

**Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Tamil Nadu from 28-06-12 to 07-07-12 to review the implementation of development programmes, reservation policy and SCs and STs (PoA) Act, 1989 in respect of STs.**

1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairman, NCST accompanied by Shri B.L.Meena and Smt. K.Kamla Kumari, Hon'ble Members and Shri R.K. Dubey, Assistant Director visited the State of Tamil Nadu from 28-06-12 to 07-07-12 in accordance with the programme communicated to the State Govt. vide wireless Message No. 11/6/Tamilnadu/2008/RU-IV dated 21-05-2012 to review the development programmes, reservation policy and implementation of the SCs and STs (PoA) Act, 1989 in respect of STs. Shri Aditya Mishra, Joint Secretary and Smt. K. D. Bhansor, Deputy Director joined the team on 2-7-2012 for the meetings scheduled from 3-7-2012.

**28-06-2012**

**Formal welcome and briefing the Commission about various aspects of tribal development by Secretary, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu.**

2.0 After arrival at Chennai Airport, Shri A.S. Jeeva Rathinam, Secretary, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu welcomed Hon'ble Chairperson and Members of the Commission. Shri K.V.Giridhar, Director, Tribal Welfare Department, Govt. of Tamil Nadu was also present to receive the Commission. Representatives of many tribal welfare Associations and other social groups also welcomed them. Thereafter, the Commission departed for Chennai State Guest House where Director, Tribal Welfare Department briefed the Commission about the general information related to the State.

**Departure for Chennai Central Railway Station for proceeding to Mettupalayam by train**

2.1 In the night, the Commission proceeded for Chennai Central Railway Station for onward journey to Mettupalayam by Nilgiri Express.

**29-06-2012**

3.0 The Commission reached Mettupalayam in the early morning where the Protocol Officer and District Level officers of the Nilgiri District received it. The Commission stayed at the Mettupalayam for a short time and proceeded for Udhagamandalam by road to reach there at 9:30 AM.

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### Visit to Muthanad Mund (village)

3.1 In the forenoon, the Commission visited Muthanad Mund, village of Toda tribes. The local officers of the District Administration and representatives of the Nilgiri Adivasi Welfare Association were also present. The Government of India has identified the Toda as one of the six primitive tribal groups of Tamil Nadu State. They are found only in Nilgiri District. The Commission was briefed that the name Toda is supposed to be derived from word "Tod"-the sacred tud tree of Todas. They have unique half-barrel shaped houses and the Toda village is called a mund, which means a herd or cattle-pen. Besides the huts, the mund has another hut with a smaller doorway called 'tirier' or a dairy temple. In the vicinity of the mund is the cattle -pen. Toda people are fair in colour, tall strong built and well shaped. The striking feature of the women is the arrangement of their hair, which is dressed in ringlets and flows down to the shoulders. The traditional garments of the Toda is known as put-kuli which is made of thick white cotton cloth with red and blue stripes embroidery by the Toda women.

The Headmen and other villagers welcomed Hon'ble Chairman and Members of the Commission in their traditional way. The Commission enquired about their living conditions. The Commission was informed that the tribal girls and boys are getting primary and secondary school education in the nearby schools. However, they are facing problems in securing admission in Sr. Secondary and College level, as the reservation for ST category is only one percent. They demanded that any tribal coming to the college for admission should be given admission. The outsiders have been settling in an around Ooty and they are getting admission in the educational institutions freely. On the other hand, the local tribals are being denied admission in these institutions. There is a government arts college in Ooty for higher studies. One girl of the community has obtained B.Com degree. The tribal students studying in private colleges are facing problem in obtaining scholarship as the same is being distributed in the mid-session. They have to pay admission fee from their own sources at the time of admission. On being asked about the economic activities, the Commission was informed that potato, cauliflower, carrots and cabbage are grown in their fields. The tribal women also make shawls and other embroidery work. They have made a tribal co-operative society for purchasing cloth for making shawls and other marketable products and obtained Rs. 15 lakh from Ministry of Textiles, Government of India. The tribal women earn about Rs. 1500/- per month by selling their shawls and other embroidery work.

The villagers informed the Commission that there are educated youths in the community but they are jobless. They demanded for providing employment opportunity to the youths of the tribal community. They also demanded for distribution of land to the landless tribals and providing assistance in re-occupying the land of those tribals whose land has been grabbed by the non -tribals.

Action: State Government

The tribal villagers also performed their traditional dance in honour of the Commission.

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### Visit to Iduhatty village

3.2 In the afternoon, the Commission visited Iduhatty village, which is a settlement of Kotha tribe. The local officers informed the Commission that this primitive tribal group lives in seven settlements, generally known as Kotagiri or Kokkal. They are village artisans, who are good in carpentry, blacksmithy and pottery. Now, only a few families are engaged in these skills as a means of living. Most of them are engaged in cultivation. Kotha families in all the settlements have their patta land. They are hard-working people and engage themselves in cultivating their land. Many of them are engaged in buffalo rearing. Priests of the community milk sacred buffaloes. Kotha women wear white cloth which is a symbol of purity. Persons of this community have got education and many of them are working in the Government and non-governmental departments.


The Headman of the village welcomed the Commission. The Commission enquired the tribal villagers about their living condition and status of various welfare measures being taken by the Government of Tamil Nadu for their socio-economic development. The following demands emerged during the interaction of the Commission with the tribal villagers:

i) The educated youth of the tribal community should be given employment in Government and private sector. They are being provided one percent reservation in proportion to their population in the State. In the rosters, the point reserved for Scheduled Tribes is fixed at serial no. 50. In small cadres, it shall take decades for their turn in the matter of employment. The point reserved for ST's in the roster should be fixed at the initial level of the roster so that the ST's can get benefit of reservation at early stage in small cadres. District level reservation should be followed for filling up the post. The Tribal population in the Nilgiri District is 3% and they could get more employment opportunity if the district level reservation is implemented. There are over 400 vacancies in the State Road Transport Corporation and out of them, 111 vacancies exist in the Nilgiri District itself. Similarly, in other PSU's also, there are vacancies. Suitable candidates are available in the tribal community for appointment to these posts. The Commission desired that the Govt. of Tamil Nadu should take measures to fill up these posts and give employment to the local tribals.

Action: Govt. of Tamil Nadu

ii) The Scheduled Tribes of the State are facing problem in securing admission in the senior secondary schools and collages. This is due to the reason that there is only 1% reservation applicable in the State in admission to the colleges and consequently only few seats are reserved for them. Many times, there is no seat reserved for ST's in the educational institutions and the reserved seat for them occurs after 2 years or more due to limited no. of seats. It was demanded that first seat in the collages and other professional institutions should be made reserved for ST's as they are at lower stage of socio-economic and educational development in comparison to other social groups. The Commission desired that the Govt. of Tamil Nadu should look into the proposal to facilitate educational development of STs.

Action: Govt. of Tamil Nadu

  
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iii) There are two establishments in the region providing employment to the local population including Scheduled Tribes viz. Ordnance Factory and Hindustan Photo films. The Ordnance Factory is recruiting employees on all India basis as a result of which local ST's are not getting employment. On the other hand, Hindustan Photo films have become a sick unit resulting in reduction of manpower. The Government of India should take steps to revive this Factory by way of upgrading the technology of production and equipment to make it economically viable, which will result in generating employment opportunities for local people.

Action: Ministry of Heavy Industry

iv) There is one department in the State looking after the welfare programs for the Scheduled Castes (18%) and Scheduled Tribes (1%) known as Adi Dravidar and Tribal Welfare Department. Though, there is a Director posted at Chennai for the welfare of Scheduled Tribes and ten special Tahsildars posted in the Districts having sizable tribal population, the focus of the department is on the welfare of SCs and consequently, the tribal development programs gets neglected. Moreover, there are no separate officers of the Tribal Welfare Department in the Districts to implement the tribal development programmes and Adi Dravidar (SC) Welfare Department is executing these programs. These officers are working under the control of the Commissioner, Adi Dravidar Welfare Department and Director, Tribal Welfare Department is not having any administrative control over them. These district level officers are also lacking sufficient staff posted under them. As the Tribal Welfare Department has to look after many important programs like Forest Rights Act, PCR and PoA Act, central sector schemes etc., executive machinery should be provided in the districts having sizable tribal population and a separate Tribal Welfare Department should be created in the State.

Action: Govt. of Tamil Nadu

v) Quality of education at primary level should be improved. There is delay in providing scholarships to the students studying in private educational institutions. It is being distributed in the mid-session. The parents have to pay fee at the time of admission of their wards, which is reimbursed later. It shall be in the interest of the tribal community that the fee is directly paid to these institutions and the tribal students are exempted to pay any fee at the time of admission. The attendance of the teacher in the schools situated in the tribal areas should be monitored. College hostels for tribal boys and girls should be opened in the State for providing higher/technical education to the tribals.

Action: Govt. of Tamil Nadu

vi) Thirty acres of land belonging to the Scheduled Tribes of the village was grabbed by non tribals about 15 years ago. The attempts of the tribals to restore the said land have failed. This land should be returned to the tribals by the district administration.

Action: Distt. Administration

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vii) Most of the tribals are small and marginal farmers. Many of them are land-less labourers. Pattas of land should be distributed among them to improve their economic condition. Such assistance should also be given to the tribals whose land has been grabbed by non-tribals by one way or the other.

Action: Distt. Administration

viii) There are seven SHGs in the village. These SHGs are involved in plucking of tea leaf from the tea plantations. In some other Kotha villages, some other SHGs are making pottery. The State Government and the banks have extended support to these groups. However, they are facing problem because banks demand guarantee for the loans provided to these groups. The State Government should come forward and take guarantee on the behalf of these tribal groups.

Action: Govt. of Tamil Nadu

ix) The health services are satisfactory. There is no common disease among the tribal groups. Some cases of Sickle Cell Anemia are found in the tribals of the State. Diabetes and BP related problems have also been observed due to changing lifestyle. Some kind of economic protection should be provided to the family of the patient suffering from Sickle Cell Anemia because such patients cannot go for work and they usually die at an early age ranging from 40-50 years.

Action: Govt. of Tamil Nadu

x) The tribal villages are generally situated in interior and remote parts of the district. The access to these villages is very difficult due to intervening forest and undulating surface. They face problem in bringing their produce upto the main road for onward transmission to the factories and markets. The road connectivity in the villages should be improved. The Iduhutti village was having an old road, which needs immediate reconstruction. Water supply pipes in the village are also damaged. They should be changed urgently.

Action: Distt. Administration.

**30-06-2012**

**Review of The Nilgiri district with regard to implementation of reservation policy and development programmes and implementation of SCs and STs (PoA) Actt, 1989 held at District Hqrs., Udthagamandalam.**

4.0 The discussion in the meeting was based on the reply to the questionnaire sent by the Commission to the District Collector and the feed back given by the tribals and their association to the Commission during the field visits.

4.1 The Commission observed that the literacy in the tribals, especially the woman in the district is very low in comparison to the general population. The tribal students are facing problem in securing admission in Sr. Secondary Schools and colleges. Scholarship in the schools and colleges is being given in the mid- term. Attendance of teachers in the schools of tribal areas is not regular resulting in poor quality of education. There is a



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requirement of college hostels for the tribal boys and girls. The Commission advised the District Collector to take necessary steps for improving the situation and meeting the genuine demands of the tribal groups.

Action: Distt. Administration

4.2 The Commission pointed out that unemployment of educated tribal youth is one of the big issues brought to the notice of the Commission by the tribals. Out of 2,168 educated unemployed STs registered in the District, 1705 were skilled persons. The Commission opined that their skills should be utilized suitably in a planned way. Vacancies existing in the Government, PSUs and the private sector in and around the Nilgiri District should be filled urgently to improve the situation. There are vacancies in the State Road Transport Corporation and other corporations. Steps should be taken to fill up these posts.

Action: Distt. Admin/Govt. of Tamil Nadu

4.3 The Commission was informed that there is only one- percent reservation for the Scheduled Tribes in the services under the State. The Commission opined that tribals of the State and the district are socio- economically and educationally poor section of the society. They comprise a larger share in the families below poverty line. Hence, they deserve priority in the matter of education and employment. The Commission suggested that 3 tier reservation should be adopted in the State services viz. district level, division level and state level reservation. Such a policy has been adopted in many States and the district level cadres of various posts such as teachers, police constables etc. have been made. Reservation in the posts and services is provided in proportion to the population of SCs/STs and OBCs to ensure their representation.

Action: Distt. Admin./Govt. of Tamil Nadu

4.4 No recognition has been given to the forest dwellers under Forest Rights Act. The community rights of the tribals have also not been recognized so far by the State Government. The Commission was informed that the village, block and district level committees have been formed. The individual and community claims have been examined in the District. However, there is a stay from the Court in the matter due to which the process has been held up. The Commission suggested the State Government to have the stay order vacated as early as possible so that the titles to the entitled category could be issued at the earliest.

Action: Govt. of Tamil Nadu

4.5 The Commission informed the District Collector that non-tribals in Idhutti village have grabbed 30 acres of land belonging to tribals. The Commission advised the District Collector to take necessary steps to restore the land. The Commission also suggested setting up of land banks resumed by the government in the case of mortgage default and to distribute the land to the land less tribals. The Commission also noticed that the house site pattas given to the tribals in the district was not adequate and advised the State Govt. to start new schemes for providing house site pattas to the tribals.

Action: Govt. of Tamil Nadu

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4.6 The Commission observed that the health scenario in the tribal areas was generally satisfactory. However, there is shortage of lady doctors, as reported by the tribal delegates. The Commission suggested launching special programmes for the patients suffering from sickle cell anemia to provide financial security to their families. As suggested by some tribal representatives, ragi and millet distribution through PDS could help in improving nutritional value among tribals and assist in reduction of such cases.

Action: Distt. Admin./Govt. of Tamil Nadu

4.7 The Commission also discussed the performance under MG NAREGA scheme. On being asked, the Commission was informed that 100 man days of work has been given in Siriyur tribal village to the job card holders. Presently, wages @ Rs. 132/- per day is being paid to the workers employed under this scheme. It was agreed that 100 man-days work is not sufficient for improving the condition of tribals and the Commission suggested that the existing provision of engagement of 100 man-days of work needs review commensurate with the assessed demand in the tribal areas.

Action: District Admin./Govt. of Tamil Nadu

#### **Visit of the Commission to village Kolikarai**

5.0 In the afternoon the Commission visited Kolikarai village of the District which is inhabited by Irula primitive tribal group. These tribal group, with a few sub-sects among them live in Masinagudi area and in parts of Kotagiri and Coonoor taluks. They are generally engaged in collection of minor forest products. They also work as casual agricultural labourers locally. Some other persons of the community look after the herds of cattle belonging to others. Some are engaged in agriculture in the patta land, conditionally assigned to them, where they have raised tea, coffee, jack tree, gova etc. The Commission held a detailed discussion with the tribal villagers. Representatives of nearby Vangudishola and other nearby villages belonging to Kurumba tribe were also present at the venue. Following demands were produced by the tribals before the Commission:

i) The access road connecting the village from the main road passes through the tea estate and it is a private road. The owners of the tea estate are restricting the movement of the villagers. Similar problem also exists in other tribal villages of the District. The Govt. should acquire the road and make it a public road.

Action: Distt. Admin./Govt. of Tamil Nadu

ii) The houses given to the tribals by the Government are not in good condition. The government should provide monetary assistance to them in repairing of their houses. Moreover, culturally suitable houses should be made available to the houseless tribals.

Action: Distt. Admin./Govt. of Tamil Nadu

iii) A permanent building for the fair price ration shop should be provided by the State. This shop is being run by a tribal female self-help group of Kolikarai village.

Action: Distt. Admin./Govt. of Tamil Nadu



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iv) The self-help groups are facing problem related to micro finance, as banks do not help them and demand guarantee. The State should support them with guarantee to help these SHGs to finance their activities.

Action: Distt. Admin./Govt. of Tamil Nadu

v) The villagers demanded opening up of fair price ration shop in Kunjapani village. Presently the villagers are purchasing ration from Kolikarai village ration shop, which is 6 kms away.

Action: Distt. Admin.

vi) The problem of drinking water availability was also reported to be acute as there was only one well for 450 households.

Action: Distt Admin.

5.1 The Commission also visited Dr. Narasimhan Hospital of the Kolikarai village, which is run by Nilgiri Adivasi Welfare Association. The Commission was informed that the Ministry of Tribal Affairs has given grant to run this hospital. The Coffee Board had donated beds for the patients in the hospital. The Commission interacted with the tribal patients, and appreciated the services rendered by the doctors and other staff. More financial assistance from MTA was desired by the hospital administration for improving and expanding the facilities in the hospital. The Commission advised the Distt. Admin. to formulate a proposal in this regard with full justification for seeking approval of the competent authority.

Action: Distt.Admin.

5.2 After the meeting, the Commission proceeded for Kotagiri and visited the office of the Keystone Foundation - a group for eco-development initiatives and saw the activities undertaken by them for economic empowerment of tribals, especially belonging to Kurumba primitive tribal group. Many groups of this community have been trained for honey hunting activities and collection of other forest produces. The Keystone Foundation helps in marketing of these produces and ensures that fair price is provided to the persons engaged in these activities.

**01-07-2012**

**Local visits of the Commission in and around Udhagamandalam.**

6.0 The Commission visited Doddabeta peak, which is the highest point in the Nilgiri Mountains. The Commission also visited the botanical garden. The Commission was informed that earlier the place where the present garden exists, was a Toda tribal settlement. The British occupied this place for the botanical garden. This garden was completed in the year 1867 and it is having one of the largest collections of various species of plants and trees. Many Toda individuals are getting employment in the garden as workers. Near the gate of the garden, a Toda hut has been prepared. A self-help group

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named Toda Then Malar is running its activities near the Toda hut and it is selling various products produced in this region. A Toda lady belonging to Munjakkal Mund demanded for allotment of agricultural land to the 50 land less families of her village. The Director, Tribal Welfare Department, Govt. of Tamilnadu who was accompanying the Commission, informed that on receiving written requests, the same shall be considered by the department.

Action: Govt. of Tamil Nadu

### **Visit to Tribal Research Centre**

6.1 In the afternoon, the Commission visited Tribal Research Centre where Director, Tribal Research Centre and other Sr. officers received it. Tribal delegates belonging to Toda, Kotha, Panian, Kurumba and other communities welcomed the Commission in their traditional way. Thereafter the Commission visited the museum of the Centre. The Commission was very happy to observe the large collection of items used by various tribal groups and advised the Director, TWD, Govt. of Tamil Nadu to develop this museum as one of the important tourist destination in and around Udthagamandalam. Hon'ble Chairman and Members of the Commission also planted saplings in the herbal garden being developed in the campus of TRC.

Action: Govt. of Tamil Nadu

### **Meeting with tribal delegates.**

6.2 The Commission held a meeting with large number of tribal representatives and individuals present in the Tribal Research Centre. Following issues relating to the tribals of the District and the State were raised by the tribal delegates during the meeting:

- i) Other communities are grabbing the land belonging to tribals. The State Government should take effective measures to stop land alienation.
- ii) There is a need of verification of caste certificates as a large number of persons belonging to other communities have obtained bogus caste certificates and entered in government jobs depriving the real and deserving tribals.
- iii) In Tamil Nadu, different departments are utilizing funds allocated under the Tribal Sub-Plan (TSP). This expenditure is not being properly monitored, as there is no separate tribal welfare department in the State. For proper implementation of various schemes for the welfare of Scheduled Tribes, a separate Tribal Welfare Department in the State should be constituted.
- iv) There is no tribal extension officer posted at Gudalur taluk where Mullukurumba, Khatnayaka and Panian community persons are residing in large number.
- v) Recognition of individual and community forest rights of the forest dwellers should be urgently made under the Forest Right Act.



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- i) The 100 days work ceiling in the MG NAREGA scheme should be enhanced to minimum five months.
- vii) House site pattas and agricultural land to landless tribals should be distributed in the State. Waste land should also be distributed among the tribals.
- viii) Employment opportunities for the primitive tribal groups should be created in government sector as well as private sector. First point in the roster should be made reserved for Scheduled Tribes as the present roster is not in favour of the Scheduled Tribes and the number of STs comes at Sl. No. 50. There are huge vacancies in the State Transport Corporation and other Corporations, which should be filled.
- ix) Community cultural hall should be established for Scheduled Tribes of the district at Udhagamandalam.
- x) New office of National Commission for Scheduled Tribes should be opened at Chennai to look into the implementation of safeguards and other programmes for the welfare of Scheduled Tribes.
- xi) Forest department officers are not allowing buffalo grazing in Bikkabothi village. Their community rights are not being recognized in the matter. Necessary instructions should be issued to the concerned officers not to harass the tribals grazing their animals.
- xii) An industrial training institute should be opened in Kottagiri to provide skilled training to the tribals in various trades.
- xiii) Chitta pattas were given to the members of the Toda community in the past. Names of the successors should be added in the Toda patta. Presently the land is not in their names as a result of which they are facing hardships.
- xiv) Tribal Marketing Co-operative Society should be formed for marketing of the produces.

Concluding the meeting, the Commission directed the Director, TWD to take necessary steps in solving the problems being faced by the tribal community. It was assured that the Commission will take up these issues at the appropriate level with the State government and Govt. of India.

**02-07-2012**

7.0 Several tribal delegates met the Hon'ble Chairman of the Commission in the morning and submitted their representations. The Commission left Udhagamandalam in the afternoon for Mettupalayam. From Mettupalayam, the Commission boarded Nilgiri Express in the night for Chennai and reached there early in the morning.

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**03-07-2012**

**Meeting with Defence Factories' SC/ST Employees Co-ordination Committee, AVADI**

8.0 The Commission held a meeting at HVF, Avadi with Defence Factories' SC/ST employees coordination committee office bearers and Scheduled Tribe employees working in HVF, OCF, EFA and CVRDE (DRDO). Liaison officers for SC/ST in HVF, OCF and EFA were also present in the meeting. Following issues were raised before the Commission in the meeting:

i) Many employees in these Factories are working on the basis of alleged bogus community certificates depriving the genuine SC/ST candidates. The Management may be directed to take necessary action against these employees.

ii) The DoPT OM No. 36012/45/2005-Estt. (Res) dated 10-8-2010 states about adjusting the SC/ST candidates appointed on their own merit and not owing to reservation or relaxation of qualification against unreserved points of the reservation roster irrespective of the fact whether the promotion is made by selection/ non selection method. Further it was also clarified that these orders shall take effect w.e.f. 2-7-1997. Some of the Ordnance Factories have implemented the above-mentioned OM, while it is not being implemented in other factories including the Factories at Avadi and CVRDE (DRDO). Instead of implementing this order, show cause notice was given to unreserved employees who have gone to the CAT, Chennai and obtained stay from the CAT resulting in delay in further promotion and loss of seniority of SC/ST employees.

iii) SC/ST Association office bearers in all the Defence Factories of Avadi are being victimized and harassed by issuing charge sheet under rule No. 14 & 16 of CCs (CC&A) Rules, 1965. A total of 66 SC/ST employees have been given charge sheet in EFA, 6 in HVF and 3 in OCF. Such action should be stopped.

iv) De-reservation of the post of STA 'B' reserved for ST in CVRDE. This post was ought to be filled by direct recruitment due to non-availability of ST candidate for promotion as per the DoPT OM dated 25-6-2010. However, CVRDE proceeded with filling up of the post without seeking approval for de-reservation of the post.

v) Rosters are not been maintained in CVRDE, Avadi and they are being operated with effect from the year 2000 instead of 2-7-97.

vi) SC/ST liaison cell has not been set up in the Ordnance Clothing Factory, Avadi and also in many other Ordnance Factories to assist the Liaison Officer for redressing the grievances of SC/ST employees.

vii) Non-filling of SC/ST backlog vacancies in CVRDE, Avadi . This establishment has implemented the post-based roster without filling the backlog vacancies.

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viii) Rosters in allotment of government accommodation in Avadi based Factories should be seriously followed.

ix) The percentage of reservation for Scheduled Tribes in direct recruitment in Group 'A' and 'B' is 7.5%. It is 7.5% in promotion also. However, in direct recruitment for Group 'C' posts, regional level reservation of one percent is applicable. This is resulting in non-availability of ST candidates for promotion in Group 'A' and 'B' categories. In direct recruitment to Group 'C' posts also, the intake of ST candidates is only one percent. Under such a scenario, it is difficult to fill up 7.5 percent posts for STs while going for promotion? This is a discrepancy in the policy, which should be addressed through provision of reservation of 7.5% in DR as well as in promotion.

### **Meeting with management of HVF, OCF and EFA**

8.1 The Commission was given a warm welcome by Shri A.Khanwalkar, Member (Personnel) and Shri M.C.Bansal, Member (Armoured Vehicle). Sr. GMs and GMs of the Ordnance Factories at Avadi were also present in the meeting. A power point presentation on the implementation of reservation policy and other safeguards provided to the Scheduled Tribes in the three Ordnance Factories based at Avadi and OFB as a whole was also presented in the meeting. Following action taken reports were presented before the Commission in the meeting:

### **8.2 Follow-up action in respect of points discussed during visit of the Commission to OFB, Kolkata in the year 2009 and other pending issues.**

#### **i) De-reservation of 5 posts of Assistants-**

Promotion of 5 UDCs to the grade of Assistant was effected against a proposal of de-reservation in the year 2006, although formal approval from the competent authority in this regard was awaited. The position was reviewed in the year 2007 while holding review DPCs for implementation of Govt. of India orders on 85<sup>th</sup> amendment of the Constitution towards inter-se-seniority between reserved category employees and unreserved category employees in promotional grades of ministerial cadre in OFB H.Qs. During the review, the promotions effected earlier by de-reservation were also reviewed and negated but all the UR category senior employees could be accommodated against regular UR vacancies. In this process, it was ensured that no adverse effect in respect of any ST category employee is made in the respective grades. This position was further reviewed in the year 2011 by holding review DPCs while implementing DoPT O.M.No. 36012/45/2005-Estt (Res) dated 10-8-2010 (the concept of own merit in non-selection posts). Thus, the action taken by OFB in this matter is complete.

The Commission noted that the case reveals that the existing system in the Deptt. of Defence Production and the OFB was deficient to result in such a case where the OFB had proceeded with de-reservation of post in September 2006 itself, based on the DoPT O.M.No. 1(8)/2006/SCT dated 14<sup>th</sup> September, 2006 which was not even addressed to them. It is noted that the aforesaid O.M. was faxed by the OF Cell to the Ordnance



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Factory Board and thereafter, OFB acted on this. The Commission, therefore, desired that the OFB should issue necessary instructions to all concerned to avoid recurrence of such cases.

Member (Per.), OFB submitted that the instant case was a solitary aberration and the corrective action in the matter was taken by the organization during 2007 itself, within a period of six months. Member, OFB regretted the error and requested the Commission to kindly treat the matter settled under the circumstances mentioned above.

The Commission decided not to pursue the case considering the position explained by the Member (Per.), OFB in the matter.

ii) Special recruitment drive for filling up the backlog posts of STs by direct recruitment

Special recruitment drive for filling up the direct recruitment posts reserved for STs was undertaken during the year 2008-09. As a result of it, one vacancy in Group 'B' and 206 vacancies in Group 'C' and 'D' (now upgraded to Group 'C') were identified as on 1-11-2008. A total of 160 vacancies have been filled so far and action is in hand to fill up one Group 'B' post and remaining 46 Group 'C' posts.

iii) Special recruitment drive for filling up the backlog posts of STs by Promotion


Special recruitment drive for filling up the promotion post reserved for Scheduled Tribes was also undertaken during 2008-09. In the process, 455 vacancies in Group B and 1431 vacancies in Group 'C' and 'D' (now upgraded to Group 'C') were identified as on 1-11-2008. Out of them, 251 Group 'B' and 1299 Group 'C' posts have been filled so far. Now there is a backlog of 204 posts in Group 'B' and 132 posts in Group 'D' category in the organization.

iv) Computerized roster management system

OF Medak has devised a logic-based programme on which the computerized version of the roster management system will operate. The presentation on this issue was separately made by the OF, Medak.

v) Computerized grievance redressal mechanism

The organization is holding regular meetings with SC/ST representatives. The complaints are mostly related to service matters and miscellaneous individual grievances. The Liaison Officers in the Factories act as a channel of communication between the HOD and the ST employees. A computerized grievance redressal mechanism will be operational soon. OFB has already taken up with MOD by providing a list of 61 Units/Factories, which include the names of heads of Units/Factories and their complete postal address for providing password and user ID for institutionalizing computerized grievance redressal mechanism.

  
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8.3 **Follow-up action in respect of points discussed during visit of the Commission to OFPM, Medak on 24-8-2011**

i) Maintenance of post based roster as per government guidelines

Consequent on restructuring of cadre of Artisan staff in industrial establishment w.e.f. 1-1-2006, post based roster in all the grades have been prepared/made available to the Liaison Officer.

ii) Non representation of SC/ST officer or Association in Compassionate Appointment Committee

Officer belonging to reserved category at the level of Assistant Works manager has been nominated as a member for Compassionate Committee.

iii) Supply of Government orders pertaining to SC/ST Associations

SC/ST Cell has been provided in Administration Block, which is equipped with furniture, PC and all the government orders pertaining to reservations, concessions and other issues concerning STs.

iv) Filling up all SC/ST vacant posts in all the categories

Group 'A' & 'B' posts are filled through UPSC and controlled by OFB/Ministry of Defence. All Group 'C' posts in the industrial/non-industrial cadre are being filled as per the rules.

v) Provision of Ambedkar library in the estate premises-

Literature relating to Dr. B.R. Ambedkar, commentary on social issues, Constitution of India, reservation and concessions etc. have been provided along with book shelves at SC/ST Liaison Cell functioning at OF, Medak. Similar arrangements are being made at junior and senior clubs where library is already functioning for the benefit of estate residence and their children.

vi) Grievance redressal mechanism-

On-line grievance registration has been developed so that workman of SC/ST or any category can apply with minimum details at the place of work. Joint GM/ Admin holds the grievance redressal hearing and at the Industrial Canteen. Liaison officer has also been nominated to interact with the SC/ST employees.

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vii) Non-implementation of reservation policy in respect of allotment of residential accommodation to SC/ST employees

SC/ST employees are being allotted residential accommodation over and above the percentage prescribed for them in all the types of quarters.

viii) Computerization of roster-

A logic based computerized reservation roster has been designed and the same is being tested for its utility from January 2012 onwards.

ix) Non implementation of the SC/STs State Commissions directives in respect of Shri M.Sunder-

The claim of the individual to grant promotion from December 1994 is not legally sustainable, as decided by CAT. Presently, the matter is sub-judice. The individual has been promoted to the post of Charge-man (I) w.e.f. 29-1-2010 against the post reserved for ST category.

8.4 Issues discussed and decided during the meeting

i) The Commission observed that there is abnormal delay of about 3 years in establishing the logic computerized roster management system and the same is still in the testing stage at the Ordnance Factory, Medak. The Commission advised to test the same in other Factories also and to implement it in all the establishments under OFB within a period of three months. The development of the system should also be shared with the Commission so that the initiative taken by the OFB can be highlighted as a model for other government organizations and PSUs. Member (Per.), OFB assured that the progress of development of the system in the Factories would be closely monitored to ensure its establishment within the targeted time-frame.

Action: OFB

ii) Computerized grievance redressal mechanism shall be made operational in all the establishments under OFB within a period of 3 months.

Action: OFB

iii) There is one- percent reservation applicable for STs in the Group 'C' posts filled by direct recruitment on regional/local basis. However, in promotion to Group 'B' and within Group 'C', percentage of reservation is 7.5%. As a result, the posts remained unfilled due to non-availability of ST candidates for promotion against the posts reserved for them.

The Commission informed the OFB that the Railways have taken certain initiatives to improve the level of representation of SC and ST candidates. The Board was advised to interact with the Railway authorities and examine the feasibility of implementing the measures taken by the Railways and also suggest other steps/ measures to improve the representation of STs.



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The Commission also advised the OFB to project this issue with the Ministry. Amendment of the SROs in case of promotion can also be considered with a provision that in case, suitable SC/ST candidates are not available for promotion, the posts may be filled by direct recruitment from the respective category at the same or lower stage.

Action: OFB

iv) The Commission was satisfied over the action taken by the OFB in correcting the mistakes committed by it in de-reserving the posts of Assistants and negating its adverse effects on SC/ST employees.

**8.5 Reply of the Management on issues raised by the Defence Factories' SC/ST Employees Welfare Association and the ST employees:**

i) Action is taken by the Management of all the Factories under OFB as per the Govt. of India instructions in cases of bogus caste certificates. Many such cases have been sent to the concerned authority in the District and the State for verifying the social status of SC/ST employees working in these Factories. However, there is delay in getting final report from the Districts and the State. The Commission directed the Management to vigorously follow up such cases regularly till a final report is not received.

Action: OFB

ii) As far as implementation of DoPT OM. dated 10-8-2010 related to adjusting the SC/ST candidates appointed on their merit against the unreserved points in the roster is concerned, the Commission was informed that the EFA has not been able to implement the aforesaid O.M as a result the stay granted by the CAT, Chennai. Member/Per, OFB informed that in HVF and other Factories, instructions have been issued to follow instructions contained in the said O.M. Member/Per also informed the Commission that actual position regarding implementation of the DoPT OM dated 10-8-2010 was being ascertained from the Factories. The Commission was also informed that the Punjab & Haryana High Court had also granted stay in similar case filed by some other Parties.

The Commission observed that the employees belonging to general category were asked to give their comments regarding implementation of the DoPT OM. by the Management of EFA and thus, they got the opportunity to go the CAT and obtain stay order. However, the Commission advised that the OFB/EFA should make efforts to have the stay vacated at the earliest. OFB should also communicate actual status of implementation of the DoPT OM (with reasons of its non-implementation in other Factories, if any) within a month to the Commission.

Action: OFB/EFA

The Commission also observed that in view of the reported stay granted by the Punjab & Haryana High Court in a similar case, the DoPT should take necessary action urgently to facilitate implementation of the DoPT O.M. and also apprise the Commission of its outcome within a month.

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iii) The Management of the Factories is not harassing office bearers of the SC/ST Welfare Committee. The issuance of charge sheet is a disciplinary matter. The Commission decided not to intervene in such matters.

iv) The issues related to CVRDE (DRDO) shall be taken up separately.

v) The Commission advised the OFB to continue its efforts to fill up the backlog posts in DR as well in promotion in a phased manner.

Action: OFB

vi) The Commission advised to keep the post-based rosters at the web-site of different Factories for transparency. After every recruitment/promotion process, the names of SC/ST/OBC employees selected should be made public on the web-site.

Action: OFB

vii) The complaint related to non-maintenance of rosters for the allotment of residential accommodation could not be established in the light of the facts and figures furnished by the Management.

Action: OFB

**4-07-2012**

**Meeting with Indian Overseas Bank SC/ST Employees Welfare Association**

9.0 In the forenoon the Commission held a meeting with the office bearers of the SC/ST Employees Welfare Association of the Indian Overseas Bank. Following issues were raised by them before the Commission:

i) Scheduled Tribe officers and employees are not being posted at important positions like advances, foreign and vigilance departments in the Bank.

ii) SC/ST employees and officers should be given training to improve their capabilities and potential in specialized fields. Training should also be given in communication and negotiation skills.

iii) The SC/ST officers are finding it difficult to get the promotions from grade III to grade IV. This is resulting in lesser representation of SC/ST officers at higher level.

iv) There are 104 cases of bogus community certificates pending in the Bank for verification. The Bank authorities should speed up the action in such cases.

v) There is a Ministry of Finance, Department of Financial Services Circular F.No. 4/11/1/2011-IR dated 3-5-2012 in which it has been directed that at least 60 percent marks are required for 3 consecutive years for obtaining promotion. There is no



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relaxation for SC/ST employees in the Circular. SC/ST employees are finding it difficult to get the promotion.

vi) No accommodation/space has been provided to the Association for running its activities in the Hqrs. Office of the IOB. The same is urgently required.

vii) Earlier there used to be one member from the SC/ST category in the Board of Directors of the Bank. For the last six years, there is no representation of SC/ST category in the Board of Directors of the Bank. It was requested that at least one person from SC/ST category should be nominated in it.

### **Meeting with the Management of Indian Overseas Bank**

9.1 The Commission was given a warm welcome by Shri M.Narendra, CMD of IOB. Thereafter, the Commission was appraised about the history and development of the Bank including CSR activities. A detailed discussion, based on the reply to the questionnaire sent to the Commission by the Bank and the feed back received from the ST employees of the Bank was held with the Management. Following points emerged out of the meeting:

i) The Commission observed that there is no representation of SC/ST category in the Board of Directors of the bank. It was advised to consider nomination of at least one person from this category in the Board of Directors, CMD of the bank assured the Commission to take necessary steps for the same.

Action: Ministry of Finance

ii) The Commission recommended for providing training to the ST employees and officers to enhance their skills as they belong to the deprived section of the society and are generally shy in nature. The training to the ST employees in the areas of critical operation, where the bank is expanding its activities, also improve their promotion prospects. The CMD, Overseas Bank assured to look into the matter.


Action: CMD, IOB

iii) The Commission shared the feeling of ST employees with the management that they are not being posted at the important places in the Bank viz. advances, foreign and vigilance departments etc. The Management assured the Commission to look into the issue and take necessary decisions to provide exposure to the ST employees in important departments/ divisions.

Action: CMD, IOB

iv) Chairman NCST observed that the ST employees are finding it difficult to get promotion from grade III to grade IV. At this level, the Bank should come forward to support them by imparting training in the areas of deficiency to facilitate growth of their carrier according to the requirement of the Bank at level IV and above. The Commission also advised the IOB to provide a copy of the Ministry of Finance circular referred to in para 8.0 (v) above.

Action: CMD, IOB

  
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v) The Commission desired that the Management should extend more assistance for the development of Scheduled Tribes in its CSR activities. It was suggested that the tribals should also be provided help in the field of education and self-employment.

Action: CMD, IOB

vi) The Commission advised the Management to take serious view in the matter of alleged bogus certificates reported to be 104 in number. Verification of these cases should be taken up with the concerned officers and followed up regularly. The Management assured the Commission that it would vigorously follow-up the issue with the concerned authorities till the cases are decided.

vii) On the issue of allotting office space to the ST employees Association for its welfare activities, the Commission was informed that there are three such associations and each one of them is demanding space for the office. It shall not be possible for the management to provide space to all the Associations. The Associations have also been advised to unite together. However, the Management, agreed to consider provision of space to the united Association.

Action: IOB

The Commission advised the CMD, IOB to urgently establish computerized roster management system (logic-driven) and Grievance Management System and also host it on their website as a measure of introduction of desired transparency and also to facilitate access by the employees. The CMD, IOB assured the Commission that the system will be established urgently.


Action: CMD, IOB

CMD, IOB briefly explained the activities/ studies taken up by the Bank for the welfare and socio-economic development of SCs/STs under the SCP/TSP. The details of these activities/ studies have been annexed to the filled questionnaire submitted by the Bank for the review. The Commission appreciated the initiatives taken by the Bank in providing support for socio-economic development of STs, particularly in the Nilgiri District.

#### **Meeting with Chennai Petroleum Corporation Ltd. ST Employees Welfare Association**

10.0 The Commission visited CPC where Shri S.Venkatremana, the CMD of the Company and other Sr. officers, welcomed it. The Commission held a meeting with office bearers of the Chennai Petroleum Corporation Ltd. ST Employees Welfare Association. Liaison officer for SC/ST was also present in the meeting. Following issues/demands were raised before the Commission:

- i) Separate Liaison officer for STs should be appointed in the Company for the focused attention on the problems of these employees.
- ii) Check-off facility is not being provided to the Association by the Company..

  
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iii) There is one percent reservation for ST candidates in the non-supervisory group CND cadre whereas 7.5% reservation in Group 'A' and 'B' supervisory cadre. This is leading to a backlog in Group 'B' category due to the gap in percentage of reservation in different categories. This should be suitably addressed.

iv) The backlog vacancies have remained unfilled for the past several years due to the above anomaly. CPCL should amend its recruitment rules and go for direct recruitment from the ST category to fill up the backlog vacancies. The promotions for ST category have not been made for the last 3 years from Group 'C' to Group 'B'. Presently, there is a backlog of 13 posts in Group 'B' and only 2 eligible ST employees are available for promotion. This promotion should be made from the date of their eligibility.

v) There are only 3.41% ST employees in Group 'A' and 2.84% employees in Group 'B' category belonging to the ST category. This has occurred mainly due to exchange of vacancies from ST to SC. Hence, special recruitment drive should be undertaken to fill up the shortage. Moreover, there is no single ST employee working at the middle/top management level like CM/DGM/GM.

vi) No ST representative is nominated in the DPC and TSP Committee. ST representatives should be included in these Committees.

vii) Separate Liaison Cell should be created in the CPCL to ensure proper implementation of reservation policy and to redress the grievances of ST employees.

viii) The caste certificate submitted by many employees are not genuine and the management should take urgent steps for proper verification of these certificates.

#### **Meeting with Management of Chennai Petroleum Corporation Ltd.**

10.1 The Commission held a detailed discussion with the CMD in-Charge and other senior officer on the issues raised by the Association and the reply of the questionnaire sent to the Commission by the CPCL. Following points emerged out of the discussion:

i) The demand of separate Liaison Officer for the Scheduled Tribe employees is not in concurrence with the DoPT orders on the subject. The present Liaison Officer nominated by the Management was doing well. The ST Employees Association has no complaints against him. Hence, the matter does not require any advice on the part of the Commission.

ii) The check-off system for the ST Employees Welfare Association was not feasible at the moment due to very limited number of members. Moreover, there is one common association for SC/ST employees also which is having large number of members including the Scheduled Tribe employees. It was suggested that the ST Employees Welfare Association should try to strengthen itself by associating new members. Then only the check-off system could be feasible.

Action: CPCL

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iii) The Management agreed that in promotion from non- Supervisor (Group 'C') to Supervisor cadre (Group 'B'), there is a backlog due to the reason that one percent reservation is applicable in Group 'C' whereas 7.5% reservation for STs is applicable in promotion to Group 'B' posts. The Commission advised the Management to project this problem with the Ministry and the BPE/DoPT. It was also advised to promote the Scheduled Tribe employees waiting for their promotion, subject to their eligibility. The Commission also advised to clear the two shortfalls in Group 'B' in the ST category.

Action: CPCL

iv) The Management informed the Commission that there is no officer belonging to ST category at the level of DGM in the CPCL. Hence, an officer belonging to this category can be included in the DPCs and Selection Committees only when such officer is available. However, the Management agreed to nominate a representative of the Association in the TSP committee.

Action: CPCL

v) The Management of the CPCL agreed to take action in the cases of alleged bogus certificates and follow up the matter with the concerned authorities in the State.

Action: CPCL

**05-07-2012**

**Meeting with Vice Chancellor, University of Madras regarding implementation of reservation policy in services and admission.**

11.0 The Commission held a meeting with the Vice Chancellor, Registrar and other Head of Depts. of University of Madras in the conference room. The Commission was informed that there is no ST employees association in the University. Hence, the discussion was held on the general issues concerning the Scheduled Tribes in services and education. Points emerged in the reply to the questionnaire sent by the University of Madras were also discussed as given below:

i) Vice Chancellor briefed the Commission about the history of University of Madras. It was established as an English medium school on the demand of 70,000 members of public. Later it was made a college which further became the University of Madras in 1857. Sir Christopher Rawlinson was the first Vice Chancellor of the University. It is one of the three Universities established by the British in India having 70 departments in humanities and science. About 4,400 students are taking higher studies in the University campus. 160 colleges with 2.5 lakhs students are affiliated with the University. Another 2.5 lakh students are pursuing higher studies through distance education in the University. The Commission was informed that the sanctioned strength of the faculty numbers in the University is 440 whereas 230 faculty members are in position. In non-teaching category, about 820 employees are working. Many teaching and

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non-teaching posts are vacant. Action is in hand to fill up these posts. However, there is no backlog of ST posts.

ii) During the discussion, it was informed that the University is following the orders of UGC and Government of Tamil Nadu in the matter of reservation policy in posts and services and in admission to various courses. In various courses conducted by the University, the reservation for Scheduled Tribes is one percent (in proportion to the ST population of the State) whereas the percentage of ST students admitted is 0.37% only. The Commission was informed that no ST student is denied admission in various courses conducted by the University. The Commission felt that more attempts are required on the part of the University to fill-up these gaps.

iii) The Commission appreciated that the University was providing reservation for ST students in admission to Ph.D. The Commission also appreciated the scheme of waiver of tuition fee for the poor and advised the University to ensure that ST students are also benefited.

iv) The Commission noted with great concern that there is no representation of STs in the teaching departments and a meager representation (only 3 employees) in non-teaching department. It is nil in terms of percentage in teaching department and 0.4% in non-teaching department. This was due to the reservation percentage being one percent only and the roster prescribed by the government of Tamil Nadu where the point for Scheduled Tribes comes at S.No.50. In such a situation, it will take many more decades for the Scheduled Tribes of the State to get appointment on the basis of reservation. The Commission directed the University administration to reach the prescribed percentage of STs in non-teaching category at the earliest.

Action: University of Madras

v) The Commission also observed that the University is following rosters department-wise and no grouping of posts has been done in the teaching posts. This position is contrary to the method adopted by the Central Universities where all the teaching posts, irrespective of department, have been grouped together for providing reservation to the SC/ST and OBC category. The Commission advised the University to review the procedure in the light of the DoPT O.M. dated 2-7-1997.

Action: University of Madras

vi) The Commission also suggested to apply L shaped roster in small cadres to provide representation to all the sections in the services.

Action: University of Madras

vii) The Commission also advised the University to take a lead in conducting research on the issues affecting the condition of Scheduled Tribes and to provide feed back to the government on the impact of various development programmes being run by the Union and the State Government for their welfare.

Action: University of Madras



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viii) The Commission closely interacted with the faculties of the History, Anthropology, Mass Communication, Political Science etc., and noted with appreciation the studies being conducted by the Deptt. of Anthropology, History, Political Science, Mass Communication. The Chairman, NCST desired that these faculties had wealth of knowledge in their fields and they should be considered for undertaking studies on tribal related issues and also for experts groups set up by the MTA, HRD, Planning Commission etc.. on matters concerning STs.

Action: Ministry of Tribal Affairs/Ministry of HRD/Planning Commission

**Meeting with All India SC/ ST Railway Employees Association of Southern Railway.**

11.1 The Commission held a meeting with All India SC/ST Railway Employees Association of Southern Railway. President, General Secretary and various office bearers of the Association were present in the meeting. The CPO, Southern Railway was also present in the meeting. Following issues were raised by the Association in the meeting:

- i) The representatives of the Association informed the Commission that many persons have secured employment on the basis of bogus caste certificates in the Southern Railway and the real Scheduled Tribes are not getting employment. About 200 such cases are pending in the six divisions of Southern Railway for the last 5-6 years. The Association demanded that the Commission should direct the Railway authorities to speed up the process of verification of caste certificates.
- ii) In the State of Tamil Nadu, there is 18% reservation in posts and services for Scheduled Castes and one percent reservation for Scheduled Tribes. There is 15% and 7.5% reservation for them respectively in the services under Indian Railways. Hence, the reservation for STs in the services under the State should be increased to 3%.
- iii) Exchange of vacancies was permissible between the SCs and the STs earlier. Now it is not permissible under the rules. It should be allowed again.
- iv) Special recruitment drive for filling up to the posts reserved for SCs and STs should be geared up.
- v) Rosters are not being maintained properly in the Southern Railway for allotment of residential accommodation.
- vi) As per the Railway Board instructions, 11th pass qualification has been prescribed as a minimum qualification for obtaining compassionate appointment. It should be made 8th Class pass for SC/ST category.



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vii) The Management has transferred 10 SC/ST employees recently who are going to retire within 3-4 years. Only SC/ST employees have been included in the transfer list. This order should be withdrawn.

**Meeting with GM and other Senior Officers of Southern Railway to review implementation of reservation policy in service and schemes/ programmes for Scheduled Tribe Employees.**

11.2 Shri A.K.Mittal, General Manager, Southern Railway welcomed the Commission. Thereafter, a power-point presentation was made before the Commission providing detailed information related to jurisdiction, growth and human resources in the Southern Railway. The Commission was informed that a total of 4,994 km route comes under the Southern Railway out of which 1,898 km (38%) is electrified. The jurisdiction of the Railway extends wholly or partly in the states of Tamilnadu, Kerala, Andhra Pradesh, Karnataka and Puducherry. A total of 727 railway stations come under their jurisdiction and on an average 1,234 Mail/Express, Passenger and sub-urban trains are operated every day carrying 802.75 million passengers. The Commission was informed that Southern Railway has a total sanctioned strength of 1,08,680 officers and staff out of which 91,442 were actually working with them as on 1-4-2012. This includes 532 Group 'A', 654 Group 'B' and 90,256 Group 'C' officers. In-Group 'A', there are 37 officers belonging to the ST category where as in Group Band 'C', their number is 32 and 5,853 respectively.

11.3 The Commission discussed the issues raised by the All India SC/ST Railway Employees Association of Southern Railway with the Management and also pointed out shortcomings noticed by it in the reply to the questionnaire sent to the Commission by them. Following points emerged out of the discussion:

- i) The Commission observed that as per the information given to the Commission, there was a shortfall in-Group 'B' & 'C' posts in ST category. It was 14 and 1,708 respectively. The Commission was concerned over this huge backlog and desired to know about the time-frame to fill up these posts. The Management informed that indent has been placed with RRB and RRC to fill up 1,636 posts and by the year 2013, most of the backlog in ST category shall be cleared. The Commission directed the Management to speed up the process of filling these vacant posts by appointing suitable ST candidates.

Action: General Manager, Southern Railway

- ii) The Commission was briefed that a total of 8 complaints were received from the Scheduled Tribe employees during the last 3 years. All of the complaints were disposed. However, it could not be clarified that out of these 8 complaints, how many complaints were disposed off favourably. The Management agreed to provide this information separately.

Action: General Manager, Southern Railway

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iii) The Commission noticed that 195 cases of false caste certificate were received and in 3 cases only, the employee found guilty for production of false caste certificate. Their services were terminated. Five cases were pending before the Court, 168 cases were pending with the District/State level Committee for verification and in 19 cases departmental inquiry was going on. The Commission directed the Management to regularly follow up the cases pending with the districts/ State Level Committees and complete the departmental inquiry urgently.

Action: General Manager, Southern Railway

iv) The Commission noted with appreciation that out of 365 posts notified for Scheduled Tribes through RRC notification dated 24-11-2007, 649 candidates belonging to ST category were appointed. Out of which 284 ST candidates, who were high on merit, were charged against unreserved vacancies.

v) The Commission pointed out that an issue has been raised in the meeting with Association that minimum qualification of class XI for appointment on compassionate ground and in Indian Railways has been made. The SC/ST employees were demanding for providing a relaxation in qualification in such cases on the plea that the level of literacy among this group is comparatively lower due to poor socio-economic background. The Commission was informed that as per the Railway Board instruction, the minimum qualification of class X pass/ ITI has been made for all. Further, the discretionary powers have been given to the General Managers of the zones in such cases. Hence, it will not come in the way of providing compassionate appointment to the non-qualified SC/ST candidates in deserving cases.

vi) The Management of the Southern Railway informed the Commission that pool-wise rosters are being maintained for allotment of residential accommodation. In fact, many employees do not prefer to take government accommodation due to the hike in house rent allowance.

vii) The Commission referred to the discussion held with the Association and informed that a complaint has been made before the Commission regarding transfer of 10 employees belonging to the SC/ST category. The Commission has also been informed that only SC/ST employees have been targeted for transfer in the said order. The GM, Southern Railway assured the Commission to review the same.

Action: Southern Railway

viii) The Commission was also informed that as per the Railway Board's direction issued in the year 1999, the posts remaining vacant in the promotion process due to non-availability of SC/ST candidates in the feeder cadre are filled by going a stage below in the feeder cadre by direct recruitment where direct recruitment is



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permissible from respective category. The Commission was given a copy of the Order, which in the opinion of the Commission was useful for adoption in other organizations also.

- ix) The Commission did not agree to the demand of re-permitting the exchange of vacancies between SCs and STs in case of non-availability in the feeder cadre for promotion.

Action: Southern Railway

**06-07-2012**

**Meeting with the Chief Secretary, DGP and other Senior Officers of Govt. of Tamil Nadu on implementation of reservation policy and development programmes being run by the State Govt. and SC and ST (POA) Act, 1989 in the State**

12.0 Chief Secretary-in-Charge welcomed the Commission in the meeting. A power-point presentation was made by the Director, Tribal Welfare Department, Govt. of Tamil Nadu on the various issues pertaining to the STs. It was noted that the tribal population in the State as per 2001 Census was 6,51,321, which was 1.04% of the total population of the State. There were 2,485 habitations of Scheduled Tribes in the State. 85% tribal population is residing in the hilly areas. A total of 37 communities have been notified as Scheduled Tribes in the State. The Tribal Sub-plan is being implemented in the State since 1976-77. After the power-point presentation, Chairman, NCST advised the General Secretary, the Nilgiri Adivasi Welfare Association to present a charter of demands on behalf of the tribal groups which was followed by detailed discussion on the basis of reply to the questionnaire, meetings held by the Commission with the tribal groups and associations and field observations of the Commission.

12.1 The following issues were discussed in the meeting:

i) Education

a) The Commission noted that the literacy in respect of Scheduled Tribes was almost 32% lower than the general literacy in the State. Literacy among the ST females was also considerably lower (32.78%) in comparison to general female literacy (64.43%). The Commission, therefore desired that educational upliftment of STs should be specially focused by targeting those areas where literacy level was lower by taking initiatives like opening of new schools with residential facilities, wherever required, within the shortest time-frame. The assistance of NGOs may also be obtained in this regard, if considered necessary.

Action: Govt. of Tamil Nadu

b) The Commission pointed out that during the field visit, the tribal groups informed the Commission that the primary and secondary education being imparted to the students was satisfactory. However, the tribals are facing problem in securing admission in +2

  
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schools and colleges. This is because of reservation percentage, which is only 1% in case of tribals. In many courses, the turn of ST students for admission comes once after two or three years depending upon the number of seats. The Commission was concerned that not many members of the tribal community can get proper higher/technical education in such a scenario.. The Commission observed that imparting higher education to the tribal people should be the priority of the State and therefore, the State Government should come up with the solution by earmarking compulsory seats in each course reserved for STs.

Action: Govt. of Tamil Nadu

c) The Commission also pointed out that there were complaints regarding delay in providing scholarships to the tribal student, which was being distributed in the mid-session. It was advised that the scholarships should be distributed in the beginning of the session as the tribal students generally come from a poor background.

Action: Govt. of Tamil Nadu

d) The Commission also endorsed the genuine demand of opening of an ITI at Kotagiri in the Nilgiri District in view of the demand made by the tribal groups and requested the State Govt. for an early action in this regard.

Action: Govt. of Tamil Nadu

e) The Commission noted that there were 297 government tribal residential schools, 2 Ekalavya model schools, 40 hostels for tribal students. But there is no college level hostel for tribal girls and boys in the State. The Commission recommended opening of at least two such hostels as per requirement of the Scheduled Tribes of the State, preferably at Chennai and Udhagamandalam. The State Govt. assured to look into the proposal.

Action: Govt. of Tamil Nadu

f) The Commission also noted that as per the information provided to the Commission, about 75% seats in the Engineering Colleges remained unfilled during the last five years. The Commission advised the State Government to improve this situation through special coaching classes for entrance examination etc. so that the seats reserved for STs do not remain unutilized.

Action: Govt. of Tamil Nadu

g) The Commission observed that there was a shortage of teachers in the tribal areas. The Commission was informed that the powers for recruitment of teachers are being given to the Director, Tribal Welfare Department for improving the situation. The Commission suggested that district level cadres of teachers could be one of the solution to this problem which is seen in all the tribal areas. The State Govt. assured to review the existing system to improve availability of teachers in schools.

Action: Govt. of Tamil Nadu



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ii) Health

a) The Commission observed that the tribals were generally satisfied with the facilities and the infrastructure available in the tribal areas. However, a shortage of specialist doctors and lady doctors was reported. The Commission advised the State Government to take necessary steps for filling up these gaps.

Action: Govt. of Tamil Nadu

b) Sickle Cell Anemia was reported to be one of the prominent diseases among the tribals of the State. Persons suffering from this disease do not survive over 40-45 years. These patients cannot go for earning livelihood. The Commission suggested that the State Govt. may consider providing pensionary or monetary assistance to these patients and their families. The State Govt. assured to examine the matter.

Action: Govt. of Tamil Nadu

iii) Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006

The State Government informed that as per the provisions of the Act, village, block and district level committees were formed in the State. Individual and community claims were also received and examined. However, the recognition of the claim letters could not be distributed due to the stay granted by the High Court. The Commission advised the State Government to take necessary steps to have the stay vacated.

Action: Govt. of Tamil Nadu


iv) Land and housing

a) The Commission noted with concern that the other communities are grabbing the land belonging to the Scheduled Tribes. During the visit to Iduhatty village in the Nilgiri District, such a complaint of grabbing 30 acres of land belonging to the tribals was brought to the notice of the Commission. The Commission advised the State Government to take necessary steps for restoration of land in the above mentioned case and other similar cases. The Commission was worried to learn from the reply to the questionnaire that there is no law enacted in the State to prohibit land alienation which, in the view of the Commission is urgently required for safeguarding the land property of the tribals in the State. The State Govt. assured to look into the matter.

Action: Govt. of Tamil Nadu

b) The Commission also discussed the matter of Chitta patta land distributed to the Toda community and the problems being faced by them in inclusion of descendents of the original patta owners. The Commission desired that their problems should be sorted out urgently.

Action: Govt. of Tamil Nadu

  
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c) Distribution of agricultural land to the land- less tribals was also discussed in the meeting. The Commission advised the State Government to establish a land bank and distribute agricultural land to the land-less tribal families for their economic upliftment.

Action: Govt. of Tamil Nadu

d) The distribution of house site pattas was also reviewed by the Commission and it was observed that the number of pattas distributed to the STs by the Revenue Department and AD&TW Department were reducing every year. The Commission was informed that there is a ban on the distribution of house site pattas. The Commission opined that this scheme is very important for the overall development of the tribals and the State Government should review the position.

Action: Govt. of Tamil Nadu

e) The Commission also mentioned that there were demands by the tribal groups regarding renovation of their houses provided by the Government about two decades ago. It was also suggested to provide culturally suited houses to the tribals specially the PTGs. The State Govt assured to look into the matter.

Action: Govt. of Tamil Nadu

v) Roads

The Commission noted that many tribal villages are not connected by all weather roads to the main roads and the roads connecting many of the tribal settlement pass through forest or private tea gardens. The residents of these villages are facing problem in movement. The Commission advised the State Government to make link roads for easy movement of individuals and their produces.

Action: Govt. of Tamil Nadu

vi) Drinking water

The Commission noted that 152 tribal villages are still uncovered with the drinking water facilities. When asked about the target to cover these villages by providing potable drinking water, the Commission was informed that all villages would be covered within a years time.

Action: Govt. of Tamil Nadu

vii) Public distribution system

The Commission appreciated the public distribution system being run in the State. The tribals have reported the Commission about its effective working in the Nilgiri District. However, there were demands of opening of new fair price ration shops in the tribal areas as they have to go five to six kms to collect the ration from the ration shop situated in other villages. The State Govt assured to look into the matter.

Action: Govt. of Tamil Nadu



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viii) Miscellaneous issues

a) The Commission pointed out that there is no machinery available in the State for marketing the products collected or prepared by various tribal groups. The Commission suggested creation of a State owned marketing corporation for the marketing so that the tribals could get fair and reasonable price for their products.

Action: Govt. of Tamil Nadu

b) The Commission also suggested constructing a community hall for the cultural and community activities of the tribals in Udhagamandalam in the Nilgiri District. There was a strong demand by various tribal groups during the Commissions visit to the district.

Action: Govt. of Tamil Nadu

ix) Community Certificates

a) The Commission observed that there were complaints of delay or non-issuance of the community certificates to the tribals during the field visit of the Commission. The Commission opined that it is a right of the tribals to obtain the community certificates for getting benefit of various programmes being run for their welfare. The State Government assured to issue directions to all the RDOs working in the tribal areas to speed up the process of issuance of community certificates.

Action: Govt. of Tamil Nadu

b) The Commission was also concerned over the large number of cases of community certificates pending with district and state level committee for verification. In the meetings held by the Commission with IOB, Southern Railways, CPCL and the Ordnance Factories, Avadi, the Commission was informed about the delay in verification of caste certificates pending with the State Government. The Commission desired that the delay in verification of caste certificates should be minimized so that action can be finalized in case of bogus certificate holders.

Action: Govt. of Tamil Nadu

x) SCA to TSP

From the information furnished to the Commission, it was noted that there is no allocation of funds under SCA to TSP during the year 2011-12. On this issue, the Commission was informed that the allocation was made in the month of May 2012. The Commission advised that the utilization certificate should be sent to the MTA in time so that there is no delay in allocation of funds. The budget allocated for the purpose should be fully utilized. The Commission opined that total items should not be booked under the TSP. Expenditure on programmes such as widow pension, mixer grinder/fans etc. should not be booked under TSP and should be booked under general schemes. The funds under



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TSP are to be utilized for the targeted development in tribal areas over and above normal expenditure under the State Plan.

Action: Govt. of Tamil Nadu

xi) Implementation of SCs and STs (PoA) Act, 1989 and Rules, 1995

i) The Commission noted that a total of 29 cases were pending with the police authorities for inquiry. On a query from the Commission, the State Govt. informed that that some cases were pending from the year 2006 due to the stay granted by the Courts. On the other hand, 84 cases were pending in the Courts in different stages of trial. It was noticed that during the last 4 years 5 months period, the courts decided 70 cases in which conviction was held in 11 cases only. In remaining 59 cases, the accused persons were acquitted by the court. The Commission emphasized the need to improve the quality of investigation and to decide on making appeal in higher courts in cases having merits. The State Government informed that 26 Special Prosecutors have been appointed in the entire district to plead the cases booked under this Act.

ii) The Commission noticed that no contingency plan was formulated as per the provision contained in the SCs and STs (PoA) Rules, 1995. The State Level Vigilance Committee (SLVC) meeting under the rules is also not being held regularly. It was held in the year 2010 and 2012 only. The Commission advised the State Government to hold regular meetings of the SLVC as per the provisions of the Act.

Action: Govt. of Tamil Nadu


xii) Service Safeguards

i) The Commission noticed that there is one-percent reservation for Scheduled Tribes in direct recruitment since 1971 in the State. Reservation in promotion is being followed only in 8 services in five departments and it is not available in other services. The Commission was concerned over this situation and opined that if it is applicable in some of the services under the State, it should also be extended to all departments as is being done in other States.

Action: Govt. of Tamil Nadu

ii) The Commission observed that the rosters prescribed by the State Government providing reservation in direct recruitment allowed reservation for Scheduled Tribes at point no. 50. In small cadres, the turn of Scheduled Tribe shall come only at a later stage. As the reservation prescribed for the Scheduled Tribes was only one-percent in the State Services, the Commission advised the State Govt. to provide the reservation to them between point no. 1 to 5 so that the Scheduled Tribes are adequately represented in the services. The Commission quoted example of the University of Madras, which is having about 400 sanctioned strength of teaching staff but none of them belong to the Scheduled Tribe category.

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iii) The Commission noticed that the Universities in the State viz. University of Madras are operating department-wise rosters treating each department as a single unit. No grouping of posts has been done for providing reservation, as is being done by the Central Universities. The Commission advised the State Government to review the position in line of the DoPT instructions and UGC orders.

Action: Govt. of Tamil Nadu

iv) The Commission noticed that many posts in health, teaching and police departments lie vacant in tribal areas as the candidates appointed/transferred from outside the tribal areas do not prefer to work there. The Commission suggested to create district level cadres of teachers and health workers etc. to ensure that sufficient number of employees are available for performing their duties in the tribal areas as is the case in other States.

Action: Govt. of Tamil Nadu

v) The Commission also suggested implementing district level reservation and division level reservation in proportion to the population of STs in the district/division so that more number of candidates from these categories can obtain employment. It is already being done in several States like MP, Chattisgarh and Jharkhand. This will also solve the problem of large number of vacant posts in tribal areas.

Action: Govt. of Chattisgarh

xiii) Constitution of State SC & ST Commission in Tamil Nadu

The Commission observed that there is no Commission for Scheduled Castes and Scheduled Tribes in the State of Tamil Nadu. During the field visits of the Commission, a large number of grievances relating to service matters, atrocity and developmental issues were received by the Commission. The Commission desired that a State level SC and ST Commission should be constituted in the State so that the grievances of STs and SCs are resolved in the State. The State Govt. assured to look into the matter.

Action: Govt. of Tamil Nadu

xiv) Creation of separate Tribal Welfare Department in the State

During the field visit, the Commission observed that there are no separate officers of the Tribal Welfare Department in the districts for implementing the programmes of tribal development. At present there is a common department for Adi-Dravida (SC) and Scheduled Tribes in the State and at district level, the Adi-Dravida Department officials are executing the progresses relating to tribals. These officials are under the administrative control of the Commissioner, Adi-Dravida department who is already overburdened with Adi-Dravida welfare schemes. Further, there is no sufficient supporting staff in their offices and many vacancies are unfilled. The Tribal Welfare Department is duty bound to implement various programmes like Forest Right Act, PCR and PoA Act, CSS schemes and other welfare programmes for Scheduled Tribes. Hence,



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the Commission recommended to create a separate Tribal Welfare Department in the State for having focused attention on the tribal welfare and to provide executive machinery at the district level in the districts having substantial tribal population under the administrative control of Director, Tribal Welfare Department, Govt. of Tamil Nadu.

Action: Govt. of Tamil Nadu

### **Press Conference**

13.0 The Commission held a press conference after the meeting. The observations of the Commission during the field visits, meetings with tribal delegates and meeting with the implementing officers were shared in the meeting. The Commission also informed the media about the recommendations made by the Commission to the State Government on the various issues affecting the Scheduled Tribes of the State.

### **Meeting with the His Excellency Governor of Tamilnadu.**

14.0 In the afternoon, the Commission visited Raj Bhavan and met His Excellency Shri K.Rosaiah, Governor of Tamil Nadu State. Director, Tribal Welfare Department, Govt. of Tamil Nadu was also present in the meeting. The Commission briefed the Governor about the visit of the Commission to the Nilgiri district of the State and the Commissions interaction with some of the primitive tribal groups residing in the district. The Commission also apprised the Governor about the condition of the Scheduled Tribes, the status of development programmes being run for the welfare of Scheduled Tribes and the major issues emerged out of the meeting held with the State Govt. officials. His Excellency desired that a copy of the tour report of the Commission may also be sent to his office.

**07-07-2012**

### **Departure for New Delhi**

15.0 The Commission left for Chennai Airport for returning back to New Delhi by AI 430. Director, Tribal Welfare Department, Govt. of Tamil Nadu and the State Protocol Department officers were present at the Airport to see off the visiting dignitaries. The Commission reached IGI Airport, New Delhi at 13.20 hrs.

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