0.2	1	1	0.0	0	0	0.0
13	Kerala	3	3	0.6	3	3	0.6	0	0	0.0	0	0	0.0
14	Madhya Pradesh	61	61	0.4	61	61	0.4	0	0	0.0	0	0	0.0
15	Maharashtra	10	17	0.1	10	17	0.1	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	75	75	0.8	75	75	0.8	0	0	0.0	0	0	0.0
21	Punjab	0	0	-	0	0	-	0	0	-	0	0	-
22	Rajasthan	18	20	0.2	18	20	0.2	0	0	0.0	0	0	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	25	25	0.8	25	25	0.8	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	5	8	0.1	5	8	0.1	0	0	0.0	0	0	0.0
	<b>TOTAL STATE(S)</b>	<b>287</b>	<b>308</b>	<b>0.3</b>	<b>286</b>	<b>307</b>	<b>0.3</b>	<b>1</b>	<b>1</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>													
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>287</b>	<b>308</b>	<b>0.3</b>	<b>286</b>	<b>307</b>	<b>0.3</b>	<b>1</b>	<b>1</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

S.No	State/UT	ST/ST (Prevention of Atrocities) Act											
		Riots (Sections 147, 148, 149, 150 & 151 IPC)			Other IPC crimes			ST/ ST (Prevention of Atrocities) Act only			Total of SC/ST (Prevention of Atrocities) Act (Sum of previous columns excluding sub heads)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(85)	(86)	(87)	(88)	(89)	(90)	(91)	(92)	(93)	(94)	(95)	(96)
STATES:													
1	Andhra Pradesh	4	8	0.2	239	241	9.1	69	70	2.6	389	400	14.8
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0	1	3	0.0
4	Bihar	1	3	0.1	12	12	0.9	43	253	3.2	77	289	5.8
5	Chhattisgarh	6	7	0.1	48	49	0.6	204	211	2.6	475	491	6.1
6	Goa	0	0	0.0	2	9	1.3	4	4	2.7	6	13	4.0
7	Gujarat	12	27	0.1	85	94	1.0	31	31	0.3	223	255	2.5
8	Haryana	0	0	-	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	3	8	0.8	3	8	0.8
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	2	3	0.0	87	96	1.0	249	280	2.9	402	453	4.7
12	Karnataka	5	12	0.1	49	50	1.2	280	368	6.6	397	504	9.3
13	Kerala	4	4	0.8	36	36	7.4	5	5	1.0	120	120	24.8
14	Madhya Pradesh	15	20	0.1	460	483	3.0	27	27	0.2	1577	1608	10.3
15	Maharashtra	42	58	0.4	86	89	0.8	55	55	0.5	443	474	4.2
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.1
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.0
18	Mizoram	0	0	0.0	0	0	0.0	1	1	0.1	1	1	0.1
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	4	7	0.0	296	315	3.1	5	5	0.1	533	562	5.6
21	Punjab	0	0	-	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	1436	1527	15.5	23	23	0.2	1681	1776	18.2
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.5
24	Tamil Nadu	0	0	0.0	10	10	1.3	6	42	0.8	18	54	2.3
25	Telangana	3	3	0.1	148	148	4.5	71	73	2.2	333	335	10.1
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	23	23	2.0	24	24	2.1
28	Uttarakhand	0	0	0.0	0	0	0.0	1	2	0.3	1	2	0.3
29	West Bengal	3	4	0.1	48	48	0.9	16	16	0.3	107	114	2.0
<b>TOTAL STATE(S)</b>		<b>101</b>	<b>156</b>	<b>0.1</b>	<b>3042</b>	<b>3207</b>	<b>2.9</b>	<b>1116</b>	<b>1497</b>	<b>1.1</b>	<b>6814</b>	<b>7489</b>	<b>6.6</b>
UNION TERRITORIES:													
30	A & N Islands	0	0	0.0	3	11	10.5	2	2	7.0	6	14	21.0
31	Chandigarh	0	0	-	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	3	3	1.7	3	3	1.7
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	1	1	-	2	2	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-	1	1	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>11</b>	<b>1.1</b>	<b>6</b>	<b>6</b>	<b>2.1</b>	<b>12</b>	<b>20</b>	<b>4.2</b>
<b>TOTAL (ALL INDIA)</b>		<b>101</b>	<b>156</b>	<b>0.1</b>	<b>3045</b>	<b>3218</b>	<b>2.9</b>	<b>1122</b>	<b>1503</b>	<b>1.1</b>	<b>6826</b>	<b>7509</b>	<b>6.5</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)											
		Murder (Section 302 IPC)			Attempt to Commit Murder (Section 307 IPC)			Rape (Section 376 IPC)			Attempt to Commit Rape (Section 376/511 IPC)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(97)	(98)	(99)	(100)	(101)	(102)	(103)	(104)	(105)	(106)	(107)	(108)
STATES:													
1	Andhra Pradesh	3	3	0.1	4	4	0.2	5	5	0.2	0	0	0.0
2	Arunachal Pradesh	1	1	0.1	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	3	3	0.0	1	1	0.0	13	13	0.2	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	0	0	0.0	2	2	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	7	7	0.1	0	0	0.0
12	Karnataka	0	0	0.0	2	2	0.0	0	0	0.0	1	1	0.0
13	Kerala	0	0	0.0	0	0	0.0	4	5	0.8	0	0	0.0
14	Madhya Pradesh	7	7	0.0	5	5	0.0	50	50	0.3	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	27	27	0.3	12	15	0.1	32	32	0.3	1	1	0.0
21	Punjab	0	0	-	0	0	-	0	0	-	0	0	-
22	Rajasthan	43	43	0.5	20	21	0.2	110	110	1.2	33	33	0.4
23	Sikkim	0	0	0.0	0	0	0.0	1	1	0.5	1	1	0.5
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	6	6	0.2	2	2	0.1	2	2	0.1	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	7	7	0.6	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	1	1	0.0	1	1	0.0	1	1	0.0
	<b>TOTAL STATE(S)</b>	<b>90</b>	<b>90</b>	<b>0.1</b>	<b>47</b>	<b>51</b>	<b>0.0</b>	<b>234</b>	<b>235</b>	<b>0.2</b>	<b>37</b>	<b>37</b>	<b>0.0</b>
UNION TERRITORIES:													
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>90</b>	<b>90</b>	<b>0.1</b>	<b>47</b>	<b>51</b>	<b>0.0</b>	<b>234</b>	<b>235</b>	<b>0.2</b>	<b>37</b>	<b>37</b>	<b>0.0</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)								
		Assault on ST Women to Outrage Her Modesty (Section 354 IPC) (Total)			Sexual Harassment (Section 354A IPC)			Assault or Use of Criminal Force to Women with Intent to Disrobe (Section 354B IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(109)	(110)	(111)	(112)	(113)	(114)	(115)	(116)	(117)
STATES:										
1	Andhra Pradesh	14	14	0.5	0	0	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	30	30	0.4	9	9	0.1	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	1	1	0.0	0	0	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	1	1	0.2	0	0	0.0	0	0	0.0
14	Madhya Pradesh	93	93	0.6	2	2	0.0	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	46	58	0.5	7	7	0.1	17	22	0.2
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	241	241	2.6	8	8	0.1	4	4	0.0
23	Sikkim	1	1	0.5	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	7	7	0.2	0	0	0.0	0	0	0.0
26	Tripura	9	10	0.8	3	3	0.3	1	1	0.1
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	2	3	0.0	2	3	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>445</b>	<b>459</b>	<b>0.4</b>	<b>31</b>	<b>32</b>	<b>0.0</b>	<b>22</b>	<b>27</b>	<b>0.0</b>
UNION TERRITORIES:										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>445</b>	<b>459</b>	<b>0.4</b>	<b>31</b>	<b>32</b>	<b>0.0</b>	<b>22</b>	<b>27</b>	<b>0.0</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)								
		Voyeurism (Section 354C IPC)			Stalking (Section 354D IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(118)	(119)	(120)	(121)	(122)	(123)	(124)	(125)	(126)
<b>STATES:</b>										
1	Andhra Pradesh	0	0	0.0	2	2	0.1	12	12	0.5
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	0	0	0.0	21	21	0.3
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	0	0	0.0	1	1	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	0	0	0.0	1	1	0.2
14	Madhya Pradesh	0	0	0.0	0	0	0.0	91	91	0.6
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	0	0	0.0	2	3	0.0	20	26	0.2
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	0	0	0.0	229	229	2.5
23	Sikkim	0	0	0.0	1	1	0.5	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	0	0	0.0	7	7	0.2
26	Tripura	0	0	0.0	1	1	0.1	4	5	0.3
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>7</b>	<b>0.0</b>	<b>386</b>	<b>393</b>	<b>0.4</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>6</b>	<b>7</b>	<b>0.0</b>	<b>386</b>	<b>393</b>	<b>0.4</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)											
		Insult to Modesty of ST Women (Sec 509 IPC)			Kidnapping & Abduction (Section 363,364,364A, 366 IPC) Total			K & A (Section 363 IPC)			K & A (Section 364 IPC)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(127)	(128)	(129)	(130)	(131)	(132)	(133)	(134)	(135)	(136)	(137)	(138)
<b>STATES:</b>													
1	Andhra Pradesh	10	10	0.4	2	2	0.1	1	1	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	1	1	0.0	21	21	0.3	18	18	0.2	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	2	2	0.0	0	0	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
14	Madhya Pradesh	0	0	0.0	80	80	0.5	0	0	0.0	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	3	3	0.0	37	39	0.4	32	34	0.3	0	0	0.0
21	Punjab	0	0	-	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	157	157	1.7	17	17	0.2	0	0	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	7	7	0.2	0	0	0.0	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	2	2	0.2	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	2	2	0.0	2	2	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>21</b>	<b>21</b>	<b>0.0</b>	<b>303</b>	<b>305</b>	<b>0.3</b>	<b>70</b>	<b>72</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>													
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>21</b>	<b>21</b>	<b>0.0</b>	<b>303</b>	<b>305</b>	<b>0.3</b>	<b>70</b>	<b>72</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)								
		K & A for Ransom (Section 364A IPC)			K & A of ST Women to Compel Her for Marriage (Sec 366IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(139)	(140)	(141)	(142)	(143)	(144)	(145)	(146)	(147)
<b>STATES:</b>										
1	Andhra Pradesh	0	0	0.0	0	0	0.0	1	1	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	1	1	0.0	2	2	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	1	1	0.0	1	1	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	0	0	0.0	0	0	0.0
14	Madhya Pradesh	0	0	0.0	80	80	0.5	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	1	1	0.0	3	3	0.0	1	1	0.0
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	97	97	1.0	43	43	0.5
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	2	2	0.2
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	0	0	0.0
<b>TOTAL STATE(S)</b>		<b>1</b>	<b>1</b>	<b>0.0</b>	<b>182</b>	<b>182</b>	<b>0.2</b>	<b>50</b>	<b>50</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
<b>TOTAL UT(S)</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>TOTAL (ALL INDIA)</b>		<b>1</b>	<b>1</b>	<b>0.0</b>	<b>182</b>	<b>182</b>	<b>0.2</b>	<b>50</b>	<b>50</b>	<b>0.0</b>

S.No	State/UT	IPC Crimes Against STs (in which SC/ST POA Act not applied)								
		Dacoity (Section 395,396 & 398 IPC)			Dacoity with Murder (Section 396 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(148)	(149)	(150)	(151)	(152)	(153)	(154)	(155)	(156)
<b>STATES:</b>										
1	Andhra Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	0	0	0.0	0	0	0.0	0	0	0.0
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0
5	Chhattisgarh	0	0	0.0	0	0	0.0	0	0	0.0
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	0	0	0.0	0	0	0.0	0	0	0.0
8	Haryana	0	0	-	0	0	-	0	0	-
9	Himachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	0	0	0.0
12	Karnataka	0	0	0.0	0	0	0.0	0	0	0.0
13	Kerala	0	0	0.0	0	0	0.0	0	0	0.0
14	Madhya Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
15	Maharashtra	0	0	0.0	0	0	0.0	0	0	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	0	0	0.0	0	0	0.0	0	0	0.0
21	Punjab	0	0	-	0	0	-	0	0	-
22	Rajasthan	0	0	0.0	0	0	0.0	0	0	0.0
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0
25	Telangana	0	0	0.0	0	0	0.0	0	0	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	0	0	0.0
29	West Bengal	0	0	0.0	0	0	0.0	0	0	0.0
	<b>TOTAL STATE(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>UNION TERRITORIES:</b>										
30	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	-	0	0	-	0	0	-
32	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0
34	Delhi UT	0	0	-	0	0	-	0	0	-
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	-	0	0	-	0	0	-
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>



**ANNEXURE-5.III**

Ref Para 5.6.6 10R

**Disposal of cases under crime committed against STs by Courts during 2014**

S. No	Crime Head	Cases Pending Trial from the Previous Year (Col.21)	Cases Sent for Trial during the Year	No. of Cases Withdrawn by the Govt.	No. of Cases Disposed by Plea Bargaining	Total No. of Cases For Trial during the Year (Col.3+4 – Col.5 – Col.6)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>CRIME HEAD:</b>						
1	Protection of Civil Rights Act, 1955	15	11	0	0	26
2.1	Murder	511	133	0	0	644
2.2	Attempt to commit Murder	46	65	0	0	111
2.3	Rape	2158	861	0	1	3018
2.4	Attempt to commit Rape	12	14	0	0	26
2.5	Assault on women with intent to outrage her Modesty	392	726	0	0	1118
2.5.1	Sexual Harassment	48	249	0	0	297
2.5.2	Assault on women with intent to Disrobe	3	26	0	0	29
2.5.3	Voyeurism	0	2	0	0	2
2.5.4	Stalking	0	25	0	0	25
2.5.5	Other Sexual Harassment	341	424	0	0	765
2.6	Insult to the Modesty of women	31	8	0	0	39
2.7	Kidnapping & Abduction	313	120	0	0	433
2.7.1	Kidnaping & Abduction	65	28	0	0	93
2.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0
2.7.3	Kidnapping for Ransom	1	0	0	0	1
2.7.4	K & A of Women to compel her for marriage	129	50	0	0	179
2.7.5	Other Kidnapping	118	42	0	0	160
2.8	Dacoity	25	6	0	0	31
2.8.1	Dacoity with Murder	0	0	0	0	0
2.8.2	Other Dacoity	25	6	0	0	31
2.9	Robbery	44	8	0	0	52
2.10	Arson	134	27	0	0	161
2.11	Grievous Hurt	1442	287	0	3	1726
2.11.1	Hurt	1442	286	0	3	1725
2.11.2	Acid attack	0	1	0	0	1
2.11.3	Attempt to Acid Attack	0	0	0	0	0
2.12	Riots	147	81	0	0	228
2.13	Other IPC crimes	5739	1811	0	4	7546
2.14	SC / ST (Prevention of Atrocities) Act only	4376	1042	0	2	5416
2	Total of SC/ST (Prevention of Atrocities) Act	15370	5189	0	10	20549
3.1	Murder	80	63	0	0	143
3.2	Attempt to commit Murder	37	34	0	0	71
3.3	Rape	136	162	0	0	298
3.4	Attempt to commit Rape	2	20	0	0	22
3.5	Assault on women with intent to outrage her Modesty	171	332	0	8	495
3.5.1	Sexual Harassment	2	26	0	0	28
3.5.2	Assault on women with intent to Disrobe	4	19	0	0	23
3.5.3	Voyeurism	0	0	0	0	0
3.5.4	Stalking	0	5	0	0	5
3.5.5	Other Sexual Harassment	165	282	0	8	439
3.6	Insult to the Modesty of women	29	19	0	0	48
3.7	Kidnapping & Abduction	94	131	0	0	225
3.7.1	Kidnaping & Abduction	8	30	0	0	38
3.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0	0
3.7.4	K & A of Women to compel her for marriage	52	90	0	0	142
3.7.5	Other Kidnapping	34	11	0	0	45
3.8	Dacoity	3	0	0	0	3
3.8.1	Dacoity with Murder	0	0	0	0	0
3.8.2	Other Dacoity	3	0	0	0	3
3.9	Robbery	22	23	0	0	45
3.10	Arson	38	8	0	0	46
3.11	Grievous Hurt	173	83	3	0	253
3.11.1	Grievous Hurt	173	83	3	0	253
3.11.2	Acid attack	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0
3.12	Riots	250	28	1	0	277
3.13	Other IPC crimes	2214	2403	67	8	4542
3	Total IPC crimes against STs	3249	3306	71	16	6468
4	Manual Scavengers and Construction of Dry Latrines (P) Act, 1993	0	0	0	0	0
5	Other SLL Crime against STs	81	83	0	0	164
<b>Total crimes against STs</b>		<b>18715</b>	<b>8589</b>	<b>71</b>	<b>26</b>	<b>27207</b>

S. No	Crime Head	Cases Compounded or Withdrawn	Cases In Which Trials Were Completed	Cases Convicted	Cases Acquitted or Discharged	Cases Pending Trial at the End of the Year	Cases Conviction Rate (Col. 10/9)x 100	Cases Pendency Rate (Col. 12/7)x 100
(1)	(2)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
<b>CRIME HEAD:</b>								
1	Protection of Civil Rights Act, 1955	0	6	1	5	20	16.7	76.9
2.1	Murder	0	96	37	59	548	38.5	85.1
2.2	Attempt to commit Murder	0	15	5	10	96	33.3	86.5
2.3	Rape	1	628	225	403	2389	35.8	79.2
2.4	Attempt to commit Rape	0	5	1	4	21	20.0	80.8
2.5	Assault on women with intent to outrage her Modesty	1	138	40	98	979	29.0	87.6
2.5.1	Sexual Harassment	1	27	6	21	269	22.2	90.6
2.5.2	Assault on women with intent to Disrobe	0	1	0	1	28	0.0	96.6
2.5.3	Voyeurism	0	0	0	0	2	-	100.0
2.5.4	Stalking	0	0	0	0	25	-	100.0
2.5.5	Other Sexual Harassment	0	110	34	76	655	30.9	85.6
2.6	Insult to the Modesty of women	0	4	1	3	35	25.0	89.7
2.7	Kidnapping & Abduction	0	53	18	35	380	34.0	87.8
2.7.1	Kidnaping & Abduction	0	12	3	9	81	25.0	87.1
2.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0	-	-
2.7.3	Kidnapping for Ransom	0	0	0	0	1	-	100.0
2.7.4	K&A of Women to compel her for marriage	0	16	2	14	163	12.5	91.1
2.7.5	Other Kidnapping	0	25	13	12	135	52.0	84.4
2.8	Dacoity	0	2	0	2	29	0.0	93.5
2.8.1	Dacoity with Murder	0	0	0	0	0	-	-
2.8.2	Other Dacoity	0	2	0	2	29	0.0	93.5
2.9	Robbery	0	4	1	3	48	25.0	92.3
2.10	Arson	0	28	9	19	133	32.1	82.6
2.11	Grievous Hurt	0	300	84	216	1426	28.0	82.6
2.11.1	Hurt	0	300	84	216	1425	28.0	82.6
2.11.2	Acid attack	0	0	0	0	1	-	100.0
2.11.3	Attempt to Acid Attack	0	0	0	0	0	-	-
2.12	Riots	0	24	1	23	204	4.2	89.5
2.13	Other IPC crimes	53	1260	485	775	6233	38.5	82.6
2.14	SC / ST (Prevention of Atrocities) Act only	6	663	87	576	4747	13.1	87.6
2	Total of SC/ST (Prevention of Atrocities) Act	61	3220	994	2226	17268	30.9	84.0
3.1	Murder	0	13	1	12	130	7.7	90.9
3.2	Attempt to commit Murder	0	11	2	9	60	18.2	84.5
3.3	Rape	1	54	6	48	243	11.1	81.5
3.4	Attempt to commit Rape	0	1	0	1	21	0.0	95.5
3.5	Assault on women with intent to outrage her Modesty	15	56	20	36	424	35.7	85.7
3.5.1	Sexual Harassment	0	2	0	2	26	0.0	92.9
3.5.2	Assault on women with intent to Disrobe	0	1	0	1	22	0.0	95.7
3.5.3	Voyeurism	0	0	0	0	0	-	-
3.5.4	Stalking	0	0	0	0	5	-	100.0
3.5.5	Other Sexual Harassment	15	53	20	33	371	37.7	84.5
3.6	Insult to the Modesty of women	8	9	0	9	31	0.0	64.6
3.7	Kidnapping & Abduction	0	31	3	28	194	9.7	86.2
3.7.1	Kidnaping & Abduction	0	0	0	0	38	-	100.0
3.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0	-	-
3.7.3	Kidnapping for Ransom	0	0	0	0	0	-	-
3.7.4	K & A of Women to Compel her for Marriage	0	27	3	24	115	11.1	81.0
3.7.5	Other Kidnapping	0	4	0	4	41	0.0	91.1
3.8	Dacoity	0	0	0	0	3	-	100.0
3.8.1	Dacoity with Murder	0	0	0	0	0	-	-
3.8.2	Other Dacoity	0	0	0	0	3	-	-
3.9	Robbery	0	3	2	1	42	66.7	93.3
3.10	Arson	0	2	0	2	44	0.0	95.7
3.11	Grievous Hurt	1	28	25	3	224	89.3	88.5
3.11.1	Grievous Hurt	1	28	25	3	224	89.3	88.5
3.11.2	Acid Attack	0	0	0	0	0	-	-
3.11.3	Attempt to Acid Attack	0	0	0	0	0	-	-
3.12	Riots	0	21	18	3	256	85.7	92.4
3.13	Other IPC crimes	115	983	590	393	3444	60.0	75.8
3	Total IPC crimes against STs	140	1212	667	545	5116	55.0	79.1
4	MS & CDL(P) Act, 1993	0	0	0	0	0	-	-
5	Other SLL Crime against STs	0	43	37	6	121	86.0	73.8
	<b>Total crimes against STs</b>	<b>201</b>	<b>4481</b>	<b>1699</b>	<b>2782</b>	<b>22525</b>	<b>37.9</b>	<b>82.8</b>

**ANNEXURE-5.IV**

Ref Para 5.6.6 10R

**Disposal of cases under crime committed against STs by Courts during 2014**

S. No	Crime Head	Cases Pending Trial from the Previous Year (Col.21)	Cases Sent for Trial during the Year	No. of Cases Withdrawn by the Govt.	No. of Cases Disposed by Plea Bargaining	Total No. of Cases For Trial during the Year (Col.3+4 – Col.5 – Col.6)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>CRIME HEAD:</b>						
1	Protection of Civil Rights Act, 1955	15	11	0	0	26
2.1	Murder	511	133	0	0	644
2.2	Attempt to commit Murder	46	65	0	0	111
2.3	Rape	2158	861	0	1	3018
2.4	Attempt to commit Rape	12	14	0	0	26
2.5	Assault on women with intent to outrage her Modesty	392	726	0	0	1118
2.5.1	Sexual Harassment	48	249	0	0	297
2.5.2	Assault on women with intent to Disrobe	3	26	0	0	29
2.5.3	Voyeurism	0	2	0	0	2
2.5.4	Stalking	0	25	0	0	25
2.5.5	Other Sexual Harassment	341	424	0	0	765
2.6	Insult to the Modesty of women	31	8	0	0	39
2.7	Kidnapping & Abduction	313	120	0	0	433
2.7.1	Kidnaping & Abduction	65	28	0	0	93
2.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0
2.7.3	Kidnapping for Ransom	1	0	0	0	1
2.7.4	K & A of Women to compel her for marriage	129	50	0	0	179
2.7.5	Other Kidnapping	118	42	0	0	160
2.8	Dacoity	25	6	0	0	31
2.8.1	Dacoity with Murder	0	0	0	0	0
2.8.2	Other Dacoity	25	6	0	0	31
2.9	Robbery	44	8	0	0	52
2.10	Arson	134	27	0	0	161
2.11	Grievous Hurt	1442	287	0	3	1726
2.11.1	Hurt	1442	286	0	3	1725
2.11.2	Acid attack	0	1	0	0	1
2.11.3	Attempt to Acid Attack	0	0	0	0	0
2.12	Riots	147	81	0	0	228
2.13	Other IPC crimes	5739	1811	0	4	7546
2.14	SC / ST (Prevention of Atrocities) Act only	4376	1042	0	2	5416
2	Total of SC/ST (Prevention of Atrocities) Act	15370	5189	0	10	20549
3.1	Murder	80	63	0	0	143
3.2	Attempt to commit Murder	37	34	0	0	71
3.3	Rape	136	162	0	0	298
3.4	Attempt to commit Rape	2	20	0	0	22
3.5	Assault on women with intent to outrage her Modesty	171	332	0	8	495
3.5.1	Sexual Harassment	2	26	0	0	28
3.5.2	Assault on women with intent to Disrobe	4	19	0	0	23
3.5.3	Voyeurism	0	0	0	0	0
3.5.4	Stalking	0	5	0	0	5
3.5.5	Other Sexual Harassment	165	282	0	8	439
3.6	Insult to the Modesty of women	29	19	0	0	48
3.7	Kidnapping & Abduction	94	131	0	0	225
3.7.1	Kidnaping & Abduction	8	30	0	0	38
3.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0	0
3.7.4	K & A of Women to compel her for marriage	52	90	0	0	142
3.7.5	Other Kidnapping	34	11	0	0	45
3.8	Dacoity	3	0	0	0	3
3.8.1	Dacoity with Murder	0	0	0	0	0
3.8.2	Other Dacoity	3	0	0	0	3
3.9	Robbery	22	23	0	0	45
3.10	Arson	38	8	0	0	46
3.11	Grievous Hurt	173	83	3	0	253
3.11.1	Grievous Hurt	173	83	3	0	253
3.11.2	Acid attack	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0
3.12	Riots	250	28	1	0	277
3.13	Other IPC crimes	2214	2403	67	8	4542
3	Total IPC crimes against STs	3249	3306	71	16	6468
4	Manual Scavengers and Construction of Dry Latrines (P) Act, 1993	0	0	0	0	0
5	Other SLL Crime against STs	81	83	0	0	164
	<b>Total crimes against STs</b>	<b>18715</b>	<b>8589</b>	<b>71</b>	<b>26</b>	<b>27207</b>

S. No	Crime Head	Cases Compounded or Withdrawn	Cases In Which Trials Were Completed	Cases Convicted	Cases Acquitted or Discharged	Cases Pending Trial at the End of the Year	Cases Conviction Rate (Col. 10/9)x 100	Cases Pendency Rate (Col. 12/7)x 100
(1)	(2)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
<b>CRIME HEAD:</b>								
1	Protection of Civil Rights Act, 1955	0	6	1	5	20	16.7	76.9
2.1	Murder	0	96	37	59	548	38.5	85.1
2.2	Attempt to commit Murder	0	15	5	10	96	33.3	86.5
2.3	Rape	1	628	225	403	2389	35.8	79.2
2.4	Attempt to commit Rape	0	5	1	4	21	20.0	80.8
2.5	Assault on women with intent to outrage her Modesty	1	138	40	98	979	29.0	87.6
2.5.1	Sexual Harassment	1	27	6	21	269	22.2	90.6
2.5.2	Assault on women with intent to Disrobe	0	1	0	1	28	0.0	96.6
2.5.3	Voyeurism	0	0	0	0	2	-	100.0
2.5.4	Stalking	0	0	0	0	25	-	100.0
2.5.5	Other Sexual Harassment	0	110	34	76	655	30.9	85.6
2.6	Insult to the Modesty of women	0	4	1	3	35	25.0	89.7
2.7	Kidnapping & Abduction	0	53	18	35	380	34.0	87.8
2.7.1	Kidnaping & Abduction	0	12	3	9	81	25.0	87.1
2.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0	-	-
2.7.3	Kidnapping for Ransom	0	0	0	0	1	-	100.0
2.7.4	K & A of Women to compel her for marriage	0	16	2	14	163	12.5	91.1
2.7.5	Other Kidnapping	0	25	13	12	135	52.0	84.4
2.8	Dacoity	0	2	0	2	29	0.0	93.5
2.8.1	Dacoity with Murder	0	0	0	0	0	-	-
2.8.2	Other Dacoity	0	2	0	2	29	0.0	93.5
2.9	Robbery	0	4	1	3	48	25.0	92.3
2.10	Arson	0	28	9	19	133	32.1	82.6
2.11	Grievous Hurt	0	300	84	216	1426	28.0	82.6
2.11.1	Hurt	0	300	84	216	1425	28.0	82.6
2.11.2	Acid attack	0	0	0	0	1	-	100.0
2.11.3	Attempt to Acid Attack	0	0	0	0	0	-	-
2.12	Riots	0	24	1	23	204	4.2	89.5
2.13	Other IPC crimes	53	1260	485	775	6233	38.5	82.6
2.14	SC / ST (Prevention of Atrocities) Act only	6	663	87	576	4747	13.1	87.6
2	Total of SC/ST (Prevention of Atrocities) Act	61	3220	994	2226	17268	30.9	84.0
3.1	Murder	0	13	1	12	130	7.7	90.9
3.2	Attempt to commit Murder	0	11	2	9	60	18.2	84.5
3.3	Rape	1	54	6	48	243	11.1	81.5
3.4	Attempt to commit Rape	0	1	0	1	21	0.0	95.5
3.5	Assault on women with intent to outrage her Modesty	15	56	20	36	424	35.7	85.7
3.5.1	Sexual Harassment	0	2	0	2	26	0.0	92.9
3.5.2	Assault on women with intent to Disrobe	0	1	0	1	22	0.0	95.7
3.5.3	Voyeurism	0	0	0	0	0	-	-
3.5.4	Stalking	0	0	0	0	5	-	100.0
3.5.5	Other Sexual Harassment	15	53	20	33	371	37.7	84.5
3.6	Insult to the Modesty of women	8	9	0	9	31	0.0	64.6
3.7	Kidnapping & Abduction	0	31	3	28	194	9.7	86.2
3.7.1	Kidnaping & Abduction	0	0	0	0	38	-	100.0
3.7.2	Kidnaping & Abduction in order to Murder	0	0	0	0	0	-	-
3.7.3	Kidnapping for Ransom	0	0	0	0	0	-	-
3.7.4	K & A of Women to Compel her for Marriage	0	27	3	24	115	11.1	81.0
3.7.5	Other Kidnapping	0	4	0	4	41	0.0	91.1
3.8	Dacoity	0	0	0	0	3	-	100.0
3.8.1	Dacoity with Murder	0	0	0	0	0	-	-
3.8.2	Other Dacoity	0	0	0	0	3	-	-
3.9	Robbery	0	3	2	1	42	66.7	93.3
3.10	Arson	0	2	0	2	44	0.0	95.7
3.11	Grievous Hurt	1	28	25	3	224	89.3	88.5
3.11.1	Grievous Hurt	1	28	25	3	224	89.3	88.5
3.11.2	Acid Attack	0	0	0	0	0	-	-
3.11.3	Attempt to Acid Attack	0	0	0	0	0	-	-
3.12	Riots	0	21	18	3	256	85.7	92.4
3.13	Other IPC crimes	115	983	590	393	3444	60.0	75.8
3	Total IPC crimes against STs	140	1212	667	545	5116	55.0	79.1
4	MS & CDL(P) Act, 1993	0	0	0	0	0	-	-
5	Other SLL Crime against STs	0	43	37	6	121	86.0	73.8
<b>Total crimes against STs</b>		<b>201</b>	<b>4481</b>	<b>1699</b>	<b>2782</b>	<b>22525</b>	<b>37.9</b>	<b>82.8</b>

ANNEXURE-5.V  
(Ref. para 5.7.1 10R)

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.	GUJJURAT	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