



**NATIONAL COMMISSION
FOR
SCHEDULED TRIBES**

**THIRD REPORT
FOR THE YEAR
2007-08**

D.O. No. 4/12/09-Coord.

Dated: 29th March, 2010

Respected Rashtrapati Ji,

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

2. The first Commission headed by Shri Kunwar Singh submitted its first Report for the period 2004-05 and 2005-06 to the President of India on 8 August, 2006. The Second Report for the period 2006-07 was submitted on 03.09.2008 by Smt. Urmila Singh, then Chairperson of the National Commission for Scheduled Tribes. I have now the honour to present to you the Third Report of the National Commission for Scheduled Tribes for the year 2007-08.

3. During the period under review, the Commission struggled with inordinate vacancies of Members and staff. Nevertheless, the Members of the Commission held intensive discussions with the senior officers and people's representatives at State, district and local levels. The Commission also held a series of meetings with the senior officers of the State Govts., Central Ministries/ Departments, Central Public Sector Enterprises and financial institutions including Banks and was instrumental in redressing the grievances of large number of petitioners relating to violation of the policy of reservation in matter of appointments and other service and development related matters including cases of atrocities on Scheduled Tribes.

4. This report has 5 main Chapters covering (i) Organizational Set-up and Functioning of the Commission, (ii) Service Safeguards, (iii) Educational Development of Scheduled Tribes, (iv) Health and Nutrition, (v) Case Studies. A summary of recommendations made in each Chapter of the Report has been given in the Sixth Chapter.

5. The **first Chapter** on '**Organizational Set-up and Functioning of the Commission**' inter-alia, broadly dwells upon (i) functioning of the Commission, (ii) the need for strengthening the Commission with adequate staff and Regional

Offices in the States having sizable tribal population and (iii) the importance of timely laying of the Commission's reports in Parliament. The Commission has noted that it submitted its first report to the Hon'ble President on 8 August 2006 and 2nd Report on 03.09.2008, but neither of the reports has been laid before the Parliament so far. This is mainly due to the existing provisions of Clause(6) of Article 338A of the Constitution which require that all such reports have to be laid before each House of Parliament alongwith a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union. As preparing this memorandum on the recommendations contained in the report takes time, its laying in Parliament is delayed. The Commission accordingly recommended, in its first as well as second report, that Clause (6) and Clause (7) of Article 338A should be amended to provide that the President/ Governor shall cause all reports submitted by the Commission to be laid before each House of Parliament/ State Legislature within three months of submission, to be followed by a memorandum of action taken within six months of such submission. **The Commission is reiterating this recommendation as part of this report with the hope that the Government will initiate expeditious action to amend the above-mentioned Clauses of Article 338A.**

6. The Constitution of India has made specific provisions for upliftment of the weaker sections of the society. These include provisions for reservation for Scheduled Castes and Scheduled Tribes in civil posts and services of the Government. There are several instructions and guidelines relating to implementation of policy of reservation by Govt. Departments and Public Sector Enterprises under them, including Banks, Insurance Companies and Central Universities, etc. **Chapter 2 on 'Service Safeguards'** discusses some of the important judgments of the Hon'ble Supreme Court having vital bearing on the service safeguards available to the members of the Scheduled Tribes. The dereservation of posts to be filled by Direct Recruitment is already banned since 1989 but the dereservation in promotion is permissible. This issue has been discussed in detail and the Commission has reiterated its earlier recommendation that the dereservation should be banned totally.

7. Education is the means for social and economic development of the human being. The Constitution of India has made special provisions for educational development of Scheduled Tribes. The Commission noted that despite several programmes under implementation by the State Governments, the level of education among STs continues to be much lower than other communities though there has been a gradual increase in the ST literacy rates. It also explains the reasons for poor representation of tribals in services, particularly in higher echelons, despite the system of reservation. The Commission, therefore, decided to review whether the benefits of the schemes which are being implemented for boosting the educational development of Scheduled Tribes were reaching them in various States. The Commission held meeting with the officials of the Ministry of Human Resource Development and Ministry of Tribal Affairs to discuss the feedback received from the States and have made recommendations in **Chapter 3 on Educational Development of Scheduled Tribes.**

8. Health & Nutrition is another vital need for growth and development of Scheduled Tribes who are generally isolated from the health care system. The Commission, accordingly, requested the State Governments to apprise the Commission of the schemes/ programmes being implemented by them either on their own or with the assistance provided to them under various Centrally Sponsored Schemes/ Central Sector Schemes. On the basis of feedback received from the State Governments, a meeting was held with the officials of the Ministry of Health & Family Welfare to discuss the observations of the Commission before formulating its recommendations in the matter. The relevant issues are discussed in **Chapter 4 on Health and Nutrition**

9. The Commission receives representations pertaining to grievances and violation of safeguards of Scheduled Tribes. These representations are referred to the concerned organizations of the Central Govt. or the State Govts. by the Commission requesting them to furnish full facts within a given time-frame. The facts furnished by the concerned organization are examined by the Commission, and if, on enquiry, the Commission feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given time-frame and apprise the Commission of the action taken. The Commission's intervention brought relief in a number of cases. A few representative cases have been discussed in **Chapter 5 titled Case Studies**.

11. Notwithstanding the various handicaps arising from acute shortage of staff, the Commission tried its best to perceive the basic problems of Scheduled Tribes and has made recommendations/suggestions to improve the implementation of existing schemes to extend the benefits to the Scheduled Tribes living in the remote areas. The Commission sincerely hopes that the Government will give serious consideration to the Commission's recommendations in the overall interest of Scheduled Tribes.

With kind regards,

Yours sincerely,

(Maurice Kujur)

Smt. Pratibha Devi Singh Patil,
Hon'ble President of India,
Rashtrapati Bhavan,
New Delhi.

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CHAPTER 1

ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

1.1 Creation of National Commission for Scheduled Tribes

1.1.1 The National Commission for Scheduled Tribes (NCST) has been created by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003. A copy of this amendment Act is placed at **ANNEXURE-1.I**. By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) National Commission for Scheduled Castes (NCSC), and (ii) National Commission for Scheduled Tribes (NCST) w.e.f. **19 February, 2004**.

1.1.2 The National Commission for Scheduled Tribes has a Chairperson, Vice-Chairperson and three other Members. Detailed background information about the historical evolution of the National Commission has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06. The **first** National Commission for Scheduled Tribes (NCST) was constituted in March, 2004 and comprised Shri Kunwar Singh, as Chairperson (who assumed office on 15.3.2004), Shri Tapir Gao, as Vice-Chairperson (who assumed office on 3.3.2004 but relinquished the charge by resignation on 31.03.2004), 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. Consequent upon the resignation of Shri Tapir Gao, the post of Vice-Chairperson remained vacant for about two years till Shri Gajendra Singh Rajukhedi assumed office as Vice-Chairperson in May, 2006. Shri Kunwar Singh, Chairperson resigned his office on 14.2.2007 (A/N). The Members of the first Commission demitted their offices in the month of March 2007. Shri Gajendra Singh Rajukhedi also resigned from the office of Vice-Chairperson on 15.05.2007.

1.1.3 The reconstitution of the Commission was inexplicably delayed. The office of the Chairperson, vacated on 14.02.2007, remained vacant until 18.06.2007 when Smt. Urmila Singh assumed office as Chairperson. Shri Tsering Samphel, assumed office as Member on 14.06.2007. The remaining posts in the Commission remained vacant for more than a year. Shri Maurice Kujur, assumed the office of Vice Chairperson on 25.04.2008 while Shri Oris Syiem Myriaw, Member assumed office on 17.04.2008. The office of the third Member remained vacant throughout the year under report.

Functions and Duties of the Commission

1.1.4 The functions and duties of the National Commission for Scheduled Tribes have been laid down in Clause (5) of the Article 338A of the Constitution. The Commission was assigned certain additional functions vide the Ministry of Tribal

Affairs' Notification dated 23 August, 2005. A copy of this Notification is placed at **ANNEXURE-1.II** of this report.

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

1.1.5 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. These Rules, *inter alia*, provide that:

- (i) The Chairperson shall be appointed from amongst eminent socio-political workers belonging to the Scheduled Tribes, who inspire confidence amongst the Scheduled Tribes by their very personality and record of selfless service;
- (ii) The Vice-Chairperson and other Members out of whom at least two shall be appointed from amongst persons belonging to the Scheduled Tribes;
- (iii) At least one other Member shall be appointed from amongst women.
- (iv) The Chairperson, the Vice-Chairperson and the other Members shall hold office for a term of three years from the date on which he/ she assumes such office.
- (v) The Chairperson, the Vice-Chairperson and the other Members shall not be eligible for appointment for more than two terms.
- (vi) The Chairperson shall have the rank of a Cabinet Minister and the Vice-Chairperson that of Minister of State and other Members shall have the rank of a Secretary to the Government of India unless otherwise specified.

1.2 Powers of the Commission

1.2.1 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 for the first time 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 its Regional Offices, (iv) the advisory role of the Commission, and (v) its monitoring functions. A copy of the Rules of Procedure is also available on the website of the Commission (<http://ncst.nic.in>).

1.2.2 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 (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. The Hon'ble Supreme Court vide their judgment dated 31 October, 1996 in Civil Appeal No.13700 of 1996, however, held that the Hon'ble High Court of Delhi was justified in allowing the petition filed by the Indian Overseas Bank Officers Associations and Ors. in CW (P) No. 1362 of 1993 and C.M No. 2193/ 93, against the order (in the form of a letter) dated 4 March 1993 issued by a Member of the erstwhile NCSCST directing the Indian Overseas Bank 'to stop the promotion process pending further investigation and final verdict in the matter'. The Hon'ble Supreme Court further 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). The apex Court further held that the powers of a civil court of granting injunctions, temporary or permanent, do not inhere in the Commission nor can such a power be inferred or derived from a reading of Clause (8) of Article 338 of the Constitution. It was further held that the Commission, having not been specifically granted any power to issue interim injunctions, lacks the authority to issue an order of the type found in the letter dated 4 March, 1993 directing the Indian Overseas Bank to stop the promotion process pending further investigation and final verdict in the matter. The Hon'ble Supreme Court had further held 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. It was stated that all these powers are essential to facilitate an investigation or an enquiry. Such powers do not convert the Commission into a civil court. These observations of the Hon'ble Supreme Court were brought to the notice of all the Ministries and Departments of Govt. of India by the Department of Personnel & Training vide their O.M.No.36036/2/97-Estt. (Res.) dated 1 January, 1998, a copy of which is placed at **ANNEXURE-1.III**

1.2.3 Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Tribes. A statement indicating the subject matters/ issues on which National Commission for Scheduled Tribes was consulted by various Ministries/ Departments during the year 2007-08 is placed at **ANNEXURE 1.IV.**

1.3 Organizational Set-up of the Secretariat of the Commission

1.3.1 The National Commission for Scheduled Tribes functions from its Headquarters located at New Delhi. Till July, 2006 the representations/petitions received in the Commission at the Headquarters were being dealt with in three different functional Wings called (i) Economic and Social Development Wing, (ii) Service Safeguard Wing, and (iii) Atrocities Wing. It was observed that this was not a very rational and balanced system of distribution. The Commission at its meeting held on 20 July, 2006 decided to streamline the functioning of the Commission. Four Research Units were created in place of the then existing three operational

Wings vide Office Order dated 26 July, 2006 to deal with all matters pertaining to socio-economic and educational development, services and atrocities in relation to Ministries/ Departments along with CPSEs and other Organizations under their administrative control and the States/UTs allotted to them, as given below para 2 of the said Office Order. Two Research Units each are presently headed by one Director level officer. Apart from these four Research Units, there is an Administration & Establishment Unit and a separate Coordination Unit. While the Administration/Establishment Unit provides administrative support to the Commission, the Coordination Unit deals with the various activities relating to making arrangements for holding internal meetings of the Commission, issuing communications to the State Govts. for visit of the Chairperson, Vice-Chairperson or Members of the Commission, Parliamentary and court matters and any other matter not connected with the four functional Research Units, and the Administration and Establishment Unit.

1.4 Staffing Position at the Headquarter Office of the Commission

1.4.1 There are basically two categories of Staff at the Headquarter of the Commission at New Delhi, namely (a) Secretarial Staff belonging to the Central Secretariat Service (CSS), Central Secretariat Stenographers Service (CSSS) and Central Secretariat Clerical Service (CSCS) Cadres and (b) Joint Cadre Staff comprising (i) Director (in the scale of pay of Deputy Secretary to Govt. of India) (ii) Deputy Director, (iii) Assistant Director, (iv) Research Officer, (v) Sr. Investigator and (vi) Investigator. The staff in respect of posts at Sr. No. (i), (ii) and (iii) above, which are Group 'A' posts of Joint Cadre, is provided by the Ministry of Social Justice & Empowerment, being the Cadre Controlling Authority and the staff in respect of posts at Sr. No. (iv), (v) and (vi) is provided by the National Commission for Scheduled Castes, who are the Cadre Controlling Authority for these posts. The Staff belonging to CSS, CSSS and CSCS is provided by the Department of Personnel & Training, through Ministry of Social Justice & Empowerment. The Secretarial Staff in the Regional Offices of the Commission is also appointed and provided by National Commission for Scheduled Castes, which is the Cadre Controlling Authority for these posts. The Group 'D' posts and some of the Group 'C' posts are filled up by the National Commission for Scheduled Tribes itself.

1.4.2 The total sanctioned strength of the staff of the Commission including various categories of posts in Group 'A', Group 'B', Group 'C' and Group 'D' is 125, out of which 56 are for the Headquarter and 68 for its six Regional Offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. Out of 56 sanctioned posts at the Headquarter, 42 were filled and 14 posts vacant on 31.03.2008. Similarly out of 68 sanctioned posts for Regional Offices, 39 were filled and 29 posts were vacant. The sanctioned strength of 125 is inclusive of the 35 posts to be filled from the Joint Cadre (referred to in the previous para), out of which 2 posts of the Deputy Director, 6 posts of Sr. Investigator and 8 posts of Investigator (total 16 posts) were vacant.

1.4.3 The Commission requested the Cadre Controlling authorities i.e. Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes to fill up vacant posts. However, despite all efforts by the Commission to get these

posts, particularly the posts belonging to Joint Cadre, filled up, not much progress in this direction has taken place and as a consequence thereof the work of the Commission continues to suffer. The Organizational Chart of the Commission as on 31/03/2008 is placed at **ANNEXURE - 1.V. The Commission recommends that the Ministry of Tribal Affairs as well as Ministry of Social Justice & Empowerment should take coordinated efforts to find a solution, including creation of a separate cadre for posts belonging to National Commission for Scheduled Tribes so that vacancies in various posts in the Commission do not remain unfilled for a long period at any point of time**

1.5. Regional Offices of the Commission and their jurisdiction

1.5.1 The National Commission for Scheduled Tribes has six Regional Offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. The location and jurisdiction of these Offices along with the name and designation of the Officers (as on 31 March 2008) heading them are as given below:-

S.No	Location & Address of Regional Office	Name & Designation of the Officer incharge	Jurisdiction of the Regional Office
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Arera Hills, Bhopal-462011	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, Bhubaneswar-751015	Shri R.K. Mishra, Assistant Director Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Pondicherry
3.	Room No.101 & 102, 1st Floor, Block-A, Kendriya Sadan Sector-10, Vidyadhar Nagar, Jaipur-302015	Dr. G.S. Somawat, Director Ph:0141 2741173 (F) 0141 2235488	Chandigarh, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, Raipur-492006	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co- operative Colony, Kadru, Ranchi-834002	Shri R.K. Mishra, Assistant Director (Addl. charge) Ph:0651 2340368 (F) 0651 2341677	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001	Miss. P. Syiemlieh, Assistant Director Ph:0364 2221362 (F) 0364 2504202	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

1.5.2 The various duties assigned to the Regional Offices include:

- (i) to maintain effective interaction and liaison with the State Govts./UT Administrations,
- (ii) 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 Govts. and to provide the same to the Headquarter of the Commission,
- (iii) 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 Headquarter,
- (iv) to deal with complaints/representations from members of Scheduled Tribes and their welfare associations etc. on various matters, and (v) to accompany the Chairperson and Members of the Commission on their tours in the States/UTs under their jurisdiction.

1.6 Meetings of the Commission

1.6.1 The post of Chairperson, vacated in Feb 2007, remained vacant for over five months till it was filled on 18 June, 2007. The post of Vice-Chairperson remained vacant for about a year after resignation by the then Vice-Chairman in May, 2007. The post of Vice-Chairperson was filled on 25.04.2008 while another post of Member was filled on 17.04.2008. One post of Member vacated in March, 2007, after completion of tenure of the Members, continued to be vacant during the year.

1.6.2 In accordance with the Rules of Procedure of the Commission, the presence of at least three Members including the Chairperson and/ or Vice-Chairperson shall constitute the quorum for holding a meeting of the Commission. During the year 2007-08, two posts of Members and one post of Vice-Chairperson remained vacant. Hence, regular meetings of the Commission could not be held during the year under Report i.e. 2007-08 in the absence of the necessary quorum in accordance with the Rules of Procedure.

1.6.3 However, a meeting of the sitting Members of the Commission was held on 26.03.2008 to approve the Second Annual Report of the Commission for the period 2006-07. Outline of the third Report of the Commission for the year 2007-08 was also discussed and approved in the same meeting.

1.7 Review Meetings

1.7.1 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 through visits to the States and UTs. These meetings are generally preceded with visits to the tribal Bastis, hostels, Ashram Schools etc. and interactions with them on the impact of the developmental projects. The Commission has noticed that these visits and meetings have been 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.

1.7.2 The Commission also undertakes review meetings with the district level officers to assess the impact of the developmental schemes, and investigation of the cases of atrocities on members of Scheduled Tribes; and advises remedial action for better and more effective implementation of the projects, with a view to ensure the flow of benefits to all the tribals, including those living in inaccessible areas, and also to expedite the investigation and disposal of the atrocity cases and the cases relating to land alienation, etc. pending either with the district administration or in the courts. The Commission also interacts with tribal leaders or the members of tribal associations to ascertain the ground realities and the implementation status of various projects and schemes before having review meetings with the district administration.

1.7.3 The Commission also undertakes review meetings with the organizations/offices functioning under the administrative control of the Central Government, and the various Central Public Sector Undertakings including the financial institutions to ascertain the implementation of the reservation instructions in appointment to different categories of posts. The Commission also makes the assessment of the implementation status of the development projects for socio-economic advancement of Scheduled Tribes. These review meetings by the Commission are generally preceded by meetings with the representatives of SC/ST Employees' Welfare Associations operating in those organizations to understand the actual grievances of the ST employees working in these organizations.

1.7.4 The Commission has developed separate sets of Questionnaires for eliciting information from the (i) Central Ministries/ Departments (ii) Central Public Sector Undertakings, and (iii) State Govts./UT Administrations for the purpose of undertaking review meetings. The Commission generally undertakes the review after receipt of the detailed information in the respective Questionnaire. There is a separate Questionnaire for undertaking review meetings at district level which are generally carried by the Members of the Commission whenever they propose to undertake review meetings with the district/taluka level officers.

1.7.5 A statement containing the details of visits undertaken by the Chairperson, the Vice-Chairperson and the Members of the Commission during 2007-08 is placed at **ANNEXURE 1.VI**

1.8 Laying of Commission's Reports in Parliament

1.8.1 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.

1.8.2 Clause (6) of Article 338A of the Constitution further 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 non-acceptance, if any, of any of such recommendations. Similarly, Clause (7) of this Article provides that where any such report or a part thereof relates to any matter with which any State Govt. is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations. The Commission has observed that there has been a large time gap between the submission of its Report to the President and its laying before the Parliament/ State Legislature. This has been the cause of concern to the Commission as this substantially detracts from the value of the Commission's recommendations as the Hon'ble Members of Parliament come to know of such recommendations many years after submission of the Report to the President. This phenomenon also prevents the Commission from giving copies of its reports to various organisations/ agencies including NGOs working for Scheduled Tribes as also to the senior officers of the Central Government and State Governments concerned with formulation of programmes and schemes for tribal development and thereby depriving them of the inputs provided by the Commission on various tribal issues.

1.8.3 The erstwhile National Commission for Scheduled Castes and Scheduled Tribes in its fourth Report for the year 1996-97 and 1997-98 recommended that Clause (6) and Clause (7) of Article 338 should be amended to provide that the President/ Governor of a State shall cause all Reports submitted/ sent by the Commission or the Ministry of Tribal Affairs to him to be laid before each House of Parliament/ State Legislature within three months of such submissions and a memorandum of action taken or proposed to be taken on the recommendations relating to the Union/ State shall be placed before each House of Parliament/ State Legislature within six months of such submission. In the action taken report submitted in the Parliament at the time of laying of the fourth Report, the Ministry of Social Justice & Empowerment had stated as below:-

"It is not practical to expect a decision as well as action on the recommendations made by the Commission within a specified time of three months from various Ministries/ Departments of the Government. If we force the Ministries and Departments to take decision and action within a period of three months, the Ministries/Departments will not be able to take the recommendations with the seriousness they deserve. Therefore, the amendments proposed to be made in Article 338 of the Constitution shall not help in achieving the overall objectives of the Commission. Hence, this recommendation of the Commission cannot be accepted".

1.8.4 It is obvious therefrom that having focused only on consequential action, the Ministry of Social Justice & Empowerment did not fully appreciate the recommendation of the Commission which sought to de-link the laying of the Report in Parliament from the laying of the Action Taken Memorandum on the recommendations contained in the Report of the Commission.

1.8.5 The National Commission for Scheduled Tribes reiterated the above mentioned recommendation in its first as well as second Report submitted to the President on 8 August 2006 and 3rd September, 2008 respectively. As these Reports of the Commission have not yet been laid in Parliament alongwith an action taken report, the Commission is not aware of the final decision of the Government in this regard. **The Commission, however, is of the view that it is very important that Reports of the Commission are laid in Parliament and the State Legislatures, as the case may be, within a reasonable period of time i.e. not exceeding three months, and memorandum of action taken/ proposed to be taken on its recommendations by the Ministry of Tribal Affairs/ the respective State Government are separately laid in the Parliament/ State Legislature within six months of such submission of the report. The Commission therefore would like to reiterate this recommendation. The Commission hopes that the Government will appreciate the concern of the Commission for timely submission of the reports in the Parliament and initiate expeditious action to amend the above-mentioned Clause of Article 338A of the Constitution on the above lines.**

1.9 Functional Activities

1.9.1 The Commission receives a large number of petitions from all parts of the country in relation to 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 in consultation with 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 hearings in which the senior officers of the concerned organization are called to appear before it. After detailed interaction with them, the Commission issues the proceedings of the discussion, also requesting the organization concerned to take follow up action on its recommendations within a given timeframe. In the interest of the disposal of the maximum number of petitions, the Commission clubs all the cases/ petitions pending in the Commission in relation to an organization in a single hearing. This change has led to reduction in the number of hearings and at the same time marked increase in the disposal of cases/ petitions. This also led to increased awareness in those organizations about implementation of the reservation policy in letter and in spirit. During 2007-08, Hon'ble Chairperson held hearing in respect of cases relating to 11 Ministries/ Deptts./ CPSUs while Hon'ble Vice-Chairperson conducted hearing in respect of 4 Ministries/ Deptts./ CPSUs.

1.9.2 As mentioned in the previous Report, the three functional Wings namely (i) Economic and Social Development Wing, (ii) Service Safeguard Wing, and (iii) Atrocities Wing were restructured into four Research Units (RU-I, RU-II, RU-III and RU-IV) during 2006-07. The same Units continued to function with the same operational jurisdiction during 2007-08.

1.9.3 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 its office on 6th Floor.

1.9.4 In order to enable the poor tribal people living in different parts of the country to contact the officers of this Commission and also to send their grievances/complaints, a Toll Free telephone number **1800117777** with Fax facility has been commissioned on which the officers of this Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country. The petitioners/complainants can also know the position of the petitions already filed with the Commission.

1.9.5 With a view to making the tribal people and other persons/ Associations/ Organisations interested in tribal affairs and such bodies which have been entrusted with 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. The information available on the website of the Commission was updated during the year 2007-08.

1.10 Progress of disposal of petitions/cases.

1.10.1 During the year 2007-08 1149 files were opened while 882 files closed. The progress of disposal of petitions/ cases during the year 2007-08 was as under:-

(i)	Number of files brought forward from previous year:	3201
(ii)	Number of files opened during the year:	1149
(iii)	Number of files closed:	882
(iv)	Number of live cases at the end of the year 2007-08	3468

1.11 Mandate and functioning of National Commission for Scheduled Tribes-Review by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.11.1 Ministry of Tribal Affairs vide their letter dated 16/3/2007 forwarded a Questionnaire received from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes regarding review of National Commission for Scheduled Tribes w.r.t. its mandate and achievement for furnishing replies to each point contained in the Questionnaire. The Commission furnished its replies to the Questionnaire vide letter dated 05/04/2007. The Questionnaire, *inter-alia*, sought to know the procedure adopted and the infrastructure including the manpower available with the Commission to fulfill the mandate given to it under the Constitution and the problems, if any, faced by the Commission in meeting the objective. The reply to the Questionnaire furnished by the Commission is placed at **ANNEXURE 1.VII**

CHAPTER 2

SERVICE SAFEGUARDS

2.1 Constitutional Provisions

2.1.1 The details of relevant articles of the Constitution, pertaining to service safeguards have already been spelt out in the Annual Reports of the Commission for the years 2004-05 & 2005-06 and for the year 2006-2007. However, these are summarized, as under, for ready reference:

- (i) **Article 16(4):** This Article empowers the State for reservation in appointments or posts for any backward class for ensuring adequate representation.
- (ii) **Article 16(4A):** This Article was added w.e.f. 17 June 1995 to empower the State for making provisions for reservation in matters of promotion with consequential seniority to any class or classes of posts in services under the State in favour of SCs/STs which, in the opinion of the State, are not adequately represented in services under the State.
- (iii) **Article 16(4B):** This Article provides that backlog 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:** The proviso to Article 335 (which was added by the Constitution (Eighty-second Amendment) Act, 2000) empowers the Union or a State for making any provision for SCs and STs 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):** This Article provides that nothing shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335.

2.2 Constitutional validity of the above amendments upheld by Hon'ble Supreme Court

2.2.1 The constitutional validity of the above-mentioned amendments i.e. point number (ii), (iii) & (iv) 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 petitioners had challenged reservation in promotion with consequential seniority for members of Scheduled Castes and Scheduled Tribes retrospectively from 17 June, 1995 as being unconstitutional and violative of the basic structure.

2.2.2 The Hon'ble Supreme Court in the above-referred case delivered its judgment on 19 October, 2006. The Hon'ble Court upheld the constitutional validity of all the above amendments. It was observed by the Hon'ble Supreme

Court that the impugned constitutional amendments by which Article 16(4A) and 16(4B) have been inserted, flow from Article 16(4) and do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons namely backwardness and inadequacy of representation which enables the State to provide for reservation keeping in mind the overall efficiency of the State administration 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), the concept of creamy layer (qualitative exclusion) and others.

2.2.3 The Department of Personnel & Training, in consultation with the law officers of the Government, 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 clarified that reference to creamy layer in the concluding paragraph and other portions of the judgment mentioned above did not relate to the Scheduled Castes and Scheduled Tribes. Hon'ble Supreme Court also in its judgement dated 10.04.2008 in the case of Ashok Kumar Thakur Vs Union of India & Ors stated that "Creamy layer" principle is one of the parameters to identify backward classes. Therefore, principally, the "creamy layer" principle cannot be applied to STs and SCs, as SCs and STs are separate classes by themselves.

2.3 Reservation in promotion

2.3.1 In the case of Indira Sawhney vs. Union of India, the Hon'ble Supreme Court of India in its judgement dated 16.11.1992 had, inter-alia, held that there shall be no reservation in promotion for SCs and STs after five years from the date of their judgement i.e. 16.11.1992. To overcome the effect of the judgement, Article 16(4) was amended by the Govt. vide the Constitution (Seventy Seventh Amendment), Act 1995 and further by Constitution (Eighty fifth Amendment), Act 2001 to provide for reservation in promotion with consequential seniority in favour of SCs and STs. The Department of Personnel & Training accordingly vide their OM No. 36012/18/95-Estt.(Res.), Part-II dated 13.08.1997, in modification of their OM dated 19.08.1993, issued instructions to all Ministries/ Departments of the Govt. of India to continue the 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 each of these two categories in each reached the prescribed percentage of reservation.

2.3.2 The present instructions of the Govt. provide for reservation in promotion for SCs & STs upto the lowest rung of Group 'A', but not within the Group. However, on the basis of the provisions of amended Article 16(4A), which provide for reservation in promotion with consequential seniority to any class or classes of post, a Writ Petition (Civil) No. 244 of 1997 in the case of All India Income Tax SC/ST Employees Federation vs. Union of India and Ors. praying for reservation in promotion within Group 'A' is pending before the Constitution bench of the Hon'ble Supreme Court.

2.4 Filling up vacancies reserved for SCs and STs

2.4.1 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 :-

- (i) Scheduled Caste and Scheduled Tribe officers who are within the **normal zone of consideration** (i.e. twice the number of vacancies +4) shall be considered for promotion alongwith others and adjudged on the same basis as others and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list. If some of the SC/ST candidates so selected have been selected on their own merit in all respects and are so placed in the select list that their names fall within the number of unreserved vacancies, such candidates shall be adjusted against unreserved vacancies.
- (ii) If the number of candidates from Scheduled Castes and Scheduled Tribes other than the candidates selected on their own merit and adjusted against 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.
- (iii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less, the difference should be made up by selecting candidates of these communities who are in the **extended zone of consideration (i.e. five times the number of vacancies)** irrespective of merit i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.

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

2.4.3 The Department of Personnel & Training vide their O.M. No.22011/2/2002-Estt.(D) dated 6 January, 2006 modified the existing provisions relating to the size of the zone of consideration. As per the O.M. the normal zone of consideration for one vacancy will be 5 and for vacancies more than one it will be twice the number of vacancies plus four. The extended zone of consideration for SC/ST will be five times the number of vacancies.

2.4.4 As in the case of promotion by non-selection, there is no prescribed zone of consideration for making ad hoc promotions.

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

2.4.6 The issue regarding drawal of Separate Zone of Consideration for SCs and STs has been extensively discussed in the Second Report of the Commission for the year 2006-07. **The Commission has recommended that DOPT should issue revised instructions to provide for drawal of Separate zone of consideration for SCs and STs in compliance with the Hon'ble Supreme Court's directions. The DOPT is accordingly advised to 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 selection.**

2.5 Calculation of vacancies reserved for SCs/STs & OBCs in each mode of recruitment

2.5.1 The Hon'ble Supreme Court in its judgment dated 11.12.1998 in C.W.P. No.5893 of 1997 in the case of State of Punjab & Ors. vs. Dr. R.N. Bhatnagar & Another had, inter alia, held that 'the quota of percentage of departmental promotion and direct recruits has to be worked out on the basis of the roster points taking into consideration vacancies that fall due at a given point of time, there is no question of filling up the vacancy created by the recruitment of a direct recruit by a direct recruit or the vacancy created by a promotee by a promotee'.

2.5.2 It was clarified by DoPT through an illustration that the term 'cadre strength' as referred to in their O.M. No.36012/2/96-Estt.(Res.) dated 2.7.1997 meant the number of posts required to be filled by a particular mode of recruitment in terms of the relevant Recruitment Rules.

2.6 Percentage of reservation for STs in case of direct recruitment in Group 'C' and 'D' posts on local/ regional basis in respect of the State of Goa

2.6.1 The Department of Personnel & Training vide O.M. No.36017/1/2007 -Estt. (Res.) dated 4 July, 2007 have revised the quantum of reservation for Scheduled tribes in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region in the State of Goa from 0 to 12 percent. A copy of the OM is placed at **ANNEXURE 2.I**

2.7 Representation of Scheduled Tribes

2.7.1 Representation of Scheduled Tribes in Central Ministries/ Departments

2.7.1.1 Representation of Scheduled Tribes in Central Government services as on 1/1/2008 as per the information made available by the Department of

Personnel and Training (Ministry of Personnel and Training) vide their letter No. 36027/1/2008-Estt. (Res.) dated 20/10/2008 is as given in the table below:

Representation of Scheduled Tribes in Central Ministries/ Departments

(As on 1/1/2008)

Group	Total	STs	%age
(1)	(2)	(3)	(4)
A	30013	809	2.7
B	45692	2272	5.0
C	147047	9109	6.2
D (Excl Sweepers)	60031	4971	8.3
Total(Excluding Sweepers)	282783	17161	6.07
Total (Including Sweepers)	286383	17357	6.06

Note: The above figure do not include information in respect of three Ministries viz. M/o Defence (excluding Deptt. of Defence Production), M/o Urban Development (excluding Deptt. of Urban Development) and the Cabinet Secretariat

2.7.1.2 From the above data it is clear that in Group A, B and C, the representation of STs in posts is less than the prescribed percentage of 7.5. As on date, there is no reservation for Scheduled Castes and Scheduled Tribes within Group A posts in promotion by selection. There is, however, reservation upto the lowest rung of Group A. It is obvious that this situation has arisen on account of the backlog vacancies in these Groups, which are not being filled up by the concerned Ministries/ Departments. **The Commission expresses its concern over this matter and re-iterates its earlier recommendation that the DOPT should take up the matter with all the Central Ministries/Departments particularly those which are cadre controlling authorities for appointment to various posts/ services and advise them to fill up the backlog vacancies reserved for Scheduled Tribes by launching Special Recruitment Drives (SRDs) and/or by making ad-hoc promotions in case eligible ST candidates are not available in the extended zone of consideration in the matter of promotion by selection. Where the Recruitment Rules provide for 100% recruitment by promotion, and it is not possible for the authority to introduce the element of direct recruitment therein, filling up of an equal number of posts at the lower level through direct recruitment may be ensured. DOPT should formulate a time-bound Action Plan to fill up the vacant positions to meet the target.**

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

2.7.2.1 Based on information furnished by the Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises), the representation of

Scheduled Tribes in CPSEs as on 1.1.2007 in various categories of posts i.e. Groups A,B,C and D is as given in the Table below:-

Representation of Scheduled Tribes in Central Public Sector Enterprises

Group	Total No. of Employees	No. of STs	%age	Position as on 01.01.2006
(1)	(2)	(3)	(4)	(5)
A	1,91,299	8,835	4.61	3.57
B	1,69,191	10,739	6.34	6.24
C	6,65,996	63,809	9.58	9.46
D (Excluding Safai Karamcharis)	2,31,640	37,012	15.97	12.6
Group D (Safai Karamcharis)	14,553	439	3.01	1.73
Grand Total	12,72,679	1,20,834	9.49	8.78

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

2.7.2.2 It is noted that there is a marginal improvement in the representation of STs in all categories as compared to the position as on 01.01.2006, but representation of STs in Group 'A' and 'B' is less than the prescribed reservation of 7.5%. **The Commission re-iterates its earlier recommendation that the Department of Public enterprises should advise the Central Public Sector undertakings to make concerted efforts to fill up the backlog vacancies reserved for Scheduled Tribes in Group A and B posts through SRDs to bring their representation to the prescribed level of 7.5%. DOPT and Deptt. of Public Enterprises should formulate a time-bound Action Plan to fill up the vacant positions to meet the target.**

2.7.3 Representation of Scheduled Tribes in different cadres of the Public Sector Banks

2.7.3.1 The representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Officers, (ii) Clerks, and (iii) Sub-staff as on 01-01-2008 is given below:-

S. No	Name of the Bank	Officers			Clerks			Sub Staff		
		Total	ST	%	Total	ST	%	Total	ST	%
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	Allahabad Bank	7879	514	6.52	7539	287	3.81	2677	219	8.18
2	Andhra Bank	8120	468	5.26	2726	56	2.05	2311	174	7.52
3	Bank of Baroda	13785	849	6.15	15351	747	4.86	6576	670	10.18

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
4	Bank of India	14414	1045	7.24	17714	1046	5.90	5947	549	9.23
5	Bank of Maharashtra	4143	262	6.32	6560	411	6.26	2840	250	8.8
6	Canara Bank	17322	1111	6.41	17955	856	4.8	7896	365	4.62
7	Central Bank of India	11966	757	6.33	15285	859	5.62	7969	593	7.44
8	Corporation Bank	4745	222	4.68	4775	229	4.8	2343	142	6.06
9	Dena Bank	3470	277	7.98	3997	492	12.31	2280	332	14.56
10	Indian Bank	7958	437	5.49	9598	266	2.77	3052	138	4.52
11	Indian Overseas Bank	8737	494	5.65	11656	284	2.44	4342	164	3.78
12	Oriental Bank of Commerce	6778	310	4.57	5294	206	3.89	2543	132	5.19
13	Punjab National Bank	19237	1077	5.6	26792	823	3.07	9902	589	5.95
14	Punjab & Sind Bank	4513	149	3.3	3157	51	1.61	1452	39	2.68
15	Syndicate Bank	9504	491	6.22	11376	650	5.71	3796	253	6.66
16	Union Bank of India	11388	690	6.06	8882	319	3.59	5227	440	8.42
17	United Bank	5423	363	6.69	7320	247	3.37	3551	162	3.71
18	UCO Bank	8578	538	6.15	10576	457	4.32	3919	209	5.33
19	Vijaya Bank	4762	235	4.93	4431	153	3.45	1805	123	6.81
20	State Bank of India	53235	2946	5.53	78460	4954	6.31	36465	2608	7.15
21	State Bank of Bikaner & Jaipur	4098	321	7.83	4905	334	6.81	2538	272	10.71
22	State Bank of Hyderabad	4046	301	5.97	5046	338	6.7	2819	193	6.85
23	State Bank of Indore	2290	157	6.86	2950	556	18.84	1090	232	21.28
24	State Bank of Mysore	3190	230	7.21	4429	199	2.49	2165	119	5.5
25	State Bank of Patiala	4415	154	3.49	4781	27	0.56	2115	60	2.83
26	State Bank of Travancore	3962	124	3.13	5016	164	3.27	2474	103	4.16
27	IDBI	2259	183	3.48	1595	50	3.13	977	71	7.27
28	NABARD	2895	200	6.91	1118	94	8.41	932	112	12.02
29	EXIM Bank	225	23	10.2	0	0	0	8	0	0
30	SIDBI	736	40	5.43	107	10	9.35	73	15	20.55
31	Reserve Bank of India	7760	562	7.2	6268	623	9.9	6196	605	9.8
32	IIFCL(India Infrastructure Finance Co. Ltd)	0	0	0	0	0	0	1	0	0
33	National Housing Bank	79	3	3.8	0	0	0	0	0	0
34	State Bank of Sourashtra	2164	132	6.1	3152	371	11.77	1535	176	11.46

2.7.3.2 It is seen from the above Table that the representation of Scheduled Tribes in the officers' cadres is less than the prescribed percentage of 7.5% except in Dena Bank (7.98%), State Bank of Bikaner & Jaipur (7.83%) and EXIM

Bak (10.2%). The percentage of STs in the cadres of Clerks is above the prescribed level of 7.5 only in State Bank of Indore (18.84%), Dena Bank (12.31%) , State Bank of India (11.77%), SIDBI (9.35%) , RBI (9.9%) and NABARD (8.41). The representation of STs in the cadre of Clerks in some banks ranges between 5 to 6% and even below 2 % in Punjab & Sind Bank. As regards the cadre of Sub-staff the percentage of representation for STs in some of the Banks is not satisfactory, for example Canara Bank (4.62%), Indian Bank (4.52%), Indian Overseas Bank (3.78%), Punjab & Sind Bank (2.68%), United Bank (3.71%), State Bank of Patiala (2.83%) and others. **Dena Bank is the only Bank in which representation of STs in all the cadres is 7.5 % or above.**

2.7.3.3 The respective Banks are the recruiting agencies for all the categories since 2001 and therefore, the Commission fails to understand the low representation of Scheduled Tribes in respect of either Officer Cadre or Clerks Cadre or Sub –staff Cadre or all the three cadres. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes . **The Commission re-iterates its earlier recommendation that the Department of Economic Affairs (Banking division) should advise the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching special recruitment Drive or by deputing special recruiting teams in the tribal areas or by both.**

2.7.3.4 The Commission also recommends that Department of Financial Services, Ministry of Finance should take special note of the efforts of the Dena Bank for achieving the reservation percentage in respect of STs in all categories as a model employer.

2.7.4 Representation of Scheduled Tribes in Group A, B, C and D posts as on 1.1.2008 in Public Sector Insurance Companies

2.7.4.1 The information relating to representation of STs in Public Insurance Companies as on 1/1/2008 was provided by the Ministry of Finance, Department of Financial services (Insurance Division) vide their letter No. R 11011/12/2005 – Ins. II dated 7/11/2008. The Group wise representation STs in these Companies is as given in the table below:

S NO.	Name of Insurance Company	Group	Total Employees	ST Employees	% age
(1)	(2)	(3)	(4)	(5)	(6)
1	Insurance Regulatory and Development Authority , Hyd.	Group A	33	1	3.03
		Group B	11	0	0.00
		Group C	14	0	0.00
		Group D	2	0	0.00
		Total		60	1
2	Life Insurance Corporation of India, Mumbai	Group A	21335	1483	6.95
		Group B	23355	1551	6.64
		Group C	66605	5112	7.68
		Group D	2426	200	8.24
		Total		113721	8346

(1)	(2)	(3)	(4)	(5)	(6)
3	General Insurance Corporation of India, Mumbai	Group A	257	12	4.67
		Group B	0	0	0.00
		Group C	144	12	8.33
		Group D	46	3	6.52
		Total		447	27
4	National Insurance Company Ltd., Kolkatta	Group A	4226	208	4.92
		Group B	2004	39	1.95
		Group C	8003	537	6.71
		Group D	1286	106	8.24
				15519	890
5	The New India Assurance Company, Mumbai	Group A	4833	249	5.15
		Group B	2964	86	2.90
		Group C	9850	766	7.78
		Group D	2180	173	7.94
				19827	1274
6	Oriental Insurance Company Limited, New Delhi	Group A	4119	234	5.68
		Group B	2030	67	3.30
		Group C	7316	546	7.46
		Group D	1508	166	10.91
				14973	1013
7	United India insurance Company Limited, Chennai	Group A	4164	192	4.61
		Group B	2120	64	3.02
		Group C	8968	664	7.40
		Group D	2378	190	7.99
				17630	1110
8	Agriculture Insurance Company Ltd., New Delhi	Group A	115	7	6.08
		Group B	0	0	0.00
		Group C	39	5	12.80
		Group D	6	1	16.00
		Total		162	13
	Total (All Companies)	Group A	39082	2386	6.11
		Group B	32484	1807	5.56
		Group C	10939	7642	7.57
		Group D	9832	839	8.53
	Grand Total all Companies – all Groups (excluding Sweepers)		182337	12674	6.95

* Group D excluding safai karamcharis.

2.7.4.2 It may be observed that the actual representation in Group A, B C & D (excluding sweepers) was 6.11%, 5.56 %, 7.57 % & 8.53 %. It is worth mentioning that the representation of STs in Group B is lesser than Group A i.e. 5.56 percent as compared to 6.11 percent in Group A. The representation of STs in Group B is nil in Insurance Regulatory and Development Authority, Hyderabad. Even in the National Insurance Company, the representation of STs is only 1.95 percent against the required percentage of 7.5.

2.7.4.3 However, it is appreciable that overall representation of STs in Group C & D is satisfactory. **The Commission therefore, re-iterates its earlier**

recommendation that the Ministry of Finance in order to enhance the representation of STs in Group A & B needs to take special measures like SRD to achieve the required representation of 7.5 percent in a time bound action plan.

2.7.5. Representation of Scheduled Tribes in Teaching and Non-Teaching posts in Central Universities

2.7.5.1 The University Grant Commission provided the statistical data in respect of Teaching & non-Teaching posts reserved for STs in respect of Central Universities vide their letter no. F .1-8/2008 (SCT) pt .1 dated 20/11/2008. The post-wise representation of STs in Teaching posts for the year 2007-08 are as given in table below;-

(A) Teaching posts

S. No.	Name of the University	Professor			Reader			Lecturer			All Back-log (ST)
		In Position	Sanctioned	STs	In Position	Sanctioned	STs	In position	Sanctioned	STs	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	Hyderabad	72	90	0	124	141	1	139	157	6	6
2	Rajiv Gandhi University	2	13	1	14	27	3	51	84	24	0
3	Assam	20	34	0	45	67	0	111	133	8	2
4	Tezpur	34	50	0	58	76	2	131	170	11	2
5	University of Delhi	110	182	0	300	399	0	309	422	7	25
6	Indira Gandhi National Open	42	64	0	57	94	0	256	355	16	11
7	Jamia Millia Islamia	72	102	0	144	170	0	352	417	9	22
8	Central Agri. University, Imphal	14	46	0	21	95	1	118	203	10	5
9	Manipur	7	29	0	43	69	0	92	123	3	6
10	Nagaland	14	38	0	45	56	0	94	113	6	2
11	Tripura	9	15	0	14	28	1	46	55	8	0
12	Aligarh Muslim University	276	173	0	436	363	0	401	857	0	64
13	Babasaheb BR Ambedkar, Lucknow	6	16	0	11	23	0	21	47	2	2
14	Banaras Hindu	181	256	0	422	5	0	924	1036	24	54
15	Visva Bharti	45	53	0	96	542	0	288	321	14	10
16	Pondicherry	23	31	0	57	112	0	99	120	4	5
17	MG Antar Rashtriya Hindi Vishwavidyalaya	5	9	0	5	69	0	22	26	1	1
18	Maulana Azad National Urdu	14	19	0	33	9	0	69	84	3	3
19	Mizoram University	20	28	7	38	45	12	153	164	97	0

2.7.5.2 It is observed from the above data that the representation of STs among the teaching staff is negligible i.e. 0.64 % in respect of Professors and 1.02 % in respect of Readers as against the required percentage of 7.5. Even the Universities like Delhi

University, Aligarh University, Banaras Hindu University, Vishwabharti University, Hyderabad University having large number of posts in the cadre of Professors, are not having even a single Professor from the ST communities. The same position prevails in the cadre of Reader also, in these Universities. **The Commission, therefore, reiterate its recommendation contained in its Report for the year 2006-07 that the Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Reader, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor and Reader which are filled up by direct recruitment and to chalk out a time bound programme to fill up these vacancies. The Commission further recommends that the Ministry of Human Resource Development (Department of Higher Education) should also issue stringent instructions to all the Central Universities to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in the grade/ post of Lecturer within a specified period.**

2.7.5.3 The Group-wise representation in non-Teaching posts for the year 2007-08 are as given in table below:-

(B) Non Teaching posts

S. No.	Name of the University	Group `A`			Group `B`			Group `C`			Group `D`		
		In Position	Sanctioned	STs	In Position	Sanctioned	STs	In position	Sanctioned	STs	In position	Sanctioned	STs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1	Hyderabad	59	73	4	104	107	3	438	466	24	481	543	32
2	Rajiv Gandhi University	11	19	4	15	21	7	83	127	30	77	81	40
3	Assam	19	21	1	23	30	0	131	148	12	56	64	5
4	Tezpur	25	34	1	18	20	1	80	96	10	62	70	3
5	Indira Gandhi National Open	152	203	13	184	208	14	706	1271	49	137	264	10
6	Jamia Millia Islamia	57	65	1	50	59	2	565	645	4	431	447	2
7	Central Agri.l University, Imphal	14	94	0	29	88	2	281	497	92	212	354	91
8	Manipur	28	34	0	30	33	2	156	187	20	88	117	22
9	Nagaland	21	35	0	39	46	6	257	266	48	255	262	54
10	Tripura	19	21	5	18	19	4	58	60	12	44	45	9
11	Aligarh Muslim University	146	183	0	330	375	0	2588	2729	4	3302	3017	7
12	Babasaheb BR Ambedkar, Lucknow	13	16	1	8	8	0	41	53	1	23	25	0

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
13	Banaras Hindu	160	238	2	250	297	13	2026	3127	33	2169	3021	71
14	Visva Bharti	70	88	1	97	109	4	527	641	20	536	834	58
15	Pondicherry	56	64	1	46	57	1	232	261	6	206	221	13
16	MG Antar- rahtriya Hindi Vishwavidyalaya	8	9	0	4	4	0	7	13	1	1	1	0
17	Maulana Azad National Urdu	40	45	0	36	44	0	115	131	3	63	64	3
18	Mizoram University	21	27	18	20	25	20	110	132	110	138	140	136

2.7.5.4 The above Table indicates that in Group A & D posts the representation of STs is only 4.10% and 5.81% respectively against the required 7.5 % It is a matter of concern that the representation of STs even in Group D post is even lesser than 7.5 percent and therefore, needs immediate attention.

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

2.8 Dereservation

2.8.1 Need for de-reservation

2.8.1.1 Vacancies reserved for Scheduled Tribes have to be filled from the candidates belonging to Scheduled Tribes only. This policy has to be implemented while making appointment by Direct Recruitment as well as by promotion. Guidelines have also been laid from time to time for launching Special Recruitment Drive (s) for filling the reserved vacancies. Many times, it is not possible to fill a vacancy reserved for ST candidates by promotion because of non-availability of any (or an eligible) candidate 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 might make an adverse impact on the performance of the Ministry/ Department/ Organisation. The situation arises because adequate efforts were not made while making appointment to the posts in the feeder grade (or its next below feeder grade) while making appointment by direct recruitment. While Govt. of India have imposed a blanket ban on de-reserving the post(s) to be filled by direct recruitment, permission has been granted to de-reserve the vacancy in a post reserved for Scheduled Tribes while making appointment by promotion.

2.8.2 Procedure for De-reservation of posts to be filled by promotion

2.8.2.1 A procedure has been prescribed by DoPT for de-reserving a reserved vacancy and filling the same by a candidate from other than ST while

making promotion and ensuring that the rights of Scheduled Tribes, temporarily curtailed by the process of de-reservation due to non-availability of eligible ST candidates in the feeder grade in a recruitment year, are restored to them in the next or subsequent recruitment year by carrying forward the reserved point for ST from previous year to the next or subsequent recruitment year. Thus, one additional vacancy out of the vacancy(ies) occurring in the next or subsequent recruitment year is reserved for the Scheduled Tribes and is filled by promotion from amongst eligible ST candidates. In case the eligible ST candidate is not available in the next recruitment year, the same procedure of de-reservation and filling the carried forward reserved point in the next recruitment year has to be followed.

2.8.2.2 Whenever, during the process of promotion, a vacancy reserved for STs, which is included in the roster for permanent appointments and temporary appointments (likely to become permanent or continue indefinitely), is required to be de-reserved, a reference is required to be made to the DoPT for their comments for dereservation before filling it from amongst non-ST candidate.

2.8.2.3. DoPT, vide OM No. 16/27/74-Estt. (SCT) dated 12/11/1975 has emphasized 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 de-reservation after carefully examining them with reference to the DoPT's instructions on dereservation. DoPT, vide OM No. 28/14/74/Estt. (SCT) dated 12/07/76, OM 36011/25/79-Estt (SCT) dated 16/11/79 and OM 36012/17/2002/Estt. (Res.) dated 06/11/2003 has streamlined the procedure for submission of proposals for dereservation. As per these instructions, the administrative Ministries and Deptts have been delegated the power to accord approval to the dereservation of reserved vacancies subject to the following conditions:

(i)	There is no ST candidate available or likely to be shortly available eligible for promotion in the feeder cadre;
(ii)	A copy of the proposal for dereservation in the appropriate prescribed proforma is sent immediately to (i) the Department of Personnel and Training and (ii) the National Commission for Scheduled Tribes and thereafter the concerned Deptt. is required to wait for a period of 15 days before going for dereservation; The proposal should indicate that
(ii)	It has been seen and concurred in by the Liaison Officer of the Ministry/Department concerned;
(iv)	It 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)	It contains a certificate that it is being made with the full knowledge and concurrence of the Liaison Officer of the Ministry/ Department concerned;
(vi)	In the event of a disagreement between the appointing authority and the Liaison Officer, the advice of the DoPT has been obtained;

2.8.2.4 The above cited instructions further require that the proposal for dereservation of reserved vacancies in respect for posts under attached/ subordinate offices etc. should not be sent to the Department of Personnel & Trg. directly. Such proposals should be sent to the administrative Ministry/ Department who will examine the proposals and send them to the Department of Personnel & Trg. after satisfying itself that the prescribed procedure had been followed. A copy of the proposal (in the appropriate proforma) for dereservation should be endorsed by the Ministry/Department concerned simultaneously to the National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi-110003 and the fact thereof should be indicated in the proposal made to the Department of Personnel & Trg.

2.8.3 Ban on Dereservation in Direct Recruitment

2.8.3.1 The DoPT, vide OM No. 36012/6/88-Estt.(SCT) dated 25/04/1989 has imposed a ban on dereservation of posts to be filled by direct recruitment, considering the need to protect the interests of SC/ST communities and to ensure that posts reserved for them are filled up only by SC/ ST candidates. This ban came into effect from 01/04/1989 in respect of all direct recruitment to be made to fill up vacancies in Group 'A', 'B', 'C' & 'D'. The said OM also clarified that that this ban would apply not only to vacancies which arose after 01/04/1989 but also to the vacancies reserved for SCs/STs during earlier years which had not been filled up by other community candidates irrespective of whether such vacancies were dereserved or not.

2.8.3.2 The above referred order further stated that in all cases of direct recruitment to fill up vacancies in posts/ services in Group 'A', 'B', 'C', & 'D', if sufficient number of suitable SC/ ST candidates were not available to fill up vacancies reserved for them in the first attempt, then a second attempt shall be made for recruiting suitable candidates belonging to the concerned categories in the same recruitment year or as early as possible before the next recruitment year; and, that if the vacancies reserved for SCs/ STs, as the case may be, could not be filled up from the concerned category, the reserved vacancies shall be carried forward till such time it was filled by the candidate belonging to SC/ ST, as the case may be. These vacancies are to be treated as "backlog" vacancies.

2.8.3.3. In the subsequent year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies will also be considered for recruitment, keeping the vacancies of the particular recruitment year, i.e. the current vacancies, and the "backlog" vacancies as two distinct Groups. While in respect of vacancies for the year of recruitment in the current vacancies, the normal instructions relating to calculation of vacancies reserved for SCs/ STs as well as instruction that not more than 50% of the vacancies could be reserved for SCs/ STs, physically handicapped etc. would apply, all the backlog vacancies reserved for SCs/ STs would be filled up from amongst the concerned candidates belonging to reserved category without any restriction whatsoever.

2.8.3.4 The above cited instructions dated 25.04.1989 also provide that in exceptional cases in Group 'A' services where posts can not be allowed to remain vacant in public interest, the administrative Ministry/ Deptt. under which the

recruitment was being made shall make a proposal for dereservation giving full justification for such action and consult NCST 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 Ministry of Social Justice & Empowerment) and (iii) the administrative Ministry under which recruitment was being made. The recommendations of the Committee shall be placed before the Minister in-charge of DoPT for a final decision. If dereservation of the vacancy is approved, this can be filled by the candidate (s) of other community. With the increase of literacy and quality of education amongst Scheduled Castes and Scheduled Tribes, the situation about availability of educated and specially qualified Scheduled Tribes has improved, though there may still be scarcity of highly specialized manpower (super specialist level) amongst them. In view of this improved situation, the procedure for de-reservation in direct recruitment among Group 'A' categories of posts should be applicable in case of such posts only.

2.8.3.5. Though, the DoPT has been advising the Ministries and Departments, time and again that suitable steps may be taken for compliance of the existing instructions regarding dereservation and to ensure that detailed information is invariably given while making such proposals, it has been noticed that proposals for dereservation are very often found lacking in full details including whether the proposal has been cleared by the Liaison Officer and whether it has the approval of the Joint Secretary of the Ministry concerned. In the absence of requisite details, it becomes difficult to examine such proposals within the stipulated minimum time-frame of 15 days for waiting for the response from the National Commission for Scheduled Tribes/ National Commission for Scheduled Castes.

2.8.3.6 The National Commission for Scheduled Tribes received **80** proposals from various Ministries/ Departments for dereservation during the period from the year 2007-08. A list of such proposals is placed at **ANNEXURE 2.II**

2.8.4 Examination of dereservation proposals

2.8.4.1 To facilitate proper examination of the dereservation proposals, the Commission has framed internal guidelines as under.

(i)	A post reserved for Scheduled Tribes has to be filled by a candidate from amongst Scheduled Tribes only and in the normal course such reserved posts should be kept vacant until filled by the eligible ST candidate.
(ii)	There is a complete ban on dereservation of vacancies reserved for Scheduled Tribes (and also Scheduled Castes) in direct recruitment.
(iii)	In case of appointment by promotion, if a post reserved for ST cannot be filled due to non-availability of the eligible ST candidate at the time of promotion as also in near future and for the reason that keeping the post vacant for a very long time may adversely affect the

	functioning of the Ministry/ Organisation, the competent authority may seek dereservation of the post by sending a proposal, in the prescribed proforma, to the National Commission for Scheduled Tribes and to the Department of Personnel and Training .
(iv)	After approval by DoPT and NCST, the vacancy can be dereserved by the competent authority and the dereserved vacancy may be filled by promoting the eligible non-ST candidate as per promotion rules. However, dereservation should not lead to lapsing of the point of reservation for Scheduled Tribes and this point has to be carried forward for promotion in the next Recruitment year. The vacancy occurring in the near future or in the next Recruitment year has to be reserved for ST, keeping in view other conditions relating to filling the vacancies in a Recruitment year. In case no eligible ST candidate is available for appointment by promotion against the post reserved against the carried forward from previous year, the competent authority has to seek dereservation again.
(v)	In order to ensure that the rights of Scheduled Tribes are not likely to be encroached through the process of dereservation, the Commission should call for and examine the following information from the concerned authorities.
	<ul style="list-style-type: none"> ✚ Recruitment Rules for the post for which dereservation has been sought
	<ul style="list-style-type: none"> ✚ Post-based Roster and up-to-date Seniority list of the Officers holding the posts (one of which has been proposed for dereservation)
	<ul style="list-style-type: none"> ✚ Recruitment Rules for the post which is a feeder post for the post which has been proposed to be dereserved.
	<ul style="list-style-type: none"> ✚ Post-based Roster and up-to-date Seniority list of the Officers holding the feeder cadre posts.
	<ul style="list-style-type: none"> ✚ Reasons for non-availability of ST candidates in near future from amongst the officers of the feeder cadre posts and efforts made in the past to fill the vacancies reserved for Scheduled Tribes in the feeder cadre as well as the posts out of which dereservation is sought.
(vi)	After receipt of above information, if it is noticed that an eligible ST candidate is likely to be available in near future/ within a year, the concerned Ministry/ Organisation may be advised to grant promotion on ad-hoc basis to such a candidate and he may be regularized on completion of eligibility condition. However, if no eligible ST candidate is likely to be available in near future or next Recruitment year, the proposal to de-reserve the post may be agreed to, subject to the following conditions:
	<ul style="list-style-type: none"> ✚ The reserved point agreed for dereservation will be carried forward to be filled in future or in the next recruitment year from amongst the ST candidates and the next vacancy occurring in the

		cadre may be reserved for ST.	
		✚ If there is no likelihood of availability of ST candidate in the feeder cadre posts in the near future/ next recruitment years, the vacancy to be filled against carried forward point may be filled by Direct Recruitment, if the RRs provide for DR; and, later on, a DR vacancy may be exchanged with a promotion vacancy.	
		✚ In case RRs of feeder cadre post do not provide for DR and there is non-availability or no likelihood of availability of ST candidate, the concerned Ministry/ Organisation may consider amending the RRs of feeder cadre post and the post under consideration for making provision of the clause "failing which by DR" in the RR so that the point reserved for STs are filled timely from amongst ST candidates.	

2.8.4.2 Since dereservation in promotion has not been banned, the National Commission for Scheduled Tribes receives large number of proposals for dereservation in promotions. Most of these proposals have one of the following two situations:

- (i) The mode of filling a post or chain of posts in a cadre is 100% by promotion from the feeder grade post(s). There is no ST candidate in the feeder grade and also in the next below feeder grade post(s). This situation has occurred because reservation rule was not followed for years together while making appointment on Direct Recruitment basis to the lowest grade feeder post(s). 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, the concerned Ministry/ Department/ Organisation frequently resort to dereservation but the "carried-forward" reserved point can never be filled due to absence of provision for lateral entry of ST candidate(s) through Direct Recruitment in various feeder grades. Thus posts reserved for Scheduled Tribes by promotion cannot be filled in spite of acceptance for dereservation and "carry-forward" of the same reserved post on several occasions.
- (ii) (a) The eligible ST candidates are not available even after enlarging the scope of consideration to the extended zone of consideration, i.e. 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, but such candidates cannot be considered owing to the limitation of extended ZoC prescribed by the DoPT in its orders relating to ZoC for promotions by selection, latest order being dated 6th January, 2006.
 - (b) In several cases, a large number of posts including reserved posts are to be filled by promotion on occasion, but reserved posts cannot be filled due to non-availability of eligible candidate even within extended ZoC. The unfilled reserved posts are got de-reserved, and the reserved points are carried forward to the next recruitment year. It normally happens that the number of vacancies that occur in the next recruitment year is either less

than the number of actually/ carried reserved points or all carried forward points, cannot be filled after applying the 50% limit on reserved vacancies. In such circumstances, the extended ZoC in respect of reserved vacancies will be much less than that in the previous recruitment year; and it will not be possible to fill the carried forward point in the next as well as subsequent recruitment year.

2.8.4.3 The Commission is of the view that restricting the ZoC for the reserved category of posts is in violation of the spirit of the judgment of Hon'ble Supreme Court in Civil Appeal No. 4026 of 1988 in the case of UP Rajya Vidyut Board SC/ ST Karamchari Kalyan Sangh vs. UP State Electricity Board and Ors. in which the Hon'ble Court held that "We are prima-facie in agreement with the contention of the learned council for the appellant that there has to be a separate zone of consideration so far as SC/ ST candidates are concerned. Clubbing the Scheduled Castes with general category in same zone of consideration would defeat the very purpose of reservation". The issue of separate zone of consideration with reference to SCs/STs also came up for consideration before the Supreme Court in Civil Appeal No.14568-69/95 in the matter of C.D. Bhatia & Ors. vs. Union of India & Ors. in which the Supreme Court in their order dated 20.10.1995 held that "We are of the view that the law laid down by this Court in U.P. Rajya Vidyut Parishad's case is binding on all the authorities including Union of India" .

2.8.4.4 The DoPT, by way of implementing the above cited judgment of the Hon'ble Supreme Court, issued instructions vide their OM No. 36012/27/2000-Estt. (Res.) dated 15/03/2002 for drawing separate lists of all eligible SC/ ST candidates for promotion on ad-hoc basis. No instructions have so far has been issued in this regard in regard to regular promotions. The matter relating to drawal of separate zone of consideration in selection promotions in implementation of the above referred verdict of Hon'ble Supreme Court has been taken up by the Commission with the DoPT. However, the Commission has not heard anything in this regard from DoPT. In para 2.4.2.9 of its 2nd Report for the year 2006-07, the Commission expressed the view that the matter had been considerably delayed. The Commission recommended that DoPT should revise the instructions contained their OM No. 36012/27/2000-Estt. (Res.) dated 15/3/2002 at the earliest to provide for a separate zone of consideration for SCs and STs in the matter of promotion by selection. **The Commission would like to reiterate these recommendations.**

2.8.5 Recommendations

2.8.5.1 In view of the foregoing the National Commission for Scheduled Tribes makes the following recommendations:

(i)	The Commission reiterates the recommendation in its first Report for the years 2004-05 and 2005-06 that a ban should also be imposed on dereservation of reserved posts to be filled by promotion, without any further delay to protect the interest of STs.
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	<p>(ii) The Composition of the Committee constituted in terms of the DoPT's OM dated 25/4/1989 to scrutinize the proposals for de-reservation in direct recruitment in respect of the exceptional categories of Group 'A' posts reserved for Scheduled Castes and Scheduled Tribes in public interest may be revised to include the Ministry of Tribal Affairs also.</p> <p>(iii) The RRs for each post should alternatively provide for direct recruitment also, even in cases where appointment is proposed to be made 100% by promotion. A provision for resorting to direct recruitment may be inserted in the RRs in the event of non-availability of eligible ST candidate for promotion in the entire seniority list of the feeder grade.</p> <p>(iv) Consequent to DoPT's OM No 36012/2/97/Estt. (Res.) dated 02/7/1997, the vacancy based roster has since been substituted by the post based roster (PBR) and its operation is specified. As per the spirit of the PBR, the vacancy in the reserved post(s) arising due to promotion, retirement, deaths etc. has to be filled up by a candidate from amongst the concerned category. Therefore, the ceiling of reservation upto 50% posts notified in a recruitment year should be withdrawn, as the number of reserved posts would depend upon the category of person(s) vacating the post(s) and such a restriction obstructs the process of filling reserved vacancies as per Post Based Roster.</p>
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CHAPTER 3

EDUCATIONAL DEVELOPMENT OF SCHEDULED TRIBES

3.1 Introduction

3.1 Education is an important instrument of social change and modernization. It is a historical fact that the destinies of individual nations are directly linked with the educational and skill advancement of its people. Systematic attention to the educational advancement has resulted in the rapid development in countries like Japan, Germany and USA. In the present era of globalization, liberalization and privatization, education is viewed not only as an input to empowerment and social justice but also as fundamental to the very survival of individuals and nations. It is also the most important tool of empowering the underprivileged sections of society like the Scheduled Tribes in India who have been subjugated to deprivation of various forms over centuries. It is the primary vehicle for enabling the economically and socially marginalized sections of society to enjoy the civil, political, economic and social freedom as guaranteed in the Constitution of India. Education has been recognized as the basic human right in the modern world and the State is duty-bound to provide educational facilities for all. As Swami Vivekananda said, education is the manifestation of innate qualities of a person. Accordingly, education has been identified as the single most important element in the national development effort in India.

3.2 Constitutional Safeguards and other Measures.

3.2.1 Being fully aware of the need of promoting education in India, particularly among the weaker sections of society, the framers of our Constitution ensured that special measures are taken for the educational development of these sections. Accordingly, special provisions/safeguards were laid down in the following Articles of the Constitution of India.

Article 15(4):- It empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several other articles. This has enabled the State to reserve seats for Scheduled Castes and the Scheduled Tribes in educational institutions including technical, engineering and medical colleges and in Scientific and Specialized Courses.

Article 21(A):- This article was inserted in the Constitution through the Constitutional (Eighty-Sixth) Amendment Act and lays down that "the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may, by law, determine". The addition of this new article in the Constitution is very significant in the context of the educational development of Scheduled Tribes. The Parliament has passed the

Right of Children to Free and Compulsory Education Act, 2009 on 4 August, 2009 which received the assent of the President on 26 August, 2009 and was notified on 3 September, 2009. The Act makes education a fundamental right of every child between the ages of 6 to 14 and specifies norms for ensuring the availability of a neighbourhood school within a specified area, provision of infrastructure including school building, teaching staff and equipment, monitoring of attendance of children, quality elementary education, etc.

Article 29(2) :- It lays down that "no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them".

Article 46:- It is a comprehensive article comprising both developmental and regulatory aspects. It reads as follows:

"The state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

Article 350A:- The article lays down that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provisions of such facilities." This article recognizes the fact that most of the tribal communities have their own languages or dialects which usually belong to a different family of languages than the one to which the State's official language belongs.

3.2.2 Education as a subject has been placed in the concurrent list of the Constitution of India since 1976. There are well defined constitutional provisions and mechanism of sharing of resources and responsibilities between the Centre and the State for harmonious exercise of their respective powers for the educational development in the country. At the central level, the Ministry of Human Resource Development and the Ministry of Tribal Affairs are the main Ministries concerned with the programmes/schemes aiming at the educational development of STs.

3.3 The National Policy on Education.

3.3.1 The National Policy on Education (NPE), 1986, as updated in 1992, envisages improvement and expansion of education in all sectors, elimination of disparities in access and laying greater access on improvement in the quality and relevance of education at all levels, including technical and professional

education. It also emphasizes that education must play a positive and interventionist role in **correcting social and regional imbalances, empowering women and in securing a rightful place for the disadvantaged, linguistic groups and minorities. It lays emphasis on the three-pronged objectives of (i) universal access and enrolment (ii) universal retention of children upto 14 years of age, and (iii) substantial improvement in the quality of education to enable all children to achieve essential levels of learning.**

3.4 Scope of the present Report

3.4.1 The present report aims at making a holistic assessment of the prevailing situation in the sphere of educational development of Scheduled Tribes in the country. In this context, a number of important Centrally Sponsored Scheme and Central Sector Schemes concerning the educational development of Scheduled Tribes or having a bearing on this issue are being discussed in this report. Data on the on-going schemes/programmes being run by the State Governments for the educational development of STs has also been collected and analysed. The position about the States of Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Karnataka, Madhya Pradesh, Manipur, Orissa, Rajasthan, Sikkim, Uttar Pradesh and West Bengal has been given in the 2nd Report of the Commission for the year 2006-07. The States being covered in this report are Assam, Jammu & Kashmir, Jharkhand, Kerala, Gujarat and Maharashtra. It was proposed to cover the States of Tamil Nadu, Bihar and Tripura also, but the requisite material was not received from them despite reminders from the Commission. The report also contains some important recommendations aimed at accelerating the pace of educational development of Scheduled Tribes.

3.5 Literacy Scenario

3.5.1 Literacy has been recognised as a pre-requisite for development of society. Literacy is also the first rung of the educational ladder. Literacy provides an individual the opportunity to join the educational mainstream and is key to empowerment. Eradication of illiteracy has thus been one of the national concerns since independence. With a view to accelerating the efforts towards increasing literacy levels of all sections of the society, the National Literacy Mission (NLM) was set up by the Central Govt. in 1988. The initial target before the NLM to make 80 million persons literate by 1995 was later enhanced to 100 million literate persons by 1997. The target for the Tenth Plan was to achieve a threshold level of 75% literacy by 2007. The dominant strategy under the NLM was 'Total Literacy Campaign'. These efforts yielded positive results as reflected by 2001 Census figures summarized in the Table below: -

Literacy Rates						
Census	Total Population			ST Population		
	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1971	39.45%	18.69%	29.45%	17.63%	4.85%	11.30%

(1)	(2)	(3)	(4)	(5)	(6)	(7)
1981	46.29%	24.82%	36.25%	24.52%	8.04%	16.35%
1991	64.13%	39.29%	52.21%	40.65%	18.19%	29.60%
2001	75.85%	54.16%	65.38%	59.00%	34.42%	46.84%

3.5.2 It would be observed from the above Table that the general literacy increased by 13.17% during the decade from 1991 to 2001 as it rose from 52.21% in 1991 to 65.38% in 2001 (with male literacy being 75.65% and female literacy being 54.16%). Significantly, there has been marked improvement in the literacy rate of the Scheduled Tribes. The literacy among the STs went up by 17.24% (as compared to 13.17% increase in overall literacy) as the literacy of the STs increased from 29.60% in 1991 to 46.84% in 2001. There is, however, a wide gap of 18.54% between the overall literacy rate of the country as a whole and the literacy rate of STs. The gap between the male literacy of the general population and ST population is 16.85% whereas it is 19.74% in the case of female literacy.

3.6 Programmes/ Schemes for Educational Development of STs

3.6. The above trends in the literacy rates of tribal population are the primary indicators that much more efforts and affirmative action are needed for the educational development of STs in the country. Special attention is required for increasing the female literacy rate of ST population as the increase in female literacy of STs is slower compared to the increase in male literacy. The Central Government and the State Governments have embarked upon a number of programmes/schemes aiming at the rapid educational development of STs.

3.6.1 Sarva Shiksha Abhiyan

3.6.1.1 The Sarva Shiksha Abhiyan (SSA) was launched as a Flagship Programme of Govt. of India in 2001 to achieve the goal of Universal Elementary Education through a time-bound integrated approach, in partnership with State and local bodies. With a focus on decentralised planning and community ownership, SSA aims at providing useful and relevant education to all children in the 6-14 age group by 2010. It is also an attempt to provide an opportunity for improving human capabilities of all children (6-14 age group), through provision of community – owned quality education in a mission mode. The funding pattern for SSA was on a 85:15 sharing arrangement basis between the Central Govt. and the State Governments during the Ninth Plan, 75:25 during the Tenth Plan and 50:50 thereafter. The main goals of the SSA are detailed below:

- (i) All children in school, Education Guarantee Centre, Alternate School, 'Back-to-School' camp by 2005.
- (ii) Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010.
- (iii) Universal retention by 2010.
- (iv) Focus on elementary education of satisfactory quality with emphasis on education for life.

3.6.1.2 Taking into account the need for accelerated efforts for the desired growth in female literacy, SSA promotes girls' education to equalize educational opportunities. A strategic shift has been made in education planning, to target low female literacy pockets and reduce gender parity. Special efforts to bring the out-of-school girls, especially from the disadvantaged sections like SCs/STs, to the school is a focused strategy. Over 3000 Blocks with low female literacy and higher gender gap called Educationally Backward Blocks (EBB) have been identified to focus on girls' education.

3.6.1.3 In 2001, there were 14 million tribal children enrolled in elementary schools as against 20.24 million in the 6-14 years age group. The cohort drop out rates among tribal children was as high as 52.3% for primary and 69.5 for upper primary. The two main issues in education of tribal children that emerged were inadequate physical access and socio-cultural differences which came in the way of their participation in schooling.

3.6.1.4 The Seventh All-India Educational Survey, 2002 indicated that a total of 80 percent of tribal habitations have schools within/ less than 1 km radius at primary level. Similarly, at upper primary level a total of 67 percent habitations have been provided upper primary school within a radius of 3 Km. Thus for 20% of the habitations at the primary stage and 33% at the upper primary stage, access was still an issue.

3.6.1.5 In the first phase of SSA (2001 to 2006), the above issues were addressed with the opening of 1,33,000 primary schools and 1,06,000 upper primary schools. Most of these schools have been provided to unserved habitations. Apart from the schools, about 1,00,000 Education Guarantee Scheme (EGS) Centres are providing education in un-served habitations. Also, taking into account the specific circumstances in which tribals live, the norms for establishing primary schools have been relaxed to suit the tribal areas so as to improve access to education.

3.6.1.6 SSA targets geographical areas in districts and blocks with predominance of SC, ST, OBC and minority population in the matter of allocation of funds and school infrastructure. 369 such districts have been identified as special focus districts for targetted interventions under SSA, which include 106 districts with high ST population Table below shows the allocation for school infrastructure in these districts.

School Infrastructure allocations to Special Focus Districts (2007-08) in SSA

(Rs. in lakh)

	Total SSA Sanctions	In Focus districts	Spl. Focus districts	% age in Spl. Focus districts
Primary Schools	18155	11645		64%
Upper Primary School	15338	9958		65%
Classrooms	133468	94257		71%
Teachers	122849	97231		79%

Source: Annual Report 2007-08, Ministry of HRD.

3.6.1.7 The following are the main components of SSA which are contributing significantly towards the growth of school education among the children of weaker sections including the tribal children:

3.6.2 Education Guarantee Scheme (EGS) and Alternative & Innovative Education (AIE).

3.6.2.1 The above scheme is one of the most important schemes under SSA. Under EGS Centres educational facilities are set up in habitations not having a primary school within a distance of 1 KM. Any habitation having 25 out of school children in the 6-14 age group (15 in the case of hilly and desert areas and tribal hamlets) is eligible to have one EGS Centre. The EGS Centres are managed by local community bodies. The EGS Centre is a transitory facility till a primary school replaces it in two years.

3.6.2.2 The AIE component of the scheme is mainly aimed at taking care of the children who cannot be directly enrolled in a school/EGS Centre. The strategies under this component include residential and non-residential bridge courses, back to school camps, seasonal hostels, drop-in-centres and other alternative schools. AIE has been more beneficial to the older age group (11-14 years) never enrolled or dropout children, children who migrate seasonally with their families, street and other deprived urban children, working children and other vulnerable children in difficult circumstances.

3.6.2.3 An amount of Rs.1535/- per annum per child is spent for a primary EGS Centre whereas the amount is Rs.2960/- per child per annum for an Upper Primary EGS Centre. Under AIE, the amount spent for non-residential and residential centres is Rs.3000/- per child per annum and Rs.6800/- per child per annum respectively.

3.6.2.4 As many as 95493 EGS Centres had been upgraded to primary schools till December, 2007 and 7.1 lakh children were enrolled in 18268 EGS centres during 2007-08 (till December, 2007). A total of 1665977 children had been enrolled in 58392 AIE centres till December 2007. During the years 2007-08, 3497 residential bridge course centres were opened and another 7367 centres were opened for urban deprived children and for the children belonging to migrating families.

3.6.3 National Programme for Education of Girls at Elementary Level (NPEGEL)

3.6.3.1 The NPEGEL was launched by the Ministry of HRD in September, 2003 and it is an integral but distinct component of the Sarva Shiksha Abhiyan (SSA). The educationally backward blocks (EBBs) have been targetted under the programme where girls who are both in and out of school have been covered. The out of school girls include the never enrolled and dropout girls. It has additional provisions for enhancing the education of underprivileged/disadvantaged girls at elementary level through more intense community mobilisation, development of

schools in clusters, gender sensitisation of teachers, development of gender sensitive learning materials, early child care and education facilities and provisions of need based incentives like escorts, stationery, work books and uniforms etc. for girls.

3.6.3.2 The Ministry of HRD had allocated funds of Rs.653.93 crores, 686.54 crores and Rs.813.36 crores for this Scheme during the years 2004-05, 2005-06 and 2006-07 respectively.

3.6.3.3 The following are the main achievements under NPEGEL upto the year 2007-08:-

- (i) A total of 3272 EBBs and 40171 clusters covered under the scheme.
- (ii) 35254 Model Cluster Schools developed.
- (iii) Over 50,000 Early Childhood Care and Education (ECCE) Centres are being supported in non-ICDS areas to help free the girls from sibling care responsibilities, in order to attend schools.
- (iv) 3.54 lakh Anganwadi Centres strengthened with play kits and training of workers, etc.
- (v) 24394 additional rooms constructed for being used as space for bridge courses, teacher training and skill building activities for girls.
- (vi) 9.67 lakh girls benefitted through remedial teaching.
- (vii) 1.97 lakh teachers gender sensitised in EBBs.
- (viii) Free uniforms provided to 2.00 crore girls in EBBs.
- (ix) 1,53,324 girls benefitted through bridge courses.

Source: Annual Report 2007-08, Ministry of HRD.

3.6.4 Kasturba Gandhi Balika Vidyalaya (KGBV)

3.6.4.1 The Kasturba Gandhi Balika Vidyalaya (KGBV) Scheme was launched by the Govt. of India in July, 2004 for setting up residential schools at upper primary level for girls belonging to SC, ST, OBC and minority communities in Educationally Backward Blocks (EBBs) having high gender gaps and low female literacy. The scheme targets areas of scattered habitations, where schools are at great distances and are a challenge to the security of girls. In KGBVs, 75% seats are reserved for SC, ST, OBC and minority girls and for the remaining 25% seats priority is given to BPL girls. This scheme has been merged with the Sarva Shiksha Abhiyan (SSA) w.e.f. 01-04-2007. A total of 2180 KGBVs have been sanctioned under the scheme upto 2007-08 out of which 1819 KGBVs were reported to be operational in the States. 583 KGBVs have been set up in ST concentration blocks which directly benefit the tribal girls. Out of the total enrolment of 1,25,248 girls, 32% girls belong to STs. Girls of KGBVs are trained in different vocational and life skills. A Craft Teacher is appointed on a part time basis. Services of local resource persons are also hired to impart specific skills.

3.6.4.2 The Commission recommends that the number of Kasturba Gandhi Balika Vidyalayas in ST concentration blocks should be increased so that the ST girls are not required to join the schools in non-ST blocks. This will substantially increase the number of ST girls in Kasturba Gandhi Balika Vidyalayas.

3.6.5 National Programme of Nutritional Support to Primary Education (NP-NSPE)

3.6.5.1 The National Programme of Nutritional Support to Primary Education (NP-NSPE) popularly launched as a Centrally Sponsored Scheme on 15 August 1995 with a view to enhancing enrollment, retention and attendance and simultaneously improving nutritional level among the children studying in Classes I to V in schools. The scheme was extended in 2002 to cover the children studying in EGS and AIE Centres also. The Central assistance under the scheme consisted of free supply of food grains and subsidy for transportation of food grains from FCI Depots. In September 2004 the scheme was revised to provide cooked mid-day meal to all children covered under the scheme. The scheme has since been extended to the children of Classes VI to VIII also. The main objectives of the scheme are as under:

- (i) Improving the nutritional status of children in classes I – VIII in Government, Local Body and Government aided schools, and EGS and AIE centres.
- (ii) Encouraging poor children belonging to disadvantaged sections to attend school more regularly and help them concentrate on classroom activities.
- (iii) Providing nutritional support to children of primary stage in drought-affected areas during summer vacation.

3.6.5.2 With a view to achieving the above objectives, mid-day-meal with the following nutritional content is provided to all eligible children:-

Components	Primary Classes	Upper Primary Classes
Calories	450	700
Protein	12gms.	20gms.
Micro-nutrients	Adequate quantities of micro-nutrients like Iron, Folic Acid and Vitamin-A.	

Source: Annual Report 2007-08, Ministry of HRD.

3.6.5.3 The Central Govt. provides the assistance to States by way of (i) supply of free food grains@100 gm. per child per school day for primary classes and @150 gm. per child per school day for upper primary classes, (ii) reimbursement of the actual transportation cost from the nearby FCI godown to school subject to specific ceilings, (iii) bearing the cooking cost at specified rates, (iv) providing cooked mid-day meal during summer vacations to school children in drought affected areas, (v) constructing kitchen-cum-store and for provisioning and replacement of kitchen devices in a phased manner, and (vi) Management, Monitoring & Evaluation (MME) of the scheme.

3.6.5.4 A sum of Rs.7324 crores was provided for this scheme in the Union Budget 2007-08 which was 37% higher than the budget for 2006-07.

3.6.5.5 The Commission would recommend that the Central assistance for cooked mid-day meal during summer vacations to school children in drought affected areas should be extended to the children in tribal areas as about 60% or more ST children are undernourished in the States like Gujarat, Himachal Pradesh, Karnataka, Kerala, Andhra Pradesh, Madhya Pradesh and Maharashtra.

3.6.6 Mahila Samakhya (MS)

3.6.6.1 This scheme was started in 1989 to translate the goals enshrined in the National Policy on Education into a concrete programme for the education and empowerment of women in rural areas particularly those from socially and economically marginalized groups. The critical focus within MS is the centrality of education in empowering women to achieve equality. The scheme is being implemented in nine States viz. Andhra Pradesh, Assam, Bihar, Jharkhand, Karnataka, Kerala, Gujarat, Uttar Pradesh and Uttarakhand. It is also being extended to Madhya Pradesh and Chhattisgarh.

3.6.6.2 It is a women's empowerment project, which does not aim at service delivery but seeks to bring about a change in women's perception about themselves and that of society in regard to women's traditional roles. The main thrust of the programme is to mobilize village women particularly from the most disadvantaged sections of society. Participation of SC and ST women is very large in the programme which has taken up issues like water, health, economic activities and social violence. The most important outcome of the scheme is that **a demand for female literacy has been generated**. 75 KGBVs are being run by MS Societies. These Societies are also implementing NEPGEL in 1295 Clusters for direct support to girls' education in Educationally Backward Blocks.

3.6.7 District Primary Education Programme (DPEP)

3.6.7.1 The Scheme was launched in 1994 as a Centrally Sponsored Scheme with a view to revitalize the primary education system and to achieve the objective of universalisation of Primary Education. The major objective of the scheme are to (i) reduce drop-out rate, (ii) reduce gender and social disparities in the areas of enrolment, learning achievement, etc. and (iii) improve the level of learning achievement. Adopting an area specific approach with district as the unit of planning, the key strategies of the programme have been to retain the context and sensitivity to local conditions and ensuring full participation of the community.

3.6.7.2 DPEP is an externally aided project for which 85% of the project cost is met by the Govt. of India and the remaining 15% by the concerned State Govt. At its peak, the programme was operational in 273 districts in 18 States. At present it is operational only in Orissa and Rajasthan covering 17 districts.

3.6.8 Impact of SSA

3.6.8.1 The General Enrolment Ratio (GER) and the Drop-out Rate are the most important indicators for measuring the growth of education. The following Tables

furnish the data relating to GER and Dropout Rate for the years from 2001-02 to 2006-07.

(A) Gross Enrolment Ratio (GER)

	Primary						Upper Primary					
	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
Boys	106.9	104.8	94.66	128.1	131.4	134.27	82.1	55.0	84.0	73.9	77.76	80.22
Girls	85.1	92.3	87.77	115.5	121.12	123.83	57.3	40.8	66.62	59.5	65.12	68.22
Total ST	96.3	98.7	91.37	121.9	126.36	129.15	70.3	48.2	75.76	67.0	71.68	74.44
Over All	96.3	95.39	98.31	107.8	109.4	111.24	60.2	60.99	62.49	69.93	73.4	73.63

Source: SES 2006-07

(B) Drop-out Rates

	Primary (%)						Elementary (%)					
	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
Boys	51.0	50.8	49.1	42.6	40.3	30.64	67.3	66.9	69.0	65.0	62.76	51.56
Girls	54.1	52.1	48.7	42.0	39.3	35.88	72.7	71.2	71.4	67.1	63.20	54.98
Total ST	52.3	51.4	48.9	42.3	39.8	33.26	69.5	68.7	70.1	65.9	62.95	53.27
All	39.03	34.89	31.36	29.0	25.47	25.43	54.6	52.79	52.32	50.84	48.71	46.03

Source: SES 2006-07

3.6.8.2 It would be observed from the Tables above that the GER of ST students at primary level has increased by 32.85 percentage points during the period from 2001-02 to 2006-07 whereas GER in respect of the population as a whole has increased by 14.94 percentage points. Also, the GER for ST students for Primary level was much higher at 129.15 as against the GER of the population as a whole which was 111.24 only during 2006-07. Similarly, GER of ST students for Upper Primary level during 2006-07 was 74.44 as against the GER of the population as a whole which was 73.63 during that year.

3.6.8.3 In so far as the drop-out rate is concerned, it would be observed from the Table above that the drop-out rate for STs is declining at a faster pace as compared to the drop-out rate of the population as a whole. However, a lot more is required to be done for further reducing the dropout rate of STs as there is still a gap of 7.83 percentage points at primary level and 7.24 percentage points at upper primary level between the national average and the ST drop-out rate.

3.6.8.4 The Commission would recommend that the following measures should be taken to ensure that the GER of ST students at upper primary level continues to increase and the dropout rate is reduced and brought at par with the national average:-

- (i) **Special awareness programmes should be launched in the tribal areas to explain the importance of education to the tribal**

parents to motivate them to send their children to schools. Assistance of NGOs and Social Activists would be extremely useful in conducting the awareness programmes.

- (ii) Vacant posts of teachers in primary schools in the tribal areas should be filled up through Special Recruitment Drives. It should be ensured that there are no single teacher schools in these areas.
- (iii) Local persons from the tribal areas should be given preference in appointment of primary teacher in these areas. Teachers having knowledge of local languages/dialect should be given financial incentives. Teachers working in hilly tribal areas may be given special incentive on the pattern of Protsahan Bhatta @ 15% given by Maharashtra Government.
- (iv) More and more Ashram Schools and Girl Hostels should be set up in the tribal areas as these schools/hostels are significantly contributing towards the spread of education among STs.
- (v) A National Scheme of Monetary Incentives for tribal parents should be launched to ensure that the pursuit of education by tribal children is not considered as economic loss to the family.
- (vi) The implementation of the Mid-day Meal Scheme, particularly in the tribal areas should be closely monitored to ensure that the quality of food items served to the children is upto the mark.

3.7 Other schemes/programmes

3.7.1 Apart from the Schemes/Programmes discussed in the preceding paragraphs which relate mainly to the field of Elementary Education, the following are some of the important interventions of the Ministry of HRD through some apex national level bodies and Centrally Sponsored Schemes which have crucial bearing on the educational development of the weaker sections including the STs at Secondary Education and Higher Education levels :-

3.7.1 Scheme for Universalisation of Access to and Improvement of Quality of Secondary Education:

3.6.9.1.1 The Govt. of India has decided to implement this scheme as a new initiative during the 11th Five Year Plan. This will be an umbrella scheme under which several on-going schemes of the Central Govt. in the Secondary Education section will be merged with and/ or further strengthened. This scheme, inter-alia, has a provision for extra support for education of girls, rural children and students belonging to SC/ST, minority and other weaker sections of society. The major targets of the scheme are (i) universal access of secondary level education to all students in the age group of 15-16 years by 2017, and (ii) universal retention by 2020. Main strategies for implementing the scheme will be (a) provision of a secondary school within a radius of 5Kms. of every habitation, (b) special incentives for girl students and the students belonging to SC/ST/minorities/other weaker sections, (c) and improving quality of education through construction of science labs, computer labs and libraries, in-service training for teachers, curricular reforms, co-curricular activities, etc.

3.7.2 Scheme for Strengthening of Boarding and Hostel facilities for Girl Students of Secondary and Higher Secondary Schemes.

3.7.2.1 The Scheme is under implementation since 1993-94. It provides for financial assistance to voluntary organisations for running hostels for girl students for classes VI to XII. Recurring grant of Rs.10,000/- per students per year and one time non-recurring grant of Rs.3000/- per student are provided under the scheme. A revised scheme with the objective to set up one hostel in every Educationally Backward Block (EBB) will be implemented during the 11th Five Year Plan.

3.7.3 Kendriya Vidyalaya Sangathan (KVS)

3.7.3.1 The scheme of Kendriya Vidyalaya Sangathan (KVS) was approved by the Government of India in November 1962 for the wards of the transferable Central Government employees. During the academic session 1963-64, initially 20 regimental schools were taken over as Central Schools. The number of Central Schools up to the session 2007-08 has gone up to 979 functional schools including 3 schools abroad one each at Kathmandu, Moscow and Tehran. 44 Central Schools (KVs) are running in double shift. The basic criterion for admission in Class-I is the transferability of the parent during the last 7 years. Thereafter, the children of non-transferable Central Government employee, transferable and non-transferable employees of PSUs, State Government transferable employees and the wards of the floating population are also considered for admission if seats are available. There is a reservation of 15% for SCs and 7.5% for STs for admission at the initial stage. No tuition fee from class I to XII is charged from SC/ST students. As on 31-08-2006, a total of 9,49,453 students were studying in KVs.

3.7.4 Navodaya Vidyalaya Samiti (NVS)

3.7.4.1 During the year 1986, the Government of India launched a scheme to establish, on an average, one Jawahar Navodaya Vidyalaya (JNV) in each district in the country. One of the main objective of the scheme is to provide good quality modern education to talented children in rural areas. 75% seats are reserved for the students belonging to rural areas. The scheme also provides a proportionate representation of SC/ST population subject to minimum national average. Also 33% of total seats are reserved for girls. A total of 1,96,388 students were on the rolls of Navodaya Vidyalayas as on 30-09-2007.

3.7.5 National Institute of Open Schooling (NIOS)

3.7.5.1 The Open Schooling programme initially started as a Project in 1979 by the Central Board of Secondary Education (CBSE) has since become an independent system of education in India. The National Institute of Open Schooling (NIOS) has approximately 1.5 million learners and it has emerged as the largest Open Schooling Organization in the world. It offers Open and Distance Education ranging from Basic Education to Senior Secondary Education and a large number of Vocational Educational Courses. NIOS offers to the interested learner the following Courses/Programmes of study:-

- (i) Open Basic Education (OBE) Programme for children (upto 14 years) and for adolescents and adults at A, B, and C levels that are equivalent to classes III, V, and VIII of the formal School System.
- (ii) Secondary Education Courses.
- (iii) Senior Secondary Education Courses.
- (iv) Vocational Educational Courses/Programmes.
- (v) Life Enrichment Programmes.

3.7.5.2 The SC/ST students under NIOS are given concession in admission fees to the extent of Rs.200/- for bridge courses, Rs.250/- for secondary courses and Rs.300/- for senior secondary courses.

3.7.6 National Literacy Mission (NLM)

3.7.6.1 It aims at imparting functional literacy to adult illiterates in the age group of 15-35 years. Basic literacy to non-literate is imparted through Total Literacy Campaign (TLC) which is followed by Post Literacy Programme (PLP) and thereafter Continuing Education Programme (CEP) for providing life-long educational opportunities. About 120.39 million persons in the country have been benefitted under the programme out of which approximately 60% are women while 22% and 12% of the beneficiaries belong to SC and ST respectively. In tribal districts funding by the Central Government and States for TLC/PLP projects is in the ration of 4:1 as against 2:1 for general districts. Special attention has been given to preparing Primers in Tribal dialects.

3.7.7 Jan Shikshan Sansthan (JSS)

3.7.7.1 This is an adult education programme aimed at improving the vocational skill and quality of life of the beneficiaries. It targets the neo-literates, semi-literates, SCs, STs women and girls, slum dwellers and migrant workers for educational, vocational and occupational development. During the year 2006-07, there were 221 JSSs in the country and about 380 vocational programmes of varying durations were being run under JSSs.

3.7.8 Central Institute of Indian Languages (CIIL)

3.7.8.1 The Central Institute of Indian Languages (CIIL), Mysore has a scheme of development of Indian languages through research, developing manpower and production of materials in modern Indian Languages including **tribal languages**. The Institute has worked in more than 90 tribal and border languages.

3.7.9 National Merit Scholarship Scheme (NMSS)

3.7.9.1 The National Merit Scholarship Scheme (NMSS) provides support to talented students and encourages them to excel academically in studies by giving recognition and financial assistance at post-matric level on State-wise merit basis and also separately to talented and meritorious students in rural areas for classes IX and X. The revised rate of scholarship varies from Rs.250/- to Rs.750/- p.m.

depending on the level of education and courses of study. The scheme is implemented through State Governments.

3.7.10 National Council of Educational Research & Training (NCERT)

3.7.10.1 It is an apex resource organization to assist and advise the Central and State Governments on academic matters related to school education. Its functions cover almost all aspects of school education including early Childhood Care and Education, Universalisation of Elementary Education, Education of Groups with special needs such as SC/ST; Minority; Girls, Physically Challenged, Teachers' Education etc. Its main focus areas are development of textbooks, workbooks, teacher guides, supplementary reading materials, evaluation of textbooks, vocational education, education technology, examination reforms, support to Sarva Shiksha Abhiyan and education of educationally disadvantaged groups.

3.7.10.2 Conducting research and disseminating the finding on various problems/issues relating to education of the children belonging to disadvantaged groups is a continuous and regular activity of NCERT. A Study titled "Load of Non-comprehension on Tribal Children as a result of Curricular Practices, viz. Non-contextualization, Medium of Instruction and Teaching –Learning Practices" was taken up during 2006-07 in the states of Rajasthan, Maharashtra, Meghalaya, Orissa, Chhattisgarh and Andhra Pradesh. Also, a Capacity Building Programme for Teachers with a Focus on Multilingual Education in Tribal Context was undertaken in Jharkhand and Madhya Pradesh during 2006-07. Based on the findings of the programmes, a training was organised in Jharkhand in which 30 teachers participated. Similar training was proposed to be organised for the teachers of Madhya Pradesh.

3.7.10.3 NCERT also operates the National Talent Search Scheme for pursuing courses in science upto doctoral level and in professional courses like medicine and engineering upto second-degree level subject to fulfillment of conditions. Out of 1000 scholarships, 150 scholarships are reserved for SCs and 75 for STs.

3.7.10.4 NCERT has emphasized in the Curriculum Framework, 2005 (NCF) that language and culture are important to children's learning. In pursuance of this policy statement of NCERT, a number of initiatives have been taken under SSA for education of ST children. A list of such initiatives in the States of Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Jharkhand, Kerala, Manipur, Orissa and West Bengal may be seen at **ANNEXURE 3.I**

3.7.11 National University of Educational Planning and Administration (NUEPA)

3.7.11.1 One of the area of major concerns of NUEPA is the Educational Development of SCs and STs. It carries out studies, seminars, symposiums, etc. and evaluates ongoing programmes including the programmes and schemes for SCs and STs. It also generates material for educational institutions.

3.7.12 University Grants Commission

3.7.12.1 In the field of higher education, the University Grants Commission (UGC) is implementing the following important schemes/programmes/policies for the benefit of weaker sections including the STs:-

- (a) With a view to contributing towards social equity and socio-economic mobility of the under-privileged sections of society, UGC runs the Remedial Coaching Scheme at UG/PG level for the SC/ST students. The main aim of the scheme is to improve the academic skills and linguistic proficiency of SC/ST students to prepare them for the National Eligibility Test (NET) conducted by UGC/CSIR. The scheme also covers entrance examinations/tests for admission to Medical and Engineering Colleges.
- (b) Apart from reservation of seats for various courses, UGC guidelines provide for relaxation in qualifying marks for admission of SC/ST candidates.
- (c) UGC provides assistance to Universities/Deemed Universities for establishing **Special SC/ST Cells** to ensure effective implementation of reservation policy for SCs/STs in admission and recruitment. 123 SC/ST Cells had been established upto the academic year 2007-08.
- (d) Reservation to the extent of 15% for SCs and 7.5% for STs is provided in admission by the higher educational institutions administrated by the Central Government including IITs, IIMs, Regional Engineering Colleges, etc. Apart from reservations, there is relaxation in minimum qualifying marks for admission and seats are reserved in hostels for SC/ST students. Reservation percentages vary in the institutions run by the State Governments as per their policies.

3.7.12.2 The following facilities are provided to SCs & STs in Joint Entrance Examination conducted by IITs:-

- (i) 15% and 7.5% reservation for SCs & STs respectively.
- (ii) Reduced cost of application form and relaxation in qualifying norms.
- (iii) SC/ST candidates called for Counselling are paid single second class rail fare.
- (iv) All SC/ST candidates admitted to IIT, BHU are exempted from payment of tuition fees. In addition, SC/ST students are granted free mess and a pocket allowance of Rs.70/-p.m. subject to fulfilment of norms of parental income.
- (v) Some IITs have special Book Banks for exclusive use of SC/ST students.
- (vi) UGC has initiated a scheme of Post-Graduate Scholarships for SC/ST candidates pursuing professional courses in universities and colleges. The scholarship carries an amount of Rs.5000/-p.m. and Rs.15000/-p.m. as contingency for M.Tech. students and Rs.3000/-p.m. as scholarship amount and Rs.10000/-p.m. as contingency for Masters of Pharmacy/Masters of Management students.
- (vii) UGC provides Special Assistance to the Colleges catering to the needs of marginalized groups. Funds for development of Colleges situated in the backward rural/hilly areas are also released by UGC for removing or reducing disparities and regional imbalances.

3.7.12.3 The enrolment of STs in the higher education sphere has increased from 3.41 lakh students in 2002-03 to 7.01 lakh students during 2006-07.

3.8 Reservation for STs in Minority Educational Institutions

3.8.1 A number of Minority Educational Institutions have come into existence in various parts of the country. It is difficult for the ST/SC students to get admission in these institutions as the policy of reservation for SCs/STs is not applicable to these institutions as per the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006. The difficulty is more pronounced in the case of ST students as most of them belong to remote areas and cannot afford to get quality coaching for securing admission to these institutes by competing with the students of more forward communities. There is therefore urgent need for review of the provisions of Central Educational Institutions (Reservation in Admission) Act, 2006. **The Commission accordingly recommends that the Ministry of HRD and the Ministry of Minority Affairs should consider suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 to ensure that reservation for STs is made applicable in admissions to Govt. run educational institutions which have been granted minority status.**

3.9 Special Educational schemes/programmes run by MTA

3.9.1 Beside the Ministry of Human Resource Development, a number of schemes/ programmes for the educational development of STs are being run by the Ministry of Tribal Affairs also, which have been contributing towards educational development of STs in a significant manner. These schemes have been discussed in detail in the 1st Report of the Commission. Important features of the schemes are given below scheme-wise:-

3.9.1 Establishment of Ashram Schools in TSP Areas

3.9.1.1 The main objective of the scheme is to promote and extend educational facilities in tribal areas on the pattern of old Gurukul type of education. It covers all TSP areas spread over 21 States and 2 UTs. The scheme has been revised w.e.f. 01-04-2008. The details of grants-in-aid released to States/UTs and the physical achievements thereunder during the years 2004-05 to 2007-08 are given in the statement at **ANNEXURE 3.II**. The position is summarized in the Table below:-

Year	Amount (in Lakhs)	Schools	Seats
2004-05	550.00	38	4560
2005-06	600.00	10	1250
2006-07	1550.00	11	415
2007-08	2000.00	97	16839

Source: Annual Report 2007-08 and other Material from Ministry of Tribal Affairs.

3.9.1.2 It has been observed that out of the total grant of Rs.1550.00 lakh for the year 2006-07, an amount of Rs.426.71 lakh was released upto 31-12-2006. Similarly, in the year 2007-08 out of total grant of Rs.2000.00 lakh, an amount of Rs.373.81 only was released upto 31-12-2007. **The Commission would advise**

the Ministry of Tribal Affairs to look into this inconsistency and monitor the scheme closely to ensure that funds are released as early as possible so that the scheme is implemented effectively and more and more schools are sanctioned under it as these schools are proving to be very useful for the educational development of STs.

3.9.2 Scheme for Construction of Hostels for ST Girls and Boys:

3.9.2.1 The objective of the scheme is to promote literacy among tribal students by providing hostel accommodation to the students who are unable to continue their education because of poor economic condition and remote location of their villages. The scheme is not area-specific and covers the entire ST population in the country. It is a centrally sponsored scheme on a cost-sharing basis between the Centre and the States on 50:50 basis but central support is 100% for UTs. The scheme has been revised w.e.f. 01-04-2008.

3.9.2.2 The details of grant-in-aid released to States/UTs under the scheme and the number of hostels sanctioned and their capacity during the years from 2003-04 to 2007-08 are given in the Table below:-

Year	Amount (Rs. in Lakhs)	Hostels	Seats
2004-05	1300.00	33	2065
2005-06	1565.00	15	820
2006-07	2810.91	114	6178
2007-08	3700.00	314	28146

Source: Annual Report 2007-08 and other Material from MTA.

3.9.2.3 It would be observed that there has been continual increase in the grant released by the Ministry of Tribal Affairs for the above scheme during the years from 2004-05 to 2007-08. It has, however, been noticed that there is no uniformity in the amount of grant for various quarters which is clear from the fact that out of the total grant of Rs.2810.91 lakhs for the year 2006-07, an amount of Rs.1706.68 lakhs was released in the last quarter of the year. Similarly, out of total grant of Rs.1565.00 lakhs released during the year 2005-06, an amount of Rs.572.90 lakhs was released only during the last month of the year. The release of large amount during the last quarter/month creates problems for the State Governments and sometimes substantial amounts remain unutilized. **The Commission would therefore recommend that the Ministry of Tribal Affairs should streamline the procedure for release of grants to ensure steady release of grants during all the quarters in the year to enable the States to properly utilise the same.** A statement showing the details of grants-in-aid released to State/UTs during the years 2004-05 to 2007-08 has been given at **ANNEXURE 3.III**

3.9.3 Post Matric-Scholarships Scheme

3.9.3.1 The Scheme is being run with the objective to provide financial assistance to the ST students at post-matriculation levels to enable them to complete their school education. The States/UTs receive 100% assistance from the Ministry over

and above their committed liability. The North-Eastern States have however been exempted from meeting the committed liability and the entire expenditure in respect of these States is borne by the Ministry. Details of grants-in-aid released to the States/UTs and the number of beneficiaries under the scheme during the years 2004-05 to 2007-08 may be seen at **ANNEXURE 3.IV**. The years-wise position for the country as a whole during the above years is summarized in the Table below:

(Rs. in Lakh)		
Year	Amount	Beneficiaries
2004-05	10,137.71	7,86,015
2005-06	21,018.09	8,18,005
2006-07	25,503.41	10,10,776
2007-08	20,003.45	10,41,423

Source: Annual Report 2007-08 and other material from MTA.

3.9.3.2 The PMS Scheme was started during 1994-95 and has since contributed a lot in providing financial assistance to a large number of ST students. **There is however immediate need to revise the income ceiling of parents from Rs. 1.00 lakh per annum to Rs. 2.5 lakh per annum and to increase the amount of scholarships for day scholars as well as hostel students as recommended by the Commission in its 1st Annual Report. These recommendations of the Commission assume more significance taking into account the abnormal price-rise in the country. The Commission would also reiterate the recommendations made in the 1st Annual Report advising for the due publicity of the scheme among tribal parents and timely release of funds by the Ministry of Tribal Affairs and the States.**

3.9.4 Book Banks Scheme

3.9.4.1 Many ST students selected for professional courses find it difficult to continue their education for want of books on their subjects as these are often very costly. With a view to reducing the drop out rate of ST students from professional courses, funds are provided for purchase of books under this scheme. This is a centrally sponsored scheme under which expenditure is shared between Centre and the States on 50:50 basis. However, UTs receive 100% grants from the Ministry of Tribal Affairs. The budget allocation for the PMS Scheme also includes allocation for Book Banks Scheme and the Scheme of Upgradation of Merit.

3.9.4.2 The scheme provides for one book set for two students for Degree Courses and one book set per student for Post Graduate Courses. An independent set of books is essentially required by every student at Degree Level. **The Commission would therefore strongly recommend that separate book-set should be provided to every student for Degree level courses also.**

3.9.5 Upgradation of Merit of ST Students

3.9.5.1 The scheme is now functioning as a sub-scheme of PMS Scheme with the objective to provide remedial and special coaching to ST students in classes IX to XII, and also to provide special coaching to prepare students for entry into professional courses. 100% assistance is provided to States/UTs for implementation of the scheme. Details of grants-in-aid released to States/UTs and the number of beneficiaries under the scheme during the years 2004-05 to 2007-08 are furnished in **ANNEXURE 3.V**. The consolidated position emerges as under:-

(Rs. in Lakh)		
Year	Amount	Beneficiaries
2004-05	39.03	303
2005-06	100.00	658
2006-07	150.00	1145
2007-08	138.28	1039

Source: Annual Report 2007-08 and other Material from MTA.

3.9.5.2 This is one of the most important schemes which enable the deserving ST students to compete with other students in securing admission into professional courses which puts them on the path of educational advancement. The Commission recommends that wide publicity should be given to this scheme so that more and more students are able to avail its benefits.

3.9.6 Setting up of Educational Complexes in Low Literacy Pockets for the Development of Women's Literacy:

3.9.6.1 The scheme was introduced in 1993-94 for ST girls in low literacy pockets. The scheme was under revision during 2007-08 as per 2001 census data. Presently the scheme covers 136 districts in which female literacy, as per 1991 Census Data, was less than 10%. The scheme also covers the entire PTGs population irrespective of the percentage of female literacy. It is implemented as a Central Sector Scheme for which Ministry of Tribal Affairs provides 100% funding. The most important features of scheme, inter-alia, are: (i) the educational complexes impart not only formal education to tribal girls but also train the students in agriculture, animal husbandry, other vocations and crafts to make them economically strong, (ii) the teaching from Classes I to III is in the tribal dialects of the area (iii) women teachers with proficiency in the concerned tribal dialect are engaged as teachers, and (iv) the parents are paid an incentive of Rs.50/- per month for sending their daughters to schools.

3.9.6.2 It has been brought to the notice of the Commission by the Ministry of Tribal Affairs that norms have been revised and all districts with 35% or less ST female literacy rate with ST population of 25% or more are covered under the revised Scheme.

3.9.6.3 The year-wise allocation of funds and expenditure from 2002-03 onwards is shown below:

(Rs. in Crores)

Year	Allocation	Expenditure
2002-03	7.00	6.00
2003-04	6.00	5.74
2004-05	8.00	7.68
2005-06	6.00	6.00
2006-07	8.00	7.91
2007-08 (Upto 31-12-07)	20.00	8.71

Source: Annual Report 2007-08, Ministry of Tribal Affairs.

3.9.7 National Overseas Scholarship Scheme for Higher Studies Abroad

3.9.7.1 The scheme started as a non-plan scheme during 1954-55 has become a Plan Scheme from the year 2007-08. It is aimed at providing financial assistance to selected ST students pursuing higher studies (Master, Doctoral and Post Doctoral, Engineering, Technology and Science) only. 13 Scheduled Tribes candidates and 2 candidates belonging to PTG can be awarded the scholarship annually. Four annual "Passage Grants" are also given under the scheme to ST and PTG candidates who are in receipt of a merit scholarship for PG studies, research or training abroad from a foreign University/Government or under any other scheme, where the cost of passage is not provided.

3.9.7.2 The grants under the scheme are given to the selected candidates on 100% basis directly by the Ministry of Tribal Affairs through the Indian Mission abroad. The allocation under the scheme during the years 2005-06, 2006-07 and 2007-08 was Rs.80.00 lakhs, Rs.40.00 lakhs and Rs.1.00 Crore respectively.

3.9.8 Rajiv Gandhi National Fellowship (RGNF)

3.9.8.1 This scheme was started from the year 2005-06 with the objective of providing fellowships in the form of financial assistance to the ST students to enable them to pursue higher studies such as M. Phill. and Ph.D.. The Scheme is implemented by UGC on behalf of the Ministry of Tribal Affairs. The rate of fellowships comprising of Junior Research Fellowships and Senior Research Fellowships is at par with the UGC Fellowships. A total of 667 Fellowships are awarded every year under the scheme and there is no restriction of minimum marks in the PG Examination or prior clearance of NET examination. The allocation of funds for the years 2005-06, 2006-07 and 2007-08 under the scheme was Rs.7.95 Crores, Rs.15.90 Crores and Rs.26.00 Crores respectively and the number of beneficiaries in the year 2005-06, 2006-07 and 2007-08 was 400, 376 and 667 respectively.

3.9.9 Vocational Training in Tribal Areas

3.9.9.1 The scheme was introduced in 1992-93 with the main aim of developing the skills of the ST youth for a variety of jobs as well as self-employment and improving their socio-economic condition by enhancing their income. The capacity of each vocational training centre is 100 with hostel facility for 50 students. The Ministry of Tribal Affairs provides 100% grants under the scheme to State/UTs and other institutions/autonomous bodies/NGOs. The allocation during the 10th Plan period was Rs.67.5 Cores (Rs.33.56 crores for NGOs). The allocation for the year 2007-08 was Rs.9.00 Crores (Rs.6.75 crores for States and Rs.2.25 for NGOs).

3.9.10 Eklavya Model Residential Schools (EMRS)

3.9.10.1 It was decided during the year 1997-98 to utilise a part of the funds under Article 275(1) of the Constitution of India for setting up of 100 Model Residential Schools from Class VI to Class XII in different States with the objective of providing quality education to the tribal students. Initially 100 such schools were sanctioned in 24 States out of which 80 schools have since become operational. The Ministry of Tribal Affairs have informed vide letter dated 6 August 2009 that norms for opening of EMRS are under revision. These schools have been named as Eklavya Model Residential Schools (EMRS) and envisaged on the lines of Navodaya Vidyalayas, but with State-centred management. The guidelines provide release of funds to the tune of Rs.250.00 lakhs per EMRS for construction of building and associated infrastructure and an amount upto Rs.72.50 lakhs annually to each school to meet the recurring expenses. The annual allocation and releases made to State Governments during the Xth Plan period and first year of the XIth Plan are as shown in the Table below:

(Rs. in Crores)

Year	Allocation	Grants-in-aid Released
2002-03	300.00	300.00
2003-04	300.00	252.70
2004-05	330.00	330.00
2005-06	380.00	380.00
2006-07	400.00	400.00
2007-08 (Upto 31-12-07)	400.00	314.99

Source: Annual Report 2007-08, Ministry of Tribal Affairs.

3.9.10.2 Details of the schools sanctioned for various States, number of schools started and State-wise funds released upto 31-12-2006 under the above scheme given in **ANNEXURE 3.VI**.

3.9.10.3 The Commission recommends that the norms of opening of EMRS should be urgently reviewed by the Ministry of Tribal Affairs so that the remaining EMRS could be made operational as early as possible. The allocation of funds for this purpose may be suitably enhanced by the Ministry of Tribal Affairs.

3.9.11 Scheme of Grant-in-aid to Voluntary Organisations for the Welfare of Scheduled Tribes including Coaching and Award of Special Incentive for Improvement of Infrastructure:

3.9.11.1 The scheme was launched in 1953-54 and in the Tenth Five Year Plan it was merged with the scheme of Coaching and Special Incentive to NGOs for improvement in infrastructure under the umbrella scheme of Grants-in-aid to Voluntary Organisations. The primary objective of the scheme is to enhance the reach of welfare schemes of Government and fill the gaps in service deficient tribal areas in the sectors of education, health, drinking water, social security net, etc. The scheme is a Central Sector Scheme and the grants are provided to NGOs under a duly laid down procedure. Funds are generally provided to the extent of 90% by the Government and the NGO is expected to bear the remaining 10% balance from its own resources. The most popular projects permissible under the existing scheme include (i) residential schools (ii) non-residential schools (iii) hostels, and (iv) computer training centres.

3.9.12 Residential Schools

3.9.12.1 The Residential Schools are established by voluntary agencies at a place, village or town, which is not having a school and is also not well connected. The students are provided free lodging & board, free books/stationery, free uniforms and the cost of other incidental charges of the students is also met. An amount of Rs.10.12 crores had been released up to 31-12-2007 during the year 2007-08 to run 120 Residential Schools in 20 States.

3.9.13 Non-Residential Schools

3.9.13.1 The number of students in a school has been left open to the Voluntary Agency. Free education and mid-day meals are provided to ST boys and girls. During the year 2007-08 a sum of Rs.1.56 crores had been sanctioned to run 20 non-residential schools in 7 States.

3.9.14 Hostels

3.9.14.1 Hostel facilities are provided under this project to such tribal students who have completed their primary or middle level education from the school near their villages but are unable to pursue further education due to non availability of higher educational institutions near the villages and high accommodation cost in cities. The hostels are run in the cities and towns where good educational facilities

are available. During the year 2007-08, a sum of Rs.2.93 crores had been released upto 31-12-2007 for 43 hostels in 10 States.

3.9.15 Computer Training Centres

3.9.15.1 These Centers are run with a capacity of 30 students with a view to enhancing the knowledge of ST students in the areas of computer hardware and software programming, etc. and making them capable of obtaining employment. Ministry of Tribal Affairs also provide for financial assistance for obtaining accreditation by DOEACC. 8 computers centres being run in 6 States had been sanctioned an amount of Rs.0.16 crores upto 31-12-2007 during 2007-08.

3.9.16 Pre-Examination Coaching for Scheduled Tribes

3.9.16.1 Scheme envisages coaching of ST candidates in quality coaching institutions to enable them to appear in competitive examinations and succeed in obtaining an appropriate job under Government/Public Sector. The scheme is implemented through States/UTs, Universities and Registered Private Coaching Institutions which run Pre-Examination Coaching Centres (PECs). Efforts are however being made to shift the focus from Government run institutions to quality private coaching institutions. The funds are provided per student cost basis. While the Union Territories, Universities and Private Institutions are provided assistance to the extent of 100% on contractual basis, State run institutions are provided 80% assistance from the Ministry. The income ceiling of candidates (income of self and/or income of parents, if dependent on them) under the scheme is Rs.2.50 lakh per annum. Grants released to States/UTs and Private Institutions during the years 2003-04 to 2005-06 under the scheme are detailed in **ANNEXURE 3.VII**. The budget allocation for the scheme during the year 2007-08 was Rs.2.50 crores.

3.9.16.2 The Commission had recommended in its First Report that the selection of NGOs should be made carefully and it should be ensured that the NGO should be located in tribal areas. The Ministry of Tribal Affairs has since revised the scheme and criteria for selection of NGOs.

3.9.17 Banasthali Vidyapeeth Project

3.9.17.1 Ministry of Tribal Affairs is running a special project of financial support to Banasthali Vidyapeeth, Tonk District, Rajasthan for imparting free education to 15 tribal girls from each of the North Eastern States including Sikkim, Andaman & Nicobar Islands and Lakshadweep in disciplines of their choice and eligibility. The Ministry reimburses the cost @26,250/- per student per annum for 150 girls of these States/UTs. The financial support is continued till the student completes study at Banasthali Vidyapeeth.

3.9.18 Scheme of Top Class Education for ST Students

3.9.18.1 A new scholarship scheme of **Top Class Education for ST students** has been introduced by the Ministry of Tribal Affairs from the year 2007-08. The scheme has the objective of encouraging meritorious ST students for pursuing studies at degree and post-degree level in any of the 125 institutes approved

under the scheme in both the Government and private sectors covering the **field of management, medicine, engineering, law and commercial courses**. Five awards have been allocated to each institute with a ceiling of total 625 scholarships per year. A sum of Rs.10.00 crores had been allocated for the scheme during 2007-08 and 78 students in 22 institutes were benefitted during the year.

3.9.18.2 The following are the main features of the scheme:-

- (a) The family income of the ST students from all sources shall not exceed Rs.2.00 lakh per annum.
- (b) Scholarship will cover full tuition fee and other non-refundable dues in respect of Government/ Government funded institutions. There is however a ceiling of Rs.2.00 lakhs per annum per student for private sector institutions and Rs.3.72 lakhs per annum per student for private sector flying clubs for Commercial Pilot Training.
- (c) The scholarship also provides for (a) living expenses @Rs.2200/- per month per student subject to actual, (b) books and stationery @Rs.3000/- per annum per student, and (c) cost of a latest computer system alongwith its accessories limited to Rs.45000/- as one time assistance during the course.

3.9.18.3 The Commission supports this scheme for educational development of STs and advises the Ministry of Tribal Affairs to enhance the budget allocation under it to increase the number of beneficiaries. The scheme should also be given wide publicity through electronic and print media.

3.10 Key Issues

3.10.1 The following key issues have emerged with regard to educational development of STs:

i)	High incidence of illiteracy especially among female population and primitive tribal groups
ii)	Need for instruction in tribal dialects
iii)	Heavy drop out rate of nearly 80% in the primary education
iv)	Lack of commitment on the part of teachers
v)	Need for participation of local community in educational activities
vi)	Lack of suitable infrastructure facilities
vii)	Need for proper orientation of teachers and other administrators, about tribal life and culture.
viii)	Inadequate and untimely supply of textbooks and notebooks and inadequate provision of incentives
ix)	Lack of proper medical aid and balanced diet to the tribal students
x)	Lack of monitoring mechanism to motivate dropout tribal students for continuation of education
xi)	Lack of suitable self-employment opportunities to the educated youth and dropouts.

3.10.2 The key areas of concern and possible solution thereof were referred to the Ministry of HRD and Ministry of Tribal Affairs and concerned organisations vide Commission's letter dated 06-04-2009. The comments of Department of School Education & Literacy, Ministry of HRD were received in the Commission vide their letter, dated 29-04-2009. A meeting was held in the Commission with the Officers of Ministry of HRD and Ministry of Tribal Affairs on 30-04-2009 which was chaired by the Vice-Chairperson, NCST. It was particularly highlighted by the Commission in the meeting that, though the schemes/programmes of the Ministry of HRD are well structured with ambitious targets, there is no specific Tribal Sub Plan (TSP) component in these schemes/ programmes. It was emphasized that the salient features of TSP include preparation of plan meant for the welfare and development of tribals within the ambit of a plan/scheme as a part of the overall Annual Plan/ Five Year Plan of a Ministry/ Department. An adequate flow of funds in proportion to the ST population of a State/UT through TSP should be ensured by the Central Ministry/ Department. A copy of the record note of the proceedings of the above meetings is placed at **ANNEXURE 3.VIII**

3.10.3 The comments/ material received from the Ministry of HRD and the points emerged during discussion in the above meeting with the officers of Ministry of HRD and Ministry of Tribal Affairs have been reflected in some recommendations in the earlier paras of the chapter. **Based on the interaction held with these agencies, the Commission would make the following further recommendations on various issues relating to the educational development of STs:**

- (a) **Ministry of HRD should have a Tribal Sub Plan component in their major schemes/programmes within the ambit of a plan/scheme, as a part of their overall Annual Plan/ Five Year Plan to ensure required focus on educational development of STs.**
- (b) **The National Council of Educational Research and Training (N.C.E.R.T.) and State Council of Educational Research and Training (S.C.E.R.T), Non-Governmental Organisations (NGOs) are advised to take up preparation and induction of bi-lingual text books in first two standards wherever that particular dialect is the mother tongue of a sizeable population. N.C.E.R.T should be made responsible for the introduction of such text books in all the States and Union Territories of the country at least by the end of 11th plan period.**
- (c) **As each region of tribal areas follow their own ritual and agricultural calendar, the concerned tribal research institutes should prepare teaching calendars either region-wise or tribe-wise and furnish the same to the education department for taking necessary action.**
- (d) **The National Institutes like National Council of Educational Research and Training (N.C.E.R.T.), National University of Educational Planning and Administration (N.U.E.P.A.) and State Institutions like State Council of Educational Research and Training (S.C.E.R.T), Tribal Research Institutes (TRIs) should to regularly organise orientation courses, workshops for the teachers in the tribal areas.**

- (e) The concerned state Governments should provide the necessary infrastructural facilities such as permanent buildings, play grounds, suitable audio-video aids including Television, Radio, Tape-recorders etc. to schools.
- (f) The Tribal Welfare Departments of the States should provide transportation facilities to the doctors and other staff of Primary Health Centres to enable them to visit each educational institution in tribal areas at least once in a month for regular medical check-up of the students. The National Rural Health Mission should also be associated with this task.
- (g) The authorities concerned with the implementation of Mid-Day Meal programmes in tribal areas should take into account the locally available food material and culinary habits of the local tribals while preparing the menu cards. The services of the agencies functioning under the National Rural Health Mission should also be utilised for ensuring that food items served under the programme are hygienic and contain necessary nutrients.
- (h) Teaching-aids should be prepared based on local culture and environment. Local Tribal Folk dances, and Music-both Vocal and Instrumental, should be included in the curricular and co-curricular activities.
- (i) Progress cards are a must in the educational institutions. Below average students have to be identified and extra-coaching should be provided. The concerned district authorities should monitor the progress made in these directions.
- (j) With a view to bridging the gaps in the literacy levels between the Scheduled Tribes and the general population by the end of Eleventh Five Year Plan, adult and non-formal education should be compulsorily introduced (gender-based) in tribal villages. The reading material should be prepared with tribal bias.
- (k) Each education institution in the tribal areas should send monthly progress reports indicating results of weekly/monthly tests, syllabus covered, health conditions of the inmates etc. to the Tribal Welfare Department who should formulate the format of report and circulate to all institutions. Project Officers/ D.E.O's have to take special care of these educational institutions and send progress reports to the concerned heads of the departments.

3.11 Review of status of educational development of STs in States

3.11.1 ASSAM

3.11.1.1 Literacy

3.11.1.1.1 The literacy rate of STs in Assam is 62.52% (Male:72.34%; Female: 52.44%) which is nearly equal to the general literacy rate of the State which is

63.25% (Male: 71.28%; Female: 54.61%) and the general literacy of the country (Total : 65.38%); Male 75.85%, Female: 54.16%).

3.11.1.2 Pupil-Teacher Ratio (PTR)

3.11.1.2.1 The Pupil-Teacher Ratio in the State for the lower Primary Classes is 33 and it is 18 for the upper Primary Classes.

3.11.1.3 Gross Enrolment Ratio

3.11.1.3.1 The gross enrolment ratio in the age group of 6-10 years was 94.4% for ST boys and 94.5% for ST girls. In the age-group of 11-14 years, GER was 94.2% for ST boys and 93.8 for ST girls.

3.11.1.4 Dropout Rate

3.11.1.4.1 Drop out rates for ST Children in the age group of 6-10 years is 1.6% for boys and 1.7% for girls. In the age group of 11-14 years, the drop out rate of ST children is 2.5 % for boys and 2.6% for girls.

3.11.1.5 Post-Matric Scholarships

3.11.1.5.1 Post Matric Scholarships Scheme is being implemented in the State as a Central Sector Scheme and 100% expenditure under the Scheme is borne by the Govt. of India. The income ceiling of Rs.1,00,000/- p.a. for the grant of scholarship as laid down by the Govt. of India is being followed in the State. All the procedures as prescribed by the Govt. of India are being observed by the State Govt. The Central Assistance received during the Tenth Plan and the expenditure under the scheme is shown in the Table below:-

Year	Central Assistance received	Expenditure
2001-02	Rs.8,68,56,000/-	Rs.8,68,55,781/-
2002-03	Rs.12,75,94,065/-	Rs. Nil
2003-04	Rs. Nil	Rs.9,99,98,000/-
2004-05	Rs.1,00,00,000/-	Rs.2,75,92,000/-
2005-06	Rs.12,00,31,980	Rs.9,99,98,000/-

3.11.1.5.2 Although the funds under the above scheme are released timely by the Central Government, the concerned Directorate is not receiving the funds in time which causes difficulty in meeting the demands from the districts. **The Commission would therefore recommend that the system of releasing the funds upto the Directorate level should be strengthened and streamlined by the State Government so that the scholarship amount reaches the students in time.**

3.11.1.6 Pre-Matric Scholarship/Stipend

3.11.1.6.1 This scheme covers the ST students from Class I to Class X. The rate of scholarship is Rs.10/-P.M. for Class I to IV, Rs.15 p.m. for Class V to VII and

Rs.20/- p.m. for class VIII to X. An amount of Rs.50/- p.m. is given as hostel expenses to students residing in hostels. The income ceiling of parents under the scheme is Rs.12,000 p.a. The allocation and expenditure under the scheme for the years 2003-04, 2004-05 and 2005-06 was as under:-

Year	Allocation	Expenditure
2003-04	Rs.37.00 lakhs	Rs.36.99lakhs
2004-05	Rs.47.00 lakhs	Rs.46.96 lakhs
2005-06	Rs.47.00 lakhs.	Rs.46.99lakhs

3.11.1.7 Book Bank Scheme

3.11.1.7.1 During the year 2005-06, an amount of Rs.6.00 lakhs was received from the Govt. of India and an equal amount of Rs.6.00 lakhs was sanctioned by the State Govt. under this scheme. 140 sets of books were distributed during the year 2005-06 to the ST students of the following colleges:-

		Books	Almirahs
a)	Medical College (4 nos. of college)	Rs.5,40,000/-	Rs.96,000/-
b)	Engineering College (3 nos. of college)	Rs.4,05,000/-	Rs.72,000/-
c)	Agriculture College (1 no. of college)	Rs.63,000/-	Rs.24,000/-

3.11.1.8 Scheme of Upgradation of Merit of ST Students

3.11.1.8.1 Funds are not released under the scheme regularly as during the period from the year 2004-05 to 2006-07, a sum of Rs.18.00 lakhs (Rs.9 lakhs by Central Govt. and Rs.9.00 lakhs by State Govt.) was spent during the year **2005-06 only**. A total of 60 students (42 boys and 18 girls) were benefitted under the scheme. **The Commission recommends that the funds should be released regularly every year to ensure successful implementation of the scheme.**

3.11.1.9 Scheme for construction of Hostels for ST Boys and Girls

3.11.1.9.1 During the year 2005-06, there were 165 hostels for ST girl students in schools and 99 hostels for ST girls students in Colleges. A total of 1602 girl students were residing in these hostels. As regards ST Boys, there were 66 school hostels and 21 college hostels during 2005-06 in which a total of 521 boys were residing during that year. All these hostels (except the ST Girls Hostel at Guwahati) are within the institution premises and have been provided electricity connections. The Girls Hostels at Guwahati has been constructed separately with all facilities.

3.11.1.9.2 As reported by the State Govt. no funds for construction of hostels in the plains Districts of Assam were released by the Ministry of Tribal Affairs during 2005-06. **The Commission therefore recommends that the funds under the scheme should be released by the Ministry of Tribal Affairs on a regular basis for all the districts so that more and more hostels are constructed for the benefit of ST boys and girls.**

3.11.1.10 Vocational Training Centres

3.11.1.10.1 There are 26 Vocational Training Centres in the tribal areas in the State. A total of 1300 students (706 girls and 594 boys) were trained in these Centres during 2004-05 and number of trainees was 700 (326 girls and 374 boys) during 2005-06. During 2006-07, a total of 503 students (288 boys and 215 girls) were trained. Out of the trained students, 128 students got employment in Govt./Semi-Govt. Organisations/Companies and 1067 students were engaged in self employment.

3.11.2 GUJARAT

3.11.2.1 Literacy

3.11.2.1.1 General literacy rate in Gujarat is 69.14% (Male:79.66%; Female: 57.80%) whereas the literacy rate for ST population is 47.74% (Male: 59.18%; Female: 36.02%). The general as well as ST literacy rates in the State are higher than the general literacy rate of 65.38% (Male: 75.85%; Female: 54.16%) and ST literacy rate of 46.84% (Male: 59.00%; Female: 34.42%) at national level. The literacy rate of STs in Gujarat is comparatively low in the districts of Kutch, Porbandar, Dohad and Surendranagar where it is only 28.30%, 30.78%, 37.70% and 36.86% respectively. **More vigorous efforts are therefore required to be made by the State for increasing the literacy rates of STs in these districts.**

3.11.2.1.2 Literacy rate of Primitive Tribal Groups in Gujarat has also been steadily increasing over the years as shown in the Table below:

Year	Total Literacy Rate of PTGs	Male	Female
1981	15.27		
1991	24.81		
2000-01	26.09		
2004-05	34.21	40.13	28.07

3.11.2.2 Enrolment

3.11.2.2.1 During the year 2006-07 a total of 1691786 (boys: 996071; girls: 695715) students were enrolled in Class VIII to XII in the State out of which 318130 (boys 183372; girls 134858) belonged to STs. Pupil-Teacher Ratio in the State for these classes was 1:38 during the above year.

3.11.2.3 Dropout Rate

3.11.2.3.1 The total drop out rate of ST students for classes VIII to X in the State during the year 2006-07 was 17.00 (boys: 19.03; girls: 14.11) whereas the dropout rate of ST students for classes VIII to XII was 71.00 (boys: 71.26; girls: 70.63) during that year. It would thus be observed that the drop out rate of ST students is abnormally high in classes XI and XII. **This is a highly disturbing scenario and**

the Commission therefore recommends that the State government should take all possible measures for bringing down the drop out rate of ST students in classes XI and XII.

3.11.2.4 Educational Institutions

3.11.2.4.1 Eight Eklavya Model Schools are running in the State and 2 more such schools have been sanctioned by Govt. of India. A total of 1429 ST students (Boys: 705, Girls: 724) are studying in classes VI to X in these schools. The details of the grants released by the Govt. of India and amount allocated by the State Govt. for these schools during the years 2003-04, 2004-05, 2005-06 are as under:-

	Rs. in lakhs	
Year	Grant released by Govt. of India	Amount allocated by Govt. of Gujarat
2003-04	30.00	100.00
2004-05	40.00	130.00
2005-06	1850.00	2030.00
Total	1920.00	2260.00

3.11.2.5 Ashram Schools in TSP Areas

3.11.2.5.1 There are 112 Ashram Schools in the State at present and the construction of 35 more such schools is in progress. School-wise strength of students in these schools is 120. All the basic facilities like drinking water supply, sanitation, messing, first-aid, etc. are available in these schools. All the schools have been provided with electric connections. Adequate amount of Central Assistance and allocations from the State are being provided for these schools.

3.11.2.6 Vocational Training Centres

3.11.2.6.1 There are 13 Vocational Training Centres in tribal areas in the State. The number of students trained in these centres during 2003-04, 2004-05 and 2005-06 is shown below:-

Years	Boys	Girls	Total
2003-04	421	142	563
2004-05	557	222	779
2005-06	614	265	879

3.11.2.6.2 Sufficient number of students trained during the above years got jobs as shown below:-

Years	Boys	Girls	Total
2003-04	280	104	384
2004-05	344	130	474
2005-06	368	167	535

3.11.2.6.3 Due publicity is given about the benefits of training in the above centres through the melas, lok darbars, gramsabha and shibirs. Presently, a serial named as '**Dungre-Dungre Vikasna Vayra**' has been launched on **Akashwani**.

3.11.2.7 Scheme of setting up Educational Complexes in low literacy Pockets

3.11.2.7.1 This scheme is being run by NGOs in the Banaskantha district. During the years 2003-04, 2004-05 and 2005-06 a total of 1109 ST girls were benefitted under this scheme which included 410 girls from PTGs. As against the grant of Rs.11.00 lakhs, an expenditure of Rs.13.26 lakhs was incurred under the scheme during the year 2005-06.

3.11.2.8 Grant-in-aid to Voluntary Organisations

3.11.2.8.1 The State Govt. received Rs.122.56 lakhs during the year 2003-04, Rs.57.77 lakhs during 2004-05 and Rs.29.70 lakhs during the year 2005-06 as grant-in-aid from the Central Govt. under this scheme. NGOs receiving grant-in-aid from the Central Govt. are running 5 residential schools, 3 non-residential schools, 3 hostels in the State in which a total number of 318 tribal students were studying/residing.

3.11.2.8.2 Pre-Examination Training Centres for providing free coaching to ST students are also being run in the State under the scheme of grants-in-aid to voluntary organisations. During the years 2003-04, 2004-05 2005-06, a total of 1506 ST students were benefitted by these Centres.

3.11.2.9 Post-Matric Scholarships Scheme

3.11.2.9.1 The Scheme is being implemented in the State and all the guidelines laid down by the Govt. of India under the scheme are being followed. Details of the committed liability of the State, expenditure incurred and the Central assistance during the Tenth Plan period are given below:-

(Rs. in lakhs)				
Sr. No.	Year	Committed liability	Expenditure	Central assistance received
1.	2002-03	1362.93	997.13	0.00
2.	2003-04	1362.93	2735.36	185.27
3	2004-05	1362.93	2156.66	1324.37
.4.	2005-06	1362.93	2208.51	1335.39
5.	2006-07	1362.93	2307.89 (Anticipated)	900.08

3.11.2.10 Pre-Matric Scholarships Scheme

3.11.2.10.1 The scheme is being implemented by the State Govt. for ST students of class I to X. There is no income ceiling for the parents except for the payment of opportunity cost to students (except students from PTGs) of classes VIII to X for which income ceiling of Rs.11,000/- p.a. has been prescribed. The expenditure

incurred under the scheme during 2003-04, 2004-05 and 2005-06 was Rs.2108.29 lakhs, Rs.2681.84 lakhs and Rs.2432.13 lakhs respectively.

3.11.2.11 Upgradation of Merit of ST Students

3.11.2.11.1 A total of Rs.13.13 lakhs was received as Central Assistance during the years 2004-05, 2005-06 and 2006-07 under this scheme. An amount of Rs.6.33 lakhs was spent by the State Govt. also during this period. A total of 42 girl students were benefited under the scheme in these three years. During the year 2005-06, 12 students of 9th standard and 22 students of 10th standard were selected for special coaching under the scheme.

3.11.2.12 Scheme of Constriction of Hostels for ST Girls and Boys

3.11.2.12.1 There are 42 hostels for ST girl students of classes VI to XII in the State. These schools are run through grant-in-aid and total occupancy was of 2527 students during 2005-06. Five hostels for ST girls studying in colleges are being run by the Govt. and there were 645 inmates in these hostels during 2005-06.

3.11.2.12.2 As regards hostels for ST boys, 50 such hostels were being operated through grant-in-aid for classes VI to XII and there were 3096 inmates in these hostels during 2005-06. Government is running 12 hostels for ST boys studying in colleges and there were 1490 inmates in these hostels during 2005-06.

3.11.2.12.3 Facility of free furniture, water supply, mess arrangement, etc. are provided to ST students in these hostels. First aid boxes are available in the hostels and the services of PHC/CHC are also made available for medical checkup and medical treatment of the inmates. All the hostels have electricity connections. It has however been reported that 14 hostels are without Watchmen and there are no Wardens in 3 hostels.

3.11.2.12.4 The concerned authorities have demanded more funds for maintenance and construction activities for the above hostels. The Commission finds this a very genuine demand as these hostels are contributing towards educational development of STs in a significant manner.

3.11.3 JAMMU & KASHMIR

3.11.3.1 Literacy

3.11.3.1.1 The general literacy rate of the State is 55.5% (Male: 66.6%; Female 43.00%) whereas the literacy rate of STs in the State is 28.4% (Male: 30.44%; Female 22.64%). The literacy rate in the State is lower as compared to the national literacy rate of 65.38% (Male: 75.85%; Female 54.16%) of the population as a whole. Similarly, the ST literacy rate of the State is lower than the ST literacy rate at national level which is 46.84% (Male 59.00%; Female: 34.42%). The ST literacy rates in Pulwama and Budgam districts is dismally low as it is 12.21% (Male: 15.21%; Female 9.01%) and 16.7% (Male: 19.82%; Female: 13.58%) respectively.

3.11.3.1.2 The State Govt. is taking several steps like community awareness programmes, free text books and uniforms and mid-day-meals scheme for the growth of literacy. It has also been ensured that there is no single teacher school in the State. **The Commission however finds that much more concerted efforts are required to be made for increasing literacy rate in the State particularly in the districts of Pulwama and Budgam.**

3.11.3.2 Teacher-Pupil Ratio

3.11.3.2.1 Teacher-Pupil Ratio of the State is 1: 28 for primary and 1:17 for Upper Primary. This ratio in the districts having ST population is 1:20 at Primary and 1:10 at Upper Primary level.

3.11.3.3 Dropout Rate

3.11.3.3.1 The drop out rate of ST students at Primary level in the State is 3.7% and 9.9% at the Upper Primary level which is much less than the national level drop out rates of ST students.

3.11.3.4 Post-Matric Scholarship Scheme

3.11.3.4.1 Post-Matric Scholarships Scheme is being implemented as per the guidelines issued by the Govt. of India. Almost all the ST students of the State pursuing education within and outside the State are getting scholarships under the scheme. It has been brought to the notice of the Commission that the ST students from Ladakh, particularly those pursuing studies outside Ladakh, are facing difficulties in availing the Post Matric Scholarships as their claims for the same are processed at Secretariat level in Jammu and Srinagar which are not easily accessible places for these students and their/parents. **The Commission therefore recommends that the State Government may consider processing and disbursement of PMS claims of the ST students of Ladakh (Leh & Kargil Districts with more than 80% ST population) by the respective Autonomous Hill Development Council instead of State Secretariat as these Councils are functioning in both the districts.**

3.11.3.5 Pre-Matric Scholarships Scheme

3.11.3.5.1 The scheme is 100% State funded and the SC/ST students of classes IV to X are provided scholarship under it. The rate of scholarship is Rs.200/-per annum for boys and Rs.250 per annum for girls. at primary level, Rs.250/- per annum at middle level and Rs.300/- per annum at higher level.

3.11.3.6 Scheme for construction of Hostels for ST Boys and Girls

3.11.3.6.1 A total of 9 hostels for ST girls and 36 hostels for ST boys are functioning for school students of classes VI to XII. The capacity of these schools is being fully utilized. There were 300 ST girls and 1100 ST boys in these hostels during 2005-06. All facilities of board and lodging are provided to the inmates. Every hostel has been provided with electric connections, have own boundaries and services of watchman and warden. Every hostel has the services of a Pharmacist and Mobile Healthcare Centre for the inmates.

3.11.3.6.2 The Central Assistance, State contribution under the scheme during the years 2005-06, 2006-07 and 2007-08 was as under:

Year	Outlay (Rs. in lakhs)			Expenditure (Rs. in lakhs)		
	Central	State	Total	Central	State	Total
2005-06	-	91.10	91.10	-	91.10	91.10
2006-07	-	98.85	98.85	-	88.74	88.74
2007-08	204.99	49.60	254.59	204.99	49.60	254.59

3.11.3.6.3 It has been reported that the maintenance of these hostels is not being done properly for want of adequate funds. **The Commission would recommend that the Central Govt. should release adequate funds under the scheme every year so that proper maintenance and upkeep of the hostels is ensured.**

3.11.3.7 Educational Institutions

3.11.3.7.1 KGBV residential schools have been set up in all the Educationally Backward Blocks (EBBs) under SSA.

3.11.3.7.2 Two Eklavya Model Residential Schools one each for Doda district and Anantnag district have been sanctioned. Land for the school in Doda district is being acquired whereas the school in Anantnag district is under construction.

3.11.4 JHARKHAND

3.11.4.1 Literacy

3.11.4.1.1 The general literacy rate of 53.56% (Male: 67.30%; Female: 38.87%) in the State is low as compared to the general literacy rate of the country which is 75.26% (Male: 64.84%; Female: 53.67%). Similarly, ST literacy rate of 37.56% (Male: 51.59%; Female: 22.55%) is also quite low as compared to the national ST literacy rate of 47.10% (Male: 59.17%; Female: 34.76%). With a view to increasing the ST literacy in the State, the State Govt. has taken some important measures like (i) NGOs and Social Activists are conducting awareness programmes among tribal people so that the parents send their children to schools (ii) Provisions have been made for free Mid-Day-Meals, uniforms, stationery items and Text books (iii) Camp Schools are run by NGOs in specified areas under SSA (iv) Sufficient teachers are posted in the schools in tribal areas and a teacher of particular language is also posted wherever necessary, and (v) Local people are appointed as para teacher under SSA.

3.11.4.1.2 It is, however, observed that the female literacy rate among the STs in the State is far lower compared to the ST male literacy rate. **The Commission would therefore recommend for making all-out efforts for increasing the female literacy rate among STs in the State. Provision for setting up more and more Ashram Schools should be made as these schools are proving very useful for girl students. Special attention should be given to the**

districts of Giridih, Garhwa, Pakur and Deoghar in which ST female literacy is only 11.89%, 12.61%, 13.13% and 14.15% respectively.

3.11.4.2 Pupil-Teacher Ratio

3.11.4.2.1 Pupil-Teacher Ratio in respect of Govt. teachers in the State is 136 for Primary level and 32 for Upper Primary level. This ratio, when worked out for the Govt. teachers plus para-teachers, comes to 72 for the Primary level and 18 for the Upper Primary level.

3.11.4.2.2 The drop-out rate of ST children in Jharkhand in primary classes (class I to V) is 46.10 as against the drop-out rate of 31.47 of ST children at national level. In respect of the classes I to VIII, the drop-out rate of ST children in the State is very high (73.53) as compared to the national drop-out rate of 52.32 of ST children at this stage. The State Govt. is widening the school infrastructure particularly in the tribal habitations for checking the drop-out rate of ST students. Other measures like recruitment of sufficient teachers, appointment of local people as para-teacher and provision for merit-cum-poverty scholarships are also being taken to bring down the drop-out rate.

3.11.4.3 Post Matric-Scholarships Scheme

3.11.4.3.1 Post-Matric Scholarships Scheme is being run by the State Govt. for SC, ST and OBC students. The annual income ceiling for the parents of SC/ST students is Rs.1.00 lakh. A sum of Rs.963.00 lakhs was released under the scheme during 2005-06. Merit-cum-Means Scholarships @ Rs.200/- p.m. are also provided to the selected students. Scholarships under PMS are given to those students also who are studying outside the State. Book Bank Scheme has also been merged with the PMS Scheme.

3.11.4.4 Pre-Matric Scholarships Scheme

3.11.4.4.1 The Pre-Matric Scholarship Scheme run by the Welfare Deptt of the State Govt. covers children from Class I to X. Rate of scholarships for day students and Hostel students is Rs.40/- p.m. and Rs.300/- p.m. respectively for classes I to V, Rs.60/- p.m. and Rs.300/- p.m. respectively for classes VI to VIII and Rs.75/- p.m. and Rs.375/- p.m. for classes IX to X. Human Resource Department grants scholarship under this scheme at a uniform rate of Rs.200/- p.m. per student for all the students in the State. There is no income ceiling in respect of parents under the scheme of Welfare Department but Human Resource Department has fixed a ceiling of Rs.24,000/- per annum for eligibility under their scheme. The expenditure incurred under the scheme during the year 2003-04, 2004-05 and 2005-06 was as under:-

Year	Welfare Department	Human Resource Department
2003-04	Rs.12.45 lakhs	Nil
2004-05	Rs.14.23 lakhs	Rs.59.54 lakhs
2005-06	Rs.12.80 lakhs	Rs.90.61 lakhs

3.11.4.5 Scheme for Construction of Hostels for ST Girls and Boys

3.11.4.5.1 There is a provision of 26 Hostels for ST boys with a total capacity of 1450 school students (upto class X). As 23 Hostels are still under construction, the present occupancy in the Hostels is 150 only.

3.11.4.5.2 A total of 13 Hostels for ST girl students upto class X have been sanctioned out of which 5 are still under construction. The present occupancy in the Hostels is of 400 students.

3.11.4.6 Ashram Schools

3.11.4.6.1 There are only two Ashram Schools in the State, one for the boys and one for the girls. As against the sanctioned strength of 300 students for each school, only 120 students are studying in each of these schools. No Central assistance for the Schools was received during the year 2005-06 and the State Govt. spent a sum of Rs.478.00 lakhs for these schools. **The Commission would recommend for timely release of adequate Central Assistance for the Ashram Schools so that these Schools are run in an effective and purposeful manner.**

3.11.4.7 Vocational Training in Tribal Areas

3.11.4.7.1 There are two Vocational Training Centres in the State one each in Gumla and Jamtara districts. During the years 2003-04, 2004-05 and 2005-06, 50 students (30 boys and 20 girls) were imparted training every year in these schools. Only 5 out of the 150 trained students got employment. An amount of Rs.8.93 lakhs was spent on these Centres during the year 2005-06. **The Commission is disappointed to note that out of 150 trained students only 5 trained students secured employment during three years. The State Govt. should immediately look into this aspect and take all necessary steps to ensure that maximum number of trained students get employment.**

3.11.4.8 Eklavya Model Residential Schools

3.11.4.8.1 There are 4 Eklavya Model Residential Schools in the State out of which 2 schools are earmarked for ST girls students. At present 120 students are studying and residing in each of these schools.

3.11.4.9 Other Incentives/ Initiatives

- (i) Cycles are distributed free among ST girl students in class VIII with a view to reducing drop out rate.
- (ii) Secondary school network is being expanded to improve enrolment. Funds have been released for construction/repair of Secondary Schools.
- (iii) Funds sanctioned for construction of separate toilets for girls in the Secondary School Sector.
- (iv) Free text books are provided to the ST students in residential schools run by Welfare Department.

3.11.5 KERALA

3.11.5.1 Literacy

3.11.5.1.1 Literacy rate among STs in Kerala is 64.35% which is low as compared to general literacy rate of 90.30% in the State. Male and female literacy rates of STs in the State are 70.59% and 58.11% respectively which are lower compared to general male and female literacy rates of 94.24% and 87.72% respectively although these are higher as compared to the general literacy rates of ST in the country which are 59.00% for males and 34.42% for females. However, in two districts, namely Palakkad and Malappuram, ST female literacy rate is low as it is 34.68% and 39.04% respectively which is much lower compared to the general ST female literacy rate (58.11%) of the State. Literacy rate of ST males in these districts (Palakkad 45.74%; Malapurram 51.45%) is also low as compared to the general literacy rate of STs in the State. **The Commission therefore recommends that the State Govt. should launch special programmes for improving the ST literacy rate (both male and female) in Palakkad and Malappuram districts.**

3.11.5.1.2 The literacy rate of Primitive Tribal Groups in Kerala is 43.35% which is very low as compared to the general ST literacy rate of 64.35% in the State. Literacy rate of Cholaniakan and Kurumba PTGs, in particulars, is very low as it is only 24.65% and 33.95% respectively. **There is therefore urgent need of a concerted drive by the State Govt. for improving the literacy rate of these PTGs so as to bring it at par with the general ST literacy rate of STs in the State.**

3.11.5.2 Educational Institutions

3.11.5.2.1 There are 18 Ashram Schools in TSP Areas in the State and a total of 4058 students were studying in these schools. The State has **two Eklavya Model Residential Schools** one each in Idukki and Wayanad districts. The school at Idukki has 179 students (including 87 girl students) and the number of students in the school at Wayanad is 298 (including 154 girls students). There are 6 schools being run by the NGOs with grants-in-aid from the Central Govt..

3.11.5.2.2 The Scheduled Tribes Department of the State is running **3 Vocational Training Centres** one each at Kuttamala, Pathedam and Renny. During the years 2004-05, 2005-06 and 2006-07, a total of 202 students (160 boys and 42 girls) were imparted training in these Centres out of which 32 students got jobs in various firms. **Provision for free board and lodging of ST students in these Centres should be made so that more students come forward for vocational training.**

3.11.5.3 Drop-Out Rate

3.11.5.3.1 The drop-out rate of ST students in the State is as under:-

Class I – IV	3.7%
Class V – VII	4.15%
Class VIII – X	4.2%

3.11.5.4 Pre-Matric Scholarships Scheme

3.11.5.4.1 Pre-matric Scholarships Schemes is being implemented in the State for ST students upto Xth standard. The rate of stipend fixed w.e.f. 1st February, 2008 under the scheme is (a) Rs.55/- per month for 1st to 4th standard; (b) Rs.60/- per month for 5th to 7th standard; and (c) Rs.70/- per month for the 8th to 10th standard. Stipend is given to all ST students without any income ceiling in respect of the parents. The stipend is given in two or three instalments and this arrangement has been found to be satisfactory by the authorities. The following Table furnishes the details of allocation and expenditure under the scheme during 2003-04, 2004-05, 2004-05 and 2005-06:-

(Rs. in Lakhs)

Year	Allocation	Expenditure
2003-04	300.00	294.32
2004-05	350.00	346.98
2005-06	475.00	468.93

3.11.5.4.2 There are 110 Pre-Matric Hostels under the ST Development Department for providing free lodging and boarding to ST students. All basic facilities have been provided in these hostels.

3.11.5.5 Post-Matric Scholarship Scheme

3.11.5.5.1 The Centrally Sponsored Scheme of Post-Matric Scholarships is also being implemented by the State for ST students studying in various post-matric institutions in the State. Disbursement of scholarship amount is released in two installments in the year in the form of Demand Draft in the name of Heads of institutions, who draw and pay the amount to the students through account payee cheques drawn on banks/ or post offices. In addition to scholarships, the fees of ST students for professional courses in self financing colleges are also paid by the State Govt. No income ceiling has been prescribed in respect of post-matric scholarships given from the State budget but the income ceiling prescribed by the Central Govt. is applied in granting scholarship under the Central Assistance. ST students pursuing studies in other States are also granted scholarships by the State Govt. through the concerned institutions.

3.11.5.5.2 Details of the committed liability in respect of Central Assistance (CA) and actual expenditure under the above scheme during the years 2002-03 to 2005-06 is shown in the Table below:-

(Rs. in lakhs)

Year	Committed liability	Actual expenditure	Expenditure over and above the CA received
2002-03	156.58	282.67	126.09
2003-04	85.59	149.52	63.93
2004-05	85.59	261.80	176.21
2005-06	85.59	319.88	234.29

3.11.5.5.3 The Commission has been informed that the State Govt. is not receiving Central Assistance in time and that the Central Government is not sanctioning the full amount required by the State Govt. under this scheme. The State Govt. is therefore facing financial difficulties in implementing the scheme. **The Commission would recommend that the amount of Central Assistance under the scheme should be adequately raised and timely release of Central Assistance must be ensured.**

3.11.5.6 Upgradation of Merit of ST students

3.11.5.6.1 During the years 2003-04, 2004-05 and 2005-06, a total of 3 students (2 boys; 1 girl), 7 students (4 boys; 3 girls) and 9 students (5 boys; 4 girls) respectively were benefited under this scheme. An amount of Rs.7.70 lakhs only has been released under this scheme since 2000-2001 by the Central Govt. whereas the State Govt. has spent an amount of Rs.8.66 lakhs in anticipation of Central Assistance and thus an amount of Rs.0.96 is yet to be reimbursed by the Central Govt. The amount of Rs.15000/- per student fixed by the Central Govt. for remedial and special coaching under the scheme has been found to be insufficient by the State Govt. in meeting the expenditure on board and lodging, tuition fees, etc. **The Commission recommends that the amount of assistance under this scheme should be enhanced and all genuine expenditure incurred by the States should be reimbursed in time.**

3.11.5.7 Education of wards of Migrated Tribals

3.11.5.7.1 No educational concessions or benefits are given by the Kerala Govt. from their funds to migrated tribal students from any other State or region. Children of migrated tribals are not given any reservation benefit in admission in the educational institutions of the State. Tribal students of Kerala studying outside the State are given benefit of re-imbursement of fee for which they have to submit application through the head the concerned institution. However, the ST students of Kerala admitted in some institutions outside the State through National Entrance Test are eligible for educational concessions. Students of some identified institutions are also eligible for educational concessions.

3.11.5.7.2 The State Govt. is of the view that the educational benefits to the wards of tribals migrated to Kerala from other States may be provided by the State of their origin for which lists of such students can be sent to the concerned State by the Heads of the educational institutions in Kerala. **The Commission recommends that the Central Government should issue necessary guidelines to the States advising them to provide monetary benefits to the wards of tribals migrated to other States.**

3.11.6 MAHARASHTRA

3.11.6.1 Literacy

3.11.6.1.1 The general literacy rate (76.90%) and the ST literacy rate (52.2%) of Maharashtra are higher than the general literacy rate (65.38%) and ST literacy rate (46.84%) of the country as a whole. The ST female literacy rate (43.10%) is

higher than the ST female literacy rate (34.42%) of the country although it is still low as compared to the general female literacy rate (54.16%) of the country. Similarly, male literacy rate (67%) of ST is lower than the general male literacy rate (75.85%) in the country. The Commission would advise the State Government to maintain its tempo of literacy growth of STs till it comes at par with the population of the country as a whole. Particular attention is required for the Nandurbar District where the female literacy rate (32.2%) is low as compared to the ST female literacy rate (34.42) of the country and much lower than the ST female literacy rate (43.1%) of Maharashtra.

3.11.6.2 Gross Enrolment Ratio (GER)

3.11.6.2.1 The Gross Enrolment Ratio of the ST students in Maharashtra during 2000-01 was as under:-

Class	Boys	Girls	Total
I – V	93.62	93.10	93.32
VI – VIII	95.42	89.54	92.73
I – VIII	94.22	91.79	93.05

3.11.6.3 Drop-Out Rates

3.11.6.3.1 The drop-out rate of ST students in Govt. Ashram Schools of Maharashtra for the year 2003, 04 was negligible as compared to the drop-out rate of ST students at national level as shown in the Table below:-

Class	Drop-Out rate of ST students	
	National Level	Maharashtra
I – V	48.93	4.80
VI – VIII	N.A.	5.79
I – VIII	70.05	5.16

3.11.6.3.2 The State Government has taken the following important steps to check the drop out of ST students from schools:-

- (i) The Ashram Schools of Tribal Development Department are full time residential schools and all basic facilities like drinking water, electricity, food, educational material, books, notebooks, etc. are provided free of cost. Extra coaching classes for weak and below average students are conducted free.
- (ii) Drop Out Scholarship Scheme is being implemented by the State Govt. from the year 2003-04 to check the dropout of girls. Money is paid to the girls in the presence of Sarpanch and parents who are now continuing the education of their daughters. The Tribal Development Inspectors/Ashram School Teachers and Staff induce tribal parents to send their children to school by telling them the importance and benefit of education. The School managements organize the **Palak Melave** to create awareness among the ST parents for sending children to schools.

- (iii) All vacant posts of teachers in the schools in the tribal areas are regularly filled up by the Tribal Development Department. The staff working in the schools in tribal areas are paid higher salary as compared to the scales of their posts. Most of them are also paid a **Prostahan Bhatta** @15% for working in hilly tribal areas.
- (iv) The Tribal Development Department of the State has started Vishesh Prosthahanper **Bakshish Yojna** from the year 2003-04 under which the Ist, IInd and IIIrd girl and boys students in the merit list of Ashram Schools are awarded money of Rs.35000/- Rs.20000/- and Rs.15000/- respectively.
- (v) As Ashram Schools are residential schools, the children of ST parents who migrate to other places temporarily in search of jobs are taken care of by the schools.
- (vi) The Project Officer, ITDP counsels the parents of ST children for continuing the education of their wards upto higher education under the **Janniv Jagruti Mohim**.

3.11.6.4 Educational Institutions

3.11.6.4.1 There are 547 Govt. Ashram Schools for ST girls and boys in the State. Most of these schools have the minimum facilities such as drinking water supply, sanitation, messing, electricity, etc. The following Table shows the Central Assistance and State's contribution under the scheme of Ashram Schools for the year 2005-06 and 2006-07:-

(Rs. in Lakhs)

Central Assistance and State's Contribution under the Scheme of Ashram Schools							
Sr. No.	Year	Budget Provision			Expenditure		
		State	Central	Total	State	Central	Total
1.	2005-06	509.12	509.12	1018.24	350.72	341.94	692.66
2.	2006-07	530.00	256.71	786.71	696.63	256.71	953.34
Total		1039.12	765.83	1804.95	1047.35	598.65	1646.00

3.11.6.4.2 There are 26 NGOs in the State who are running 6 Educational Complexes, 4 Residential Schools and 15 Non-Residential Schools from the funds received as grants-in-aid from the Central Government. A total of 2276 tribal students are studying in these schools.

3.11.6.4.3 **Educational Complexes** for Ist to Vth standard for 150 tribal girls residing in low literacy pockets at Kothali and Mandvi in Nandurbar District were started from 2006-07 under the Integrated Tribal Development Project, Nandurbar. The Complexes are equipped with all facilities free of cost. The scheme also provides for imparting practical training in craft, vocational agriculture and animal husbandry and related subjects in addition to regular academic training (ii) providing free medicines and free uniforms to the students and (iii) giving incentive of Rs. 50/- p.m. to the girl's parents. Total expenditure for the year 2006-07 under the scheme was estimated to be Rs.36.70 lakhs.

3.11.6.4.4 There are **15 Vocational Training Centres** in the tribal areas which imparted training to 215 students during 2003-04, 755 students in 2004-05 and 855 students during 2005-06. Out of the trained students, 38 got employment whereas 239 were engaged in self-employment. These Centres are located in hilly and remote areas. An expenditure of Rs.48.02 lakhs was incurred under this scheme during 2005-06.

3.11.6.4.5 The State has 4 **Eklavya Model Schools** one each in Nashik, Thane, Amravati and Nagpur Districts. A total of 903 tribal students are studying in these schools out of which 370 are girl students. These schools are affiliated to CBSE and all facilities of free lodging and board, free text books, uniforms, etc. are provided to the students. The Central Grant of Rs.30.00 lakhs per year per school has not been found to be sufficient. Moreover, a fund of only Rs.80.00 lakhs was actually released for these schools during 2005-06 by the Central Govt. whereas funds to the tune of Rs.120.00 lakhs were required by the State Govt. **The Commission therefore recommends that the Central Govt. should allot adequate funds for the smooth functioning of these schools.**

3.11.6.5 Scholarships/Stipends

3.11.6.5.1 Post-Matric Scholarships Scheme for ST students pursuing post matriculation education is being implemented by the State Govt. The annual income ceiling of Rs.1,00,000 as prescribed by the Govt. of India is followed for implementing the scheme. The rates of scholarships under the scheme vary from Rs.235/- to Rs.740/- for hostellers and from Rs.140/- to Rs.330/- for the day scholars. The non-plan budget provision and expenditure incurred under the scheme during the years from 2002-03 to 2006-07 is shown in the Table below:-

(Rs. in Lakhs)

Sr. No.	Year	Committed Liability	Central Assistance Received	Budget Provision	Expenditure
1	2002-03	1261.04	165.02	1401.00	1399.04
2	2003-04	1261.04	391.92	1400.00	1401.50
3	2004-05	1261.04	1042.86	2677.75	2426.31
4	2005-06	1261.04	1031.44	2187.95	2155.43
5	2006-07	1261.04	750.00	3741.61	3796.60

3.11.6.6 Scheme for Construction of Hostels for ST Girls and Boys

3.11.6.6.1 There are 340 hostels for the College students belonging to ST community in the State. All these hostels have the sanctioned posts of Warden and Watchman. 57 hostels functioning in the hostels have electricity connections. Medical facilities are also provided to the inmates in addition to free lodging and boarding and all other facilities like mess arrangement, furniture, books & stationery which are also provided free of cost. The contribution of State and

Central Govt. for the Scheme is on 50.50 basis. Budget provision and expenditure incurred during 2004-05, 2005-06 and 2006-07 is shown in the Table below:-

(Rs. in lakhs)

Year	Provision			Expenditure		
	State Govt.	Central Govt.	Total	State Govt.	Central Govt.	Total
2004-05	271.86	274.80	546.66	238.38	244.55	482.93
2005-06	209.78	209.48	418.96	88.05	88.04	176.09
2006-07	122.89	122.79	245.68	122.89	122.79	245.68

3.11.6.6.2 As against the total capacity of 9815 in the 128 Hostels for the ST girls during 2005-06, only 7264 students got admitted in these hostels. Similarly as against the total capacity of 16035 in the 199 Hostels for the ST boys there were only 13278 inmates in that year. Further efforts need to be made to ensure admission of ST girls and boys in there hostels as per their full capacity.

CHAPTER 4

HEALTH AND NUTRITION

4.1 Introduction

4.1.1 Scheduled Tribes are geographically isolated social groups and equity and social justice for these groups is far from being achieved. In the matter of healthcare, STs are at a disadvantage due to their physical isolation from the mainstream population, where principal health facilities and services are located. STs are sometimes not able to take advantage of health facilities and services due to their belief in traditional system of medicine.

4.1.2 The physical and other barriers in access to healthcare by STs result in poorer health outcomes than other sections of population in terms of the prevalence of higher morbidity and mortality levels.

4.1.3 Health status is strongly influenced by household incomes and the educational levels prevalent in the community. Income level of the community has implications for nutrition, housing conditions and access to healthcare. Lack of education has adverse effects on hygiene and awareness and utilization of healthcare. There is a wide disparity in the health conditions, access to and utilization of healthcare services among STs and others. This is also true that these disparities too, may not be uniform throughout the country.

4.1.4 Article 46 of the Constitution states that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

4.1.5 The Constitution of India also has provisions regarding the right to health. They are outlined in the Directive Principles of State Policy (DPSP), viz;

Article 42: The State shall make provision for securing just and human conditions of work and for maternity relief.

Article 47: The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties, and in particular, the State shall endeavor to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health.

4.1.6 The Right to Life in Article 21 of Fundamental Rights in Chapter IV of the Constitution has been extended to include the right to health and health care in its periphery in several judicial decisions. The recognition that the right to health is essential for human existence and is, therefore, an integral part of the right to life, is laid out clearly in Consumer Education and Resource Centre V/s Union of India. It is also held in the same judgment that humane working conditions, health services and medical care are an essential part of Article 21.

4.1.7 In spite of the constitutional provisions in India, the State's economic incapacity is always presented as the main cause for its failure to fulfill its socio-economic commitments. In truth, the lack of substantial progress is also due to the lack of political will on the part of government and inappropriate policy decisions.

4.2 International Comparisons

4.2.1 The WHO defines* 'Health' as a state of complete physical, mental, and social wellbeing, not merely, the absence of disease and infirmity. Mortality rates, morbidity rates and the nutritional status are broadly termed as health outcomes and 'access to' and 'utilisation of' preventive, promotional and curative services broadly termed as 'Healthcare'.

4.2.2 As per WHO studies*, India is one of the Countries with a critical shortage of health service providers (doctors, nurses and midwives).

4.2.3 Public expenditure on health as compared to total health expenditure in India * is very low as compared to other countries - India 17.3%, China 25%, Sri Lanka 45.4%, UK 96.9%, USA 44.1%.

4.2.4 The comparative picture with regard to health indicators such as life expectancy, TFR, IMR, and MMR also points that countries placed in almost similar situations such as Indonesia, Sri Lanka and China have performed much better than India. **

4.3 Important parameters related to health and nutrition

4.3.1 Mortality

4.3.1.1 The indicators of infant and early childhood mortality up to the age of 5 years are commonly used in the mortality rates. When a large proportion of the population does not obtain healthcare from the registered establishment, the general practice for obtaining morbidity data is the household survey. This also has a problem, as weaker sections may not perceive minor illness as morbidity whereas the upper class would. For nutritional status indicators such as weights, heights and protein deficiency anemia are used.

4.3.1.2 For adults BMI and for children height and weight are used. Blood samples provide hemoglobin level in order to detect protein deficiency anemia.

4.3.1.3 The national average of MMR is 407 per 100,000 live births, which in itself is very high compared to countries like Sweden (8), UK (10), Greece (2) and even in neighboring countries like Sri Lanka (60), China (60), Malaysia (20) and Thailand (54)*

* WHO report 2006

** 11th Five Year Plan (2007-2012), Vol. II, Chapter 3

4.3.1.4 Though the IMR has reduced from 86 to 73 for India and further to 66 in 2001 (RGI,2003), it is far behind the level in developed countries, which is below 10. **IMR, CMR and U-5MR** are quite high in **A.P., Gujarat, M.P., Maharashtra, U.P. and W.B.** Children from ST community face higher risks of mortality compared to non- Scheduled Tribe community. STs were at a greater risk than the SCs in M.P., Rajasthan and W.B.

4.3.1.5 It may be noted from the National Family Health Survey (NFHS-3) that the IMR and under 5 mortality are very high among STs specially in rural areas as compared to the National figures as given at **ANNEXURE 4.I**

4.3.1.6 The achievements in respect of IMR and MMR in the 10th Plan have been below the targets as indicated below:

Indicator	Goal for Tenth Plan	Achievements
IMR	45 per 1000 live births	58 per 1000 (live births)
MMR	2 per 1000 live births	3.01 per 1000 (live births)

Source: 11th Five Year Plan

4.3.1.7 During the 11th Plan, significant targets have been fixed with regard to MMR and IMR in respect of certain Scheduled States viz; Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan for reduction of MMR and IMR by more than 66% and 50% respectively. These targets, as indicated at the **ANNEXURE 4.II**, are achievable only if firm Action Plan with effective monitoring mechanism is implemented.

4.3.2 Nutrition

4.3.2.1 Nutrition is a prerequisite to good health and wellbeing of any population and for children particularly, it plays an important role in their physical and cognitive development. The correspondence between economic development and nutritional status is not quite strong. The position of the STs is generally quite poor compared to others. It is a matter of concern that over half of the ST women in W.B., Orissa, Maharashtra, Tamil Nadu and Gujarat are undernourished. About 60% or more ST children are undernourished in Gujarat, H.P., Karnataka, Kerala, A.P., M.P. and Maharashtra. The ST women in W.B. and Orissa are the most sufferers of anemia. In the states along the central tribal belt, the condition of STs with reference to nutrition is very poor as compared to others*.

4.3.2.2 In the 11th Plan, significant targets have been fixed with regard to Malnutrition of children (under 3 years) in respect of certain Scheduled States viz; Andhra Pradesh, Assam, Jharkhand Gujarat, Himachal Pradesh, Madhya Pradesh, Chhattisgarh, Maharashtra, Meghalaya, Mizoram, Orissa, Rajasthan, Tripura with reduction by 50%. These targets as given at **ANNEXURE 4.III** are achievable only if firm Action Plan with effective monitoring mechanism is implemented.

* - WHO report 2006

4.3.3 Child Healthcare

4.3.3.1 It includes preventive care, mainly, immunization, promotional care like nutrition, as well as, curative care.

4.3.3.2 The Scheduled Tribes continue to be deprived in relation to the other communities. Poor vaccination among the STs was observed in almost all the states. The conditions of ST children in Bihar, Rajasthan, M.P., and U.P. are quite miserable. In case of vitamin 'A' supplement, there was a wide gap between the STs and other communities in Maharashtra, A.P. and Orissa. The ST children were not successful in obtaining treatment in case of diarrhea*. Perhaps, the lack of access to a provider poses the problem, or the severity of the disease was not realized, or possibly, home remedies were resorted to.

4.3.4 Women Healthcare

4.3.4.1 The utilization of health services by ST women is very poor. The poor coverage for the ST women could be on account of poor access to health professionals, but also possibly because of the continuing trust on traditional midwives. The poor coverage of the ST women might also be attributable to their continuing faith in traditional systems, in addition to inaccessibility to the medical system in physical, economic, and also social sense.

4.4 Focus areas in draft National Tribal Policy, 2006

- i) Health institutions are few and far between; and there are wide variations among members of different tribes in health status and in their willingness to access and utilize health services.
- ii) Health services need to be planned with focus on the prevalence of specific diseases amongst STs, persistent shortages of medical and paramedical staff and lack of basic infrastructure such as roads, electricity, etc.
- iii) Reluctance of doctors and para-medicos to serve in tribal areas has to be redressed.
- iv) Instead of having many single-doctor PHCs in the tribal areas, a few multi-doctor institutions may be established at central locations with 4- 5 doctors each and to ensure access to the multi-doctor institutions.
- v) To devise new systems or patterns of institutions by which the access of tribals to modern health care would be enhanced.
- vi) Synthesis of Indian systems of medicine like Ayurveda and Siddha with the tribal system and modern medicine will be promoted.
- vii) Different methods for provision of safe drinking water will have to be adopted.
- viii) Focus on eradication of diseases endemic to tribal areas, genetic disorders, sickle cell anemia, etc.

* - National Family Health Survey-2

- ix) Special attention to the health requirements of children below 6 years, promoting immunization, preventing severe malnutrition as well as the care of pregnant and lactating mothers.
- x) Improving overall awareness about health, hygiene and improved sanitation among tribal community.
- xi) Covering earning members of tribal families with health insurance by the end of the Eleventh Plan with special provisions for every tribal girl joining the school at primary level.

4.5 Focus areas in Eleventh Five Year Plan (Period: 2007- 2012)

4.5.1 The Eleventh Plan lays emphasis to make available, affordable and accountable primary health care facilities to STs and bridge the yawning gap in rural health care services through a cadre of Accredited Social Health Activist (ASHA)/ sectoral convergence of all the related sectors. The Plan proposes to conduct periodic reviews of the delivery system and functioning of the health care institutions under three broad heads to optimize service in the tribal areas (i) health infrastructure, (ii) manpower and (iii) facilities like medicines and equipment. Action will be taken to make up the shortfall in the different categories of health institutions, liberalization of norms, addressing infrastructural deficiencies, application of quality standards and revitalization of Health Care Systems, PHCs and CHCs.

4.5.2 Eleventh Five Year Plan focuses special attention to the health of marginalized groups like adolescent girls, women of all ages, children below the age of three, older persons, disabled, and primitive tribal groups. It proposes to view gender as the cross-cutting theme across all schemes.

4.5.3 The Plan also envisages the following strategy to address the problem relating to shortage of doctors which is worst in remote tribal areas:

- (a) Ensure availability of medical professionals in rural areas on a permanent basis, posting of doctors with adequate monetary as well as non-monetary incentives, such as suitable accommodation, Class I status, preferential school admissions for children of doctors living in remote areas, transfer or posting of choice after a stipulated length of stay and training opportunities.
- (b) States to expand the pool of medical practitioners including a cadre of Licentiate Medical Practitioners and practitioners of Indian Systems of Medicine and Homeopathy (AYUSH).
- (c) Increase age of retirement of doctors (all Central and State Government including Defence, Railways, etc.) to 62 years. States will be encouraged to retain public health doctors on contract basis for further period of three years till the age of 65 years, especially in the notified hardship areas.
- (d) A series of one-year duration Certificate Courses for MBBS graduates will be launched in deficit disciplines like public health, anesthesia, psychiatry, geriatric care, and oncology. The private sector will also be encouraged to participate in this venture.

4.6 Key issues and analysis

4.6.1 Health depends on a variety of factors - household incomes, awareness, food availability, housing conditions, environmental sanitation, medical technology and health services. It has been established that the socially weaker sections have higher mortality rates, poorer nutritional conditions and that the women and children from the marginalized sections receive less healthcare. The data indicated that the conditions were quite worse for the SCs compared to non SC/ST, and were even worse off for the STs*. The public health services have failed to reach the STs in a satisfactory manner in spite of built in provisions to make up for their location disadvantages.

* **NFHS-3**

4.6.2 The extent of poverty among STs still remains a matter of great concern. The incidence of poverty amongst STs still continues to be very high at 47.30% in rural areas and 33.30% in urban areas, compared to 28.30% and 25.70%, respectively in respect of total population in 2004-05. The measures taken to reduce the poverty of amongst ST people have also not proved to be adequate as the gap compared to the total population below poverty line has increased by 4.36% in 2004-05 as compared to 1993-94. (as per NFHS 2).

4.6.3 The fact that the STs, mostly residing in hilly or isolated settlements, would not be able to access health services as easily as the other sections of the society has been long recognized. A lower population standard has been kept in tribal areas for opening PHC and sub centre, but that does not seem to be sufficient.

4.6.4 Keeping in view that most of the tribal habitation is concentrated in far flung areas, forest land, hills and remote villages, the population coverage norms have been relaxed. Sub-Centres are to be opened in tribal areas for every 3000 population as against 5000 in general. Similarly, PHC and CHC are to be opened in tribal areas for every 20,000 and 80,000 population respectively as against 30,000 and 1,20,000 respectively in general.

4.6.5 Clearly, much more needs to be done for health and nutrition of STs in India. There has to be a rethinking of not just the population-facility ratios, but also, the structure, strategy and functions of the delivery system in the ST areas need to be rethought. Health services, food security, education and housing conditions including household and environmental sanitation are areas that need to be strengthened.

4.7 Review of status of health and nutrition of STs in States

4.7.1 The Commission in its Annual Report for the year 2006-07 reported the status of health in respect of 9 States viz. Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Manipur, Karnataka, Orissa, Rajasthan, Sikkim, West Bengal. The other States could not be included as they couldn't furnish requisite details within the stipulated time-frame. In spite of repeated reminders, the State of Tamil

Nadu and Uttarakhand have not furnished these details so far. The review of the details/ position furnished by the remaining States is summarized as under:

4.7.1 Assam

4.7.1.1 Mortality

4.7.1.1.1 Infant mortality rate IMR in Assam is 68 per 1000 live births as per Sample Registration Survey (SRS), 2003. No record is maintained separately for tribal children, but it is likely to be more, due to non- access of medical facilities in remote areas and due to belief in traditional system of medicine by tribals.

4.7.1.2 Health Status

4.7.1.2.1 During 2006, 96060 cases of Malaria were reported. Out of these there were 204 deaths due to Malaria.

4.7.1.2.2 Assam has met the WHO goal of Leprosy elimination i.e. below 1 case per 10,000 in 2001. Subsequently, all the 23 districts also achieved the goal by 2005. At present there are 0.35 cases per 10,000 population.

4.7.1.2.3 The entire State is covered under Revised National TB Control Programme (RNTCP) since 01.07.2004. At present the case detection rate is 84 % (against national norms of 70 %) and treatment success rate is 86 % (against National norms of 85 %).

4.7.1.2.4 During 2006-07, Health Melas were organized in all 14 Parliamentary constituencies in order to serve under-covered and uncovered population by normal Healthcare delivery system. In Health Melas specialists from all disciplines are engaged and required Medicines are provided as prescribed by the Medical officer. During 2007-08, 28 nos of Health Melas were organized upto June'07 in 15 districts.

4.7.1.3 Women & Child HealthCare

4.7.1.3.1 The MMR in Assam is 490 per 100,000 live births as per NFHS (2001-03). No study has been done to find separate MMR for tribal women.

4.7.1.3.2 Health check of tribal women is poor and they rely on traditional healers. Awareness among tribal women is being brought through interpersonal communication like observing Health Day, Health awareness Camp, SHG, Mass Media and outdoor Publicity etc.

4.7.1.3.3 Three ante-natal check-ups are done for all pregnant women including tribal women. Two doses of Tetanus Toxoid/Booster doses are given to them. Efforts are being made to ensure safe institutional delivery to all pregnant women.

4.7.1.3.4 Family Planning Camps are being organized in tribal areas. Immunization of mother and children are done under Family Welfare Scheme.

Polio immunization is done for children (0-5 yrs) in tribal areas and about 95 % of tribal children are covered in 2006-07.

4.7.1.3.5 The following number of ASHAs are in position in the Tribal Areas of Assam including general population.

S.No.	District	No of ASHAs
1.	Bongaigaon	838
2.	Darrang	1141
3.	K-Anglong	813
4.	Kokrajhar	947
5.	N.C. Hills	187

4.7.1.3.6 Each ASHA is organizing Health Day in her village every month on Friday inviting target population. Iron and Folic Acid (IFA) Tablets, ORS, Vit A Solution, Contraceptives are disbursed to the needy persons during the Health Day. Immunization of children (0-1 yr) is also done on the Health Day.

4.7.1.3.7 Total numbers of Health Day observed during 2006-07 are 18356 and 20737 during 2007-08.

4.7.2 Jharkhand

4.7.2.1 Mortality

4.7.2.1.1 Infant Mortality Rate (IMR) in the State is 50 per 1000 live births. IMR in tribal areas is 53 per 1000 live births.

4.7.2.1.2 MMR in the State in general and in tribal area (both) are 371 per 100,000 live births.

4.7.2.2 Health Infrastructure and Status

4.7.2.2.1 Following health infrastructure is in place in tribal area.

HSC	-	2541
PHC	-	182
CHC	-	112

4.7.2.2.2 The State has faced acute shortage of Health infrastructure in the tribal areas. The State has taken initiative to improve the Health infrastructure. Along with these initiatives the State is also trying to introduce Mobile Health Clinic Facilities (MHCF).

4.7.2.2.3 195 ambulances are being run through the NGO, Faith Based Organization of the hard-to-reach areas for referral transport for the pregnant women belonging to BPL tribal families.

4.7.2.2.4 There are 99 Ayurvedic dispensaries / Centers operating in tribal areas. 5 Ayurvedic Camps were organized during 2005-06 in the tribal areas where 5731 patients were treated.

4.7.2.3 Malnutrition

4.7.2.3.1 To combat the problems of malnutrition among tribal children and expectant and lactating mothers, IFA (Small & Large), Vitamin A and Mebendazole etc. are administered through routine immunization, Catch up Rounds and Health Camps. For this, State Govt. has joined hands with the development partners like Unicef, A2Z etc.

4.7.2.5 Women and Child Healthcare

4.7.2.5.1 42513 pregnant women have been benefited during 2006-07 under Central Sector Scheme. State Govt. has tied up with 41 private hospitals for improving the maternal and child health. The State Govt. has achieved 45.5 % complete immunization due to Catch up Rounds.

4.7.2.5.2 Health Camps, Health Melas and Dai training are organized for periodic medical check-ups of pregnant tribal women particularly living in remote and isolated hamlets.

4.7.2.5.3 23,82,351 tribal children between 0-5 age group were given polio drops and vaccinated in the past two years.

4.7.3 Gujarat

4.7.3.1 Mortality

4.7.3.1.1 IMR in Gujarat as per NFHS-III(05-06) is 50 per 1000 live births. There is no study to identify the tribal IMR exclusively. MMR as per SRS 2003 is 172. Gujarat Govt. has introduced Chiranjivi yojana for reduction in IMR/MMR in tribal districts of the State.

4.7.3.2 Health Status and Infrastructure

4.7.3.2.1 Pamphlets were distributed among local people in local language to educate them about Family planning. 454 male and 54354 female tribals underwent sterilization operations.

4.7.3.2.2 Approximately 40-50% posts of paramedical staff are lying vacant. State Govt. is involving NGOs and deploying staff on contractual basis and outsourcing the work.

4.7.3.2.3 Following additional facilities under Tribal Action Plan of Revised National TB Control Programme (RNTCP) are given:

- (a) Additional Rs.1000/- is paid to contractual supervisory staff as a tribal allowance.

- (b) Two wheeler maintenance at TB Units having DMC in tribal area is allowed at the rate of Rs.30,000/-per annum.
- (c) Travel costs (aggregate Rs.250/-) as bus fare for patients and one attendant are provided for travel for follow up and treatment. Which is given on completion of treatment.
- (d) Lab technicians posted in tribal area is paid Rs.1000/- in addition as a tribal area allowance.

4.7.3.2.4 In July 2006, Gujarat is the First State in India to incorporate Sickle Cell Anemia Control Programme (SCACP) in the State Government Medical Services. Sickle Cell Anemia possess a major threat to public health in tribal areas. The motto of this programme is:

- i) to diagnose the Sickle disease patients at early age.
- ii) to provide modern treatment/counseling/guidance.
- iii) to stop birth of Sickle Disease child after 10 years.

4.7.3.2.5 50% of the posts of medical officers in the hospitals in tribal area are lying vacant. A number of para medical posts are also lying vacant in the hospitals in tribal area. Special incentives are offered/proposed for medical and para medical staff to work in the tribal areas hospital.

4.7.3.3 Women and Child Healthcare

4.7.3.3.1 For specific problems of pregnant women, adolescent girls and baby girls, the following efforts are being made :

- (i) Mamta Abhiyan launched in the State since 2006.
- (ii) All children, ANC(mother) & infants are being immunized during the Mamta Day.
- (iii) Beti Bachao Abhiyan launched in tribal districts of the State.
- (iv) Adolescent Anemia Project is operationalised every year, 925051 girls were given IFA supplement.

4.7.4 Bihar

4.7.4.1 Health Infrastructure and Status

4.7.4.1.1 10 Ayurvedic Health Centers are running especially for tribal population. In addition 533 PHCs and 8858 HSCs are being run by Health Department in the State. As ST population is very thin and scattered in the State, separate figures and infrastructure is not available. They (STs) are being served through different health schemes being run by State Govt. and GOI.

4.7.4.2 Women and Child Healthcare

4.7.4.2.1 80211 Aganwadi Centers are running in the State under ICDS. Nutrition supplements are being distributed through these Aganwadi Centers to undernourished children, pregnant women and adolescent girls. Regular immunization is being done at selected 8 Aganwadi centers.

4.7.5 Maharashtra

4.7.5.1 Mortality

4.7.5.1.1 IMR as per SRS 2001 in 2005 was 36 per 1000 live births. IMR among tribals are not estimated under SRS scheme. State depends upon its own scheme named as Survey of Cause of Death (Rural). As per SCD(R), overall IMR for 2005 is 38 and 42 among tribal children.

4.7.5.1.2 Routine immunization activities are strengthened to control IMR. Involvement of Private Sector and Community is followed on wider basis.

4.7.5.2 Health Infrastructure and Status

4.7.5.2.1 A total of 11 Medical Camps were organized in Tribal Area during the year 2005-06. 3667 number of patients were treated in these camps. Anemia and worm were the health problem found among the tribal women. Following medical infrastructure is available in the tribal area :

<u>Total Districts</u>	-	15
Rural Hospitals	-	83
PHCs	-	384
Primary Health Units-		78
Mobile Units	-	52
Sub Centres	-	1890
<u>Total Villages</u>	-	8109
Padas	-	8557
Aganwadi	-	11922
Trained Dais	-	8515
Ayurvedic Disp.	-	52

4.7.5.2.2 With increasing number of patients, the drugs fall short at times and hence budget provision for drugs has been revised and doubled in the financial year. About 3-10% of sanctioned posts of Medical officer and para-medical staffs are lying vacant in tribal areas. Most of the MBBS doctors are not willing to serve in Tribal areas. Govt. is giving higher pay grades to doctors serving in the tribal areas. MBBS qualified bonded candidates are required to serve in rural areas for one year. BAMS candidates are appointed on temporary basis in case of non availability of MBBS candidates. Post graduate candidates from Govt. Medical College are proposed to be required to serve for three years in the rural areas.

4.7.5.2.3 Integrated tribal development project has been initiated in 1992-93 to reduce IMR/MMR in the 6 tribal districts viz Thane, Nasik, Nandurbar, Amarawati, Gadchiroli and Nanded. Total 11 blocks from these districts have been selected for ITDP. The following Schemes have been introduced and the work is looked after independently by an officer from IAS cadre.

- i) Appointment of Pada Swayamsevaks.
- ii) Appoinment of Hon. Medical Officer.
- iii) Matrutwa Anudan Yojana.
- iv) Dai Meeting Scheme.
- v) Regular examination of Anganwadi children.
- vi) Examination of sick children by Pediatricians.
- vii) Establishment of Pediatric ICU.
- viii) Replacement of condemned PHC Vehicles.
- ix) Establishment of new RH/PHC.
- x) Increase in Medicine grant of PHC (Rs 80000/PHC).
- xi) Increase in POL grant of PHC / PHU Vehicles.
- xii) Pre-monsoon check up of mothers and children (below 6yrs) and treatment of those who are ill.
- xiii) Compensation for loss of daily wages which encourages the parents to bring their sick children for necessary medical care. Free diet is also given to the parent of sick child.

4.7.5.2.4 Important health related components of other schemes are provisions of basic health services and safe drinking water supply.

4.7.5.3 Malnutrition

4.7.5.3.1 To combat the problem of Malnutrition & child deaths among tribal children & expectant mothers, the State Govt. has implemented Navsanjivani Yojana in 1995.

4.7.5.3.2 The schemes implemented by the Govt. of Maharashtra for reducing the malnutrition and child deaths are as follows:

1. The ICDS provides the Supplementary Nutrition to Pregnant and Lactating Mothers and under-six children.
2. The Raj Mata Jijau Maternal Child Health & Nutrition Mission is established to decrease malnutrition in the State.

4.7.5.4 Women and Child Healthcare

4.7.5.4.1 MMR as per 2001-2003 RHIME (Representative, Re-sampled, Routine Household Interview of Mortality with Medical Evaluation method) is 149

per 100000 live births. Separate MMR is not available for tribal area. Following steps are being taken to reduce MMR :

- (i) Organization of "Mother & Child Protection (MCP) sessions" at fixed places, at fixed timing & on fixed day.
- (ii) Enhance the capacity of the health infrastructure to enable them to take the challenge.
- (iii) Involvement of the private sector & community in the program on a wider basis.
- (iv) Effective implementation of the " Janani Suraksha Yojna" for the BPL as well as SCs & STs.

4.7.5.4.2 In tribal areas, Navsanjivani Scheme was initiated in 1995-96 with the aim of reducing MMR. The major components of this scheme are related to employment, health, nutrition, food supply, various loan schemes and are implemented by various departments. It is being implemented in 15 tribal districts of Maharashtra. In addition, following schemes are implemented in the tribal areas:

1. Matrutwa Anudan Yojana.
2. Pada Worker scheme.
3. Mobile health squad.
4. Continuous Medical education through Dai Meeting.
5. Padiatric ICUs.
6. Worm rooms in PHCs.
7. Compensation of daily wages.
8. Water quality monitoring.
9. 24 X 7 PHCs.
10. Referral services.
11. ASHA (under implementation).

4.7.5.4.3 The area for Navsanjeevani is selected by applying following criteria:

- a) Where epidemics of gastro, cholera, Hepatitis are reported frequently.
- b) Where there is no communication available specially in rainy seasons.
- c) Where there is no existence of public distribution system.
- d) From where recent infant deaths are reported.
- e) Where Anganwadi is not located.

4.7.5.4.4 Weekly Family Planning Camps are organized in tribal areas also. In the year 2005-06, 41217 IUDs are inserted in the tribal area. Also Oral Pills and Condom Contraceptives were distributed to tribal couples. A total of 81543 number of sterilization operations were conducted during the year.

4.7.5.4.5 Under Matrutwa Anudan Yojana, running in 15 tribal districts, a pregnant women is paid Rs 400/- in cash for visiting health center for Antenatal check up and medicine worth Rs 400/- is also provided during her visit, which ensures a better check up and helps to reduce maternal and Neonatal morbidity and mortality. This Scheme is applicable to tribal women having current pregnancy and two live issues.

4.7.5.4.6 172 Mobile Medical squads have been constituted with one Medical Officer with a vehicle and para Medical staff to go to each and every village and hamlet to identify malnourished and sick children and provide medical health at their homes and if required also shift them to the nearest help center. Appropriate medical treatment or intensified food supplementation is given to all children.

4.7.5.4.7 Immunization against poliomyelitis is included under universal immunization programmes. There are 4341687 beneficiaries between 0-5 age group in 15 tribal districts. 35453 number of booths are arranged for Pulse Polio Immunization. Booth activity is followed by Intensified Pulse Polio Immunization activity, wherein house to house visit is conducted to cover children who have missed polio doses. Adequate arrangements for publicity are made.

4.7.6 Jammu and Kashmir

4.7.6.1 Mortality

4.7.6.1.1 Infant Mortality Rate (IMR) in the State is 51 as per SRS 2008. Specific survey regarding IMR for tribals is not conducted in the State. The following steps are being taken to reduce the IMR:

- i) Mass Immunization of Children.
- ii) Regular supply of Oral Rehydration Solution (ORS).
- iii) Mass IEC activities.
- iv) Up-gradation of Health Institutions to Indian Public Health standards.

4.7.6.2 Health Infrastructure and Status

4.7.6.2.1 Following medical infrastructure is existing in the tribal areas.

Health Institution	Leh	Kargil
CHC	2	4
PHC	14	2
AD	3	14
SC	22	33

4.7.6.2.2 Nine Medical Camps were organized in the tribal areas during the year 2005-06. Available medicines are being provided free of cost to the patients.

4.7.6.2.3 CHCs/PHCs are not properly equipped with the requisite medical equipments. However, under NRHM these health institutions are being upgraded as FRUs / made operational 24X7 respectively in a phased manner. This will take care of the gaps in equipments to a greater extent. GOI is also being approached to provide special dispensation for procurement of equipments for CHCs/PHCs under NRHM. Similarly drugs are supplied to all CHCs/ PHCs as per prescribed scales. But it is true that due to paucity of funds, these are not adequate. Routine tests are, however, being conducted at these health institutions without any difficulty.

4.7.6.2.4 There is acute shortage of specialist doctors in the State especially in tribal areas of Leh and Kargil. Moreover, the doctors are usually reluctant to join their duties in far-flung tribal areas due to lack of incentive and infrastructure facilities. As regards paramedical staff, there is no such difficulty. However, some posts of paramedical staff, which are vacant in the State have already been referred to SSRB/Competent Authority for appointment.

4.7.6.2.5 Efforts are being made to increase the PG admissions in Govt. Medical Colleges in some specific disciplines to overcome the shortage. However, in the short run, specialists are being hired under NRHM on contractual basis with adequate salaries. Moreover, proposal for providing special incentives/enhancing the salary of the doctors to motivate them to work in remote & far-flung areas is under active consideration of the Govt. Regarding paramedical staff, the problem is not so pressing to suggest any incentive for them.

4.7.6.2.6 Special allowances at specified rates are being provided to doctors/paramedical staff to work in far flung tribal areas. The proposal for providing additional lump sum allowance over and above the existing pay/salary is under the consideration of the Govt. Moreover, it has been proposed to enhance the contractual salary of doctors for identified areas and paramedical staff.

4.7.6.2.7 There is a shortage of Gynecologists in the State. There is a need for improvement in infrastructure, providing adequate machinery/equipments along with requisite manpower to all health institutions in the State especially those in tribal areas.

4.7.6.2.8 Tribal areas in J & K State are usually located in cold regions and no incidence of outbreak of cholera, plague, dengue has been noticed. Small pox has been eradicated from the State. 45% and 43% of households in tribal districts of Kargil and Leh are using safe drinking water respectively.

4.7.6.2.9 Revised National TB Control Programme (RNTCP) is being implemented in the tribal districts i.e. Leh/Kargil and other districts with pockets of tribal population. Target of the scheme is to increase detection upto 70% and to achieve the cure rate above 85% with DOTs.

4.7.6.2.10 The blindness control scheme is in operation in whole of Kashmir Division including tribal pockets of other districts since 1977. Districts Hospitals including those in tribal districts have been equipped with facilities with regard to cataract operations, besides equipment with regard to refraction have been made available in all the PHCs. Eye Camps are conducted by Mobile Teams in the tribal areas.

4.7.6.3 Malnutrition

4.7.6.3.1 The State Govt. is providing Iron & Folic Acid tablets and Vitamin A solution to children and expecting and lactating mothers of all communities including tribes.

4.7.6.4 Women and Child Healthcare

4.7.6.4.1 No study has been conducted about the MMR among the tribal population in the State. The following steps are being made to ensure that the health services become more responsive towards women specific health problems especially in the tribal areas;

- i) Encouraging Institutional Deliveries.
- ii) Conduct of Village Health & Nutrition Days at AWCs
- iii) Strengthening/ upgrading Maternity Hospitals at tertiary level
- iv) Providing effective Gynaecology Services at District/ Sub District Hospitals
- v) Women empowerment in Village Health & Sanitation Committees.

4.7.6.4.2 During 2005-06, 43 family planning camps were organized in the tribal areas. Total sterilization conducted in J&K State during 2005-06 were 21564 and out of these 2378 were tribals.

4.7.6.4.3 Mild-Moderate Anaemia and deficiency of Vitamine A are the specific health problems found among the tribal women.

4.7.6.4.4 Every PHC of the State is provided funds for transportation of pregnant women, who are referred to referral hospitals for specialized services. 24 hrs delivery services are available in 85 PHCs in the State, out of which 7 PHCs are located in tribal districts. There are 1907 sub centers functioning in rural areas of the State, out of which 55 centers are in tribal districts. These sub centers are providing first aid and treatment for minor ailments, antenatal checkups to the tribal pregnant women.

4.7.6.4.5 1687 local Dais in rural and remote areas have been trained during the last 2 yrs, so that skilled delivery services are provided to the pregnant women living in remote areas including the tribal population.

4.7.6.4.6 During pulse polio immunization campaigns polio drops are provided to ST children between 0-5 age group. Special teams are constituted during such

campaigns, who reach to the villages / areas which are remote, inaccessible tribal areas. The campaign has been launched since 1995 and is usually organized during the winter or early summer season to cover all ST population.

4.7.6.4.7 There are 41 Amchis (A traditional Tibetan medicine Man) in Tribal districts, practicing a different system of medicine.

4.7.7 Madhya Pradesh

4.7.7.1 Mortality

4.7.7.1.1 The infant mortality rate in the State as per SRS, was 72 per 1000 population (2007).

4.7.7.1.2 Following measures are being taken by the State Govt. to reduce IMR:

A. Direct Interventions:

- a. Sustain high immunization coverage
- b. Implementation of Integrated Management of Neo-natal and Childhood illness.
- c. Essential new-born care including care at birth.
- d. Promotion of exclusive breastfeeding and timely complimentary feeding.
- e. Promotion of Oral Rehydration Therapy (ORT) with zinc.
- f. Malnutrition-prevention, management and rehabilitation.
- g. Vitamin A and iron supplementation.

B. Indirect interventions:

- h. Skilled Attendance at every birth-community and institutions
- i. Promote institutional deliveries through Janani Suraksha Yojana
- j. Emergency obstetric care
- k. Referral system
- l. Family planning services

4.7.7.2 Health Infrastructure and Status

4.7.7.2.1 Following Health facilities are sanctioned in tribal areas during 2005-2006:

CHC	-	86
PHC	-	331
SHC	-	2751

4.7.7.2.2 It is partially true that many CHCs and PHCs do not have adequate medical check up facilities. Medical equipments for minor OT, Labour room, X-ray and basic pathological investigations have been made available at all the PHCs.

Some of the CHCs have been identified as Comprehensive Emergency Obstetric & Neonatal Care (CE^mONC) and Basic Emergency Obstetric & Newborn Care (BE^mONC) facilities under NRHM and are being upgraded accordingly. Some times the various medical tests are not carried out for the want of the skilled paramedical staff to operate upon the equipments. As far as adequate supply of medicines is concerned, the budget for medicine is being increased every year and effort is to provide free medicine to all BPL patients, Rogi Kalyan Samiti (RKS) funds are also used for carrying out medical tests and free supply of medicines to BPL patients.

4.7.7.2.3 At CHC level institutions, apart from BMO four posts of specialists/post graduate Medical Officers are sanctioned. At PHC level institutions, normally one post of Medical Officer is sanctioned. Thus 454 posts of Specialist/PGMO in Medicine/Gynae & Obst/ Pediatrics/ Anesthesia and 421 Medical Officers are sanctioned in CHCs and PHCs in tribal areas. At PHC level institutions, one Lab Technician and one Pharmacist is sanctioned, at CHC level in addition to PHC level, one Radiographer and one Ophthalmic Assistant is also sanctioned.

4.7.7.2.4 To serve tribal population, department has provision of mobile clinics and outreach camps. Specific interventions for adolescents are being implemented in 15 districts. To make public health facilities more responsive towards adolescents' needs, Medical Officers and paramedical staff (Staff Nurse, Auxiliary Nurse Midwife, Lady Health Visitor) are being trained on providing Adolescent Friendly Health Services (AFHS). Around 200 MOs and 350 paramedical staff of 15 districts (7-8 tribal districts) have been trained so far. Public Health Facilities are being re-organized for ensuring privacy and confidentiality. Some of the centers has designated fixed day for running adolescent clinics. 43 such Adolescent Clinics have been established so far. Six months Life Skills Education programs for out-of-school adolescent girls are being implemented.

4.7.7.2.5 State Govt is facing difficulty in providing required service to tribal community due to non-availability of trained and skilled manpower, poor infrastructure, lagging basic amenities in rural areas and especially in tribal areas. As on 31.3.2006, approximately 60% of the Specialist and 25% of Medical Officer posts are lying vacant. State Govt is offering attractive packages and incentives to serve in tribal areas. Difficult area allowance has been sanctioned to doctors under NRHM.

4.7.7.2.6 The posts of Orthopedic Surgeons and ENT Surgeons are not sanctioned at CHC level institutions. Every CHC has one sanctioned post of Gynecologist. State is facing a challenge of non-availability of trained doctors especially in rural areas because of which it is not possible to make available gynecologist at all the CHCs. Under NRHM, the post is offered on contractual basis and services have been made attractive in terms of financial gains and other facilities.

4.7.7.2.7 The State of Madhya Pradesh has a large proportion of Scheduled Castes and Scheduled Tribes in its population. Lack of treatment facilities

especially for hospitalization was a major cause of concern to the families belonging to tribal groups. The Govt. of Madhya Pradesh with its commitment to provide social security to the underprivileged sections of the society has launched the Din Dayal Antyodaya Upchar Yojana which is a 100% State financed scheme. The scheme is in operation since September 25, 2004. The Scheme provides free treatment and investigation facility to BPL patients belonging to SC and ST families who are hospitalized in govt. hospitals.

The details of beneficiaries are as follows:-

Year	SC	ST	TOTAL
2004-05	7367	3720	11087
2005-06	68763	50347	119110

4.7.7.2.8 The scheme is successful in the State and has been extended to all BPL families since July, 2006.

4.7.7.2.9 There are 346 number of Ayurvedic dispensaries functioning in tribal areas.

4.7.7.3 Malnutrition

4.7.7.3.1 Supplementary nutrition is provided through its ICDS programme across the State and all the related health schemes are implemented to improve the nutritional status of children, expectant and lactating mothers.

4.7.7.3.2 Bal Shakti Yojana is implemented to reduce the rate of severe malnutrition and is aimed at bringing down grade 4 and grade 3 levels of malnutrition among children. Malnourished children are identified by intensive bi-annual campaigns through Woman and Child Development Department. Bal Sanjivani Campaign has been launched across the State including tribal areas to reduce the occurrence of malnutrition. A total of 134 Nutritional Rehabilitation Centers (NRCs) across 48 districts of the State are established and made functional to ensure improvement in the status of malnourished children. 14-day residential trainings are organized for mothers of malnourished children in which the mothers are given intensive 14-day long training to educate them about various degree of malnourishment and how to improve the status of their children. Double fortified salt (DFS) is given to the malnourished children, lactating and pregnant women in all the tribal areas. Milk and egg are distributed to malnourished children under ICDS scheme.

4.7.7.4 Women and Child Healthcare

4.7.7.4.1 The Maternal mortality rate in the State is 379 per one lakh live births. MMR for tribal areas is not available.

4.7.7.4.2 Ante Natal Check (ANC) services are being improved and 24 hour delivery services are being extended which include referral transport facilities for pregnant women, incentive for institutional deliveries and free treatment facility and medicines was.

4.7.7.4.3 Total 1780 Family Planning camps were organized in tribal areas during 2005-06. In these camps, total 9507 tribals were benefited. Out of total 9507 beneficiaries, 4502 were male and 5005 were females.

4.7.7.4.4 24 hours emergency obstetric services are available in 761 PHCs, all CHCs and district hospitals including those identified as BEmONCs and CEmONCs across the State. This covers all tribal districts of the State.

4.7.7.4.5 Dais engaged mostly in conducting home deliveries are not considered as "Skilled Birth Attendants" as per norms. The ANMs are the first line providers of the safe deliveries considered as "Skilled Birth Attendants". Hence, the State considers role of Dais more as a 'Link Person' for immediate referral of high risk cases and cases with obstructed labour for higher level of services.

4.7.7.4.6 All children including the tribal children are vaccinated for Polio by Routine Immunization upto 18 months of age. For 0-5 year age group children, supplementary immunization activities are conducted in the form of National Immunization Days (NID) and Sub-National Immunization Days (SNID) i.e. Pulse Polio Campaign. Since last two years, four NID campaigns and eight SNID campaigns have been conducted. More than 9 lakh Tribal Children have been vaccinated through NID campaigns during the last two years.

4.7.8 Tripura

4.7.8.1 Mortality

4.7.8.1.1 As per 2001 Census the Infant Mortality Rate in the State was 40 in rural area, 30 in urban area & total was 39 (as per SRS Bulletin). No separate survey for Infant Mortality Rate for tribal population was done. The following steps are being taken to reduce the IMR:

- (i) Special Health Care for girl babies.
- (ii) Immunization among the pregnant mothers
- (iii) Immunization among the infants against 6 major killer diseases of children.
- (iv) Supplementary nutrition to the pregnant mothers for getting healthy baby.
- (v) Special programme is being implemented for attracting the pregnant mothers to attend the medical health institutions at the time of delivery by way of motivation as well as offering incentives.

4.7.8.2 Health Infrastructure and Status

4.7.8.2.1 4645 number of medical camps were organized in the tribal areas during 2005-06. 21837 number of diarrhea patients were treated in these camps. Medicines are being distributed free of cost among all patients who attend the health camps.

4.7.8.2.2 Awareness among the tribal about the importance of the modern system of medical treatment is done through IEC Bureau and Health awareness camps. Snake bite cases are not brought to the health camps, but awareness is being made in the health camps and health awareness camps to take modern treatment of snake bite.

4.7.8.2.3 The publicity is given in the tribal areas for organizing health Camps in these areas by following activities:

- i) IEC on village Health in every Autonomous District Council (ADC) village.
- ii) Dissemination of messages through AIR.
- iii) Drum beating & Oral announcements.
- iv) Distribution of leaflets & booklets.
- v) Mahila Swasthya Sangh (M-s-s) meetings.
- vi) Group discussion.

4.7.8.2.4 Issue of advertisement through newspaper, message on AIR, print folder in local language (Kokborok) and distribution of leaflets are resorted to for dissemination of information and awareness about communicable diseases, genetic disorders, hygiene and sanitation in tribal areas.

4.7.8.2.5 Following medical infrastructure is existing in tribal area:

CHC	-	05
PHC	-	37
SHC	-	248
Mobile Van	-	06

4.7.8.2.6 CHCs and PHCs are properly equipped with necessary medical equipments for carrying out various types of tests and provided with medicines in adequate quantity. There is shortage of Medical officers, paramedical staff and general staff in medical establishments. Filling up of vacant post of Doctors and para-medical staff is under process. At present no specialist Doctors are in the CHC and PHC in the State. Based on the availability of sufficient number of specialist, they may be posted in near future.

4.7.8.2.7 Medical infrastructure in the tribal areas of the State is not adequate. Efforts are being made to establish SHC in every ADC village. All new PHCs are required to be strengthened to Bedded PHCs. Proposal has already prepared and sent to the Govt. for construction.

4.7.8.2.8 There is no report of outbreak of cholera, plague, dengue and small pox in the State for last many years. There are 2798 Drug Distribution Centres and 972 Fever Treatment Depots established throughout the State. Besides, all institutions from SHC onwards have been equipped with Chlorine Tab, ORS and

anti malarial drugs. Multipurpose workers posted at the SHC level are also doing regular surveillance and keep contact with the Village Health Guides (VHG). Besides, health camps are also organized in the interior tribal areas by using helicopter.

4.7.8.2.9 The specific problems of the State are as follows:

- (i) 65% of the total area of the State is hilly;
- (ii) 57% area is forested. Tribal population is about 31% and the sub-plan area is about 70%.
- (iii) API (Annual Parasite Incidence) has always been more than two, since last 10 years.
- (iv) High PF%(Plasmodium Falsiparum) ranging on average 80%.
- (v) The strategic International border with Bangladesh on its three sides (839 Km of total 1001 km border).
- (vi) Hilly terrain with inaccessible communication.
- (vii) Very poor economic situation.
- (viii) Limited resources of the State.

4.7.8.2.10 In view of the above, it is felt very much essential that the whole State should be treated specially as high risk area for preparation of revised strategy for control of Malaria so that National Malaria Eradication Programme (NMEP) activities in the State could run smoothly and effectively against 100% CSS both in terms of operational as well as establishment.

4.7.8.2.11 The main objectives of the National Leprosy Eradication Programme is early detection of cases & treatment of the patients with M.D.T. in order to cut down the transmission of the disease in the community. Health education campaign has been carried out in removing social stigma & to motivate the patients to come forward for regular treatment. At present total Leprosy patients in the State are 83. Prevalence rate of the State is 24/10000 population.

4.7.8.2.12 National T.B. Control Programme (NTCP) was launched in 1962 by GOI with an object to detect maximum number of cases in the community and treat them effectively to break the chain of transmission of the disease in the community. Now the NTCP is modified to Revised National TB Control Programme (RNTCP) and entire Programme cost is borne by the GOI through State TB Control Society and District TB Control Society.

4.7.8.2.13 It is proposed to establish 10 numbers of SHCs during 2007-08 and 40 nos of SHCs during 2007-12. Provision of medicine for already established SHCs are proposed by GOI. An amount of Rs 20.0 lakhs is proposed for the scheme under State plan during 2007-08 and Rs 100.00 lakhs proposed for 2007-12 for renovation works. The salary component of the MPW (Male) is included under the PHC component. The Salary of MPW(F) is shown under 100% CSS Scheme.

4.7.8.2.14 Under Border Areas Development Programs (BADP), an amount of Rs 18.00 lakhs is proposed for construction of SHCs in border areas during 2007-08 and Rs 91.00 lakhs during 2007-12. The BADP is under State plan in order to ensure that the inhabitants of the border areas are well cared and protected. The main activity of the programme is to strengthen the primary health care facilities available in the PHC/SHC in the border areas. An amount of Rs 214.02 lakhs is proposed under PHC component during 2007-08, of which Rs60 lakhs is for capital component and Rs12365.50 lakhs during 2007-12, of which Rs 200 lakhs is for the capital component.

4.7.8.2.15 At present 9 nos of CHCs are functioning in the State. 2 Nos. of CHCs will be commissioned during 2007-08.

4.7.8.2.16 Seven Ayurvedic dispensaries are operational in the tribal areas. 12 Ayurvedic Camps were organized during 2005-06 in the tribal areas and 119 patients were treated in these camps.

4.7.8.2.17 All CMOs of respective districts identify and forward health problems in tribal areas to improve the availability of medical facilities, which are being solved with top most priority.

4.7.8.2.18 Sound Medical facilities are available in all parts of the State except some identified remote areas in West, North & Dhalai Districts. At present, these are covered by medical facilities through helicopter service during alarming period of water borne diseases and malaria from February to September of the year. For providing constant medical facilities in the areas, it would be appropriate to make arrangements to train up para-medical staff locally from permanent inhabitants of these remote areas.

4.7.8.3 Malnutrition

4.7.8.3.1 Iron and Folic acid tablets are distributed among the expectant and lactating mothers and children to combat the problem of malnutrition. De-worming camping services were also done in five blocks in the year 2005 and in all over the State in the year 2006.

4.7.8.3.2 There is a proposal for distribution of nutritious food among children, expectant and lactating mothers. A proposal to this effect has been sent to the Ministry of Health and Family Welfare from the State Govt.

4.7.8.4 Women and Child Healthcare

4.7.8.4.1 No study has yet been conducted among the tribal population for knowing the Maternal Mortality Rate. The following steps are being taken to ensure availability of health services among the pregnant ladies, adolescent girls and girl babies:

- i) Nutrition to the pregnant mother through Anganwadi Centers.

- ii) Iron & Folic Acid distribution among the pregnant mothers & adolescent girls.
- iii) Immunization to the pregnant mothers & the girl babies.

4.7.8.4.2 192 Family Planning Camps were organized in the tribal areas during 2005-06. 5000 leaflets were distributed in local language (Kokborok) to educate tribal people about the norms of family planning. A total of 2452 (Male - 7, Female - 2445) sterilization operations were done in these camps. A total of 952280 contraceptives and 313317 oral pills were distributed.

4.7.8.4.3 Anemia, Malnutrition, Helminthiasis, white Discharge, few cases of Metrorrhagia and Menorrhagia, rare cases of Prolapse Uterus (1st degree) occasional retention of placenta are specific health problems found among the tribal women.

4.7.8.4.4 Referral Transportation scheme is under implementation for pregnant women. An amount of Rs 5,59,000 were placed at the disposal of CMOs - South, North, Dhalai in the year 2005-06. 707 persons were benefited. 24 hrs Delivery Services Scheme is in operation in the State in 10 CHCs and 52 PHCs. 499 nos of deliveries have been conducted under the scheme in the year 2005-06.

4.7.8.4.5 Under the Intensive Pulse Polio Immunization (IPPI) and Routine Immunization Programme (RIP) all children between 0-5 age group are vaccinated. Besides, 318 numbers of Special Immunization Camps were Organized in inaccessible and remote tribal areas during 2005-06.

4.7.9 Kerala

4.7.9.1 Mortality

4.7.9.1.1 IMR of the State as per 2001 census is 4.25. IMR among the tribes of Kerala is not available.

4.7.9.2 Health Infrastructure and Status

4.7.9.2.1 A comprehensive health care project is being implemented by the Department from 2007-08 onwards exclusively for the tribals in the State through identified Govt. health institutions. Medical camps and awareness camps are being conducted among the tribal areas. Treatment assistance is provided for the sick, pregnant women and children. Medicines are also distributed free of cost. Assistance is given to purchase medicines not available at PHC's.

4.7.9.2.2 Field level officers and the tribal promoters help a great extent to bring the health problems of the Scheduled Tribes to the concerned PHC authority. Study classes are also being conducted through Kudumbashree units. Personal Hygiene & sanitation awareness are being given. Kerala Institute for

Research, Training And Development Studies of SCs/STs (KIRTADS) has also organized Medical camps in the area of PTGs to diagnose TB, Sickle Cell, anemia, Leprosy etc. and other diseases among them. Training programmes are conducted by training wing of KIRTADS to disseminate information and awareness about communicable diseases, genetic diseases, hygiene and sanitation in their habitat, Health volunteers training programme for the tribal youth were also organized by KIRTADS.

4.7.9.2.3 Publicity is given through tribal promoters and field level officers. The arrangements for dissemination of information and awareness are conducted by health workers.

4.7.9.2.4 Snake bites are very rare and most of the tribes are having knowledge about the traditional system of treatment.

4.7.9.2.5 Following infrastructure exists in the tribal areas:

Government Ayurveda Dispensaries	-17
Ayurveda Hospital	- 1
Auxiliary Midwifery and Nursing Centers	- 2
Outdoor Patients (OPD) Clinics	- 6
Mobile Medical Units	- 2
Health Project Hospital	- 1

4.7.9.2.6 Government have accorded sanction for starting full-fledged 100 bedded super-specialty hospitals at Attappady. The first stage of construction work has been completed. The objective is to provide better health care facilities to the tribals of Attappady with emphasis on primitive tribes.

4.7.9.2.7 The hospitals under the health project, Mananthavady and Attappady were already transferred to Health Department and now two O.P. clinics under the Health Project Attappady and 2 O.P. clinics under the Health Project Idukki are functioning. Treatment of diseases like tuberculosis, leprosy, Sickle Cell and visual impairment which are common among Scheduled Tribes of Mananthavady, Idukki and Attappady are envisaged under this scheme. This is purely State Sponsored Scheme. Beneficiaries are ST's living in Mananthavady, Attappady & Idukki. Due to low honorarium (Rs.10,000) Doctors are not willing to work in the O.P. clinic which are in remote areas. **Enhancement of honorarium to doctors will be helpful to overcome the difficulties.**

4.7.9.2.8 Adiyans and Paniyans and the Primitive Tribal Groups are the vulnerable groups among Scheduled Tribes of the State. They are economically and socially more backward compared to the other tribal population. Therefore, need-based and location-specific package programmes for the benefit of these groups are being evolved and implemented with special emphasis on education,

health and economic development. This scheme is implemented with 100% State Government Funds. The details are given below:

S.No.	Year	Allotment	Expenditure	No. of Beneficiaries
1.	2005-06	75.00	73.50	8,758
2.	2006-07	85.00	82.23	7,667
3.	2007-08	85.00	81.81	3,150

4.7.9.2.9 In Kerala, no scheduled area is identified. However, in the State there are 1287 settlements which have no source of safe drinking water. In the State, most of the tribal settlements are situated in remote and non-accessible places. However, necessary steps have been taken to make safe drinking water available as early as possible.

4.7.9.2.10 There are around 120 Tribal healers in Kerala identified by KIRTADS. The tribes as well as non-tribes approach these tribal healers. No tribal medicine Camps were organized in tribal areas by KIRTADS. Tribal Medicines Camps were organized in different urban areas of the State. Each tribal healer treats 75-120 non-tribal patients in these tribal medical Camp continuing for a week.

4.7.9.3 Malnutrition

4.7.9.3.1 Government has launched the scheme "Food Support Programme" for tribal people in Wayanad district in 1995-96 which was subsequently extended all over Kerala. Generally during monsoon season, the tribals have no work; and consequently problems like poverty, unemployment, spread of epidemics, malnutrition etc. were prevalent in lean months. The objective of the scheme is to solve the above said problems. The scheme is implemented with the 100% State Govt. Tribal Sub Plan fund. The details of amount of grant received, spent and number of beneficiaries during the recent years are given below:

(Rupees in lakhs)				
S.No	Year	Amt. Received	Expenditure	Beneficiaries
1	2005-06	150.00	150.00	63099
2	2006-07	150.00	149.80	48763
3	2007-08	100.00	98.74	37323

4.7.9.3.2 By implementing this scheme, Government has secured food security to needy Scheduled Tribe people and as such no incidence of death due to poverty, malnutrition etc. has been reported in the State for the last many years.

4.7.9.4 Women and Child Healthcare

4.7.9.4.1 ST Department persuades every tribal family to go to the Polio Immunization camps and the ST Promoters always help the tribal families in this regard.

4.8 Key Issues

4.8.1 The following issues appear to need special attention with regard to health and nutrition of tribal people in the country:

- i) Most of the Health facilities are not approachable by the tribal people due to improper connectivity.
- ii) Growing shortage of key cadres - Specialists, Doctors, Para medicals, ANMs, Nurses, Lab Technicians and OT Assistants - in rural areas, especially far-flung, remote tribal areas.
- iii) Problems of absenteeism and irregular staff attendance.
- iv) Non- availability of drugs, diagnostic test and medical infrastructure leading to demotivation of doctors.
- v) Lack of motivation and inadequate incentives especially in difficult area postings.
- vi) Non- transparent transfer and posting policy.

Note: Point no i) above is as per Draft National Tribal Policy. Point no ii) to vi) are as per 11th FYP.

4.9 Possible Solutions

4.9.1 Some of the possible options, which can be of help to overcome the difficulties to some extent, are as follows:

- i) State-specific HR management policy and transparency in management of health cadres.
- ii) Training (and utilization) of local people.
- iii) Reintroduction of Licentiate course in Medicine.
- iv) Incentives for difficult areas and system for career progression.
- v) Communication and road linkages.
- vi) Publicity, awareness and IEC programmes in local language.
- vii) Successful initiatives by some of the State Govt. must be shared with others like Health Melas in Assam, Tribal promoters in Kerala, Navsanjivani and Matrutva Anudan Yojana by Maharashtra Govt.
- viii) State Governments should not have an indifferent attitude towards the remote tribal areas. (For example in Tripura no CHC or PHC have any Specialist Doctor).
- ix) New medical, nursing and dental colleges should be established in the under-served tribal areas.

- xi) A synthesis of Indian systems of medicine like Ayurveda and Siddha with the tribal system and modern medicine should be promoted. The present status/ availability of alternative Indian System of Medicine is illustrated at **ANNEXURE 4.IV**

4.10 Review of the major issues in consultation with the concerned Ministries and Deptts.

4.10.1 A meeting with the Ministry of Health & Family Welfare, Ministry of Tribal Affairs, Ministry of Women & Child Development, Department of Drinking Water Supply & ICMR was held on 13.04.2009 and 09.06.2009 to solicit their views and update the position on the issues concerning health of the STs.

4.10.2 In the aforesaid meeting, the Commission specifically pointed out that **though the schemes/programmes of the Ministry of Health & Family Welfare are well structured with ambitious targets, there is no specific Tribal Sub Plan (TSP) component in these schemes/programmes. An adequate flow of funds in proportion to the ST population of a State/UT through TSP should be ensured by the Central Ministry / Department.**

4.10.3 A copy of the proceedings of the meeting held on 13.04.2009 and 09.06.2009 is enclosed as **ANNEXURE 4.V** and **ANNEXURE 4.VI**

4.10.4 The Ministry of Health & Family Welfare intimated that National Rural Health Mission was taken up in 2005 with a view to taking care of the health requirements of the rural areas. Further, it was informed that the same policy can't be extended to the whole country, as the requirement of different States are different. It was further felt that different districts in a State can have different health related requirements. Therefore, a network has been set up and district-wise information is being received in the Ministry to take corrective steps as per the requirement. It was intimated that only providing 7.5% share to STs, will be injustice to them and, therefore, corrective action and support will be given to the districts based on the data collected. If the ST dominated districts require total support that will be extended. **The Commission recommended that support to ST dominated districts should be given priority.**

4.10.5 The officials of the Ministry of Health & Family Welfare further informed that a number of steps/initiatives, as under, are being taken to ensure that medical help reaches the needy people, especially the people from the weaker section of the society within the shortest possible time:

- i) All districts of the country are sanctioned with a GPS enabled Mobile Medical Van. These are operational in 360 districts and soon will be operational in the remaining districts also;
- ii) Appointment of trained ANMs could not be done due to non - availability of trained manpower. There is a limitation of number of seats in the Govt. institutions. The Govt. of West Bengal have taken a very good initiative in this regard by imparting training to the local volunteers to become ANMs with the help of NGOs. This has solved the problem of non - availability of

trained ANMs in a short duration. This system should be encouraged by the other State Govts. also;

- iii) Preference to local people is being accorded for appointment at any level in the healthcare system.
- iv) Most of the PHCs are made to operate on 24X7 basis and MoH&FW is supporting the State Govt. in this area;
- v) Higher payment is being given for appointment on contract basis to Specialists, Doctors and para-medical staff to be posted in remote tribal areas. A rate list has been worked out with the recommendation of the State Govts. Regular employees are also provided special incentives;
- vi) Ministry has started a program, under which Graduate doctors are given training in Family Medicine through distance education scheme. There are 100 seats for this 2-year Diploma course through CMC Vellore. 120 doctors are trained in one year program of PG in Public Health. This drive is started to compensate for the acute shortage of specialists, especially in remote tribal areas;
- vii) A six month training is imparted to the doctors in the field of epidemiology;
- viii) Criteria for opening of CHC, PHC and SHC has been relaxed for rural and remote / hilly areas. Criteria for setting up of health centre also includes consideration of load and distance in addition to population, which is already relaxed.
- ix) Ministry has directed for starting of a medical college, where health centre are big enough as per standards. The prescribed criteria of a chunk of land for opening of a medical college is also relaxed for these areas. This will facilitate training of local people and their availability for service in future;
- x) Ministry, in co-ordination with the State Govts, is trying to ensure that there is no shortage of medicines. To ensure this target, different state Govts. are taking various steps. At some places, a fund is generated and the accrued interest is utilized to arrange for medicines. Govt of Tamil Nadu has registered a remarkable progress in this area;
- xi) Co-location and integration of Ayush, Homeopathy and Indian system of medicine is being done at CHC and PHC;
- xii) Stress is being given for awareness programmes based on the inter-personnel communication; and
- xiii) The lower level of health workers are named in the local language, like an ASHA in Chhatisgarh is called 'Mitani', which means a co-worker. This generates a feeling of belonging.

4.10.6 Ministry of Women and Child Development intimated that a number of steps are being taken, as under, for the betterment of health condition of women and children.

- i) Awareness programmes are being arranged to promote institutional deliveries;
- ii) Nutritional supplements are being supplied free of cost to the pregnant women and children;
- iii) Vaccination of pregnant women and children are arranged through medical camps and mobile vans in addition to health centers;
- iv) Food supplement and mid - day meal is given all school going children; and
- v) For appointment in Anganwadi, the norms are relaxed.

4.10.7 Department of Drinking Water Supply intimated that following steps have been taken to meet the target of Planning Commission in 11th five year plan to provide safe drinking water to all by 2012:

- i) Department have converged all the programmes with NRHM and ICDS, as the programme is related to health and nutrition;
- ii) Rain water harvesting, a major source of water in remote areas where water pipe lines can't be laid because of difficult terrains, is being exploited;
- iii) A Jalmani Scheme has been started to ensure safe drinking water to all school children. For this, all schools are being provided filtration units;
- iv) Wherever, initiatives taken for drinking water could not be sustained due to shortage of resources, GOI is providing 100% support for their sustainability;
- v) The practice of providing more support to States where progress has not been achieved as targeted, is done away. On the other hand, the Department is rewarding to the State Govts. where good / remarkable work has been done, thereby promoting the good work;
- vi) Under NRDWP, 10% of the funds have been earmarked for Scheduled Tribes habitations;
- vii) It has been noticed that in some of ST areas in some States, the drinking water is not of good quality, processing measures are being taken to overcome the problem by improving the quality through filtration system etc.; and
- viii) To ensure safe drinking water and good health, sanitation is very important. Department is providing 'Ecosan' toilets, which are easy to maintain and uses less water. It is planned to provide Ecosan toilets in all the Aanganwadis and Schools by December, 2009. Incentives are given to Gram Panchayats, where all public institutions are provided with toilets.

4.10.8 **The Commission recommend that specific Tribal Sub Plan (TSP) component in all the major missions/schemes/programmes of the Ministry of Health & Family Welfare is considered necessary to have a clear**

focus on formulation of schemes/programmes concerning the STs and their effective implementation and monitoring. Further, adequate support to ST dominated districts should be ensured both in terms of availability of funds and other resources to improve health and nutrition conditions upto acceptable/targeted standards.

4.10.9 Ministry of Health and Family Welfare replied w.r.t. the recommendation of the Commission that States having alarming health indicators are supported with higher allocations of resources. Similarly, special consideration is attached to North Eastern States and many large tribal States of the country for higher allocation of resources. Thus already due care is taken to treat tribal States under Special category State and therefore, it is felt that a separate national level tribal plan is not the approach of NRHM.

4.11 State-specific recommendations based on the review of the position indicated by the States

4.11.1 Assam

- (i) Effective steps should be taken by the State Govt. to reduce the cases of Malaria.**
- (ii) Health Melas are quiet useful to cover the underserved tribal areas. Therefore, Health Melas should be organized on a regular basis.**
- (iii) Health checking behaviour of tribal women is poor and, therefore, attention should also be given to non-institutional deliveries and awareness programme should be conducted.**
- (iv) Immunization programme should be more strengthened to ensure 100% immunization of tribal children.**
- (v) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**

4.11.2 Jharkhand

- (i) Health infrastructure needs to be improved in tribal areas by using more Mobile health clinics with greater frequency, setting up of more SHCs in tribal areas and organizing regular Health Melas.**
- (ii) Ayurvedic Camps should be organized regularly in the tribal areas.**
- (iii) Immunization programme has to be strengthened**
- (v) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**

4.11.3 Gujarat

- (i) Medical infrastructure should be improved in the tribal areas**
- (ii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**

4.11.4 Bihar

- (i) More attention is required to be given to the tribal population.**
- (ii) Immunization of tribal children and awareness about institutional deliveries should be given more attention.**

4.11.5 Maharashtra

- (i) Medical camps should be organized on regular basis in tribal areas**
- (ii) More funds should be sanctioned by the State Govt. for medicines.**
- (iii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**

4.11.6 Jammu & Kashmir

- (i) Medical camps should be organized on regular basis in tribal areas**
- (ii) Medical infrastructure in the tribal areas need improvement**
- (iii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**
- (iv) Availability of safe drinking water in tribal areas is a major problem & needs to be given due attention**
- (v) IFA supplement should be given to girl child and expectant and lactating mothers.**

4.11.7 Madhya Pradesh

- (i) IMR is very high i.e. 72 per 1000 live births. In tribal areas it will be more due to remote and underserved areas. Immunization and nutrition supplement to under-3 children should be given highest attention.**
- (ii) Institutional deliveries should be promoted, but at the same time non-institutional deliveries should also be attended to.**
- (iii) Medical infrastructure is required to be upgraded.**
- (iv) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**

4.11.8 Tripura

- (i) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.**
- (ii) Some specialists, depending on the prevalence of diseases in tribal areas, should be posted in CHC & PHC of tribal areas. One gynecologist should be posted in all the CHC and PHC of tribal areas.**
- (iii) Medical infrastructure in the tribal areas needs to be strengthened**

4.11.9 Kerala

- (i) More awareness programmes should be conducted for Scheduled Tribes community**
- (ii) Provision of safe drinking water in all the tribal settlements to be ensured.**

CHAPTER – 5

CASE STUDIES

5.1 Approach and Methodology

5.1.1 The Commission receives representations from individual members of Scheduled Tribes or their associations etc. These representations/ petitions pertain to (i) the violation of the reservation instructions in services/ posts, (ii) problems relating to the socio-economic development of Scheduled Tribes such as admission in educational institutions, land alienation, rehabilitation and displacement as a result of setting up of projects etc. and (iii) atrocities on members of Scheduled Tribes by non-Scheduled Tribe persons. These representations are referred to the concerned organizations of the Central Govt. or the State Govts. by the Commission requesting them to furnish full facts within a given timeframe. The facts furnished by the concerned organization are examined by the Commission and in case, on enquiry, the Commission feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures. The concerned organizations are advised to take follow up action on the Commission's recommendations/observation/ findings within a given timeframe and apprise the Commission of the action taken.

5.1.2 A copy of the reply sent by the concerned organization is forwarded to the petitioner for his information and in case the petitioner submits a rejoinder containing additional material, the same is further examined in consultation with the concerned organization. If the Commission does not get a reply from the concerned organization on the points raised in the petition/ rejoinder despite repeated reminders, the Commission invites the Head of the organization and/ or any other senior officer of that organization to appear before the Commission for discussion with Member, NCST. The recommendation made after the discussions are recorded and sent to the respective organization for taking necessary action on the Commission's advice/recommendation within a specified period of time.

5.1.3 The Commission received a number of petitions on various subjects. In 102 cases, the Commission's intervention brought relief to the petitioners as per the list placed at **ANNEXURE 5.I**. A few representative cases are discussed below.

5.2 Cases pertaining to Service matters

5.2.1 Shri Bishwanath Murmu, Village Ashfal, Distt. Hoogli, West Bengal, Eastern Railway

5.2.1.1 Shri Bishwanath Murmu, Village Ashfal, Distt. Hoogli, West Bengal represented to NCST on 27/01/2006 that he was not given reasonable opportunity in connection with the punishment awarded to him by the Eastern Railway for his reported unauthorized absence from duty. The Commission invited report/

comments on 16/02/2006 from the Chief Personal Officer (CPO), Eastern Railway in the matter.

5.2.1.2 The CPO, Eastern Railway vide letter dated 12/02/2006 informed that Shri Bishwanath Murmu, ex-Gateman, Jirat was unauthorizedly absent for 139 days in the year 1999, and 122 days in the year 2000 (upto 04/10/2000) and again from 14/10/2000 to 25/09/2001 without any information to the HQ i.e. Station Master, Jirat. He joined his duty with an improper Private Medical Certificate on 26/09/2001 after being declared fit by the Divisional Medical Officer/Bandel. A charge-sheet (SF -5) was issued to him vide letter No E/CC/Staff/7/01 dt 18/09/2000 which was received by him on 10/10/2001. No reply to the charge sheet was submitted by Sri Murmu. Sri Murmu attended the Enquiry on 18/02/2002 without any Defence Assistant. Shri Murmu was granted 3 days more time to find out his Defence Assistant as per his request. Accordingly, the date of the 1st sitting of the enquiry was fixed on 21/02/2002 but Shri Murmu failed to attend this and also the next scheduled enquiry on 07/03/2002. Subsequently, the enquiry was held on 11/04/2002 which he attended. During the course of the enquiry, the petitioner intimated that he would not appoint his Defence Assistant to defend his case. Sh. Murmu admitted that he was unauthorizedly absent for a prolonged period. The Enquiry Officer found him guilty. The Disciplinary Authority, while accepting the report of the Enquiry Officer, sent a copy of the report to the charged official Sri Murmu, which was received by him on 11/11/2002. Sh. Murmu did not make any comments. During the course of the Enquiry, he did not represent about his sickness and was also not able to produce any document regarding his sickness. Finally, he was removed by the AOM/ Coaching, Howrah on 31/12/2002 and the Order was received by him on 11/01/2003 Sh. Murmu was advised to submit appeal within 45 days from the date of receipt of the punishment to the next higher authority (DOM/HWH), which he failed to do within the stipulated period.

5.2.1.3 The Railway officials were called to a meeting on 08/11/2006 in the Commission. During the discussion, the Railway officials informed that Sh, Murmu had now filed appeal on 26/10/2006 and assured that his appeal would be considered. The Commission advised the Railway authorities to look into the grounds of the appeal. Subsequently, it was informed by the Railways that the Revisionary authority had reinstated Sri Biswanath Murmu, ex-Gateman under Station Master, Jirat, Howrah in service at the minimum time-scale of pay attached to the post and cancelled the order of the penalty of removal from service. The period between removal from service and reinstatement was treated as dies-non.

5.2.2 Sh. Mohinder Singh, Senior Section Engineer, Carriage and Wagon Depot JAT, Ferozpur Division, Northern Railway, Jammu Tawi

5.2.2.1 Sh. Mohinder Singh, Senior Section Engineer, Carriage and Wagon Depot JAT, Ferozpur Division, Northern Railway, Jammu Tawi represented to NCST on 28/03/2007 that he had been frequently transferred by the administration. Sh. Singh informed that he had joined Railways as a Junior Engineer and was posted in Delhi Division from 1994 to 1997. Due to his brother's death Shri Singh got himself transferred from Delhi Division to Firozpur on bottom seniority. He stated

that, thereafter in between 1999 to Dec. 2006, he has been transferred from Ferozpur to Amritsar, Amritsar to Pathankot and Pathankot to JAT, whereas other Senior Section Engineers posted in Pathankot were not transferred. Therefore, the petitioner felt aggrieved and discriminated.

5.2.2.2 The Commission took up the matter with the **General Manager, Northern Railway** and subsequently, a meeting was taken up by the Hon'ble Chairperson, NCST on 24/01/2008. The Railway officers were advised to review the matter. The Railways in its compliance report replied that Sh. Mohinder Singh had since been posted at Baijnath Paprola by the Ferozpur Division against an existing vacancy in same capacity vide Office OM dated 30/01/2008.

5.2.3 Joint representation from Sh.Chajulal and others regarding promotion from Head Constable (HCs), Delhi Police

5.2.3.1 A joint representation dated 22/05/2007 was received from Sh.Chajulal and others regarding promotion from Head Constable (HCs) to Assistant Sub-Inspector (ASI) in Delhi Police. It was informed that Delhi Police vide Order dated 09/04/2007 had promoted 226 Head Constables to the post of ASI which included 109 Head Constables belonging to ST category. Another order was stated to be issued promoting 366 Head Constables to ASI D-1 (Exe), wherein only 4 STs were included.

5.2.3.2 The petitioner pointed out that out of 366 Head Constables, 28 Scheduled Tribes candidates should have been promoted as per the prescribed percentage of 7.5. The NCST wrote to the Commissioner of Police, Delhi on 22/05/2007 seeking information and relevant records. The Office of the Commissioner of the Police vide letter dated 11/06/2007 intimated that on 09/04/2007, to fill up 226 existing vacancies in the rank of ASI (Exe), 226 HCs (Exe.) including 109 of STs were promoted to the rank of ASI on ad-hoc basis. ST category candidates were located by going down to the seniority list provided they were eligible and found fit for ad-hoc promotion in accordance with the provision contained in DoPT O.M. No 36012/27/2000/Estt.(Res.) dated 15/03/2002.

5.2.3.3 On 16/05/2007, names of 366 HCs (Exe) were included in the promotion list D-1 (Exe) Out of them, only 4 HCs (Exe) belonging to S.T category were included. It was explained that, while including their names in promotion list D-1 (Exe.) ST candidates were located by extending the zone of consideration by 5 times of the number of vacancies. In the extended zone of consideration, only 4 HCs of S.T. category were found fit. The names of applicants were not falling in the normal /extended zone of consideration and as such, their names were not considered for promotion list D-1(Exe.).

5.2.3.4 The NCST on further examination of the case advised the Delhi Police that as reported, 28 HCs should have been promoted instead of 4. In this connection, it was specifically pointed out that there were 145 Scheduled Tribes posts lying vacant also. The Office of the Commissioner of the Police further intimated that out of 3673 sanctioned posts of ASI (Exe.) in Delhi Police, existing at that time, 854 posts of ASIs (Exe.) (603 Genl, 76 SC and 175 ST) were vacant. In order to fill up these posts, the name of eligible HCs (Exe.) including 147 STs

were considered by the DPC held on 28/12/2007. As per the instructions of the Govt. of India, the ST candidate were located after extending the zone of consideration by 5 times of the number of vacancies proposed to be filled in after evaluating the service records and ACRs for the preceding five years of eligible candidates, the DPC recommended the names of 810 candidates for admission to the Promotion list D-1 (Exe.) for Intermediate School Course in terms of Rule 15 (i) of Delhi Police (Promotion & Confirmation) Rule, 1980. On the recommendation of the DPC, the names of 810 candidates including 131 ST candidates were admitted to promotion list D-(i) (Exe) vide Notification dated 31/12/2007. The names of the petitioners also appeared at Sl. No.798,799 and 800 respectively and they were given promotion to the rank of ASI (Exe) on adhoc basis vide Notification dated 31/12/2007 (In promotion list, names of the petitioners existed at Sr .No. 932,933 and 934).

5.2.3.5 Thus, correct application of the rules of reservation by the Delhi Police and advice of NCST resulted in justifiable promotion of ST candidates.

5.2.4 Representation dated 22/12/2006 was received from Shri Amar Singh Rana, Income Tax Officer, Srinagar (Garhwal)

5.2.4.1 A representation dated 22/12/2006 was received from Shri Amar Singh Rana, Income Tax Officer, Srinagar (Garhwal) regarding restoration/ fixation of seniority at an appropriate place in the cadre of Income Tax Officer. The petitioner alleged that his name was considered for promotion as ITO in the DPC held on 22/09/1995, against the vacancies reserved for Scheduled Tribe candidates, as the applicant was the only qualified and eligible candidate for being promoted as ITO Group 'B' in the entire panel, under zone of consideration, for promotion in the Cadre Control Charge of Chief Commissioner of Income Tax (CCIT) (CCA), Kanpur. In the DPC, name of Shri Sanjeev Sharma, who was junior to the applicant, was also considered for promotion as ITO, as a general candidate. Shri Sanjeev Sharma was junior to the applicant as his name was found at Sl. No. 247 in the Seniority List of Income Tax Inspectors as on 01/01/2002 published by the Chief CIT (CCA), Kanpur, (circulated vide his office letter F. No. CCIT/KNP/C&V/ 1389/2002-03/248 dated 17/06/2002) while the name of the applicant was found at Sl. No. 240.

5.2.4.2 The matter was taken up with the CCIT, Kanpur (UP) on 17/01/2007 and the case was followed up regularly. The Commission advised the Central Board of Direct Taxes (CBDT) on 05.10.2007 that the request of Shri Rana for holding the next DPC meeting for promotion to the grade of Assistant Commissioner of Income Tax after rectification of the seniority list seemed to be genuine as the CCIT (CCA), Kanpur had also recommended for the rectification of the above seniority list. As CCIT (CCA), Kanpur did not respond, a d.o. letter was addressed to Shri R. Prasad, Chairman, CBDT to look into the matter and furnish comments in the matter immediately.

5.2.4.3 Shri R. Prasad, Chairman, CBDT, New Delhi vide letter dated 14.12.07 informed that the petitioner's seniority had been re-fixed in All India Seniority List of Income Tax Officers vide Order No. 202 of 2007 dated 14.12.2007.

5.2.5 Shri S.C. Meena Scale-II, State Bank of Indore

5.2.5.1 Shri S.C. Meena Scale-II, working in the State Bank of Indore, represented to the Regional Director, Rajasthan (NCST) regarding his promotion from Scale-II to Scale-III in the promotion exercise for the years 1997 to 2001. The Regional Director having made the correspondence with the State Bank of Indore, called for the following records and made certain observations, which are summarized below:

- (i) The ACRs of the petitioner and other promoted officers for the promotion exercise of the years 1997-2001;
- (ii) The bank had promoted several officers on each occasion only from General category in the review appeals made by the non-promoted candidates. The stand taken by the Bank was that the officers promoted in the appeals had no bearing about the total marks obtained by the candidates in the overall appraisal written test/interview etc. This practice appeared to be discriminatory as the procedure was found to be purely based on the discretion which was being followed by the Bank, where the normal criteria for selection of cut-off marks obtained by the last candidate promoted had no relevance with the candidate promoted in the appeals. The Management had also promoted the officers who were not even clear from the vigilance angle. (Shri M.M. Chorasias and Shri P.K. Kori);
- (iii) Shri Meena was awarded as Best Branch Manager and Managing Director Trophy was given to him. Despite that, he was not promoted. Shri Meena had secured quite high marks in his interview, but in the promotion exercise for the year 1998 he was given only 5 marks, which has been viewed as deliberate so that he might not be promoted;
- (iv) Shri Meena was issued two separate charge- sheets. During the course of inquiry, one of the charge-sheet issued in relation to Industrial Estate of Ratlam Branch was dropped and no penalty was imposed on Shri Meena. However, while imposing penalty on other charge-sheet, both the charge-sheets issued by the Surat and Ratlam branch had been mentioned and a minor penalty of 'Censure' was imposed on him. The recording of both charge-sheets in the penalty order was unjust and illegal. This might have been deliberately incorporated by Bank to deprive him of promotion;
- (v) The overall appraisal marking by the Bank in the promotion exercise of the Bank on record appeared just but the actual calculations carried out and the weightage procedure being adopted was doubtful. The Assessing Officer might have played some discretionary role, while converting the performance appraisal into numerical value and the appraisal of the candidate considered for the promotion exercise 1997, 1998 and 1999 appeared to be incorrect; and
- (vi) Shri Meena had been superseded by general category officers in all the promotion exercise for the year 1997-2001, whereas Bank had

confirmed in writing that there was no supersession of SC/ST officers vide letter dated 12 September, 2002. The Bank has violated all the guidelines issued by DOPT in the year 1976 and 1982 in relation to matters. of supersession.

5.2.5.2 As the State Bank of India did not take action on the observations, the Director, Regional Office, (NCST) at Jaipur sent the case to Commission Hqrs. for intervention. A hearing was fixed in the Commission before the Hon'ble Chairman on 17/01/2007. The MD, State Bank of Indore was called for discussion. On discussion, the Commission noted (i) the marks awarded to Shri Meena in internal appraisal in all the three years (1997, 1998 and 1999) were around 40 out of 50 while marks scored in interview were 30,05 and 30 (out of 50) respectively; (ii) the knowledge, caliber and intelligence of an officer, which is the basis for assessment in the interview could not fall suddenly and again rise suddenly as reflected in the interview score of Shri S.C. Meena in 1998, in comparison with the performance in 1997 and 1999; (iii) the contention of the petitioner Shri S.C. Meena that he was intentionally discriminated with particular reference to his performance in the 1998 interview, with the objective of hampering his career, was proved by the record of his interview scores during 1977 and 1999, which were much higher than the score given in the year 1998; (iv) there was a strong case for review of the DPC conducted in the year 1998

5.2.5.3 The Commission accordingly advised the CGM, State Bank of Indore to review the 1998 exercise in the light of the facts placed by the Bank and those by the petitioner and the observations made by the Commission. CGM assured that the after making the review exercise, he would place the facts before MD, State Bank of Indore for consideration. Finally, the Bank, informed on 17.11.2007 that Shri S.C. Meena had been promoted to MMGS III cadre w.e.f. 01.12.2002.

5.2.6 Shri Purushottam Meena, Junior Engineer, BSNL, Jaipur

5.2.6.1 Shri Purushottam Meena, Junior Engineer, BSNL, Jaipur represented to NCST on 20/1/2005 regarding denial of promotion to the post of SDE (E). It was alleged that all the posts alongwith incumbents of DoT were transferred to BSNL and no posts were abolished. The Commission took up the matter with BSNL and DoT. A meeting was fixed on 20/11/2006 by the Hon'ble Chairman of the Commission. The DoT was advised that first of all the roster register should be prepared as per the DoPT OM No. 36012/2/96-Estt. (Res.) dated 2.7.97 for promotion to the posts of SDE Electrical and Civil and the other posts up to the level of Junior Grade 'A' and the share of the ST @ 7½ of total posts under each category of posts in the year 2000 when BSNL was created, should be calculated on the basis of post based roster and the backlog/shortfall position may be filled as per the DoPT guidelines. The Commission gave one month time to the BSNL to review the cases of promotion of all the eligible candidates against the backlog/shortfall vacancies meant for STs.

5.2.6.2 The NCST again sent a detailed report of the case to the of the Secretary, Telecommunication vide letter dated 08.05.2007 requesting him to expedite the matter and take necessary action in pursuance of the decision taken in the hearing on 20.11.2006 in the Chamber of Shri Kunwar Singh, Hon'ble Chairman of the Commission. The Commission was informed that in the DPC held in 2001 for the post of SDE (Electrical), only 3 vacancies had been shown as reserved for

STs and that Shri P. Meena could not be considered in the said DPC as he was out of the zone of consideration and also that he had not completed the requisite length of regular service of 8 years in the feeder grade. The Commission had further noted that there was an excess of 9 SCs who had been shown against ST points on account of exchange of ST reserved points with SC candidates. The Commission also pointed out that the shortfall of ST vacancies against the total sanctioned strength in each cadre post was required to be completed. It was also agreed that DoT will review the last DPC and coordinate the work relating to preparation of revised rosters with identification of backlog of ST vacancies in cadre posts in DoT etc.

5.2.6.3 In response, DoT's informed on 8.05.2007 that a total 37 posts of A.E. (E)/SDE (E) had been identified for being filed up in the DPC which was held in September, 2001 out of which 14 were reserved for STs. It was admitted by DoT that out of 14 vacancies reserved for ST candidates, 10 vacancies were converted into SC vacancies under the then existing provision of inter-change between SCs and STs.

5.2.6.4 It was pointed out by the Commission that the excess of SC vacancies were required to be adjusted in future and the shortfall/backlog of STs was required to be filled by promoting less number of SC candidate and more number of ST candidates till such time the requisite % age for ST category was achieved. Attention was also invited to para 6 of the DoPT's O.M. No. 36012/17/2002-Estt.(Res.) dated 6th Nov. 2003 which states that if number of SC or ST candidates appointed by reservation including by exchange of reservation between SCs and STs was in excess of reservation prescribed for them, such excess representation might be adjusted in future recruitments. The Commission, noted with anguish that inspite of these clear provisions as well as the suggestions of the Commission, the vacancies had not been re-calculated and were still being shown as 4 instead of 14. It was also pointed out that this action/omission of the DoT was also in clear violation of the DoPT's instructions dated 2 July, 1997 both in letter and in spirit, which was based on the Hon'ble Supreme Court judgment and which provide that once any category has reached the prescribed %age of reservation in each cadre, the vacancy cannot be reserved for that category in future promotion.

5.2.6.5 It was made clear to the DoT that the number of vacancies reserved for ST in the grade of SDE (Electrical) for the purpose of the DPC held in September 2001 should have been shown as 14 instead of 4, which were not done by the DoT in compliance with the above-referred guidelines of DoPT. Another meeting was fixed on 22.05.2007 but was postponed. Subsequently, Joint Secretary, NCST sent a letter dated 11.06.2007 to Ministry of Communication again emphasizing to follow the non-selection method i.e. seniority-cum -fitness as per amended Recruitment Rules. The Deputy Director General (Electrical) and IT, Department of Telecommunication vide its d.o. letter dated 31.10.2007 informed that Shri Purushottam Meena had been promoted to the grade of SE (Electrical) vide BSNL promotion order dated 30.10.2007. Subsequently, the petitioner Shri Prusothem Meena, JTO(E) on 14/11/2007 also wrote to the Commission to inform that the intervention of Commission had helped him in being promoted to the post of SDE (E).

5.2.7 Shri. S.K. Meena, Administrative Officer (Dev.) in Oriental Insurance Company Ltd (OICL), New Delhi – Application of protection clause in promotion.

5.2.7.1 The National Commission for Scheduled Tribes received a representation from Shri. S.K. Meena, Administrative Officer (Dev.) in Oriental Insurance Company Ltd (OICL), alleging that he had been denied promotion to the post of Assistant Manager although he was senior enough to be covered within the number of vacancies filled by the Company in the promotion process conducted during 2006-07 and was, therefore entitled to the benefit of Protection Clause. The Commission obtained the comments of OICL on the representation of Shri Meena.

5.2.7.2 The matter was examined and it was found that the Govt.'s instructions relating to (i) the protection clause for SC/ST in the matter of promotions by selection and (ii) fixation of zone of consideration in such cases, had not been followed by the OICL. The case was discussed with the CMD, OICL in the meeting called by the then Vice Chairperson, NCST on 04/04/2007. CMD, OICL assured the Commission that the whole promotion exercise would be reviewed and the interests of Shri Meena would be safeguarded. However, no action for redressal of the grievance of Shri Meena was taken by OICL and, therefore, CMD, OICL was again called for discussion in the Commission in the Chamber of Chairperson, NCST on 16/08/2007. In this meeting also, the Commission observed that since Shri S.K. Meena's position in the Seniority list was within the number of actual vacancies against which promotions were made by the OICL, he should have been promoted by giving him the benefit of Protection Clause.

5.2.7.3 As the OICL authorities did not comply with the suggestions of the Commission, Secretary, NCST fixed yet another meeting with CMD, OICL on 12/11/2007 which was attended by the General Manger (Personnel), OICL and other officers. It was noted that OICL had violated DoPT's instructions and wrongly denied promotion to Shri. S.K. Meena.

5.2.7.4 The Commission noted that the benefit of Protection clause had been wrongly denied to Shri Meena and other reserved category candidates in violation DoPT's OM NO. 36028/21/2003/Estt-Res dated 29.01.2004 which, *inter-alia*, lays down that the SC/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 consideration for promotion for which the select list has to be drawn, would be included in that list, provided they are not considered unfit for promotion. The Commission found that these instructions had not been followed by the OICL in the instant case by wrongly bifurcating the promotion vacancies into two categories, viz, actual vacancies and contingent vacancies. It was noted that OICL had effected 116 promotions showing 105 vacancies as actual vacancies and 11 vacancies as contingent vacancies. The Commission observed that the fact that all the 116 persons had joined duties implied that number of actual vacancies were 116 and therefore, Shri. Meena, being at Sr. No. 110 of the Seniority list was covered within the number of actual vacancies and was entitled to be promoted by giving him the benefit of Protection Clause. The Commission further observed that the action taken by IOCL was violative of all the instructions

issued by DoPT regarding calculation of actual vacancies for preparation of the select list in the matter of selection promotion. The Commission pointed out that as was being followed by the OICL, there was no concept of contingent vacancies in the promotion by selection and therefore, the number of vacancies for applying the Protection clause had to be treated as 116 and accordingly, Shri Meena and other ST/SC candidates were within that number i.e. 116 were required to be considered for promotion in terms of above referred instructions of DoPT. The Commission made it very clear that the element of contingent vacancies had been wrongly introduced by the OICL in its promotion policy in gross violation of DoPT's instructions and hence, there was an urgent need to set the things in order.

5.2.7.5 The Commission also pointed out instructions contained in DoPT's OM No. 22011/2/2001-Estt(D) dated 06.01.2006 relating to fixation of zone of consideration had been violated by the OICL in the present case. It was stated that assuming that the vacancies were 105, as per these instructions, the zone of consideration in this case should have been, fixed at 161 (i.e. equal to one and a half times the number of vacancies plus three) against which the size of the zone was wrongly drawn upto by OICL upto 363 (i.e. equal to two times the number of vacancies plus all the officers of a batch in respect of which a few were covered within the normal zone i.e. 210). It was mentioned that this wrong approach adopted by OICL had resulted in a large scale supersessions of senior officers in the feeder grade of Administrative Officer.

5.2.7.6 Taking into account the flagrant violation of the government instructions by OICL, and the unwillingness of the OICL to take corrective action to undo the damages caused to the ST Officers (as also SC officers) in that Company, the Hon'ble Chairperson decided to discuss this case with the Secretary, (Financial Sector), Ministry of Finance, Secretary (DoPT) and the Chairman, General Insurance (Public Sector) Association of India (GIPSA) who was also holding the post of CMD, OICL. Accordingly, on 28/11/2007 a meeting was taken by the Hon'ble Chairman which was attended by the Joint Secretary, Deptt. of Financial Sector, Vice-President, the General Insurers' (Public Sector) Association (GIPSA), CMD, Oriental Insurance Company Limited and Director, DoPT. On discussion the Commission recommended that the new promotion policy should be revised in such a manner that the candidates belonging to SC/ST category receive the benefit of the protection clause in their promotion to higher posts. The Commission was assured by the Joint Secretary, Deptt. of Financial Sector, the Vice-President, GIPSA, Chairperson, GIPSA and CMD OICL that a fresh look into the observations of the Commission would be taken. On 28/12/2007, GIPSA intimated the Commission that recommendations made by the Commission were placed before the Governing Board for considering prescribing lower qualifying marks in the written test for SC/ST officers (in comparison to General category) in such a way that the candidates belonging to SC/ST category had the benefit of Protection Clause in their promotion to higher posts, subject or course, to maintenance of the minimum standard of efficiency. It was further stated that the Governing Board, observed that even though there was no mandatory requirement as per DoPT's guidelines for relaxation of marks for SC/ST in matter of promotion where no reservation was available, and even though in the first year of the written test, the SC/ST officer on overall basis performed reasonably well without any relaxation, the recommendation of the Commission had been

accepted in long term perspective for providing adequate avenues for SC/ST officers to rise in career consistent with maintenance of efficiency of the organisation and approved a lower qualifying pass percentage of 45% for SC/ST officers (as against 50% of gen. category) in the said written test w.e.f. 2008-09 Promotional Exercise. The decision of the Governing Board of GIPSA was communicated to all their Member Companies and GIC for adopting by their respective Boards of Directors for giving effect from the next promotional exercise itself.

5.2.7.7 The OICL on 7/1/2008 informed the Commission that the matter of reviewing and extending the benefits of Protection clause up to the actual number of vacancies filled during the promotional exercise years commencing from 2001-02 onwards upto 2006-07 was placed before the Board at its meeting held on 22/12/2007 and permission obtained for review of these promotions. In this exercise 3 ST Officers were promoted including Shri S.K. Meena, AO (D) to the post of Asstt. Manager. On the recommendations of the Commission and on the direction of GIPSA the promotions made in other certain public sector insurance companies were also reviewed from 2001-02 onwards and in the process, a number of SC and ST officers were promoted afresh or from back dates.

5.2.8 Shri Dasarathi Pradhan(ST), Senior Operator, Grade-I, NALCO Smelter Plant, Angul

5.2.8.1 Shri Dasarathi Pradhan(ST), Senior Operator, Grade-I, NALCO Smelter Plant, Angul represented to the Commission regarding his promotion to the post of Chargeman, Grade-III (T-5) with retrospective effect i.e. from 1st July,2006. He stated that he appeared for the Trade Test for the said post conducted by the NALCO. But he could not appear in the interview before the DPC fixed on 30.08.2006 as he was sent for training by his HOD on Aluminium Making Process held at Nagpur from 23.08.2006 to 01.09.2006. His case for promotion to the post of Chargeman, Grade-III (T-5) was not considered on the ground that he did not appear in the interview. He further stated that although he represented his case to the concerned authority of NALCO for giving him promotion, but it was turned down. On examination of the case, it was noted that there was miscarriage of justice, and harassment. The Commission held a discussion with the Director (P&A), Executive Director (P&A) and Dy. General Manager (P) in the Corporate Office, NALCO on 14.03.2007 and it requested them to promote Shri Pradhan to the post of Chargeman, Grade-III (T-5) with retrospective effect as there was no fault on the part of Shri Pradhan for not appearing in the interview. The NALCO authorities realized their fault in sending him for training and at the same time calling him for interview during the training period and agreed to give him promotion. Subsequently, Shri Pradhan was given promotion to the post of Chargeman, Grade-III w.e.f. 1st July, 2006.

5.2.9 Shri T. Sekar(ST), Veppanthattai Taluk, PO:Malayalapatti of Perambalur District, Tamil Nadu - appointment in the Pasteur Institute of India, Coonoor, Tamil Nadu

5.2.9.1 Shri T. Sekar(ST), Veppanthattai Taluk, PO:Malayalapatti of Perambalur District, Tamil Nadu represented to the Commission alleging that he was harassed in the matter of his appointment as Senior Research Assistant in the

Pasteur Institute of India, Coonoor, Tamil Nadu. He stated that he appeared for the interview on 19.07.2006 and was selected against the ST reserved quota. But he was not given appointment and his promotion was cancelled due to delay in submission of Caste certificate. He further stated that although he submitted the Caste certificate on 07.12.2006, it was not considered. The Commission took up the matter with the Director, Pasteur Institute of India and advised them to give appointment to Shri Sekar on the basis of the interview held on 19.07.2006 and production of Caste Certificate by him on 07.12.2006 and to submit the compliance report in this regard. Dr.N.Elangeswaran, Director of the Institute, agreed to give appointment to Shri Sekar as Senior Research Assistant vide his letter dated 07.05.2007 and subsequently issued him the offer of appointment vide Memorandum dated 18.05.2007 directing him to join on or before 1st June,2007. Shri Sekar got the offer of appointment on 28.05.2007. However, he was not in a position to join in the said post within the stipulated time as he was working as Research Assistant in the Epidemiology Unit of Tuberculosis Research Centre of Indian Council of Medical Research, Chetput, Chennai. To resign from the said post he was required to give one month's clear notice. At this juncture, Shri Sekar again sought the help of the Commission for allowing him extension of time for joining by the Pasteur Institute of India and to get him relieved from the Tuberculosis Research Centre. The matter was immediately taken up by the Commission with the concerned authorities and Shri Sekar was allowed extension of time upto 11.06.2007 by the Director, Pasteur Institute for joining in the said post and at the same time he was relieved immediately from the Tuberculosis Research Centre. Shri Sekar joined in the post of Senior Research Assistant in the Pasteur Institute of India on 11.06.2007.

5.2.9.2 Although Shri Sekar could join in the post of Senior Research Assistant in the Pasteur Institute of India, the Director of the Institute did not like the intervention of the Commission in the matter which was reflected in his replies sent to the Commission. The tone of his letters also reflected his negative attitude towards the ST problems, which has been quoted below:

"Shri Sekar was repeatedly bringing political influence with the view to pressurize the undersigned (Director of the Institute) to consider his case for appointment, which indicates his undesirable attitude."

"However, your (Regional Office of the Commission) repeated interference on his behalf is unnecessary and disturbs the smooth functioning of this Institute which is engaged in the production and supply of life-saving vaccines to the country."

5.2.9.3 It was thought imperative to bring the above observations of the Institute to the notice of the concerned Ministry and accordingly, a letter was sent to the Joint Secretary, Ministry of Health and Family Welfare, Govt. of India, New Delhi for taking appropriate action against the Director of the Institute. Ministry took note of the matter and advised the Director to refrain from using irresponsible language while corresponding with the Constitutional bodies.

5.2.10 Joint representation from S/Shri Lakshman Chandra Hembram, Rameswar Kisku and other LDCs belonging to STs, Govt. of India Stationery Office, Kolkata

5.2.10.1 A joint representation from S/Shri Lakshman Chandra Hembram, Rameswar Kisku and other LDCs belonging to STs, Govt. of India Stationery Office, Kolkata was received regarding their promotion to the post of UDCs under ST Backlog vacancies. On examination of the case, it was found that as the prescribed percentage of reservation was not achieved in the cadre of UDC and STs, they were deprived of their due share in employment. There were 8 ST backlog vacancies in the cadre of UDC which were lying vacant on the plea of surplus manpower and reduction in the cadre strength of UDC. The matter was taken up with the Deputy Controller of Stationery (Admn.), Govt. of India Stationery Office, Kolkata, quoting the DoPT OM No.36012/89-Estt.(SCT), Vol.III dated, 09.03.1989, for giving promotion to the above employees. In the said DoPTs OM, it was categorically stated that while declaring certain posts surplus to the requirement of an organisation in a particular grade in a cadre, the Scheduled Caste and Scheduled Tribe candidates in that grade should not be included so long as the total number of SC/ST candidates in that grade had not reached the prescribed percentage of reservation for SC/ST respectively in the concerned grade in the cadre. The Deputy Controller of Stationery(Admn.), Kolkata referred the matter to the concerned Ministry i.e. the Ministry of Urban Development for issuing necessary approval for filling up of the ST backlog vacancies in cadre of UDCs. The matter was followed up with the Deputy Controller of Stationery, Kolkata and with the Ministry of Urban Development. An interim reply was also received from the Under Secretary, Ministry of Urban Development wherein it was stated that the matter was referred to the Ministry of Finance for their concurrence/approval. The Ministry of Urban Development vide its letter dated 08.08.2007 informed the Commission that they had since conveyed the approval of the competent authority for filling up of the ST backlog vacancies in the cadre of UDCs and accordingly, promotion was given to Shri Laxman Ch.Hembram and others on 07.09.2007.

5.3 Cases pertaining to Development matters.

5.3.1 General Secretary, Akhil Bhartiya Adivasi Vikas Parishad, Srikakulam Distt. Branch (AP) regarding reservation of distributorship of LPG

5.3.1.1 General Secretary, Akhil Bhartiya Adivasi Vikas Parishad, Srikakulam Distt. Branch (AP) approached the Commission on 8/10/2007 regarding reservation of distributorship of LPG allotment for Scheduled Tribes. The Association informed that Seethampeta of Srikakulam Distt. was a Notified Agency Area because more than 90% of the Tribes were residing in this Mandal. However, as per the HPCL advertisement dated 30/10/2007, the Seethampeta LPG Distribution was notified for the general category, to that extent reservation for the distributorship had not been provided in respect of tribals.

5.3.1.2 The Commission sought comments from the Chairman & Managing Director, HPCL on 4/4/2008. On review of the case, HPCL informed the Commission on 12/5/2008 that the category in respect of Seethampeta had since

been reviewed and corrective action taken, through a Corrigendum to the advertisement of 30/10/2007, reserving the Mandal only for ST category instead of open category, as advertised earlier.

5.3.2 Smt. Devti Singh, owner of the Retail Outlet of IOCL at Bhuwaneshwarpur, Dist. Sarguja, Chattisgarh Dist. Sarguja, Chattisgarh

5.3.2.1 Shri Khelsai Singh, ex. Member of Parliament (Lok Sabha) (ST), Village Sheopur, P. O. Bhuwaneshwarpur, Dist. Sarguja, Chattisgarh sent a letter dated 20/09/2006 requesting that the Commission may take up the matter with the Indian Oil Corporation Limited (IOCL) for withdrawal of Show Cause Notice no. R.P./RO/521 issued on 8/21 Feb, 2006(delivered on 08/03/2006) issued to Smt. Devti Singh, owner of the Retail Outlet of IOCL at Bhuwaneshwarpur, Dist. Sarguja, Chattisgarh and also allow her to resume the sales and supplies to her Retail Outlet through IOCL.

5.3.2.2 The Commission, vide its letter dated 29/9/2006, asked the Chairman-cum-Managing Director, IOCL to furnish a factual report in the case. In response, the Deputy General Manager (Retail Sales), IOCL, Mumbai furnished a factual report in November, 2006. It was found that IOCL Retail Outlet, M/s Singh Service Center, Bistrampur was commissioned in the month of February, 1996, under 'ST' category, which was rostered in marketing plan 1988-93 (P-II). This retail outlet was developed by IOCL on a plot of land taken on lease from M/s. SECL, Bistrampur on 30 years lease. The dealership was awarded to Shri Chadkeshwar Singh s/o Shri Khelsai Singh. After death of Shri Chandkeshwar Singh in September 1996, dealership was given for its operation on adhoc basis to his mother Smt. Devti Singh, being one of the legal heirs, pending final reconstitution to facilitate recovery of investment of about Rs. 20 Lakh made by IOCL in putting up the infrastructure at the retail outlet & the loan provided to the dealer towards the working capital. After assessing the performance of the RO for sometime, the Chief Vigilance Manager, IOCL, Western Region had inspected the RO on 31/01/2006. Some discrepancies were noticed during the course of inspection. On account of these discrepancies, a Show Cause Notice was issued to Smt. Devti Singh to explain the correct facts regarding discrepancies noticed in the inspection. The Commission was further informed that, the explanation forwarded by Smt. Devti Singh having been found unsatisfactory, the agreement of the dealership was terminated by the IOCL.

5.3.2.3 The Commission noted that a proper procedure was not followed in terminating the RO of Smt. Devti Singh. To ensure that there was no violation of rights of the ST allottee of RO, the Commission sought information on the following points:

(i)	How many surprise checks were made by IOCL on their Retail Outlets throughout the country during last five years ?
(ii)	In how many of them the allottees were found defaulters on account of different shortcomings as per the policy guidelines of the Ministry of Petroleum and Natural Gas ?

(iii)	What action has been taken against the defaulters?
(iv)	What is the status of pending cases where the action has not yet been completed ?

5.3.2.4 As the reply received from IOCL was not found satisfactory, the Commission advised the IOCL to furnish copy of the explanation submitted by Smt. Devti Singh and the detailed reasons indicating the grounds on which the explanation submitted by Smt. Devti Singh had not been found satisfactory by IOCL. The Commission also advised IOCL to reconsider the explanation submitted by Smt. Devti Singh and restore the RO allotted to her.

5.3.2.5 After re-examination of the case in the light of the observations of the Commission, the IOCL intimated that supplies to the RO allotted to Smt. Devti Singh had been resumed on 27/06/2007.

5.3.3 Shri B. Gandhi Naik, Managing Partner, M/s Sri Saibaba Para-Boiled Rice Mill, Jangoan, Warangal Distt. (AP) – Recovery of loan amount.

5.3.3.1 Shri B. Gandhi Naik, Managing Partner, M/s Sri Saibaba Para-Boiled Rice Mill, Jangoan, Warangal Distt. (AP) represented to the Commission regarding request for making payment of Rs. 18.50 lakh (against total loan of Rs. 28.59 lakh) with waiver of interest of Rs. 1.50 lakh on easy installment from the Andhra Pradesh State Financial Corporation (APSFC). The matter was taken up with the MD, APSFC, Chiraggali, Hyderabad vide Commission's letter dated 04/04/2006 followed by reminder dated 26/07/2006.

5.3.3.2 GM (OPD-1) APSFC, in response to the Commission's letter dated 26.07.2006, vide letter dated 31-07-2006 intimated that M/s Shri Saibaba parboiled Rice Mill, Jangaon, Warangal Distt. was one of the units sanctioned by the APSFC for a term of Rs. 98.50 lakh on 12/08/1999 for setting up a parboiled rice mill of which Shri B. Gandhi Naik was the Managing Partner. The firm had availed Rs. 28.50 lakh for the purchase of land and construction of buildings. The firm could not avail the loan against the machinery and subsequently, one of the promoters expired while implementing the project. As per the norms of the Corporation, the Unit offered collateral security situated at Municipal Door No. 6-2-5/4 (Land measuring 284.04 Sq. Yds) and open land measuring 150 Sq. Yds situated at Jangaon (V&M), Warangal District, belonging to Shri Banoth Somla Naik, father of the promoter. The petitioner requested that he was prepared to pay only Rs. 28.50 lakh in 40 installments for which the APSFC had not agreed.

5.3.3.3 The petitioner being unsatisfied filed a rejoinder to the Hon'ble Chairman on 25/08/2006. He also submitted another representation dated 6.10.2006 to the Hon'ble Chairman. The Hon'ble Chairman looking into the grievance and promotion of entrepreneurship called the concerned authorities in the Commission for discussion on 19/10/2006, viz; Additional Secretary, Industries Deptt., AP, Secretary to the Chief Commissioner, Land Acquisition, & CGM, AP State Finance Corporation and ADM, Warangal: The discussions revealed that the land which was purchased by the Shri Gandhi Naik had been sold in 1975 to M/s Laxmi

Textile Mills by the Govt. APSFC and the loan to Shri B. Gandhi Naik for setting up Saibaba Parboiled Rice Mill was sanctioned after verifying the clear title of the land. He was later on, asked to produce NOC from the Pollution Control Board and Transco. During this process, it was found that the M/s Laxmi Textile Mills had encroached about one acre and 24 guntas of Govt. land and sold it to the petitioner as his own land. The petitioner approached the Govt. for allotment of the Govt. land measuring one acre and 24 guntas of land in his name. Govt. accepted his request against payment at the prevailing market value which was assessed as Rs. 3 lakh per acre. Govt. had earlier sold land in the same survey in the year 1993 @ Rs. 10,000/- per acre. It was pointed out that the market value of the land had been fixed at Rs. 3 Lakh per acre considering that it was a prime land on the State Highway.

5.3.3.4 The Commission expressed its unhappiness on the way the value of the land had been fixed at Rs. 3 lakh per acre. It observed that no effective and timely action was taken by the State Govt. to acquire that land in its possession from a non-tribal, and the moment it was sold to a tribal, it became a prime land and a high price of Rs. 3 lakh per acre was fixed by the Govt. Since the land was in possession of the original allottee since 1975 and development on the land was already done by him and Govt. was not required to take any measure either to acquire the land or to make any development activity on the land, it was only an allotment in the name of Shri B. Gandhi Naik, an ST entrepreneur and, therefore, the price of the land should be in proportion to the price @ Rs. 10,000/- per acre charged in the year 1993. The Commission also felt that taking into account all the factors in determining the price of the land and the basic fact that the land was already in possession of the allottee since 1975 and also that the petitioner was an ST, the maximum rate of the land should not exceed Rs. 50,000/- per acre. The ADM, Warangal stated that he would submit a revised proposal, as per the discussion, to the Govt. within 2 days and inform the Commission of the final decision within a month.

5.3.3.5 Regarding repayment of loan to APSFC taken by the petitioner for setting up Saibaba Para-Boiled Rice Mill, it was noticed that only one installment out of four installments amounting to Rs. 98.50 Lakh of the sanctioned loan had been released by the APSFC and further action to set up the Rice Mill could not be taken because of non-clearance of the land title by the Government and, therefore, the petitioner could not set up the said Mill and, hence, no interest is justified on the loan taken by the petitioner. CGM, APSFC agreed with the observation of the Commission that the petitioner should be required to pay the balance of Rs. 18.50 lakh only without any interest thereon. It was also agreed that the petitioner would repay the balance amount of Rs. 18.50 lakh out of total loan of Rs. 28.50 lakh received by him within a period of one year without any interest, CGM, APFSC agreed that he would place this OTS proposal before the Board and apprise the progress to the Commission within a month. It was clarified that the period of one year would commence from the date of approval by the Board.

5.3.3.6 The Commission was informed that since the petitioner could not set up the Rice Mill due to the reasons mentioned above, he had submitted a proposal to Govt. for setting up a Groundnut Oil Mill on the same land and requested for grant

of subsidy admissible under the Govt. Scheme. Additional Secretary, Industries Department assured that he would look into the proposal and expedite the sanction of the Govt. for the release of subsidy to the petitioner.

5.3.3.7 As regards, re-payment of loan to APSFC taken by the petitioner for setting up M/s Shri Laxmi Narshimha Borewells Company, it was noted that against the original loan amount of Rs. 19.85 lakh, the petitioner had already paid an amount of Rs. 24.00 lakh. It was further noted that he was not able to drill the borewells due to ban on drilling the borewells, imposed by the Govt. of Andhra Pradesh four years ago and the ban was still in vogue and under these circumstances. As such, there was no justification for charging interest on the loan further as he had already paid about Rs. 5.00 lakh over and above the amount of the loan. The Commission observed that APSFC had already recovered more than the due amount and, therefore, no further amount should be recovered from the petitioner. CGM, APSFC agreed with these observations of the Commission and stated that the proposal on these lines would be placed immediately before the Board of the Corporation and the final decision communicated to the Commission within a month. CGM, APSFC also assured that the action initiated for auctioning of the property of the two firms belonging to Shri B. Gandhi Naik would be withdrawn and no further action on these lines would be taken.

5.3.3.8 The Govt. of AP vide letter No. G.O. Ms.No. 1290 dated 10/10/2007 informed that the Government after careful consideration of the matter had decided to accept the recommendation of the Chairman, NCST and accordingly, ordered to alienate the Government land to an extent of Ac. 1.24 gts in Sy No. 53/1 of Jangoan Town, Warangal District in favour of M/s Sri Saibaba Para Boiled Rice Mill, Jangoan at a concessional market value of Rs. 50,000/- per acre, in modification of the orders issued in G.O. Ms. No. 925, Rev (Asn.II) Dept, dt. 09.11.2004. The Distt. Collector, Warangal was also advised to take further necessary action accordingly in the matter.

5.3.4 Scheduled Tribe Engineering students of the KIIT (Kalinga Institute of Industrial Technology) University regarding non-payment of Post-Matric Scholarship for the year 2004-05

5.3.4.1 The Regional Office of the Commission at Bhubaneswar received a representation from the Scheduled Tribe Engineering students of the KIIT (Kalinga Institute of Industrial Technology) University regarding non-payment of Post-Matric Scholarship (PMS) for the year 2004-05. There was discontentment among the students as the Post-Matric Scholarship for the said year has been paid to SC Engineering students but their case had been not considered. The matter was immediately taken up with the Registrar, KIIT University to ascertain the reasons for non-payment of PMS to ST Engineering students for the year 2004-05. It was learnt that in spite of several correspondence made by them with the ST/SC Development Department, Govt. of Orissa and other concerned authorities, PMS for the year 2004-05 in respect of ST Engineering students had not been released. There were no lapses on the part of the concerned Deptts. of the State Govt. The matter was taken up with the Addl. Secretary to Govt., ST/SC Development Deptt. for immediate payment of PMS for the year 2004-05 to the ST Engineering students studying in the KIIT and to submit the compliance report

within a fortnight. On the intervention of Regional Office, the ST/SC Development Department released arrear of the PMS and placed the requisite fund with the Sub-Collector, Bhubaneswar vide allotment order No.30347 dated 13.08.2007 for disbursement. Accordingly, the Sub-Collector, Bhubaneswar released a sum of Rs.14,36,295/- to the KIIT on 06.09.2007 towards the arrear claim of PMS for the year 2004-05 in respect of 90 ST Engineering students through Bank Draft No.281779 dated 04.09.2007. The University made payment of PMS for the year 2004-05 to all the ST Engineering students.

5.3.5 Many STs students studying in **Maharshi Ashtang Medical College, Chopra Para, Distt. Ambikapur, Surguja**, represented to the Commission stating that they had not been paid any **scholarship by the Govt.** The matter was taken up with the Distt. Collector of Sarguja with the request to provide the scholarship to the eligible students immediately. The Distt. Collector vide his letter dated 5/7/2007 informed to the Commission that scholarship was now being paid to all the eligible students.

5.3.6 Shri Dharam Raj Meena, R/o Indira Colony, Kishore Nagar, Distt. Rajasmard regarding drinking water supply

5.3.6.1 A representation dated 3/10/2006 was received from Shri Dharam Raj Meena, R/o Indira Colony, Kishore Nagar, Distt. Rajasmard that in the Scheduled Tribes Colony drinking water supply had not been distributed and the public health and the Engineering Deptt. officers had been discriminating against the ST inhabitants. The NCST Regional Office, Jaipur asked for the facts and comments from the Collector, Distt. Rajasmard and Executive Engineer, Public Health and Engineering Deptt., Rajasmard vide letter dated 17.4.2007. In reply, the Executive Engineer, Rajasmard, vide letter dated 17-04-2007, informed that under City Water Distribution Scheme, 100 MMG line had been installed in the Indira Colony for supply of drinking water to the colony. Subsequently, the Engineering Deptt. vide letter dated 25-06-2007 also intimated that Indira Colony had been connected with the present 100 MMG Pipe Line and the drinking water problem of Indira Colony had been settled.

5.3.7 Representation from ST students of the Darshan Dental College, Udaipur.regarding payment of scholarship.

5.3.7.1 A representation dated 20.11.2006 was received in the NCST, Regional Office, Jaipur regarding payment of scholarship to ST students of the Darshan Dental College, Udaipur. The Regional Office, Jaipur called for comments on delay and non-release of scholarship on time to the ST students studying in the College from the Secretary, Social Justice and Empowerment Deptt., Govt. of Rajasthan and Director, SJ&E Department, Govt. of Rajasthan, Jaipur vide letter dated 2/1/2007. In response, the SJ&E Deptt. Govt. of Rajasthan, Jaipur took immediate action and informed the Regional Office that College had already made payment of scholarship to ST students.

5.3.8 Smt. Bernadat Minz (ST) President of the Mahila Mandal, Chainpur under Chainpur Block of Gumla Distt. of Jharkhand regarding payment of wages under NREGA.

5.3.8.1 Smt. Bernadat Minz (ST) President of the Mahila Mandal, Chainpur under Chainpur Block of Gumla Distt. of Jharkhand submitted a representation to the Secretary, NCST during his visit to Jharkhand State in the month of September 2007. It was alleged, *inter-alia*, that the tribal people of Chainpur and Danpur Village, who were engaged in the construction of Chainpur – Konkel Road under the scheme of NREGA, had not been paid wages for the total period of their work.

5.3.8.2 On receipt of the complaint, the matter was referred to the Dy. Commissioner, Gumla vide the Commission's letter dated 21/1/2007 to enquire into the matter and to ensure payment of arrear wages to the Tribal Labourers immediately under intimation to the Commission. It was further requested to send attested copies of the Muster Roll, measurement book, wage payment register, alongwith the action taken report.

5.3.8.3 As no reply was received even was after a lapse of one month, a reminder was sent on 20/5/2007 but action taken report was not received from the Deputy Commissioner Gumla. It was, therefore, felt necessary to conduct an enquiry to find out the veracity of the allegation made by the Mahila Mandal in the representation submitted to the NCST, and to take steps to settle their claim, if any, Shri R.K. Mishra, Assistant Director, accompanied by Shri S.R. Tiriya, Sr. Investigator conducted an enquiry into the above allegation from 5-6 Nov. 2007 and submitted their report to the Commission.

5.3.8.4 After the completion of the field enquiry, a discussion was held with the Dy. Commissioner, Gumla, Shri Rajeshwar Das, Director, NREGA and Shri Jawahar Saha, Executive Engineer, Rural Devl. (Special Division). Dy. Commissioner was apprised of the findings of the enquiry, mentioning that there was a truth in the allegation of the Mahila Mandal, Chainpur and the arrear wages of the tribal labourers and cost of materials claimed by the Mahila Mandal should be paid to them immediately. Dy. Commissioner was further told that the condition of the road at some places was found to be very bad and needed repairing alongwith the construction of the remaining part of the road, Dy. Commissioner agreed for payment of arrears wages to the tribal labourers and repairing of road immediately and gave verbal direction to the Director, NREGA and the Executive Engineer in this regard. She assured to furnish the compliance report to the Commission soon after the payment was made to the labourers and the repairing of road work commenced.

5.3.8.5 As per the action taken report furnished by the Director, NREGA, Gumla vide his letter dated 22/11/2007, the arrear amount of Rs.57,524 vide cheque No. 138587 dated 19/11/2007 drawn on the Indian Overseas Bank, Gumla was deposited in the Post Office and all the 161 tribal labourers had been asked to open their saving account in the Post Office. Apart from the 30 who had been registered, other labourers who were not registered earlier were registered and issued job card under the above scheme.

5.3.8.6 Subsequently, the Joint Secretary, NCST also undertook accounting of project work pertaining to construction of Chainpur- Konkel road and reported serious lapses at different levels and recommended remedial measures (Report at **ANNEXURE 5.II**). The summary of findings and recommendations contained in the Report are as under:-

Summary of findings

- Junior Engineer operated through a facilitator without any authorization either for engagement of the facilitator or his scope of services and accountability for execution of the work. The actual role of the facilitator, as emerged from the interactions held with various agencies, was also noted to be ambiguous.
- Serious lapses on the part of the Junior Engineer to adhere to prescribed procedures for execution of the work and maintenance of essential records like Muster Roll, Receipt/Issue and inspection of input materials as well as for the quality of work etc, leading to total mismanagement of the Project
- Constructed road having improper leveling with steep gradients at some places and 4-5 patches of extremely poor quality (about 100 Meters), especially in the sloppy portions.
- In the absence of the proper record of actual receipt/issue of the materials and its inspection and after a lapse of about 1-1/2 years after construction, reasonable assessment regarding usage of the quantity of the materials (as invoiced by the supplier or reported to have been supplied) in actual construction is not possible.
- Junior Engineer, with utter disregard to his responsibilities and accountability towards execution of the project, left total management of the work to the facilitator leading to complaints regarding non-payment of wages to eligible persons, quality related problems.
- Incorrect assessment of manpower (4623) on lump sum basis without any justification and circumspection. According to the estimates on the basis of which sanction to the project was sought, requirement of labour is arrived at 2935 man days. Against this, 2786 man days have been utilized so far.
- Implementing agency not being well trained in management of the Projects under NREGA scheme and on their role/responsibilities and accountability under the Act; there is also a need to prescribe/establish departmental procedures for execution of the Projects.

Recommendations

State Governments /District Administrations may be requested to:

- enforce monitoring mechanism, as prescribed in the Act, at all levels in an effective manner, especially with regards to accounting against the Project and quality control of the works.

- undertake up-gradation of the road from Grade-I to Grade II, as already decided by the Distt. Admn. on Top Most Priority Basis. The up-gradation, should, inter-alia, take into consideration the following:
 - Improved leveling, where sloppy portion or very steep gradient are noticed:
 - Proper drainage system in non-village area
 - PCC road in village portion with proper designing to facilitate flow of water (preferred)
- examine the cost-benefit analysis in respect of Black Top Road and based thereon consider taking decision for its construction, with support/provisions of additional funds from other sources.
- arrange training of Project personnel in management of the Projects under NREGA scheme and on their role/responsibilities and accountability under the Act; There is also a need to prescribe/establish departmental procedures for execution of the Projects

5.3.8 Shri Sailendra S.K. Kujur regarding commissioning of MS/HSD Retail Outlet Dealership allotted to him at Gaya town, Distt. Gaya (Bihar)

5.3.8.1 Shri Sailendra S.K. Kujur C/o CPN School Mohlla- Nil Kothi PO Dehrion–Sone Distt. Rohtas (Bihar) vide his representation dated 18/7/2006 alleged that Bharat Petroleum Corporation Limited (BPCL) was neglecting him in providing facilities for commissioning of MS/HSD Retail Outlet Dealership at Gaya town, Distt. Gaya (Bihar) as he belonged to a ST category. He stated that he had been issued a letter of Intent (LOI) dated 25/9/2004. As per the general practice, commissioning was to be completed within a period of about 4 months from the date of issue of LOI.

5.3.8.2 The petitioner alleged that the site proposed to be selected by BPCL was commercially not viable and also not safe because the areas was affected by the naxalites. He also alleged that the delay was taking place due to connivance with the existing dealers of BPCL.

5.3.8.3 The Commission took up the matter with the Area Marketing Manager, M/s BPCL, Patna vide its letter dated 11/9/2006. Area Marketing Manager, BPCL vide letter dated 8/12/2006 intimated that BPCL had selected Shri Kujur as a Dealer for its proposed RO at Gaya town, Gaya under ST category. Despite best efforts by the Corporation, suitable land for setting up the RO could not be arranged at Gaya Town, because of which the award of dealership to Shri Kujur was delayed. However, Shri Kujur was offered an alternative location where BPCL had already constructed a RO. Shri Kujur had accepted the offer and accordingly, he had been appointed as BPCL dealer at the location Nasriganj, Distt. Rohtas on 11/11/2006

5.4 Cases pertaining to atrocities.

5.4.1 A dead body was recovered by the Police from village Mendrana (Khania road) under Pansemal Police Station in Badwani District of Madhya

Pradesh, which was identified as Dara Singh S/o Donger Singh Barela. On enquiry by the Police, it was found that one Anil S/o Tukaram Badhene and Budu Singh S/o Chundia Barela was having illicit relation with wife of the deceased. Both of them, with an intention to kill Dara Singh, took him on motorcycle with them and consumed alcohol together. Later on they killed him by throwing heavy stones on the head of Dara Singh. The Commission, *suo-moto*, took up the matter with Supdt. of Police, Badwani and requested to arrest the culprits and take necessary steps to provide monetary relief as admissible under the rules. He informed the Commission that both the accused had been arrested on 23-6-07 and challan no. 77-dated 29-7-07 has been produced in the court. He also informed that an amount of Rs. 1,50,000/- has been sanctioned and paid to the son of deceased.

5.4.2 Chairman, Gondwana Punarutthan Sangh, M.P. sent a representation to the Commission and informed that a Scheduled Tribe woman of Balaghat District (M.P) was raped by a non-SC/ST person on 10-3-2007 (night). It was also informed that the Police had not taken any action against the accused inspite of FIR, which had been lodged in the Police Station. The matter was taken up with the Superintendent of Police, Balaghat who informed the Commission that a case under section 456, 376 IPC and section 3 (1) (xii) of SC and ST (POA) Act, 1989 has been registered. He also informed that the accused had been arrested and sent to judicial custody. The matter was further taken up with the Collector, District Balaghat for providing monetary relief to the victim. The Collector sanctioned an amount of Rs. 25,000/- to the victim.

5.4.3 All India Democratic Association, M.P. State Committee, Bhopal informed the Commission that a minor Scheduled Tribe girl was raped by a non SC/ST person in Hoshangabad District (M.P). Her family was reported to be threatened by non SC/ST persons. The Committee requested the Commission to take action against the culprits and provide security to the victim's family. It was also informed that the Police was not taking suitable action in the case. Keeping in view the gravity of the case, the matter was immediately taken up with Additional Director General (AJK), Police Headquarters, Bhopal and Superintendent of Police, Hoshangabad with the request to take immediate action against the culprit and provide security and monetary relief, as admissible under the rules. IGP (AJK), Police Headquarter, Bhopal informed the Commission that a case under section 376, 452, 506 IPC and sections 3 (1) (xii) and 3 (2) (v) of SCs and STs (POA) Act, 1989 had been registered against the accused who was also minor. The accused was arrested and presented in the Juvenile court and that the case is under trial, and further that an amount of Rs. 25,000 had been sanctioned to the victim and security provided to the victim's family.

5.4.4 Gondwana Punarutthan Sangh, Balaghat sent a representation to the Commission and informed that a Scheduled Tribe minor girl was raped in her house in Sirpur Village of the District by a non SC/ST person and the Police had not taken action against him. The Commission requested Superintendent of Police, Balaghat to take immediate action in the case. The Superintendent of Police, Balaghat informed the Commission that a case under section 376, 506, 342 IPC and section 3 (2)(v) of SCs and STs (POA) Act, 1989 had been registered against the accused and challan sent to the Court. The Commission

further requested him to provide information about monetary relief. It was informed that an amount of Rs. 25,000/- had been sanctioned to the victim.

5.4.5 Shri Munna S/o Shri Bhara Singh Bhilala, an ST person was reported to be abused and beaten by the non-ST person in village Budra, Police Station Rajpur Barwani on 29-5-07. The Commission, *suo-moto*, took up action in the case and requested S.P. Barwani to take immediate action. S.P. Barwani informed the Commission that a case under Section 341, 323, 294, 506, 34 IPC and Section 3 (1) (x) of SCs and STs (POA) Act, 1989 had been registered and three accused had been arrested in the case and that out of an amount of Rs. 25,000/- sanctioned, Rs. 6,250 had been paid to the victim.

5.4.6 A Press news appeared in Danik Bhaskar (Bhopal) dated 23/09/2007 that a young ST person was forcefully naked and burnt with Bidi (a local cigarette) by a higher caste person in village Lakmakhedi, District Mandsoar (M.P). The Commission requested S.P., Mandsoar to take immediate action and send a detailed report in the case. S.P. Mandsoar informed the Commission that on complaint of the victim, a case under Sections 323, 324, 294, 506, 34 IPC and Section 3 (1) (iii) and 3 (1) (x) of SC and ST (POA) Act, 1989 had been registered against the three accused who had been arrested and challan had been sent to the Court and that financial assistance had also been provided to the victim.

5.4.7.1 It was brought to the notice of the Commission that a **Constable of State Armed Force had gunned down a Scheduled Tribe person after a dispute in Sendhwa (Rural) Police Station of Barwani District.** The matter was taken up with Supdt. of Police, Barwani who confirmed the incident and informed the Commission that the victim Baltia S/o Balu Bhilala died on the spot. The accused Constable had also tried to kill himself by firing from his service rifle and he was seriously injured. A crime under section 302 IPC and 3(ii) (v) of SCs & STs POA Act, 1989 had been registered against the accused Constable. He further informed that the accused constable died in the MY Hospital, Indore during treatment. An amount of Rs. 1,50,000/- was sanctioned and paid to the victim's family and Rs. 1000/- p.m. was being paid as subsistence amount for six months.

5.4.7.2 After examining the reply, a letter was written to Supdt. of Police, Barwani requesting him to inform the Commission about the reason of payment of Rs. 1,50,000/- instead of Rs. 2,00,000/-, as admissible under the Rules. The Supdt. of Police informed the Commission that according to Rule 12(4) of SCs & STs (POA) Rules, 1995, 75% of Rs. 2,00,000/- i.e. Rs. 1,50,000/- was paid after the post-mortem of the earning member of the family and remaining 25% could be given only after the conviction in the lower Court. As the conviction was not possible in this case due to death of the accused, the remaining amount of Rs. 50,000/- could not be paid under the existing rules. He recommended that in the cases where accused person dies before the decision in the court and conviction is not possible, the rule should be relaxed to enable payment to the victim's family who are not at fault. After receiving the above reply from the Supdt. of Police, Barwani, the matter was further taken up with Principal Secretaries of Home and ST Welfare Department, Govt. of M.P. and Director General of Police, M.P. with the request to relax the Rules in such cases. Police Hqs. also agreed with the above view of the Commission and requested the Secretary, Home Deptt., Govt. of M.P.

for favourable decision in such cases. However, the Home Department, Govt. of M.P. did not agree with the above proposal and opined that the remaining 25% monetary relief cannot be paid as the conviction had not occurred. **The Commission recommends that the Ministry of Social Justice & Empowerment may take necessary action to amend the Rule 12(4) of SCs and STs (POA) Rules 1995 to the extent indicated above.**

5.4.8 Shri Rameshwar Lal Meena S/o Shri Arjun Lal Meena resident of Village Sanchariya Tehsil Sanganer, Distt. Jaipur represented to the Regional Office of the Commission at Jaipur that the F.I.R., No390/05 dated 13.9.2005 was registered under Bagru Police Station but the Police had not initiated any action under the SCs and STs (POA) Act, 1989. The Regional Office took up the matter with the Collector, Jaipur and Superintendent of Police (Gramin), Jaipur vide letter dated 18.10.2005 and advised them to initiate action under the SCs and STs (POA), Act, 1989 which was followed by reminders dated 29.11.2005 and 3/1/06. In response, the office of the Superintendent of Police, Distt. Jaipur informed vide their letter dated 31.1.2006 that under Sections 341,323 IPC and the SCs and STs (POA), Act, 1989, the crime had been established and, therefore, chargesheet dated 26.11.2005 had been challaned in the Court under Sections 341,323,325 IPC and under Section 3(1) of SCs and STs (POA) Act, 1989.

5.4.9.1 Shri Bhaiyaram, a Scheduled Tribe person R/o Village-Saruvat, District Surguja sent a representation to the Commission alleging that he had been abused and beaten by a person belonging to non-SC-ST category on 18.05.2007 when he reached near a well for taking a bath, located near Mata Rajmohini Devi Ashram. He stated that the accused had broken his hand and legs beside causing injury in head. Keeping in view the seriousness of the case, the matter was immediately taken with Superintendent of Police, Surajpur (Surguja) with a request to inquire into the case and send a report to the Commission. The Superintendent of Police, Surajpur, (Surguja) took immediate action in the matter and informed the Commission that FIR had been lodged under sections 294,506,323 IPC and section 3(q1)(X) of SCs and STs (Prevention of Atrocities) Act, 1989 and that the accused had been arrested and the case sent to the court.

5.4.9.2 The Commission further took up the matter with District Collector for providing monetary relief as admissible under the Rules. The District Collector, Surguja informed the Commission that an amount of Rs. 6250/- has been provided to the victim as relief.

5.4.10.1 A Scheduled Tribe lady, resident of Distt. Godda, Jharkhand, vide her letter dated 30/11/2005, represented to the Chairman, Human Rights Commission, New Delhi with a copy endorsed to the NCST among others, alleging that, Dayanand Saha S/o Shri Banwari Saha, had forcibly raped her on 11-10-2005 and had been harassing her family members in connivance with the Officer in-Charge, Devdand Police Station. She further stated that she had reported to the Police and a case No. 142/05 U/S 376 IPC had been registered against the accused.

5.4.10.2 The Commission took up the matter with the Deputy Commissioner, Godda and Supdt. of Police, Godda. The Supdt. of Police intimated that during investigation, the allegations against Shri Dayanand Saha had been found true and he had been arrested on 7/2/2006 and sent to judicial custody next day. The Commission was further informed that a charge-sheet against the accused, Shri Dayanand Saha would be submitted shortly U/S 376 IPC and 3(1) (XI) of the SCs and STs (PoA) act, 1989. The allegation that the Officer-in-Charge, Police Station Devdand was in connivance with the accused and had been harassing the victim's family members had not been found true. The Officer-in-charge Devdand Police Station as well as Officer-in-Charge of Sunderpahari Police Station had been instructed to ensure full safety of the victim. It was further informed that the victim had also been paid a relief of Rs. 25000/- by the Distt. Welfare Officer, Godda.

CHAPTER-6

SUMMARY OF RECOMMENDATIONS

The recommendations of the Commission on various aspects have been highlighted in the respective Chapters to facilitate convenient identification for the purpose of taking up follow up action on them. A summary of these recommendations is given as below:-

CHAPTER-1: ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION.

1. The Commission recommends that the Ministry of Tribal Affairs as well as Ministry of Social Justice & Empowerment should take coordinated efforts to find a solution, including creation of a separate cadre for posts belonging to National Commission for Scheduled Tribes, so that vacancies in various posts in the Commission do not remain unfilled for a long period at any point of time. **[Para 1.4.3]**
2. The Commission, however, is of the view that it is very important that Reports of the Commission are laid in Parliament and the State Legislatures, as the case may be, within a reasonable period of time, i.e. not exceeding three months; and memorandum of action taken/ proposed to be taken on its recommendations by the Ministry of Tribal Affairs/ the respective State Government are separately laid in the Parliament/ State Legislature within six months of such submission of the report. The Commission would, therefore, like to reiterate this recommendation. The Commission hopes that the Government will appreciate the concern of the Commission for timely submission of the reports in the Parliament and initiate expeditious action to amend the above-mentioned Clause of Article 338A on the above lines. **[Para 1.8.5]**

CHAPTER-2: SERVICE SAFEGUARDS.

1. The Department of Personnel and Training should issue revised instructions to provide for drawal of Separate zone of consideration for SCs and STs in compliance with the Hon'ble Supreme Court's directions. The DOPT is accordingly advised to 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 selection. **[Para 2.4.6]**
2. The Commission expresses its concern over this matter and re-iterates its earlier recommendation that the DOPT should take up the matter with all the Central Ministries/Departments, particularly those which are cadre controlling authorities for appointment to various posts/ services,

and advise them to fill up the backlog vacancies reserved for Scheduled Tribes by launching Special Recruitment Drives (SRDs) and/or by making ad-hoc promotions in case eligible ST candidates are not available in the extended zone of consideration in the matter of promotion by selection. Where the Recruitment Rules provide for 100% recruitment by promotion, and it is not possible for the authority to introduce the element of direct recruitment therein, filling up of an equal number of posts at the lower level through direct recruitment may be ensured. DOPT should formulate a time-bound Action Plan to fill up the vacant positions to meet the target. **[Para 2.7.1.2]**

3. The Commission re-iterates its earlier recommendation that the Department of Public enterprises should advise the Central Public Sector undertakings to make concerted efforts to fill up the backlog vacancies reserved for Scheduled Tribes in Group A and B posts through Special Recruitment Drives to bring their representation to the prescribed level of 7.5%. Department of Personnel and Training and Deptt. of Public Enterprises should formulate a time-bound Action Plan to fill up the vacant positions to meet the target. **[Para 2.7.2.2]**
4. The Commission re-iterates its earlier recommendation that the Department of Economic Affairs (Banking division) should advise the banks to devise a time bound programme to make up the shortfall / backlog of ST vacancies by launching special recruitment Drive or by deputing special recruiting teams in the tribal areas, or both. **[Para 2.7.3.3]**
5. The Commission also recommends that Department of Financial Services, Ministry of Finance should take special note of the efforts of the Dena Bank for achieving the reservation percentage in respect of STs in all categories as a model employer. **[Para 2.7.3.4]**
6. The Commission therefore, re-iterates its earlier recommendation that the Ministry of Finance in order to enhance the representation of STs in Group A & B needs to take special measures like SRD to achieve the required representation of 7.5 percent in a time bound action plan. **[Para 2.7.4.3]**
7. The Commission, therefore, reiterate its recommendation contained in its Report for the year 2006-07 that the Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Reader, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor and Reader which are filled up by direct recruitment and to chalk out a time bound programme to fill up these vacancies. The Commission further recommends that the Ministry of Human Resource

Development (Department of Higher Education) should also issue stringent instructions to all the Central Universities to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in the grade/ post of Lecturer within a specified period. **[Para 2.7.5.2]**

8. The Commission would like to reiterate its recommendation contained in its earlier Reports that the Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit. **[Para 2.7.5.5]**
9. In view of the foregoing the National Commission for Scheduled Tribes makes the following recommendations **[Para 2.8.5.1]**:

(i)	The Commission reiterates the recommendation in its first Report for the years 2004-05 and 2005-06 that a ban should also be imposed on dereservation of reserved posts to be filled by promotion, without any further delay to protect the interest of STs.
(ii)	The Composition of the Committee constituted in terms of the DoPT's OM dated 25/4/1989 to scrutinize the proposals for de-reservation in direct recruitment in respect of the exceptional categories of Group 'A' posts reserved for Scheduled Castes and Scheduled Tribes in public interest may be revised to include the Ministry of Tribal Affairs also
(iii)	The RRs for each post should alternatively provide for direct recruitment also, even in cases where appointment is proposed to be made 100% by promotion. A provision for resorting to direct recruitment may be inserted in the RRs in the event of non-availability of eligible ST candidate for promotion in the entire seniority list of the feeder grade.
(iv)	Consequent to DoPT's OM No 36012/2/97/Estt. (Res.) dated 02/7/1997, the vacancy based roster has since been substituted by the post based roster (PBR) and its operation is specified. As per the spirit of the PBR, the vacancy in the reserved post(s) arising due to promotion, retirement, deaths etc. has to be filled up by a candidate from amongst the concerned category. Therefore, the ceiling of reservation upto 50% posts notified in a recruitment year should be withdrawn, as the number of reserved posts would depend upon the category of person(s) vacating the post(s) and such a restriction obstructs the process of filling reserved vacancies as per PBR.

CHAPTER-3: EDUCATIONAL DEVELOPMENT OF STS

1. The Commission recommends that the number of Kasturba Gandhi Balika Vidyalayas in ST concentration blocks should be increased so that the ST girls are not required to join the schools in non-ST blocks. This will substantially increase the number of ST girls in Kasturba Gandhi Balika Vidyalayas. **[Para 3.6.4.2]**

2. The Commission would recommend that the Central assistance for cooked mid-day meal during summer vacations to school children in drought affected areas should be extended to the children in tribal areas as about 60% or more ST children are undernourished in the States like Gujarat, Himachal Pradesh, Karnataka, Kerala, Andhra Pradesh, Madhya Pradesh and Maharashtra. **[Para 3.6.5.5]**

3. The Commission would recommend that the following measures should be taken to ensure that the Gross Enrolment Ratio of ST students at upper primary level continues to increase and the dropout rate is reduced and brought at par with the national average **[Para 3.6.8.4]:-**
 - (i) Special awareness programmes should be launched in the tribal areas to explain the importance of education to the tribal parents to motivate them to send their children to schools. Assistance of NGOs and Social Activists would be extremely useful in conducting the awareness programmes.

 - (ii) Vacant posts of teachers in primary schools in the tribal areas should be filled up through Special Recruitment Drives. It should be ensured that there are no single teacher schools in these areas.

 - (iii) Local persons from the tribal areas should be given preference in appointment of primary teacher in these areas. Teachers having knowledge of local languages/dialect should be given financial incentives. Teachers working in hilly tribal areas may be given special incentive on the pattern of Protsahan Bhatta @ 15% given by Maharashtra Government.

 - (iv) More and more Ashram Schools and Girl Hostels should be set up in the tribal areas as these schools/hostels are significantly contributing towards the spread of education among STs.

 - (v) A National Scheme of Monetary Incentives for tribal parents should be launched to ensure that the pursuit of education by tribal children is not considered as economic loss to the family.

- (vi) The implementation of the Mid-day Meal Scheme, particularly in the tribal areas should be closely monitored to ensure that the quality of food items served to the children is upto the mark.
4. The Commission accordingly recommends that the Ministry of HRD and the Ministry of Minority Affairs should consider suitable amendment in the Central Educational Institutions (Reservation in Admission) Act, 2006 to ensure that reservation for STs is made applicable in admissions to Govt. run educational institutions which have been granted minority status. **[Para 3.8.1]**
 5. The Commission would advise the Ministry of Tribal Affairs to look into this inconsistency and monitor the scheme closely to ensure that funds are released as early as possible so that the scheme is implemented effectively and more and more schools are sanctioned under it as these schools are proving to be very useful for the educational development of STs. **[Para 3.9.1.2]**
 6. The Commission would therefore recommend that the Ministry of Tribal Affairs should streamline the procedure for release of grants to ensure steady release of grants during all the quarters in the year to enable the States to properly utilise the same. **[Para 3.9.2.3]**
 7. There is however immediate need to revise the income ceiling of parents from Rs. 1.00 lakh per annum to Rs. 2.5 lakh per annum and to increase the amount of scholarships for day scholars as well as hostel students as recommended by the Commission in its 1st Annual Report. These recommendations of the Commission assume more significance taking into account the abnormal price-rise in the country. The Commission would also reiterate the recommendations made in the 1st Annual Report advising for the due publicity of the scheme among tribal parents and timely release of funds by the Ministry of Tribal Affairs and the States. **[Para 3.9.3.2]**
 8. The Commission would therefore strongly recommend that separate book-set should be provided to every student for Degree level courses also. **[Para 3.9.4.2]**
 9. This is one of the most important schemes which enable the deserving ST students to compete with other students in securing admission into professional courses which puts them on the path of educational advancement. The Commission recommends that wide publicity should be given to this scheme so that more and more students are able to avail its benefits. **[Para 3.9.5.2]**
 10. The Commission recommends that the norms of opening of EMRS should be urgently reviewed by the Ministry of Tribal Affairs so that the remaining EMRS could be made operational as early as possible. The allocation of funds for this purpose may be suitably enhanced by the Ministry of Tribal Affairs. **[Para 3.9.10.3]**

11. The Commission supports this scheme for educational development of STs and advises the Ministry of Tribal Affairs to enhance the budget allocation under it to increase the number of beneficiaries. The scheme should also be given wide publicity through electronic and print media. **[Para 3.9.18.3]**

12. Based on the interaction held with these agencies, the Commission would make the following further recommendations on various issues relating to the educational development of Scheduled Tribes **[Para 3.10.3]**
 - (a) Ministry of HRD should have a Tribal Sub Plan component in their major schemes/programmes within the ambit of a plan/scheme, as a part of their overall Annual Plan/ Five Year Plan to ensure required focus on educational development of STs.

 - (b) The National Council of Educational Research and Training (N.C.E.R.T.) and State Council of Educational Research and Training (S.C.E.R.T), Non-Governmental Organisations (NGOs) are advised to take up preparation and induction of bi-lingual text books in first two standards wherever that particular dialect is the mother tongue of a sizeable population. N.C.E.R.T should be made responsible for the introduction of such text books in all the States and Union Territories of the country at least by the end of 11th plan period.

 - (c) As each region of tribal areas follow their own ritual and agricultural calendar, the concerned tribal research institutes should prepare teaching calendars either region-wise or tribe-wise and furnish the same to the education department for taking necessary action.

 - (d) The National Institutes like National Council of Educational Research and Training (N.C.E.R.T.), National University of Educational Planning and Administration (N.U.E.P.A.) and State Institutions like State Council of Educational Research and Training (S.C.E.R.T), Tribal Research Institutes (TRIs) should to regularly organise orientation courses, workshops for the teachers in the tribal areas.

 - (e) The concerned state Governments should provide the necessary infrastructural facilities such as permanent buildings, play grounds, suitable audio-video aids including Television, Radio, Tape-recorders etc. to schools.

 - (f) The Tribal Welfare Departments of the States should provide transportation facilities to the doctors and other staff of Primary Health Centres to enable them to visit each educational

institution in tribal areas at least once in a month for regular medical check-up of the students. The National Rural Health Mission should also be associated with this task.

- (g) The authorities concerned with the implementation of Mid-Day Meal programmes in tribal areas should take into account the locally available food material and culinary habits of the local tribals while preparing the menu cards. The services of the agencies functioning under the National Rural Health Mission should also be utilised for ensuring that food items served under the programme are hygienic and contain necessary nutrients.
 - (h) Teaching-aids should be prepared based on local culture and environment. Local Tribal Folk dances, and Music-both Vocal and Instrumental, should be included in the curricular and co-curricular activities.
 - (i) Progress cards are a must in the educational institutions. Below average students have to be identified and extra-coaching should be provided. The concerned district authorities should monitor the progress made in these directions.
 - (j) With a view to bridging the gaps in the literacy levels between the Scheduled Tribes and the general population by the end of Eleventh Five Year Plan, adult and non-formal education should be compulsorily introduced (gender-based) in tribal villages. The reading material should be prepared with tribal bias.
 - (k) Each education institution in the tribal areas should send monthly progress reports indicating results of weekly/monthly tests, syllabus covered, health conditions of the inmates etc. to the Tribal Welfare Department who should formulate the format of report and circulate to all institutions. Project Officers/ D.E.O's have to take special care of these educational institutions and send progress reports to the concerned heads of the departments.
13. The Commission would therefore recommend that the system of releasing the funds upto the Directorate level should be strengthened and streamlined by the State Government so that the scholarship amount reaches the students in time. **[Para 3.11.1.5.2]**
14. The Commission recommends that the funds should be released regularly every year to ensure successful implementation of the scheme. **[Para 3.11.1.8.1]**
15. The Commission therefore recommends that the funds under the scheme should be released by the Ministry of Tribal Affairs on a regular

basis for all the districts so that more and more hostels are constructed for the benefit of ST boys and girls. **[Para 3.11.1.9.2]**

16. More vigorous efforts are therefore, required to be made by the State (Gujarat) for increasing the literary rates of Scheduled Tribes in these districts. **[Para 3.11.2.1.1]**
17. This is a highly disturbing scenario and the Commission therefore recommends that the State government should take all possible measures for bringing down the drop out rate of ST students in classes XI and XII. **[Para 3.11.2.3.1]**
18. The concerned authorities have demanded more funds for maintenance and construction activities for the above hostels. The Commission finds this a very genuine demand as these hostels are contributing towards educational development of STs in a significant manner. **[Para 3.11.2.12.4]**
19. The Commission however finds that much more concerted efforts are required to be made for increasing literacy rate in the State particularly in the districts of Pulwama and Budgam. **[Para 3.11.3.1.2]**
20. The Commission therefore recommends that the State Government may consider processing and disbursement of PMS claims of the ST students of Ladakh (Leh & Kargil Districts with more than 80% ST population) by the respective Autonomous Hill Development Council instead of State Secretariat as these Councils are functioning in both the districts. **[Para 3.11.3.4.1]**
21. The Commission would recommend that the Central Govt. should release adequate funds under the scheme every year so that proper maintenance and upkeep of the hostels is ensured. **[Para 3.11.3.6.3]**
22. It is, however, observed that the female literacy rate among the STs in the State(Jharkhand) is far low as compared to the ST male literacy rate. The Commission would therefore recommend for making all-out efforts for increasing the female literacy rate among STs in the State. Provision for setting up more and more Ashram Schools should be made as these schools are proving very useful for girl students. Special attention should be given to the districts of Giridih, Garhwa, Pakur and Deoghar in which ST female literacy is only 11.89%, 12.61%, 13.13% and 14.15% respectively. **[Para 3.11.4.1.2]**
23. The Commission would recommend for timely release of adequate Central Assistance for the Ashram Schools so that these Schools are run in an effective and purposeful manner. **[Para 3.11.4.6.1]**
24. The Commission is disappointed to note that out of 150 trained students only 5 trained students secured employment during three years. The State Govt. should immediately look into this aspect and

take all necessary steps to ensure that maximum number of trained students get employment. **[Para 3.11.4.7.1]**

25. The Commission therefore recommends that the State Govt. should launch special programmes for improving the ST literacy rate (both male and female) in Palakkad and Malappuram districts. **[Para 3.11.5.1.1]**
26. There is therefore urgent need of a concerted drive by the State Govt. for improving the literacy rate of these PTGs so as to bring it at par with the general ST literacy rate of STs in the State. **[Para 3.11.5.1.2]**
27. The Commission would recommend that the amount of Central Assistance under the scheme should be adequately raised and timely release of Central Assistance must be ensured. **[Para 3.11.5.5.3]**
28. The Commission recommends that the amount of assistance under this scheme should be enhanced and all genuine expenditure incurred by the States should be reimbursed in time. **[Para 3.11.5.6.1]**
29. The Commission recommends that the Central Government should issue necessary guidelines to the States advising them to provide monetary benefits to the wards of tribals migrated to other States. **[Para 3.11.5.7.2]**
30. The Commission therefore recommends that the Central Govt. should allot adequate funds for the smooth functioning of these schools. **[Para 3.11.6.4.5]**

CHAPTER-4: HEALTH AND NUTRITION

1. Though the schemes/programmes of the Ministry of Health & Family Welfare are well structured with ambitious targets, there is no specific Tribal Sub Plan (TSP) component in these schemes/programmes. An adequate flow of funds in proportion to the ST population of a State/UT through TSP should be ensured by the Central Ministry / Department. . **[Para 4.10.2]**
2. The Commission recommended that support to ST dominated districts should be given priority. **[Para 4.10.4]**
3. The Commission recommend that specific Tribal Sub Plan (TSP) component in all the major missions/schemes/programmes of the Ministry of Health & Family Welfare is considered necessary to have a clear focus on formulation of schemes/programmes concerning the STs and their effective implementation and monitoring. Further, adequate support to ST dominated districts should be ensured both in terms of availability of funds and other resources to improve health and nutrition conditions upto acceptable/targeted standards. **[Para 4.10.8]**

4. State wise recommendations based on the review of the position indicated by the States:

A. Assam

- (i) Effective steps should be taken by the State Govt. to reduce the cases of Malaria.
- (ii) Health Melas are quiet useful to cover the underserved tribal areas. Therefore, Health Melas should be organized on a regular basis.
- (iii) Health checking behaviour of tribal women is poor and, therefore, attention should also be given to non-institutional deliveries and awareness programme should be conducted.
- (iv) Immunization programme should be more strengthened to ensure 100% immunization of tribal children.
- (v) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas. [**Para 4.11.1**]

B. Jharkhand

- (i) Health infrastructure needs to be improved in tribal areas by using more Mobile health clinics & with greater frequency, setting up of more SHCs in tribal areas and organizing regular Health Melas.
- (ii) Ayurvedic Camps should be organized regularly in the tribal areas.
- (iii) Immunization programme has to be strengthened
- (v) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas. [**Para 4.11.2**]

C. Gujarat

- (i) Medical infrastrure should be improved in the tribal areas
- (ii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas. [**Para 4.11.3**]

D. Bihar

- (i) More attention is required to be given to the tribal population.

- (ii) Immunization of tribal children and awareness about institutional deliveries should be given more attention. [**Para 4.11.4**]

E. Maharashtra

- (i) Medical camps should be organized on regular basis in tribal areas
- (ii) More funds should be sanctioned by the State Govt. for medicines.
- (iii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas. [**Para 4.11.5**]

F. Jammu & Kashmir

- (i) Medical camps should be organized on regular basis in tribal areas
- (ii) Medical infrastructure in the tribal areas needs improvement
- (iii) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.
- (iv) Availability of safe drinking water in tribal areas is a major problem & needs to be given due attention
- (v) Iron & Folic Acid (IFA) supplement should be given to girl child and expectant and lactating mothers. [**Para 4.11.6**]

G. Madhya Pradesh

- (i) IMR is very high i.e. 72 per 1000 live births. In tribal areas it will be more due to remote and underserved areas. Immunization and nutrition supplement to under-3 children should be given highest attention.
- (ii) Institutional deliveries should be promoted, but at the same time non-institutional deliveries should also be attended to.
- (iii) Medical infrastructure is required to be upgraded.
- (iv) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas. [**Para 4.11.7**]

H. Tripura

- (i) Additional incentives to doctors and para-medical staff should be given to serve in remote tribal areas.
- (ii) Some specialists, depending on the prevalence of diseases in tribal areas, should be posted in CHC & PHC of tribal areas. One gynecologist should be posted in all the CHC and PHC of tribal areas.
- (iii) Medical infrastructure in the tribal areas needs to be strengthened **[Para 4.11.8]**

I. Kerala

- (i) More awareness programmes should be conducted for Scheduled Tribes community
- (ii) Provision of safe drinking water in all the tribal settlements to be ensured. **[Para 4.11.9]**

THE CONSTITUTION (EIGHTY-NINTH AMENDMENT) ACT, 2003
[28th September, 2003.]

An Act further to amend the Constitution of India.

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

1. Short title and commencement.- (1) This Act may be called the Constitution (Eighty-ninth Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 338. - In article 338 of the Constitution,-

(a) for the marginal heading, the following marginal heading shall be substituted, namely:-

"National Commission for Scheduled Castes.";

(b) for clauses (1) and (2), the following clauses shall be substituted, namely:-

"(1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.";

(c) in clauses (5), (9) and (10), the words "and Scheduled Tribes", wherever they occur, shall be omitted.

3. Insertion of new article 338A. - After article 338 of the Constitution, the following article shall be inserted, namely:-

"338A. National Commission for Scheduled Tribes.-(1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission-

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in

force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled 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.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes."

Sd/-
SUBHASH C. JAIN,
Secy. to the Govt. of India.

Ministry of Tribal Affairs
Notification
New Delhi, the 23rd August, 2005

S.O. 1175(E) – In exercise of the powers conferred by sub-clause (f) of clause 5 of Article 338A of the Constitution, 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) They shall come into force on the date of their publication in the Official Gazette
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 the Scheduled Tribes living in forest areas;
(ii)	Measures to be taken to safeguards rights of the tribal communities over mineral resources, water resources etc. as per law;
(iii)	Measures to be taken for the development of tribals and to work for 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 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 Provisions of The Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996);
(viii)	Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals 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.

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
Department Of Personnel & Training, New Delhi

OFFICE MEMORANDUM

No. 36036/2/97-Estt.(Res)

Dated: 01, January 1998

Sub: Reservation policy for the Scheduled Castes and Scheduled Tribes-
Implementation of

The undersigned is directed to say that, in terms of this Department's O.M. No. 36011/15/79-Estt(SCT) dated January 6, 1981, if other Ministries/ Departments intend to depart from the policies laid down by the Department of Personnel, it is mandatory for them to consult the Department of Personnel, in terms of sub rule 4 of Rule 4 of the Transaction of Business Rules, otherwise the policies laid down by the Department of Personnel are binding on them.

2. The instructions contained in this Department's Office Memorandum dated July 2, July 22, August 13, and August 29, 1997 continue to be in operation and there is no proposal to withhold or to keep in abeyance their implementation.

3. In the All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and others Vs. Union of India and others (Civil Appeal No. 13700 of 1996) the Supreme Court has held that the National Commission for Scheduled Castes and Scheduled Tribes has no power of granting injunctions, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(8) of the Constitution are all the procedural powers of a civil court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only.

4. In view of the judgment of the Supreme Court referred to in para-3, the National Commission for Scheduled Castes and Scheduled Tribes has no power to direct withholding of the operation of any orders issued by the Government.

5. Ministry of Agriculture etc. may, therefore, keep in mind the directions contained in this Department's O.M. dated 06.01.1981 and the judgment of the Supreme Court referred to above while dealing with the directions given by the National Commission for Scheduled Castes and Scheduled Tribes. Ministry/ Departments etc. must, however, in all fairness consider the recommendations of the Commissions in the light of policies laid down by the Department of Personnel and Training.

Sd/-

(J. Kumar)

Under Secretary to the Govt. of India

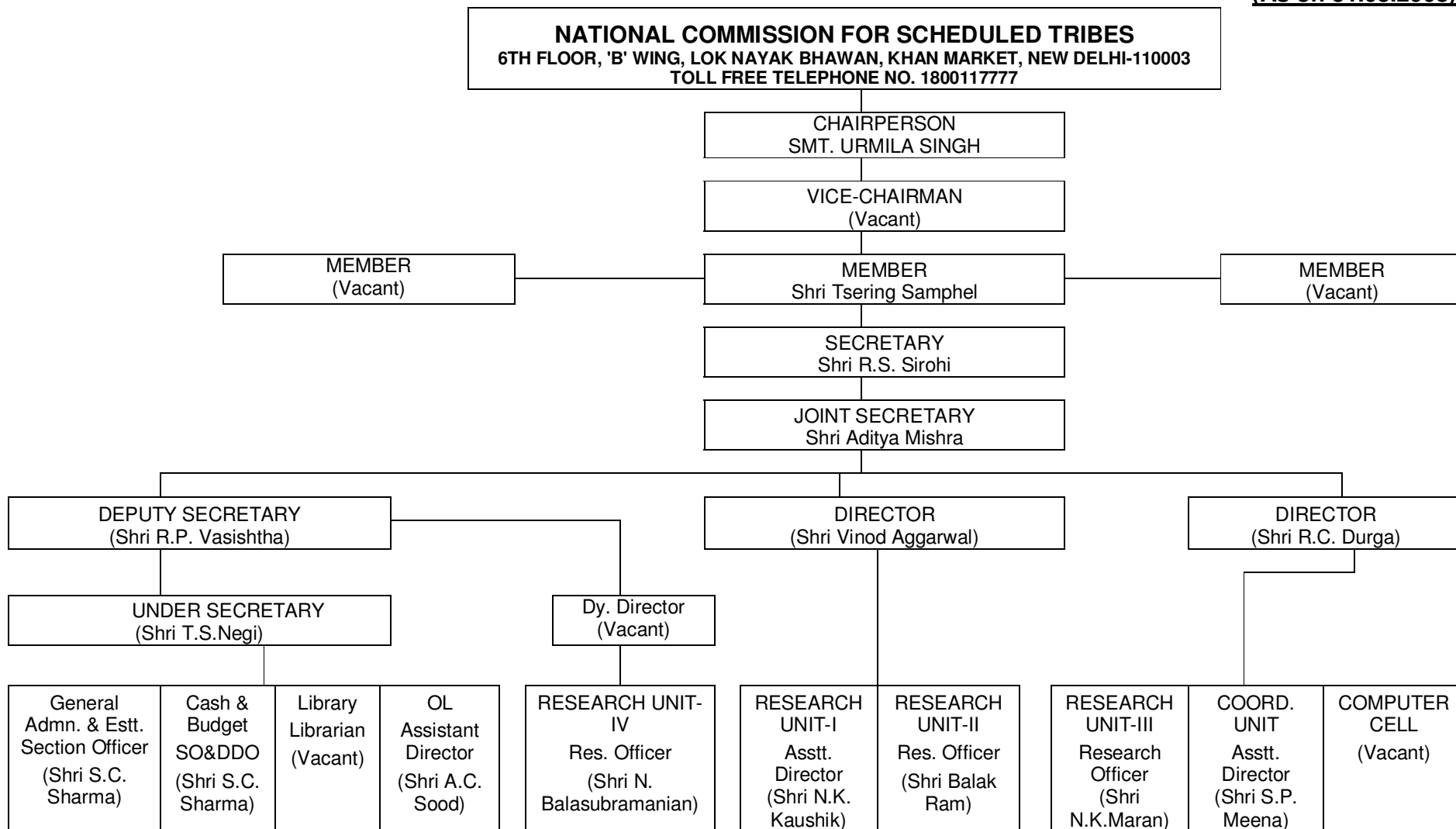
To,

1. All Ministries/ Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board
6. Union Public Service Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Office/ P.M.O./ Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Load, New Delhi.
8. All Officers/ Sections of the Department of Personnel and Training/ Deptt. of Administrative Reforms & Public Grievances/ Department of Pensioners Welfare.

Matters received for advice of National Commission for Scheduled Tribes from various Ministries/ Departments during 2007-08

S. No.	Subject matter	Received from/ Reference of communication
(1)	(2)	(3)
1	Revision of quantum of reservation for ST in case of direct recruitment to Group 'C' and 'D' posts on local or regional basis in the State of Goa	Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training Letter No. 36017/1/2007-Estt.(Res.) dt. 20/4/2007 MTA O.M. No. 20025/2/2007-MER dt. 30/04/2007
2	Scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Right) Rule 2007	Ministry of Tribal Affairs Letter No. 17014/2/2007-PC&V (Vol.IV) dt. 22/6/2007
3	Change in the system of separate interview in the Civil Services Examination	Department of Personnel and Training Letter No. 13018/3/2006/AIS-I dt. 23/10/2007
4	Review of Office Memorandum No. 36012/2/96-Estt.(Res.) dt. 02/07/1997 issued by the Department of Personnel and Training in the light of the judgment of the Supreme Court of India dated 16/9/1999 in the case of Ajit Sing-II	Department of Personnel and Training Letter No. 36012/2/96-Estt. (Res) dt. 22/11/2007
5	Revised proforma for sending proposal for de-reservation of vacancies for SCs STs and OBCs	Department of Personnel and Training Letter No. 36020/2/2007/Estt.(Res.) dt. 27/11/2007
6	Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates (Amendment Ordinance), 2006.	Ministry of Tribal Affairs Letter No. 12015/1/2006-C&LM dt. 07/02/2008
7	Questionnaire by the Commission on Center-State Relations	Ministry of Home Affairs, Inter-State Council Secretariat Letter D.O. No. 3-64/2007-CCSR dt. 01/03/2008

अनुबंध-1.V
(Ref: Para 1.4.3)
(As on 31.03.2008)



NATIONAL COMMISSION FOR SCHEDULED TRIBES

Visits of the Commission during 2007-08

Smt. Urmila Singh, Chairperson

S.No.	Date of Visit	Name of States/ UTs/ Orgn./ PSUs
(1)	(2)	(3)
1	23 June - 3 July 2007	Madhya Pradesh - Field visit, Tribal Research Institute, Bhopal - Meeting with Tribal Delegates - Meeting with Chief Secretary, Principal Secretary, Tribal Welfare Deptt. and Sr. State Level officers of Tribal Dev. Deptt. - Meeting with District Level Officers
2	7 – 8 July 2007	Uttar Pradesh and Uttarakhand - Meeting with tribal delegates
3	15 – 18 July 2007	Orissa - Meeting with Secretary, SC/ ST Development Deptt. and Secretary Home Deptt.
4	3 – 6 Oct., 2007	Madhya Pradesh - Meeting with tribal delegates, Bhopal
5	7-12 Oct. 2007	J&K - Meetings with tribal delegates, Leh - Field visit, MIMC Residential School , Leh - Field visit, Lamdon School and Pashmina Dehairing Plant, Leh
6	13 – 14 Oct., 2007	Uttarakhand - Meeting with District Level Officers, Haridwar - Meeting with tribal delegates Haridwar - Field visits, Tribal Handicraft Centre, Haridwar
7	19 – 23 Oct. 2007	Chhattisgarh - Meeting with tribal delegates, Raipur - Meeting with Principal Secretary, Forest Deptt. Raipur - Commissioner & Secretary, Tribal Welfare Deptt., Raipur
8	5 – 13 Nov.	Madhya Pradesh

	2007	<ul style="list-style-type: none"> - Meetings with Secretary, Tribal Welfare Deptt.(MP) - Review of pending of cases in Regional Office, NCST, Bhopal - Meeting with tribal delegates, Bhopal - Meeting with District Level Officers, Bhopal
9	7 – 8 Nov. 2007	Madhya Pradesh <ul style="list-style-type: none"> - Meeting with tribal delegates, Bhopal
10	14 Dec. 2007	Uttar Pradesh <ul style="list-style-type: none"> - Meetings with SC/ ST Association, Vrindawan
11	15 – 20 Dec. 2007	Madhya Pradesh <ul style="list-style-type: none"> - Meeting with tribal delegates, Bhopal - Meeting with District Collector, Indore - Meeting with District Collector, Bhopal
12	17 – 22 Jan, 2008	Madhya Pradesh <ul style="list-style-type: none"> - Meeting with tribal delegates, Bhopal
13	26 – 29 Jan, 2008	Chhattisgarh <ul style="list-style-type: none"> - Meeting with tribal delegates
14	9 – 11 Feb, 2008	Maharashtra <ul style="list-style-type: none"> - Meetings with tribal delegates
15	16 – 20 Feb, 2008	Jharkhand <ul style="list-style-type: none"> - Field visits, Lohardaga - Field visits, Latehar - Field visits, Gumla - Meeting with Secretary, Department of Forest, Secretary, Rural Development Deptt. and Secretary, Tribal Welfare Deptt. , Ranchi - Meeting with District Level Officers, Ranchi - Meeting with District Level Officers, Gumla
16	22 – 25 Feb, 2008	Madhya Pradesh <ul style="list-style-type: none"> - Meeting with tribal delegates, Indore
17	25 – 29 Feb., 2008	Madhya Pradesh <ul style="list-style-type: none"> - Meeting with tribal delegates, Bhopal
18	14 – 15 March 2008	Chhattisgarh <ul style="list-style-type: none"> - Meetings with tribal delegates, Raipur
19	23 – 24 March 2008	Jammu & Kashmir

		<ul style="list-style-type: none"> - Meeting with tribal delegates, Jammu - Meeting with District Level Officers, Jammu.
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Shri Gajendra Singh Rajukheri, Vice-Chaiperson

S.No.	Date of Visit	Name of States/ UTs/ Orgn./ PSUs
(1)	(2)	(3)
1	5 – 9 April, 2007	Madhya Pradesh <ul style="list-style-type: none"> - Field visits, Bhopal, Ratlam, Manawar, Barwani, Kukshi, Guna and Indore - Meeting with tribal delegates, Ratlam - Meeting with Principal Secretary, (TDD) and Commissioner, Tribal Welfare, Bhopal - Meeting with District level Officer, Bhopal
2	13-15 April, 2007	Madhya Pradesh <ul style="list-style-type: none"> - Field visits, Indore, Mhow, Kadwali, Ujjain and Ratlam Districts - Meeting with All India General Insurance SC/ ST Employees Parishad, Mhow District - Meeting with Bhilala ST Association, Indore - Meeting with ST Association, Kadwali District
3	18 – 23 April 2007	Madhya Pradesh <ul style="list-style-type: none"> - Field visits, Dhar and Ratlam districts - Meeting with tribal delegates, Dhar - Meeting with District level officers, Ratlam
4	18 – 21 April 2007	Maharashtra <ul style="list-style-type: none"> - Field visits, Pune - Meeting with tribal delegates, Pune - Meeting with State Tribal Welfare Officers, Pune
5	26 April –14 May 2007	Madhya Pradesh <ul style="list-style-type: none"> - Field visits, Dhar (Manawar) and Ratlam districts - Meeting with tribal delegates, Dhar - Meeting with District level officers, Ratlam - Field visits, Manawar and Mandsores district - Meeting with tribal delegates, Mandsores

Shri Tsering Samphel, Member

S.No. (1)	Date of Visit (2)	Name of States/ UTs/ Orgn./ PSUs (3)
1	20 – 22 June, 2007	Jammu and Kashmir - Meeting with district level officers of Srinagar
2	27 June – 4 July, 2007	Jammu and Kashmir - Meeting with district level officers of Leh (ladakh)
3	30 July – 10 Sept, 2007	Jammu and Kashmir - Meeting with district level officers of Leh and Kargil
4	14 – 20 Sept, 2007	Himachal Pradesh - Meeting with district level officers of Rekong Peo, Lahaul and Spiti, Kullu
5	16 – 19 Oct. 2007	Tamil Nadu - Meeting with district level officers of Chennai, Tiruchirapally and Salem
6	24 – 28 Oct. 2007	Jammu and Kashmir - Meeting with district level officers of Jammu and Kishtwar
7	23 – 25 Nov. 2007	Madhya Pradesh - Meeting with district level officers of Jabalpur
8	04 – 12 Jan, 2008	Karnataka - Meeting with district level officers of Dharwad
9	15 – 20 Jan 2008	West Bengal - Meeting with district level officers of Kolkata and Jalpaiguri
10	06 – 11 Feb, 2008	Jammu and Kashmir - Meeting with district level officers of Ladakh
11	15 – 17 Feb, 2008	Uttar Pradesh - Meeting with district level officers of Varanasi
12	22 – 26 Feb, 2008	Jammu and Kashmir - Meeting with district level officers of Jammu
13	07 – 09 March, 2008	Gujarat - Meeting with district level officers of Sabarkantha
14	12 – 19 March, 2008	Jammu and Kashmir - Meeting with district level officers of Leh

National Commission for Scheduled Tribes
Information furnished to Parliamentary Committee on the
Welfare of SCs and STs w.r.t. the Questionnaire for
Obtaining Preliminary Material on the
Subject- “National Commission for Scheduled Tribes- Its Mandate
and Achievements- A review of its Organisation and
working.”

List of Points and Reply of National Commission for
Scheduled Tribes, New Delhi

1.	Briefly give the background note on the origin of National Commission for the Scheduled Tribes.
<u>REPLY</u>	

The framers of the Constitution took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of the primitive agricultural practices, lack of infrastructure facilities and geographical isolation, and who needed special consideration for safeguarding their interests and for their accelerated socio-economic development. These communities were notified as Scheduled Castes and Scheduled Tribes as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution respectively.

2 With a view to provide safeguards against the exploitation of SCs & STs and to promote and protect their social, educational, economic and cultural interests, special provisions were made in the Constitution. It was noted that due to their social disability and economic backwardness, they were grossly handicapped in getting reasonable share in elected offices, Government jobs and educational institutions and, therefore, it was considered necessary to follow a policy of reservations in their favour to ensure their equitable participation in governance. For effective implementation of various safeguards provided in the Constitution for the SCs & STs and various other protective legislations, the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution. The Special Officer who was designated as Commissioner for SCs & STs was assigned the duty to investigate all matters relating to the safeguards for SCs and STs in various statutes and to report to the President upon the working of these safeguards. In order to facilitate effective functioning of the office of the Commissioner for SCs & STs, 17 regional offices of the Commissioner were set up in different parts of the country.

3 On persistent demand of the Members of Parliament that the Office of the Commissioner for SCs & STs alone was not enough to monitor the implementation of Constitutional safeguards, a proposal was moved for amendment of Article 338 of the Constitution for replacing the arrangement of one Member system (Commissioner) with a multi-member system (Commission). While the amendment to Article 338 was still under consideration, the Government decided to set up a multi-member Commission through an administrative decision vide Ministry of Home Affairs' Resolution No.13013/9/77-SCT(1) dated 21.7.1978. The first Commission for Scheduled Castes and Scheduled Tribes (non-statutory) was, therefore, set up in August, 1978.

4 The functions of the multi-member Commission set up in 1978 were modified vide Ministry of Welfare's Resolution No. BC-13015/12/86-SCD VI dated 1.9.87, and the Commission for SCs & STs was renamed as the National Commission for Scheduled Castes and Scheduled Tribes. It was set up as a National Level Advisory Body to advise the Government on broad policy issues and levels of development of Scheduled Castes and Scheduled Tribes, while the office of the Commissioner for SCs & STs continued to perform the functions of watch-dog machinery as per provision of Article 338.

5 The Constitutional National Commission for Scheduled Castes and Scheduled Tribes came into being consequent upon enactment of the Constitution (Sixty-fifth Amendment) Act, 1990 which was notified on 8-6-1990 and the Rules there under were notified on 3-11-1990. The first Constitutional Commission as per the Constitution (Sixty-fifth Amendment) Act, 1990 was constituted on 12-3-1992 by abolishing the entire office of the Commissioner for Scheduled Castes and Scheduled Tribes and transferring the Secretariat and Regional Offices of the National Commission for Scheduled Castes and Scheduled Tribes set up under the Ministry of Welfare's Resolution of 1987, to the newly set up Constitutional Commission.

6. It was brought to the notice of the Government that geographically and culturally, the Scheduled Tribes were different from the Scheduled Castes and their problems were also different from those of the Scheduled Castes. In recognition of this public perception, a new Ministry of Tribal Affairs was created in October, 1999 to provide a sharp focus to the welfare and development of Scheduled Tribes. It was felt necessary that the Ministry of Tribal Affairs should coordinate all activities relating to the Scheduled Tribes as it would not be administratively feasible for the Ministry of Social Justice & Empowerment to perform this role. It was also felt necessary that a separate National Commission for Scheduled Tribes also be set up to safeguard the interests of Scheduled Tribes more effectively by replacing the erstwhile National Commission for the Scheduled Castes and Scheduled Tribes by two separate Commissions- one for SCs and the other for STs. This was done by the Constitution (Eighty-Ninth Amendment) Act, 2003, which came into force w.e.f. 19.02.2004. The National Commission for Scheduled Castes was created by amending Article 338 of the Constitution and the National Commission for Scheduled Tribes was created from the same date by inserting a new Article 338A in the Constitution .

2.	Please state the procedure for appointment and regulation of Staff of the Secretariat of the National Commission for the Scheduled Tribes.
3.	What is the total staff strength of the Commission when it was set up and as on 01.01.2007. Please give category-wise details of the total staff strength.

Reply

1. There are basically two categories of Staff at the Headquarter of the Commission at New Delhi, namely (a) Secretarial Staff belonging to CSS, CSSS and CSCS Cadre and (b) Joint Cadre Staff comprising of (i) Director (in the scale of pay of Deputy Secretary to Govt. of India) (ii) Deputy Director, (iii) Assistant Director, (iv) Research Officer, (v) Sr. Investigator and (vi) Investigator. The Staff with respect to the posts at (i), (ii) and (iii), which are group 'A' posts of Joint Cadre, is provided by the Ministry of Social Justice & Empowerment, being the Cadre controlling authority and the staff with respect of the posts at Sr. No. (iv), (v), and (vi) is provided by the National Commission for Scheduled Castes, who are the Cadre controlling authority for these posts. The Staff belonging to CSS, CSSS and CSCS is provided by the Department of Personnel & Training, through Ministry of Social Justice & Empowerment. The Secretarial Staff in the Regional Offices of the Commission is appointed and provided by National Commission for Scheduled Castes, who is the cadre controlling authority for these posts. The Group 'D' Staff and some of the Group 'C' posts are appointed by the National Commission for Scheduled Tribes itself.

2. A few isolated posts have been created by Ministry of Tribal Affairs vide their Order dated 19.04.2004 which do not belong to any organized Cadre. These posts are filled up through Ministry of Tribal Affairs. Scale of some of these posts are not comparable with the similar type of posts in other Ministries/ Departments/ Organisations and, therefore, these posts could not be filled so far. However, Commission has initiated the process of framing the Recruitments Rules for these isolated posts.

3. The category/ Group-wise details of the staff strength and the vacancies in each group as on 01.01.2007 is as given below:

Category of post	Sanctioned Strength	Vacancies (as on 01.01.2007)
Group 'A'	17	6
Group 'B'	34	14
Group 'C'	44	16
Group 'D'	30	7
Total	125	43

4.	Whether the present Secretarial Staff also include the persons appointed on deputation basis? If so, state the details of such staff category wise.
<u>Reply</u>	

As has been stated in reply point 2 and 3, the Secretarial Staff of the National Commission for Scheduled Tribes, at its Headquarter is appointed by DoPT and posted to this Commission through the Ministry of Social Justice & Empowerment.

5.	What is the provision for direct financial allocations and power to appoint its own personnel?
<u>REPLY</u>	

The necessary budget to this Commission is allocated through the Ministry of Tribal Affairs. The Commission has power to appoint only Group 'D' and a few Group 'C' posts. As has been stated in reply to Point No. 2 and 3, all other personnel in this Commission are made available either by the Ministry of Social Justice & Empowerment or National Commission for Scheduled Castes or Ministry of Tribal Affairs.

6.	Whether the Commission enjoys the autonomy for its organizational and financial management or is it dependent upon the Ministry concerned in this regard? Details of the existing practice in this regard may be furnished to the Committee.
<u>REPLY</u>	

The National Commission for Scheduled Tribes functions under the administrative control of the Ministry of Tribal Affairs and, therefore, this proposals involving financial implications over and above the power given to the Head of the Department are required to be referred to the Integrated Finance Division of the Ministry of Tribal Affairs through the concerned administrative branch in the Ministry of Tribal Affairs. The Commission has thus been conferred the powers of a Ministry/ Department of the Central Government as provided under the Delegation of Financial Power Rules, 1978 except the following:

i)	Creation of posts,
ii)	Re-appropriation of funds,
iii)	Purchase of vehicles,
iv)	Permitting any officer of the Commission to participate in seminar, conference or training abroad.

7.	Whether it is a fact that (Sixty-fifth Amendment) Act, 1990 was intended to entrust the erstwhile Commission for SCs and STs with enhanced functions of investigation and monitoring of all matters relating to constitutional and other safeguards for the Scheduled Castes and Scheduled Tribes. If so, whether the Government had provided the appropriate organizational input for effective functioning of the Commission? If so, please furnish the present organization set up of the Commission alongwith the organizational pattern in the all the States/UTs covering the entire country.
	<u>REPLY</u>
	This basically concerns the Ministry of Tribal Affairs and Ministry of Social Justice & Empowerment. However, the Commission would like to make the following observations:-
(i)	It is a fact that the amendment of Article 338 of the Constitution by the Constitution (Sixty-Fifth Amendment) Act, 1990 was intended to entrust to the National Commission for SCs and STs with enhanced functions relating to investigation and monitoring of all matters relating to constitutional and other safeguards for the SCs & STs. The Statement of objects and reasons and the Financial Memorandum attached to the Constitution (68 th Amendment) Bill [which was passed as Constitution (65 th Amendment) Act, 1990] clearly mentioned that the proposal was to merge the Office of the Commissioner for SCs and STs and the non-statutory National Commission for Scheduled Castes and Scheduled Tribes and to create a Constitutional National Commission for Scheduled Castes and Scheduled Tribes. It also mentioned that proposed multi-member Commission had been given additional duties and that the Commission will require additional staff due to enhanced functions and duties.
(ii)	While giving effect to the Constitution (65 th Amendment) Act 1990, vide notification dated 12-3-1990, all the 86 posts of Office of Commissioner for SCs & STs and 31 vacant posts of non-statutory National Commission for Scheduled Caste and Scheduled Tribes were abolished in violation of the statement/ assurance given to Parliament to the effect that enhanced functions, duties and powers of the proposed National Commission for Scheduled Caste and Scheduled Tribes will require additional manpower.
(iii)	Consequent upon the implementation of the Constitution (89 th Amendment) Act, 2003 in Feb. 2004. the then existing National Commission for Scheduled Caste and Scheduled Tribes was replaced by two separate Commissions viz; National Commission for Scheduled Castes, and National Commission for Scheduled Tribes. Subsequently, the staff at Hq. Office of erstwhile NCSCST and its 18 State Offices were distributed between the two Commissions in the ratio of 2:1. The National Commission for Scheduled Tribes is now left with six State Offices only.

2. The organizational Chart of the Hq of the Commission is placed at **ANNEX-I**. The set-up of the Regional/ Field offices of the Commission is placed at **ANNEX-II**.

8.	Whether the Government propose to bring suitable legislation before Parliament spelling out all the necessary provisions for independent functioning of the Commission?
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REPLY

This pertains to the Ministry of Tribal Affairs.

9.	How many annual reports and special reports had been presented by the erstwhile National Commission for Scheduled Castes and Scheduled Tribes. What is the position in regard to report presented by the National Commission for the Scheduled Tribes? The particulars of the dates of their submission to the Government may be clearly indicated. Five copies each of all these reports may be furnished to the Committee.
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Reply

1. The erstwhile National Commission for Scheduled Caste and Scheduled Tribes (statutory) which was set up on 12.03.1992 and ceased to exist on 19.02.2004 consequent upon its bifurcation into two separate Commissions i.e. National Commission for Scheduled Castes, and National Commission for Scheduled Tribes from that date, had submitted seven regular and three special reports to the President of India. Copies of these reports are available with the Ministry of Social Justice & Empowerment.

2. The National Commission for Scheduled Tribes came into existence w.e.f 19 February 2004, in terms of the provisions of Article 338A of the Constitution. In terms of the provisions under sub-clause (d) of Clause (5) of Art. 338A of the Constitution, the National Commission for Scheduled Tribes has submitted its **first report for the years 2004-2005 and 2005-06 to the President of India on 8th August, 2006**. Five copies of this Report are enclosed herewith.

10.	The Constitution clearly provides for the presentation of the reports of the Commission annually. Please state whether the mandate of the Commission has been adhered to in practice so far and if not, the reasons, therefor.
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REPLY

Although National Commission for Scheduled Tribes was constituted w.e.f. 19.02.2004, the bifurcation of the staff of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes could be made only on 01.12.2004 and thereafter, it took about 5 months to construct a separate office for itself and to create a separate establishment. The Commission accordingly decided to submit a single report for the years 2004-05 and 2005-06 to the President of India.

11.	What is the normal time gap between the submission of these reports to the Government and their presentation to Parliament?
<u>REPLY</u>	

The Commission has submitted its first Report to the President of India in August 2006 which has not yet been laid on the Table of both the Houses of Parliament. Reports of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes were also laid before the Parliament many years after their submission to the President. This phenomenon substantially detracts from the value of the Commission's recommendation as the Hon'ble Members of Parliament come to know of its recommendations many years after submission of the report to the President. This issue had/ has received intensive consideration both by the erstwhile National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Scheduled Tribes and it has been strongly felt that there is an urgent need to evolve a mechanism for ensuring the laying of the reports of the Commission in Parliament within a reasonable period of time and in order to overcome this lacuna, the Commission has suggested the following amendments to be made in clause (6) and clause (7) of the Article 338A:-

"Clause (6):- The President shall cause all such reports to be laid before each House of Parliament within three months of such submission and a memorandum explaining the action taken or proposed to be taken on the recommendation relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations shall be placed before each House of the Parliament within six months of such submission.

"Clause (7):- Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State within three months and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations shall be laid before the Legislature within six months of such submission"

2. The existing Clause (6) and Clause (7) of Article 338A provide as under:-

"Clause (6):- The President shall cause all such reports to be laid before each House of Parliament alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

"Clause (7):- Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid

before the Legislature of the State alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

12.	How many reports of the Commission along with action taken thereon have so far been laid on the Table of each of the Houses of Parliament? The particulars of the dates of such laying may also be indicated.
<u>Reply</u>	
	As mentioned earlier, the first report of National Commission for Scheduled Tribes for the years 2004-2005 and 2005-06 has been submitted to the President of India on 8 August, 2006. The Report has not been laid on the Table of each of the Houses of Parliament by the Ministry of Tribal Affairs.

13.	Please state the details of recommendations accepted by the Government but have not been implemented.
14.	Please state the details of recommendations of the Commission which have not been accepted by the Government alongwith the reasons.
<u>REPLY</u>	
Ministry of Tribal Affairs is the appropriate authority to reply to this point.	

15.	Whether the reports of the Commission tabled in Parliament have ever been discussed in the Houses of Parliament? If so, give the dates of such discussions?
<u>Reply</u>	
1.	As mentioned in reply to point No. 12, the first report of National Commission for Scheduled Tribes for the years 2004-2005 and 2005-06 has been submitted to the President of India on 8 August, 2006. The Report has not been laid on the Table of each of the Houses of Parliament. Since the report has not been tabled in the Parliament, the discussions on the report is yet to take place.
2.	As regards discussion on the reports submitted by the erstwhile National Commission for Scheduled Castes and Scheduled Tribes, Ministry of Social Justice & Empowerment is the appropriate authority to reply to this point.

16.	Whether the recommendations of the Commission are made public before
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	these are presented to Parliament?
	<u>Reply</u>
	As far as National Commission for Scheduled Tribes is concerned, it does not make its recommendations public before these are tabled before the Parliament.

17.	Whether the Commission has so far clearly determined the procedure and methodology of its investigation? If so, please give details.
	<u>REPLY</u>
1.	Clause (4) of Article 338A empowers the National Commission for Scheduled Tribes to regulate its own procedure. Accordingly, Commission has framed its own Rules of Procedure. The Rules of Procedure of the National Commission for Scheduled Tribes were accordingly notified on 17-9-2004 A copy of the Notification is placed at <u>Annex- III.</u>

18.	What is the existing mechanism of personnel and processing systems of the Commission for monitoring of all the matters covered by the Constitutional provisions, laws and Government orders? Full particulars in this regard may be spelt out.
19.	What techniques have so far been adopted and utilized by the Commission for its evaluation of various programmes undertaken by the Government? A note may be furnished in the regard.
	<u>Reply</u>
1.	In terms of Clause (5) of Article 338A of the Constitution, it is the duty of the NCST to investigate and monitor all matters relating to the safeguards provided for STs 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. In brief, the Commission adopts the following monitoring mechanism:-
(i)	The Commission receives a large number of representations from individual members of Scheduled Tribes or their associations etc. These representations/petitions either pertain to the violation of the reservation instructions in services or to (ii) problems relating to the socio-economic development of Scheduled Tribes such as admission in educational institutions, health services, land alienation matters etc. or to (iii) atrocities on members of Scheduled Tribes by non-Scheduled Tribe persons. These representations are referred to the concerned organizations of the Central Govt. or the State Govts. by the Commission requesting them to furnish full facts within a given timeframe. The facts furnished by the concerned organization are examined by the Commission and in case the Commission

	<p>feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures. The concerned organizations are advised to take follow up action on the Commission's recommendations/observations within a given timeframe and apprise the Commission of the action taken position. In case there is no response to the Commission's letter within a reasonable period of time, the Commission calls the senior executive(s) of the concerned organization to appear before the Commission and explain their position with reference to the points raised in the petitions. The minutes of these hearings are recorded after the conclusion of the discussions either on the same day or within a week's time thereafter and a copy thereof sent to them for taking appropriate action and to inform the Commission of the action taken by them on its advice within a given timeframe.</p>
(ii)	<p>In order to monitor and evaluate the implementation status of various development schemes, and 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 through visits to the States and UTs. These meetings are generally preceded with visits to the tribal basties, hostels, Ashram Schools etc. and interactions with them on the impact of the developmental projects. The Commission has noticed that these visits and meetings have been greatly instrumental in enhancing the interests 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. The State level review meetings with the senior officers of the State Govt. including Chief Secretary are generally taken by the full Commission or by its Chairman accompanied by one or two Member/Members.</p>
(iii)	<p>The Commission also undertake review meetings with the district and taluka level officers to assess the impact of the developmental schemes, and investigation of the cases of atrocities on members of Scheduled Tribes and advises them to take a series of remedial action for better and more effective implementation of the projects with a view to ensure the flow of benefits to all the tribals including those living in inaccessible areas and also to expedite the investigation and disposal of the atrocity cases and the cases relating to land alienation etc., pending either with the district administration or in the courts. The Commission also interacts with the leaders of tribals or the members of tribal associations to ascertain the ground realities and the implementation status of various projects and schemes before having review meetings with the district/ taluka administration.</p>
(iv)	<p>The Commission also undertakes review meetings with the organizations/offices functioning under the administrative control of the Central Government, and the various Central Public Sector Undertakings</p>

	including the financial institutions to ascertain the implementation of the reservation instructions in appointment of different categories of posts as also the assessment of the implementation status of the development projects for socio-economic advancement of Scheduled Tribes. These review meetings by the Commission are generally preceded by meetings with the representatives of SC/ST Employees' Welfare Associations operating in those organizations which are meant at understanding the actual grievances of the ST employees working in these organizations.
(v)	The Commission has developed three sets of Questionnaires for eliciting information from the (i) Central Ministries/Departments (Questionnaire No.I appended as Annex.IV) (ii) Central Public Sector Undertakings (Questionnaire No.II appended as Annex.V), and (iii) State Govts./UT Administrations (Questionnaire No.III appended as Annex.VI) for the purpose of undertaking review meetings. The Commission generally undertakes the review after receipt of the detailed information in the respective Questionnaire. There is a separate Questionnaire (Annex.VII) for undertaking review meetings at district and taluka level which are carried by the Member (s) of the Commission whenever he or she/they propose to undertake review meetings with the district/taluka level officers.
(vi)	The Commission directs its Regional Offices to collect information and data on various subject matters from the State Govts., Local Bodies, Corporate Bodies or any other authority which is charged with the implementation of the specific safeguards provided for the Scheduled Tribes.

20.	Whether any analysis of the performance of the Commission has ever been made since its inception? If so, please give details thereof.
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REPLY

This concerns the Ministry of Tribal Affairs

21.	Whether the Commission has so far published any booklets, pamphlets and leaflets on its objectives, functions and procedure of working for free distribution among the concerned people for their awareness motivation and action. If so, the particulars thereof, and if not, the reasons therefore may be clearly stated.
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REPLY

	1. The National Commission for Scheduled Tribes, constituted in March 2004, has since published the following booklets/ pamphlets highlighting its objectives, duties, functions and procedures of working and other issues relating to tribals in the country.
(1)	National Commission for Scheduled Tribes (Pamphlet –

	2004)	
(2)	राष्ट्रीय अनुसूचित जनजाति आयोग	(Pamphlet – 2004)
(3)	Know your Rights and Duties – The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. and The Scheduled Castes and Scheduled Tribes (Presevention of Atrocities), Rules 1995	(Pamphlet – 2004)
(4)	National Commission for Scheduled Tribes	(Pamphlet Revised – 2005)
(5)	National Commission for Scheduled Tribes–A Handbook	(Booklet-2005)
(6)	राष्ट्रीय अनुसूचित जनजाति आयोग –	पुस्तिका (हैंडबुक)- 2005
(7)	राष्ट्रीय अनुसूचित जनजाति आयोग	(Pamphlet Revised–2005)
(8)	National Commission for Scheduled Tribes	(Pamphlet Revised–2006)
(9)	राष्ट्रीय अनुसूचित जनजाति आयोग	(Pamphlet Revised–2006)

2. The above publications are distributed free to the public for creating awareness, among STs as well as general public and the government machinery, about constitutional rights of the Scheduled Tribes and role of National Commission for Scheduled Tribes in safeguarding their rights.

3. The Website of the National Commission for Scheduled Tribes (<http://ncst.nic.in>) has also been launched and information relating to working of the Commission is available on the Website. The Handbook of the Commission is also available on the Website.

22.	What efforts have so far been made by the Commission in different States/UTs for effective realization of the constitutional mandate given to it? Please give details of action taken and results thereof and if not, the reasons therefore may be clearly stated.
	<u>Reply</u>
1.	As has been mentioned in reply to point No. 18 and 19, the Commission undertakes review meetings with the Senior Officers of the States/ UTs including Chief Secretary to evaluate the progress of implementation of various programmes and schemes for tribal development including the utilization of the grants released to them by Ministry of Tribal Affairs under

	TSP and proviso to Article 275(1) of the Constitution.
23.	Whether the recommendations/findings given by the Commission has the same effect as that of ruling/ finding given by a Court of Law? Please furnish a detailed reply taking into consideration Article 338A (8) of the Constitution.
24.	Whether the recommendations/ findings of the Commission are binding on public bodies/functionaries? If not, reasons therefore and what measures have been taken or are proposed to be taken by Government in this regard?
	<u>Reply</u>
1.	It is true that in terms of Clause (8) of Article 338A of the Constitution, the Commission has been given the powers of a Civil Court trying a suit. However, the Hon'ble Supreme Court of India in their judgment dated 31.10.1996 in All India Overseas Banks SC & ST Employees Welfare Association and others VS Union of India & Others have, <i>interalia</i> , observed 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 inquiring into any complaint under Article 338(5)(b). The powers of a Civil Court of granting injunctions temporary or permanent do not inhere in the Commission nor can such a power be inferred or derived from a reading of clause (8) of Article 338 of the Constitution. The Commission having not been specifically granted any power to issue interim injunctions, lacks the authority to issue an order of the type found in the letter dated 4-3-1993 directing the Bank (Respondent 3 herein) to stop the promotion process pending further investigation and final verdict in the matter".
2.	The recommendations of the Commission are, therefore, advisory in nature and it is for the concerned organisation belonging to the Central Govt. or the State Govt. to accept or not to accept the Commission's recommendations. It has, however, been noticed that as the recommendations of the Commission with respect to individual cases/ petitions are based on certain specific instructions of the Govt., they are generally accepted by the Central/ State organisations to whom they pertain.
25.	Please indicate whether the Union and every State Government consult the Commission on all major policy matter affecting Scheduled Tribes as a mandatory provision provided under Act 338 (9) of the Constitution? If not, please furnish the names of such recalcitrant Government departments and the action/steps initiated by the Commission/Government of India in this regard.
	<u>REPLY</u>

	<p>The Commission is generally being consulted on matters relating to revision of lists of STs, and sometime (not always) on other policy matters affecting the Scheduled Tribes. The Commission, however, receives no references from the State Governments and the UT Admns. for seeking advice of the Commission on policy matters affecting Scheduled Tribes. It might be due to lack of awareness of the provisions of Clause (9) of Art. 338A of the Constitution. Government should take requisite steps including publicity through Press and Electronic media for creating awareness about establishment of the National Commission for Scheduled Tribes, its role, duties, functions and powers. The Commission has also taken up the matter with the States/ UTs through its various meetings with the State Government authorities.</p>
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26.	<p>Whether the existing constitutional provisions have been found adequate by the Commission to discharge its Constitutional duties and obligations effectively? If not, whether any further Constitutional amendment is needed?</p>
	<p><u>REPLY</u></p>
1.	<p>The Commission feels that there is a need to empower it to discharge its functions more effectively through the following measures:-</p>
(i)	<p>On a complaint or suo-moto, the Commission may enquire into non-implementation of the provisions under Section 3 and 4 of the SCs & STs (POA) Act, 1989 and if the Commission finds that the Police Authorities or a public servant have failed or have shown negligence in performing their duties for proper implementation of the Act, the National Commission for Scheduled Tribes should be empowered to award penalty on the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Rights to Information Act, 2005.</p>
(ii)	<p>The National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for willful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes.</p>
(iii)	<p>Clause (6) & Clause (7) of Article 338A of the Constitution should be amended as mentioned in reply to Point No. 11 in order to ensure the timely laying of the Commission's report in Parliament as also for expediting action taken on its recommendations.</p>
(iv)	<p>There is an urgent and genuine need to augment the manpower of the Commission to enable to do justice with the grievance petitions which are received in large number.</p>

**No.36017/1/2007-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training**

New Delhi, Dated the 4th July, 2007

OFFICE MEMORANDUM

Subject:- Revision of quantum of reservation for Scheduled Tribes in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region in the State of Goa.

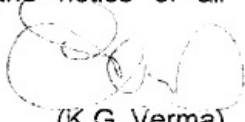
The undersigned is directed to invite attention to this Department's O.M. No. 36017/1/2004-Estt.(Res.) dated 5th July, 2005 revising the quantum of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region keeping in view the figures of the 2001 Census. The quantum of reservation for SCs, STs and OBCs in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from the regions of the State of Goa was fixed as 2%, 0% and 18% respectively. Some communities in the State of Goa have since been notified as Scheduled Tribes by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 dated 8.1.2003 after the Census 2001 was conducted. As a result of this, the proportion of population of STs in the State of Goa is now estimated at 12.07%. It has accordingly been decided to fix the quantum of reservation for STs in case of direct recruitment to Group 'C' and "D' posts normally attracting candidates from a locality or a region in the State of Goa at 12%. The entry against Sl. No. 06 of Annexure to this Department's O.M. No.36017/1/2004-Estt.(Res.) dated 5th July, 2005 would, therefore, stand substituted by the following: -

Sl.No.	Name of the State/UT	Percentage of reservation		
		SCs	STs	OBCs
(1)	(2)	(3)	(4)	(5)
06	Goa	2	12	18

2. These orders will take prospective effect from the date of issue of →

this O.M. However, the cases where the vacancies have already been advertised in accordance with the percentages of reservation existing prior to issue of this O.M. may not be reopened.

3. Contents of this O.M. may be brought to the notice of all concerned.


(K.G. Verma)
Director
23092158

To

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Department of Economic Affairs (Banking Division), New Delhi.
4. Department of Economic Affairs (Insurance Division), New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Railway Board.
7. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
8. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
9. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
10. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
11. National Commission for STs, Lok Nayak Bhavan, New Delhi.
12. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
13. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi – 110002.
14. CBI, LBSNAA, SSC, ISTM, PESB, Central Sectt. Library, MHA Library.
15. Information and Facilitation Centre, DOPT, North Block, New Delhi.
16. The Registrar General of India, 2-A, Man Singh Road, New Delhi-110011 w.r.t. D.O. No.34/3/2005-SS(Goa) dated 5.4.2007.
17. The Directorate of Social Welfare, Government of Goa, Panaji, Goa w.r.t. letter No.13/14/2004-SWD dated 5.2.2007.
18. 300 spare copies for Estt.(Res.) Section.

List of proposals for dereservation of posts reserved for Scheduled Tribes received from various Ministries/ Departments during 2007-08

S.No.	NCST File No.	Subject
(1)	(2)	(3)
1.	RU-IV/Service/Commerce-De-reservation-5/2007	Two posts of Group 'D'-III., Coffee Board, M/o Commerce & Industry
2.	No.18/De-reservation/Defence-33/2007/RU-IV	One post of Chargeman Gr-1/ NT(OTS), Ordnance Clothing Factory, Avadi.
3.	No.18/De-reservation/Defence-10/2007/RU-IV	One post of Attendant Lab services 'B', RCI, Hyderabad.
4.	No.18/De-reservation/Defence-27/2007/RU-IV	Two posts of UDC Ordnance Factory, Dumdum, West Bengal.
5.	RU-IV/ Service/ De-reservation/ Communication -30/ 2007	One post of Lower Selection Grade, Deptt. of Posts, M/o Communication & IT
6.	RU-IV/Service/De-resevation/ Commu.29/2007	One post of Inspector of Post Offices, Deptt. of Posts, M/o Communication & IT
7.	RU-IV/Service-De-reservation/ Communication -17/2007	One post of AAO, PAO, Cuttack.
8.	De-reservation/CAG-27/ST/Service/2008/RU-I	Two posts of Audit Officer, O/o the Principal Accountant General (Audit) Kerala, Thiruvanthapuram
9.	De-reservation/CAG-24/ST/ Service/2008/RU-I	Two posts of Audit Officer (Comml.), O/o the Commercial Audit wing, IA&AD
10.	De-reservation/CAG-22/ST/ Service/2008/RU-I	One post Accounts Officer, O/o the Accountant General (A&E), Bihar
11.	De-reservation/CAG-08/ST/ Service/2008/RU-I	One post of Sr. Audit Officer Gr. (B), O/o the Principal Accountant General (Audit) Maharashtra, Mumbai
12.	De-reservation/CAG-19/ST/ Service/2008/RU-I	Four Posts of Asstt. Audit Officer, O/o Commercial Audit wing, (IA&AD)
13.	De-reservation/CAG-15/ST/ Service/2008/RU-I	Two posts of Audit Officer Gr. 'B' , O/o the Pr. Accountant General (Audit) Bihar.
14.	De-reservation/CAG-09/ST/ Service/2008/RU-I	Three posts Sr. Audit Officer, Group 'B', O/o the Principal Accountant (Commercial & Receipt (Audit), Gujarat
15.	De-reservation/CAG-11/ST/ Service/2008/RU-I	Three posts-Audit Officer, Group 'B', O/o the Principal Accountant General (Civil Audit) O/o the Accountant General (Commercial and Receipt Audit) Tamilnadu & Pondicherry.
16.	De-reservation/CAG/02/ST/ Service/2008/RU-I	One post of Audit Officer, Group 'B', O/o the A.G.(Audit), J&K, Srinagar
17.	Delhi-01/ST/Service/2008/RU-I	One Post of Asstt. Accounts officer O/o Delhi Development Authority
18.	RU-IV/Ser/De-reservation/ Defence-17/2007	One post of Office Attendant Lab Services 'B' Gas Turbine Establishment, M/o Defence, Bangalore

(1)	(2)	(3)
19.	RU-IV/Ser/De-reservation/ Defence-16/2007	One post of Office Attendant 'B', Gas Turbine Establishment, M/o Defence Bangalore.
20.	De-reservation-0/Atomic Energy/2008/RU-III	Two posts of Senior Chemist (Gr. 'B' Gazetted), Directorate of Marketing & Inspection, Ministry of Agriculture.
21.	De-reservation-06/Agriculture/Service/ 2007/RU-III	One post of UDC, Directorate of Extension, Ministry of Agriculture.
22.	De-reservation-03/HRD/Service/2008/RU-III	One Post of UDC, Deptt. of School Education & Literacy, M/o HRD.
23.	De-reservation-04/Agriculture/Service/08/RU-III	One post of Plant Protection Officer (Chemistry), Deptt. of Plant Protection, M/o Agriculture.
24.	CAG/12/2007/Service/RU-I	Two posts of Senior Accountant Group 'C' , O/o Accountant General (A&E), Mumbai
25.	De-reservation-01/Envi.&Forest/Service/2008/RU-III	One post of Research Asstt. Grade II Institutes of Forest General & Tree Breeding, Coimbatore, Indian Council for forestry research & Education, Dehradun.
26.	De-reservation-06/MHA/Service/2008/RU-III	One post of Supervisor, Reception Organisation of Secretarial Security Organisation, M/o Home Affairs.
27.	KGV/Labour-4/Service/2008/ RU-III	One post of Assistant Director of Training, Directorate General of Employment & Training, M/o Labour
28.	De-reservation-02/Agriculture/Service/08/RU-III	One post, Data Entry Operator Grade D, Directorate of Economics & Statistics, Ministry of Agriculture.
29.	CAG/22/Service/2007/RU-I	One post of Supervisor Group 'B', O/o the Principal Accountant General, Jaipur, Rajasthan.
30.	De-reservation/CAG-06/ST/ Service/08/RU-I	Three posts of Audit Officer Group 'B', Accountant General(Civil Audit), O/o the Accountant General Commercial Receipt Audit) (TN)
31.	Post-2/De-reservation-12/ Commu/06/ST/SSW-RU-IV	Post of Inspector of Post Offices, M/o Communication & IT
32.	De-reservation/CAG-7/ST/Service/08/RU-I	One post of Asstt. Audit Officer (Civil) Group'B', O/o Principal Accountant General (Audit), Kerala
33.	CAG/26/2007-Service/RU-I	One post of Audit Officer, O/o Principal Director of Audit, South Central Railway, Secundrabad
34.	CAG/31/2007-Service/RU-I	One post, Accounts Officer, O/o Accountant General, Kolkata
35.	De-reservation-14/L&J/ Service/07/RU-III	One post of Senior Clerk Grade -II , Ministry of Law and Justice
36.	De-reservation/CAG-25/ST/Service/08/RU-I	Two posts of Senior Audit Officer, O/o the Director General of Audit

		Defence Service
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(1)	(2)	(3)
37.	CAG-25/Service/07/RU-I	Three posts of Audit Officer, O/o Principal Accountant General, Bangalore
38.	De-reservation/CAG-20/ST/Service/08/RU-I	One post of Account Officer, O/o the Accountant General (A&E), Chennai
39.	De-reservation/CAG-28/ST/Service/08/RU-I	One post of Sr. Audit Officer, O/o the Pr. Accountant General (Audit), Kerala, Thiruvananthapuram
40.	De-reservation/CAG-17/ST/Service/08/RU-I	One post of Asstt. Accounts Officer, Gr. 'B', O/o Accountant General (A&E), Chennai
41.	De-reservation/CAG-23/ST/Service/08/RU-I	Two post of Divisional Accounts Officer, Gr -I, O/o Accountant General (A&E)-II, Allahabad
42.	De-reservation/CAG-16/ST/Service/08/RU-I	One post of Sr. Audit Officer Gr. 'B', O/o Principal Director, Audit Economic & Service Ministries,
43.	De-reservation/CAG-10/ST/Service/08/RU-I	One post of Audit Officer (Group 'B'), O/o O.A.G (Audit) J&K, Srinagar
44.	De-reservation/CAG-03/ST/Service/08/RU-I	Two posts of Audit Officer Group 'B', O/o Principal Accountant General (Audit), Bihar, Patna
45.	CAG-17/Service/2007/RU-I	One post of Asstt. Accounts Officer Gr-'B', O/o Accountant General (A&E) Punjab, Chandigarh
46.	De-reservation/CAG-14/ST/Service/08/RU-I	Three posts of Sr. Audit Officer, O/o Principal Accountant General Commercial & Receipt Audit) Gujarat
47.	De-reservation/CAG-13/ST/Service/08/RU-I	One post of Senior Audit Officer, Group 'B', O/o the Principal Accountant General (Audit), Maharashtra, Mumbai
48.	De-reservation/CAG-04/ST/Service/08/RU-I	Two post of D.A.O Grade-I, O/o the Accountant General (A&E), West Bengal.
49.	De-reservation/CAG-26/ST/Service/08/RU-I	One post of Senior Audit officer, O/o the Accountant General Audit, Tripura
50.	De-reserv/CAG-31/2008/Service/RU-I	One post of Audit Officer, O/o Principal Director of Audit, Eastern Railway, Kolkata
51.	De-reserv/CAG-18/ST/2008/Service/RU-I	Nine posts of Senior Officer Group 'B', O/o the Commercial Audit Wing of (IA&AD)
52.	De-reserv/NDMC-33/2008/Service/RU-I	One post of Deputy Director Group 'B', O/o N.D.M. C
53.	De-reservation/CAG-32/2008/Service/RU-I	One Post of Audit Officer, O/o Director General of Audit, Defence Service
54.	CAG/33/ 2007-Service/RU-I	One post of Asstt. Audit Officer,

		O/o the Pr. Accountant General, Rajasthan,
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(1)	(2)	(3)
55.	CAG/30/2007-Service/RU-I	One post of Senior Divisional Accounts Office, O/o Accountant General, Haryana.
56.	CAG/21/2007-Service/RU-I	One post of Accounts officer Gr. B, O/o A.G.(A&E), Rajasthan, Jaipur
57.	CAG/24/2007-Service/RU-I	Five posts-Asst. Audit Officer, Group 'B', O/o Accountant General Audit, Haryana,
58.	CAG/35/Service/2007/RU-I(De-reservation)	One post-Audit Officer , O/o Principal Director of Audit Central, Kolkata
59.	CAG/10/2007-Service/RU-I	One post of Audit Officer, Group 'B' , O/o Director General of Audit, Defence Services,
60.	CAG/8/2007-Service/RU-I	One post of Section officer (Comml) Gr.B, O/o Comptroller & Auditor General of India
61.	CAG/1/2007-Service/RU-I	Three posts of Senior Audit Officer, O/o Commercial Audit Wing of IA &AD
62.	De-reservation/CAG-21/ST/Service/2008/RU-I	One post of Supervisor (Audit) Group 'B', O/o the A.G. (Audit), Haryana, Chandigarh
63.	CAG/11/2007/Service/RU-I	One post of Section Officer Gr, 'B'reserved O/o Accountant General A7E, Bihar, Patna
64.	CAG/9/Service/2007/RU-I	One post of Senior Accounts Office Gr-B, O/o Accountant General (A&E), Tamilnadu,
65.	CAG/20/Service/2007/RU-I	One post of Audit Officer (Gr-B) , O/o Principal Accountant General (Civil Audit) Rajasthan
66.	CAG/27/Service/Service/2007/RU-I	One post of Accountant Officer O/o Accountant General, Orissa
67.	CAG/3/2007-Service/RU-I	One post of Divisional Accounts Officer, Gr-I, O/o Accounts General (A&E),Bhubaneswar
68.	CAG/4/2007-Service/RU-I	Six posts of Senior Divisional Accounts Officer, O/o the Accountant General (A&E), Orissa, Bhubaneshwar
69.	CAG/2/2007-Service/RU-I	Six posts of Audit Offices, O/o the Commercial Audit Wing, IA&AD,
70.	CAG/18/Service/2007/RU-I	One post of Sr. Accounts Officer, Gr. 'B', O/o Accountant General (A&E) Rajasthan, Jaipur
71.	CAG/28/Service/2007/Ru-I(De-reservation)	One post of Asstt. Accounts Officer, O/o Accountant General Himachal Pradesh
72.	CAG/32/Service/2007/RU-I	One Post of Asst Auditor / Accounts Officer, O/o IA&AD
73.	CAG/23/2007-Service/RU-I	One post of DAO, Grade II ,

		O/o Accountant General &E), Puri Branch.
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(1)	(2)	(3)
74.	De-res/CAG/29/08/Service/RU-I	One post of Divl. Accounts Officer, Grade II , O/o AG (A&E) Haryana, Chandigarh
75.	Dereservation/1/Cabinett Sectt./ Service/2008/RU-II	Five posts of Field officer, Aviation Research Centre, Cabinet Secretariat.
76.	De-reservation-10/Agriculture/ Service/07/RU-III	Three posts of UDC (Sub-Office), Directorate of Marketing & Inspection.
77.	De-reservation-13/Envir.&Forest/ Sdervice/07/RU-III	One Post of Research Asstt. Grade-II (General), ICFRE.
78.	Power-2/De-reservation -8/2005/ ST/SSW	One post of Stenographer Grade –I, CEA.
79.	18/DR/Defence-1/2008/RU-IV	One post of Wireman/ HS & One post-Carpenter/ HS, High Explosive Factory Khadki, Pune.
80.	18/Direct Recruitment/Defence-30/ 2007/ RU-IV	One post of UDC, Ordinance Factory

Initiatives taken up in various States for Educational development of Scheduled Tribe children under Sarv Shiksha Abhiyan

Sl. No.	State	Initiatives for Bridge materials in Tribal Languages
1.	Andhra Pradesh	<ol style="list-style-type: none"> 10 tribal languages (Banjara, Gond, Savara, Adivasi Oriya and Kui etc) Andhra Pradesh has developed 1st and 2nd grade materials and is working on 3rd grade in eight of its 32 tribal languages. Training in new teaching methods has taken place. About 1000 schools are following Multi-Lingual-Education principles using the new materials and methodology.
2.	Assam	<ol style="list-style-type: none"> Assam already has mother tongue education in two of its major language groups and textbooks are published in one tribal language. It is currently planning on developing an MLE program in the tea gardens where there is the highest dropout and lowest achievement rates in the state. A socio-linguistic survey has been undertaken in November 06. This is followed by a material development workshop, initially for kindergarten and then for grades 1 and 2.
3.	Chhattisgarh	<ol style="list-style-type: none"> SSA, Chhattisgarh has held three state level seminars and series of preparatory workshops in tribal areas on multilingual education since October 2006. There has been a positive response from the tribal and non tribal teachers present as well as NGOs working in linguistics and literacy in tribal areas. A support team has emerged and there are plans to initially work with seven languages (Halbi, Gondi, Surgujia). A primer has developed in Gondi language to learn Devnagari Hindi. & in Surgujia to learn Hindi Varn Mala Along with socio-linguistic surveys the State is working on material development and teacher training.
4.	Gujarat	<ol style="list-style-type: none"> 2 tribal languages (Bhilli and Kutchi) Bilingual Dictionary (in 45 talukas; 30-35 dictionaries); Activity cards (words in 3 languages (Hindi, English & Gujrati), space left out for home language); Local specific Teaching Learning Materials developed for tribal areas; Use of Chitra dictionary developed by <i>Bhasha Sanstha</i> in Vadodara; Practice books (workbooks) for classes I & II in state language; Child tracking in tribal areas; Training for BRCs and CRCs for effective use of local language and Teaching Learning Materials; Orientation of non-tribal teachers for helping tribal children in home language and with local specific Teaching Learning Materials.

Sl. No.	State	Initiatives for Bridge materials in Tribal Languages
5.	Jharkhand	<p>5 tribal languages (Mundari, Oraon, Kharia, Santhali, Kurukh)</p> <ol style="list-style-type: none"> 1. Language workshops at Jamshedpur (on <i>Ho</i>), Dumka (on <i>Santhali</i>) and Ranchi (on <i>Mundari</i> & Kurukh language) in the then Bihar 2. Textbooks developed in children's home language; 3. Local artists, journalists, teachers involved in material development; 4. Recently NCERT, in collaboration with CIL, has taken up a programme to do consultations and training on tribal education. Children, teachers, parents and policy makers were involved in expressing their needs and listening to each other. Several training sessions are to follow to equip teachers to use the mother tongue of the children in the classroom. <p>Primers developed by Jharkhand Tribal Research Institute and NCERT</p> <ul style="list-style-type: none"> • Shishu Hanse part I,II,III,IV,V in Ho Language • Mundari Puttri Part I,II,III,IV,V in Mundari • Santhali Chicki Part I,II,III,IV,V in Mundari Language • Puna Vinko I,II,III,IV,V in Kurukh Language • Khariya Puttri I,II,III,IV,V in Khariya Language
6.	Kerala	<ol style="list-style-type: none"> 1. Materials developed for MGLCs in tribal areas; 2. Local specific experiences built into materials and pedagogy 3. Community participation encouraging. 4. Developed cards for 3rd standard only instead of Text Books considering the local specifically, language, culture, local knowledge, experiences etc. at state and districts level with freedom to change the languages and even the illustrations on the basis of the local specificity. 5. Developed a material for learning English in the AIE centres of Wayanad exclusively for tribal districts. This also used to teach in other schools also. 6. A reference material for the teachers of tribal areas was also developed for helping the teachers to familiarize the synonyms in tribal language, which were unfamiliar to the teachers. 7. Material prepared to familiarize the unfamiliar words in malayalam for the tribal students of Kesarged districts, whose mother tongue is "Kannada".
7.	Manipur	Picture cards developed in tribal languages for early grades and are used in the schools of tribal dominated districts.
8.	Orissa	<i>Orissa Primary Education Programme Authority</i> has designed a pilot MLE project to begin in 10 (out of 62) languages such as Bonda, Koya, Kobi, Juang, Saora Desia etc. Through series of consultations and workshops the State has managed to develop village based curriculum, wide range of teaching learning materials using local resources, teacher training on content and attitudinal issues. The State is in the process of using the materials and principles in around 200 schools in the tribal districts.
9.	West Bengal	West Bengal uses textbooks in five languages including one tribal language (Santhali)

ANNEXURE 3.II
(Ref. Para 3.9.1.1)

Annexure - XIII

GRANTS-IN-AID RELEASED UNDER THE SCHEME OF ASHRAM SCHOOLS IN TSP AREAS.

S.No.	Name of State/UT	2004-2005						2005-2006			2006-07			2007-08(31.12.2007)		
		Amt.	Sch.	Seat	Amt.	Sch.	Seat	Amt.	Sch.	Seat	Amt.	Sch.	Seat	Amt.	Sch.	Seat
1.	Andhra Pd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.	A&N Islands	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
4.	Bihar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5.	Gujarat	86.49	38	4560	200.0	Arrear	-	156.52	Arrear	-	0	0	0	0	0	0
6.	Goa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7.	Himachal Pd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8.	Jammu and Kashmir	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9.	Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10.	Daman & Diu.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11.	Kerala	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12.	Madhya Pd.	300.00	Arrears	-	200.0	Arrear	-	624.01	Arrear	0	273.81	Arrear	-	0	0	0
13.	Manipur	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14.	Orissa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15.	Rajasthan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16.	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17.	Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18.	Tripura	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19.	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20.	West Bengal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21.	Karnataka	77.51	Arrears	-	150.00	10	1250	400.00	Arrear	-	100.00	4	500			
22.	Maharashtra	86.00	Arrear	-	50	Arrear	-	256.71	Arrear	-	0	0	0			
23.	Chattisgarh	0	0	0	0	0	0	112.76	0	0	0	0	0			
24.	Uttarakhand	0	0	0	0	0	0	0	0	0	0	0	0			
Total		550.00	38	4560	600.00	10	1250	1550.00	11	415	373.81	4	500			

* Grants-in-aid has been released on instalment basis and in coming years grants will also be released for these schools.

ANNEXURE 3.III
(Ref. Para 3.9.2.3)

Annexure-XII

GRANTS-IN-AID RELEASED UNDER THE SCHEME OF BOYS/GIRLS HOSTEL.

(Rs. in lakhs)

S.No.	Name of State/UT	2004-05			2005-06			2006-07			20007-08(31.12.07)		
		Amt.	Hostel	Seat	Amt.	Hostel	Seat	Amt.	Hostel	Seat	Amt.	Hostel	Seat
1.	Andhra Pd.	0	0	0	0	0	0	120.00	5	825	195.00	1	100
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.	Gujarat	67.70	Arrear	0	0	0	0	0	0	0	0	0	0
5.	Himachal Pd.	0	0	0	108.18	Arrear	0	82.39	3	192	0	0	0
6.	Daman & Diu.	0	0	0	0	0	0	0	0	0	0	0	0
7.	Kerala	0	0	0	0	0	0	0	0	0	0	0	0
8.	Madhya Pd.	300.00	Arrear	0	724.00	Arrear	0	305.00	20	1000	0	0	0
9.	Manipur	0	0	0	142.70	6	270	123.51*	3	243	564.61*	29	656
10.	Meghalaya	0	0	0	0	0	0	200.00*	2	200	0	0	0
11.	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
12.	Orissa	0	0	0	0	0	0	56.50	21	840	1197.00	252	25200
13.	Rajasthan	0	0	0	0	0	0	190.50	17	575	0	0	0
14.	Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0
15.	Tripura	0	0	0	0	0	0	0	0	0	218.78	7	400
16.	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
17.	West Bengal	0	0	0	6.71	1	60	0	0	0	0	0	0
18.	J & K	0	0	0	0	0	0	204.99	2	200	0	0	0
19.	Karnataka	120.00	Arrear		86.00	5	250	170.79	4	200	36.50	Arrear	0
20.	Maharashtra	242.04	11	875	194.46	Arrear	0	0	0	0	0	0	0
21.	Bihar	0	0	0	0	0	0	0	0	0	0	0	0
22.	Nagaland	151.00	2	200	116.52	2	200	221.09	2	200	186.50*	Arrear	0
23.	Delhi	234.88	Arrear		64.21	Arrear	0	540.91	1	200	160.00	Arrear	
24.	Jharkhand	98.86	18	900	0	0	0	250.16	7	600	224.35	8	550
25.	Arunachal Pd.	20.50	Arrear		21.44	1	40	180.07	6	400	145.00*	2	200
26.	Chhatisgarh	0	0	0	0	0	0	165.00	21	503	0	0	0
27.	Punjab University, Chandigarh	65.12	2	90	100.79	Arrear	0	0	0	0	0	0	0
28.	Dadar & Nagar Haveli	0	0	0	0	0	0	0	0	0	600.00	5	500
Total		1300.0	33	2065	1565.0	15	820	2810.91	114	6178	3527.74	304	27606

** Grant released to University directly by the Ministry.
* Grant released to State Govt./University through State Govt.

ANNEXURE 3.IV
(Ref. Para 3.9.3.1)

Annexure - XIV

Grants-in-aid released under the Scheme of PMS alongwith number of beneficiaries during the last three years and current financial year.

(Rs. in lakhs)

S.No	Name of the State	2004-05		2005-06		2006-07		2007-08(31.12.97)	
		Amount	Beneficiaries	Amount	Beneficiaries	Amount	Beneficiaries	Amount	Beneficiaries
1	Andhra Pradesh	1084.23	107562	3606.79	132252	4403.27	147213	2284.39	174128
2	Arunachal Pradesh	0	*13347	0	*13347	0	0	0	0
3	Assam	100	15117	1200.32	44832	2360.46	102730	1857.136	49050
4	Bihar	0	1785	0	2982	0	0	0	0
5	Chattisgarh	206.45	46752	1254.04	57803	853.71	63365	130.24	69151
6	Goa	12.09	557	6.04	617	70.445	675	13.804	745
7	Gujarat	222.43	97923	2447.59	89030	910.67	96287	315.965	105165
8	Himachal Pradesh	9.17	2810	6.61	3153	0	3930	59.72	4716
9	Jammu & Kashmir	196.07	6010	508.08	4611	200	12048	43.44	0
10	Jharkhand	200	20452	841.26	21626	461.07	15396	107.97	16755
11	Karnataka	400	37468	2020.5	41976	1178	44814	456.87	53118
12	Kerala	146.14	5783	289.72	6301	311.42	7493	29.79	8344
13	Madhya Pradesh	899.04	55019	288.7	54073	2092.405	62217	294.78	66920
14	Maharashtra	1042.86	77923	1031.44	88908	750	99759	2155.56	104523
15	Manipur	538.97	31427	1794	32796	1316.45	33183	1438.78	36501
16	Meghalaya	926.28	43962	1925.31	45000	550	43791	0	48170
17	Mizoram	900.99	38368	840.85	25920	1153.02	27886	1370.2	38096
18	Nagaland	507	30309	982.5	29416	2694.79	31820	1593.495	35002
19	Orissa	0	33623	100	34608	1410.34	43313	95.97	46781
20	Rajasthan	1792.57	73297	1261.98	43682	3496.74	123186	1452.023	135304
21	Sikkim	15.01	647	9.94	1131	9.63	1231	1.09	1601
22	Tamil Nadu	49.05	2108	17.86	1786	75.53	2854	4.76	4152
23	Tripura	296.19	7438	195.14	8802	348.183	10512	294.89	12528
24	Uttar Pradesh	107.62	5079	56.07	4986	93.68	4900	7.5	0
25	Uttarakhand	137.5	10277	85.05	12241	312.26	14536	32.35	15608
26	West Bengal	345.31	20764	245.21	15804	447.92	16020	44.79	24790
27	A. & N. Islands	2.74	184	3.09	292	3.416	376	0.39	513
28	Daman & Diu	0	24	0	30	0	156	0	217
	Total	10137.71	785788	21018.09	804658	25503.409	1009691	14085.903	1052078

*Anticipated beneficiaries (In bold anticipated beneficiaries for the year 2006-07)

Annexure-XV

GRANTS-IN-AID RELEASED UNDER THE SCHEME OF UPGRADATION OF MERIT

(Rs. in lakhs)

S. No.	Name of State/UT	2004-2005		2005-2006		2006-2007		2007-08(31.12.07)	
		Amount Released	No. of Beneficiaries	Amount Released	No. of Beneficiaries	Amount Released	No. of Beneficiaries	Amount Released	No. of Beneficiaries
1.	Andhra Pd.	0	0	0	0	3.60	24	0	0
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0
3.	Assam	9.00	60	0	0	0	0	9.00	60
4.	Bihar	0	0	0	0	0	0	0	0
5.	Goa	0	0	0	0	0	0	0	0
6.	Himachal Pradesh	0	0	0	0	0	0	0	0
7.	Kerala	0	0	3.00	23	3.95	26	0	0
8.	Orissa	0	0	0	0	10.20	136	0	0
9.	Rajasthan	0	0	11.36	50	0	0	6.00	54
10.	Tripura	2.40	16	0.96	16	3.84	32	0	0
11.	West Bengal	7.83	72	0	0	10.13	72	7.68	72
12.	Sikkim	2.25	15	2.85	19	2.40	16	2.40	16
13.	Madhya Pradesh	0	0	77.40	516	51.60	344	25.80	172
14.	J&K	0	0	0	0	0	0	0	0
15.	Arunachal Pradesh	0	0	0	0	0	0	0	0
16.	Chattishgarh	17.55	140	0	0	36.30	280	21.00	140
17.	Karnataka	0	0	0	0	6.60	44	6.15	41
18.	Jharkhand	0	0	0	0	11.70	78		
19.	Gujarat	0	0	4.43	34	3.70	35	7.90	70
20.	Uttar Pradesh	0	0	0	0	1.80	12		
21.	Maharashtra	0	0	0	0	4.18	46	5.19	58
22.	Dadar&Nagar Haveli	0	0	0	0	0	0	2.40	16
23.	Manipur	0	0	0	0	0	0	0	0
24.	Meghalaya	0	0	0	0	0	0	0	0
25.	Mizoram	0	0	0	0	0	0	0	0
26.	Nagaland	0	0	0	0	0	0	0	0
27.	Tamil Nadu	0	0	0	0	0	0	0	0
28.	Uttarakhand	0	0	0	0	0	0	0	0
	Total	39.03	303	100.00	658	150.00	1145	93.52	699

ANNEXURE 3.VI
(Ref. Para 3.9.10.2)

Details of Eklavya Model Residential Schools

Annex - XII

(Rs. in lakh)

S. No.	Name of State	No of schools allotted	No of schools started	Funds released @		
				Non-recurring	Recurring	Total
1	Andhra Pradesh	8	8	2000.00	1190.00	3190.00
2	Assam	2	-	200.00	-	200.00
3	Bihar	-	-	400.00	-	400.00
4	Gujarat	10	8	2500.00	1160.00	3660.00
5	Himachal Pradesh	1	1	250.00	25.00	275.00
6	Jammu and Kashmir	2	-	200.00	-	200.00
7	Karnataka	4	3	1000.00	480.00	1480.00
8	Kerala	2	2	500.00	290.00	790.00
9	Madhya Pradesh*	12	8	3800.00	360.00	4160.00
10	Maharashtra	4	4	400.00	640.00	1040.00
11	Manipur	3	-	625.00	-	625.00
12	Orissa	10	10	2500.00	1360.00	3860.00
13	Rajasthan	7	7	1750.00	490.00	2240.00
14	Sikkim	2	-	350.00	-	350.00
15	Tamil Nadu	2	1	500.00	220.00	720.00
16	Tripura	3	3	750.00	115.00	865.00
17	Uttar Pradesh	1	-	250.00	-	250.00
18	West Bengal	7	5	1750.00	500.00	2250.00
19	Arunachal Pradesh	1	-	205.44	-	205.44
20	Meghalaya	2	-	200.00	-	200.00
21	Mizoram	1	-	250.00	10.00	260.00
22	Nagaland	3	-	750.00	-	750.00
23	Jharkhand	4	-	1000.00	-	1000.00
24	Chhattisgarh	8	8	285.00	-	285.00
25	Uttaranchal	1	-	250.00	-	250.00
Total		100	72	22665.44	6840.00	29505.44

@ upto 31.12.2006

*An amount of Rs 8.00 crore stated to have been given against Madhya Pradesh pending acceptance by Chhattisgarh

ANNEXURE 3.VII
(Ref. Para 3.9.16.1)

Annexure-XXI

Grants released to States/UTs and Private Institutions during the last five years under the Scheme of Coaching for Scheduled Tribes

(Rs. in lakhs)

S.No	Name of the State/UT/ University/Private Institutions	Grants released under the Scheme				
		2003-04	2004-05	2005-06	2006-07	2007-08* (upto 31.12.2007)
1	Andhra Pradesh	0.00	11.48	32.05	15.76	
2	Assam	0.00	2.83	3.23	0.00	
3	Bihar	0.00	0.00	0.00	2.36	
4	Chhattisgarh	0.00	3.05	0.00	0.00	
5	NCT of Delhi	0.00	1.17	0.00	0.00	
6	Gujarat	0.00	11.31	0.00	0.00	
7	Karnataka	0.00	1.92	2.00	10.00	
8	Kerala	0.00	0.00	0.48	0.00	
9	Maharashtra	0.00	0.00	11.02	0.00	
10	Madhya Pradesh	0.00	13.23	6.40	22.06	
11	Orissa	0.00	0.00	4.82	0.00	
12	Himachal Pradesh University.	0.00	0.00	8.58	0.00	
13	Mohanlal Sukhadia University, Udaipur, Rajasthan	0.00	0.00	0.00	7.56	
14	HN Bahuguna University.	0.00	2.67	0.00	0.00	
15	Delhi Education Centre, Delhi (NGO)	0.00	8.31	1.69	5.52	
16	Krester Education & Welfare Society, Shivpuri, M.P.	0.00	1.02	1.02	0.00	
17	Study Forum, G-30, Chanmari, Aizawal, Mizoram	0.00	1.77	7.46	6.68	
18	Institute of Social Development & Weaker Sections, At-Whenbam Leikai, NC Road, PO- Imphal, Manipur	0.00	0.00	0.75	0.00	
TOTAL		0.00	58.76	79.50	69.94	0.00

* During 2007-08, the Scheme has been revised and final scheme was approved in third quarter. Advertisements have been published in newspapers for inviting proposals, so funds are yet to be released

Record note of the proceedings of the Hearing held on 30.4.2009 at 1500 Hrs. with the representatives of Ministry of HRD, Ministry of Tribal Affairs, NCERT, UGC and CIIL for discussion on the points relating to educational developments of STs.

A Hearing was held in the National Commission for Scheduled Tribes (NCST) with the representatives of Ministry of HRD, Ministry of Tribal Affairs, NCERT, UGC and Central Institute of Indian Languages on various points as brought out in the draft chapter on 'Educational Development of STs' under the Chairmanship of Shri Maurice Kujur, Hon'ble Vice-Chairperson, NCST.

2. Initiating the discussion, Joint Secretary, National Commission for Scheduled Tribes (NCST) stated that a Draft Chapter on 'Educational Development of STs' including key issues and possible solutions, was forwarded to the concerned Ministries/Organizations vide Commission's letter dated 6th April, 2009 seeking their comments and suggestions thereupon. However, requisite comments have been received only from the Deptt of School Education and Literacy.

Outlining the purpose of the meeting, JS, NCST mentioned that for the first time, a meeting for discussing the points brought out in the draft Report of the Commission was being held with the concerned Ministries/Organisations with a view to improving the contents of the Annual Report so as to make it more informative and also to formulate specific recommendations, in consultation with all concerned for achieving some tangible results in the area of educational developments of STs.

3. In the presentation, made by the Secretary, Ministry of HRD, Department of School Education and Literacy, the achievements in various areas e.g. Literacy, Gross Enrolment Ratio (GER), status of drop out of ST students, etc., information relating to (i) SSA: Focus On Education of ST Children, (ii) NCERT Learners' Achievement Survey for Class-III, Class-V and Class-VIII, (iii) Rashtriya Madhyamik Shiksha Abhiyan, (iv) Secondary Education: Schemes Focusing only on SC/ST Students, and (v) Secondary Education: other schemes with SC & ST Components, were presented. The presentation provided useful updated data on various schemes/programmes.

Responding to the presentation, JS, NCST pointed out that, though the schemes/programmes of the Ministry of HRD are well structured with ambitious targets, there is no specific Tribal Sub Plan (TSP) component in these schemes/programmes. He further emphasized that the salient features of TSP include preparation of plan meant for the welfare and development of tribals within the ambit of a plan/scheme as a part of the overall Annual Plan/ Five Year Plan of a Ministry/ Department. An adequate flow of funds in proportion to the ST population of a State/UT through TSP should be ensured by the Central Ministry/

Department. Secretary (SE&L) indicated that various schemes/programmes being planned/ implemented by the Ministry were adequately addressing the concern on educational development of STs and therefore, specific TSP components in their schemes/ programmes were not considered necessary in relation to such schemes/programmes.

4. Regarding the issues concerning the Ministry of Tribal Affairs (MTA), JS, NCST referred to the adverse comments made by the CAG in its Report (Report 14: 2005-06) with reference to the implementation of various schemes for educational development of SCs & STs. In this context, Joint Secretary, Ministry of Tribal Affairs informed that it was clarified to the CAG office that the details in regard to SCs & STs were mixed up in the above Report and therefore could not reflect the true picture. The Ministry of Tribal Affairs has requested CAG Office for settlement of the objections. It was further informed that MTA had suggested to CAG for furnishing separate details for the SCs and STs to enable their Ministry to properly analyse / review their schemes/ programmes in relation to the objections of the Audit.

5. JS, MTA, further furnished views of that Ministry on some of the issues as under:-

SI. No.	Issue in brief	Comments of MTA
1.	Revision of the income ceiling of parents and to increase the amount of scholarships for day scholars as well as hostel students under PMS scheme (Issue xx of para 4.11)	Certain norms for prescribing the income ceiling have been fixed by the Ministry of Social Justice and Empowerment and these norms are followed by MTA.
2.	Revision of norms for setting up of educational complexes in low literacy pockets for development of women's literacy and coverage of all the districts in the county with less than 15% female literacy. (Issue xxiii of para 4.11)	Norms are being revised so as to cover the districts with less than 25% female literacy. Further relaxation is proposed in respect of PTG areas.
3.	Setting up of remaining (27), Eklayya Model Residential Schools against the target of 100; enhancement of funds for this purpose (Issue xxiv of para 4.11)	At present, 80 EMR Schools are in operation and 40 more such schools are likely to be opened soon.
4.	Selection of NGOs based on specified norms and their continuation taking into account	The scheme and criteria for selection of NGOs has been revised. The scheme is now

	<p>their performance and location in tribal areas</p> <p>(Issue xxv of para 4.11)</p>	<p>more focused on Coaching facilities. A meeting for mid-term appraisal of the scheme will be held in which Commission's representatives will also be included</p>
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6. Responding to the information furnished by CIIL and NCERT for preparation and induction of bi-lingual text books in first two standards, in various tribal languages vide letter dated 29.4.2009 of the Deptt. of SE&L, JS, NCST emphasised the need to have an Action Plan having focus on preparation of bilingual textbooks in relation to the tribal population to be covered and the necessity for revival of a particular language/dialect on priority basis. It was assured that such considerations are invariably made while undertaking development of bilingual textbooks and other teaching materials.

7. In his concluding remarks, Shri Maurice Kujur, Hon'ble Vice- Chairperson, NCST observed that the schemes/ programmes of the Government aiming at educational development of STs were commendable but the desired results are not visible at the ground level despite best efforts at various levels. He emphasized the need to find out meaningful solutions to various problems being faced by the STs in the field of educational development.

8. The meeting ended with vote of thanks to the Chair.

Health and Nutrition Indicators by Social Groups in 2005-06 (NFHS-3)

Indicators	Rural			
	SC	ST	OBC	Others
Infant Mortality (Per thousand)	71.0	63.9	61.1	55.7
Under-five Mortality (Per thousand)	94.7	99.8	78.7	68.2
	Urban			
	SC	ST	OBC	Others
Infant Mortality (Per thousand)	50.7	43.8	42.2	36.1
Under-five Mortality (Per thousand)	65.4	53.8	54.5	42.1
	Total (combined)			
	SC	ST	OBC	Others
Fertility (Per thousand)	2.92	3.12	2.7 5	2.35
Infant Mortality (Per thousand)	66.4	62.1	56.6	48.9
Under-five Mortality (Per thousand)	88.1	95.7	72.8	39.2
Nutritional Status				
Mean BMI for Men	19.7	19.3	20.2	20.9
Mean BMI for Women	19.9	19.1	20.4	21.3

Source: National Family Health Survey (NFHS-3), 2005-06, International Institute for Population Science, Mumbai.

MMR in respect of certain Scheduled Area States

India & Major States	MMR 1998	MMR 2001-03	Eleventh Five Year Plan Goal
Assam	409	490	163
Bihar/Jharkhand	452	371	123
MP/Chhattisgarh	498	379	126
Orissa	367	358	119
Rajasthan	670	445	148
Andhra Pradesh	159	195	65
Gujarat	28	172	57
Maharashtra	135	149	50

IMR in respect of certain Scheduled/ Tribal Area States

(per 1000 live births)

S.No.	State/UT	Current Level	Eleventh Five Year Plan Goal
1.	Andhra Pradesh	57	28
2.	Assam	68	33
3.	Chhatisgarh	63	30
4.	Gujarat	54	26
5.	Jharkhand	50	24
6.	M.P.	76	37
7.	Maharashtra	36	17
8.	Orissa	75	36
9.	Rajasthan	68	33
10.	Meghalaya	49	24
11.	Mizoram	20	10
12.	Tripura	31	15

Source: 11th Five Year Plan

Targets fixed with regard to Malnutrition of children (under-3 years) in respect of certain Scheduled States

S.No.	State	Current level of Wt-for-age below-2 SD	Eleventh Plan Goal-reduction by 50%
1.	Andhra Pradesh	36.5	18.3
2.	Assam	40.4	20.2
3.	Jharkhand	59.2	29.6
4.	Gujarat	47.4	23.7
5.	Himachal Pradesh	36.2	18.1
6.	Madhya Pradesh	60.3	30.2
7.	Chhattisgarh	52.1	26.1
8.	Maharashtra	39.7	19.9
9.	Meghalaya	46.3	23.2
10.	Mizoram	21.6	10.8
11.	Orissa	44.0	22.0
12.	Rajasthan	44.0	22.0
13.	Tripura	47.3	23.7

Present status/ availability of alternative Indian System of Medicine in selected States

S.No	States/UTs & others	Ayurveda		Unani		Siddha		Yoga		Naturopathy		Homoeopathy		Total	
		Hos	Beds	Hos	Beds	Hos	Beds	Hos	Beds	Hos	Beds	Hos	Beds	Hos	Beds
1.	Andhra Pradesh	9	584	6	310	0	0	0	0	1	120	6	300	22	1314
2.	Assam	1	100	0	0	0	0	1	25	0	0	3	105	5	230
3.	Chhattisgarh	8	365	1	90	0	0	0	0	1	50	3	100	13	605
4.	Gujarat	48	1855	0	0	0	0	0	0	0	0	14	873	62	2728
5.	Himachal Pradesh	24	420	0	0	0	0	0	0	1	10	1	25	26	453
6.	Jharkhand	1	160	0	0	0	0	0	0	0	0	2	82	3	242
7.	Madhya Pradesh	34	1626	3	250	0	0	0	0	0	0	20	1105	56	2981
8.	Maharashtra	51	7673	6	635	0	0	0	0	0	0	44	3080	101	11388
9.	Meghalaya	1	10	0	0	0	0	0	0	0	0	7	70	8	80
10.	Mizoram	0	0	0	0	0	0	0	0	1	14	0	0	1	14
11.	Orissa	8	488	0	0	0	0	0	0	0	0	6	185	14	673
12.	Rajasthan	100	914	3	30	0	0	1	20	2	22	8	205	114	1191
13.	Tripura	1	10	0	0	0	0	0	0	0	0	1	10	2	20

**Proceedings of sitting of Shri Tsering Samphel, Hon'ble Member on
Health & Nutrition on 13.04.2009 at 1100 hrs.**

A list of officers present in the sitting is at Annexure.

ISSUE

Comments and latest updates from the Ministry of Health & Family Welfare and other concerned Ministries / Departments / Institutions on the issues arising out of a study / compilation done by the Commission on the subject of 'Health and Nutrition' in the context of Scheduled Tribes in India.

BACKGROUND

National Commission for Scheduled tribes is a body constituted in 2004 under Article 338A of the Constitution to monitor and safeguard the socio – economic development and interests of the Scheduled Tribes in India.

To discharge its function, the Commission gather information from different sources and try to match with the targets of the planning commission. It is the duty of the commission to present to the President of India, its noticeable findings and observations concerning the Scheduled Tribes in India, in the form of an Annual Report.

In this sequence, the Commission has collected / compiled some information about the Scheduled Tribes in India in the area of 'Health and Nutrition'. Some issues are arising out of the compiled information, which needs to be addressed in order to ensure that proper/ due attention is being given in this area to the Scheduled Tribes.

It was decided by Shri Tsering Samphel, Hon'ble Member, NCST to hold a discussion with Secretary, Health & Family welfare, Secretary, Ministry of Tribal Affairs, Secretary, Planning Commission and DG, ICMR on 13.04.2009 at 1100 hrs in the Commission to get their comments and updated information on the compiled information in the form of a chapter. They were also requested to offer their views on the issues arising out of it.

DISCUSSION

ICMR explained that they are having total 28 research institutes and 5 out of these which are located in Jabalpur, Port Blair, Bhubaneswar, Dibrugarh and Hyderabad are specially working for tribal populated areas. These institutes are engaged in research related to identify the most prevalent diseases in tribal areas, magnitude of a particular disease in

particular tribal area to help to take preventive and curative steps, to develop intervention models for effective health care delivery system. They also explained the study done in the area of Tuberculosis, Malaria, Sickle cell disorders, Thalassemia and non communicable diseases. Results of 3 times survey done for diet and nutritional status of Tribal population was also discussed. Nutrition has a major role in health status of Tribal people especially children.

The Ministry of Health and Family Welfare mentioned that their ministry is planning a Nursing School in every district. Officer expressed that MD, NRHM should be called for discussion and DHR is not the department to give inputs in this regard.

The representative of Ministry of Tribal Affairs intimated that they are holding separate meetings for the upliftment of PTGs. They are also giving financial support to the line ministries to implement their policies in the tribal districts, like opening of hospital and provision of mobile van. It was informed to the Commission that MTA was not consulted by the Planning Commission for finalization of the health policies and related documents.

It was discussed that officers from Department of drinking water, Ministry of Women & Child Care, RGI and NRHM should also be invited to get the updated information and address the issues raised in the chapter on Health & Nutrition.

RECOMMENDATIONS

It is recommended that another meeting with officers from Ministry of Health & Family welfare, Ministry of Tribal Affairs, Planning Commission, ICMR, Deptt. of Drinking Water, NRHM, Ministry of Women & Child Care and RGI may be organized in the Commission.

The following were present in the sitting on 13.04.2009 :

NCST

1. Shri Tsering Samphel, Hon'ble Member.....In Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director

Ministry of Tribal Affairs

1. Ms. Urvashi Sadhwani, Economic Adviser

Ministry of Health & Family Welfare

1. Ms. Shalini Prasad, JS, Deptt. Of Health Research

Indian Council of Medical Research

1. Dr. V. M. Katoch, Secretary, DHR & DG, ICMR
2. Shri M. Rajamani, Sr. DDG (Admin.)
2. Dr. G. S. Toteja, DDG (Scientist 'F')

**Proceedings of Meeting by Shri Oris Syiem Myriaw, Hon'ble Member on
Health & Nutrition on 09.06.2009**

A list of officers present in the Sitting is at Annexure.

1.0 ISSUE

Comments and latest updates from the Ministry of Health & Family Welfare and other concerned Ministries / Departments / Institutions on the issues arising out of a study / compilation done by the Commission on the subject of 'Health and Nutrition' in relation to Scheduled Tribes in India (Chapter on 'Health and Nutrition' to be incorporated in the Annual Report of the Commission for the year 2007-08)

2.0 BACKGROUND

2.1 National Commission for Scheduled tribes is a body constituted in 2004 under Article 338A of the Constitution to monitor all matters relating to the safeguards provided for the Scheduled Tribes, and to participate and advise on the planning process of socio-economic development of the Scheduled Tribes. Section (9) of Article 338A of the Constitution also provides that "The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes and to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

2.2 The Commission has collected / compiled information about the Scheduled Tribes in India in the area of 'Health and Nutrition'. Some issues, arising out of the compiled information, needs to be addressed in order to ensure that updated information is furnished in the proposed chapter on the subject in the Annual Report for the year 2007-08.

2.3 A discussion was held by Shri Tsering Samphel, Hon'ble Member, NCST with the Officials from Health & Family welfare, Ministry of Tribal Affairs and DG, ICMR on 13.04.2009 in the Commission to solicit their comments and seek updated information on the compiled information in the form of a draft Chapter. The officials were also requested to offer their views on the issues arising out of it. It was decided in the meeting that officers from the Deptt. of Drinking Water, Ministry of Women & Child Care, RGI and NRHM should also be invited to get the updated information and address the issues raised in the draft Chapter on Health & Nutrition.

2.4 Accordingly, Shri Tsering Samphel, Hon'ble Member decided to hold a meeting with the officials of all the Ministries / Deptts. mentioned above on 09.06.2009 at 1100 hrs in the Commission. Shri Oris Syiem Myriaw, Hon'ble Member, NCST chaired the meeting due to unavoidable engagement of Shri T. Samphel.

3.0 DISCUSSION

3.1 Jt. Secretary, National Commission for Scheduled Tribes (NCST) mentioned that the Commission had collected information relating to the Health and Nutrition status of Scheduled Tribes to the extent possible. Information from some of the State Govts. had also been received. Commission had made efforts to compare the progress achieved in various areas vis-à-vis targets mentioned in the 11th Five Year Plan prepared by the Planning Commission in respect of Health and Nutrition. The issues, requiring discussion have already been projected in the brief circulated for the meeting. The concerned Ministry/Deptt. may update or add to the information compiled by the Commission on the subject.

3.2 JS, NCST pointed out that though the schemes/programmes of the Ministry of Health & Family Welfare are well structured with ambitious targets, there is no specific Tribal Sub Plan (TSP) component in these schemes/programmes. He further emphasized that the salient feature of TSP include preparation of plan meant for the welfare and development of tribals within the ambit of a plan/scheme as a part of the overall Annual Plan/ Five Year Plan of a Ministry/Department. An adequate flow of funds in proportion to the ST population of a State/UT through TSP should also be ensured by the Central Ministry / Department.

3.3 The Ministry of Health & Family Welfare intimated that National Rural Health Mission was taken up in 2005 with a view to taking care of the health requirements of the rural areas. Further, it was informed that same policy can't be made for whole country, as the requirements of different States are not similar. It was further felt that different districts in a State can have different health related requirements. Therefore, a network has been set up and district-wise information is being received in the Ministry to take corrective steps as per the specific requirements. It was intimated that provision of necessary funds and corrective measures are being taken based on the data collected in respect of each Distt. Mere provision of funds according to the population of STs (7.5%) doesn't ensure justifiable distribution of funds according to differing needs of various Distts. If the ST dominated districts require total support, it is being ensured that they get it. **The Commission recommended that support to ST dominated districts should be given priority.**

3.4 The officials of the Ministry further informed that a number of steps/initiatives, as under, are being taken to ensure that medical help reaches the needy people, especially the people from the weaker sections of the society within the shortest possible time:

- i) All districts of the country are sanctioned with a GPS enabled Mobile Medical Van. These are operational in 360 districts and will be soon operational in the remaining districts also;
- ii) Appointment of trained ANMs could not be done due to non- availability of trained manpower. There is a limitation of number of seats in the Govt. institutions. The Govt. of West Bengal has taken a very good initiative in this regard by imparting training to the local volunteers to become ANMs with the help of NGOs. This has solved the problem of non- availability of trained

- ANMs in a short duration. This system should be encouraged by the other State Govts. also;
- iii) Preference to local people is being accorded for appointment at any level in the healthcare system;
 - iv) Most of the PHCs are made to operate on 24X7 basis and MoH&FW extending full support to the State Govt. in this area;
 - v) Higher payment is being given for appointment on contract basis to Specialists, Doctors and para-medical staff to be posted in remote tribal areas. A rate list has been worked out with the recommendation of the State Govt. Regular employees are also provided special incentives;
 - vi) Ministry has started a program, under which Graduate doctors are given training in Family Medicine through distance education scheme. There are 100 seats for this 2 year Diploma course through CMC Vellore. 120 doctors are trained in one year program of PG in Public Health. This drive has been started to compensate for the acute shortage of specialists, especially in remote tribal areas;
 - vii) A six month training is imparted to the doctors in the field of epidemiology;
 - viii) Criteria for opening of CHC, PHC and SHC have been relaxed for rural and remote/hilly areas. Criteria for setting up of health centre also includes consideration of load and distance in addition to population, which is already relaxed.
 - ix) Ministry has directed for starting of medical colleges, where health centre are big enough as per standards. The prescribed criteria of a chunk of land for opening of a medical college are also relaxed for these areas. This will facilitate training of local people and their availability for service in future;
 - x) Ministry, in co-ordination with the State Govt., is trying to ensure that there is no shortage of medicines. To ensure this target, different state Govts. are taking various steps. At some places, a fund is generated and the accrued interest is utilized to arrange for medicines. Govt of Tamil Nadu has registered a remarkable progress in this area;
 - xi) Co-location and integration of Ayush, Homeopathy and Indian system of medicine is being done at CHC and PHC;
 - xii) Stress is being given for awareness programmes based on the inter-personnel communication; and
 - xiii) The lower level of health workers are named in the local language, like an ASHA in Chhatisgarh is called 'Mitani', which means a co-worker. This generates a feeling of belongingness.

3.5 Ministry of Women and Child Development intimated that a number of steps are being taken, as under, for the betterment of health condition of women and children.

- i) Awareness programmes are being arranged to promote institutional deliveries;
- ii) Nutritional supplements are being supplied free of cost to the pregnant women and children;
- iii) Vaccination of pregnant women and children are arranged through medical camps and mobile vans in addition to health centers;
- iv) Food supplement and mid- day meal is given all school going children; and
- v) For appointment in Anganwadi, the norms are relaxed.

3.6 Department of Drinking Water Supply intimated that following steps have been taken to meet the target of Planning Commission in 11th five year plan to provide safe drinking water to all by 2012:

- i) Department have converged all the programmes with NRHM and ICDS, as the programme is related to health and nutrition;
- ii) Rain water harvesting, a major source of water in remote areas where water pipe lines can't be laid because of difficult terrains, is being exploited;
- iii) A Jalmani Scheme has been taken up to ensure safe drinking water to all school children. For this, all schools are being provided with filtration units;
- iv) Wherever, initiatives taken for drinking water could not be sustained due to shortage of resources in the past, GOI is providing 100% support for their sustainability;
- v) The practice of providing more support to States where progress has not been achieved as targeted, is done away. On the other hand, the Department is rewarding to the State Govts. where good / remarkable work has been done, thereby promoting the good work;
- vi) Under NRDWP, 10% of the funds have been earmarked for Scheduled Tribes habitations;
- vii) It has been noticed that in some of ST areas in some States, the drinking water is not of good quality. The problem is being overcome by improving the quality through filtration system etc.; and
- viii) To ensure safe drinking water and good health, sanitation is very important. In this regard, Deptt. is providing 'Ecosan' toilets, which are easy to maintain and uses less water. It is planned to provide Ecosan toilets in all the Aanganwadis and Schools by December, 09. Incentives are given to Gram Panchayats, where all public institutions are provided with toilets.

3.7 It was clarified by the MTA that the Ministry is supplementing the line Ministries to implement their policies in the tribal districts for creating infrastructure by providing support to State Govts. Ministry of Tribal Affairs is not providing any direct financial support to the line ministries to implement their policies in the tribal districts, as mentioned in the proceedings of the discussion on 13.04.2009. It was also informed that nomenclature 'Primitive Tribal Group' (PTG) has now been changed to Particularly vulnerable Tribal Group (PTG).

4.0 CONCLUSION

4.1 It was intimated by the Commission that the Chapter on 'Health and Nutrition' will be updated based on the valuable information provided by the different ministries / departments.

4.2 The Commission recommended that specific Tribal Sub Plan (TSP) component in the schemes/programmes of the Ministry of Health & Family Welfare is considered necessary to have a clear focus on formulation of schemes/programmes concerning the STs and their effective implementation and monitoring. Further, adequate support to ST dominated districts should be ensured both in terms of availability of funds and other resources to improve health and nutrition conditions upto acceptable/targeted standards.

The following were present in the sitting on 09.06.2009:

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member.....In Chair
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director

Ministry of Tribal Affairs

1. Ms. Urvashi Sadhwani, Economic Adviser

Ministry of Health & Family Welfare

1. Shri V. Venkatachalam, Addl. Secretary
2. Shri Amarjeet Sinha, Jt. Secretary
3. Dr. Sangeeta Saxena, AC(CH)
4. Ms. Archana Varma, Dir, NRHM

Indian Council of Medical Research

1. Dr. V. M. Katoch, Secretary, DHR & DG, ICMR
2. Shri M. Rajamani, Sr. DDG(Admn.)
3. Dr. G. S. Toteja, DDG (Scientist 'F')

Ministry of Women & Child Development

1. Ms. A. S. Awasthi, Director, ICDS

Department of Drinking Water Supply

1. Shri A. Bhattacharya, Jt. Secretary
2. Shri Vijay Mittal, Director, CRSP
3. Shri D. Rajasekhar, Asstt. Adviser (WQ)

List of cases in which relief was ensured to the petitioners due to intervention of the National Commission for Scheduled Tribes during the year 2007- 08

SERVICE MATTERS

S. No.	File No.	Subject	Complainant/ Source
(1)	(2)	(3)	(4)
1.	B-3/Rly-17/2006/ST/SSW/RU-1	Re-instatement in service	Sh. Biswnath Murmu, Howrah Distt. Hooghly, West Bengal
2.	M-3/Rly-13/2007/Ser/RU-1	Transfer	Sh. Mohinder Singh, Senior Section Engineer at Wagon Depot Ferozpur Division, Northern Railway.
3.	D-3/Rly-42/2007/Ser/RU-1	Transfer	Sh. D. Bhagat Retd. Asstt. Traffic Supdt., S.E. Railway, Distt. Ranchi, Jharkahnd.
4.	Asso-94/Rly-44/2006/ST/SSW/RU-1	Transfer	The Zonal Additional General Secy. All India SC & ST Railway Employees Association, Central Railway Mumbai.
5.	T-5/Delhi-04/2006/SSW/RU-1	Promotion	Sh. Tunda Ram Meena, J.E,(Civil), MCD, New Delhi .
6.	C-2/Delhi-12/2007/Ser/RU-I	Promotion	Sh.Chaju Lal , Delhi Police, D-24/a-6, Jawahar Park, Devli Road, Delhi-62.
7.	P-11/Delhi/31-20007/Ser/RU-I	Transfer	Sh. Prabhu Nath , Chowkidar, Sarvodaya Kanya Middle School Palam Colony, New Delhi.
8.	6-2/Delhi-17/2006/Ser/RU-I	Promotion	All India Development Trust, Distt. Sundargarh, Orissa regarding case of Sh. G.C. Roy ACM South Eastern Railway, Khargpur,
9.	R-8/Rly/18/2006/Ser/RU-I	Payment of House Rent Allowance	Sh. Rathin Patna, Technician Eastern Railway, Distt . 24 Parganas (WB) .
10.	R-2/Rly-6/2004/Ser/RU-1	Transfer	Sh. R.L. Meena, Kachahahri Road, Rajasthan.

(1)	(2)	(3)	(4)
11.	J-1/Science & Technology/Service/2007/RU-II	Transfer/Posting	Shri J. S. Meena, Controller of Administration, CBRI Roorkee, Uttrakhand.
12.	B-2/Petroleum-2/Service/2007/RU-II	Transfer	Shri B. Benjamin M, Deputy Manager (HR), BPCL, New Delhi.
13.	RU-IV/Service/Coal-5/2007	Promotion.	Shri Sudodhan Tudu Sr. Clerk, ECL, Dist. Godda (Jharkhand).
14.	V-10/Insurance-8/2005/ST/SSW(RU-IV)	Promotion	V. Durai Swamy, Asst. Manager, National Insurance Co.Ltd., Puducherry – 605 001.
15.	RU-IV/Ser/Commu(BSNL)-3/2008	Promotion	Shri A. Gopal Tamil Nadu.
16.	RU-IV/Service/Food-1/2007	Promotion	Shri. B. Chekre Naik, FCI ST Employees Wel. Asso. (South Zone), Warrangal (AP).
17.	RU-IV/Service/Fin(Bank)-67/2007	Transfer	Shri S.K. Meena, Bank of Baroda, Allaganj Distt. Shahjanhanpur (U.P.)
18.	No. RU-IV/Service/Fin(Ins)-72/2007	Transfer	Shri Hembrom Bijoy Bhushan, Administrative Officer, Guwahati –1, Assam.
19.	No. RU-IV/Service/Fin-2/2007	Promotion	Shri Amar Singh Rana, Income Tax Officer, Srinigar (Garhwal), Uttaranchal.
20.	RU-IV/Service/Defence-3/2007	Compassionate Appointment	Smt. S. Easwaramma, Kancharapalem (PO), Visakhapatnam – 530 008.
21.	RU-IV/Service/Fin-Bank-7/2007	Protest against re-verification of caste certificates	Shri K. Kesavan, State General Secretary, ST Employees Welfare Association, Chennai (TN).
22.	RU-IV/Service/Fin. Bank-21/2006	Discrimination and Harassment.	Shri Dhyan Chand Meena, Assistant Manager, State Bank of India, Branch Bharatpur, Rajasthan.

(1)	(2)	(3)	(4)
23.	AP/13/2006/ESDW(RU-IV)	Waiver of Loan	Shri B. Gandhi Naik, Jangoan, Warangal, AP.
24.	RU-4/Service/Fin/(Ins-18/2006	Promotion.	Shri Narender Meena, The Oriental Insurance Co. Ltd., Jaipur.
25.	RU-IV/service/Fin(Bank)-22/2006	Promotion	Sh. S.C. Meena, Officer, State Bank of Indore, Kota, Rajasthan.
26.	P-2/Tele-1/05/SSW-RU-IV	Promotion	Shri Purushotham Meena, Junior Staff, BSNL, Jaipur.
27.	RU-IV/ Services/Fin(Ins.) -14/06	Promotion	Sh. S.K. Meena, Admn. Officer (Devl.), Oriental Insurance Company Ltd., New Delhi.
28.	YK/3403/Bhopal/ST/8/04-Gr	Promotion	Smt. Yarusha Kujur, Bhopal
29.	GM/3407/MP/Mandla/3/07-Gr	Transfer.	Smt. Sumitra Uikey, Mandla
30.	DS/3401/MP/2/06-Gr	Compassionate Appointment.	Digvijay Singh, Anuppur
31.	GS/3403/Banglore/Kar nataka/1/06-Gr	Promotion.	Shri Gubba Sumpna, Banglore
32.	RB/3401/MP/Dhar/1/07-Gr	Compassionate Appointment.	Smt. Rajni Bai, Dhar
33.	ORI/10/B/02/2007-GEN.	Promotion	Shri Dasaranthi Pradhan, Sr.Operator, Grade-I, NALCO, Angul
34.	TN/10/C/02/2007-GEN	Appointment	Shri T. Sekar, Malayalapatti(PO), Veppanthattai(TK), Perambalur(Dt.), Tamilnadu
35.	AP/10/C/7/2007-GEN.	Harassment in service	Shri K. Amar Singh, Scientist-B, Electronic Test and Development Centre, Hyderabad
36.	ORI/10/A/4/2007-GEN.	Harassment	Shri Sagar Bodra, Sr.Technical Assistant (Geology), Indian Bureau of Mines, Bhubaneswar
37.	WB/10/A/7/2005-GEN.	Promotion	Shri Lakshman Ch.Hembram and others LDCs of Govt. of India Stationery Office, Kolkata

(1)	(2)	(3)	(4)
38.	ORI/10/B/09/2007-GEN.	Settlement of Pension.	Smt.Salma Hansda, Ex.SDE, BSNL, N-5/312, IRC Village, Bhubaneswar
39.	ORI/13/1/2007-GEN.	Retention of old quarter	Shri Parameswar Bahala, Sr.Typist, Directorate of Youth Services, Govt. of Orissa – Referred by Shri B.Majhi, Hon'ble MLA, Laikera.
40.	AP/10/A/6/2007-GEN.	Transfer	Shri G.Laxmikant, Income Tax Officer, O/o the Addl. Commissioner of Income Tax(Audit), Hyderabad
41.	TN/10/A/5/2007-GEN.	Promotion	Shri P.J.Rajan, Jr.Engineer, Southern Railway, Madurai, Tamilnadu
42.	5/4/Raj/1/2006-RU	Non-payment of pension and P.F. amount	Smt. Pani Bai W/o Late Shri Shiv Singh Rawat R/o Karnimata ka Kheda, Distt. Chittorgarh, Rajasthan
43.	5/3/Raj/13/2007-RU	Transfer	Shri Hajari Lal Meena, Manager, Dena Bank, C-46, Balnagar, Kartaprpura Jaipur, Rajasthan
44.	3/2/Raj/1/2006-RU	Appointment as Aanganwadi Worker	Smt. Lal Bai Meena W/o Shri Vinod Meena, R/o Piparwalal Panchyat Samiti – Nainwas, Distt. Bundi (Raj)
45.	21/6/2006	Repair of damaged departmental quarters.	Shri Dhankuram Thakur, Operator in BBM Deptt. Bhilai Steel Plant, Bhilai Distt. Durg,
46.	6/3/2005-J	Travel by air from Kolkata to Port Blair on LTC	Shri B.P. Kerketta, Asstt. Mining Engineer, India Bureau of Mines, Ranchi
47.	7/2/2005-J	Transfer	Smt. Prativa Bodra, OS CCL, Hqr. Ranchi
48.	6/1/2006-J	Cancellation of Transfer Order	Smt. Dayji Kalara Murmu, Sr. Auditor, OAD-1, AG (Audit) Ranchi.
49.	6/2/2006-J	Release of Annual Increments since Jan, 2004	Shri B.P. Kerketta, Asstt. Mining Engineer, India Bureau of Mines, Ranchi
50.	5/5/2007-J	Transfer	Shri Sadhu Charan Buriuli, CO Office, Garnaria, Saraikela Kharsanwa, Jharkhand
51.	6/2/2007	Re-instatement in Service in AG, Office	Shri Anuranja Toppo, Dhumsa Toli, Upper Chutia, Ranchi

52.	8/6/2007-B	Issue of Caste Certificate	Shri Bansi Ram Gond, Babhua, Distt. Kaimur, Bihar
53.	JHK-10-B/1/2008-Gen.	Cancellation of Transfer	Shri Shambhu Nath Munda, Branch Manager, Jharkhand Gramin Bank, Tikar Branch, Saraikela Kharsanwa, Jharkhand
54.	7/9/2006-J	Reinstatement in Service	Shri Bandi Oroan, Armed Guard, Dakra Colliery, CCL, Ranchi, Jharkhand
55.	7/12/2006-J	Transfer	Ms. Joysi Minz, GM, Office Kuju, Central Coalfield Ltd. and Smt. S.M. Kachhap, C/o Barkakana Central Coalfield Ltd., Jharkhand

DEVELOPMENT MATTERS

S.No.	File No.	Subject	Complainant/ Source
(1)	(2)	(3)	(4)
1.	SP/Dev/ORS/Delhi/2008/069/RU-1-	Refund of earnest money from DDA	Smt. Sudha Prasad Okhala, New Delhi.
2.	J/3203/Trivendram/Kerala/01/07-Gr	Scholarship	Ms Jeena, Trivendram
3.	NPC/3300/Shivpuri/MP/2/07-Gr	Non-payment of Wages.	Joint application of tribals of karmai and kantihi villages of Shivpuri Distt
4.	K-1/Petroleum-4/Development/2006/RU-II	Allotment of Retail Outlet of IOCL	Smt. Devti Singh, Owner of Retail Outlet (RO) of Indian Oil Corporation Limited at Chhatisgarh.
5.	22/10/2006	Payment of scholarship	ST students at Maharshi Ashtang Medical College, Choprapara, Ambikapur, Distt. Surguja, CG
6.	3/7/2005-UP	Restoration of Home Land	Suryamunni Devi, Vill. Biswanath, PO Piyaranta, PS Reoti, Distt. Ballia, UP.
7.	8/10/2007-J	Payment of Wages under NREGA Scheme.	Smt. Bernadet Minz, President Mahila Mandal, Chainpur, Distt. Gumla, Jharkhand
8.	8/3/2006-J	Repair of Petrol Pump	Miss Rashmi Kachhap, M/S Gurukripa Petroleum, NH-32, Nimdih, Distt. Saraikela, Jharkhand
9.	7/8/2006-B	Commissioning of Petrol Pump	Shri Shailendra N.K.Kujur, C/O CPN School, Mohalla- Nil Kothi P.O. Dehri-on-Sone Distt. Rohtas Bihar
10.	1/1/2005-J	Payment of Post-Matric Scholarship	Miss Amita Singh Kuntiu, Graduate School College for Women, Jamshedpur, Distt. East Singhbhum,

			Jharkhand
11.	2/6/Raj/1/2007-RU	Drinking Water Problem	Shri Dharm Raj Meena, Indira Colony, Kishor Nagar, Distt. Rajsamand, Rajasthan
12.	2/4/Raj/7/2006-RU	Payment of Scholarship	Nidhi Meena, Darshan Medical College, Udaipur, Rajasthan
13.	ORI/04/03/2007-GEN.	Payment of Post-Matric Scholarship	Shri Binondna Ku.Soren and other ST Engineering Students of KIIT Deemed University, Bhubaneswar.
14.	FB/3104/Raisen/MP/7/06-Gr	Illegal occupation of Land.	Smt. Fuliya Bai, Raisen, MP
15.	M-6/Petroleum-4/Development/2008/RU-II	Distributorship Retail Outlet	Shiri Maluva Simhachalam, General Secretary, Akhil Bhartiya Advasi Vikas Parishad, Srikakulam Distt. AP

ATROCITY MATTERS

S. No.	File No.	Subject	Complainant/ Source
(1)	(2)	(3)	(4)
1	3/14/Raj/7/2007/RU	Sexual Harassment	News item in "Rajasthan Punjab Kesari", Jaipur, Rajasthan
2	3/14/Raj/5/2006-RU	Sexual Harassment	Complaint by Hanuman Meena S/o Raghunath Meena, Village – Lalasar, Police Station, Renwal Distt. Jaipur, Rajasthan
3	3/14/Raj/6/2005-RU	Non-action under SC/ST (PoA) Act, 1989	Shri Rameshwar Lal Meena, S/o Shri Arjunlal Meena, Village Sajharia, Tehsil Sanganer, Distt. Jaipur, Rajasthan
4	KV/3104/Mysore/Karnataka/1/07-Gr	Illegal Demolition of the Building.	K. Vaidhya, Mysore, Karnataka
5	PRD/3101/MP/Badwani/5/07-Gr	Murder.	Dara Singh, Badwani, MP
6	NPC/3102/Betul/MP/1/07-Gr	Rape Case.	News Item in "Dainik Bhaskar", Bhopal, MP
7	JB/3101/Badwani/MP/1/06-Gr	Murder.	Valtiya Bhilala, Badwani, MP
8	AP/3105/Damoh/MP/1/07-Gr	Untouchability.	Ajay Pradhan, Damoh, MP
9	PRm/3103/Badwani/MP/14/07-Gr	Violence.	Munna Singh, Badwani, MP
10	LR/3103/Khargone/MP/13/07/Gr	Violence.	Limbaram Bhil, Khargone, MP

11	NC/3103/Betul/ MP/16/07-Gr	Violence.	News item in "Dainik Bhaskar", Bhopal, MP
12	PRN/3101/MP/ Badwani/4/07-Gr	Attempt of Murder.	Narendra, Badwani, MP
13	NPC/3102/Sidhi/ MP/07-Gr	Attempt to Rape	News item in "Dainik Bhaskar", Bhopal, MP
14	RL/3101/Badwani/ MP/1/07/-Gr	Murder.	Roopsingh Bhil, Badwani, MP
15	PRA/3102/Badwani/ MP/03/07-Gr	Rape.	Sendhwa Badwani, MP
16	MA/3102/Hoshangaba d/ MP/5/07-Gr	Rape and Violence.	Hoshangabad, MP
17	NPC/3102/MP/Panna/ 1/05-Gr	Kidnap and Rape.	Panna, MP

(1)	(2)	(3)	(4)
18	PRB/3101/MP/ Badwani/5/07	Murder.	Bhangada, Badwani, MP
19	PRR/3102/Sihore/ MP/2/07-Gr	Rape.	District Sehore, MP
20	JS/3102/Balaghat/ MP/2/06-Gr	Rape.	Gondwana Punurutthan Sangh, Balaghat, MP
21	MB/3102/Balaghat/ MP/05/07-Gr	Rape.	Complaint by Gondwana Punurutthan Sangh, Balaghat
22	NPC/3103/Mandsaur/ MP/08/07-Gr	naked and burned with Bidi.	News item in "Dainik Bhaskar", Bhopal, MP
23	PRR/3103/Sihore/MP/1 /07-Gr	Throwing Acid on Face.	Maju Dhurve, Sehore, MP
24	NPC/3107/MP/Bhopal/ 2/07-Gr	Selling of liquor in SC/ST Hostel.	News item in "Dainik Bhaskar" Bhopal, MP
25	NPC/3107/Betul/ MP/06-Gr	forced to leave husbands body in hospital due to poverty.	News item in "Dainik Bhaskar", Bhopal, MP
26	22/4/2006	Missing tribal labourers.	News item in "Dainik Bhasker", Raipur
27	22/1/2007	Violence.	Shri Bhaiya Ram R/o Saruvat, Distt. Surguja
28	22/26/2007	Death of 5 tribal women.	Chief Editor, Human Rights Observer, New Delhi
29	XR-2/3/2007-UP	Gangrape of Tribal Girls	News item in "Dainik Jagran" Ranchi

30	2/4/2007-Bihar	"Ten person beaten to death in Vaishali Distt. Bihar"	News item from Dainik Jagran, Ranchi
31	HR-1/7/2006-J	Rape	Vill. Baryarpur, P.S. Sunderphari, Distt. Godda, Jharkhand
32	DB/atrocity/AP/2008/293/RU-IV	Atrocity: Rape, Attack & Humiliation	Dr. S.D. J.M. Prasad, SAKSHI, Human Rights Watch AP, West Marredpally, Secunderabad – 500 026.

ACCOUNTING OF PROJECT WORK PERTAINING TO CONSTRUCTION OF CHAINPUR- KONKEL ROAD UNDER NREGA SCHEME IN CHAINPUR BLOCK OF GUMLA DISTRICT

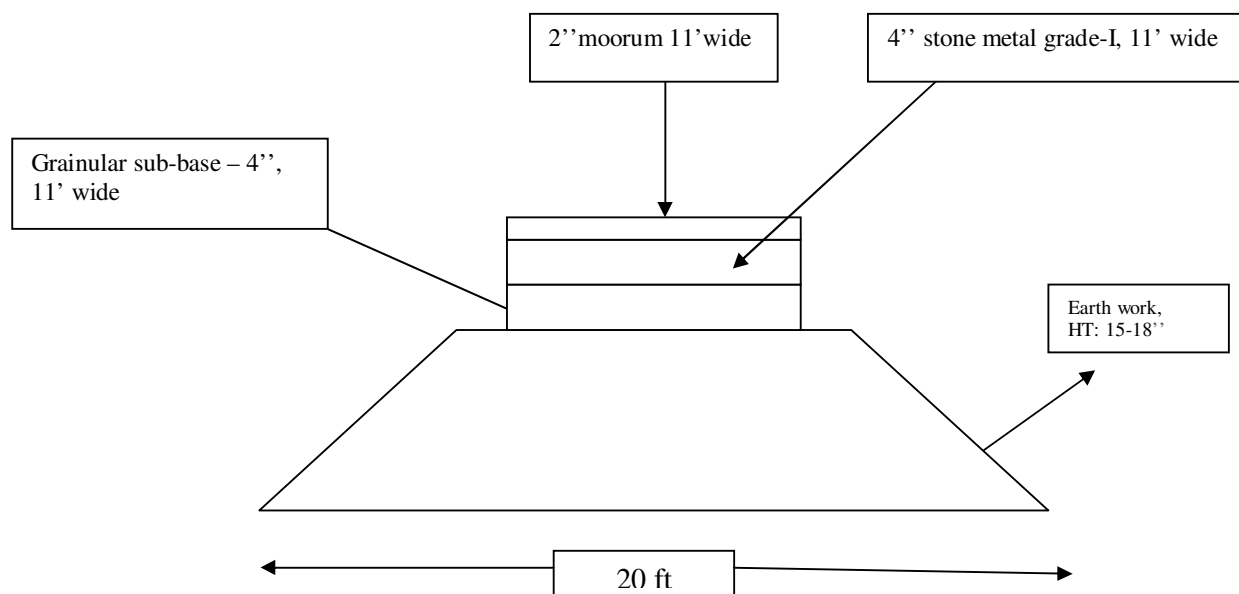
The accounting of the Project was undertaken during the visit of the undersigned to Gumla Distt. and field site on 14th and 15th February 07.

2.0 Main features of the Project:

1	Name of the Project:	Construction of Chainpur-Konkel Road (2.1 Km, Grade-I)
2	Broad Specifications	Length of Road : 2.1 Km, Width : 11 ft Construction includes: <ul style="list-style-type: none"> • Road levelling • Laying of moorum- 4 inch • Laying of stone metal grade-I (Average size 90 mm-53mm- 4 inch)
3	Implementing Agency	Executive Engineer Rural Development (Special Division) Release of funds by Distt. Rural Development Agency -DRDA
4	Original sanctioned cost	Rs 10,5,600
5	Actual expenditure till date	Total : Rs.9,82,963 Material cost: Rs 7,79,585 (80%) Labour cost :Rs 2,03,378 (20%)
6	Commencement of work from	8 May 2006 (discontinued from 3 July 2006 dust to protest of labourers over payment of wages)
7	Original time- frame	6 months
8	Present status	Planned length: 2.1 Km (2100 M) Actual construction: 2.075 KM <ul style="list-style-type: none"> • 25 M not constructed: due to protest of villagers (Domin Kujur's house to Prakash Kojur's house) • In place of existing good road, 100 M extra covered in tail end area Note: 4-5 patches of extremely poor quality (about 100 M observed, especially in sloppy portion)
9	Likely date of completion	The work has been suspended pending a final

		<p>review by the Commission. Distt. Admin. has, however, informed that decision has already been taken to up-grade the construction from Grade-I to Grade II. This will include moorum topping and compaction and also Pucca drains. The up-gradation is estimated at a cost of Rs 10.27 lakh and has already been approved. for implementation</p>
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3.0 Illustration of various stages of construction



4.0 Areas/activities for accounting:

4.1 Implementing Agency and methodology adopted for execution of work

The works were planned to be executed departmentally and entrusted with the Executive Engineer Rural Development (Special Division) for implementation through the office of his Junior Engineer at the field site,

It is however, noted that the **Junior Engineer, operated through a facilitator without any authorization for his engagement or his scope of services and accountability for execution of work. The actual role of the facilitator, as emerged from the interactions held with various agencies, was also noted to be ambiguous.** The circumstantial evidences reveal that **Junior Engineer, with disregard to his responsibilities and accountability towards execution of the project, left total management of the work to the facilitator** including the areas pertaining to engagement of labourers, maintenance of Muster Roll,

payment of wages, procurement of materials and its usage, construction, quality control etc. Thus, the methodology adopted by the Junior Engineer led to mismanagement of all the areas pertaining to the project.

It was intimated by the Distt. Administration that the project pertained to the period when the schemes/programmes under NAREGA were at its nascent stage, and a proper in-house system for their implementation was not fully established. Now, the deficiencies noticed by the undersigned with regards to the role of the facilitator have been taken care by way of establishment of a Beneficiary Committee, whose management is selected by Gram Sabha or registered Self-Help Group.. Both these agencies have a well defined role of a facilitator and scope of services in the Gazette Notification issued by the State Govt..

3.2 Engagement of labour

a. Procedure followed for engagement of labour

It is noted that the Implementing Agency (Junior Engineer) proceeded with engagement of labourers, mostly unregistered labourers through a facilitator (Md. Salem Khan). **Further, Implementing Agency, as well as the facilitator, couldn't provide a proper account of registered and un-registered labourers engaged against the Project.** Even if un-registered labourers were engaged by the facilitator, the Junior Engineer should have maintained a verifiable record of such labourers and also taken initiative to have the un-registered persons registered and job cards issued to them. The Junior Engineer also failed to identify the deficiency in the procedure adopted by him and to take timely corrective action(s). In such a situation, vulnerabilities as mentioned in the Act also, like non- engagement of eligible/registered applicants or asking for money from the unregistered labourers for employment can't be ruled out.

It is also revealed that **the Junior Engineer as well as the facilitator engaged by him, never enjoyed the confidence and trust of the labourers**, which is evident from the fact that the complaints regarding non-payment of wages was raised and also registered in the Labour Court against the Junior Engineer.

b. Record for engagement of labour

In accordance with the prescribed procedure, Muster Roll containing, inter alia, name of the person on work; his or her job card number; days worked and days absent; and wages paid, Unique identity number given to that work and Signature or thumb impression of the payment, is a very important document. **Muster Roll also forms part of the expenditure record of the Executing Agency** (Provision: 9.4.3).

The original Muster Roll shows only 60 labourers out of which maximum were not job card holders. However, in respect of 161 persons, who reportedly worked from 3 to 10 days in respect of whom Mahila Mandal also raised claim for payment of wages, there is no record available in the original Muster Roll. Here again, lack of supervision and monitoring by the Junior Engineer is reflected as addition of such a large work force, more than 2-1/2 times of the average size of the work force at the site, should not have been remain noticed by the Junior Engineer, had he been vigilant. Such situations also lead to vulnerabilities pertaining to under payment of wages, payment of wages to the wrong persons or in the name of non-existent(ghost) workers etc.

c. **Accounting of labour: Actual engagement vis-à-vis original estimates**

It was noted by the undersigned that the **estimated requirement of 4623 man days**, which was indicated at the time of seeking sanction to the project, **was assessed on a lump- sum assumption without any basis and circumspection**. This was not based on the original estimates, which were prepared according to the prescribed schedule of rate (including rates for material as well as labour) for each activity/process. (Annexure-II) and were taken into account for seeking sanction to the Project.

The undersigned explained to the Project Authorities that the original estimates, should form the basis for arriving the quantum of labour required as per the original estimates. For this purpose, scheduled norms for calculation of labour (Cubic meter per labour) were applied on the originally estimated quantity to arrive at the labour requirement in terms of man days for each activity. On this basis, the **total requirement of labour is arrived at 2935 man days (Annexure-I)**. Thus, there was an error in the /estimated figure of man days (4623), projected earlier by the Project Authorities. It is noted from the record that against 2935 man days estimated/calculated now, 2786 man days have been utilized so far.

S.No	Item of work	Schedule of rate (per cubic m)	estimated Qty. (per cubic m)	Amount	Scheduled norms for calculation of labour (Cubic meter per labour)	Originally estimated labour, based on the estimates	Material estimate/ actual invoiced quantity	Actual quantity as. per Measurement Book- MB (cubic m)	Expenditure as per the MB	Actual labour
			a		b	a/b				
1	Earth work in road embankment	24.80	5766.24	143003	3.43	1680		6070.38	150,545	2786 (1998 + 788 &) Total labour cost: 2786x Rs 73= 2,03378
2	Extra for hard soil	3.05	5766.24	17587	14.16	407		6070.38	18515	
3	Rolling and compaction	6.30	5766.24	36327	18.88	305		6070.38	34243	
4	Providing granular	115.20	1072.89	123597	9.44	114		1072.89	1,23,597	

	sub-base in one or more layers									&-in r/o labour later claimed by Mahila Mandal
5	Providing Stone Gd.-I	510.30	715.26	364997	1.66	429		715.26	364997	
6	Carriage of moorum with a average lead of 5 km Kachha road	100.05	1818.63	181954	--	-----	Moorum 1072.89 cubic m		1,81,903	
7	Carriage of stone metal Gd-I with 14 Km Lead Pucca road	177.05	951.29	168426		-----	Metal Gd_I 715.26 cubic m		1,68,426	
				Total estimated Man days:		2935	Total estimated Expenditure		Rs.9,82,963	

d. Payment of wages

It was mentioned by the Project Authorities that no complaint from the laboureres in respect of whom Muster Roll was maintained, was received. However, in respect of **161 labourers, who reportedly worked from 3 to 10 days and for whom Mahila Mandal raised claim for payment of wages, there is no record available in the Muster Roll. In respect of such labourers, the Junior Engineer as well as the facilitator not only projected a misleading information but also produced false/fabricated records before the inquiry conducted by the Assistant Director, Regional Office, Ranchi during his visit to Gumla in November 2007. With the intervention of the Commission, payment to these labourers could be made after a lapse of about more than a year.** The total amount for payment to these labourers has been put at the disposal of the Post Office with the list of the labourers for transfer to their respective accounts. It is, however, pointed out that some of these labourers have not been paid, as they have not opened their accounts with the Post Office as yet. The exact details in this regard couldn't be made available by the Executive Engineer.

The Junior Engineer also failed to maintain proper record in respect of these 161 labourers to ensure safeguards in the Act to ensure timely payment of the correct amount to the eligible persons and to avoid the possibility of payment of wages to the wrong person or non-existent (ghost) workers.

It is also noted from the investigation conducted by the Assistant Director, Regional Office, Ranchi that the Junior Engineeer arranged payment to the labourers, as and when projected by the facilitator, without verifying the justification/claim. .

3.2 Material estimates vis-à-vis actual consumption/usage: Maintenance of record

Only two types of materials viz. moorum (1072.89 cubic m) and stone metal Gd-I (715.26 cubic m) at a total cost of Rs 7,79,585 (80% of total project cost) were procured. Their estimates/requirement are based on the scheduled rate and invoiced quantity has also been for the quantity as originally estimated.

The materials were received from a single supplier viz. M/S Chainpur Traders on 13 occasions as per Annexure-III.. It has been informed that, as a practice, competitive bidding is not resorted under the NERAGA scheme and supply of materials at a price matching with the scheduled rate is accepted.

It was noted that all invoices raised by the supplier show endorsements by the Junior Engineer 'Paid by me' and acknowledgement by the supplier ' Payment received'. **There is no record to show that material as ordered/supplied in terms of quantity as well as quality was received at the site. Similarly, the record to show withdrawal/actual consumption during construction is not available to notice short supply, if any, on receipt or during construction**

The invoiced quantity of the materials matches with the estimated quantity of the materials. The safeguards regarding purchase/usage of material in the Act (every week, five workers to verify and certify all the bills/ vouchers of their worksite and a daily materials register to be kept, and verified by five workers every day) have not been ensured.

The failure of the Junior Engineer to keep a proper record of material receipt, issue/consumption also led to the discrepant quantity for which a claim of Rs 28,000 was raised by the Mahila Mandal and subsequently paid.

In the absence of the proper accounting of actual receipt/issue of the materials, when the construction is already over and a period of over 1-1/2 years has already passed, it is not possible to reasonably assess that the materials as invoiced by the supplier or reported to have been supplied, has been used in actual construction.

3.3 Quality Control

During the visit to the field site, the following deficient areas were noted:

- 4-5 Patches of extremely poor quality measuring about 100 Meters, especially in the sloppy portions
- Improper leveling with steep gradients at some places

It is also mentioned that the road has already passed through 2 rainy seasons and about 1-1/2 years and thus, covered more than half of its expected life.

Distt. Admin. has, however, informed that a decision has already been taken to up-grade the road from Grade-I to Grade II. This will include moorum topping and

compaction and also Pucca drains. The up-gradation is estimated at a cost of about Rs 10 lakh.. Considering the present condition of the road, it is advised that up-gradation should, inter-alia, include the following:

- Improved leveling, where sloppy portion or very steep gradient are noticed:
- Drainage system in non-village area
- PCC road in village portion with proper designing to facilitate flow of water

On a query, it was intimated that level of investment for different grades/types of roads and their expected life is as under:

Gd-I	3 rainy seasons	10 lakh
Gd-II	4 years	20 Lakh
BlackTop	5 years	25 lakh

Thus, on cost-benefit analysis, Black Top road is preferable, especially considering marginal increase in level of investment (Rest. 5 Lakh), comparatively lower expenditure for its upkeep and maintenance and higher residual value.

The Junior Engineer could not produce any record/evidence for working in a transparent manner like verification of works, for conformity with the work order in terms of specifications and quality, or holding of an open 'project meeting' with the workers,, interaction with the Gram Sabha etc, to conduct assessment of relevance of the work, along with appropriateness. These measures are required to be enforced according to the Act. Many problems related to quality or payment of wages etc, which emerged later, could have been sorted out through such interactions. It was admitted by the Distt. Admn and also be the Project Authorities that lapses in this regard have occurred in the instant case. However, in all future projects, such requirements are being met.

3.4 Monitoring mechanism

The NERAGA scheme provides an effective monitoring mechanism at all levels to avoid lapses/deficiencies noticed in the instant case. It s obvious that failure to adherence to enforce such monitoring has occurred at all the levels.

4.0 Summary of findings

- **Junior Engineer, operated through a facilitator without any authorization either for engagement of the facilitator or his scope of services and accountability for execution of the work. The actual role of the facilitator, as emerged from the interactions held with various agencies, was also noted to be ambiguous.**

- **Serious lapses on the part of the Junior Engineer to adhere to prescribed procedures for execution of the work and maintenance of essential records like Muster Roll, Receipt/Issue and inspection of input materials as well as for the quality of work etc, leading to total mismanagement of the Project**
- **Constructed road having improper leveling with steep gradients at some places and 4-5 patches of extremely poor quality (about 100 Meters), especially in the sloppy portions.**
- **In the absence of the proper record of actual receipt/issue of the materials and its inspection and after a lapse of about 1-1/2 years after construction, reasonable assessment regarding usage of the quantity of the materials (as invoiced by the supplier or reported to have been supplied) in actual construction is not possible.**
- **Junior Engineer, with utter disregard to his responsibilities and accountability towards execution of the project, left total management of the work to the facilitator leading to complaints regarding non-payment of wages to eligible persons, quality related problems.**
- **Incorrect assessment of manpower (4623) on lump sum basis without any justification and circumspection. According to the estimates on the basis of which sanction to the project was sought, requirement of labour is arrived at 2935 man days. Against this, 2786 man days have been utilized so far.**
- **Implementing agency not being well trained in management of the Projects under NEREGA scheme and on their role/responsibilities and accountability under the Act; there is also a need to prescribe/establish departmental procedures for execution of the Projects.**

4.0 **Recommendations**

State Govt./ Distt Administration may be requested to:

- **enforce monitoring mechanism, as prescribed in the Act, at all levels in an effective manner, especially with regards to accounting against the Project and quality control of the works.**
- **undertake up-gradation of the road from Grade-I to Grade II, as already decided by the Distt. Admn., on Top Most Priority Basis. The up-gradation, should, inter-alia, take into consideration the following:**
 - **Improved leveling, where sloppy portion or very steep gradient are noticed:**

- Proper drainage system in non-village area
- PCC road in village portion with proper designing to facilitate flow of water (preferred)
- examine the cost-benefit analysis in respect of Black Top Road and based thereon consider taking decision for its construction, with support/ provisions of additional funds from other sources.
- arrange training of Project personnel in management of the Projects under NEREGA scheme and on their role/responsibilities and accountability under the Act; There is also a need to prescribe/establish departmental procedures for execution of the Projects

Sd/-
(Aditya Mishra)
Joint Secretary
(Camp at Gumla Distt, Jharkhand)
16 February 2008