

No. 12016/36/96-SCD (R.L.Cell)-Vol.III
Government of India
Ministry of Social Justice and Empowerment

Shastri Bhawan, New Delhi
Dated : 30-7-2002

To.
The Secretary,
National Commission for Scheduled Castes
and Scheduled Tribes,
Lok Nayak Bhawan, Vth Floor,
Khan Market,
New Delhi

Subject:- Modalities for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list

Sir,

I am directed to refer to this Ministry's letter of even number dated 03-04-2000 on the above mentioned subject and to say that existing modalities in respect of clause (f) for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list have been revised on 25-06-2002. A copy of the revised modalities is enclosed.

Yours faithfully,

(V.R. Malhotra
Director
Tel. 3387073

(The Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities' in its meeting held on 15-6-1999 had approved the following modalities and para (f) amended in its meeting held on 25-6-2002)

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists.

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes have been notified. Such proposals are required to be processed as indicated below:-

- (a) Cases favoured by both the State Governments and the Registrar General of India (RGI) in their most recent reports would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, along with the comments of the State Governments and the RGI as well as any relevant material/information furnished by them or by representations.
- (b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.
- (c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organizations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of India, on regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period. (In such cases, extension of time would be sought from the courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.

(d) Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice and Empowerment.

(e) Claims for inclusion, exclusion or other modifications that neither the RGI nor the concerned State Governments have supported would not be referred to the National Commission. These would be rejected at the level of the Minister for Social Justice and Empowerment.

(f) In case of claims recommended by the concerned State Governments/Union Territory Administrations, but not agreed to by the Registrar General of India, the concerned State Government/Union Territory Administration would be asked to review and further justify their recommendations in the light of RGI. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal would be referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/Union Territory Administration on a second reference, the Government of India may consider rejection of the said proposal.

(g) Claims in respect of which the comments of either the RGI or the State Government or of both are awaited would remain under consideration until their views are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.

(h) Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable.

(Note:- The Note for the 'Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities' moved by Ministry of Social Justice & Empowerment, vide their Note No. 12016/36/96-SCD(RL Cell) dated 17.12.1998 and Note dated 17.01.2002)