



# **NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**SECOND REPORT  
FOR THE YEAR  
2006-07**

उर्मिला सिंह

अध्यक्ष

URMILA SINGH

CHAIRPERSON



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR

SCHEDULED TRIBES

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Dated: 3<sup>rd</sup> September, 2008

Respected Rashtrapati Ji,

The National Commission for Scheduled Tribes has been set up w.e.f. 19 February, 2004 by amending Article 338 of the Constitution and inserting a new Article 338A vide the Constitution (89th Amendment) Act, 2003. Article 338A, inter-alia, provides that it shall be the duty of the Commission to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards available to the members of Scheduled Tribes and to make in such reports recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other measures for protection, welfare and socio-economic development of the Scheduled Tribes. The first Commission headed by Shri Kunwar Singh submitted its first Report for the period 2004-05 and 2005-06 to the President of India on 8 August, 2006.

2. I have now the honour to present to you the **Second Report of the National Commission for Scheduled Tribes for the year 2006-07**. The Chairperson of the first Commission resigned from his office on 14 February 2007, and Members also demitted office in the month of March 2007 on completion of their tenure. The second Report of the Commission for the year 2006-07 became due after 1 April 2007 and the drafting of the report on the working of the safeguards was initiated accordingly on the basis of the guidelines given by the first Commission from time to time, and material collected from various sources including the State Governments.

3. This report mainly has 8 Chapters covering (i) Organizational Set-up and Functioning of the Commission, (ii) Service Safeguards, (iii) Specification of Communities as Scheduled Tribes and Subsequent Revision of the Lists of Scheduled Tribes (iv) Development of Primitive Tribal Groups (PTGs) (v) Educational Development of Scheduled Tribes, (vi) Health and Nutrition, (vii) Land Alienation (viii) Case Studies. Summary of recommendations made in each Chapter of the Report has been given in the ninth Chapter.

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

5. The first Chapter on '**Organizational Set-up and Functioning of the Commission**' inter-alia, dwells upon the importance of the timely laying of the

Commission's reports in Parliament. The Commission has noted that it submitted its first report to the Hon'ble President on 8 August 2006. The report has not yet been laid on the Table of both the Houses of Parliament. This is mainly due to the existing provisions of Clause(6) of Article 338A of the Constitution which provides that the President shall cause all such reports to be laid before each House of Parliament alongwith a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union. As the Ministry of Tribal Affairs takes its own time in preparing the action taken memorandum on the recommendations contained in the report, its laying in Parliament is delayed. The Commission accordingly recommended in its first report that Clause(6) and Clause(7) of Article 338A should be amended to provide that the President/Governor shall cause all reports submitted by the Commission to him/her to be laid before each House of Parliament/ State Legislature within three months of such submissions and a memorandum of action taken shall be placed before each House of Parliament/ State Legislature within six months of such submission. The Commission is reiterating this recommendation as part of this report with the hope that the Government will initiate expeditious action to amend the above-mentioned Clauses of Article 338A.

6. The Constitution of India has made specific provisions for upliftment of the weaker sections of the society. These include provisions for reservation for Scheduled Castes and Scheduled Tribes in civil posts and services of the Government. The main objective for providing reservation for Scheduled Tribes (as also for SCs & OBCs) is to uplift these people socially and educationally with a view to empower them to join the national mainstream. There are several instructions and guidelines relating to implementation of policy of reservation by Govt. Departments and Public Sector Enterprises under them, including Banks, Insurance Companies and Central Universities, etc. The **second Chapter on 'Service Safeguards'** discusses some of the important judgments of the Hon'ble Supreme Court having vital bearing on the service safeguards available to the members of the Scheduled Tribes and Scheduled Castes. It also discusses the important issue of reservation in promotion by selection within Group 'A' in favour of SC/ST officers which is pending in the Hon'ble Supreme Court in WP(Civil) No. 244 of 1997 in the case of All India Income Tax SC/ST Federation vs. Union of India and Ors. A reference has also been made in this Chapter to the judgments of the Hon'ble Supreme Court regarding drawal of separate zone of consideration for SC/ST officers in the matter of their promotion by selection and the inexplicable delay being made by the Government (Deptt. of Personnel and Training) in the issue of revised instructions in compliance with these judgments. The Commission vigorously took up this matter with Secretary, Department of Personnel and Training for issue of revised instructions. However, no action has been taken so far in this regard. The Commission has accordingly recommended immediate action on this issue of critical importance, as it will enhance the chances of promotion of SC/ ST officers in their promotion to selection posts.

7. The Commission notes with anguish that the representation of Scheduled Tribes in teaching and non-teaching posts in Central Universities is far from satisfactory. As these Universities receive grants from the Govt. of India, it is all the more necessary for them to ensure that the representation of STs in various posts is in no way short of 7.5%. The Commission has accordingly recommended that the Ministry of Human Resource Development and University Grants Commission should issue strict instructions to them to ensure to identify the backlog/ shortfall in



the posts-both teaching & non-teaching faculties-reserved for STs and to initiate action on war-footing to fill up them in a time-bound manner.

8. Clause (1) of Article 342 of the Constitution provides that the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by a public notification, specify the tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory, as the case may be. Once these lists have been promulgated, inclusion therein or exclusion therefrom can be made only by the Parliament in terms of Clause (2) of Article 342. The modalities have been laid down for deciding the claims for inclusion in or exclusion from the lists of Scheduled Tribes. The **third Chapter on 'Specification of Communities as Scheduled Tribes and Subsequent Revision of the Lists of the Scheduled Tribes'** discusses all the original Constitution (Scheduled Tribes) Orders issued from 1950 onwards under Clause (1) of Article 342. It also refers to all the Constitution Orders/Acts issued under Clause (2) of Article 342 by way of modifying/amending the original Constitution (Scheduled Tribes) Orders. Copies of all these original Orders/amending Orders/Acts have been annexed to this Chapter to ensure their easy availability at one place and thereby to facilitate the Ministries/Depts. of the Government of India to check the correctness of ST certificates furnished by the ST employees to get the benefit of reservation. The important issues which have been highlighted in this Chapter are (i) non-existence of enabling provisions for the delimitation of Parliamentary and Assembly constituencies on account of increase in ST population as a consequence of decision of the Government to include certain additional communities in the list of Scheduled Tribes after conclusion of the Census figures by the Registrar General of India and (ii) extending benefits of reservation in services/posts and in admission to ST children to educational institutions on migration of their parents to other States due to resettlement resulting from displacement and reorganization of the States. On the first issue, as advised by the Delimitation Commission, this Commission in its first Report recommended that the Ministry of Tribal Affairs should take necessary action to make enabling provisions for enumeration of the members of such tribal communities which had been added to the list of Scheduled Tribes after the submission of the Census report by the RGI. In the meanwhile, some of the affected ST persons [belonging to such communities which were transferred from the list of Scheduled Castes to the list of Scheduled Tribes in Uttar Pradesh vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002] have moved the Hon'ble Supreme Court in WP(Civil) 363 of 2006 in the case of Vijay Singh Gond and four others from district Sonbhadra (U.P.) vs. Union of India (through Cabinet Secretary). Election Commission of India and Ors. On the second issue, the Commission is making suitable recommendations to the Government to advise the State Governments (in Para 3.9.7) to issue necessary instructions in this regard.

9. There are certain tribal communities which have pre-agricultural level of technology and which are economically backward and have low level of literacy. 75 such Groups in 16 States/UTs have been identified and categorized as Primitive Tribal Groups (PTGs). Most of these Groups which are small in number, have attained different levels of social and economical progress and generally live in remote inaccessible habitats, with poor administrative and infrastructure back-up. Most of PTGs are still in the stage of hunting and gathering and are nomadic or semi-nomadic in their living habits. This Commission decided to review the

development of PTGs in various States and requested the State Govts. to send to the Commission a brief write-up in regard to the general status of the development of PTGs. The **fourth Chapter on 'Development of Primitive Tribal Groups'** discusses the various schemes and programmes being implemented by the State Governments for accelerated development of the Primitive Tribal Groups. The Commission has suggested a number of steps to be taken by the State Governments for enhanced and speedy development of the PTGs.

10. Education provides the most vital input in human resource development and, therefore, unless these underprivileged sections of society including Scheduled Tribes receive the minimum education they cannot exercise the civil, political, economic and social freedom as enshrined in the Constitution of India. Despite several programmes under implementation by the State Governments, the level of education among STs continues to be much lower than other communities. According to 1991 Census, there were only 29.60% literates among STs in comparison to 52.21% of general category. As per 2001 Census, there were 47% ST literates as against the 65.38% of general population. The female literacy rate among tribals during the period 1991 to 2001 increased from 18.19% to 34.76% which is lower by approximately 20% as compared to literacy rate of the females of the general population. Thus though there has been a gradual increase in the ST literacy rates, it is still far below from the literacy rates of other communities. This low level of literacy is basically attributable to the poor quality of education and the lack of basic infrastructure like schools, colleges etc. in tribal areas. It also explains the reasons for poor representation of tribals in services, particularly in higher echelons, despite the system of reservation. The Commission, therefore, decided to review whether the benefits of the schemes which are being implemented for boosting up the educational development of Scheduled Tribes were reaching them in various States. In view of this position, the Commission requested the State Governments to send information in the form of replies to a Questionnaire sent to them, inter-alia, in respect of the schemes/ programmes being implemented by them either at their own or under the assistance provided to them under the Centrally Sponsored Schemes. Despite best efforts by the Commission, the information could be received from 11 States only and, therefore, the **fifth Chapter 5 on 'Educational Development of Scheduled Tribes'** discusses the initiatives taken only by these States in the area of educational development of Scheduled Tribes. The position in respect of the remaining 11 States will be covered in the next report of the Commission. The Commission has suggested a number of steps required to be taken to increase the literacy rate among the Scheduled Tribes particularly female literacy as also to arrest the drop-out rates among the tribal children by providing various types of incentives to them.

11. Malnutrition among tribals is widespread, which is largely attributable to abject illiteracy, environmental conditions, difficult terrain and traditional beliefs and customs. The ill-nourished tribals live in an environment, which has been degraded, and, as a result, diseases such as malaria, filaria, tuberculosis, and goitre are endemic in most of the tribal areas. In its first Report for the years 2004-05 and 2005-06, the Commission has briefly referred to the Centrally Sponsored Schemes and the Central Sector Schemes which have been introduced by the Govt. of India to improve the health conditions and nutrition level of the weaker sections of society particularly Scheduled Tribes. For this report, the Commission decided to review whether the benefits of the schemes which are being implemented for improving



health and nutritional development of Scheduled Tribes were reaching them in various States. The Commission accordingly requested the State Governments to apprise the Commission of the schemes/ programmes being implemented by them either at their own or under the assistance provided to them under the Centrally Sponsored Schemes/ Central Sector Schemes. In spite of all possible efforts by the Commission, the information was received from 11 States only and, therefore, the position of implementation of the various measures to improve the availability of health services in the tribal areas is being reported in respect of these 11 States only in the **sixth Chapter 6 on 'Health and Nutrition'**. The position with respect to the remaining States will be covered in the next report of the Commission. The Commission has suggested a number of steps and measures to be taken by the State Govts. to further improve the availability of health services in the tribal areas.

12. Another area of concern for the Commission has been the problem of the alienation of their lands to the non-tribals. It is universally accepted that land is the only tangible asset of the tribal families as most of them are dependent on agriculture and allied activities for their livelihood. The Commission in its various meetings observed that notwithstanding the operation of anti-land alienation laws being in force for decades in the States, legal and illegal transfer of tribal land has been taking place in most of the States on account of loopholes in these laws, connivance of lower level revenue functionaries, and innocence and ignorance of the tribal people. The Commission also observed that the percentage of the tribal cultivators came down from 68.18 per cent in 1961 to 54.43 per cent in 1981 and it further came down to 50.90 per cent in the 2001 Census. On the other hand, the percentage of tribal agricultural laborers has increased from 19.71 in 1961 to 32.67 in 1991, which slightly decreased in 2001 to 28.40. The Commission felt that the decreasing number of cultivators on the one hand and the increasing number of landless laborers on the other could be taken as indicative of the extent of tribal land alienation taking place in the country. The Commission further noted that according to the sample survey conducted by the Department of Rural Development (1988), about 30 to 55 per cent of the tribal household had been affected by land alienation and 80 percent of the land was alienated to the non-tribals. To enable the Commission to address to the issue of land alienation, the Commission requested the State Govts. to inform it about the laws enacted by them to prevent the transfer of tribal land to the non-tribals. The Commission could received the required information in the form of replies to a Questionnaire from 10 States only. In view of this, the position of the operation of the land alienation laws has been reported in respect of these States only in the **seventh Chapter on 'Land Alienation'**. The position about the rest of the States will be covered in the next report of the Commission.

13. The Commission receives a large number of representations from individual members of Scheduled Tribes or their associations etc. These representations/petitions either pertain to the violation of the reservation instructions in services/ posts, (ii) problems relating to the socio-economic development of Scheduled Tribes such as admission in educational institutions, land alienation matters etc. and (iii) atrocities on members of Scheduled Tribes by non-Scheduled Tribe persons. These representations are referred by the Commission to the concerned organizations of the Central Govt. or the State Govts. requesting them to furnish full facts within a given timeframe. The facts furnished by the concerned organization are examined by the Commission and in case the Commission finds

that there has been violation of the safeguards provided to the members of Scheduled Tribes, it advises the concerned organization to take corrective measures. The concerned organizations are advised to take follow up action on the Commission's recommendations/observations within a given timeframe and apprise the Commission of the action taken position. If no replies are received within a given the time-frame or the replies received are found to be unsatisfactory, the Commission also organizes hearings with the senior officers of the concerned organization in a bid to settle the grievances of the petitioners. During the period under review, a number of cases were settled to the satisfaction of the petitioner by the intervention of the Commission. A few of these cases have been briefly discussed in **eighth Chapter titled 'Case Studies'**.

14. The Commission interacts with the State/UT Governments by holding State level review meetings with the Chief Secretaries and other senior officers through visits to the States/UTs. The Commission also undertakes review meetings with the district level officers to assess the impact of development programmes, and with the Central Ministries/ Departments as also the Central Public Sector Undertakings including the financial institutions to assess the implementation of the reservation instructions in appointment to different categories of posts as also the implementation status of the development projects for socio-economic advancement of Scheduled Tribes. The details of these review meetings have been given in the first Chapter of this report.

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

With kind regards,

Yours sincerely,

  
(Urmila Singh)

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

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# CHAPTER 1

## ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

### 1.1 Creation of National Commission for Scheduled Tribes

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

1.1.2 A detailed report on the historical evolution of the Commission has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06. A Special Officer known as Commissioner for Scheduled Castes and Scheduled Tribes was appointed for the first time under Article 338 of the Constitution on **18 November, 1950** to investigate all matters relating to the safeguards provided for SCs & STs in the Constitution of India. A multi-member Commission for Scheduled Castes and Scheduled Tribes was created vide the Ministry of Home Affairs' Resolution No.13013/9/77-SCT (1) dated **21 July, 1978** which was re-named as the National Commission for Scheduled Castes and Scheduled Tribes vide the Ministry of Welfare's Notification No.BC-13015/12/86-SCD.VI dated 1 September, 1987. The Notification dated **1 September, 1987** also defined the functions of the National Commission for SCs & STs with a view to avoid any overlapping of the functions of the Special Officer/Commissioner for SCs & STs; and provided that the Commission will be a national level advisory body to advise on broad issues of policy and levels of development of Scheduled Castes and Scheduled Tribes and submit Reports to the Central Government.

1.1.3 Article 338 of the Constitution was amended for the first time in June, 1990 vide the Constitution (65th Amendment) Act, 1990 to provide a constitutional mandate for the National Commission for Scheduled Castes and Scheduled Tribes. The Act was given effect from **12 March, 1992** and from this date, the Office of the Commissioner for Scheduled Castes and Scheduled Tribes was abolished. Copies of (i) the Ministry of Home Affairs' Resolution No.13013/77-SCT (1) dated 21 July, 1978, (ii) the Ministry of Welfare's Notification No.BC-13015/12/86-SCD.VI dated 1 September, 1987, (iii) Constitution (65th Amendment) Act, 1990, and (iv) the Constitution (89th Amendment) Act, 2003 have been given as **Annexes. I, II, III & IV** respectively at the end of Chapter-1 of the **first Report** of the Commission.

1.1.4 The **first** National Commission for Scheduled Tribes (NCST) was constituted in March, 2004 and comprised Shri Kunwar Singh, as Chairperson (who assumed office on 15.3.2004), Shri Tapir Gao, as Vice-Chairperson (who assumed office on 3.3.2004), Shri Lama Lobzang, (who assumed office on



2.3.2004) Smt. Prem Bai Mandavi, (who assumed office on 4.3.2004), and Shri Buduru Srinivasulu, (who assumed office on 11.3.2004) as Members. Consequent upon the resignation of Shri Tapir Gao, Shri Gajendra Singh Rajukhedi joined the office of Vice-Chairperson. Shri Kunwar Singh, Chairperson resigned from his office on 14.2.2007 (A/N). The Members of the first Commission demitted their offices in the month of March 2007 from the date of completion of their three years tenure. Shri Gajendra Singh Rajukhedi also resigned from the office of Vice-Chairperson on 15.05.2007.

1.1.5 The second Commission comprises Smt. Urmila Singh, Chairperson, (who assumed office on 18.06.2007), Shri Maurice Kujur, Vice Chairperson (who assumed office on 25.04.2008), Shri Tsering Samphel, Member (who assumed office on 14.06.2007) and Shri Oris Syiem Myriaw, Member (who assumed office on 17.04.2008). The office of the third Member is presently vacant.

### **Functions and Duties of the Commission**

1.1.6 The functions and duties of the National Commission for Scheduled Tribes have been laid down in Clause (5) of the Article 338A of the Constitution. The Commission was assigned certain other functions vide the Ministry of Tribal Affairs' Notification dated 23 August, 2005 in relation to measures that need to be taken which include (i) conferring ownership rights in respect of minor forest produce to STs living in the forest areas, (ii) safeguarding rights of tribal communities over mineral and water resources, (iii) to workout more viable livelihood strategies, (iv) to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects, and (v) to prevent alienation of tribal land. A copy of this Notification has been placed as **Annex.V** at the end of the first Chapter of the Commission's **first Report**.

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

1.1.7 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. These Rules, inter alia, provide that:

- (i) The Chairperson shall be appointed from amongst eminent socio-political workers belonging to the Scheduled Tribes, who inspire confidence amongst the Scheduled Tribes by their very personality and record of selfless service;
- (ii) The Vice-Chairperson and all other Members out of whom at least two shall be appointed from amongst persons belonging to the Scheduled Tribes;
- (iii) At least one other Member shall be appointed from amongst women.
- (iv) The Chairperson, the Vice-Chairperson and the other Members shall hold office for a term of three years from the date on which he/ she assumes such office.

- (v) The Chairperson, the Vice-Chairperson and the other Members shall not be eligible for appointment for more than two terms.
- (vi) The Chairperson shall have the rank of a Cabinet Minister and the Vice-Chairperson that of Minister of State and other Members shall have the rank of a Secretary to the Government of India unless otherwise specified.

## **1.2 Powers of the Commission**

1.2.1 Clause (4) of Article 338A of the Constitution provides that the Commission shall have the power to regulate its own procedure. The Commission accordingly notified the Rules of Procedure for the first time on 17 September 2004. These Rules define the responsibilities of the Chairperson, Vice-Chairperson and Members, and Secretary to the Commission, and further lay down that the Chairperson shall allocate subjects and responsibilities among the Members of the Commission. These Rules, inter-alia, also provide about (i) the procedure of investigation and enquiry by the Commission, (ii) frequency of meetings of the Commission, (iii) the duties of its Regional Offices, (iv) the advisory role of the Commission, and (v) its monitoring functions. A copy of the Rules of Procedure has been given as part of the Handbook of the Commission. It is also available on the website of the Commission (<http://ncst.nic.in>).

1.2.2 Clause (8) of Article 338A provides that the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of Clause (5) have all the powers of a civil court trying a suit and in particular in respect of the matters, namely:-(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath, (b) requiring the discovery and production of any documents, (c) receiving evidence on affidavits, (d) requisitioning any public record or copy thereof from any court or office, (e) issuing commissions for the examination of witnesses and documents, (f) any other matter which the President may, by rule, determine. Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Tribes.

1.2.3 The Hon'ble Supreme Court vide their judgment dated 31 October, 1996 in Civil Appeal No.13700 of 1996, however, held that the Hon'ble High Court of Delhi was justified in allowing the petition filed by the Indian Overseas Bank Officers Associations and Ors. in CW (P) No. 1362 of 1993 and C.M No. 2193/ 93, against the order (in the form of a letter) dated 4 March 1993 issued by a Member of the erstwhile NCSCST directing the Indian Overseas Bank 'to stop the promotion process pending further investigation and final verdict in the matter' . The Hon'ble Supreme Court further held that all the procedural powers of a civil court given to the National Commission for Scheduled Castes and Scheduled Tribes by Article 338 (8) of the Constitution of India are for the limited purpose of investigating any matter under Article 338 (5) (a) or enquiring into any complaint under Article 338 (5) (b). The apex Court further held that the powers of a civil court of granting injunctions, temporary or permanent, do not inhere in the Commission nor can such a power be inferred or derived from a reading of Clause (8) of Article 338 of the Constitution. It was further held that the Commission having not been specifically granted any power to issue interim injunctions lacks the authority to issue an order of the type found in the letter dated 4 March, 1993

directing the Indian Overseas Bank to stop the promotion process pending further investigation and final verdict in the matter. The Hon'ble Supreme Court had further held that the Commission has the power to summon and enforce the attendance of any person from any part of India and examine him on oath; it can require the discovery and production of documents and so on and so forth. It was stated that all these powers are essential to facilitate an investigation or an enquiry. Such powers do not convert the Commission into a civil court. These observations of the Hon'ble Supreme Court were brought to the notice of all the Ministries and Departments of Govt. of India by the Department of Personnel & Training vide their O.M.No.36036/2/97- Estt. (Res.) dated 1 January, 1998 (**Annex.1.I**) for information and guidance.

### **1.3 Organizational Set-up of the Secretariat of the Commission**

1.3.1 The National Commission for Scheduled Tribes functions from its Headquarters located at New Delhi. Till July, 2006 the representations/petitions received in the Commission at the Headquarters were being dealt with in three different functional Wings called (i) Economic and Social Development Wing, (ii) Service Safeguard Wing, and (iii) Atrocities Wing. It was observed that this was not a very rational and balanced system of distribution.

1.3.2 The Commission in its meeting held on 20 July, 2006 decided to streamline the functioning of the Commission. Four Research Units were created in place of the then existing three operational Wings vide Office Order dated 26 July, 2006 to deal with all matters pertaining to socio-economic and educational development, services and atrocities in relation to Ministries/ Departments along with CPSEs and other Organizations under their administrative control and the States/UTs allotted to them, as given below para 2 of the said Office Order. Two Research Units each are presently being headed by one Director level officer. Apart from these four Research Units, there is an Administration & Establishment Unit and a separate Coordination Unit. While the Administration/Establishment Unit provides administrative support to the Commission, the Coordination Unit deals with the various activities relating to making arrangements for holding internal meetings of the Commission, issuing communications to the State Govts. for visit of the Chairperson, Vice-Chairperson or Members of the Commission, Parliamentary and court matters and any other matter not connected with the four functional Research Units, and the Administration and Establishment Unit.

### **1.4 Staffing Position at the Headquarter of the Commission**

1.4.1 There are basically two categories of Staff at the Headquarter of the Commission at New Delhi, namely (a) Secretarial Staff belonging to the Central Secretariat Service (CSS), Central Sector Stenographers Service (CSSS) and Central Secretariat Clerical Service (CSCS) Cadres and (b) Joint Cadre Staff comprising (i) Director (in the scale of pay of Deputy Secretary to Govt. of India) (ii) Deputy Director, (iii) Assistant Director, (iv) Research Officer, (v) Sr. Investigator and (vi) Investigator. The staff in respect of posts at Sr. No. (i), (ii) and (iii) above, which are Group 'A' posts of Joint Cadre, is provided by the Ministry of Social Justice & Empowerment, being the Cadre Controlling Authority and the staff in respect of posts at Sr. No. (iv), (v) and (vi) is provided by the



National Commission for Scheduled Castes, who are the Cadre Controlling Authority for these posts. The Staff belonging to CSS, CSSS and CSCS is provided by the Department of Personnel & Training, through Ministry of Social Justice & Empowerment. The Secretarial Staff in the Regional Offices of the Commission is also appointed and provided by National Commission for Scheduled Castes, which is the Cadre Controlling Authority for these posts. The Group 'D' posts and some of the Group 'C' posts are filled up by the National Commission for Scheduled Tribes itself.

1.4.2 The total sanctioned strength of the staff of the Commission including various categories of posts in Group 'A', Group 'B', Group 'C' and Group 'D' is 124, out of which 56 are for the Headquarter and 68 for its six Regional Offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. Out of 56 sanctioned posts at the Headquarter, 43 are filled and 13 posts are vacant. Similarly out of 68 sanctioned posts for Regional Offices, 39 are filled and 29 posts are vacant. The sanctioned strength of 124 is inclusive of the 35 posts to be filled from the Joint Cadre (referred to in the previous para), out of which 2 posts of the Deputy Director, 6 posts of Sr. Investigator and 8 posts of Investigator (total 16) are vacant.

1.4.3 The Commission has been constantly in touch with the Cadre Controlling authorities i.e. Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes to fill up vacant posts. However, despite all efforts by the Commission to get these posts, particularly the posts belonging to Joint Cadre, filled up, not much progress in this direction has taken place and as a consequence thereof the work of the Commission continues to suffer. The Organizational Chart of the Commission is placed at **Annex 1.II**

#### 1.5. Regional Offices of the Commission and their jurisdiction

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

S.No	Location & Address of Office	Name & Designation of the Officer incharge	Jurisdiction
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Arera Hills, <b>Bhopal-462011</b>	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, <b>Bhubaneshwar-751015</b>	Shri R.K. Mishra, Assistant Director Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Pondicherry

3.	Room No.101 & 102, 1st Floor, Block-A, Kendriya Sadan Sector-10, Vidyadhar Nagar, <b>Jaipur-302015</b>	Dr. G.S. Somawat, Director Ph:0141 2741173 (F) 0141 2235488	Chandigarh, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, <b>Raipur-492006</b>	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co-operative Colony, Kadru, <b>Ranchi-834002</b>	Shri R.K. Mishra, Assistant Director (Addl. charge) Ph:0651 2340368 (F) 0651 2341677	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, <b>Shillong-793001</b>	Miss. P. Syiemlieh, Assistant Director Ph:0364 2221362 (F) 0364 2504202	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

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

## 1.6 Meetings of the Commission (during the year under review)

1.6.1 The 1st meeting was held on 5 May, 2006 to discuss the administrative problems being faced by the Commission with particular reference to filling up of the vacant posts in the Commission at its Headquarter and in the Regional Offices, and also to review the pendency of petitions in the Commission.

1.6.2 The 2nd meeting was held continuously for three days on 14, 15 and 16 June, 2006 to discuss the two draft Chapters for the first Report of the Commission for the years 2004-05 and 2005-06 in relation to (i) Educational Development of Scheduled Tribes, and (ii) Summary of Recommendations. On the basis of discussions held in this meeting, the final draft of the first Report was

submitted for approval of the Commission on 26.6.2006 and it was approved by the Commission on 30.6.2006.

1.6.3 The 3rd meeting was held on 29 June, 2006 to review the position of disposal of petitions received at the Headquarter as well as in the Regional Offices and also to discuss the administrative problems of the Regional Offices of the Commission. The Commission felt that there was an urgent need to streamline the procedure to speed up the disposal of petitions received in the Commission. This was followed up in the next meeting of the Commission in which it was decided to restructure the three existing Wings of the Commission.

1.6.4 The 4th meeting was held on 20 July, 2006 to (i) finalize the comments of the Commission on the Draft National Tribal Policy received from the Ministry of Tribal Affairs, (ii) discuss the re-structuring of the three operational Wings of the Commission with a view to streamline the functioning of the Commission, and (iii) filling up of vacant posts in the Commission. On the basis of discussions and the decisions taken, the views of the Commission on the Draft National Tribal Policy were sent to the Ministry of Tribal Affairs on 31 July 2006. Similarly three operational Wings of the Commission were re-structured into four Units i.e. Research Unit-I, Research Unit-II, Research Unit-III, and Research Unit-IV requiring each Unit to deal with petitions relating to (i) service safeguards, (ii) socio-economic development, and (iii) atrocities in respect of the Ministries/Departments and the States/ UTs assigned to them in the order issued on 26 July, 2006. This was followed by another order issued on 27 July, 2006 regarding distribution of staff among the four Research Units.

1.6.5 The 5th meeting was held on 10 November, 2006 to (i) finalize the comments of the Commission on the Wild Life (Protection) Amendment Act, 2006 received from the Ministry of Environment and Forests, (ii) discuss the judgment of the Hon'ble Supreme Court dated 19 October, 2006 in Writ Petition (Civil) No.61 of 2002 in M. Nagaraj & Ors. vs. Union of India & Ors. in which the Hon'ble Court had upheld the validity of the (a) Constitution (77th Amendment) Act, 1995, the (b) Constitution (81st Amendment) Act, 2000, the (c) Constitution (82nd Amendment) Act, 2000, and the (d) Constitution (85th Amendment) Act, 2001, (iii) discuss three detailed Questionnaires in relation to (a) Education, (b) Health and Nutrition, and (c) Land Alienation which had been sent to the 21 States on 1 November, 2006 seeking information for the second Report of the Commission, and (iv) discuss certain other administrative issues. Based on the discussions, the comments of the Commission were sent to the Ministry of Environment and Forests on 27.11.2006. It was, inter alia, stated that the Commission had not been consulted by the Ministry of Environment and Forests at the draft stage of the Act as mandatorily required by Clause (9) of Article 338A of the Constitution. Central Ministries/ Departments and the State Govts. were apprised of the operative part of the above referred judgment of the Hon'ble Supreme Court and requested to take necessary follow up action.

1.6.6 The 6th meeting was held on 15 December, 2006 to interact with the Members of National Commission for Denotified, Nomadic and Semi-Nomadic Tribes on their request, on the issues relating to socio-economic development of these tribes.



1.6.7.1 The 7th meeting was held on 20 December, 2006 to finalize (i) the comments of the Commission on the Draft Public Service Bill, 2006 received through the Ministry of Tribal Affairs, (ii) comments on the recommendations contained in Para 1.22 of the 14th Report of the Parliamentary Committee on the Welfare of SCs & STs on the Ministry of Home Affairs, Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs, and (iii) the agenda items for the next meeting of the National Integration Council. The comments of the Commission on the Draft Public Service Bill, 2006 were sent to Ministry of Tribal Affairs on 2.1.2007. The suggested agenda items for the meeting of the National Integration Council were sent to Home Secretary on the same date. The comments of the Commission on Para 1.22 of the 14th Report of the Parliamentary Committee were also communicated to the Ministry of Tribal Affairs on 2.1.2007. While forwarding its comments, the Commission observed that there was a justified need to empower the Commission through the following measures:-

- (i) Clause 5 (b) of Article 338A should be suitably amended to provide that where the enquiry discloses clear violation in complying with the safeguards provided to the Scheduled Tribes in the Constitution or under any other order or law by a public servant, the Commission may advise/recommend to the concerned organization for taking corrective remedial measures and that it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such advice/recommendations.
- (ii) On the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Right to Information Act, 2005, the National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for willful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes.
- (iii) The National Commission for Scheduled Tribes has been provided with skeleton staff only due to which it is not able to fulfill its constitutional obligations in an effective manner. There is, therefore, an urgent need for augmentation of its existing strength.

**The Commission reiterates the above suggestions/ recommendations.**

1.6.7.2 A copy each of (i) the Commission's letter dated 2.1.2007 sent to the Ministry of Home Affairs suggesting the agenda items for the meeting of the National Integration Council, and (ii) the Commission's letter dated 2.1.2007 sent to the Ministry of Tribal Affairs containing comments on the observations of the Parliamentary Committee on the Welfare of SCs & STs on the Ministry of Home Affairs, Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs in Para 1.22 of their 14th Report regarding empowerment of the Commission is enclosed as **Annex.1.III and Annex 1.IV** respectively.

1.6.8 The 8th meeting was held on 31 January, 2007 to review (i) the action taken regarding preparation of revised draft of the Rules of Procedure of the Commission, (ii) the progress in the filling up of the vacant posts and (iii) action taken on the minutes of the meeting held on 16.11.2006 under the Chairmanship of Secretary, National Commission for Scheduled Castes to discuss the possibilities of encadrement of Joint Cadre posts in the Indian Statistical Service/ Subordinate Statistical Service. The Commission also discussed the action taken by the respective organizations on the minutes of hearings held in the past and the progress in preparation of the Commission's website. Based on the discussion in this meeting, the officers of the Commission were requested to send their suggestions regarding amendments to be made in the Rules of Procedure of the Commission. The matter regarding launching of website was pursued vigorously with NIC and the website (<http://www.ncst.nic.in>) of the Commission was launched on 12 February, 2007 by Hon'ble Chairman, National Commission for Scheduled Tribes in a function held in the Conference Hall of PIB in Shastri Bhawan. As regards filling up of the vacant posts in the Commission, the Hon'ble Chairman, National Commission for Scheduled Tribes discussed the matter in a meeting held on 12 February, 2007 with the senior officers of the Ministry of Tribal Affairs, Ministry of Social Justice and Empowerment and National Commission for Scheduled Castes and advised them to make all-out efforts to fill up the vacant posts.

## **1.7 Review Meetings held by the Commission**

1.7.1 In order to assess the implementation status of the various schemes/ programmes for socio-economic and educational development of scheduled tribes as also the implementation of the instructions relating to reservation in services/ posts of the States/ UTs, the Commission undertakes review meetings with the Chief Secretaries and other senior officers of the State Governments. Similar review meetings are also held with CPSUs including Public Sector Banks to assess whether instructions relating to reservation in services/ posts are being properly followed by these organizations or not. The review meetings with the CPSUs and the Public Sector Banks, and with the State Governments are generally conducted by the Chairperson who is accompanied either by Vice-Chairman or the Members of the Commission. During the year under review, the Commission held review meetings with the:

- (i) State Government of Uttarakhand at Deharadun on 10 June, 2006, which was preceded by review meeting with ONGC and District Administration at Nainital on 6.6.2006, District Administration, Almorah on 7.6.2006, District Administration Pithoragarh on 8.6.2006 and District Administration, Rudraprayag on 9.9.2006.
- (ii) Delhi Development Authority on 10 July, 2006 at Vikas Sadan, New Delhi.
- (iii) UT Administration of Chandigarh and State Govts. of Punjab and Haryana on 15 September, 2006 to impress upon them the need to initiate schemes/programmes for economic and educational development of such Scheduled Tribes who had migrated from other States and settled in these States/UTs.

- (iv) State Govt. of Himachal Pradesh at Shimla on 23 September, 2006 which was preceded by detailed review with District Administration at Kullu on 16.9.2006, Lahaul (at Keylong) on 18.9.2006, Spiti (at Kinnaur) on 21.9.2006 and District Administration Shimla on 22.9.2006 (This visit was undertaken in continuation of the visit to Chandigarh to have joint meetings with the officers of Chandigarh Administration and State Govts. of Punjab and Haryana on 15.9.2006.
- (v) State Govt. of Madhya Pradesh on 2 December, 2006 at Bhopal.
- (vi) Food Corporation of India, Chennai (South Zone) at New Delhi on 4 January, 2007.
- (vii) State Govt. of Kerala at Thiruvananthapuram on 24 January, 2007 which was preceded by review meetings with Hindustan Latex Ltd.(Thiruvananthapuram) and with the District Administration, Wynad on 21 January, 2007 and with District Administration, Kozhikode on 22 January, 2007.
- (viii) State Govt. of Goa at Panaji on 25 January, 2007.
- (ix) Andhra Pradesh Scheduled Tribes Cooperative Finance Corporation Limited, Hyderabad on 27 February, 2007.
- (x) Food Corporation of India, Hyderabad and Life Insurance Corporation, Hyderabad on 28 February, 2007

1.7.2 Apart from the visits of the Commission to undertake review meetings with the State Govts. or of CPSUs and Public Sector Banks etc., the Chairperson, the Vice-Chairperson and the Members undertook a series of visits individually to various places to have discussion with the district/taluka level authorities regarding the implementation of schemes and programmes for development of Scheduled Tribes. These meetings were generally preceded by meetings with local tribal leaders/activists and tribal associations with a view to ascertain the problems of the Scheduled Tribes as also the gaps in the implementation of the tribal programmes and schemes.

1.7.3 During the review meetings with the organizations mentioned above, the Commission came across gross violations of reservation policy/ instructions in services and posts particularly in respect of Food Corporation of India, South Zone, Chennai and Delhi Development Authority. Detailed instructions were issued to these organizations to rectify the errors and take follow up action to recast the reservation rosters both in regard to posts filled by direct recruitment and promotion, to rework the backlog vacancies reserved for Scheduled Tribes and to initiate action to fill up those vacancies by launching special recruitment drives. The respective State Govts., immediately after the conclusion of the review meetings, were given instructions by the Commission to take follow up action on its observations during the discussions in regard to various schemes and programmes being implemented by them.

## **1.8 Laying of Commission's Reports in Parliament**

1.8.1 Clauses (5) (d) and (5) (e) of Article 338A provide that it shall be duty of the Commission to present to the President annually or at such other times as the Commission may deem fit, reports upon the working of the safeguards provided to Scheduled Tribes, and to make recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other necessary measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

1.8.2 Clause (6) of Article 338A of the Constitution further provides that the President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations. Similarly, Clause (7) of this Article provides that where any of such report or a part thereof relates to any matter with which any State Govt. is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations. The Commission has observed that there has been a large time gap between the submission of its Report to the President and its laying before the Parliament/ State Legislature. This has been the cause of concern to the Commission as this substantially detracts from the value of the Commission's recommendations as the Hon'ble Members of Parliament come to know of such recommendations many years after submission of the Report to the President.

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

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



1.8.4 It is obvious from above-cited observation of the Ministry of Social Justice & Empowerment that they did not examine in correct perspective the recommendation of the Commission which sought to de-link the laying of the Report in Parliament from the laying of the Action Taken Memorandum on the recommendations contained in the Report of the Commission.

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

## **1.9 New initiatives**

1.9.1 The Commission receives a large number of petitions from all parts of the country in relation to the grievances relating to (i) alleged violation of service safeguards, (ii) matters relating to alienation of land, admission in professional and technical institutions particularly in medical, engineering etc., and (iii) atrocities. These petitions are referred to the respective organization and the reply received from the organization is sent for information to the petitioner. In most of the cases, the petitioners submit rejoinders to the Commission, which are examined in consultation with the concerned organization. Depending on the nature of the reply received from the respective organization, the Commission with a view to expedite the disposal of the petition organizes hearings in which the senior officers of the concerned organization are called to appear before it. After detailed discussion with them, the Commission issues the proceedings of the hearings requesting the organization concerned to take follow up action on its recommendations within a given timeframe. As per the procedure till recently in vogue, the Commission used to discuss only one petition in one hearing. In the interest of the disposal of the maximum number of petitions, the Commission during the year under review decided to club all the cases/petitions pending in the Commission in relation to an organization in a single hearing. This change has led to reduction in the number of hearings and at the same time marked increase in the disposal of cases/petitions. This also led to increased awareness in those organizations about implementation of the reservation policy in letter and in spirit.

1.9.2 In order to enable the poor tribal people living in different parts of the country to contact the officers of this Commission and also to send their grievances/complaints, a Toll Free telephone number **1800117777** with Fax facility has been commissioned w.e.f. 27 April, 2006 on which the officers of this

Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country. The petitioners/complainants can also know the position of the petitions already filed with the Commission.

1.9.3 As mentioned in para 1.3 the three functional Units/Wings namely (i) Economic and Social Development Wing, (ii) Service Safeguard Wing, and (iii) Atrocities Wing were restructured and four Research Units (RU—I, RU-II, RU-III and RU-IV) were set up w.e.f. 26 July, 2006.

1.9.4 With a view to providing information about the functioning of the Commission to the tribal petitioners who visit to the Commission, an Information and Facilitation Centre (I&FC) has been set up at the entry point of its office on 6th Floor. The Counter was formally opened on 25.9.2006.

1.9.5 Consequent upon the creation of the National Commission for Scheduled Tribes by amending the Constitution through the Constitution (89th Amendment) Act, 2003 which came into force in February, 2004, it was felt that the Commission should have its own website with a view to making the tribal people, other person interested in tribal affairs and such bodies which have been entrusted with duties to promote tribal development aware of the role, responsibilities and functioning of the Commission. Accordingly, the website of the Commission <http://ncst.nic.in> was launched on 12.2.2007 in a function organized in the Conference Room of PIB at Shastri Bhavan, New Delhi.

#### **1.10 Progress of disposal of petitions/cases.**

1.10. The progress of disposal of petitions/ cases during the year 2006-07 was as under:-

(i)	Number of live cases pending at the end of 2005-06:	2065
(ii)	Number of files opened during the year:	1216
(iii)	Number of files closed:	0280
(iv)	Number of live cases at the end of 2006-07:	3201

## **CHAPTER 2**

### **SERVICE SAFEGUARDS**

#### **2.1 Constitutional Provisions**

2.1.1 The objective of providing reservations for Scheduled Tribes (as also for SCs & OBCs) in civil posts and services of the Government is not only to increase their representation in the services but to uplift these people socially, educationally and economically with a view to empower them to join the national mainstream. The relevant Articles of the Constitution which govern the reservation are mentioned below:

- (i) **Article 16(4):** This Article provides that "Nothing in this Article shall prevent the State from making any provision for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State".
- (ii) **Article 16(4A):** This Article was added in the year 1995 to provide that "Nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes & Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State".[**Constitution (Seventy-seventh Amendment) Act, 1995**]
- (ii) **Amended Article 16(4A) :** Article 16(4A), inserted by the Constitution (77th Amendment) Act, 1995, was further amended in the year 2001 to substitute the words " in matters of promotion to any class" by words "in matters of promotions, with consequential seniority, to any class" vide the **Constitution (Eighty-fifth Amendment) Act, 2001**. This amendment was made operative retrospectively from 17 June 1995, i.e. the date of addition of this Article vide the Constitution (Seventy- seventh Amendment) Act, 1995.
- (iv) **Article 16(4B):** This Article was added in the year 2000. It provides that "Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year".[**Constitution (Eighty-first Amendment) Act, 2000**].
- (v) **Article 335:** This Article provides that "The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State". The following proviso

was added to this Article by the **Constitution (Eighty-second Amendment) Act, 2000**

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

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

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

2.2.1 The constitutional validity of the above-mentioned amendments i.e. (i) The Constitution (77th Amendment) Act, 1995, (ii) The Constitution (81st Amendment) Act, 2000, (iii) The Constitution (82nd Amendment) Act, 2000, and (iv) The Constitution (85th Amendment) Act, 2001 was challenged in the Hon'ble Supreme Court of India in Writ Petition (Civil) No.61 of 2002 in M. Nagaraj & Ors. vs. Union of India & Ors. The petitioners had invoked Article 32 of the Constitution for a writ in the nature of certiorari to quash the Constitution (85th Amendment) Act, 2001 inserting Article 16 (4A) retrospectively from 17 June, 1995 providing reservation in promotion for members of Scheduled Castes and Scheduled Tribes with consequential seniority as being unconstitutional and violative of the basic structure. It was further stated by the petitioners that:

- (i) The impugned amendments reversed the decisions of the Hon'ble Supreme Court in the case of (i) Union of India & Ors. vs. Virpal Singh Chauhan & Ors., (ii) Ajit Singh Januja & Ors. vs. State of Punjab & Ors. (Ajit Singh I), (iii) Ajit Singh & Ors. II vs. State Bank of Punjab & Ors., (iv) Ajit Singh & Ors. III vs. State of Punjab & Ors., (v) Indira Sawhney & Ors. vs. Union of India, and (vi) M.G. Badappanavar & Another vs. State of Karnataka & Ors.
- (ii) The Parliament had appropriated the judicial powers to itself and had acted as an appellate authority by reversing the judicial pronouncement of the Hon'ble Supreme Court by the use of power of amendment as done by the impugned amendment and was, therefore, violative of the basic structure of

the Constitution. The amendment also sought to alter the fundamental right of equality, which is part of the basic structure of the Constitution.

- (iii) The equality in the context of Article 16(1) connotes "accelerated promotion so as not to include consequential seniority". It was further stated by the petitioners that by attaching consequential seniority to the accelerated promotion, the impugned amendment violates equality in Article 14 read with Article 16(1).
- (iv) By providing reservation in the matter of promotion with consequential seniority, there was impairment of efficiency.

2.2.2 The Hon'ble Supreme Court in the above-referred case delivered its judgment on 19 October, 2006. The Hon'ble Court upheld the constitutional validity of (i) The Constitution (77th Amendment) Act, 1995, (ii) The Constitution (81st Amendment) Act, 2000, (iii) The Constitution (82nd Amendment) Act, 2000, and (iv) The Constitution (85th Amendment) Act, 2001. It was observed by the Hon'ble Supreme Court that the impugned constitutional amendments by which Article 16(4A) and 16(4B) have been inserted flow from Article 16(4) and that they do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons namely backwardness and inadequacy of representation which enables the States to provide for reservation keeping in mind the overall efficiency of the State administration under Article 335. The Hon'ble Court further observed that

- (i) The impugned amendments are confined only to SCs & STs and that they do not obliterate any of the constitutional requirements, namely ceiling- limit of 50% (quantitative limitation), the concept of creamy layer (qualitative exclusion), the sub-classification between OBC, on the one hand, and SCs & STs of the other hand as held in Indira Sawhney case, and the concept of post based roster with in-built concept of replacement as held in the case of R.K. Sabbarwal.
- (ii) We reiterate that the ceiling limit of 50%, the concept of creamy layer and the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency are all constitutional requirements without which the structure of equality of opportunity in Article 16 would collapse.
- (iii) The main issue concerns the "extent of reservation". In this regard the concerned State will have to show in each case the existence of the compelling reasons, namely- backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation. As stated above, the impugned provision is an enabling provision. The State is not bound to make reservation for SC/ST in the matter of promotions. However, if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance of Article 335.



- (iv) It is made clear that even if the State has compelling reasons, as stated above, the State will have to see that its reservation provision does not leave to excessiveness so as to breach the ceiling-limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.

2.2.3 As decided in the meeting of this Commission held on 10 November, 2006, the Central Ministries/Departments and the State Govts. and Union Territory Administrations were apprised of the operative part of the judgment vide the Commission's letter No.12/16/2006-C.Cell dated 26.12.2006 and were requested to take necessary measures in its compliance and to send a detailed status report.

2.2.4 The Govt. of West Bengal, on receipt of our letter dated 26.12.2006 (referred to above) wrote back to the Commission vide their letter dated 22.1.2007 informing that they had received a copy of the order of the Hon'ble Supreme Court only a few days ago. It was stated that the said order of the Hon'ble Supreme Court has introduced the concept of creamy layer (qualitative exclusion) for the SCs & STs and that the Department of Personnel & Training (Govt. of India) had defined the creamy layer as applicable to Other Backward Classes (OBCs) in civil posts and Services under the Govt. of India. The State Govt. requested this Commission to indicate the income limit or any other parameters defining the creamy layer as applicable to SCs & STs. The Commission accordingly, vide its letter dated 20 February, 2007 took up the matter with the Department of Personnel & Training to ascertain whether they had issued any instructions regarding the definition of creamy layer in relation to SCs & STs in the light of the observations of the Hon'ble Supreme Court in its above-referred judgment. The Department of Personnel & Training, in reply, sent a copy of their letter No.36036/2/2007-Estt.Res dated 29 March, 2007, addressed to the Chief Secretaries of all the States and Union Territories, a copy of which is placed at **Annex.2.I**. It will be seen that in para 3 of this letter it was stated by DoPT that they had, in consultation with the law officers of the Government, examined whether the above-referred judgment of the Hon'ble Supreme Court introduced the concept of creamy layer for the Scheduled Castes and Scheduled Tribes and that they were advised that the observations made in this judgment by the Hon'ble Supreme Court regarding creamy layer amongst the Scheduled Castes and Scheduled Tribes were mere *obiter dicta, per incurium* and did not flow from, and could not be reconciled with the 9-judge bench judgement of the Hon'ble Supreme Court in the matter of Indira Sawhney . It was further stated in that letter that the reference to creamy layer in the concluding paragraph and other portions of the judgment did not relate to the Scheduled Castes and Scheduled Tribes.

## **2.3 Reservation in promotion by selection within Group 'A'**

2.3.1 **Article 16 (4)** was amended vide the Constitution (77th Amendment) Act, 1995, and the Constitution (85th Amendment) Act, 2001 to add a new Article 16 (4A) in the Constitution of India to provide that nothing will prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in services under the State in favour of SCs & STs which, in the opinion of State, are not adequately represented in the services under the State. It was in pursuance of this amendment that the Department of Personnel vide their letter No. 36012/18/95-

Estt.(Res.), Part-II dated 13.08.1997, in modification of their OM dated 19.08.1993, issued instructions to all Ministries/ Departments of the Govt. of India to continue the reservation in promotion for the Scheduled Castes and Scheduled Tribes in the service/posts under the Central Govt. beyond 15.11.1997 (as the Hon'ble Supreme Court of India in its judgement dated 16.11.1992 in the case of Indira Sawhney vs. Union of India had, inter-alia, held that there shall be no reservation in promotion for SCs and STs after five years from the date of their judgement i.e. 16.11.1992) till such time as the representation each of these two categories in each reached the prescribed percentage of reservation.

2.3.2 It was represented by the members of SCs/STs and their associations etc. that the intention of this Article i.e. 16 (4A) was to provide reservation to SCs and STs in promotion by selection within Group 'A' posts also which as on date is limited to the lowest rung of Group 'A'. As the DOPT's above referred OM dated 13.08.1997 was silent about extending the reservation in promotion within Group 'A' in selection posts, the Commission took up the matter with the Department of Personnel and Training requesting them to issue revised instructions to that effect. The Commission was informed by DOPT that the matter in which one party had challenged the validity of Article 16 (4A) and other amendments in the Writ Petition (Civil) No. 61 of 2002 in the case of M. Nagaraj and Ors. Vs. Union of India and Ors., and another party had prayed for reservation in promotion within Group 'A' posts in Writ Petition (Civil) No. 244 of 1997 in the case of All India Income Tax SC/ST Employees Federation Vs. Union of India and Ors. was pending before the Constitution bench of the Hon'ble Supreme Court. As stated in para 2.2, the Hon'ble Supreme Court has already pronounced in its judgement in the former case upholding the validity of the amendments carried out in the Constitution in Article 16 (4) and Article 335.

2.3.3 The Commission had requested the Department of Revenue to appraise it of the latest position of the WP (Civil) No. 244 of 1997 (referred to above). The Commission was, however, informed in August, 2007 that since the matter was almost 10 years old, it had not been possible for them to trace out the file. The Commission, thereafter, requested the Additional Registrar, Supreme Court in this regard. The Commission was informed by the Additional Registrar that the WP (Civil) No. 244 of 1997 titled All India Income Tax SC/ST Federation Vs. Union of India and Ors. was pending and as per order dated 17.01.2002 of the Hon'ble Court, it is to be listed four weeks after the judgement is delivered in WP (Civil) No. 88 of 1997 and batch (which was listed for hearing on 13.11.2007). On the request of the Commission, the DOPT which is one of the Respondents (Respondent No. 2) in this WP has sent a copy of this Writ Petition and a copy of the counter affidavit filed by the Department of Revenue on behalf of the various Respondents.

**2.3.4 The issue raised in this petition is of vital importance and, therefore, the Commission would like to recommend that the Department of Revenue and the Department of Personnel and Training, who are Respondent No. 1 and 2 respectively, should request the Hon'ble Supreme Court through their counsels for early hearing in the matter.**

## **2.4 Separate zone of consideration for SCs/STs**

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

- (i) Scheduled Caste and Scheduled Tribe officers who are within the normal zone of consideration shall be considered for promotion along with others and adjudged on the same basis as others and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list. If some of the SC/ST candidates so selected have been selected on their own merit in all respect and are so placed in the select list that their names fall within the number of unreserved vacancies, such candidates shall be adjusted against unreserved vacancies.
- (ii) If number of candidates from Scheduled Castes and Scheduled Tribes other than the candidates selected on their own merit who are adjusted against unreserved vacancies is less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the zone of consideration irrespective of merit but who are considered fit for promotion.
- (iii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the extended zone of consideration irrespective of merit but who are considered fit for promotion.

2.4.1.2 **In case of promotion by non-selection**, all Scheduled Caste and Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which the promotions are to be made, are required to be considered in the order of their general seniority, and if they are not judged unfit, they are to be promoted. If the number of Scheduled Caste/Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste/Scheduled tribe candidates to the extent required are to be located by going down the seniority list provided they are eligible and found fit for appointment.

2.4.1.3 The Department of Personnel & Training vide their O.M. No.22011/2/2002-Estt.(D) dated 6 January, 2006 modified the existing provisions relating to **the size of the zone of consideration** as under:-

- (i) For vacancies upto [and including] 10, existing provisions relating to normal size of zone of consideration i.e. two times the number of vacancies plus four will continue to be applicable;

- (ii) For vacancies exceeding 10, the normal size of zone of consideration will now be one and a half times the number of vacancies, rounded off to next higher integer, plus three but shall not be less than the size of zone of consideration for ten vacancies;
- (iii) The existing size of extended zone of consideration for SC/ST officers, viz. five times the total number of vacancies, will continue to be applicable.

2.4.1.4 As in the case of promotion by non-selection, there is no prescribed zone of consideration for making adhoc promotions. DoPT's instructions issued vide their O.M. No.36011/14/83-Estt. (SCT) dated 30.4.1983 provided that all SC/ST candidates covered in the relevant seniority list are required to be considered in order of their general seniority provided they were eligible and were not adjudged unfit. These instructions were modified by DoPT vide their O.M. No.36011/14/83-Estt.(SCT) dated 30.9.1983 to the extent that the extended zone of consideration for SCs/STs in case of adhoc promotions was restricted to five times the number of vacancies being filled on a particular occasion. However, the Hon'ble Supreme Court in its judgment dated 7.9.2000 in the case of Union of India & Ors. vs. Shri Basudev Anil & Ors. (Civil Appeal No.1194/1992) quashed the DoPT's above-referred O.M. dated 30.9.1983 and accordingly the earlier instructions issued by DoPT's O.M. dated 30.4.1983 (referred to above) were restored vide DoPT's O.M. No.36012/27/2000-Estt. (Res) dated 15 March, 2002.

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

2.4.2.2 The National Commission for Scheduled Tribes vide its letter dated 24 January, 2006 apprised the Department of Personnel & Training of the above-mentioned observations of the Hon'ble Supreme Court and requested them to issue revised instructions for drawal of separate zone of consideration for SC/ST candidates in the matter of their promotion by selection from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' in line with the law laid down by the Hon'ble Supreme Court. The matter was also discussed with the officers of DoPT in a meeting called on 24 May, 2006 in the Chamber of Hon'ble Chairman, NCST in which the DoPT was represented by Shri R. Ramanujam, Joint Secretary (AT&A), Shri T. Jacob, Joint Secretary (Estt.), Smt. Smita Kumar, Director (Estt.) and Shri K.G. Verma, Deputy Secretary (Estt.-Res.). The Commission was informed that the DoPT was in the process of preparing a

detailed note on the subject for seeking advice of Department of Legal Affairs. DoPT was requested to send a self-contained and comprehensive note by referring to all relevant judgments to enable the Department of Legal Affairs to render their advice in correct perspective. Secretary, DoPT was apprised of the details of the discussions vide the Commission's letter dated 2.6.2006 and was requested to ensure that all relevant judgments were duly referred to in the note for seeking the advice of the Department of Legal Affairs. A copy of the referral note dated 19 June, 2006 sent to the Department of Legal Affairs was made available to the Commission vide DoPT's letter dated 3.7.2006.

2.4.2.3 The Commission found that in the referral note of DoPT sent to the Department of Legal Affairs, a reference had, inter alia, been invited to the judgement of the CAT, Jodhpur bench in the case of Ram Singh Meena vs. Union of India & Ors., and the judgement of the Hon'ble CAT, Principal bench, New Delhi dated 19 October, 2005 in O.A. No.688/2005 in the case of Gopal Meena & Ors. vs. Union of India & Another. While Hon'ble CAT, Jodhpur bench held that the provision for extended zone of consideration for members of SC/ST was consistent with the directions of the Hon'ble Supreme Court regarding drawal a separate zone of consideration for members of SC/ST, the Principal bench, New Delhi in their above-referred judgement observed that:

"23. If one has regard to the above, DoPT OM prescribes a common zone of consideration for unreserved and reserved candidates whereas the decision of the apex Court ruled preparation of separate zone of consideration. In case of conflict the decision of apex court over rides the executive instructions and in our considered view separate zone of consideration has to be prepared for consideration of SC/ST candidates.

26.... once in ad-hoc promotion running down the seniority beyond the extended zone of consideration to consider the cases of eligible SC/ST candidates has been decided to be followed, non-compliance of the aforesaid principle for regular promotion and not amending the relevant provision issued in 1989 and 1987 by the DoPT the current executive instructions which infiltrate the arena covered by judicial orders cannot be countenanced, as held by the apex court in UP Rajya Vidut Parishad's case."

2.4.2.4 The Department of Personnel & Training had sought the advice of the Department of Legal Affairs on the following views held by the CAT, Jodhpur bench:-

- (i) the extended zone of consideration applicable to SC/ST officers tantamount to separate zone of consideration for the reason that only the SC/ST candidates falling in the extended zone of consideration are considered for promotion and the General candidate coming in the extended zone are excluded from consideration.



- (ii) whether a separate zone would mean a zone comprising exclusively of the SC or ST candidates as the case may be irrespective of their position in the overall gradation/seniority list.

2.4.2.5 The above-referred note of DoPT sent to the Department of Legal Affairs was examined by the Commission in its meeting held on 24 May, 2006 in which it was contended that the judgments of the Hon'ble Supreme Court were applicable on all types of promotion i.e. ad-hoc as well as regular and, therefore, the DoPT should have sought the advice of the Department of Legal Affairs on the simple issue whether in the light of the Hon'ble Supreme Court's judgments, the instructions issued by DoPT vide their O.M. dated 15 March, 2002 should also be made applicable in the case of regular promotion. The Commission vide its letter dated 3 August, 2006 advised the DoPT to send a revised note/reference to the Department of Legal Affairs to enable them to understand the full implications of the issues involved and to render their advice in the correct perspective. A copy of this letter was also endorsed to Secretary, Department of Legal Affairs with reference to which the Department of Legal Affairs vide their note dated 4 August, 2006 made available to the Commission a copy of their advice dated 17.7.2006 which had been sent to DoPT with reference to their referral note dated 19 June, 2006.

2.4.2.6 The Department of Legal Affairs vide their note dated 17.7.2006 had stated that the question of applicability of extended zone of consideration in filling of reserved vacancies had come up for consideration of CAT, Jodhpur bench in the case of Ram Singh Meena vs. Union of India & Ors. The Tribunal dismissed the O.A. and called upon Secretary, DoPT to review the existing provision relating to zone of consideration for SC/ST candidates in para 9 of its order. It was further stated that a review petition filed by Shri Ram Singh Meena was also dismissed following which Shri Meena filed a Civil Writ Petition which is pending in the High Court of Rajasthan. It was further stated that the Jodhpur bench also observed that the existing instructions which were drafted for the extended zone of consideration for SCs/STs meets the ratio of the Supreme Court judgment in U.P. Rajya Vyadut Parishad SC/ST Karamchari Kalyan Sangh vs. U.P. State Electricity Board & Ors. provided for the separate zone of consideration. It was further stated that keeping in view the law laid down by the Supreme Court in the UP case (referred to above) the CAT, Principal Bench, New Delhi disposed of the O.A. No.688/05 in the case of Shri Gopal Meena and, therefore, the Department of Legal Affairs is of the view that the order/judgment passed by the Jodhpur bench in O.A. 66/02 in the case of Ram Singh Meena vs. Union of India did not suffer from any infirmity and accordingly the directions made by Jodhpur bench were required to be complied with.

2.4.2.7 The Commission vide its letter dated 4.9.2006 wrote to Secretary, Department of Personnel & Training to inform them that while it had not heard anything so far from DoPT regarding the advice given by the Department of Legal Affairs, the latter (i.e. Department of Legal Affairs) in response to this Commission's endorsement of its letter dated 3.8.2006 (referred to above) made available to this Commission a copy of their advice dated 17.7.2006 already sent by them to DoPT. The Commission observed that the advice of the Department of Legal Affairs was self-conflicting to the extent that **on the one hand**, the

Department of Legal Affairs had referred to the categorical observation of the Supreme Court in the case of C.D. Bhatia vs. Union of India that 'the law laid down by this Court in U.P. State Rajya Vidyut Parishad's case is binding on all the authorities including the Union of India' and had further stated that the law declared by the Hon'ble Supreme Court in the U.P. State Rajya Vidyut Parishad's case was binding by virtue of Article 141 of the Constitution of India, **on the other hand**, it (i.e. the Department of Legal Affairs) had stated that "we are of the view that this order/judgment passed by the CAT, Jodhpur bench in O.A. No.62/02-Ram Singh Meena vs. Union of India did not suffer from any infirmity". It was stated that the advice given by the Department of Legal Affairs did not seem to be in order and that the judgment of the Jodhpur bench should not have any overriding effect on the law laid down by the Supreme Court which has already been implemented by DoPT itself in the matter of adhoc promotions in compliance with the Apex Court's judgment in Basudev Anil's case.

2.4.2.8 In view of the position stated above, the National Commission for Scheduled Tribes vide its letter dated 8.9.2006 (copy enclosed at **Annex.2.II**) requested Secretary, Department of Personnel & Training to issue revised instructions, in compliance with the Hon'ble Supreme Court's judgments in U.P. Rajya Vidyut Parishad SCs/STs Karamchari Kalyan Sangh vs. U.P. State Electricity Board and Ors., and in the case of C.D. Bhatia vs. Union of India, regarding separate zone of consideration for SC/ST employees in the matter of regular promotions by selection also, on the line of the instructions dated 15 March, 2002 by DoPT in respect of ad-hoc promotions which do not put any limit on the size of the zone of consideration for filling up of the reserved vacancies having regard to the observations of CAT, Principal bench, New Delhi in its judgment dated 19 October, 2005 in O.A. No.688/2005 in the case of Gopal Meena vs. Union of India cited below para 2.4.2.3. A copy of the Commission's letter dated 8.9.2006 was also endorsed to the Department of Legal Affairs for information and necessary action.

2.4.2.9 The Commission has not heard anything about the action taken by DoPT so far. In the meanwhile, the 19 applicants in the above-mentioned case (i.e. O.A.No.688/2005) filed another application in the Hon'ble Central Administrative Tribunal, Principal bench, New Delhi seeking intervention of the Tribunal in complying with their orders in O.A.No.688 of 2005 in the matter of drawal of separate zone of consideration for SCs/STs in promotion. The Hon'ble Tribunal by their order dated 10 July, 2007 in O.A. No. 1516/2006 and MA No.1233/2006 in the case of Gopal Meena and Others Vs Union of India (through Secretary Department of Revenue) and Another has reiterated its judgement in OA No.688/2005 (referred to above). It has observed that *"we fail to find any justification and reasonability in the respondents' action/inaction in not complying with the direction issued by this Tribunal Order dated 19.10.2005 in OA No.688/2005 when it was particularly noticed that Hon'ble Supreme Court Judgement in the above mentioned cases i.e. UP Rajya Vidyut Parishad and C.D Bhatia's cases clearly maintained to constitute separate zone of consideration for SC/ST and not to club the said category with general category so that the very purpose of reservation is maintained and fulfilled."* A copy of this judgment has been sent to Secretary, DoPT vide the Commission's d.o. letter dated 8.8.2007 for his information and necessary action at their end regarding issue of revised

instructions in the matter of drawal of separate zone of consideration in the light of the observations of the Hon'ble Supreme Court and the Hon'ble CAT, Principal bench, New Delhi. **The Commission is of the view that the matter has been considerably delayed and that having regard to the importance of the matter, the Department of Personnel & Training should find out a way to resolve the situation arising out of the two conflicting judgments of the two benches of CAT (i.e. Jodhpur bench and Principal bench, New Delhi) and revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by selection, in compliance with the observations of the Hon'ble Supreme Court of India in UP Rajya Vidyut Parishad SC/ST Karamchari Kalyan Sangh vs. UP State Electricity Board and in the case of C.D. Bhatia and Ors. vs. Union of India and Ors.**

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

2.5.1 Paragraph 2 of the Department of Personnel & Training's O.M. No.14017/2/97-Estt.(RR) dated 25 May, 1998 provided as follows:-

"The Supreme Court in its judgement in R.K. Sabharwal's case has ruled in favour of a change-over from the existing "Vacancy" based reservation roster to "post" based roster. Under the existing policy the determination of different quotas for recruitment is vacancy-based. In order to comply with the aforesaid Supreme Court judgment, which has been implemented vide the DoPT's O.M. No. 36012/2/96-Estt.(Res.) dated the 2nd July, 1997, it will be necessary to amend the existing Service Rules/ Recruitment Rules under column 11 of Annexure-1 in the DOP&T guidelines dated the 18th March, 1988 to replace the words "percentage of the 'vacancies' to be filled by various methods" by "percentage of the 'posts' to be filled by various methods."

2.5.2 The Hon'ble Supreme Court in its judgment dated 11.12.1998 in C.W.P. No.5893 of 1997 in the case of State of Punjab & Ors. vs. Dr. R.N. Bhatnagar & Another had, inter alia, held as follows:

"the quota of percentage of departmental promotion and direct recruits has to be worked out on the basis of the roster points taking into consideration vacancies that fall due at a given point of time ..... there is no question of filling up the vacancy created by the recruitment of a direct recruit by a direct recruit or the vacancy created by a promotee by a promotee".

2.5.3 The Hon'ble Court also held that the decision rendered by the Constitution bench in its judgment dated 10.2.1995 in case of R.K. Sabharwal vs. State of Punjab & Ors. in connection with Article 16 (4) and the operation of roster for achieving the reservation of posts for SCs, STs & OBCs as per the scheme of reservation cannot be pressed into service for the scheme of method of appointment. The Hon'ble Supreme Court also referred to this case in its judgment dated 22.2.1995 in All India Federation of Central Excise vs. the Union

of India & Ors. [A Nos.4,6-8 in Writ Petition (C ) No.306 of 1988 with Writ Petition (C ) No.651 of 1997] and reiterated the above-mentioned decision.

2.5.4 In compliance with the above-mentioned observations of the Hon'ble Supreme Court, the Department of Personnel & Training vide their O.M. No.14017/2/1997-Estt.(RR)/Pt. dated 19 January, 2007 (**Annex 2.III**) rescinded the instructions contained in para 2 of their O.M. dated 25 May, 1998 reproduced below para 2.4.1 and to continue in its present form the column 11 of Annex.1, appended to their O.M. No.AB-14017/12/87 dated 18.3.1988 which existed before the issuance of their O.M. dated 25.5.1998. Column 11 of Annex.1 under reference relates to 'Method of recruitment'. It was clarified in this O.M. i.e. dated 19.1.2007 that under this column the Ministries/Departments would be required to indicate whether the method of recruitment was 'by direct recruitment or by promotion or by deputation/absorption and the percentage of the vacancies to be filled by various methods'.

2.5.5 It was clarified by DoPT through an illustration that the term 'cadre strength' as referred to in their O.M. No.36012/2/96-Estt.(Res.) dated 2.7.1997 meant the number of posts required to be filled by a particular mode of recruitment in terms of the relevant Recruitment Rules. It was further clarified that when the recruitment was made vacancy-based it was possible that at any given point of time, the share of direct recruitment may increase and the share of promotion may correspondingly decrease or vice-versa. In such cases, cadre strength for direct recruitment and cadre strength for promotion would change from year to year and consequently, the number of reserved posts in direct recruitment quota and promotion quota will also change from year to year. In the interest of clarity, an illustration was also provided by DoPT through which it was explained that in case the sanctioned strength of a grade was 1000 and the Recruitment Rules for the said grade provided that 50% of the vacancies shall be filled by direct recruitment on all India basis by open competition and 50% by promotion, the reservation for SCs, STs & OBCs in direct recruitment in this case will be 15%, 7.5% and 27% respectively and in promotion the reservation will be 15% for SC and 7.5% for ST. It was further explained that if all the 1000 posts were filled in the year 2000, 500 i.e. 50% of the posts were filled by direct recruitment and the remaining 500 i.e. 50% of the posts were filled by promotion. The number of reserved posts in the year 2000 in direct recruitment quota would be SCs-75, STs-37 and OBCs-135 and the number of posts in promotion quota would be SC-75, ST-37. The said illustration further states that if in the year 2001 a total of 200 vacancies arose in the grade, of which 50 posts were vacated by candidates from the direct recruitment quota and 150 by candidates from promotion quota, the number of incumbents in the direct recruitment quota became 450 and in promotion quota 350. It was further explained that since the Recruitment Rules provide for filling of 50% of the vacancies by direct recruitment and 50% by promotion, 100 vacancies in the year 2001 (out of the total of 200 vacancies in that year) will be filled by direct recruitment and 100 by promotion. Thus in that year the cadre strength for direct recruitment quota would become 550 and for promotion quota it would become 450 and the number of reserved posts in direct recruitment quota in that year will be SCs-82, STs-41, OBC-148 and the number of reserved posts in promotion quota will be SCs-67 and STs-33.

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

2.6.1 The Department of Personnel & Training vide O.M. No.36017/2004-Estt. (Res.) dated 5 July, 2005 had circulated to all Ministries/Departments of Govt. of India the revised percentages of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' and 'D' posts in Central Government services normally attracting candidates from a locality or a region, keeping in view the population figures of these communities in 2001 Census. The Commission noticed that the percentage of reservation for STs in respect of the State of Goa was 0.00. The Commission observed that the ST population in the State of Goa, which was shown as 0% on the basis of 2001 Census had since increased to about 12% on account of inclusion of three communities namely- Kunbi, Gawda and Velip as Scheduled Tribes vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 which was notified on 7 January, 2003. The Commission took up the matter with the Department of Personnel & Training to increase the percentage of reservation from 0% to 12%. The Commission also recommended revision of the percentage of reservation in the State of Goa for recruitment to Group 'C' and 'D' posts in Central Govt. services on local/regional basis from 0 to 12% having regard to the marked increase in the population of Scheduled Tribes after 2001 Census. This matter was also discussed during the review meeting held at Panaji by the Commission with Chief Secretary and other senior officers of the State Govt. on 25 January, 2007 during which the Commission was informed that the State Govt. was in the process of sending a proposal in this regard to the Govt. of India.

2.6.2 The Department of Personnel & Training vide their letter dated 20 April, 2007 informed the Commission that the Govt. of Goa had sent a proposal that the percentage of reservation for STs in the State of Goa in case of direct recruitment to Central Govt. services in respect of Group 'C' and 'D' posts normally attracting candidates from a locally or a region may be re-fixed at 12%. It was stated that a survey of ST communities was conducted by them through the State Backward Classes Commission under the supervision of the Department of Planning and Statistics, Govt. of Goa and found that ST population formed 12.07% of the population of the State of Goa. The Commission was requested to offer its comments on the proposal and accordingly the Commission vide its letter dated 26.4.2007 informed the DoPT that it supported the proposal of Govt. of Goa.

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

2.7.1.1 Actual representation of Scheduled Tribes in Central Govt. services as on 1.1.2005, as per the information made available by the Department of Personnel & Training is as given in the Table below:-

<b>Group</b>	<b>Total</b>	<b>STs</b>	<b>% age</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
A	80589	3448	4.3
B	139958	6230	4.5



C	2036103	131678	6.5
D (excluding Sweepers)	767224	53032	6.9
Sweepers	81174	4012	4.9
Total (excluding Sweepers)	3023874	194388	6.43
Total (including Sweepers)	3105048	198400	6.39

Note:- The above figures do not include information in respect of two Ministries

2.7.1.2 As on date, there is no reservation for Scheduled Castes and Scheduled Tribes within Group A posts in promotion by selection. There is, however, reservation upto the lowest rung of Group A. In Group B,C and D, there is reservation for members of Scheduled Tribes in all categories of posts. The above Table reveals that the representation of Scheduled Tribes in Group B,C and D posts is less than the prescribed percentage of 7.5. It is obvious that this situation has arisen on account of shortfall in these Groups not being filled up by the concerned Ministries/Departments. The Commission expresses its concern over this phenomenon **and recommends that the Department of Personnel & Training should take up the matter with all the Central Ministries/Departments particularly those which are cadre controlling authorities for appointment to various posts/ services and advise them to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes by launching Special Recruitment Drives (SRDs) and/or by making ad-hoc promotions in case eligible ST candidates are not available in the extended zone of consideration in the matter of promotion by selection.**

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

2.7.2.1 Based on information furnished by the Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises) in respect of 201 Public Sector Enterprises, the representation of Scheduled Tribes in CPSEs as on 1.1.2006 in various categories of posts i.e. Groups A, B, C and D is as given in the Table below:-

Group	Total No. of Employees	No. of STs	% age
(1)	(2)	(3)	(4)
A	164267	5874	3.57
B	162167	10121	6.24
C	677143	64125	9.46
D (excluding Safai Karamcharis)	237096	29878	12.60
<b>Total</b>	<b>1240673</b>	<b>109998</b>	<b>8.86</b>
Group 'D' (Safai Karamcharis)	13398	232	1.73
<b>Grand Total</b>	<b>1254071</b>	<b>110230</b>	<b>8.78</b>

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

2.7.2.2 The Commission notes that the representation of Scheduled Tribes in Group B as on 1.1.2006 has improved compared to the position as on 1.1.2004 which was 5.73. Still the fact remains that their representation is less than the

prescribed percentage of 7.5 and accordingly the **Commission recommends that the Department of Public Enterprises should advise the Central Public Sector Undertakings to make concerted efforts to fill up the shortfall/backlog vacancies reserved for Scheduled Tribes in Group B posts through SRDs to bring their representation to the prescribed level of 7.5%.**

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

2.7.3.1 The representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Officers, (ii) Clerks, and (iii) Sub-staff as on 31.12.2006 is as given in the Table below:-

S. No	Name of the Bank	Officers			Clerks			Sub-staff		
		Total	ST	%	Total	ST	%	Total	ST	%
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	Allahabad Bank	8157	510	6.25	7410	925	3.98	3126	224	7.17
2.	Andhra Bank	7959	452	5.68	2793	45	1.61	2259	152	6.73
3.	Bank of Baroda	13393	806	6.01	16532	793	4.78	6772	636	9.4
4.	Bank of India	14705	1093	7.43	17813	1022	5.74	6477	595	9.2
5.	Bank of Maharashtra	4335	720	16.61	6701	413	6.16	2931	256	8.8
6.	Canara Bank	16966	1115	6.57	19074	866	4.54	8147	378	4.7
7.	Central Bank of India	11762	694	5.9	16760	963	5.75	8421	603	7.16
8.	Corporation Bank	4451	186	4.18	4845	247	5.1	1551	90	5.80
9.	Dena Bank	3522	275	7.81	4081	475	11.64	2414	339	14.04
10.	Indian Bank	8163	444	5.44	9665	266	2.75	3128	143	4.57
11.	Indian Overseas Bank	7876	443	5.62	11879	301	2.53	3254	137	4.21
12.	Oriental Bank of Comm.	6703	304	4.54	5135	173	3.37	2635	133	5.04
13.	Punjab National Bank	18966	1014	5.35	27629	852	3.08	10389	590	5.68
14.	Punjab & Sind Bank	4474	155	3.47	3370	57	1.7	1547	35	2.26
15.	Syndicate Bank	9571	572	5.98	11236	607	5.4	3634	251	6.90
16.	Union Bank of India	11178	685	6.13	8765	309	3.53	5282	427	8.08
17.	United Bank	5351	345	6.45	7758	236	3.04	3837	136	3.54

	of India									
18.	Uco Bank	8141	483	5.93	11568	500	4.32	4167	197	4.73
19.	Vijaya Bank	4297	220	5.12	4725	156	3.30	1814	123	6.78
20.	State Bank of India	57418	3034	5.29	85747	4744	5.53	41604	2499	6.00
21.	SB of Bikaner & Jaipur	4209	312	7.41	5026	332	6.60	2633	280	10.63
22.	SB of Hyderabad	5063	286	5.65	5253	351	6.68	2674	187	7.00
23.	SB of Indore	2277	149	6.54	3134	567	18	1185	240	20.25
24.	SB of Mysore	3105	222	7.15	4480	180	4	1557	90	5.78
25.	SB of Patiala	4090	98	2.4	5068	28	.55	2257	58	2.56
26.	SB of Saurashtra	2112	127	6.01	3287	374	11	1652	176	10.65
27.	SB of Travancore	3812	112	2.94	5123	161	3	2043	100	4.90
28.	I.I.B.I.	50	2	4	24	0	0	20	0	0
29.	I.D.B.I.	4424	117	2.64	2018	75	4	1009	73	7.23
30.	NABARD	3002	207	6.9	1088	91	9	980	114	11.63
31.	EXIM Bank	206	20	9.71	0	0	0	08	0	0
32.	National Housing Bank	73	4	5.5	0	0	0	0	0	0
33.	S.I.D.B.I.	642	30	4.67	107	10	10	74	15	20.27
34.	Reserve Bank of India	6712	451	6.72	7500	745	10	6190	618	10.00
	<b>Total</b>	<b>267171</b>	<b>15229</b>	<b>5.70</b>	<b>325573</b>	<b>16234</b>	<b>4.98</b>	<b>145670</b>	<b>9895</b>	<b>6.8</b>

Source: Department of Economic Affairs (Banking Division)

2.7.3.2 It is seen from the above-Table that the overall representation of Scheduled Tribes in the officers' cadre is fairly satisfactory in all the Banks was 4.98 except State Bank of Patiala (2.4%), Punjab & Sind Bank (3.47%), and I.I.B.I. (4%). The overall representation of STs in the cadre of Clerks in all the Banks is also 6.8% which is less than the prescribed level of 7.5%. However, it is above the prescribed level in certain Banks namely- SB of Indore (18%), Dena Bank (11.64%), State Bank of Saurashtra (11%), S.I.D.B.I. (10%), R.B.I. (10%). The representation of STs in the cadre of Clerks in some Banks is far below the prescribed percentage of 7.5, in respect of which the percentage ranges between 3 and 4 and in respect of certain Banks this percentage ranges between 5 and 6. As regards the cadre of Sub-staff the percentage of representation for STs in most of the Banks is either near the prescribed percentage of 7.5% or more than that except a few Banks in respect of which the representation of Scheduled Tribes ranges between 2 to 5.

2.7.3.3 The respective Banks are the recruiting agencies for all the three categories of staff i.e. Officers Cadre, Clerks Cadre and Sub-staff Cadre, since

2001 onwards and, therefore, the Commission fails to understand the low representation of Scheduled Tribes in certain Banks in respect of either Officers Cadre or Clerks Cadre or Sub-staff Cadre or all the three cadres. It appears that the defaulter banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Commission recommends that the Department of Economic Affairs (Banking Division) should advise the defaulter banks to devise a time bound programme (not exceeding 1 year period) to make up the shortfall/ backlog of ST vacancies by launching Special Recruitment Drive or by deputing recruiting teams in the tribal areas or by both.**

2.7.3.4 In a hearing held in this Commission on 11 April, 2007 with respect to the representations from Shri Hari Shankar Shah and Shri Rajkumar Sah (STs) who had applied for the post of sub-staff under SRD launched by the United Bank of India, the Commission was informed by the United Bank of India that it had identified the backlog on the basis of PBR (Post- based Roster) in respect of sub-staff posts in the Bank and launched SRD with respect to which the applications were invited and the eligible ST candidates were called for interview and the process of interview was also completed. At this crucial stage, the Bank authorities, to the shock and dismay of the applicants, cancelled the entire gamut of action taken under the SRD. The Commission was further informed by the GM (UBI) that this step had been taken by the Bank on the advice given by the Department of Economic Affairs (Banking Division), based on the minutes of the meeting chaired by the Addl. Secretary (FS), Ministry of Finance (Banking Division) on 15-07-2005 regarding the Special Recruitment Drives launched by the various Banks to fill up the backlog vacancies reserved for SCs and STs in DR and promotion quota. It was stated by GM that the SRD was cancelled in view of the position stated in para 6(3) of the minutes of the said meeting which stated that "Backlog reserved vacancies have to be determined on the basis of post-based reservation. Since post-based reservation started on 2.7.1997, there cannot be any backlog reserved vacancy of the period prior to that".

2.7.3.5. It was explained by the Commission that the advice given by the Department of Economic Affairs (Banking Division) and the action taken by the Bank to withdraw the SRD was in flagrant violation of the instructions issued by the Government relating to guidelines in regard to identification of shortfall and backlog of reserved vacancies which, inter alia, required the plotting of the incumbency position in the PBR, as on 2.07.1997, in respect of each category of post and identification of the backlog. Attention, in this connection, was also drawn towards the Constitution (Eighty-First Amendment) Act, 2000 which incorporated Art. 16(4B) in the Constitution of India to provide for treating the unfilled backlog vacancies of the previous year(s) as a separate class of vacancies to be filled up in any succeeding year or years and keeping such separate class of vacancies outside the ceiling of fifty percent reservation on the total number of vacancies of that year. The attention of the GM, UBI was also drawn to the subsequent instructions of DoPT issued vide their O.M.No.36038/1/2004-Estt.(Res.) dated 5 August, 2004, relating to launching of SRDs for filling backlog vacancies in direct rectt. as well as in promotion and also that if there was excess in respect of SCs and shortfall in respect of STs on account of exchange of vacancies reserved for STs with SCs as per earlier instructions, excess should be adjusted against future points and backlog/ shortfall

with respect to Scheduled Tribe should be filled up through SRDs. It was also pointed out in the Commission's letter that while it was true that backlog of reserved vacancies was not required to be worked out on 2.07.1997 on the basis of vacancy-based roster, which ceased to exist immediately after switching over to the post-based based roster (PBR) on 2.07.1997, it was also true at the same time that the backlog was to be calculated afresh after counting the actual reserved points on the PBR and the actual incumbency of SC/ST employees against the reserved points keeping in view the total sanctioned strength and the number of posts actually filled on that date in respect of each category of posts.

2.7.3.6. The above-mentioned action taken by the United Bank of India was brought to the notice of Secretary (Financial Sector), Department of Economic Affairs vide the Commission's letter dated 16.4.2007 requesting him to issue fresh instructions to the banks as also the Financial Institutions to recalculate the backlog vacancies as on 2 July, 1997 (the date of switching over to the post-based roster in place of vacancy-based roster) and, thereafter launch the SRDs to fill up the backlog vacancies. It was further stated that based on the minutes of the meeting held on 15.7.2005, certain other Banks also (apart from the United Bank of India), may have cancelled the process of filling the backlog vacancies midway and, therefore, it was extremely necessary to clarify the position to the Banks. The Commission was informed by the Secretary, Department of Economic Affairs that a clarification was being sought from the Department of Personnel & Training based on which further action would be initiated in the Banking Division.

2.7.3.7 The Commission notes with anguish that mistaken interpretation of the instructions issued by DoPT vide their O.M. dated 2.7.1997 has sent a wrong message to the Banks leading even to cancellation of the process of recruitment started by them to fill up the backlog vacancies by some of them and, therefore, **recommends that the Department of Economic Affairs (Banking Division) should re-convene a meeting of the Chief Executives of all the Public Sector Banks and Financial Institutions including the Insurance Companies, ask them to recalculate the shortfall/ backlog vacancies reserved for STs in a correct manner as envisaged in the DoPT's above-referred O.M. and launch SRDs to fill them within a maximum period of one year and, thereafter to inform the Commission about the backlog reserved vacancies in each Bank and Financial Institution and action taken by them to fill them up.**

#### **2.7.4 Representation of Scheduled Tribes in Group A, B, C and D posts as on 1.1.2006 in Public Sector Insurance Companies**

2.7.4.1 The representation of Scheduled Tribes in Group A, B, C & D posts in the Public Sector Insurance Company as on 01.01.2006 is as given in the Table below:

S. No	Name of Insurance Company	Group	Total employees	ST Employees	%age
(1)	(2)	(3)	(4)	(5)	(6)
1.	Insurance Regulatory and Development Authority,	Group 'A'	33	1	3.03

	Hyderabad				
		Group 'B'	11	0	0.00
		Group 'C'	14	0	0.00
		Group 'D'	2	0	0.00
		<b>Total</b>	<b>60</b>	<b>1</b>	<b>1.67</b>
2.	Life Insurance Corporation of India, Mumbai	Group 'A'	19975	1242	6.22
		Group 'B'	18847	1015	5.39
		Group 'C'	70106	5293	7.55
		Group 'D'	4256	349	8.20
		<b>Total</b>	<b>113184</b>	<b>7899</b>	<b>6.98</b>
3.	General Insurance Corporation of India, Mumbai	Group 'A'	104	6	5.77
		Group 'B'	0	0	0
		Group 'C'	158	14	8.86
		Group 'D'	60	7	11.67
		<b>Total</b>	<b>322</b>	<b>27</b>	<b>8.39</b>
4.	National Insurance Company Limited, Kolkata	Group 'A'	4260	186	4.37
		Group 'B'	2046	45	2.20
		Group 'C'	8182	577	7.05
		Group 'D'	2208	152	6.88
		<b>Total</b>	<b>16696</b>	<b>960</b>	<b>5.75</b>
5.	The New India Assurance Co. Limited, Mumbai	Group 'A'	5040	252	5.00
		Group 'B'	3055	93	5.00
		Group 'C'	10060	783	3.04
		Group 'D'	2632	204	7.78
		<b>Total</b>	<b>20787</b>	<b>1332</b>	<b>6.41</b>
6.	Oriental Insurance Company Limited, New Delhi	Group 'A'	4254	200	4.70
		Group 'B'	2072	69	3.33
		Group 'C'	7461	546	7.32
		Group 'D'	2397	175	7.30
		<b>Total</b>	<b>16184</b>	<b>990</b>	<b>6.12</b>
7.	United India Insurance Company Limited, Chennai	Group 'A'	4225	189	4.47
		Group 'B'	2188	79	3.61
		Group 'C'	9140	643	7.04
		Group 'D'	2654	213	8.03
		<b>Total</b>	<b>18207</b>	<b>1124</b>	<b>6.17</b>



8.	Agricultural Insurance Company Limited, New Delhi	Group 'A'	79	4	5.06
		Group 'B'	0	0	0.00
		Group 'C'	41	4	9.76
		Group 'D'	7	1	14.29
		Total	127	9	7.09
	<b>Grand Total</b>	<b>A, B, C, &amp; D</b>	<b>185567</b>	<b>12342</b>	<b>6.65</b>

#### **Overall representations of STs in Insurance Companies**

Group 'A'	<b>37970</b>	<b>2080</b>	<b>5.47</b>
Group 'B'	<b>28219</b>	<b>1301</b>	<b>4.61</b>
Group 'C'	<b>105162</b>	<b>7860</b>	<b>7.49</b>
Group 'D'	<b>14216</b>	<b>1101</b>	<b>7.74</b>

2.7.4.2 The perusal of the above Table reveals that the representation of Scheduled Tribes:-

- (i) in Insurance Regulatory and Development Authority, Hyderabad in Group 'A' is 3.03 against the prescribed percentage of 7.5 and in Group 'C' is nil against the required number of 1 (the total number being 14)
- (ii) in the National Insurance Company Limited, Kolkata (in Grade 'B') is very poor i.e. 2.2%
- (iii) in the New India Assurance Co. Limited, Mumbai in Group 'C' posts is 3.04% and 5% in Group 'B' posts which is below the prescribed percentage of 7.5
- (iv) in the Oriental Insurance Company Limited, New Delhi and United Insurance Company Limited, Chennai in Group 'B' posts is 3.33 and 3.61 respectively against the prescribed percentage of 7.5

2.7.4.3 There is provision for reservation in all categories of Group 'B' posts and, therefore, the Commission fails to understand the reason for low representation (i.e. less than 7.5% of Scheduled Tribes) in Group 'B' posts. **The Commission recommends that the Department of Economic Affairs (Insurance Division) should advise the Life Insurance Corporation of India, Mumbai, National Insurance Company Ltd. Kolkata, The New India Assurance Company Ltd., Mumbai, Oriental Insurance Company Ltd., New Delhi and United India Insurance Company Ltd., Chennai to launch Special Recruitment Drives and fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in Group 'B' posts within a time-bound manner. On the same lines, the Department of Economic Affairs may also advise the New India Assurance Company Limited to make concerted efforts to increase the level of representation of Scheduled Tribes from 3.04% in Group 'C' to the desired level of 7.5% by launching Special Recruitment Drives.**

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

2.7.5.1 In a meeting held with the Commission, the Chairperson, University Grants Commission provided a copy of the guidelines (2006) issued by them for strict implementation of reservation policy of the Government in Universities, deemed Universities, Colleges, and other grant-in-aid Institutions and Centres. These guidelines, inter-alia, direct the UGC to ensure effective implementation of the reservation in the Central Universities and those Institutions deemed to be Universities receiving aid from public funds except in minority Institutions under Article 31(1) of the Constitution of India.

2.7.5.2.1 Based on the information furnished by the University Grants Commission vide their letter No.F.1-18/2006 (SCT)/Misc. dated 26 July, 2007, the representation of Scheduled Tribes in **Teaching posts** in the Central Universities during the year 2006-07 was as given in the following Table:-

S. No.	Name of the University	Professor		Reader		Lecturer		
		In position	STs	In position	STs	In position	STs	Shortfall (ST)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	AMU	276 (173)	0	436 (363)	0	401 (857)	0	64
2.	Allahabad Uni.	278 (389)	0	166 (298)	0	278 (389)	0	29
3.	Assam Uni.(Silchar)	19 (28)	0	41 (61)	0	103 (118)	7	2
4.	BHU	109 (257)	0	327 (540)	1	770 (1035)	16	62
5.	BBA Uni.	17 (41)	2	9 (18)	0	5 (15)	0	1
6.	Delhi Uni.	276 (189)	0	255 (403)	1	115 (434)	5	28
7.	Hyderabad Uni.	84 (116)	5	108 (125)	1	66 (74)	0	6
8.	JNU	89 (134)	0	187 (220)	0	190 (215)	10	6
9.	Jamia Milia Islamia	80 (100)	0	136(170)	0	344 (417)	9	22
10.	Manipur Uni.	89 (129)	2	66 (125)	0	88 (145)	2	9
11.	M.A.N. Urdu Uni.	30 (39)	2	14 (15)	0	7 (8)	0	1
12.	Mizoram Uni. (Aizawl)	106 (161)	45	19 (43)	1	10 (27)	4	0
13.	Nagaland Uni. (Kohima)	14 (28)	4	44 (54)	15	66 (95)	37	0
14.	N.E.H. Uni. (Shillong)	107 (131)	43	79 (105)	23	50 (78)	26	0
15.	Pondicherry Uni.	15 (30)	0	50 (66)	0	87 (117)	3	6
16.	Tejpur Uni.	15 (23)	0	27 (32)	1	53 (63)	5	0
17.	Visva Bharati Uni.	37 (53)	0	91 (112)	2	427 (490)	8	29
	<b>Total</b>	<b>1641(2021)</b>	<b>103</b>	<b>2055(2750)</b>	<b>45</b>	<b>3060(4577)</b>	<b>97</b>	<b>30</b>
	<b>%age</b>	<b>5.09</b>		<b>1.65</b>		<b>2.12</b>		

NB:(i) The figures in brackets indicate the sanctioned strength of the posts

(ii) Full name of certain Universities:- BBA Uni.- Babasaheb Bhimrao Ambedkar University (Lucknow), Jamia Uni.- Jamia Milia Islamia, M.A.N.Urdu Uni.- Maulana Azad National Urdu University (Hyderabad), N.E.H. Uni.- North-Eastern Hill University

2.7.5.2.2 It is necessary to set out the current reservation profile in respect of Scheduled Tribes in the Central Universities in the posts of Professor, Reader

and Lecturer. The post of Lecturer, which is equivalent to the lowest rung of Group 'A' post in Government of India, is filled up 100% by direct recruitment and, as per the Government of India's instructions, the reservation in this grade for Scheduled Tribes is applicable at the rate of 7.5%. The posts of Professor and Reader in the Central Universities are filled both by promotion and direct recruitment. Although the instructions of the Government of India provide for reservation for Scheduled Tribes @ 7.5% in all posts which are filled by direct recruitment, no reservation is being provided by the Central Universities in the posts of Reader and Professor in direct recruitment. It is obvious that the reservation policy of Govt. of India in the grade of Professor and Reader is being followed neither in letter nor in spirit by the Central Universities. There is no doubt that this practice is in violation of the instructions on reservation policy issued in pursuance of the provisions contained in Article 16 (4) of the Constitution of India and it is due to this phenomenon that the representation of Scheduled Tribes in the posts of Professor and Reader in almost all the Universities except North-Eastern Hill University and Mizoram University is very negligible. **The Commission, therefore, recommends that the Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Reader, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor and Reader which are filled up by direct recruitment and to chalk out a time bound programme to fill up these vacancies.**

2.7.5.2.3 As regards the post of Lecturer in which there is reservation of 7.5%, the Aligarh Muslim University has the highest shortfall i.e. 64 followed by Banaras Hindu University (62), Allahabad University (29), Visva Bharati University (29), Delhi University (28) and Jamia Milia Islamia (22). There are 401 Lecturers in position against sanctioned strength of 857 in Aligarh Muslim University and there is not a single Lecturer belonging to ST community. **The Commission recommends that the Ministry of Human Resource Development (Department of Higher Education) should also issue stringent instructions to all the Central Universities to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in the grade/ post of Lecturer within a specified period.**

2.7.5.3. Based on the information furnished by the University Grants Commission vide their letter referred to in Para 2.5.5.1.1, the representation of Scheduled Tribes in **Non-Teaching posts** in the Central Universities during the year 2006-07 was as given in the following Table:-

S. No.	Name of the University	Group 'A'		Group 'B'		Group 'C'		Group 'D'	
		In position	STs	In position	STs	In position	STs	In position	STs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	AMU	146 (183)	0	330 (375)	0	2588 (2729)	4	3302 (3017)	7
2.	*Allahabad Uni.	6 (9)	0	3 (9)	0	539 (563)	0	628 (652)	0
3.	Assam Uni.(Silchar)	19 (21)	1	23 (30)	0	131 (148)	12	56 (64)	5

4.	BHU	174 (238)	2	242 (292)	9	2049 (3217)	13	2677 (3643)	88
5.	BBA Uni. (Lucknow)	9 (16)	1	0 (5)	0	37 (56)	0	25 (28)	0
6.	Hyderabad Uni.	66 (73)	4	99 (103)	2	446 (488)	21	536 (614)	39
7.	JNU	55 (102)	1	115 (141)	4	518 (589)	15	533 (537)	19
8.	Jamia Milia Islamia	56 (64)	0	45 (50)	0	493 (545)	2	442 (493)	2
9.	Manipur Uni.	31 (37)	1	25 (32)	2	159 (208)	20	112 (137)	21
10.	M.A.N. Urdu Uni.	18 (21)	0	15 (24)	0	52 (66)	1	26 (26)	1
11.	Mizoram Uni. (Aizawl)	18 (23)	16	5 (13)	5	82 (104)	82	73 (76)	70
12.	Nagaland Uni. (Kohima)	20 (28)	15	25 (31)	15	152 (156)	126	166 (167)	137
13.	N.E.H. Uni. (Shillong)	59 (65)	0	144 (167)	10	445 (484)	226	326 (350)	155
14.	Pondicherry Uni.	43 (45)	1	22 (26)	1	248 (273)	6	213 (220)	13
15.	Tejpur Uni.	22 (31)	0	11 (14)	1	61 (79)	5	63 (69)	3
16.	*Visva Bharati Uni.	63 (87)	0	94 (109)	4	534 (641)	16	620 (878)	65
	<b>Total</b>	<b>805(1043)</b>	<b>42</b>	<b>1198(1421)</b>	<b>53</b>	<b>8534(10322)</b>	<b>549</b>	<b>9798(10971)</b>	<b>625</b>
	<b>%age</b>	<b>4.03</b>		<b>3.73</b>		<b>5.32</b>		<b>6.33</b>	

NB:(i) The figures in brackets indicate the sanctioned strength of the posts

(ii) Full name of certain Universities:- BBA Uni.- Babasaheb Bhimrao Ambedkar University (Lucknow), Jamia Uni.- Jamia Milia Islamia, M.A.N.Urdu Uni.- Maulana Azad National Urdu University (Hyderabad), N.E.H. Uni.- North-Eastern Hill University

\* The figures against these Universities are for the year 2005-06 (As on 31.5.2006)

2.7.5.3 The figures in the above Table reveal that as in the case of the posts of Lecturer in the Teaching category, the representation of Scheduled Tribes in Group 'B', Group 'C' and Group 'D' as also in Group 'A' (in which there is a reservation upto the lowest rung of Group 'A' posts), in the non-Teaching category too is far from satisfactory in respect of almost all the Central Universities except the Universities of Assam, Hyderabad, Manipur, Mizoram, North-Eastern Hill and Nagaland. The Commission has every reason to believe that no determined efforts are being made by the defaulter Central Universities to fill up the shortfall/backlog of the vacancies reserved for Scheduled Tribes. This position has been there right from the inception and nothing concrete has been done either by the University Grants Commission or by the Ministry of Human Resource Development (Department of Higher Education) to ensure the implementation of the reservation policy of the Government in these institutions. As the issue is of serious importance as it relates to the flagrant violation of the policy of the Government in the matter of reservation, **the Commission would like to reiterate its recommendation contained in its first Report for the year 2004-05, 2005-06 that the Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit.**

## **CHAPTER 3**

### **SPECIFICATION OF COMMUNITIES AS SCHEDULED TRIBES AND SUBSEQUENT REVISION OF THE LISTs OF SCHEDULED TRIBES**

#### **3.1 Definition of Scheduled Tribes**

3.1.1 Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, which are deemed under Article 342 of the Constitution to be Scheduled Tribes.

3.1.2 Article 342 provides that only those communities which have been declared as Scheduled Tribes by the President through an initial public notification or through a subsequent amending Act of Parliament which may relate to inclusion in or exclusion from the initial list of Scheduled Tribes in relation to State or UT will be considered to be a Scheduled Tribes.

#### **3.2 Criteria for specification of a community as a Scheduled Tribe**

3.2.1 The list of Scheduled Tribes is State/UT specific and a community declared as a Scheduled Tribe in a State need not be so in another State. The essential characteristics for a community to be identified as a Scheduled Tribe are (i) primitive way of life and habitation in remote and less easily accessible areas, (ii) distinctive culture, (iii) shyness of contact with the community at large, (iv) geographical isolation, and (v) general backwardness in all respects.

3.2.2 The above criteria are not spelt out in the Constitution but has become well established. It takes into account the definitions in the 1931 Census, the Reports of the first Backward Classes Commission (Kalelkar), 1955, the Advisory Committee on Revision of SC & ST list (Lokur Committee), 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967 (Chanda Committee).

#### **3.3. Procedure for inclusion in or exclusion from the list of Scheduled Tribes**

3.3.1 The following modalities have been laid down for deciding the claims for inclusion in or exclusion from the lists of Scheduled Tribes in June, 1999:-

- (i) Only those claims that have been agreed to by the concerned State Government, the Registrar General of India and the National Commission for Scheduled Tribes are taken up for consideration.
- (ii) Whenever representations are received in the Ministry for inclusion of any community in the list of Scheduled Tribes of a State/UT, the Ministry forwards that representation to the concerned State Government/UT Administration for recommendation as required under Article 342 of the Constitution.

- (iii) If the concerned State Government recommends the proposal, the same is sent to the Registrar General of India (RGI) for their comments/views.
- (iv) The RGI, if satisfied with recommendation of the State Government, recommends the proposal to the Central Government.
- (v) Thereafter, the Government refers the proposal to the National Commission for Scheduled Tribes for their recommendation.
- (vi) If the National Commission for Scheduled Tribes also recommends the case, the matter is processed for the decision of the Cabinet after consulting the concerned administrative Ministries. Thereafter the matter is put up before the Parliament in the form of a bill to amend the Presidential Order.
- (vii) 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 Ministry for Social Justice & Empowerment.
- (viii) In case, there is disagreement between the views of the State Government and the RGI, the views of the RGI are sent to the State Government for reviewing or further justifying their recommendation. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal is again referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/UT Administration on a second reference, the Government of India may consider rejection of the said proposal.
- (ix) Similarly, those cases where the State Government and the RGI favour inclusion/exclusion, but not supported by the National Commission for Scheduled Tribes are also rejected.
- (x) 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 indicated above as may be applicable.

3.3.2 A copy of the Ministry of Social Justice & Empowerment's letter No.12016/36/96-SCD (R.L. Cell)-Vol.III dated 30.7.2002 along with the modalities for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Caste and Scheduled Tribe list is given at **Annex.3.I**.

### **3.4 Constitution (Scheduled Tribes) Orders issued under Clause (1) of Article 342**

3.4.1. Under Clause (1) of Article 342 of the Constitution, the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory as the case may be. Once these lists have been promulgated, inclusion therein or exclusion

therefrom can be made only by the Parliament in terms of Clause (2) of Article 342. Ten Orders issued so far under Clause (1) of Article 342 as given below:-

<b>S. No.</b>	<b>Name of the Order</b>	<b>Date of notification or the Order</b>	<b>Name (s) of State (s)/UT(s) for which the Order is applicable</b>
1.	The Constitution (Scheduled Tribes) Order, 1950	6.9.1950	Assam, Bihar, Bombay, Madhya Pradesh, Madras, Orissa, Punjab, West Bengal, Hyderabad, Madhya Bharat, Mysore, Rajasthan, Saurashtra and Travancore-Cochin
2.	The Constitution (Scheduled Tribes) (Part C States) Order, 1951	20.9.1951	Ajmer, Bhopal, Coorg, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh
3.	The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959	31.3.1959	Andaman & Nicobar Islands
4.	The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962	30.6.1962	Dadra & Nagar Haveli
5.	The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967	24.6.1967	Uttar Pradesh
6.	The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968	12.1.1968	Goa, Daman & Diu
7.	The Constitution (Nagaland) Scheduled Tribes Order, 1970	23.7.1970	Nagaland
8.	The Constitution (Sikkim) Scheduled Tribes Order, 1978	22.6.1978	Sikkim
9.	The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989	7.10.1989	Jammu & Kashmir
10.	The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1991	20.8.1991	Jammu & Kashmir

3.4.2 The Constitution (Scheduled Tribes) Order, 1950 (**Annex.3.II**) contained the list of Scheduled Tribes in respect of Part A and Part B States. In this Order, some of the tribes or tribal communities were declared as Scheduled Tribes throughout the State, some tribes were declared Scheduled Tribes throughout the State except certain districts and some of the tribes and tribal communities were declared as Scheduled Tribes in relation to certain parts of districts of a State only.



3.4.3 The Constitution (Scheduled Tribes) (Part C States) Order, 1951 (**Annex 3.III**) specified the list of Scheduled Tribes in respect of eight Part C States namely- (i) Ajmer, (ii) Bhopal, (iii) Coorg, (iv) Himachal Pradesh, (v) Kutch, (vi) Manipur, (vii) Tripura, and (viii) Vindhya Pradesh.

3.4.4 The Constitution (Andaman & Nicobar Islands) (Scheduled Tribes) Order, 1959 (**Annex 3.IV**) specifies six tribes or tribal communities of the Andaman & Nicobar Islands as Scheduled Tribes. These are (i) Andamanese, Chariar, Chari, Kora, Tabo, Bo, Yere, Kede, Bea, Balawa, Bojigiyab, Juwai, Kol, (ii) Jarawas, (iii) Nicobareese, (iv) Onges, (vi) Sentinelese, (vii) Shom Pens.

3.4.5 The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962 (**Annex 3.IV**) declared seven tribes or tribal communities as Scheduled Tribes in relation to the Union Territory of Dadra & Nagar Haveli namely- (i) Dhodia, (ii) Dubla including Halpati, (iii) Kathodi, (iv) Kokna, (v) Koli Dhor including Kolgha, (vi) Naikda or Nayaka, and (vii) Varli.

3.4.6 The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967 (**Annex 3.IV**) specified the five tribes or tribal communities as Scheduled Tribes in relation to the State of Uttar Pradesh namely- (i) Bhotia, (ii) Buksa, (iii) Jaunsari, (iv) Raji, and (v) Tharu.

3.4.7 The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968 (**Annex 3.V**) specified five tribes or tribal communities as Scheduled Tribes in relation to then Union Territory of Goa, Daman & Diu namely- (i) Dhodia, (ii) Dubla including Halpati, (iii) Naikda including Talavia, (iv) Siddi including Nayaka and (v) Varli. Consequent upon Goa being made a State in terms of the Goa, Daman & Diu Reorganisation Act, 1987, the Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968 was rescinded and the Scheduled Tribes in relation to the Union Territory of Daman & Diu were made part of The Constitution (Scheduled Tribes) (Union Territory) Order, 1951 (shown in **Annex-XII**). Even after formation of a separate State of Goa in the year 1987, these tribes reside both in the State of Goa as well as in the UT of Daman and Diu.

3.4.8 The Constitution (Nagaland) Scheduled Tribes Order, 1970 (**Annex 3.V**) specified five tribes or tribal communities as Scheduled Tribes in relation to the State of Nagaland namely- (i) Naga, (ii) Kuki, (iii) Kachari, (iv) Mikir, and (v) Garo.

3.4.9 The Constitution (Sikkim) Scheduled Tribes Order, 1978 (**Annex 3.V**) declared two tribes or tribal communities as Scheduled Tribes in relation to the State of Sikkim namely- (i) Bhutia including Chumbipa, Dophapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa, and Yolmo, and (ii) Lepcha.

3.4.10 The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989 (**Annex 3.VI**) specified the eight tribes or tribal communities as Scheduled Tribes in relation to the State of Jammu & Kashmir namely- (i) Balti, (ii) Beda, (iii) Bot, Boto, (iv) Brokpa, Drokpa, Dard, Shin, (v) Changpa, (vi) Garra, (vii) Mon, and (viii) Purigpa.

3.4.11 The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1991(**Annex 3.VI**) specified the four tribes or tribal communities as Scheduled Tribes in relation to the State of Jammu & Kashmir namely-(i) Gujjar, (ii) Bakarwal, (iii) Gaddi, and (iv) Sippi.

### 3.5. **Modifications/ amendments made in some of the original Constitution (Scheduled Tribes) Orders**

3.5.1 According to Clause (2) of Article 342 of the Constitution, any amendments in the lists of the Scheduled Tribes promulgated through the original Constitution (Scheduled Tribes) Orders issued under Clause (1) of Article 342 can be effected only through the Acts of Parliament. In pursuance of these provisions, comprehensive amendments have been made four times in the original orders in the year 1956, 1976 and 2002 through the following Orders/Acts:-

<b>S. No.</b>	<b>Name of the Order</b>	<b>Date of notification of the Order/ Act</b>	<b>Name (s) of State (s)/UT(s) for which the Order/ Act is applicable</b>
1.	The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956	29.10.1956	Andhra Pradesh, Assam, Bihar, Bombay, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, West Bengal and then Part C States of (i) Himachal Pradesh, (ii) Manipur, (iii) Tripura and the (iv) Laccadive, Minicoy and Amindivi Islands.
2.	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976	18.9.1976	Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Rajasthan, Tamil Nadu, Tripura, West Bengal and UT of A&N Islands.
3.	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002	7.1.2003	Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Orissa, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal.
4.	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2003	19.9.2003	Assam

3.5.2. The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 (**Annex 3.VII**) was issued in pursuance of Section 41 of the States Reorganisation Act, 1956 (37 of 1956) and Section 14 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 (41 of 1956). At the time of the promulgation of the Constitution in 1950 [(when the Constitution (Scheduled Tribes) Order, 1950 was notified], there were Part A, Part B and Part C States and the lists of the Scheduled Castes and Scheduled Tribes were issued accordingly in respect of different States. Subsequently, the reorganisation of States took place in 1956, removing the distinction between Part A and Part B States and rechristening Part C States as Union Territories. In addition to this, large scale transfers of territories from one State to another took place on the basis of linguistic distribution of the people. The Constitution (Scheduled Tribes) (Part C States) Order, 1951 was given the name of The Constitution (Scheduled Tribes) (Union Territories) Order, 1951 and Parts I to VIII were substituted by Part I to IV (Part I-Himachal Pradesh, Part II- Manipur, Part III-Tripura and Part IV-The Laccadive, Minicoy and Aminidivi Islands) and the expression 'throughout the State' was substituted with 'throughout the Union Territory'. Subsequently the Laccadive, Minicoy and Aminidivi Islands was given the name of Lakshadweep, and Himachal Pradesh, Manipur and Tripura were given the status of full-fledged States. After Goa was given the status of full-fledged State in 1987 in terms of the Goa, Daman and Diu Reorganisation Act, 1987, The Constitution (Goa, Daman & Diu) Scheduled Tribes Act, 1968 was rescinded and the Scheduled Tribes in relation to the Union Territory of Daman and Diu were shifted as Part-II of The Schedule of The Constitution (Scheduled Tribes) (Union Territories) Order, 1951 and, therefore, as on date The Constitution (Scheduled Tribes) (Union Territories) Order, 1951 relates to two Union Territories only i.e. (i) Lakshadweep and (ii) Daman & Diu (as indicated in Annex XII).

3.5.3.1 The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (**Annex 3.VIII**) was enacted to provide for inclusion in and the exclusion from the list of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the readjustment of representation of Parliamentary and Assembly constituencies in so far as such readjustment was necessitated by such inclusion or exclusion. Another purpose of enacting this Act was to remove the area restrictions in respect of the tribes and communities, which had already been specified as Scheduled Tribes. It had been represented to the Government by certain sections of Scheduled Castes and Scheduled Tribes that the area restrictions in respect of certain Scheduled Castes and Scheduled Tribes were acting as hindrance to spatial and social mobility. In bulk of the cases, the area restrictions were accordingly removed, though in some cases such restrictions were retained and continue till date.

3.5.3.2 The Scheduled Castes & Scheduled Tribes Orders (Amendment) Act, 1976 also provided that as soon as may be after the commencement of this Act, the population as at the last Census (i.e. 1971 Census) of the Scheduled Castes or, of the Scheduled Tribes, as the case may be, in each State shall be ascertained or estimated by the census authority for the purposes of readjustment of Parliamentary or Assembly constituencies. It also enjoined upon the Election Commission of India to make such amendments as might be necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 having regard to the provisions of articles 81, 170, 330 and 332 of

the Constitution, of Section (8) of the Delimitation Act, and of this Act, for the purpose of giving proper representation to the Scheduled Castes or, to the Scheduled Tribes as the case may be, of that State on the basis of the number of reserved seats.

3.5.4 The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (**Annex 3.IX**) was enacted to provide for (i) inclusion in the lists of Scheduled Tribes, of certain tribes or tribal communities or parts of or groups within tribes or tribal communities, (ii) equivalent names or synonyms of such tribes or communities, (iii) removal of area restrictions and bifurcation and clubbing of entries, (iv) imposition of area restriction in respect of certain castes in the lists of Scheduled Castes, and (v) exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes in relation to States indicated under column 4 against Sl.No.3 below para 3.5.1. This Act came into force w.e.f. 7 January, 2003. One of the important amendments relates to exclusion of certain communities from the list of Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 residing in the specified districts of Uttar Pradesh and their inclusion in the list of Scheduled Tribes with reference to certain specified districts of Uttar Pradesh by amending the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. These ten communities are- (i) Gond, Huria, Nayak, Ojha, Pathari, Raj Gond (in the districts of Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonebhadra), (ii) Kharwar, Khairwar (in the districts of Deoria, Balia, Ghazipur, Varanasi and Sonebhadra), (iii) Saharya (in the district of Lalitpur), (iv) Parahiya (in the district of Sonebhadra), (v) Baiga (in the district of Sonebhadra), (vi) Pankha, Panika (in the districts of Sonebhadra and Mirzapur), (vii) Agariya (in the district of Sonebhadra), (viii) Patari (in the district of Sonebhadra), (ix) Chero (in the districts of Sonebhadra and Varanasi), and (x) Bhuiya, Bhuinya (in the district of Sonebhadra).

3.5.5 Apart from the above amendments, two amendments were made in respect of the State of Assam vide the Constitution (Scheduled Tribes) Order (Amendment) Act, 2003 (**Annex 3.X**).

3.5.6 A copy of The Constitution (Scheduled Tribes) Order, 1950 as amended from time to time on the basis of (i) amending Order/Acts (given in the Table below para-3.5.1), (ii) various State Reorganization Acts such as, (a) Bombay Reorganisation Act, 1960, (b) State of Nagaland Act, 1962, (c) Punjab Reorganisation Act, 1966, (d) State of Himachal Pradesh Act, 1970 (e) North-Eastern Areas (Reorganisation) Act, 1971, (f) State of Arunachal Pradesh Act, 1986 (g) Goa, Daman and Diu Reorganisation Act, 1987, (h) Bihar Reorganisation Act, 2000, (i) Madhya Pradesh Reorganisation Act, 2000, (j) Uttar Pradesh Reorganisation Act, 2000 etc. (iii) conferring of status of statehood on some of the Union Territories is placed at **Annex.3.XI**. A copy of The Constitution (Scheduled Tribes) (Union Territories) Order, 1951 as amended from time to time due to (i) change of names of some of Union Territories, and (ii) conferring of status of statehood on some of the Union Territories is placed at **Annex.3.XII**. A copy of The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 as amended by The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 is given at **Annex.3.XIII**. A copy the Constitution

(Sikkim) Scheduled Tribes Order, 1978 as amended by The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 is given at **Annex.3.XIV**.

### **3.6 Amendment (proposed) to Part-I of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951**

3.6.1 Part I (Lakshadweep) of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 provides that the inhabitants of Laccadive, Minicoy and Aminidivi islands who, and both of whose parents, were born in those islands shall be deemed to be Scheduled Tribes throughout the Union Territory of Lakshadweep. The Ministry of Tribal Affairs informed this Commission in July 2007 that several representations were received from the Union Territory of Lakshadweep that these existing provisions were creating difficulties for islanders who are born on the mainland on account of non-availability of adequate health services in the Islands and that accordingly a Bill to amend this Order was introduced in Rajya Sabha on 5th March 2003 and further that the consideration of the above Bill was deferred on 9.4.2003 on the request of the Ministry of Home Affairs to include cases other than the medical ground cases covered by the said Amendment Bill of 2003. The Commission was further informed that the formulation suggested the Ministry of Home Affairs had been considered and the Hon'ble Minister for Tribal Affairs had approved the following formulation for amending the Bill:-

"Throughout the Union Territory:-

Inhabitants of Laccadive, Minicoy and Aminidivi Islands who, and both of whose parents, were born in those islands".

Provided that if children, born outside Lakshadweep, in the mainland of India, to such parents, both of whom were born in these Islands, settle permanently in Lakshadweep, they shall be deemed to have been born in Lakshadweep".

Explanation: The term "settle permanently" would have the same meaning as defined under Clause 3(l) (d) of the Lakshadweep Panchayat Regulation, 1994.

3.6.2 The Commission was requested to offer its comments on the above proposal of the Ministry of Tribal Affairs. The Commission vide its letter dated 20.7.2007 informed the Ministry of Tribal Affairs that it endorsed the proposal of the Ministry of Tribal Affairs to amend (on the above lines) Part I of the Schedule to The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

### **3.7 Tribal population**

3.7.1 The tribal population of the country as per 2001 Census is 8.43 crore, constituting 8.2% of the total population. The population of Scheduled Tribes had shown the growth rate of 24.45% during the period 1991-2001. More than half of the ST population is concentrated in the States of Madhya Pradesh, Chhattisgarh, Maharashtra, Orissa, Jharkhand and Gujarat. The main concentration of tribal population is in central India and in the north-eastern

States. However, tribal communities have been specified as Scheduled Tribes in respect of all the States and Union Territories except Haryana, Punjab, Delhi, Pondicherry and Chandigarh. The tribal population as a percentage of the total population of the State/UT and the tribal population of each State/UT as a percentage of the total tribal population of the country is as given at **Annex.3.XV**.

3.7.2 There are over 700 Scheduled Tribes notified under Article 342 of the Constitution of India, spread over different States and Union Territories of the country. The largest number of Scheduled Tribes is in the State of Orissa (i.e. 62).

### **3.8 Delimitation of Parliamentary and Assembly Constituencies**

3.8.1 It was brought to the notice of the Commission during the year 2005-06 that the Delimitation Commission had initiated an exercise for delimitation of the Parliamentary and Assembly constituencies on the basis of 2001 Census and that certain tribal bodies in the State of Assam had been agitating against the decision of the Delimitation Commission to reduce the number of seats reserved for Scheduled Tribes in the State Assembly. The Commission had recalled that a number of tribal communities had been included in the list of Scheduled Tribes in respect of various States (including the State of Assam) vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 which came into force w.e.f. 7 January, 2003. As decided by the Commission, the matter was taken with the Delimitation Commission, who were requested to take into consideration for the purpose of delimitation of the Parliamentary and Assembly constituencies population of the tribal communities which had been included in the list of Scheduled Tribes in the year 2002 vide the above Act and which had been shown as non-tribal communities in the Census report, 2001. The Commission was informed by the Delimitation Commission that they had to delimit the Parliamentary and Assembly constituencies on the basis of 2001 Census figures as published by the Registrar General and Census Commissioner of India. It was further stated that for extending the benefits of reservation to the communities declared as Scheduled Tribes vide SCs & STs Orders (Amendment) Act, 2002 in Parliament and Legislative Assemblies, an enabling provision would be required to be made by the Parliament and that the Delimitation Commission could not on its own take into account any other unpublished figures for the purpose of delimitation. The observations of the Delimitation Commission were brought to the notice of Ministry of Tribal Affairs and they were requested to make enabling provision in the Delimitation Act, 2002. The Commission recommended that the Ministry of Tribal Affairs should take necessary action to draft a suitable bill for introduction in Parliament for making an enabling provision in the Delimitation Act, 2002 for taking into account for the purpose of delimitation of constituencies such tribal communities which were recognized as Scheduled Tribe after 2001 Census and such other tribes which might be recognized in future subsequent to the submission of Census report (s) by the Registrar and Census Commissioner of India.

3.8.2 The issue raised in the preceding paragraph has been taken to the Hon'ble Supreme Court in Writ Petition (Civil) No.363 of 2006 in the case of Shri Vijay Singh Gond & four Others from district Sonebhadra vs. (i) Union of India

(through Cabinet Secretary), (ii) Election Commission of India, (iii) Chief Election Commissioner of U.P. (Lucknow), and (iv) the National Commission for Scheduled Tribes. In this Writ Petition, the petitioners had prayed the Hon'ble Supreme Court for interim relief as under:-

- (i) to pass an ad-interim ex-parte order staying the effect and operation of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002; or
- (ii) to pass an ad-interim ex-parte order permitting the petitioners and other members of their communities to contest the forthcoming U.P. State Assembly Elections on seats reserved for Scheduled Castes;
- (iii) to pass such other and or further orders as may be deemed fit and necessary in the facts of the case.

3.8.3 In this Writ Petition (Civil) No.363 of 2006, the petitioners have stated that they belong to ten communities of the State of Uttar Pradesh, which have been transferred from the list of Scheduled Castes to the list of Scheduled Tribes under the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002. They have stated that as Scheduled Caste members, they were entitled to exercise and enjoy all fundamental rights, constitutional rights and statutory rights as members of Scheduled Castes. The Parliament, however, by the impugned Act, sought to exclude ten Scheduled Castes (as mentioned in para 3.5.4) from the category of Scheduled Castes and included them in the category of Scheduled Tribes. They have further stated that:-

- (i) In the State of Uttar Pradesh, before the impugned Act was passed, there were 69 Scheduled Castes and 5 Scheduled Tribes. After the above Act had been passed, the number of Scheduled Castes in that State would be reduced from 69 to 52 and the number of Scheduled Tribes would be increased from 5 to 22. Thus there would be reduction of 17 Castes and sub-Castes (10 Castes and 7 sub-Castes) in the list of Scheduled Castes and addition of 17 castes in the list of Scheduled Tribes in the State of UP.
- (ii) The impugned action has prejudicially affected the petitioners and several members of Scheduled Castes who had all throughout enjoyed benefits, as Scheduled Castes and now they would be deprived of those benefits.
- (iii) Though there is a reduction of 17 Castes and sub-Castes from the list of Scheduled Castes and consequent increase in the list of Scheduled Tribes, seats in Parliament as also in Legislative Assemblies have not been decreased or increased and they have remained as they were and that this would adversely affect the interest of SC persons who were sought to be converted to Scheduled Tribes.
- (iv) It would give additional benefits to the remaining SC persons in as much as though such Castes would be reduced from 69 to 52, the number of seats in Parliament as well as in Legislative Assemblies would not change.



- (v) It would curtail the benefit to which the members of Scheduled Tribes would be entitled as there would be increase in the Scheduled Tribes from 5 to 22.
- (vi) The Legislature, while enacting impugned Act failed to consider the complications likely to arise and injustice to be caused to Scheduled Castes if the Act were to be brought into force without making necessary change in the allotment of seats in accordance with the provisions of the Constitution particularly Article 330 and 332. Such action would also violate their constitutional rights in Part IX (Articles 243 to 243-O) of the Constitution.
- (vii) In the State of U.P. (prior to its bifurcation in the year 2000), out of the total 425 seats, 92 seats had been reserved for SCs and 1 seat had been reserved for STs. After the division of States of U.P. into the States of U.P. and Uttrakhand, the total number of seats in the State of U.P. came down to 403 and the seats reserved for Scheduled Castes came down to 89 and the seats reserved for Scheduled Tribes became 0.
- (viii) The petitioners and other similarly affected persons who prior to enactment of the Act contested the Parliament and Assembly elections on seats reserved for Scheduled Castes would now not be able to contest elections from these reserved seats as these persons now belong to Scheduled Tribes and that they would also not be able to get any benefit of the provision for reservation of seats for Scheduled Tribes as no reservation can be effected for Scheduled Tribes in the State of U.P. as per the changed population till Census is conducted after 2026.
- (ix) The members of the 10 Castes and 7 sub-Castes, on the one hand, have lost the benefits which were available to them earlier being members of the Scheduled Castes and, on the other, have not been conferred with any benefits for being members of Scheduled Tribes due to the explanation of Article 330.
- (x) The extinguishment of their constitutional rights under Article 330 and 332 to have seats reserved for them in House of People and State Assemblies is not temporary or for a short period but for a period of 26 years which means that one whole generation of these oppressed classes would stand to lose their constitutional right of reservation in elected bodies due to enactment of the impugned Act.

3.8.4 In their interim judgment dated 13 March, 2007, the Hon'ble Supreme Court held that grant of interim relief might create complications. For instance, a member of a particular Scheduled Castes who has now been treated under the impugned Act as member of Scheduled Tribe, may be able to claim certain benefits as member of Scheduled Tribe under the Act. How can he at the same time claim benefits as a member of Scheduled Castes also? It was also stated by the Hon'ble Court that can it be said that a person originally belonged to Scheduled Castes and required to be treated as belonged to Scheduled Tribes under the impugned Act will continue to be treated as belonged to Scheduled Castes for the purpose of election under Article 330 and

332 of the Constitution, but such a person will be treated as a member of Scheduled Tribe for the purpose of other provisions of the Constitution? The Hon'ble Court held that such a dichotomy was not envisaged. The Hon'ble Court has further held that since the serious questions of law has been raised by the petitioners, the petition deserved to be admitted. At the same time, grant of interim relief would create more problems, complications and confusions and, therefore, interim relief as prayed for by the petitioners cannot be granted at this stage.

3.8.5 The Cabinet Secretariat vide their letter dated 9 January, 2007 had advised the Ministry of Tribal Affairs that the Ministry of Law & Justice should implead itself as a party in the said matter and defend the interest of the Union of India before the apex Court.

**3.9 Tribal status of ST families to continue on their migration to other States due to reorganization of the States or due to their resettlement resulting from their displacement on account of acquisition of their land and property for developmental projects.**

3.9.1 The National Commission for Scheduled Tribes in its meeting held on 20.12.2006 observed that in terms of the present instructions, persons belonging to Scheduled Tribes specified in relation to a State/UT are eligible to avail benefits of reservation in services and posts under Govt. of India and reservation in admission in any national level colleges and professional/technical institutions under the control of Central Govt. irrespective of the State/UT to which they belong and also irrespective of the State/UT in which these colleges/institutions are located. The Commission, however, noted that the above facilities were not available to the children of such ST parents who had been forced to migrate and settle in other States/UTs (i.e. other than the State of their origin) consequent upon their appointment and posting in those States/UTs against Group A or Group B posts under the State Govt. (which are filled on all India basis) or those who while working in Central Govt. offices or CPSUs are transferred and posted to States/UTs other than the State/UT of their origin. The Commission noted that the children of such migrated tribals face severe problems which include denial of the benefits of reservation to them in admission to the State-run educational/professional institutions and in the employment under the State Govt. Also, the children of such migrated ST parents were not eligible to get admission in the institution of their choice even in the State of their origin due to the fact that they had migrated to another State.

3.9.2. The Commission further observed that a similar situation was prevailing in various States in case of those Scheduled Tribe families who had been displaced from their original place of living due to acquisition of their land for taking up various developmental projects and submersion of their land due to construction of irrigation, hydel and power projects. It was noted that the rehabilitation and resettlement of the displaced families in most of these cases had taken place in States other than the States of their origin.

3.9.3 The Commission observed that there was another category of Scheduled Tribe families who suddenly become non-ST pursuant to re-organisation of the States. It was recalled by the Commission that large scale re-

organisation took place in 1956 due to the States Reorganization Act, 1956 (37 of 1956), and Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956). The list of Scheduled Tribes in respect of each State/ UT (as it existed after re-organisation) was notified vide the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, which *inter-alia*, mentions that "Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division constituted as from the 1st day of November, 1956."

3.9.4 The Commission observed that for the purpose of issuing the caste certificate to a person, he/she is asked to give details about his place of ordinary residence as on the date of original notification of Constitution (Scheduled Tribes) Order, 1950 or Constitution (Scheduled Tribes) Order, 1951. It was observed that since new States emerged in 1956 and the new Government of each State/ UT started functioning in the capitals of the such new States, the condition of ordinary residence as in 1950 or 1951 should have ceased to have any validity and the place of residence after re-organisation should have been the only criteria for the purpose of issue of ST certificates and grant of special benefits meant for the Scheduled Tribes. The Commission took special note of the problems of such STs who were Govt. servants in the States which existed before re-organisation and who were compelled migrate to other States (i.e. after reorganization) because their services were transferred to the new State Governments. For instance, the Offices of Government of Madhya Pradesh, C.P. and Berar, which were functioning at Nagpur in 1956 were divided into two separate Secretariats in respect of newly constituted States of Madhya Pradesh and Maharashtra. The Commission noted that those ST employees who earlier belonged to the combined State and were transferred to Madhya Pradesh were still being asked to produce evidence about their place of residence, as in 1950. It was observed that the same situation prevailed in respect about those STs who belonged to a place which is part of present Madhya Pradesh, but were allotted duty in Maharashtra. The Commission found that the children of all those Government servants who were rendering service on the basis of ST certificates prior to notification of the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, were being denied the safeguards and other benefits admissible to the Scheduled Tribes for no fault of theirs.

3.9.5 The Commission also observed that similar situations had arisen after re-organisation of Punjab State in 1966 leading to creation of the States Haryana, Himachal Pradesh and Chandigarh Union Territory and again in November, 2000 on account of re-organisation of the States of Bihar, Madhya Pradesh and Uttar Pradesh. The ST residents of these States as well as of newly created States of Jharkhand, Chhattisgarh and Uttarakhand have been facing difficulties in obtaining ST certificates on account of the position enumerated in paras 3.8.3 and 3.8.4 and as a result thereof they were being denied the benefits of special schemes and programmes which are exclusively meant for Scheduled Tribes.

3.9.6 The Commission noted that the above problem prevailed due to the Hon'ble Supreme Court's judgement in Action Committee vs. Union of India (1994) in which the Hon'ble Court upheld the validity of the instructions issued by the Govt. of India (Ministry of Home Affairs) during 1975 and 1977, according to

which a person continues to be a SC or ST in respect of the State of his/her origin and he or she will not be treated as SC or ST in the State to which he/she has migrated. It was noted that this decision had been causing undue hardships to the Scheduled Tribe persons (as also Scheduled Castes) on their migration to another State. The Commission felt that as these migrations took place on account of circumstances over which the ST persons had no control and not on account of their own volition driven by any commercial or other considerations, it would be unfair not to recognize them as Scheduled Tribes by not issuing ST certificates to them thereby not allowing them to continue to avail the benefits available to them in the State of their origin or in the State, in which they resided before the re-organisation of that State. The Commission strongly felt that the Govt. must address to this burning problem and find out immediate solution at the earliest to save the STs from continued harassment. It was noted that the Commission had also taken up the matter with the Ministry of Personnel & Training, Department of Secondary and Higher Education, Department of Health and Family Welfare and Ministry of Tribal Affairs vide its d.o. letter No.6/7/2007-C.Cell dated 3.1.2007 (**Annex-3.XVI**) and that it had not heard anything in this regard.

3.9.7 The Commission would like to make the following recommendations for urgent consideration of the Government to resolve the problems of tribal families on their migration to other States due to their resettlement resulting from their displacement in the State of their origin or due to reorganization of States for urgent consideration of the Government:

- (i) There is need to advise the State Govts. that**
  - (a) they should issue instructions to provide that the families and children of the in-voluntarily migrated ST parents due to the resettlement in another State following displacement from his State of origin will continue to enjoy the same status in the State where they are resettled after displacement in case the community/ communities to which they belong has/ have already been notified as Scheduled Tribe/ Scheduled Tribes in that State and avail the benefits admissible to the Scheduled Tribes in that State.**
  - (b) In case the community/ communities to which the resettled tribals belong has/ have not been notified as Scheduled Tribes in the State of resettlement, they (i.e. the State Govts.) should immediately initiate action to get that/ those community/ communities notified as Scheduled Tribe/ Scheduled Tribes effective from the date of resettlement and also ensure that pending the issue of said notification, the resettled tribals are allowed to avail the benefits admissible to Scheduled Tribes in that State.**
- (ii) There is also need to advise the State Govts. that they should issue instructions to provide that in the context of creation of new States or transfer of territories from one State to another State following re-organisation of States, the Scheduled Tribes notified for the undivided States will continue to enjoy the same status in the**

**successor States depending upon the place of their residence in the new State on the date of the notification of the State Reorganisation Act.**

### **3.10 SCs/STs irrespective of their State of origin to get reservation in civil posts under UTs.**

3.10.1 It may be recalled that the Hon'ble High Court of Delhi in their judgment dated 5 July, 2004 in C.W. No.6546 of 2003 in Dr. B.R. Ambedkar Memorial Foundation (regd.) & Another vs. Union of India & Ors. held that in the absence of Presidential Notification declaring any community to be a Scheduled Tribe in Union Territory of Delhi under Article 342 of the Constitution of India, no posts under the Govt. of NCT of Delhi, local bodies or statutory authorities under the Govt. of NCT of Delhi could be reserved for ST candidates. The Court also quashed the MHA's letter dated 21 August, 2003 sent to Govt. of NCT of Delhi and, based on that, the Govt. of NCT of Delhi's letter dated 27 August, 2003 issued to all Heads of Departments advising continuation of reservation of ST candidates in services and posts under it. While an LPR (Letters Patent Review) filed by Ministry of Home Affairs in the Hon'ble High Court of Delhi against its Order dated 5 July, 2004 for review of its single-Judge bench judgment was pending in the Hon'ble Court, the Hon'ble Supreme Court of India in its judgment dated 11 February, 2005 passed by a three-Judge bench in the case of Smt. Pushpa & Ors. vs. Sivachanmugavelu & Ors. in Civil Appeal No. 6-7 of 1998 held that the Union Territory of Pondicherry having adopted a policy of Central Government where-under all SCs or STs, irrespective of their States were eligible for posts which were reserved for ST candidates, no legal infirmity could be ascribed to such a policy and the same could not be held to be contrary to any provision of law.

3.10.2 In view of Hon'ble Supreme Court's judgment referred to above, the Govt. of NCT of Delhi vide their letter dated 30 June, 2005 (**Annex 3.XVII**) addressed to Chairman, DSSSB and all Heads Department, Local Autonomous Bodies/ PSUs, Govt. of NCT of Delhi have clarified that all SC/ST candidates irrespective of their nativity will be eligible for reservation in civil posts under Govt. of NCT of Delhi which are reserved for them. **As regards the extension of reservation for Scheduled Tribes in other Union Territories, the matter was considered by the Commission in its first Report and suitable recommendations were accordingly made in the Report. As the Commission has not heard anything in this regard, it would like to reiterate its recommendation that the Ministry of Home Affairs should consider the applicability of the judgment of the Hon'ble Supreme Court of India in case of other Union Territories particularly the Union Territory of Chandigarh, where there is no notified list of Scheduled Tribes and issue necessary instructions/ directives to that effect.**

## **CHAPTER 4**

### **DEVELOPMENT OF PRIMITIVE TRIBAL GROUPS (PTGs)**

#### **4.1 Introduction**

4.1.1 There are certain tribal communities, which have pre-agricultural level of technology, are economically backward and have low level of literacy. 75 such Groups in 16 States/UTs have been identified, and have been categorized as Primitive Tribal Groups (PTGs). Most of these Groups are small in number, have attained different levels of social and economical progress and generally live in remote inaccessible habitats, with poor administrative and infrastructure back-up. Most of PTGs are still in the stage of hunting and gathering and are nomadic or semi-nomadic in their living habits. Their problems and needs are quite different from those of other Scheduled Tribes. Their total population as per 1991 Census was about 24.12 lakhs. The States/UTs which have PTGs are- (i) Andhra Pradesh, (ii) Chhattisgarh (iii) Gujarat, (iv) Jharkhand, (v) Karnataka, (vi) Kerala, (vii) Madhya Pradesh, (viii) Maharashtra, (ix) Manipur, (x) Orissa, (xi) Rajasthan, (xii) Tamil Nadu, (xiii) Tripura, (xiv) Uttarakhand, (xv) West Bengal, and (xvi) Andaman & Nicobar Islands.

4.1.2 Since PTGs constitute the most vulnerable sections of the STs, it is necessary to allocate adequate funds from Central sector/centrally sponsored and State Plan Schemes for their socio-economic development. It was, however, observed that funds provided under various schemes for STs were not reaching the PTGs adequately, and, therefore, in the year 1998-99, a separate 100% Central Sector Scheme for the exclusive development of PTGs was introduced. The activities under this scheme include housing, land distribution, agricultural development, cattle development, income generation programmes, health facilities, infrastructure development, insurance etc. The scheme is implemented through the Integrated Tribal Development Projects (ITDPs)/ Integrated Tribal Development Agencies (ITDAs), Tribal Research Institutes and NGOs. The State Govt. is responsible for the proper execution, implementation, supervision and coordination of the schemes including the selection of NGOs. The proposals received from the ITDPs/ITDAs, TRIs and NGOs are examined by a Committee set up under the Chairmanship of a Joint Secretary in the Ministry of Tribal Affairs. It is also represented in that Committee through an officer of appropriate status. This Committee also reviews the performance of the projects/activities taken up under this scheme by the implementing agencies every year.

4.1.3 During the year 2004-05, the Ministry of Tribal Affairs decided to provide insurance cover to the earning members of each PTG family throughout the country under the 'Janshree Bima Yojana' of the Life Insurance Corporation of India and cover all the PTG families within the remaining three years of the Tenth Five Year Plan. During 2004-05, an amount of Rs.5.00 crore was released to the 16 States to cover one lakh earning members of PTG families and during 2005-06, Rs. 10.00 crore was released to 15 States/UT to cover 2

lakh earning members of PTG families. During 2006-07, Rs.5.48 crore was released to 9 States to cover 1.095 lakh earning members of PTG families. The benefits provided to those whose lives are insured are:- (i) payment of Rs.50,000/- to nearest kith and kin of the person whose life is insured in case of accidental death or permanent disability caused, (ii) payment of Rs.20,000/- to the nearest kith and kin in case of natural death, (iii) payment of Rs.20,000/- in case of partial disability and (iv) educational grant of Rs.300/- per quarter for 2 children of the life insured studying in class IX and above. A brief write-up on action taken by the State Govts. For the economic development of the Scheduled Tribes identified as PTGs in relation to their State/UT is given (State/UT-wise) in the succeeding paragraphs.

4.1.4 The Ministry of Tribal Affairs also releases Special Central Assistance to Tribal Sub-Plan (SCA to TSP) to the State Govts. As an additive to the State Plan in the areas where State Plan Provisions are not normally forthcoming to bring about a more rapid economic development of tribals in the States. This grant-in-aid is required to be spent on programmes and schemes, inter-alia, for development of Primitive Tribal Groups.

4.1.5 The Commission vide its d.o. letter dated 29.05.2007 (**Annex 4.I**) addressed to the Chief Secretaries requested the State Govts. To send to the Commission a brief write-up in regard to the general status of the development of PTGs with particular reference to the following aspects.

- (i) Their total population as per 2001 Census
- (ii) Schemes/ programmes being implemented for economic and educational development, providing medical facilities and improving their health conditions, providing housing and safe drinking water etc.
- (iii) Working of PDS systems in PTGs areas
- (iv) Sources of their livelihood
- (v) Specific problems being faced by the PTGs and suggestions to overcome them

The State-wise information given in succeeding paragraph is based on the information supplied to the Commission by the State Govts. In response to the Commission's above mentioned letter.

## 4.2 Andhra Pradesh

4.2.1 The Scheduled Tribes which have been declared as PTGs in the State of Andhra Pradesh are-(i) **Chenchu**, (ii) **Bodo Gadaba**, (iii) **Gutob Gadaba**, (iv) **Dongria Khond**, (v) **Kuttiya Khond**, (vi) **Kolam**, (vii) **Konda Reddi**, (viii) **Kondasavara**, (ix) **Bondo Porja**, (x) **Khond Porja**, (xi) **Parengi Porja**, and (xii) **Thoti**. Their total population as per 2001 Census was 4,57,123. The PTG-wise population as per 1981,1991 and 2001 Census is as given in the Table below:-

Name of the PTG	Population		
	1981 Census	1991 Census	2001 Census



(i) Chenchu	28434	40869	49232
(ii) Bodo Gadaba }	27732	33127	36078
(iii) Gutob Gadaba }			
(iv) Dongria Khond }	39408	66629	85324
(v) Kuttiya Khond }			
(vi) Kolam	21842	41254	45671
(vii) Konda Reddi	54685	76391	83096
(viii) Kondasavara	-	105465	122979
(ix) Bondo Porja }	16479	24154	32669
(x) Khond Porja }			
(xi) Parengi Porja }			
(xii) Thoti	1388	3654	2074
<b>Grand Total</b>	<b>189968</b>	<b>391543</b>	<b>457123</b>

4.2.2 The areas of concentration of the population of these Primitive Tribal Groups in Andhra Pradesh (PTG-wise) and the sources of their subsistence are as given in the Table below:-

Name of the PTGs	Areas of Concentration	Sources of Subsistence
1. Chenchu	Nallamalai Forest and adjoining areas of Prakasam, Kurnool, Mahbubnagar, Guntur, Nalgonda and Ranga Reddy Districts.	(i) Food gathering & hunting, (ii) Collection and sale of Non-timber forest Produce (NTFP), (iii) Settled agriculture
2. Bodo Gadaba 3. Gutob Gadaba	Tribal areas of Visakhapatnam, Vizianagaram and Srikakulam Districts.	(i) Cultivation, (ii) Agriculture labour, and (iii) Podu cultivation
4. Dongria Khond 5. Kuttiya Khond	Interior forest tracts of Visakhapatnam District	(i) Podu cultivation, (ii) Basket making & mat weaving, (iii) Hunting & fishing, and (iv) NTFP collection
6. Kolam	Interior forest and hilly tracts of Adilabad District.	(i) Making of bamboo products like baskets, wattles, winnowing fans etc., (ii) podu cultivation as well as settled cultivation, (iii) Collection and sale of NTFP and (iv) Agriculture labour
7. Konda Reddi	Interior forests in Godavari gorges of East Godavari, Khammam and West Godavari Districts.	(i) Podu cultivation, (ii) Settled cultivation especially those living in the fringe areas of plains, (iii) Basket making, (iv) Horticulture, (v) Forest labour, and (vi) NTFP collection and sale
8. Kondasavara	Hill tops or valleys in the agency areas of Srikakulam and Vizianagaram Districts.	(i) Podu as well as terrace cultivation, (ii) collection of forest roots, tubers, fruits etc. (iii) collection and sale of NTFP, (iv)

		Horticulture, (v) forest labour and (vi) hunting and fishing
9.Bondo Porja 10.Khond Porja 11.Parengi Porja	Tribal areas of Visakhapatnam District	(i) Podu as well as settled cultivation, (ii) Basket making, (iii) Collection and sale of NTFP, and (iv) Agriculture labour
12. Thoti	Tribal areas of Adilabad District.	(i) Traditional bards to Gond patrons, (ii) Agriculture and agriculture labour, and (iii) tattooing by women

4.2.3. The schemes/ programmes being implemented by the Govt. of Andhra Pradesh for economic and educational development of the PTGs relate to minor irrigation works, NTFP plantations, community-based training, assistance to pregnant women, support to TB patients, land development, horticulture, providing safe drinking water, vegetable cultivation, sericulture, incentives to girl children, supply of dairy units, sheep units, poultry units, plough bullocks, housing and health programmes, support to landless PTG families, assignment of agricultural land to the landless PTGs.

4.2.4 The amount of funds received by the State Govt. under the Centrally Sponsored Scheme of the Ministry of Tribal Affairs for development of the PTGs during the years 2004-05, 2005-06 and 2006-07 was 130.80 lakhs, 130.80 lakhs and 264.00 lakhs respectively. The activities undertaken under this scheme related to purchase and assignment of agricultural land to Chenchus, providing irrigation facilities, agriculture implements, plough bullocks, and land development in already purchased agricultural lands for Chenchus, laying of roads in PTG habitations, ground water development, irrigation facilities, providing safe drinking water, horticulture, backyard poultry and electrification.

### 4.3 Bihar

4.3.1 The Scheduled Tribes which have been declared as PTGs in the State of Bihar are (i) **Asur** (ii) **Birjia** (iii) **Birhor** (iv) **Hill Kharia** (v) **Korwa** (vi) **Parhaiya** (vii) **Mal Paharia** (viii) **Sauria Paharia** and (ix) **Savar**. The Government of Bihar, however, have stated that Hill Kharia tribe is not found in the State of Bihar. The statement of the Govt. of Bihar does not seem to be factually correct. This tribe was added to the list of Scheduled Tribe in respect of Bihar vide The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 which was notified on 7.1.2003, although this tribe was being shown as PTG in respect of the State of Bihar right from the beginning. It appears that as Hill Kharia tribe was included in the list of Scheduled Tribes in respect of the State of Bihar for the first time in 2002, their population was not enumerated during 2001 Census and therefore, the State Government has stated that Hill Kharia Tribe is not found in the State of Bihar. The Ministry of Tribal Affairs in its Annual Report for 2006-07 as also in earlier annual reports has given a Table giving the PTG wise population as per 1961, 1971, 1981 and 1991 Census figures. In respect of the State of Bihar including Jharkhand (i.e. before its reorganization in the year 2000), the population of Hill Kharia PTG has been shown as 108983, 127002, 141771 and 151634 as per 1961, 1971, 1981 and 1991 Census figures respectively. The Govt. of Jharkhand has informed this

Commission that the total population of the Hill Kharia PTG in Jharkhand as per a survey report of JTWRI, Ranchi is only 1625. It is obvious that the major chunk of the population of the Hill Kharia PTG should be in the State of Bihar. **The Commission recommends that the Govt. of Bihar should conduct a quick survey to enumerate the population of the Hill Kharia PTG in different districts of Bihar so that correct information about their dispersal and number is available to help the State Govt. and the Ministry of Tribal Affairs in making available to the members of this PTG the benefits of various schemes/ programmes meant for them.** The total population of the other eight PTGs is 9361 as per 2001 Census. The PTG-wise population and the districts in which these PTGs mostly reside is as given in the Table below:-

Sl.No.	Name of PTG	Population	Name of the Districts in which the PTG mostly resides
1.	Asur	181	Sitamarhi, Patna & Katihar.
2.	Birhor	404	Nawada, Darbhanga, Gaya, Samastipur, Banka, Kishanganj and Rohtas.
3.	Birjia	17	Jehanabad, Bhabhua and Sitamarhi.
4.	Hill Kharia	Population not reported	
5.	Korwa	703	Munger, Bhabhua, Vaishali and Rohtas.
6.	Parhaiya	2429	Bhagalpur, Katihar, Gaya, Madhepura, Kishanganj, Purnia and Supaul.
7.	Mal Paharia	4631	Jamaui, Purnia, Bhagalpur, Banka, Kishanganj, Supaul, Madhubani and Munger.
8.	Sauria Paharia	585	Katihar, Supaul, Kishanganj, Araria, Munger and Patna.
9.	Sawar	411	Saharsa, Supaul, Rohtas, Madhepura, Gopalganj, Banka, Khagaria, Jehanabad and Aurangabad.
	<b>Total</b>	<b>9361</b>	

4.3.2 Most of the PTGs in Bihar are landless labourers and, therefore, the main source of their subsistence is their traditional occupations such as rope-making, manual labour, collection of minor forest produce i.e. tendu leaves, sal seeds, asparagus, harra-behra, mahua etc. There are very few PTGs who own land between one to five katha. Most of them still practice barter system. The traditional hatt (tribal village market) is the main centre of interaction and activity.

4.3.3 These PTGs by and large do not have a fixed place of habitation and move from one place to another and therefore, they do not have pucca houses and live under thatched roofs with mud walls. There is limited safe drinking water in their hamlets and they mainly depend on nearby ponds and rain outlets for water.

4.3.4 Most of these PTGs are educationally very backward. Their literacy rate is not more than one percent. There are no separate schools, residential schools or special schools for them. However, State Govt. is implementing various schemes for educational development of Scheduled Tribes

in Bihar including the PTGs. 15 ST residential schools are being run by the State Govt. out of their own resources. In these schools, apart from lodging facilities, free food, dresses, reading & writing materials, soap- oil, shoes, beds, blankets etc. are provided to the students free of cost. 13 hostels are being run by the State Govt. for ST students. The State Govt. also provides stipends to the ST students at the rate of Rs. 15/- per month per student from classes I to IV, Rs. 30/- per month per student from classes V to VI and Rs. 55/- per month per child from classes VII to X. Similarly post- matric scholarship is being provided to ST students from the State Govt. funds and the funds made available under the Centrally Sponsored Scheme. To promote ST students in the field of sport, a scheme called 'Sports Stipend Scheme' is being run by the State Govt. **The Commission recommends that the Govt. of Bihar should take immediate steps to set up special schools including residential schools in the areas predominantly inhabited by PTGs with the same facilities which are being extended to the tribal students in general.**

4.3.5 In the absence of the facilities of safe drinking water or primary health centres in and around the settlements/ habitations of PTGs, they largely depend on the traditional medicine man known as Guni. They use herbs and medicinal plants available in their habitats. They suffer from common diseases and malnutritions which shorten their life. **The Commission recommends that the Govt. of Bihar should take immediate steps to provide safe drinking water to the PTGs to improve their health conditions. The State Govt. should also open primary health centres in and around the settlements of PTGs with a view to protect them from seasonal diseases of serious nature and also to save some of the fast dwindling PTGs such as Birjias, Asurs, Sawars and Birhors (whose population is less than 500) from extinction. The total population of Asurs is stated to be only 17.**

4.3.6 These PTGs mainly live in far-flung forest areas which are mostly inaccessible and no motorable link roads are available leading to their habitats. There is no electricity connection. The State Govt. needs to pay immediate attention to provide the minimum infrastructural basic facilities to ensure their economic development. During the 11th Plan period, the State Govt. proposes to initiate several schemes for the overall development of PTGs. These include (i) providing training for modern agricultural activities and free distribution of hybrid seeds, fertilizers and bullocks for ploughing, (ii) establishment of Kirana shops, (iii) establishment of STD booths, (iv) establishment of poultry, goatery, dairy farms with infrastructure like sheep and solar lights with market linkage, (v) bee- keeping, (vi) ayurvedic nurseries, and, (vii) training-cum-production centres for providing training in handloom, toys and handicrafts making from the forest produce like bamboo.

4.3.7 Under the Janshree Bima Yojana component of the Central Sector Scheme for development of PTGs, an amount of Rs. 5 lakhs was released to the Govt. of Bihar for insuring 1000 heads of PTG families during the year 2004-05. Similarly during the year 2005-06 an amount of Rs. 10 lakhs was released to the State Govt. for insuring 2000 heads of PTG families.

#### 4.4 Chhattisgarh

4.4.1 There are five Scheduled Tribes which have been declared as PTGs in the State of Chhattisgarh. These are- (i) **Abujhmaria**, (ii) **Pahadi Korba**, (iii) **Baiga**, (iv) **Kamar**, and (v) **Birhor**. As per a survey conducted in May-June, 2002 by the State Govt., the district-wise population and literacy of these PTGs is as follows:-

S.No.	Name of PTG	Name of District	Population	Percentage of Literacy
1.	Abujhmaria	Bastar, Dantewara	19,401	19.25
2.	Baiga	Kawardha, Bilaspur	29,612 13,128	19.81
3.	Pahadi Korba	Jashpur, Ambikapur, Korba	10,725 20,630 2,025	30.96
4.	Birhor	Jashpur, Raigarh	401 704	19.76
5.	Kamar	Raipur, Dhamtari	13,797 3,962	43.96

4.4.2 These PTGs traditionally stick to the pre-agricultural methods of cultivation and their lives largely depend on forests. Due to nomadic nature, these Groups are by and large deprived of land ownership rights. While certain PTGs like Kamar, Baiga and Birhor have, to a great extent, taken to settled farming, the Abujhmarias and Pahadi Korbas, which are most vulnerable groups of all the PTGs, are still reluctant to adopt settled farming and, therefore, the focus of the State Govt. is more and more on leading them to settled life by providing them land with irrigation facilities and other necessary amenities. The following special programmes are being run for the development of PTGs:-

- (i) **Land Distribution:** Since there are a large number of PTG families who still do not have their own land, they lead a pre-dominantly nomadic lives and the benefits of development programmes do not reach them and, therefore, the special attention is being given towards providing land for agriculture to the landless PTGs. The Govt. purchases agricultural land from other landholders on the prevailing rates and distribute the same to the landless PTG families.
- (ii) **Land Leveling and repairing:** Most of the PTGs live in hilly and most inaccessible areas and whatever land holdings they have are undulating or sloppy and unfit for agriculture. Therefore, the Government assistance focuses on leveling and repairing them by making check dams and bunds, in order to make it compatible for agriculture.
- (iii) **Educational Development Schemes:** The State Government runs Ashram Schools especially for the PTGs in the State. The expenditure towards running these ashrams is met out of the State funds. Students of these ashrams are given scholarships at special rates. Free school uniforms and text books are also distributed to these students at primary

and middle school levels with an intention to attract more students to schools and also improve retention rates.

- (iv) **Safe Drinking Water:** The overall health status of PTGs is not satisfactory and they are highly prone to health hazards like epidemics mainly due to the lack of safe drinking water. Therefore, the Government has taken special initiatives to ensure the supply of potable water through handpumps. Handpumps are sanctioned for maximum "Paras" and "Tolas" of the PTG villages on war footing.
- (v) **Dwelling Houses:** The State Govt. has recently initiated special efforts to construct Pucca houses for the homeless PTG families. Grants for these are provided out of SCA and various other State sponsored schemes.
- (vi) **Life Insurance Coverage:** Under the Central Sector Scheme Janshree Bima Yojana, Rs.40.00 lakhs was released to the State Govt. by the Ministry of Tribal Affairs for insuring 8000 heads of families during the year 2004-05. Similarly an amount of Rs.90 lakhs was released to the State Govt. for insuring 18,000 heads of families during the year 2005-06. No grant was given during the year 2006-07.

4.4.3 Though the PTGs traditionally adopt agriculture and allied activities and collection of Minor Forest Produce as their main source of subsistence, some of these groups are better known for their traditional occupation of preparing medicines out of locally available herbs and also their expertise in bamboo crafts and other handicrafts and artisanship. They also take up fishing, piggery, poultry rearing as auxiliary vocation.

4.4.4 The State of Chhattisgarh had been allotted Rs.1150.26 lakh under the Centrally Sponsored Scheme of Ministry of Tribal Affairs for the development of PTGs during the last three years and out of it an amount of Rs.932.37 lakhs was utilized on various programmes in relation to (i) infrastructure, (ii) minor irrigation, (iii) agriculture, (iv) horticulture, (v) drinking water, (vi) animal husbandry, (vii) skill development and training, (viii) health, (ix) education, (x) fisheries, (xi) electrification, and (xii) self-help group.

## 4.5 Gujarat

4.5.1 There are five Scheduled Tribes which had been specified as PTGs in the State of Gujarat. These are **(i) Kolgha; (ii) Kotwalia; (iii) Kathodi; (iv) Padhar; and (iv) Siddi**. Their total population as per 2001 Census was 100639. The PTG-wise population as per 1981, 1991 and 2001 Census is as given in the Table below:

Sl. No.	Name of the PTG	Population		
		1981 Census	1991 Census	2001 Census
1.	Kolgha	62232	82679	40336
2.	Kotwalia	17759	19569	21730

3.	Kathodi	2546	4773	10852
4.	Padhar	10587	15896	21180
5.	Siddi	5426	6336	6541
	<b>Total</b>	<b>98553</b>	<b>129253</b>	<b>100639</b>

4.5.2 The districts of the State of Gujarat in which these PTGs are located and the main sources of their livelihood are given in the Table below:

Sl. No.	Name of the PTG	Districts where living	Means of livelihood
1.	Kolgha	Surat and Valsad	Labour work in brick-making, well-digging, and fishing, etc.
2.	Kotwalia	Surat, Valsad, Dangs, Bharuch and Navsari	Collection of forest produce such as timruleaves, Mahua flowers, fishing, bamboo basket- making
3.	Kathodi	Surat, Dangs, Sabarkantha and Narmada	Labour work in agricultural and forest department, fishing
4.	Padhar	Ahmedabad and Surendranagar	Fishing, digging of special roots used as food, labour work and seasonal labour-earthwork
5.	Siddi	Junagadh, Bhavnagar, Amreli and Porbandar	Agriculture, collection of minor forest produce, and fishing

4.5.3 The Govt. of Gujarat runs various schemes and programmes for economic development of the PTGs. These schemes are meant to provide agricultural kits-seeds etc., irrigation facilities for farming, soil conservation for agricultural land, milch animals, fishing boats/nets, rural electrification for housing, training for self-employment, supply of safe drinking water, allotment of houses. These schemes also have components for (i) educational development of the PTGs through opening Ashram schools and providing hostel facilities and (ii) providing various types of health services and medical aids for prevention of diseases common in the PTG inhabited areas. Essential commodities such as rice, wheat, sugar, kerosene, salt etc. are being provided to the PTG families through PDS.

4.5.4 Funds received by the Govt. of Gujarat during the last three years under the Centrally Sponsored Scheme relating to development of PTGs including the Janshree Bima Yojana (which is a component of the CSS) is as given in the Table below:-

(Rs.In lakhs )

S.No.	Year	CSS for Development of PTG	Janshree Bima Yojana	Kotwalia Project (Forest)	Total
1.	2004-05	58.75	25.00	32.75	116.50
2.	2005-06	45.04	50.00	14.75	109.79
3.	2006-07	100.53	55.00	-	155.53
	<b>Total</b>	<b>204.32</b>	<b>130.00</b>	<b>47.50</b>	<b>381.82</b>

## 4.6 Jharkhand

4.6.1 There are nine tribal communities which have been declared as PTGs in the State of Jharkhand, which are- **(i) Asur, (ii) Birhor, (iii) Birjia, (iv) Hill Kharia, (v) Korwa, (vi) Mal Paharia, (vii) Parhaiya, (viii) Sauria Paharia, and (ix) Savar.** Their total population as per 2001 Census was 2,24,961. The PTG-wise population as per 2001 Census and the districts in which these PTGs reside are as given in the Table below:-

S.No.	Name of the PTG	Population as per 2001 Census	Name of the districts where they live
1.	Asur	10347	Gumla, Latehar and Lohardaga
2.	Birhor	7514	Bokaro, Chatra, Dhanbad, East Singhbhum, Garhwa, Giridih, Gumla, Hazaribagh, Kodarma, Latehar, Lohardaga, Ranchi, Saraikela, Simdega and West Singhbhum
3.	Birjia	5365	Gumla, Latehar and Lohardaga
4.	Hill Kharia	1625	East Singhbhum and Gumla
5.	Korwa	27177	Garhwa, Gumla, Latehar, Palamau and Simdega
6.	Mal-Paharia	1,15,093	Deoghar, Dumka, East Singhbhum, Godda, Jamtara, Pakur, Palamau, Ranchi and Sahebganj
7.	Parhaiya	20786	Chatra, Deoghar, Garhwa, Gumla, Latehar, Lohardaga and Palamau
8.	Sauria Paharia	31050	East Singhbhum, Godda, Pakur, Ranchi, Saraikela and Sahebganj.
9.	Savar	6004	East Singhbhum, Godda, Palamau and Saraikela
	<b>Total</b>	<b>2,24,961</b>	

4.6.2 Most of the PTG population resides in or around forests and, therefore, their source of subsistence by and large is forest or forest products. However, most of the PTG families have been provided assistance under various Government schemes to ensure their all-round development. The schemes/programmes taken up with the funds provided under Article 275 (1) include cultivation of vegetables, mushroom, distribution of seeds and fertilizers, land development, goattery, piggery, fishery, bee keeping, collection of honey, rope making, basket making, blacksmithy, making of agricultural implements and providing bull and farm equipments.

4.6.3 Residential schools (Primary Schools, Middle Schools, High Schools and Higher Secondary Schools) have been set up for promoting education among the children of PTGs. Four such schools have been established for Paharias. These are at (i) Sunder Pahari sub-division of district Godda, (ii) Borion sub-division of district Sahebganj, (iii) Littipara sub-division of district Sahebganj, and (iv) Gopikander sub-division of district Ranchi. The admission in these residential schools is mainly restricted to Paharia PTGs but in the event of some seats remaining vacant, the same are allotted to other PTG children. The main objective of this scheme is to bring the Paharia PTGs into the mainstream by educating them. Each residential school provide the facilities of food (Rs.700/- per student per month from Class-I to Class-VI and Rs.900/-



from Class-VII to XII), clothing (Rs.500/- per student per year), study material (books etc.) [Rs.400/- per student per year from Class-I to Class-VI, Rs.700/- from Class-VII to Class-X and Rs.900/- from Class-XI to XII], oil soaps (Rs.50/- per student per month), medicine (Rs.100/- per student per year), Library including newspapers to the inmates, as per prescribed cost ceiling for each item. In addition, there are other Primary Schools, Middle Schools and High Schools being run by NGOs in Dumka, Sahebganj and Godda districts. 89 Graduate boys/girls belonging to PTG families have been directly appointed to the district level Group 'C' posts.

4.6.4 Health Sub Centres have been opened in the residential area of the PTGs to provide medical facilities to them and to improve their health conditions. There are also arrangements for spraying DDT in the PTG houses. Every PTG hamlet has been provided or being provided with safe drinking water through hand pumps.

4.6.5 A special scheme of Housing named Birsa Housing Scheme is being implemented exclusively for the PTGs. During the period 2001-02 to 2006-07, 16891 houses under this scheme were constructed and provided to the PTG families both in TSP and outside TSP areas, and 6245 houses were under construction under this scheme.

4.6.6 The Govt. of Jharkhand have taken the following steps to provide means of livelihood to the PTG families:-

- (i) 0.12 decimal land has been allotted to each family near their place of residence in rural areas.
- (ii) 2 acres of agricultural land has been provided to each family of such PTGs whose population is very less.
- (iii) A pair of bull is provided free of cost for agricultural farming to each PTG families.
- (iv) Cows, goats, pigs and hens are supplied to them to supplement their income.
- (v) Arrangements have also been made to provide the facilities of wells and pump sets for irrigation purposes.

4.6.7 The grants-in-aid received and utilized by the State Govt. under the Central Sector Scheme for development of PTGs during the last three years was as under:-

(Rs. in lakhs)

S. No.	Year	Amount received and utilized/ unutilized/	Scheme/purpose
1.	2004-05	110.00	Rs.40.00 lakhs for community hall and tree conservation and Rs.70.00 lakhs under the component Janshree Bima Yojana
2.	2005-06	145.00	Janshree Bima Yojana
3.	2006-07	319.33 (unutilized)	PCC culvert and solar lamps

4.6.8 Since PTGs live in interior and remote villages, there are no fair price shops in those villages. However, they get the supplies from the fair price shops located in near by villages.

## 4.7 Karnataka

4.7.1 There are two Scheduled Tribes which have been declared as PTG in the State of Karnataka. These are- **(i) Jenu Kuruba, and (ii) Koraga**. Their total population as per 1981, 1991 and 2001 Census was 49893, 45693 and 41097 respectively. These PTGs are found in Chamrajnagar, Dakshina Kannada, Mysore, Udupi and Kodagu Districts of Karnataka.

4.7.2 Collection of minor forest produce, cane and bamboo craft making, agriculture, plantation and doing work as agricultural labourers are the main sources of the subsistence of these tribes. Most of these PTGs are living inside the forest.

4.7.3 Several schemes are under implementation **to promote education** among these two tribes which are-

- (i) **Special incentives to students:** These comprise (a) Rs.100/- per annum in 1st to 4th Std. (b) Rs.150/- per annum in 5th to 7th Std. (c) Rs.200/- per annum in 8th to 10th Std. (d) Rs.250/- per annum to those studying in colleges (e) an incentive of Rs.2500/- to the students who have passed 7th Std. and Rs.5000/- students who have passed SSLC in 1st attempt (f) special incentives to parents at the rate of Rs.200/- per year and (g) supply of uniform and stationery to children studying in 1st to 10th Std. at the rate of Rs.150/- and Rs.65/- per annum
- (ii) **Ashram Schools:** PTG children are being admitted to 1st to 7th Std. in the Ashram schools run by ST Welfare Department. Facilities like free accommodation, boarding, education, uniforms, textbooks and stationeries etc. are being provided to the students in the Ashram Schools. **A Central Model Residential School** is also functioning at Madya, Mangalore Taluk, Dakshina Kannada District exclusively for Koraga children.
- (iii) **Pre-matric/Post-matric Hostels:** PTG children studying in 5th to 10th Std. are being admitted to the Pre-matric hostels run by ST Welfare Department. Facilities like free accommodation, boarding, education, Uniforms, textbooks and stationery etc. are being provided to the students in the Pre-matric hostels. Hostels facilities are also being provided to the PTG students studying in Post-matric courses. Free accommodation and boarding are being provided.

4.7.4 Various **economic benefits** are being provided through the respective Departments of the State Govt. to uplift the BPL families of the PTGs in respect of- (i) Agriculture, (ii) Horticulture, (iii) Animal Husbandry, (iv) Forest, and (v) Village and Small Industries. The benefits under **agriculture** include

supply of seeds, supply of plough bullocks and bullock carts, Sujala Watershed Project, and Suvarna Farm Ponds. The benefits under **horticulture** comprise (i) establishment of Fruit/Coconut/Aracanut gardens at the cost of Rs.2700/- per unit include, (ii) maintenance cost of these gardens at the rate of Rs.650/- and 350/- for second and third year respectively, (iii) establishment of Jasmine plantation, (iv) cultivation of medicinal plants, (v) establishment of Rubber and Coffee plantation and (vi) cultivation of commercial crops like ginger and turmeric. The benefits under animal husbandry programmes are-(i) supply of crossbreed cows, (ii) supply of she buffaloes and, (iii) supply of sheep/piggery unit under which 75% subsidy is given per unit. The benefits under **forest** programmes are (i) supply of cane and bamboo and (ii) supply of house construction materials and similarly the benefits under the component **village and small industries** are construction of living-cum-work sheds and (ii) constructions of common work-sheds.

4.7.5 The State Govt. has also made arrangements for **training and self-employment** of the families of PTGs. The training component is in respect of (i) cane and bamboo craft, (ii) carpentry, (iii) LMV driving, (iv) tailoring, (v) computer and (vi) masonry and (vii) cement hollow brick manufacturing. Tool kits are provided free of cost and a stipend of Rs.500/- per month per candidate is given.

4.7.6 The health facilities for PTG families are being provided through PHCs and Mobile Health Units, and through mobile health vans. Houses are being provided to the houseless PTGs families at unit cost of Rs.20,000/-each under Ambedkar Housing Scheme. Safe drinking water is being provided through borewells with hand pumps and mini water supply schemes. Assistance of LAMPS (Large-size Multi-purpose Societies) is being taken to enroll the PTGs as members with a view to assist them for-(i) collection and marketing of minor forest produce, and (ii) distribution of foodgrains under PDS.

4.7.7 The Janshree Bima Yojana introduced by the Ministry of Tribal Affairs during the year 2004-05 is being implemented by the State Govt. During the last three years, the amount released to the State Govt. under the Scheme is as follows:-

(Rs. in lakhs)		
Year	No. of Beneficiaries identified	Amount Released
2004-05	2000	10.00
2005-06	4000	20.00
2006-07	2500	12.5

4.7.8 The Karnataka ST Development Corporation is implementing the following programmes for PTGs:-

**(i) Irrigation (Gangakalyana)**

- (a) Individual Irrigation well- Unit cost Rs.1,00,000. (Subsidy Rs.86,000/-)
- (b) Gangakalyana- Unit cost- Group of 8 acres land- Rs.2.53 lakhs.  
Group of 15 acres land- Rs.3.59 lakhs

**(ii) Self Employment Scheme**

- (a) Supply of Auto rickshaw.
- (b) Dairy Development activity

4.7.9 The State Govt. has constituted district level Committees under the Chairmanship of the Deputy Commissioners of the concerned districts to monitor the effective implementation of welfare programmes for development of PTGs, (i) Chief Executive Officers of the respective Zila Panchayats, (ii) District Managers, SC/ST Development Corporation of the respective Districts, (iii) Lok Sabha Members/ MLAs/ MLCs of respective Districts, (iv) two representatives of NGOs working for the welfare of PTGs nominated by Deputy Commissioner and (v) one representative from the two PTG communities nominated by the Deputy Commissioner are its Members. Project Coordinator of the respective ITDPs are Member Secretaries. The Committee meets once in three months to review the implementation of welfare programmes and also monitors the impact of assets provided to various development departments.

4.7.10 The State Govt. has prohibited the use of the services of Koragas for Ajalu practice vide an Ordinance issued in 2000.

4.7.11.1 The Hon'ble Supreme Court of India sought the views of the Commission in Writ Petition (Civil) No.76 of 2003- A.S. Nagendra and Ors. v/s. State of Karnataka & Ors. on whether the Maaleru community was the same as the Maleru which (i.e. Maleru) has been recognized as Scheduled Tribe in the Constitution (Scheduled Tribes) Order, 1950 issued under Article 342 of the Constitution. The Commission took a series of action to gather the basic information to know whether Maaleru and Maleru represented two different communities or the same community. The information received from various quarters revealed that Maaleru and Maleru were two different communities with distinct social, cultural and religious characteristics, and that while the Maalerus lived in villages and towns with their traditional occupation as 'Temple Servants' not having any characteristics associated with declaration of a community as Scheduled Tribe, the Malerus [who have been recognized as a Scheduled Tribe in the Constitution (Scheduled Tribes) Order, 1950] lived in forests and on hills with their occupation as hunting and gathering of forest produce. The findings by a team of officers of the Commission headed by a Member further revealed that:

- (i) The total population of the Malerus as per 1991 Census was less than two thousand.
- (ii) Malerus are non-vegetarians and eat even the Chatni (sauce) made from roasted ants collected from the hills.
- (iii) Malerus are hunters. Their economic condition is very poor. During the lean season, they do not have anything to eat and are forced to eat roots and leaves.

4.7.11.2 The Commission in its first Report recommended that **in view of the low level of literacy, extreme economic backwardness, pre-agricultural level of technology, stagnant & diminishing population, and primitive characteristics of the people belonging to Maleru community (already recognized as a Scheduled Tribe) by virtue of their being hunters**

and living in forests and on hills and subsisting on forest produce including roots and leaves, the Maleru community from Karnataka may be included in the list of Primitive Tribal Groups (PTGs). The Commission would like to reiterate this recommendation.

#### 4.8 Kerala

4.8.1 Out of 36 communities recognized as STs in Kerala, 5 have been categorized as PTGs which are- (i) **Kattunaikan**, (ii) **Cholanaikan**, (iii) **Kadar**, (iv) **Koraga**, and (v) **Kurumba**. Their total population as per 2001 Census is 20186. The PTG-wise population as per 1981, 1991 and 2001 Census and the districts in which these PTGs live are as given in the Table below:-

S. No.	Name of the PTG	Population			Districts in which living
		1981 Census	1991 Census	2001 Census	
1.	Kattunaikan	8803	12155	14715 (including Cholanaikan)	Wayanad, Kozhikode, Malappuram and Palakkad
2.	Cholanaikan	234	-	-	Malappuram,
3.	Kadar	1503	2021	2145	Palakkad and Trissur
4.	Koraga	1098	1651	1152	Kasargode
5.	Kurumba	1283	1820	2174	Palakkad
	Total	12921	17647	20186	

4.8.2 The Govt. of Kerala have separately informed that as per Base-line Survey 2006, the total population of Cholanaikan was 363. Similarly, the population of other PTGs namely Kadar, Kurumba, Koraga and Kattunaikan as per this Survey was 1674, 2077, 1566, and 18572 (total 24252)

4.8.3 The main sources of their subsistence are from agriculture, MFP collection, forest works, casual labour works etc.

4.8.4 The State Govt. is implementing various schemes for **economic development** of the PTGs in the State. These include the 'special package programme' under which need-based and location specific package programmes for the benefits of PTGs have been evolved and which are implemented with special emphasis on education, economic development and health. Under another programme called 'food support programme', the State Govt. provides foodgrains to the PTGs during the monsoon season. The State Govt. also provides financial assistance for agricultural operations and other income generating activities under the fund received from the Central Government under SCA to TSP.

4.8.5 As regards **educational development**, two schools namely Ashram schools in Noolpuzha in Wayanad district and Manjeri in Malappuram

district are exclusively for PTG communities of Cholanaikan and Kattunaikan. The students of other PTG communities are admitted in other Ashram schools and Ekalavya Model Residential Schools whose total number in the State is 18. To impart primary education to the PTGs, 37 peripatetic education centres are functioning in their settlements.

4.8.6 To provide medical facilities to the PTGs, there is one Sub-centre for 3000 population in tribal and hilly areas and one Primary Health Centre for around 20,000 population. In addition, 13 Tribal Mobile Medical Units are providing health care in remote and inaccessible tribal areas. In addition, there are 11 Ayurvedic dispensaries, 1 Allopathic hospital and 2 O.P. clinics in the PTG areas. The State Govt. also provides financial assistance to the PTGs for treatment. So far 4500 families in the State have been insured under the Janshree Bima Yojana component of the CSS about development of PTGs.

4.8.7 There is a separate scheme to provide houses to the PTGs under which during the year 2006-07, 1,111 houses were constructed for the PTG families by utilizing the Additional Central Assistance (ACA) of Rs.10.00 crore. The schemes for providing safe drinking water in the tribal areas are being implemented by the local bodies of the State Govt. with the help of TSP fund. During 2004 to 2006, a special project viz. 'Drinking Water Supply to Tribal areas of Wayanad under ACA' (Additional Central Assistance) amounting to Rs.12.50 crore was implemented. The main focus under this project was on the PTGs in the Wayanad district.

4.8.8 Essential commodities like rice, wheat, sugar, kerosene etc. are being provided to PTG families through PDS. The State Govt. also provides free ration to the needy tribal families through the PDS in the monsoon season and calamity areas.

4.8.9 The grants-in-aid received by the State Govt. under the CSS for 'Development of PTGs' including its components Janshree Bima Yojana during 2004-05, 2005-06 and 2006-07 was Rs.15.00 lakhs, Rs.10.00 lakhs and Rs.5.00 lakhs respectively.

4.8.10 The State Govt. has formulated a new scheme namely "Development of tribals living in Forest areas" and included it in the 11th Plan and Annual Plan, 2007-08 of the State. Under this scheme, Rs.10.00 crore and Rs.1.00 crore are being provided under 11th Plan and Annual Plan, 2007-08 in the budget respectively. The scheme will be implemented through the Forest Department.

4.8.11 The State Govt. constituted an organization called "Tribal Resettlement and Development Mission" in the year 2001 exclusively for identifying the landless tribals and rehabilitating them. Under this programme, the major thrust has been given to PTGs. The Mission has so far distributed 6780.97 acres of land to 4652 tribal families.

## **4.9     Madhya Pradesh**

4.9.1        There are three Scheduled Tribes which had been notified as PTGs in Madhya Pradesh. These are- **(i) Baiga, (ii) Sahariya, and (iii) Bharia**. The Baigas reside in 1143 villages in Mandla, Dindori, Shahdol, Umaria, Anoopur and Balaghat districts. Sahariyas live in 1159 villages of Gwalior, Datia, Morena, Sheopur, Bhind, Shivpuri, Ashok Nagar and Guna districts. Bharias live in 12 villages of Patakot Block of Chhindwara district. The total population of the these three PTGs as per 2001 Census is 456807 out of which the Sahariyas' population is the highest i.e. 323370. The population of Baigas and Bharias is 131425 and 2012 respectively. The main sources of subsistence of most of the PTGs are agriculture, collection of minor forest produce and agricultural and wage labour.

4.9.2        The State Govt. is covering maximum number of PTG families under the employment-cum-income generation programmes with the assistance of funds received from Govt. of India under SCA to TSP. The major activities in this regard are in (i) Agriculture and Horticulture, (ii) Minor irrigation, (iii) Animal husbandry, (iv) Development of forest villages and (v) Small Scale Industries and Handicrafts. The amount of funds allotted and spent for development of PTGs out of SCA to TSP during the year 2004-05, 2005-06 and 2006-07 was Rs. 1050.94 lakhs, 1005.96 lakhs and 900.00 lakhs respectively.

4.9.3        Some of the special steps taken by the Govt. of Madhya Pradesh to promote education among PTGs are as given below:-

- (i)        During the last two years, more than 150 Ashram Shalas have been opened in PTG areas.
- (ii)        Special incentives are being given to the PTG students such as (a) scholarship from Class Ist, (b) free school uniform to all boy and girl students, (c) free textbooks, (d) free school bags and (e) free sweaters, shoes and socks.
- (iii)       A 100- seater Model Residential School is being opened in Bhopal.
- (iv)        The State Govt. has made a special provision for giving employment to such members of PTGs who are educated. The scheme provides for appointment of such boys and girls belonging to PTGs in Government jobs in category III and IV posts who possess the minimum required qualification for the post, without undergoing any written test or interview as required for others.

4.9.4        The medical facilities being provided by the State Govt. to improve the health conditions of the PTGs include the following:-

- (i)        The State Govt. has issued instruction that all PTG families should be treated as BPL families. Hence the schemes of Health Deptt. like Deendayal Antyoday Upchar Yojana, Madhya Pradesh Beemari Sahayata Nidhi, Janani Suraksha Yojana, free transport and treatment for institutional delivery etc. available for BPL families automatically cover all PTG families.

- (ii) The State Government is operating eleven mobile health clinics in tribal areas and the scheme is being expanded to all 89 tribal blocks.
- (iii) The iodised salt is being provided to all tribal families of TSP area at the rate of Re.1/- per Kg..
- (iv) Double fortified salt (Iodine+Iron) are being provided through Anganwadies.
- (v) As the primitive tribes particularly Baigas are suffering from Sickle cell anemia, the State Govt. plans to open Genetic counseling centers in affected areas.

4.9.5 Some of the other steps taken by the State Govt. for economic development of PTGs are:-

- (i) A massive programme of construction of 25,000 houses for tribals under "Mukhyamantri Awas Yojana" has been taken up which is in addition to the houses, which are being constructed under "Indira Awas Yojana" of the Govt. of India.
- (ii) The funds under SCA to TSP are also being utilized in PTG areas for constructions of wells and tube wells apart from the funds being given by Public Health Engineering Department which is responsible for providing safe drinking water to all hamlets.
- (iii) Maximum Grain Banks are being operated in PTG areas.
- (iv) All the families of primitive tribes have been issued Ration Cards under Antyoday Anna Yojana and they are getting 35 kgs. of food grains per card, per month @ of Rs.2/- per kg. wheat and Rs.3/- per kg. rice.

4.9.6 The funds received and spent by the State Govt. under the CSS of the Ministry of Tribal Affairs during the last three years i.e. 2004-05, 2005-06 and 2006-07 was Rs. 293.21 lakhs, Rs.423.00 lakhs and Rs.516.00 lakhs respectively. This amount was inclusive of the funds meant for being used under the Janshree Bima Yojana component of the scheme which was Rs.1.00 crore for insuring 20,000 heads of PTG families during the year 2004-05, Rs.2.00 crore during the year 2005-06 for insuring 40,000 heads of PTG families and Rs.1.5 crore for the year 2006-07 for insuring 30,000 heads of PTG families.

#### 4.10 **Maharashtra**

4.10.1 Three Scheduled Tribes namely-(i) **Katkari/Kathodi**, (ii) **Kolam** and (iii) **Maria Gond** have been declared as PTG in the State of Maharashtra. Their total population as per 2001 Census was 433483. The PTG-wise population as per 1981, 1991 and 2001 Census was as given in the Table below:-

S.No.	Name of the PTG	Population 1981 Census	Population 1991 Census	Population 2001 Census
1.	Katkari/Kathodi	174602	202203	-
2.	Kolam	118073	147843	-
3.	Maria Gond	66750	-	-



4.10.2 These PTGs live in four Divisions of the State. These are Nashik Division, Thane Division, Amravati Division and Nagpur Division. The districts in the Nashik Division are Nashik, Nandurbar and Ahmednagar. The districts in the Thane Division are Thane, Raigad, Ratnagiri, Sindudurga, Pune, Satara, Sangli, Sholapur and Kolhapur. The districts of Amravati Division are Yeotmal, Nanded, Hingoli and Parbhani. The districts of Nagpur Division are Nagpur, Wardha, Chandrapur and Gadchiroli. The main sources of subsistence of these PTGs are farming, fishing & hunting, agricultural labour and collection of MFP.

4.10.3 The State Govt. is implementing various schemes to promote education among the PTG children. These include scheme for motivating the parents of the girl child for sending their children to schools with a view to check the drop-out rates, Vasti Shala Yojana and providing primary education for smaller pockets of PTGs on the lines of Vasti Shala Yojana. The schemes being implemented for the economic development of the PTGs are in relation to (i) Horticulture and herbal nursery cultivation, (ii) Training and assistance for honey collection, (iii) Bamboo craft training, (iv) Supply of milch animals (two buffalos two cows and goat units), (v) PKV model tube-wells for PTG farmers (Gadchiroli district) and (vi) Small lift irrigation.

4.10.4 The funds received by the Govt. of Maharashtra during the years 2004-05, 2005-06 and 2006-07 were Rs.358.00 lakhs, Rs.177.71 lakhs, and Rs.440.60 lakhs out of which the amount spent on various schemes was Rs.338.68 lakhs, Rs.161.33 lakhs, and Rs. 42.00 lakhs respectively. The number of beneficiaries was 63130 (2004-05), 24963 (2005-06) and 120 (2006-07).

#### **4.11 Manipur**

4.11.1 **Maram Naga** is the only Scheduled Tribe of Manipur, which has been declared as PTG. As per 1991 Census, the population was 9592. The Tribal Development Department of the State Govt. conducted a Baseline Survey of this PTG in the year 2002. As per this survey, the total population of this PTG was 24,108 comprising 3136 households spreading over in 37 villages.

4.11.2 The people of this Group still solely depend on shifting cultivation. It has not been possible for the State Govt. to take up permanent cultivation on large scale as minor irrigation facilities are practically not available in the villages. The topographical condition does not permit digging of wells and tube-wells and in the absence of tanks, almost all people depend on stream water. From the funds made available under SCA to TSP, the Tribal Welfare Department is implementing some family oriented income generating programmes along with running a Training Centre for Maram youths. The allocation of funds during the last three years for these programmes was Rs.18 lakh per annum. A Mobile Medical dispensary takes care of the medical needs of the people, one residential school is in position. An amount of Rs.26 lakhs was released by the Ministry of Tribal Affairs during 2000-01 for construction of four inter-village roads and one suspension bridge in the areas inhabited by this tribe. No further fund is stated to have been released by the Ministry of Tribal Affairs. The Commission understands that the State Govt., based on the

outcome of Baseline Survey had submitted a proposal during the year 2003-04 for sanctioned of funds amounting to Rs.11.00 crore covering- (i) roads and bridges, (ii) drinking water, (iii) minor irrigation, (iv) sanitation, (v) marketing sheds, (vi) housing, and (vii) electrification. The State Govt. has also submitted proposal in the same year for funds to the tune of Rs.73.50 lakhs under the NGO sector for-(i) educational development, (ii) health care, and (iii) economic development. **The Commission recommends that the Ministry of Tribal Affairs may look into the proposal submitted by the State Govt. and expedite their clearance to enable the State Govt. to address the problems of Maram Nagas.**

#### **4.12 Orissa**

4.12.1 13 Scheduled Tribes have been declared as PTGs in relation to the State of Orissa. These are **Birhor, Bonda, Chuktia Bhunjia, Didayi, Dongria Kondh, Juang, Kharia, Kutia Kondh, Lanjia Saora, Lodha, Mankirdia, Paudi Bhuiyan and Saora**. The tribe-wise population (based on a Baseline Survey Report of March, 2007) and the districts in which these tribes are located as given in the Table below:-

S.No.	Name of the PTG	Name of the district(s) were found	Population
1	Birhor	Mayurbhanj	825 (1991 Census)
2	Bonda	Malkangiri	6008
3	Chuktia Bhunjia	Naupada	2269
4	Didayi	Malkangiri	6545
5	Dongria Kondh	Rayagada	8603
6	Juang	Keonjhar	8281
7	Kharia	Mayurbhanj	2082
8	Kutia Kondh	Phulbani & Kalahandi	8073
9	Lanjia Saora	Rayagada & Gajapati	11215
10	Lodha	Mayurbhanj	2840
11	Mankirdia	Mayurbhanj	1491 (1991 Census)
12	Paudi Bhuiyan	Sundergarh, Angul & Deogarh	13202
13	Saora	Gajapati & Ganjam	9401
		<b>Total</b>	<b>80035</b>

4.12.2 The main sources of subsistence of these tribes are shifting cultivation, horticulture/agriculture, fishing, MFP collection, Sal leaf plate & cup making and wage earning. The people belonging to Didayi, Paudi Bhuiyan and Saora PTGs also undertake settled cultivation of paddy, pulses, vegetables, oilseeds, spices etc. apart from shifting cultivation. People belonging to Juang, Kutia Kondh, Lanjia Saora & Lodha undertake settled cultivation of paddy, wheat, etc.

4.12.3 Supply of ration such as rice, sugar, kerosene etc. is made to the PTGs through PDS. The BPL families get ration at subsidized rates from PDS outlets. Annapoorna Yojana is also being implemented in which the beneficiaries get 30 kg of rice per month @ Rs.3 per kg. Fair price shops have also been opened where the beneficiaries get all kind of grocery, stationery, clothing, etc. at reasonable price. The Tribal Development Cooperative Corporation purchases the agricultural and forest produces from these tribes at Govt. prices in order to save them from the exploitation of the sahuikars and dalals.

4.12.4 The activities undertaken by the State Government for the economic development of these tribes under the Centrally Sponsored Scheme of the Ministry of Tribal Affairs for PTGs relate to agriculture, horticulture, small business, development of art and craft, cottage industry, Pisciculture, backyard plantation, vegetable cultivation, animal husbandry sericulture, etc. The amount released to the Government of Orissa during the year 2003-2004, 2004-2005, 2005-2006 and 2006-2007 (up to 31.12.2006) was Rs.150 lakhs, 55 lakhs, 92.598 lakhs and 75.5 lakhs respectively. This amount was in addition to the amount released to the other agencies/NGOs concerned with the implementation of the scheme. Out of the above amounts of funds released/sanctioned to the State Government, Rs.51.91 lakhs only could be spent by the State Government on implementing schemes for economic development of PTGs. Out of the total released to the Govt. of Orissa as SCA to TSP during these three years, an amount of Rs.1110.41 lakhs was sanctioned for implementing 17 micro-projects for economic development of PTGs against which the actual expenditure incurred by the State on these projects was Rs.1282.77 lakhs.

4.12.5 Under the Central Sector Janashree Bhima Yojana, an amount of Rs.12.50 lakhs, 25.00 lakhs and 42.50 lakhs was released to the Govt. of Orissa for insuring 2500, 2500 and 8500 heads of families during 2004-2005, 2005-2006 2006-2007 respectively.

#### **4.13 Rajasthan**

4.13.1 **Saharia** is the only Scheduled Tribe, which has been identified as PTG in the State of Rajasthan. The people of this community are called Saharia as they live in forests. The name Saharia has been derived from the word 'Sahara' which means desert. The Saharias are found in Kishanganj, Sahbad, Atal and Mangrol Tehsils of district Baran but their main concentration is in Kishanganj and Sahbad Tehsils. In all there are 283 villages in these Tehsils where there is concentration of Saharia population. According to an estimate made by Tribal Research Institute, Udaipur in the year 2002, the total population of this PTG is 79372 out of which 39308 and 34687 live in Kishanganj and Sahbad respectively. Their total population as per 1981 and 1991 Census was 40945 and 59810 respectively.

4.13.2 The main sources of livelihood among the Saharias are agricultural labour, daily wage earnings, agricultural works, collection of minor forest produce and service in Government and non-Government bodies

4.13.3.1 The State Govt. is implementing various programmes for economic and educational development of Saharias. These programmes include Van Jan Shakti programme which has been initiated to provide forest based permanent source of livelihood to Saharias. Under this programme, 100 Saharia families have been allotted one closure covering 100 hect. of land (@ of one hect. per family) for the purposes of collecting minor forest produce. During the years 2004-05 and 2005-06, 4000 families were allotted 4000 hect. of land. Another 4000 families were benefited under the scheme during the year 2006-07. This programme is targeted to provide employment of 200 days in a year to at least one member of each Saharia family. Saharia families are also being provided employment under a Central Sector Scheme by providing to them opportunities of work in connection with improved agriculture and horticulture programme, distribution of free collective diesel pump sets for irrigation, installation of community agricultural tube wells etc.

4.13.3.2 Presently, 304 Primary Schools, 93 Upper Primary Schools, 17 Secondary Schools and 13 Higher Secondary Schools are in operation in Kishanganj and Sahbad Tehsils where Saharias are mostly located. In addition, 19 Ashram Hostels are also in existence, which provide Teaching facilities to 750 Saharia children. About 300 girl and 100 boy students are being benefited from two Residential Schools at Hanotiya, Kishanganj. Apart from this, 3900 Saharia children are being provided educational facilities through 130 Maa-baadi Centres. The State Govt. have sent a proposal to the Govt. of India for opening two more Residential Schools, one for boys and one for girls, 12 Ashram Hostels (6 for girls and 6 for boys) and 42 Maa-badi Centres/Bhavans under 11th Five-Year Plan for educational development of Saharia children. **The Commission recommends that the Ministry of Tribal Affairs may consider the proposal favourably and communicate their approval to the Govt. of Rajasthan at the earliest.**

4.13.3.3 Health facilities through 3 Community Health Centres, 8 Primary Health Centres and 68 Sub-Primary Health Centres are being provided to the members of Saharia families in Kishanganj and Sahbad Tehsils. Nutritional foods are also being provided to the children and pregnant women of Saharia families through Aanganwadi Centres. The students studying from Class Ist to Class Vth are being given mid-day meal under Mid-Day Meal programme. The State Govt. has initiated an action plan to control the spread of TB diseases among the Saharia families through 180 Health Workers. The cost of transportation under food for education programme is being born by the State Govt. 1 Kg. iodized salt per family per month is being distributed free of cost to all Saharia families to save them from goitre disease. Every year a Medical Health Camp in Saharia areas is organized to check up the health problems of Saharias and those Saharias seriously affected from critical diseases are being referred to district hospitals for further treatment. In addition, the Indian Army also organizes a medical health check up camp every year on large scale in Saharia areas. The District Collector, Baran has constituted a special medical team to prevent the spread of seasonal diseases among Saharia families between July to October every year.

4.13.3.4 During the year 2004-05, 3802 Pucca houses were constructed and made available to Saharias under DPIP scheme. It is proposed to construct 498 more houses under this scheme. In addition, construction of 200 houses with the fund received from Govt. of India under Article 275 (1) is under process. The State Govt. has also sent a proposal to the Govt. for approval of construction of 1000 houses for Saharias under Conservation-cum-Development Plan.

4.13.3.5 Drinking water facilities are presently available to 35 Saharia villages through community drinking tube wells. The construction of 11 public wells for providing drinking water facilities to 11 more villages is in progress.

4.13.3.6 State Govt. has declared all Saharia families of Sahbad and Kishanganj Tehsils under BPL and these families are being distributed kerosene and foodgrains through 88 Fair Price Shops in Kishanganj and 61 Fair Price Shops in Sahbad. Presently 35 kg. wheat per family per month @ Rs.2/- under the Antyodya Anna Scheme is being provided. The State Govt. has also decided that all facilities as available to a BPL family will also be available to the Saharia families. Wheat, rice and kerosene are being distributed to them under PDS system.

#### 4.14 Tamil Nadu

4.14.1 There are six Scheduled Tribes which have been identified as PTGs in Tamil Nadu These are- **(i) Irular, (ii) Kattunayakan, (iii) Kota, (iv) Kurumba, (v) Paniyan, and (vi) Toda.** Their population as per 1981, 1991 and 2001 Census was as given in the Table below:-

S.No.	Name of the PTG	Population (1981 Census)	Population (1991 Census)	Population (2001 Census)
1.	Irular	105757	138827	155606
2.	Kattunayakan	26383	42761	45227
3.	Kota	604	752	3122
4.	Kurumba	4354	4768	5498
5.	Paniyan	6393	7124	9121
6.	Toda	875	1100	1560
	Total	144366	195332	220134

4.14.2 While four PTGs namely- Kotas, Kurumbas, Paniyans and Todas reside in Nilgiris district, the people belonging to the other two PTGs i.e. Kattunayakan and Irula are spread out throughout the State. Their main sources of subsistence (PTG-wise) is as given in the Table below:-

S.No.	Name of PTG	Main sources of subsistence
1.	Irulars	Agriculture labour, collection of MFP and cultivation of tea, vegetables and millets
2.	Kattunayakans	Collection of MFP, pig rearing, selling pig manure, employment in forest and wild life sanctuaries.
3.	Kotas	Artisan work, plantation and vegetable cultivation and employment

4.	Kurumbas	Collection of MFP, cultivation of tea & coffee and labour work in agriculture and horticulture
5.	Paniyans	Agriculture/horticulture labour work, fuel wood selling and cultivation of spices
6.	Todas	Rearing buffalos, selling milk and embroidery shawls and cultivation of vegetables

4.14.3 The details of the funds received by the State Govt. during the years 2004-05, 2005-06 and 2006-07 under the Centrally Sponsored Scheme for PTGs including the Jan Bima Yojana component was Rs.176.50 lakhs, Rs.159.55 lakhs and Rs.80.00 lakhs respectively against which the actual amount spent was Rs.136.50 lakhs, Rs.199.55 lakhs and Rs.20.00 lakhs. The activities undertaken from the funds under this scheme and the funds provided by the State Govt. under their schemes relate to providing drinking water facilities, construction of houses, supply of milch animals and sheep units, formation of tea garden and pepper plantation. providing electricity, road construction and conducting awareness camps. So far 28000 PTG families have been covered under the Jan Bima Yojana.

4.14.4 The State Govt. supplies consumer goods and other items like Kerosene, rice, sugar, pulses etc. to the PTG families through Public Distribution System (PDS) which is being operated through Cooperative Department and LAMP societies. This system is stated to be functioning effectively for the PTG families in the State.

4.14.5 It has been brought to the notice of the Commission that Kattunayakans have been facing difficulties in getting community certificates from the district authorities. **The Commission recommends that the State Govt. should look into their problems relating to non-issue of community certificates and issue instructions to the district authorities to ensure that Kattunayakans are issued the community certificates, without any hassle, after verifying the genuineness of their claims.**

#### **4.15 Tripura**

4.15.1 There is only one Scheduled Tribe in Tripura which has been declared as PTG. It is **Reang**. The total population of this tribe as per 1961 Census onward was as given below:-

(i)	1961 Census	-	56579
(ii)	1971 Census	-	64722
(iii)	1981 Census	-	84004
(iv)	1991 Census	-	111606
(v)	2001 Census	-	165103

4.15.2 The State Govt. of Tripura is implementing the following schemes for economic development of people belonging to this tribe:-

- (i) Banana/ Pine-apple etc. cultivation
- (ii) Rearing of animals (Piggery and Goatery)

- (iii) Pisciculture
- (iv) Anganwadi Centres, Social Education Centres and Primary Schools have been opened in the areas inhabited by people belonging to Reang tribe for promoting pre-primary and primary education among their children. Books free of cost are provided to the students. Hostel facility is also available to PTG students studying in High/Higher Secondary Schools.
- (v) There are six Mobile Medical Units functioning in four districts for providing medical treatment and distribution of medicines free of cost. The medical facilities being provided include distribution of Vitamin tablets, launching immunization programmes for PTG children, organizing regular health camps for health check up of the people of this community, and medical aids including financial assistance for seriously and hospitalized patients. Communication for health care is maintained through trained tribal welfare volunteers and dais trained by WHO/ICMR.
- (vi) For providing safe drinking water, RCC Ring-wells have been constructed in the areas where most of the people belong to Reang community.
- (vii) Public Distribution System is running properly in Reang inhabited areas. The people, however, have to collect commodities from ration shops in distant areas from their habitats.

4.15.3 Shifting cultivation, sale of Minor Forest produces and rearing of animals (pigs and goats) are the main sources of the livelihood of the Reang people.

4.15.4.1 Funds received during the last three years under the Centrally Sponsored Scheme for PTGs being operated by the Ministry of Tribal Affairs are as given below:-

<b>S. No.</b>	<b>Year</b>	<b>Amount (Rs. in lakh)</b>
1	2004-05	29.813
2	2005-06	111.150
3	2006-07	145.000

4.15.4.2 The activities undertaken under the Centrally Sponsored Scheme include Vegetable Backyard gardening @ Rs. 1250/- per family, indigenous fruit plantation, construction of low cost latrines, improvement of roads, providing housing assistance @ Rs. 14,000/-, construction of rain water harvesting structure, ginger cultivation, supply of mosquito nets and water filters, construction of meeting halls, supply of TV sets, financial assistance for small business @ Rs. 10,000/-, supply of milch cows, tailoring, supply of plantation implements and carpentry equipments.

## 4.16 Uttarakhand

4.16.1 **Buksa and Rajis** are the two ST communities, which have been declared as PTG in the State of Uttarakhand. Their total population as per 2001 Census is 58675. The PTG-wise population as per 1981, 1991 and 2001 Census was as under:-

S.No.	Name of PTG	Population 1981 Census	Population 1991 Census	Population 2001 Census
1.	Buksa	31807	34621	57995
2.	Raji	1087	1728	680
	Total	32894	36349	58675

4.16.2 Buksas mostly live in Udham Singh Nagar and Dehradun districts of the State. The other districts where Buksas live are Nainital, Pauri and Haridwar. Rajis are mainly located in Pithoragarh district. About 26 families also live in Champawat district of the State. While the main sources of livelihood of Buksas are agriculture, and agricultural labour, Rajis mainly subsist on agricultural labour and carpentry.

4.16.3 The State Govt. is running schools and colleges to provide primary and higher education to the children of the PTGs. The children studying in these schools and colleges are being provided scholarships by the State Govt. In addition the four Ashram type Govt. schools are being run for the education of boys and girls belonging to Buksas. Two of these are at Lalgarh, Haridwar and the remaining two are in Udham Singh Nagar district. A similar Govt. school is being run by the State Govt. at Pithoragarh for the education of boys and girls belonging to Rajis. Apart from these arrangements made by the State Govt., the voluntary organizations are also running primary schools, both residential and non-residential for imparting education to the boys and girls belonging to these two PTGs.

4.16.4 The State Govt. provides training to the PTGs under different schemes to promote self-employment among them during the year 2006-07. The State Govt. undertook various activities to provide basic infrastructure for the economic development of PTGs including drains, culverts, CC roads, community hall, installation of hand pumps to provide drinking water and construction of buildings for Anganwadis and for additional classes in primary schools. The State Govt. operates Health Centres and ANM Centres in the PTG inhabited areas to provide medical facilities. It also undertakes immunization programmes from time to time to improve the health conditions of the children.

4.16.5 The State Govt. provides financial assistance for construction of houses to the homeless BPL PTG families. During the year 2006-07, the State Govt. had sent a proposal to the Govt. of India for providing grant of Rs.912.175 lakhs against which Rs.47.026 lakhs was sanctioned to the State Govt. out of which 171 houses were constructed for the homeless PTG families and the remaining 3146 homeless families are proposed to be covered during the 11th Five-Year Plan period.



4.16.6 Ration at cheaper rates are being provided to the PTG families through fair price shops.

4.16.7 The Commission finds that the population of Rajis has been decreasing at alarming pace. Their population, which as per 1991 Census was 1728, came down to 680 as per 2001 Census. This is a matter of serious concern for the Commission. **The Commission recommends that the State Govt. should look into this aspect with a view to find out the reasons behind the diminishing population of the Rajis and take concrete steps to reverse the trend to save them from extinction.**

4.16.8 The Commission further finds that while there is one Ashram type Govt. school at Pithoragarh to take care of the educational needs of the 136 families residing in that district, there is no such school in Champavat district where 26 PTG families are residing. **The Commission, therefore, is of the view that the State Govt. should open one such school for PTG children in Champavat district also.**

#### **4.17 West Bengal**

4.17.1 There are three Scheduled Tribes which have been declared as PTGs in West Bengal. These are-(i) **Lodha**, (ii) **Birhor**, and (iii) **Toto**. Their population as per 1981, 1991 and 2001 Census are as given below:-

Name of PTG	1981	1991	2001
Lodha	53718	68095	36624
Birhor	658	855	249
Toto	675	-	1157
	Total		38030

4.17.2 While **Lodhas** live in Paschim Midinipur district, **Totos** and **Birhors** reside in Jalpaiguri and Purulia districts respectively. Lodhas and Totos lead settled way of life. Agriculture and wage earning are the main sources of the subsistence of Lodhas. The main source of income of Totos is shifting cultivation on hill slopes. They also migrate to Bhutan side during the winter season for doing labour work. Birhors are nomadic or semi-nomadic in nature. Their main source of income is siali rope.

4.17.3.1 Funds released to the Govt. of West Bengal during the last three financial years under the Scheme of the Ministry of Tribal Affairs for economic development of PTGs are as given in the Table below:-

S.No.	Year	Amount Released
1.	2004-05	53.17 lakhs
2.	2005-06	70.60 lakhs
3.	2006-07	89.00 lakhs
	Total	212.77

4.17.3.2 The above amount is inclusive of Rs.77.50 lakhs released to the State Govt. during the above-mentioned three years under the Janshree Bima Yojana component of the Centrally Sponsored Scheme for insuring 15500 heads of families belonging to these tribes (Lodhas-15153) (Birhors-77) and (Totos-270). Other activities undertaken for development of the PTGs with the assistance of funds released under the Centrally Sponsored Scheme relates to construction of Primary Schools and houses, organizing training camps and construction of roads.

#### **4.18 Andaman & Nicobar Islands**

4.18.1 The Union Territory of Andaman & Nicobar Islands consists of 306 Islands covering a geographical area of 8249 sq. Kms and is located in the South-Eastern part of the Bay of Bengal. These Islands are separated into two groups namely Andaman group and Nicobar group by a 145 Kms (approx.) wide dreaded channel. The Andaman group of Islands constitutes Andaman District whereas the Nicobar District is constituted by Nicobar group of Islands. All the tribal areas in the Andaman and Nicobar Islands are protected by the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. Under this Regulation, the Andamanese, Onges, Jarawas, Sentinelese and Shompens as also Nicobarese have been declared as aboriginal tribes and specific areas have been earmarked to be reserved for them and further that the non-tribals cannot enter any tribal area without a permit/ pass issued by the UT Administration.

4.18.2 Six indigenous tribes of two ethnic stocks namely, Mongoloid and Negrito, are residing in these Islands. Of them, five tribes, Great Andamanese, Jarawas, Onges, Sentinelese and Shompens are Primitive Tribes and their population is very small. On the other hand, the Nicobarese are non-primitive, more progressive and largest in number. Shompen and Nicobarese are Mongoloid in origin whereas Great Andamanese, Jarawas, Onges & Sentinelese belong to Negrito stock.

4.18.3 According to 2001 Census, the total population of the Union Territory of Andaman and Nicobar Islands is 3,56,152 out of which 29,469 are tribals and they constitute 8.27% of the UT's total population. Out of the total tribal population of 29469, the population of Nicobarese, which is non-primitive and largest is 28653 and the remaining tribal population of 816 consists of the five Primitive Tribal Groups namely- **(i) Andamanese, (ii) Onges, (iii) Jarawas, (iv) Sentenelese, and (v) Shompen.** The population of these five PTGs as per 1981, 1991 and 2001 Census is as follows:-

S. No.	Name of PTGs	Population as per 1981 Census	Population as per 1991 Census	Population as per 2001 Census
1.	Great Andamanese	42	32	44
2.	Onges	97	101	96
3.	Jarawas	31	89	240
4.	Sentinelese	-	24	39

5.	Shompens	223	131	398
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**Note:** While the population figures for the Andamanese and Onges are accurate, the figures for the remaining three PTGs are estimated and accurate count is difficult as these are nomadic and dwell in the jungles and/or are hostile to outsiders.

4.18.4 The PTGs of the Andaman and Nicobar Islands are quite different from the PTGs in the rest of India. Having remained by and large isolated from contact with other populations, they continue to be pre-agricultural, hunter-gatherer tribes, who, if left to themselves and their environment, are by and large self-sufficient. Contact with other populations, where it has occurred, has had a deleterious impact on them. Because of the different nature of the Andaman and Nicobar PTGs, the approach to them, and any plans and programmes for their betterment have to be distinctly different from plans and programmes for other PTGs. In realization of this phenomenon, a distinctly different policy has been prepared for Jarawas. There is no separate policy for the remaining four PTGs.

4.18.5 The sources of subsistence of these PTGs are hunting, gathering, fishing, collection of wild tubers, honey etc. The Great Andamanese, Onges and Shompens are provided free ration and clothing. 17 Great Andamanese are employed in Govt. service. They are not provided any ration item free of cost.

### **Jarawas**

4.18.5.1 The Jarawas are one of the two Scheduled Tribes (identified as PTGs) in Andaman & Nicobar Islands residing in forests who remain naked even today. The Jarawas of the Negrito Group are regarded as hostile tribes. They were hostile during the British period. The major contact with Jarawas was during the construction of Andaman Trunk Road (ATR) which is 320 km. long of which 60 Km. run through the Jarawas Reserve. It is learnt that a large number of Jarawas were killed during the construction of ATR as they obstructed the construction and attacked the construction workers. With the opening of the ATR, tourists in large number started visiting the area to watch the Jarawas and to get photographed with them. They also used to offer bananas, biscuits etc. and food which were alien to the Jarawas. Sometime even liquor and cigarettes were used to be given. This resulted into Jarawas starting coming to the site of the ATR in large number.

4.18.5.2 The Jarawas occupy an area of 645 Sq. Kms in the reserved forest along with west coast in South Andaman and middle Andaman Islands. They are also found in Spike Islands bordering the west coast. The length of the territory inhabited by the Jarawas in the tropical forests extends to a distance of nearly 120-130 kms. Infrastructure facilities like road is totally lacking for which it has become a great challenge for the administration to provide health care to Jarawas. The Health workers contact the Jarawas at certain locations to provide them medical care on the spot. Some volunteers among the Jarawas have also been trained to inform the officials of the administration about the health condition of the tribe. The Jarawa patients are shifted to the Special Wards in the Health Centres with the assistance of their own people as and when

required. To ensure minimal contact of non-tribals with the Jarawas, the UT administration have established a chain of Police check posts known as the 'Jarawa Protection Police Posts' inside the reserved forests. Orientation camps are also organized by the A&N Administration to sensitize the villagers, PRI members and officials posted in Jarawa reserved area, about the policy of the Government and the strategy to deal with one of the most sensitive tribes of the world i.e. Jarawas. The Jarawas reserved area is 1028 sq. kms. The Deputy Collector (Tribal Health) undertakes regular visits to South and Middle Andaman for extension of medical coverage to the Jarawas.

4.18.5.3 A writ petition was filed in the Hon'ble High Court Kolkata (Andaman Bench) in 1999 seeking direction to the government to look after the protection and welfare of Jarawas. The High Court in 2001 directed the government to set up an Expert Committee to look into two issues:

- (a) to spell out the reasons that have caused sudden change in the behaviour of the Jarawas; and
- (b) to suggest remedial measures to enable the government to formulate programmes to save the Jarawas from the danger of extinction.

4.18.5.4 In pursuance of the Order of the Hon'ble High Court, Kolkata dated 9.4.01, the Ministry of Home Affairs, Govt. of India constituted an Expert Committee (vide Notification No.U-14040/24/99-ANL dated 21.7.2001). The Expert Committee included the Lieutenant Governor, Andaman & Nicobar Administration as Convener and comprised former Secretaries and anthropologists etc. like Shri K.B. Sexena, Dr. Namita Ali, Dr. R.K. Bhattacharya, Shri Som Naidu, Dr. Indira Chakravarty and Shri S.A. Awaradi as members. The Ministry of Home Affairs on the basis of the report of Committee of Experts, the views that emerged during subsequent seminars on the subject, and in consultation with A&N Administration and Ministry of Tribal Affairs have framed a policy for the protection and welfare of Jarawas in Andaman and Nicobar Islands which was notified by the Andaman Administration on 21.12.2004. The Hon'ble High Court Kolkata (Andaman Bench) accepted the policy on 22.6.05. The major objectives of the policy are-

- (i) To protect the Jarawas from harmful effects of exposure and contact with the outside world while they are not physically, socially and culturally prepared for such interface;
- (ii) To preserve the social organization, mode of subsistence and cultural identity of the Jarawas community;

4.18.5.5. In pursuance with the above-stated policy, the A &N Islands Admn., has taken the following action:-

- (i) Exclusive natural resources base i.e. Jarawa tribal forest reserve has been increased from 847 Sq.km to 1028 sq.km for their foraging.
- (ii) Exclusive marine resource base has also been increased by declaring coastal water upto 5 km. from high tide mark as tribal reserve, against 2 km earlier.

- (iii) Andaman Trunk Road belt has been decreased from 200 meters on either side of the tar road to only 30 meters from the center line of the road on either side.
- (iv) Separate/exclusive hospital wards for Jarawas have been provided and such wards are declared as Tribal Reserve, the entry into which by non-tribals is prohibited without a permit from the competent authority.
- (v) Jarawa patients are shifted to the hospital only when it is inevitable keeping in view their health interests to save their life.

### **Great Andamanese**

4.18.6.1 The Great Andamanese belong to the negrito race. The population of the Great Andamanese has suffered a deep decline over the years, and they were near extinction in the 1960s with their numbers close to 19. A decision was taken at that time to settle them on Strait Island in Andaman District. The total population of the Great Andamanese has since then grown to 54 with 43 persons on Strait Islands and about 11 Andamanese in Port Blair and elsewhere. All the Andamanese can speak Hindi. Some children are getting education at Port Blair and are able to speak in English. There is a primary school in Strait Island, where the medium of instruction is Hindi.

4.18.6.2 The Andaman Administration provides free rations and clothes to the Great Andamanese, a potable water supply, electricity, free medical care, school and other amenities like police wireless for communication. Direct receiving set for TV, community hall, footpath, jetty for berthing of the boats, etc. have been provided at the settlement. A Great Andamanese Multipurpose Cooperative society is functioning at Strait Island. All the Andamanese are the members of this society. The society provides consumer goods to the Andamanese and also helps them in marketing of their agricultural produce.

### **Onges**

4.18.7.1 The Onges belong to the Negrito group. Prior to Tsunami, the Onges were settled in South Bay and Dugong Creek, but both the settlements were badly affected by the devastating tidal waves. All the Onges were brought and kept in two camps- one at Hut Bay and the other at R.K. Pur. Experts and anthropologists undertook a survey and decided to resettle the Onges at one place and accordingly now all the Onges have been resettled at Dugong Creek after undertaking a number of repair activities. For the welfare and development of Onges, a Cooperative Society called Onges Multipurpose Cooperative Society has been formed by Andaman Aadim Janjati Vikas Samiti (AAJVS) which is an autonomous body established in year 1976 and which functions under the Chairmanship of Lt. Governor of A&N Administration. A primary School has also been established in Dugong Creek for the Onges children. Onges have been provided with built up houses which are maintained by the UT Administration.

4.18.7.2 Administration provides free rations and clothes to the Onges. Potable water supply, electricity, free medical care, school and other amenities like police wireless for communication, Direct Receiving Set for TV, community

hall, footpath, jetty for berthing of the boats etc. have been provided at the Onges settlements.

### **Shompens**

4.18.8.1 The Shompens are a nomadic tribe belonging to the mongoloid race inhabiting the interior terrain of Great Nicobar Island in the Nicobar District. They practice horticulture, hunting, fishing and gathering. They are still living their traditional life and are reluctant to interact with non-Shompen population. The East-West Road cuts through Great Nicobar and through the Shompen Reserve, exposing them to outsiders and outside influence, usually deleterious. The road, which had been abandoned earlier, is being repaired, after the Tsunami. In order to implement welfare schemes for Shompens, the Administration established a Shompen Hut Complex in 1984, which is located at 27 Km. at East-West Road. It is a central place for carrying out all developmental activities for the Shompens. A Tribal Welfare Officer from AAJVS is posted to look after the welfare activities. The facilities such as Medical Sub-Centre, drinking water well, community hut and a powerhouse have been provided at Shompen Hut Complex. However, the Shompen Hut Complex has become inaccessible and defunct since 2002 due to damages of East-West road by heavy land slide. Now the welfare activities for the Shompens are being carried out from Campbell Bay where a Shompen Guest house called Shompen Sarai has been constructed for their stay.

4.18.8.2 To assist the Shompens economically, an exchange system has been introduced. Under this system, the Shompens bring the forest produce such as areca nuts, resins, lemons, Rudraksha and artifacts such as bark cloth, spears etc. The forest produces etc. are sold under the supervision of Assistant Commissioner of Great Nicobar Island and the Shompens are supplied with farm implements, rice and other items required by them at the highly subsidized rate. The local Administration is also supplying free rations, biscuits, clothes, etc. and arranging health facilities for the Shompens.

### **Sentinelese**

4.18.9.1 The Sentinelese, who also belongs to Negrito race, inhabit the North Sentinel Island in the Andaman District. The Sentinelese are hunters and food gatherers. They are nomads and change their habitation from time to time. They are self-reliant tribe having adequate forest resources in the form of wild animals, fruits, roots and other forest produce apart from rich seacoast around North Sentinel Island. They are hostile towards outsiders and remain in total isolation.

4.18.9.2 During the year 2004-05, Rs.2.00 crore was provided to the A&N Administration under the CSS for development of PTGs which was further released by the Administration to AAJVS for the purpose of housing and other infrastructure development like constructions of footpaths, medical sub-centres, school buildings, community halls etc. No funds were given to the Administration under the component of a scheme Janshree Bima Yojana during this year. During the year 2005-06, Rs.0.40 lakhs were provided to the Administration

which was released as grant-in-aid to AAJVS for providing insurance cover to the families of the Onges and Great Andamanese under Janshree Bima Yojana component.

#### **Setting up of an Expert Committee on PTGs of Andaman & Nicobar Islands**

4.18.10.1 The Ministry of Tribal Affairs set up an Expert Committee under the Chairmanship of Secretary, Tribal Affairs in May, 2007 comprising Director, Anthropological Survey of India, representatives from the Ministry of Home Affairs (JS level), Planning Commission (JS level) and National Commission for Scheduled Tribes (JS level) and certain other well known experts in the field of Anthropology with the following functions:-

- (i) To monitor and review the implementation of the Jarawa Policy, 2004, taking into account any subsequent reports and studies on the Jarawas.
- (ii) To prepare separate policies for (a) Shompens, (b) the Onges, (c) the Andamanese and (d) the Sentinelese, to save them from total extinction or the danger of losing their identity or culture, and
- (iii) To monitor and review the implementation of these policies thereafter.

4.18.10.2 The first meeting of the Expert Committee was held on 25 May, 2007 under the Chairmanship of Secretary, Ministry of Tribal Affairs. Some of the important observations which were made during the meeting are as follows:-

- (i) As in the case of Jarawas, there was a need to have separate policies for the remaining four PTGs namely- Shompens, Greate Andamanese, Onges and Sentinelese. To enable these policies to be framed, fixed studies of approximately three months duration needed to be taken up either through various universities or ASI as part of their regular work.
- (ii) The policy guidelines for Jarawa tribe were not being implemented properly or monitored adequately.
- (iii) While separate policies may be made for each of the PTGs, certain actions which will affect all the PTGs on the Islands as a whole are necessary to be taken if these tribes and the environment and ecology of the Islands are to survive. The reference was to the alarming increase in the population of the Islands and the need for immediate steps to be taken to restrict the population influx into the Islands.
- (iv) In the case of two PTGs namely, the Great Andamanese and Onges who are in full contact with the general population, the education that is being imparted needs to be carefully looked at and quickly reviewed. Though some efforts have been made to prepare material in their mother tongue namely Andamanese and Ongese for teaching their children, no worthwhile efforts have been made to implement teaching in the mother tongue.
- (v) A portion of the Andaman Trunk Road (ATR) passes through Jarawa reserve. The Supreme Court has accepted the recommendations of Professor Shekhar Singh's report wherein one of the recommendations

was closure of ATR passing through Jarawa reserve. But the vehicles continue to ply and in fact their number has increased in recent years. If the Jarawas are to be protected, from unwarranted and undesirable interaction with other people, it is important to impose significant restrictions on the volume of traffic on the ATR and to have a plan to discontinue all the traffic within the Jarawa reserve within a certain time frame. It is possible to substitute the vehicular traffic on the portion of ATR passing through Jarawa reserve with sea plying vehicles and this should be done.

- (vi) Similarly, the portion of the road which runs through middle of Great Nicobar is likely to cause great destruction to the Shompen way of life since it runs through the middle of their reserve. The work on this road which is being repaired by the Border Roads Organisation needs to be stopped.
- (vii) The way of life of Onges who live in Little Andaman Islands has been badly affected by the influx of other people who have settled on the islands. The activities of these people namely, illegal poaching, felling of trees, etc. have affected the ability of the Onges to sustain themselves as a hunter gatherer tribe. The Onges who are about 100 in number need at least 200 sq. kms of undisturbed forests to be able to sustain themselves. Efforts need to be made to make land on the islands of Little Andaman available to the Onges.

#### **4.19 General Recommendations**

4.19.1 The Commission would like to make the following recommendations for enhanced development of the PTGs in general in respect of all the States/UTs where they are located:-

- (i) The Primary schools are located in areas distant or far distant from the PTG hamlets/villages and, therefore, the PTG children face difficulties in attending schools regularly especially in rainy season. **The Commission recommends that:-**
  - (a) **In order to increase the attendance and also to decrease the drop-out rates of PTGs students in the schools, one Primary school for each village may be opened in each PTG village/hamlet.**
  - (b) **As far as possible local eligible youth/women should be appointed as Teacher in such schools to ensure proper functioning of the schools.**
  - (c) **Incentives in the form of school dress, kit bags etc. and monetary assistance @ of Rs.100/- to Rs. 300/- per year to the students depending upon the classes in which they are studying as also to parents @ Rs.200/- to 400/- per year may be provided for encouraging them to come to schools/ to send their children to schools.**



- (ii) It has been observed by the Commission that in most of the States, the PTGs face acute shortage of safe drinking water especially in the dry season, as water level goes down during this period, and as a result thereof, the RCC Ring Wells constructed in the PTGs villages/hamlets are not in a position to provide drinking water during the dry season. **The Commission, therefore, recommends that one mini deep tube well for each PTG village/hamlet may be installed to make safe drinking water available to the PTGs throughout the year. In areas where there is no supply of electricity, hand pumps may be installed. The Commission further recommends that till such time the facilities of tube well/hand pumps are provided in the PTGs villages/hamlets, arrangements should be made for pouring ammonia solutions into the drinking wells during rainy seasons to ensure germs-free safe drinking water.**
- (iii) The Primary Health Centres (PHCs) are generally located far away from the villages of PTGs and, therefore, they are not in a position to avail of medical facilities in the time of emergency. **The Commission recommends that in order to provide emergency and regular treatment facilities to the PTGs, one Medical Mobile Van equipped with primary treatment facilities and medicines along with minor surgical equipments should be arranged for each block in the interior areas. The Commission further recommends that the State Govts. having PTGs should make special arrangements to provide nutrition-rich items like ragi, minor millets, tubers etc. to lactating and expectant mothers to combat malnutrition.**
- (iv) The Commission has observed that as most of the PTGs live in remote and inaccessible forest/hilly areas, they are not able to reach the PDS outlets to get the benefits of purchasing various items of consumer goods at concessional rates through these outlets and wherever such outlets are available, the families of the PTGs are required to travel several kilometers, even 8 to 10 kms. to purchase the consumer items. **The State Govts. are advised to arrange distribution of consumer items available under PDS through mobile vans in respect of such PTGs who live in inaccessible forest/hilly areas where PDS outlets within reasonable distance are not available. The Commission further recommends that the State Govt. should make arrangements for organizing weekly markets (haat bazaar) where PTGs could come, sell the products crafted by them and purchase the items of their needs.**
- (v) **The State Govts. should provide financial assistance to the PTGs families to enable them to construct houses as per their needs.**
- (vi) **Almost all the PTG families are BPL families and, therefore, there is an imperative need to involve them in income generating activities. Efforts should be made to encourage them to take to settled agriculture (by supplying them improved seeds, agricultural kits,**

plough bullocks, bullock carts etc.), horticulture and animal husbandry (by supplying them crossbreed cows, she buffaloes, sheep/piggery units etc.). They should also be provided training in cane and bamboo craft, carpentry, LMV driving, tailoring and coir craft to generate self-employment among them.

- (vii) The Govt. of Madhya Pradesh, by amending the M.P. Public Service (Reservation for Scheduled Castes/Scheduled Tribes and other Backward Classes) Act, 1994, have made special provisions for providing employment to the members of PTGs. The amended Act provides that the candidates belonging to certain Scheduled Tribes specified as PTGs will be appointed in the post of contract Teachers in Grade-I, II & III and for Group 'C' and 'D' posts without subjecting them to go through the recruitment process provided they possess the minimum qualification prescribed for these posts. **The Commission recommends that the other States/ UT having PTGs should also consider to formulate similar schemes for recruitment of candidates belonging to PTGs in Group C & D posts and contract posts of Teaching category in various grades.**
- (viii) The Govt. of Karnataka has set up District Level Committees to oversee the effective implementation of the programmes for development of PTGs through various departments. The Deputy Commissioner of the respective district is the Chairperson of the Committee and the Project Coordinator(s) of the respective ITDP(s) is/are the Member Secretary. CEOs of the respective Zila Panchayat, District Managers of SC/ST Development Corporation of the respective district, Lok Sabha Member/ MLAs/ MLCs of the respective district and two representatives of NGOs working for the welfare of PTGs nominated by the Deputy Commissioner are members of the Committee. The Committee meets once in three months to review the impact of the development programmes. **The Commission feels that this is a very good step to ensure the development of the PTGs and needs to be replicated by other States and, therefore, the Commission recommends that all the other States having PTGs may be advised to set up District Level Monitoring Committees on the line of the Karnataka model.**

## **CHAPTER 5**

### **EDUCATIONAL DEVELOPMENT OF SCHEDULED TRIBES**

#### **5.1 INTRODUCTION**

5.1.1 It is a universal fact that education provides the most vital input in the human resource development. We can't conceive of advancement of any section of society without education. It is the most effective medium by which economically and socially marginalized sections of society can be empowered to lift themselves from the morass of poverty. The underprivileged sections of society particularly the Scheduled Castes and Scheduled Tribes cannot exercise the civil, political, economic and social freedom as enshrined in the Constitution of India unless they receive minimum level of education. The social structure of our country has been such that the Scheduled Castes and Scheduled Tribes have always been the target of exploitation and subjugation due to their illiteracy, poverty, superstition and ignorance. The framers of the Constitutions were fully aware of the need to promote education among all and specially amongst weaker sections of society which constitute one-fourth of the India's total population and accordingly, they suggested special measures for development of these communities in the form of special provisions/safeguards in Article 46, 15(4), 29(2) and 350A of the Constitution of India to promote the educational development of weaker sections of society, particularly the Scheduled Castes and Scheduled Tribes.

5.1.2 Article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of weaker sections of people, and, in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or the Scheduled Castes and Scheduled Tribes. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which also amended several Articles. This provision has enabled the State to reserve seats for SCs and STs in educational institutions including technical, engineering and medical colleges and in scientific and specialized courses. Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of the State funds on the grounds of only of religion, race, caste, language or any of them. In Article 350A the State Govts. and the local authorities have been directed to take steps to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minorities.

5.1.3 In its first Report, this Commission has mentioned about the various schemes and programmes formulated by the Ministry of Human Resource Development, Government of India for enhanced development of the Scheduled Tribes. This report also dwells upon the important features of the various Centrally Sponsored Schemes such as (i) Post-matric Scholarship Scheme (PMS), (ii) Book Banks Scheme, (iii) Scheme for Upgradation of Merit of ST Students, (iv) Scheme for Construction of Hostels for ST Girls and Boys,

(v) Scheme for Establishment of Ashram Schools in TSP areas, and (vi) Scheme for giving grants to the Tribal Research Institutes located in various States, which are being administered by the Ministry of Tribal Affairs, Govt. of India for educational development of Scheduled Tribes. This Report also provides information about the Central Sector Schemes such as (i) Scheme for Grants-in-Aid to Voluntary Organizations working for the welfare of Scheduled Tribes, (ii) Scheme for setting up of Educational Complexes in Low Literacy Pockets for Development of Women's Literacy, (iii) Scheme for Vocational Training in Tribal Areas, and (iv) National Overseas Scholarship Scheme for Higher Studies Abroad which are also being administered by the Ministry of Tribal Affairs, Govt. of India for accelerated educational advancement of the Scheduled Tribes, under which 100% grants are given to the State Govts. In this Report, the Commission made a series of recommendations to improve the literacy among the tribal girls and boys and to increase their enrolment and to reduce the drop-out rates among them. This Report also contains a number of recommendations for improving the functioning of the Centrally Sponsored Schemes and the Central Sector Schemes being run by the Ministry of Tribal Affairs.

5.1.4 In view of the position set out in the previous paragraph, the Commission in its meeting held on 10 November, 2006 approved the action taken by the Secretariat of the Commission requesting the State Govts. to send information in the form of replies to a Questionnaire (**Annex 5.I**) sent to them, inter-alia, in respect of the schemes/ programmes being implemented by them either at their own or under the assistance provided to them under the Centrally Sponsored Schemes/ Central Sector Schemes for giving a special coverage in its next report of the Commission. The State Govts., which have sent the required information either completely or partially are (i) Andhra Pradesh, (ii) Chhattisgarh, (iii) Himachal Pradesh, (iv) Karnataka, (v) Madhya Pradesh, (vi) Manipur, (vii) Orissa, (viii) Rajasthan, (ix) Sikkim, (x) Uttar Pradesh, and (xi) West Bengal. In view of this position, this Chapter talks about the initiatives taken only by these States in the area of educational development of Scheduled Tribes.

## 5.2 ANDHRA PRADESH

### Literacy Rate:

5.2.1.1 In Andhra Pradesh, the ST literacy rate is 37.03% according to 2001 Census. It is 47.66% in case of males and 26.10% in case of females. These figures are low in comparison to the general male/female literacy rate of the State which is 61.11% (70.85% in case of male and 51.17% in case of female). In three districts, namely Mahbubnagar, Medak and Nizambad, the ST female literacy is significantly low which is 13.3%, 14.3% & 16.5% respectively. **The Commission recommends that the State Govt. of Andhra Pradesh should take special steps to improve the female literacy rate in these three districts to bring it at par with the State's ST literacy rate (of females) of 26.10%.**

5.2.1.2 In Andhra Pradesh, there are 8 Primitive Tribal Groups and their literacy rate is at par with the literacy rate of STs in the State, except Kolam and Kondh tribes in which case it is only 24.51% and 17.81% respectively. In these two communities, the female literacy is also very low i.e. 15.94% and 9.34%. **The State Govt. of Andhra Pradesh is advised to make special efforts by providing various kinds of incentives to increase the female literacy rate in respect of the Kolam and Kondh tribes (which are also PTGs).**

### **Educational Institutions for STs**

5.2.2.1 There are 599 Ashram Schools, 172 Residential Schools and 441 Hostels in the State functioning under the control of Tribal Welfare Department out of which 411 Ashram Schools, 53 Residential Schools and 331 Hostels are functioning exclusively for boys. Six Residential Schools & 52 Ashram Schools are functioning under co-education system. There are 32 Residential Schools, 41 Mini-Gurukulams, 136 Ashram Schools, 110 Hostels and 40 Kasturba Gandhi Balika Vidyalayas exclusively for ST girls for their educational development. To promote education among the ST girls, AP Government provides 33% reservation of seats in all the Educational Institutions for them.

5.2.2.2 Andhra Pradesh Government is running 34 Ashram Schools exclusively for the Chenchus (PTG). There is also one Residential Polytechnic exclusively for this community. The State Government provides 100% reservation for PTG students for admission into Hostels and Ashram Schools located in Scheduled Areas.

5.2.2.3 The Project Officers of the Integrated Tribal Development Agencies (ITDAs) and Project Monitoring Resource Centre (PMRC) have, inter-alia, been assigned duties to create awareness among the tribals about the benefit of the education and also to motivate them to send their children to schools. Awareness programmes under SSA (Sarva Shiksha Abhiyan) are also being organized to impress upon the parents of the tribal children about the benefits of the education and to avail of the various educational facilities available for STs.

5.2.2.4 Most of the Primary Schools in tribal areas in Andhra Pradesh are being run by a single-teacher and the number of such Schools is 4317. The Government plans to make appointment of one more teacher in such Schools. However, one Vidya Volunteer is being provided under SSA programme to each single-teacher School irrespective of the students' strength. In Primary Schools located in tribal areas, the posts of teachers are being filled up from amongst local tribal youths.

5.2.2.5 In Andhra Pradesh, the Educational Complex scheme (Mini Gurukulams) is being implemented by APTWREI Society AP, Hyderabad. 41 Gurukulams have been set up in 17 districts of the State in which 5684 girls pursue their studies.

5.2.2.6 8 Ekalavya Model Residential Schools for ST boys and girls are functioning in 8 districts of the State in which 4127 students (boys 1784 & girls 2343) are pursuing their studies.

5.2.2.7 The State Government has informed that the Govt. of India have sanctioned 40 Kasturba Gandhi Balika Vidyalyas (KGBV) to the State for imparting quality education to ST drop-out girls in low female literacy blocks which have started functioning in October 2006.

5.2.2.8 There are 9 Vocational Training Centres in the State under the control of Tribal Welfare Department established with the assistance provided by Ministry of Tribal Affairs with a view to impart training to ST boys and girls in traditional skills. During the year 2006-07, 1228 boys and girls were imparted training.

#### **Best Available School Scheme:**

5.2.3 This Scheme aims at imparting quality education to STs. Under this scheme the State Govt. admits ST girls and boys in English Medium Residential Schools at Hyderabad, Warangal, Tirupati and Vijaynagaram. The entry point is Class-V. Under this scheme ST students are also being admitted in three Schools of Excellence at Parvathipuram, Bhadrachalam and Srisailam in the Class VIII. The amount of scholarship under the Best Available School scheme is Rs.8,000/- per annum per student upto Class-VII and Rs.12,000/- per annum per student from Class-VIII to IX. These scholarships are paid directly to the Institutions and not to the students. ST children whose parental income does not exceed Rs.18,000/- per annum are eligible for admission under the Best Available School scheme. This is, no doubt, a good scheme which will further the educational development of STs. **The Commission recommends that the State Govt. may consider raising the income ceiling of Rs.18,000/- to cover more ST students and ensure that the revised income ceiling under all circumstances is fixed above the poverty line.**

#### **Special Coaching Programme:**

5.2.4 Under this programme, the State Government provides free coaching to all the students reading in Class-VII, IX & X on holidays as well as after School hours. Free coaching in the subjects like Maths, English and Science is being given to the students reading in Class-VII. Similarly, free coaching in four subjects like Maths, English, Science and Hindi is being imparted to the students reading in Class-IX and X. For these subjects, tutors have been appointed in the Hostels.

#### **Imparting education in mother tongue:**

5.2.5 Teaching in mother tongue is being imparted to tribal students in 130 Schools in Scheduled Areas in Class-I to III. Text books have been introduced in 8 tribal languages namely, Koya, Savara, Gondi, Kolami, Lambada, Konda and Kuvi.

### **Teacher-pupil ratio, enrolment and drop-out:**

5.2.6 The enrolment ratio of the ST students in Class I to VIII is 52.99. It is 62.40 in case of boys and 43.34 in case of girls. The teacher-pupil ratio in Scheduled Areas is 1:20. It is 1:40 in the whole State. The drop-out rate among the STs is very high in Class-I to VII which is 74.71. **The State Govt. is advised to take steps to reduce the drop-out rate in Classes I to VII by providing various types of incentives to the tribal girls and boys and their parents.**

### **Incentives/Scholarships:**

5.2.7.1 Note books, text books, two pairs of dresses, bedding materials, utensils, boxes, slippers, stationery items are being provided to the students of Class-VIII to X to attract them to Schools, Girl students are additionally provided sanitary napkins & cosmetics.

5.2.7.2 The Government of Andhra Pradesh is providing board and lodging facilities to the children of ST families who are temporarily migrating to other places for their livelihood.

## **5.3 CHHATTISGARH**

### **Literacy Rate:**

5.3.1 The general literacy rate in the State is 64.70% (Male-77.40% and Female-51.9%) according to 2001 Census against which the ST literacy rate in the State is 52.10% (Male-65% and Female-39.30%). The female literacy is very low in the Districts like Surguja (21.32%), Kawardha (17.60%), Mahasamund (20%), Bastar (24%), Dantewada (19%) in comparison to State ST female literacy rate and general female literacy rate of the State. The literacy rate among the Primitive Tribal Groups (PTGs) namely Abhujhamadia (2.28%), Baiga (7.77%) and Birhor (1.81%) is also significantly low. **The State Govt. is advised to make special efforts to increase the female literacy rate in the above mentioned districts and the literacy rate among the PTGs mentioned above.**

### **Educational Institutions for STs:**

5.3.2.1 There are 514 Hostels for ST girls (268 for Class-I to V, 196 for Class-VI to X and 50 for Class-XI and College students) with an intake capacity of 29292 students. For ST boys, 1207 Hostels (448 for Class-I to V, 701 for Class-VI to X and 58 for Class-XI and College students) are functioning with an intake capacity of 49523 students. There are about 136 Hostels, which are not having electricity connections. Similarly, there are about 464 Hostels, which are not having boundary walls. **The State Government is advised to take immediate steps for improvement of infrastructure in respect of such Hostels.**

5.3.2.2 There are 8 Ekalavya Model Residential Schools in the State located in 8 Districts in which 558 ST boys and girls are pursuing their studies.

5.3.2.3 In Chhattisgarh, 'Shala Pravesh Ayojan' is being organized every year at the beginning of the educational session in which the teachers and Panchayat officials work collectively, visit door to door and motivate the local people and ST parents to send their children to Schools. Appeals are also being made by the Chief Minister and Minister of Education and Tribal Welfare directly to the parents to send their children to Schools. There are 457 Schools manned by a single teacher in the tribal areas in the State. **The Commission would like to advise the State Government to take necessary steps for appointment of one more teacher in all the single teacher Schools in the educational interest of STs. It is suggested that while making appointments, efforts should be made to appoint the teachers from amongst the local tribal youths.**

5.3.2.4 There are 4263 Primary Schools in seven tribal districts of the State. In these Schools, 2295 posts of teachers are lying vacant. **The State Government is advised to chalk out a time-bound programme to fill up these vacant posts of teachers in the primary Schools in the State.**

#### **Teacher-pupil ratio, enrolment and drop-out:**

5.3.3 The gross enrolment ratio of STs in Class-I to V is 97.03 and 94.48 in Class VI to VIII. The teacher-pupil ratio is 1:35 in Bastar District, 1:26 in Dantewara & Jashpur, 1:27 in Kanker, 1:41 in Korba, 1:34 in Korea and 1:34 in Surguja District. These districts have Scheduled areas. In non-tribal districts, this ratio ranges from 41 to 47.

#### **Incentives and Special Coaching:**

5.3.4 Special coaching is provided to the students in the subjects like Mathematics, Science and English through 'Special Coaching Centres' at the Block level and below Block level Hostels. The State Government is providing bicycles to the ST girls who are reading in Class-IX.

#### **Pre-matric Scholarship:**

5.3.5 Under this Scheme, the State Govt. provides scholarships to the girl students from Classes III to V at the rate of Rs. 250/- per month, at the rate of Rs. 300/- and Rs. 400/- per month to ST boys and ST girls, respectively from Classes VI to VIII and Rs. 400/- and Rs. 500/- per month to ST boys and girls from Classes IX to X. The rate of scholarship for ST students (boys) from Classes I to X residing in hostels is Rs. 350/- per month. Similarly the rate of scholarship for ST girl students from Classes I to X residing in hostels is Rs. 360/- per month. This scholarship is given for 10 months in a year. There is no income ceiling in respect of the parents of the children.

### **5.4. HIMACHAL PRADESH**

#### **Literacy Rate:**

5.4.1 The general literacy rate in the State as per 2001 Census is 76.5% (Male-85.3% and Female 67.4%) against which the ST literacy rate is 65.5% (Male-77.7% and Female 53.5%).



### **Educational Institutions for STs:**

5.4.2.1 There are 8 Residential Schools for girls under Kasturba Gandhi Balika Vidyalyaya Scheme in 5 blocks of Chamba District in which 368 girls are pursuing their studies. The State Government has also opened hostels at Sahu, Mehala and Kalsui in Chamba District for the education of the children of migrated ST communities namely Gujjar and Gaddies.

5.4.2.2 There is no single-teacher School in the tribal areas of the State. The teachers appointed in the Primary Schools are the residents of the Districts in which the Schools are located. Further, under the Primary Assistant Teacher (PAT) Scheme, Primary teachers are being appointed preferably from the same Panchayats in which the Schools are located.

### **Scholarships/incentives:**

5.4.3.1 The tribal students are given scholarship, free text books, writing materials and uniforms (only for girls) to attract them to Schools. During the year 2006-07, the State Government spent a sum of Rs.40.50 lakhs for providing writing materials to tribal students. The State Government also spent Rs.43.00 lakhs for providing uniform to tribal girl students in that year. No cash incentive is given to the parents for sending their children to School.

5.4.3.2 To improve attendance in the Schools, the State Government is providing poverty stipend scholarships @ Rs.4/- per month to tribal boys whose annual income is less than Rs.11,000/-. Girl attendance scholarship @ Rs.2/- per month per student is also being given. The quantum of these scholarships is too low to be of assistance to the students. The State Govt. at its own should have revised it long back. This negligible quantum of the scholarship was also pointed out by the Hon'ble Member of this Commission in his report submitted by him after visit of the State and his observations were brought to the notice of State Govt. for taking necessary action for upward revision. No action seems to have been taken by the State Govt. in this regard. **The Commission strongly recommends that the State Govt. should take immediate steps to revise the quantum of these scholarships to raise it atleast to Rs.50/- per tribal student (both boys and girls). The State Govt. is further advised to raise the income ceiling under this scheme from Rs. 11,000/- with a view to provide attendance incentives to more ST boys and girls and also to ensure that the revised income ceiling under all circumstances is fixed above the poverty line.**

5.4.3.3 The State Government also pays IRDP scholarship to the tribal boys and girls reading in Class-VI to VIII @ Rs.250/- and Rs.500/- per annum respectively.

5.4.3.4 Middle Merit Scholarship @ Rs.40/- per month is being paid to 4 topper tribal boys and Rs.80/- per month to 4 topper tribal girls for 10 months in Class-V examinations.

**Medhavi Scholarship Scheme:**

5.4.4 The State Government have introduced Medhavi Scholarship Scheme for the benefit of ST students under which 100 tribal boys and 100 tribal girls who secure 72% and above marks in their 10th Class examinations conducted by the HP Board of School Education are being paid Rs.11,000/- per annum. Similarly, 100 ST boys and 100 ST girls are also being paid Rs.11,000/- per annum who secure 72% and above marks in the 1st year examination of the +2 Course under this scheme.

**Enrolment and drop-out:**

5.4.5 The gross enrolment ratio is 84.84% in Class-VI to VIII. The drop out rate in the tribal districts is low both in Primary and Secondary level of education. It is 5.27 in Class-I to V, 4.63 in Class-VI to VIII and 11.26 in Class-IX to X. The State Govt. has informed that Village Education Committees constituted under Sarva Shiksha Abhiyan motivate the parents to send their children regularly to Schools.

**5.5 KARNATAKA****Literacy Rate:**

5.5.1 The ST literacy rate in Karnataka State is 48.3%. It is 59.7% in case of ST males and 36.6% in case of ST females. There are two Primitive Tribal Groups in the State namely Jenu Kuruba and Koraga and their literacy rate is 33.02% and 43.06% respectively. The male and female literacy rate among the Jenu Kuruba is very low which is 15.10% and 19.29% respectively.

**Educational Institutions for STs:**

5.5.2.1 There are 122 Ashram Schools (Class-I to V, both for boys and girls) and 118 Pre-matric Hostels run by the Scheduled Tribe Welfare Department in the State. In each School, 125 students study 75% of whom belong to STs. The State Education Department is running 62708 Primary, Middle and High Schools in which the ST children are also pursuing their studies. There is no single-teacher School in the State. Under the Central Assistance scheme, 41 Hostels have been constructed for ST girls in which 1850 students are residing. Similarly, under that scheme, 82 Hostels have been constructed for ST boys which are providing accommodation to 3910 students. These Hostels have all the facilities like electricity, toilets, bathrooms etc.

5.5.2.2 The Educational Complex Scheme for ST girls is being implemented in low literacy pockets in the State through Karnataka Residential Educational Institutions Society, an organization of Social Welfare Department of the State. These Complexes have been set up at five places in three districts, namely Raichur, Gulbarga and Mysore where ST female literacy is very low.

5.5.2.3 There are 4 Ekalavya Model Residential Schools functioning in four Districts of the State in which 429 boys and 408 girls are pursuing their

studies. In addition, 61 Kasturba Gandhi Balika Vidyalayas have also been set up which cater to the educational needs of 4399 girls including 20% ST girls.

5.5.2.4 Five Vocational Training Centres are functioning in the State for the benefit of unemployed ST youths. Training is being imparted in trades like Plumbing, Driving, Welding, Automobile Services and Computer Hardware and Software in which 1000 ST youths get training in a year. The duration of training of each course is 12 months.

#### **Teacher-pupil ratio, enrolment and drop-out:**

5.5.3 There are no defined tribal areas in the State. The tribals are dispersed throughout the State. The teacher-pupil ratio in the State is 1:34. As per the latest information available, the drop-out rate in Class-I to X is very high which is 45.04%. **The State Government is advised to make all-out efforts to reduce the drop-out rate by providing incentives to the tribal girls and boys and their parents.**

#### **Incentives/ Scholarships:**

5.5.4.1 To improve literacy rate among the PTGs, the State Government is paying special cash incentives to the children of these groups. Rs.100/- per annum is being paid to the students of Class-I to IV, Rs.150/- per annum to the students of Class-V to VII, Rs.200/- per annum to the students of Class-VIII to X and also Rs.200/- per annum to the College students. This cash incentive is in addition to the regular pre/post-matric scholarships paid to the students. In addition to this, the parents of the PTG children are also given cash incentive of Rs.200/- per annum to encourage them to send their children to Schools. The Commission appreciates these efforts of the State Govt. to provide cash incentives to the students and to the parents of the PTGs and hopes that this would achieve the desired objective of promoting education among tribals.

5.5.4.2 The State Government provides cash prize to the ST students who pass the Public Examination in 1st Class in the 1st attempt. The rate is Rs.500/- for SSLC examination, Rs.700/- for II PUC examination, Rs.1000/- for degree examination, Rs.1,250/- for Post-Graduation examination and Rs.1,500/- for Medical/Engineering and other professional courses. The Commission hopes that these cash prizes will encourage the students in their study and will inculcate in them the competitive spirit in securing 1st Class in 1st attempt.

5.5.4.3 Four ST students belonging to 'Valmiki' and 'Nayaka' communities in the State have been awarded foreign scholarship and are pursuing their studies in the University of Liverpool, UK, University of South Australia, Australia, University of Sidney, Sidney and Riddle University, Florida USA in the subjects like M.Sc. in Engineering, Applications of Lasers, Master of Advanced Manufacturing Technology, and M.Sc. in Aerospace Engineering respectively.

5.5.4.4 The students who are found poor in their studies are given extra coaching after School hours in the Hostels to improve their standard of education to enable them to come out successful in the annual examinations.

## 5.6 MADHYA PRADESH

### Literacy Rate:

5.6.1 In Madhya Pradesh, the literacy rate among the STs is 41.20%. It is 53.50% in case of ST males and 28.40% in case of ST females. The ST female literacy rate is comparatively low, if we look into the State female literacy rate which is 50.28%. In Jhabua & Sidhi Districts, the female literacy rate is 19.40% and 21.60% respectively. In Satna District it is only 24.60%. **The State Govt. is advised to make special efforts to increase the female literacy in Jhabua, Sidhi and Satna Districts and also to improve the overall female ST literacy which is low as compared to the State female literacy rate.**

### Educational Institutions for STs:

5.6.2.1 In tribal areas there are 13298 single-teacher Primary Schools, 893 Upper Primary Schools and 14191 Elementary Schools. There are 105 Kasturba Gandhi Residential Balika Vidyalayas in the State in which 5368 girls including the STs are pursuing their studies.

5.6.2.2 In Madhya Pradesh 11 Ekalavya Model Residential Schools are functioning in 10 Districts in which 2563 tribal students are pursuing their studies. In these Schools, although 50% seats are earmarked for girl students, their number is less in most of the Schools. **The State Government is advised to take steps to ensure that the full quota of 50% seats earmarked for girl students in 11 Ekalavya Model Residential Schools in the State is filled up from amongst ST girls only in the overall interest of the female education in the State.**

5.6.2.3 Educational Complexes have been set up in the low literacy pockets in nine Districts of the State by the NGOs with the financial assistance from the Ministry of Tribal Affairs, Government of India.

5.6.2.4 Under the Central Sector Scheme 'Vocational Training in Tribal Areas', the State Govt. has set-up 10 Vocational Training Centers in 9 Districts of the State including 2 in Dhar District in which the ST boys and girls are imparted training in various trades to enable them to earn their livelihood either by self-employment or by job-employment. 189, 434, 718 and 665 tribal girls and boys were trained in these centers during 2003-04, 2004-05, 2005-06 and 2006-07 respectively out of whom 216 got jobs.

### Incentives/Scholarships:

5.6.3.1 Under the 'National Overseas Scholarship Scheme', 10 ST candidates including one belonging to PTG have been awarded scholarship for pursuing Master's and Post Doctoral level courses.

5.6.3.2 Under the pre-matric scholarship and stipend scheme, the Govt. of Madhya Pradesh provides Rs. 350/- per boy reading in Classes VI to VIII and Rs. 360/- per girl from Classes I to X. PTG boys studying in Classes I to V are also eligible to get the stipend at the rate of Rs. 350/- per boy. These amounts of stipend are in addition to the State scholarship (both for hostlers and non-hostlers) under which the rate of scholarship per boy and per girl varies from Rs. 15/- to 40/-.

#### **Enrolment and drop-out:**

5.6.4 The gross enrolment ratio of the STs in Class-I to V is 102.15 and 80.61 in Class-VI to VIII. In elementary schools, the gross enrolment ratio is 96.28. The teacher-pupil ratio in the Tribal Sub-Plan (TSP) districts is 7:46 at the Primary level and 5:36 at the Middle level of education. The drop-out rate at the Primary level is 21.02%. To motivate the parents to send their children regularly to Schools and to arrest the drop out rate, motivation camps are being organized at the School level and meetings are also being held at regular intervals by the Parent-Teacher Association (PTA). Cash awards are given to the meritorious students under the Merit Scholarship and Nehru Medhavi Protsahan Scholarship Scheme. Students are being imparted special coaching in 24 Higher Secondary Schools of 12 Districts to improve their standard of education.

### **5.7 MANIPUR**

#### **Literacy Rate:**

5.7.1 The literacy rate among the STs in Manipur is 65.85%. It is 73.16% in case of ST males and 58.48% in case of ST females. These figures are at par with the State literacy rate. In all the Districts of the State, the ST male/female literacy rate is upto the mark. The female literacy rate in the State is more than the national average (53.05%).

#### **Educational Institutions for STs:**

5.7.2.1 Under the Scheme for Construction of Hostels for ST Girls and Boys (CSS), 24 Hostels have been constructed for ST boys and 5 Hostels for ST girls reading in Schools and Colleges. All these Hostels are without electricity connection and without boundary walls. There are five Ashram Schools in which 338 boys and 269 girls are pursuing their studies. In Ashram Schools there are shortages of staff. The Ashram Schools are also without electricity connections. **The Commission recommends that the State Government should take immediate steps for improvement of infrastructure in all the five Hostels for ST girls and subsequently for the hostels for ST boys. The State Government is also advised to ensure supply of electricity in all the Hostels and Ashram Schools. The State Govt. should also draw up a time-bound programme for filling up of the vacant posts in Ashram Schools to ensure better education to ST children residing and reading in them.**

5.7.2.2 Under the Scheme for Grant-in-Aid to Voluntary Organization, 8 Residential Schools, 3 Non-Residential Schools and another 3 Hostels are

being run by the Voluntary Organizations. All such Schools/ Hostels are located in rented buildings which have minimum basic facilities for the inmates.

### **Incentives/Scholarships:**

5.7.3 24 ST students of the State have been awarded Rajiv Gandhi National Fellowship Scholarship for pursuing higher studies. Government of India have sanctioned three Ekalavya Model Residential Schools but none of them has become operational due to late release of funds.

## **5.8 ORISSA**

### **Literacy Rate:**

5.8.1 In Orissa, the literacy growth rate is sluggish among the tribals. According to 2001 Census, the literacy rate among the STs is 37.37% in comparison to general literacy rate of 63.08%. It is 51.48% in respect of males and 23.37% in case of females. The female literacy rate among the STs is very low in the Districts like Koraput(8.4%), Nabarangpur(11.1%), Rayagada(10.1%), Bhadrak(16.4%), Jajpur(16.9%), Malkangiri(7.5%), Nuapada(16.2%), Kalahandi(17.2%), Gajapati(14.8%) and Balasore (17.7%). The literacy rate among the Primitive Tribal Groups is only 19.08% as per the survey conducted by the Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRI) in 17 Micro Projects during the year 2001. It is 28.83% in case of males and 9.74% in case of females which is significantly low in comparison to the ST male and female literacy of the State. **The Government of Orissa is advised to make special efforts to increase the female literacy rate among the tribals and the literacy rate of the Primitive Tribal Groups by organizing awareness Camps in the tribal and PTG areas and also by providing incentives to children and their parents to induce them to attend schools.**

### **Educational Institutions for STs:**

5.8.2.1 There are 246 Residential High Schools (Boys -155, Girls-91), 112 Ashram Schools, 143 Residential Sevashrams, 1031 Sevashrams, 1548 Primary School Hostels and 10 Ekalavya Model Residential Schools in the State in which 50% seats are earmarked for girl students. During the year 2006-07, eight High Schools in KBK Districts have been upgraded to Higher Secondary level and 36 Kanyashrams have been upgraded to High Schools. In KBK Districts, 400 Hostels are also functioning for tribal girls. Government of Orissa have also decided to establish 1000 girls Hostels, with an intake capacity of 100 students each, for providing accommodation to 1.00 lakh girl students within a period of three years.

5.8.2.2 Educational Complexes in low literacy pockets have been set up in 13 districts of the State for improving women literacy. These Complexes are being run by the NGOs with the financial assistance from the Govt. of India (Ministry of Tribal Affairs).

5.8.2.3 In Orissa, there are 2181 single-teacher Schools in tribal areas. The State Government have decided to appoint more number of teachers in such Schools i.e. one additional teacher in Schools having a minimum of 40 students. **The State Govt. is advised to take immediate steps for appointment of one additional teacher in other single-teacher Schools also. Preference should be given for appointment of local tribal youth as Primary teachers.**

5.8.2.4 Forty-nine Educationally Backward Blocks (EBB) have been identified in 20 districts of the State, where the rural female literacy is below the national average and gender gap in literacy is more than the National average, for setting up of Kasturba Gandhi Balika Vidyalayas (KGBV) with residential facilities for girls.

#### **Study facilities to the children of migrated ST families:**

5.8.3.1 Orissa Primary Education Programme Authority (OPEPA) has taken special initiatives by launching Non-Residential and Residential bridge course centres for the children of migrant Oriya families who temporarily/ usually migrate to other places outside the State in search of livelihood. At present 50 Non-Residential bridge course centres covering 1640 children and 21 Residential bridge course centres covering 1696 children are operational in Hyderabad and Raipur (Chhattisgarh) respectively for children of migrant families working in brick kilns. Further, 11 Non-Residential bridge course centres are operational in Durg district of Chhattisgarh covering 640 children. The State Govt. has informed that action is also being taken to open 100 Non-Residential bridge course centres and 50 Residential bridge course centres in Surat and Kolkata respectively and the State Project Directors of Gujarat and West Bengal have been requested by the State Govt. to extend necessary support in this regard. These centres, on operationalisation, would, no doubt, benefit the ST children of migrant labourers to a great extent.

5.8.3.2 Seasonal Hostels for 5920 children are also functioning at Bolangir and Nuapada Districts of the State for migrant labourers under EGS/AIE innovation. These Hostels are also benefiting the children of ST migrant labourers, who stay away from their village nearly 6-8 months in a year in search of work. They leave their kids in these Seasonal Hostels. A total of 5920 children are the beneficiaries of these Seasonal Hostels.

#### **Teacher-pupil ratio, enrolment and drop-out:**

5.8.4. The teacher pupil ratio in the Schools located in TSP areas is 1:37 in Primary Schools and 1:16 in Secondary Schools. The percentage of ST teachers to total teachers in Primary, Middle and Secondary Schools is not satisfactory. It is 9.29% in Primary Schools, 6.53% in Middle Schools and 3.10% in Secondary Schools. Enrolment of ST students is also not encouraging at the Primary, Middle and Secondary Schools. In Primary Schools, it is 18.78% to the total enrolment. In case of Middle and Secondary School it is 12.44% and 11.78% respectively. The drop-out rate among ST students at the Primary level (6-11 years) is 40.97% against the general drop-out rate of 32.09%. In the Upper Primary level (12-13 years), the drop-out rate

of ST students is 65.91% against the general drop-out rate of 49.16%. The State Govt. has informed that in order to check the drop-out of tribal girls and to encourage them to continue their higher studies, it is proposed to implement a new scheme from 2006-07 by distributing bicycles to ST girls of ITDA areas who have passed HSC exam and are continuing their studies.

#### **Imparting education to ST children in their mother tongue:**

5.8.5 To reduce the drop out rate at the primary stage of education and to bridge the gap between home language and School language, the Government of Orissa have taken steps to impart education to tribal students reading in Primary Schools in tribal areas in their mother tongue. Accordingly, the State Government have prepared teaching & learning materials in eight tribal languages, namely Saora, Kui, Kuvi, Juang, Koya, Bonda, Munda and Santhal which are available for the use of the students. Learning materials in Oram and Kishan languages are also under preparation.

#### **Incentives for education:**

5.8.6 To motivate ST girls for higher studies, the Government of Orissa is providing Bicycle to the girl students in ITDA areas who are pursuing their studies in +2 Classes at the cost of Rs.1800/-. Cash prize is also being given to 8 ST topper students (4 boys and 4 girls) of the annual High School Certificate Examination.

#### **Pre-matric Scholarship:**

5.8.7 Pre-matric scholarship covers the children from Class I to X in respect of Schools of ST and SC Development Department and Class VI to X in respect of Schools of Mass Education Department. The rate of pre-matric scholarship for ST boys and girls was Rs.300/- and 325/- respectively which has been enhanced to Rs.400/- and Rs.425/- w.e.f. 1 April, 2007.

#### **Vocational Training:**

5.8.8 In Orissa 17 Vocational Training Centres are functioning under 14 ITDAs in 9 tribal districts which are being run with 100% assistance from Govt. of India. It has been stated by the State Govt. that due to non-receipt of financial assistance from Govt. of India, some of the ITDAs have stopped providing vocation training to ST boys and girls. **The Ministry of Tribal Affairs is advised to look into this and ensure that the necessary funds are released to the ITDAs/ State Govt. at the earliest.**

### **5.9 RAJASTHAN**

#### **Literacy rate:**

5.9.1 In Rajasthan, the literacy rate among the STs is 44.70% as per 2001 Census. It is 62.10% in case of ST males and 26.02% in case of the ST females. These figures are comparatively low compared to the State literacy rate which is 60.40% (male-75.70% & female-43.09%).



**Incentives:**

5.9.2 Rajasthan Government is providing cycle and Scooty to girl students, who are reading in Class-X to XII for motivating the girls for education and helping them in attending the Schools and Colleges.

**Teacher-pupil ratio:**

5.9.3 The teacher-pupil ratio in Primary Schools and Upper Primary Schools located in the TSP area is 1:41 and 1:31 respectively. There is no age bar for ST candidates in getting vocational training like B.Ed., B.P.Ed., STC.

**Special Coaching to the students:**

5.9.4 There is a provision for imparting special coaching to the tribal students reading in Class-X and XII in Science, Mathematics, English and optional subjects, which is helping them in improving their standard of education and coming out successful in the Annual Examination.

**5.10 SIKKIM****Literacy Rate:**

5.10.1 In Sikkim, the ST literacy rate is 67.14%. The ST male and female literacy rates are 73.81% and 60.16% respectively.

**Educational Institutions for STs:**

5.10.2.1 There is no single-teacher School in the State. In most of the Primary Schools, local teachers are given appointment to ensure teachers' attendance. There are 2049 ST teachers working in Primary Schools (Male: 1172, Female: 877). In Middle, High School and Senior Secondary Schools, 499, 357 and 167 tribal teachers are working respectively. The Government of India have sanctioned two Ekalavya Model Residential Schools one each for North Sikkim and West Sikkim. The School for North Sikkim, which was sanctioned in 1998-99, is under construction. The sanction for the other School for West Sikkim was accorded in 2006. The construction work is yet to be started.

5.10.2.2 Special coaching is being imparted to the students reading in Class-IX and XII who are found poor in their study. Vocational training is being imparted to tribal youths in Tailoring, Knitting and Cutting, Mushroom cultivation, Computer to enable them to earn their livelihood.

**Incentives/Scholarships:**

5.10.3.1 Government of Sikkim have introduced a scheme i.e. 'Prerana Scholarship Scheme' for girl students since 2003 under which 51 girl students in every year are selected for award of the scholarship.

5.10.3.2 To attract the students to attend the School, all the students upto Class-V are given uniforms, School Bags, Text books, Exercise books etc. Students who are reading in Class-VI to XII are given text books at 50% price subsidy.

#### **Teacher-pupil ratio, enrolment and drop-out:**

5.10.4 The teacher-pupil ratio in Schools located in ITDP and MADA areas is 1:16 at primary stage(Class-I to V), 1:23 in Middle stage(Class-VI to VIII), 1:9 in Secondary stage(Class-IX & X) and 1:13 in Senior Secondary stage(Class-XI & XII) of education.

### **5.11 UTTAR PRADESH**

#### **Literacy Rate:**

5.11.1 In Uttar Pradesh, the ST male and female literacy rate is 40.64% and 18.13% respectively which is very low in comparison to the male and female literacy rate of the State which are 68.8% and 42.03% respectively.

#### **Educational Institutions for STs:**

5.11.2 There are 9 Ashram Schools (6 for boys & 3 for girls) in the State in which 800 ST boys and girls are pursuing their studies against the sanctioned strength of 1060. Out of 9 Ashram Schools, only 4 have electricity facilities. The State Government is taking steps to provide electricity to the rest 5 Schools. There are no educational complexes in the State. There is only one Ekalavya Residential Model School. One Hostel for 50 ST boys is also functioning under the control of the State Welfare Department. This Hostel is equipped with all the infrastructure facilities.

#### **Incentives/Scholarships:**

5.11.3 Pre-matric scholarship is being paid @ Rs.300/- per annum to the students of Class-V, Rs. 480/- per annum to the students of Class-VI to VIII and Rs.720/- per annum to the students who are reading in Class-IX and X. The students of Class-IX and X are entitled to get this scholarship only in case the income of their parents is within Rs.2500/- per month. To encourage the ST girls for education, Government is providing them uniforms and bicycles.

### **5.12 WEST BENGAL**

#### **Literacy Rate:**

5.12.1.1 In West Bengal, the ST literacy rate is 43.40%. It is 57.38% in case of ST males and 29.15% in case of ST females. These figures are comparatively low compared to the State literacy rate in general and male and female literacy rate in particular. In Districts like Uttar Dinajpur, Malda, Birbhum and Purulia, the ST female literacy rate is substantially low.

5.12.1.2 The literacy rate among the Primitive Tribal Groups namely Lodha, Toto, and Birhor is 32.74%, 38.15% and 33.64% respectively.

**Educational Institutions for STs:**

5.12.2. 11 girl Hostels have been constructed under the Central Assistance Scheme in which 777 girls studying in Class-XI onwards are residing. Similarly, 16 Hostels for ST boys have also been constructed in which 1090 students of Class-XI onwards are staying. All the Hostels have been provided with electricity connections. All girl Hostels have boundary walls. One Educational Complex is being run in the State by Bharat Sevashram Sangha, an all India level NGO in the District of Murshidabad, in which 400 ST girl students are pursuing their studies. Four Polytechnics one each at Purulia, Bishnupur, Bankulia and Jhargram are also functioning in the State in which 349 ST youths (boys 269, girls-80) got training during the year 2006-07. Many of them are self-employed. 5 Ekalavya Residential Model Schools are functioning in the State and 12 are in the opening stages. In these Schools 1544 tribal students (789 boys and 755 girls) are pursuing their studies and getting quality education.

**Enrolment and special coaching:**

5.12.3 The gross enrolment ratio of ST students in Class-I to V is 93.23. Special coaching is being imparted to the tribal students reading in Class-IX to XI who are found poor in their studies. This coaching is helping them to improve their standard of education and to come out successful in the Annual Examinations.

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## CHAPTER-6

### HEALTH AND NUTRITION

#### 6.1. INTRODUCTION

6.1.1 Malnutrition among tribals is generally widespread, which is largely attributable to abject illiteracy, environmental conditions, difficult terrain, traditional beliefs and customs. The ill-nourished tribals live in an environment, which has been degraded over a period of time, and, as a result, diseases such as malaria, filaria, tuberculosis, and goitre are endemic in most of the tribal areas. The tribal people, however, in the course of their isolated existence, have developed alternative systems of medicines. They have a rich store of knowledge of various herbs, plants, insects and animals, which have medicinal value. These drugs and practices have sustained the tribal communities for generations. Now the modern methods of medicine have also made inroads into the tribal areas. The tribals, being rooted to their culture, generally prefer to have their own system of medicine; and only when they find that it is ineffective, they go in for the allopathic system of medicine, which is hampered by non-availability of doctors and other paramedical personnel. Tribal areas are treated as punishment posting with the result that most of the posts of doctors and other paramedical staff in the health centres and sub-centres are generally vacant in tribal areas. There are no private practitioners in these areas as it is not lucrative due to non-viability of this profession in the interior tribal areas.

6.1.2 In its first Report for the Years 2004-05 and 2005-06, the Commission has briefly referred to the Centrally Sponsored Schemes and the Central Sector Schemes which have been introduced by the Govt. of India to improve the health conditions and nutrition level of the weaker sections of society particularly Scheduled Castes and Scheduled Tribes. The Commission at its meeting held on 10 November, 2006 approved the action taken by the Secretariat of the Commission requesting the State Govts. to send information in the form of replies to a Questionnaire (**Annex 6.I**) sent to them, inter-alia, in respect of the schemes/ programmes being implemented by them for providing health services and medical care to the Scheduled Tribes residing in remote and rural areas for the purpose of giving a special coverage in the next report of the Commission. The State Govts., which responded to the Commission's letter and sent the requisite material either completely or partially are (i) Andhra Pradesh, (ii) Chhattisgarh, (iii) Himachal Pradesh, (iv) Karnataka, (v) Manipur, (vi) Orissa, (vii) Rajasthan, (viii) Sikkim, and (ix) West Bengal. While the Commission is quite pained to observe that data from some States with large tribal concentration was not forthcoming, the position of implementation of the various measures to improve the availability of health services in the tribal areas is being reported in respect of these States only. After perusal of the information furnished by these State Govts., the Commission finds that most of the State Govts. have no data on the important health indicators like IMR, MMR etc. in respect of the tribals.

## 6.2 ANDHRA PRADESH

### Infant Mortality

6.2.1 The Govt. of Andhra Pradesh have informed that against the general infant mortality rate of 66 per one thousand live births as per SRS 2001 and 53 as per NFHS-III in the year 2005-06, the infant mortality rate in tribal areas is over 100 per one thousand live births as per a study made in the year 1998-99. The State Govt. has stated that they have taken the following steps to reduce the mortality rate among the tribal areas:-

- (i) Routine immunization scheme was started in the year 1985-86 in the State with an objective to protect the infants against the six killer diseases viz. Tuberculosis, Polio, Dispteria, Partusis, Tetanus and Measles. The immunization services include BCG, Polio, DPT, Hepatitis-B, Measles and Vitamin-A. Besides routine immunization, pulse polio immunization programme is also being conducted covering the children in the age group of 0-5 years. However, due to lack of knowledge and superstitions, many tribals do not respond to the facilities available in the sub centres, PHCs or CHCs resulting in high rate of IMR among tribals. The State Government has proposed to establish 27 Neo-natal Intensive Care Units for providing emergency Neo natal care services, reducing Infant Mortality Rate (IMR) and to improve the quality of Pediatric care services in the State.
- (ii) The State Government has introduced a scheme from the year 2006-07 with an objective to prevent death from hypothermia and outside infections. Under this scheme, the kits are being supplied to low birth weight (less than 2000 grams) newborn babies of Scheduled Castes, Scheduled Tribes and BPL families born in government institutions. The Newborn Care kit consists of 2 Baby Mattresses; 4 Baby Jacket; 3 Baby Caps; 3 pairs of Gloves; 12 Baby Diaper and 8 Baby Blankets. The Kit is sterile and would keep the baby warm and prevent death from hypothermia and outside infections. Such 52,000 kits have been distributed during the year 2006-07. The scheme may be helpful in reducing Neo natal deaths among the targeted group. However, as majority of births in the tribal areas are non-institutional births, the distribution of kits under this scheme may be extended to non-institutional births also. **The Commission, therefore, recommends that Government of Andhra Pradesh should consider extending the benefits under this scheme to the non-institutional births also in tribal areas.**

### Maternal Health Care Services & Maternal Mortality Rate

6.2.2 The State Government is extending health care services to the pregnant women by implementing various schemes/ interventions like providing health resource persons nearer to community in tribal areas. Such resource people have been named as Women Health Volunteers (WHVs). It is implemented in tribal areas covering all the habitations in 21,916 villages (67,561 habitations). 55,400 Women Health Volunteers (WHV) have been

identified in all the habitations across the State through the Gram Panchayats and Health Committees, to act as health resource persons. 51,900 WHVs have been trained and positioned as on 31-3-2007. They provide services to the pregnant women, infants and eligible couples in the entire rural and tribal areas.

6.2.3 Comprehensive Emergency Obstetric and Neonatal Care (CEMONC) services scheme, which was started in the year 2005-06 with an object of providing the services of life saving emergency care to mothers and children (caesarian, neonatal care etc.), is also being run in rural and tribal areas. Every such centre is designed to have 4 obstetricians, 1 pediatrician, 1 anesthetist, blood bank or blood storage centre and additional budget for drugs and consumables. 27 CEMONC centres have been set-up till now in tribal areas.

6.2.4 The Maternal Mortality Rate (MMR) in the State has been reported to be 195 per thousand as per SRS 2001-03. MMR amongst tribals is not available which is expected to be much more.

### **Blood Bank and Blood Storage Centres**

6.2.5 In Andhra Pradesh, the scheme of Blood Bank and Blood Storage Centres was started during the year 2005-06 with an objective to provide the blood to the caesarian surgery cases. 27 Blood Bank and Blood Storage Centres have to be set up in CEMONC centres. The Indian Red Cross Society has been appointed as the State Level nodal Agency to set up blood banks and blood storage centres. New blood banks and blood storage centres are to be operationalised shortly in tribal areas.

### **Major diseases among tribals**

6.2.6 Malaria, Filaria, T.B., sickle-cell-anemia and leprosy continue to be the main diseases affecting the tribals of the State. The State Government has taken various steps to spread awareness about these diseases and facilitate their treatment in tribal areas. Though there is a decreasing trend in Malaria positive cases in the State, some districts viz. Srikakulam, Vizianagaram, East Godawari and Kurnool have shown increased number of positive cases. Similarly, the number of cases detected as Filaria has reduced in the State but two districts viz. Vizianagaram and West Godawari have shown increasing trend. No. of patients treated alongwith their break up in respect of the diseases which are common in the tribal area such as Malaria, Filaria etc. in various Districts of the State is given below:

S.No.	Name of the District	MALARIA			FILARIA		
		2006			2006		
		Blood samples collected	Total Positives	RT Done	Blood samples collected	MF cases	Disease cases
1	Srikakulam	95878	762	762	8620	17	93
2	Vizianagaran	133394	1794	1794	30844	56	239

3	Visakhapatnam	327500	3703	3703	12758	18	82
4	E.Godavari	212344	7518	7518	62415	179	666
5	W.Godavari	28037	169	169	9043	97	718
6	Kurnool	31950	402	402	0	0	0
7	Mahaboobnagar	6295	43	43	7998	79	13
8	Adilabad	56965	122	122	0	0	0
9	Warangal	52331	139	139	0	0	0
10	Khammam	269433	1531	1531	0	0	0
<b>Grand Total</b>		<b>1214127</b>	<b>16183</b>	<b>16183</b>	<b>131678</b>	<b>446</b>	<b>1811</b>

6.2.7 Anemia and malnutrition are the main health problems in the tribal women of the State. The State Government organizes medical camps in tribal areas and gives wide publicity to enable tribals to participate in these camps. Regular group meetings by health personnel involving the community i.e. AASHA workers, Anganwadi health workers, Women health volunteers and public representatives for dissemination of information and awareness about communicable diseases, genetic disorder, hygiene and sanitation are being held in tribal areas. **The Commission recommends that there is a need to organize more such camps in the tribal areas of the State involving specialist doctors. Arrangement should also be made in these camps for providing medicines free of cost, and undertaking medical examinations and tests for the tribals below the poverty line.**

#### **Medical Infrastructure in tribal areas**

6.2.8 In Andhra Pradesh there are 10 Community Health Centres, 242 Primary Health Centres and 1525 Sub-centres in the tribal areas besides 43 Medical Mobile Vans. The total sanctioned strength of Medical Officers as on 31-3-2006 was reported to be 475 where as the persons in position were 321. A total of 154 posts were vacant. Similarly 105 posts of Staff Nurse against the total sanctioned strength of 232 were vacant. 91 posts of Pharmacist, 85 posts of Lab Technician, 138 posts of Multi-purpose Health Assistants (F) in tribal areas, 170 posts of Multi-purpose Health Assistants (M), 207 posts of MPHA's (F) were reported to be vacant. Many posts of specialized doctors are also reported to be vacant in the hospitals of tribal institutions. **The Commission recommends that the State Government should take effective and time bound measures to fill up the vacant posts of Doctors and other paramedical staff to ensure that the benefits of various schemes and programmes reach the tribals residing in remote and isolated areas.**

6.2.9 The State Government is providing special incentives to the Doctors and Para medical staff to induce them to work in the tribal areas. A male Doctor is being given special incentive of Rs. 2000/- per month whereas a woman Doctor is being given Rs. 2500/- per month for the purpose. 50% of PG medical seats are being reserved for the Doctors who have worked for a period of two year in the tribal areas and three years in rural areas. **It is recommended that facilities of providing residential accommodation in the CHCs and PHCs located in tribal areas should also be considered by the State Govt.**

## Malnutrition

6.2.10 The State Government has taken several steps to combat the problem of malnutrition among tribal children and expectant and lactating mothers. For tribal children, soon after opening of the welfare hostels after summer vacation, the medical officers have been instructed to conduct a meeting at the Mandal level with hostel wardens to discuss the health activities in the hostels for ensuing academic year. Visit of medical officers to hostels is mandatory once in a month whereas the paramedical staff is required to examine the children twice. Special attention is being paid to personal hygiene, protected water supply, mid-day meal, quality and quantity of food, condition of vessels and utensils, protection of food from flies and insects, cleanliness of toilets, availability of mosquito nets and availability of emergency drugs besides routine medical examination during these visits. **The Commission recommends that the State Government should concentrate on the tribal villages and hamlets situated in remote areas to combat the problem of malnutrition among children and expectant and lactating mothers. Base line community surveys are also required to be undertaken at grass root level.**

## 6.3 CHHATTISGARH

### Infant Mortality

6.3.1 As per SRS Bulletin, April 2006, infant mortality rate in Chhattisgarh was reported to be 60 per thousand live births. In urban and rural areas of the State, it was 52 and 61 respectively. No information has been made available regarding infant mortality rate among tribals. It is, however, expected to be much more than the above figures on the ground that most of the tribal areas in the State are remote areas with insufficient health infrastructure and connectivity. Though the State Government has taken several steps to reduce infant mortality rate like strengthening routine immunization, better management of ARI and early detection of childhood illness and disabilities, universalizing use of ORS to reduce deaths due to diarrhea among children under five years, launching campaign for breast feeding, promoting institutional deliveries etc., there is general lack of knowledge and ignorance among tribals of the State about the Government programmes on the subject. **The Commission, therefore, recommends that the Government of Chhattisgarh should take steps to launch widespread awareness campaigns in tribal areas to educate them about Government programmes and facilities available for them. The State Government should also make efforts to collect reliable data on various health indices related to tribal of the State to enable them to fashion their programmes in the tribal areas accordingly.**

### Immunization

6.3.2 The State Government has taken several steps to strengthen routine immunization and achieve 100% immunization. DPT, Polio, BCG, Measles and Tetanus Toxide (to pregnant women) are the main activities under immunization programme. Immunization week, Urban Immunization



programme and Intensive Pulse Polio programme are also being organized from time to time by the State Govt.

### **Maternal Mortality**

6.3.3 The State Government has not furnished data on general maternal mortality and maternal mortality among tribal population but it is understood that it is on higher side among tribals. The State Govt. has taken several steps to ensure that the health services become more responsive towards women-specific health problems specially that of pregnant women and adolescent girls. It includes early access in obstetric emergencies through strong referral systems, promoting community participation and mobilization, 3 ANC checkups for all pregnant women registered for ANC alongwith their immunization by Tetanus Toxoid vaccine, distribution of iron and folic acid tablets, augmenting, strengthening and operationalizing facilities for safe deliveries and providing emergency obstetric care at all levels, promoting Safe MTP Services etc. The State Government has launched 'Janani Suraksha Yojna' to promote institutional deliveries for BPL families and reduce IMR and MMR. Incentive money is being provided to BPL families for institutional deliveries at rate of Rs. 600 and 700 per delivery in urban and rural areas respectively. **As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the Commission recommends that the State Government should make more efforts to popularize institutional deliveries and about incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR.**

### **Family Planning**

6.3.4 Small family norms are being popularized by the Chhattisgarh Government by organizing family planning camps and distributing literature in local language to educate the mass about the norms of family planning. During year 2005-06, 1374 family planning camps were organized in tribal areas which were attended by 1729 tribal men and 17,068 tribal women and the same numbers of sterilization operations were conducted. Contraceptives and condoms were also distributed during family planning camps in tribal areas.

### **Medical Camps**

6.3.5 The State Government organized as many as 3120 medical camps in 78 tribal blocks of 8 districts during 2005-06, which were attended by more than 4 lakh persons. Patients suffering from Malaria, Filariasis, TB, STD, Sickle-cell anemia, Kalazar, Leprosy etc., which are common in tribal areas, were treated in these camps. It has been stated that before organizing such camps, all the official systems are geared up and all publicity modes are used through Gram Panchayats and health systems representatives. Availability of drugs is also ensured before organizing such camps. Medical Mobile Vans are also used to provide services to those who are residing in remote areas.

6.3.6 The State Government has made several efforts to create awareness among tribals about the importance of the modern system of medical treatment with a view to wean them away from the age old traditional system of medicine. It has embarked upon major IEC programme which includes Kalajatha in local language and interactive sessions to wean them from age old traditional system. Through electronic media, different IEC activities concerned with health problems are performed through urban institutes and mobile vans. **The Commission appreciates the efforts made by the State Govt. and feel that much more efforts are required to be made by the State Govt. in this direction as many incidents of 'Jhar-Phoonk', 'Jadu Tona' etc. among tribal and other communities are still reported in media. The State Government should also take effective measures against such practices besides educating the community as a whole.**

### **Medical infrastructure**

6.3.7 As per the information provided by the State Government, 81 CHCs, 308 PHC's and 2532 SHCs are located in tribal areas. There are 40 Medical mobile units most of which are working in tribal districts. **The Commission is of the view that having regard to the geographical conditions obtaining in the State, medical mobile units (Vans) can be more effective in the State to provide medical services to the tribals and, therefore, recommends that more stress should be given by the State Government to establish Medical Mobile Units equipped with necessary facilities and manpower.**

6.3.8 The Hospitals/ Dispensaries located in tribal areas in the State are suffering from severe manpower crises. As on 31-3-2006, out of 373 sanctioned posts of Medical Specialists, only 31 posts were filled up and remaining 342 posts were vacant. Similarly out of 976 sanctioned posts of Medical Officer, 251 posts were lying vacant. The same situation obtains in respect of paramedical staff also. 43 posts of Staff Nurse out of a total sanctioned strength of 241, 47 posts of Lab Technician, 22 posts of MPW (F), 171 posts of MPW (M), 100 posts of Pharmacists, 19 posts of Radiographers and 60 posts of Dressers are lying vacant in CHCs located in tribal areas.

6.3.9 Many posts of Paramedical staff in Primary Health Centres in Chhattisgarh as on 31-3-2006 were lying unfilled. 98 posts of Staff Nurse, 26 posts of Nursing Sister and 12 posts of Matron were lying vacant in District Hospitals/CHCs/PHCs. 145 posts of Pharmacists, 521 posts of Lab technicians and 53 posts of dressers were lying vacant mostly in PHCs located in tribal districts like Korba, Dantewara, Jagdalpur, Sarguja, Kanker, Jashpur and Korba.

6.3.10 The situation of Staff for SHCs is also not different. Out of a total sanctioned strength of 2523 Female Health workers, 424 posts were lying vacant most of which are in tribal districts. Similarly out of 2523 Male health workers, 859 posts were lying vacant. The Commission recommends that **the Government of Chhattisgarh should take immediate time-bound and**

effective measures to fill up a large number of vacant medical, nursing and paramedical posts to ensure delivery of health care facilities in tribal areas. The State Government is also advised to provide attractive special incentives to the Doctors and paramedical staff posted in tribal and naxalite affected areas besides providing them furnished accommodation in Hospital campus.

### **Malnutrition**

6.3.11 Malnutrition in children is identified as main health problem among tribals of the State. The State Government has taken several measures through Anganwadi and mid-day meal Programme to ensure nutritional diet to the school going children. However, due to ignorance, many tribals have no access to these facilities, specially in forested and naxal-affected areas where Government machinery is not effective in delivering goods to the people. **The Commission recommends that the State Government should educate the tribals in their local language and dialect so that they become aware of the importance of nutritional food.**

### **National Vector Borne Disease Control Programme.**

6.3.12 Due to varied ecological conditions and geography, the problem of disease like malaria has been showing a distinctive pattern and bulk of the burden is borne by the tribal inhabited area in the northern and southern parts of the State. Malaria has been a major health problem in the State. In 2005, Chhattisgarh contributed 10% of the total malaria cases and 18% P.falciparum cases reported in the country. The Central part of the State, represented by 8 districts (61% of the State's population) report low to moderate incidence of malaria (9%) and P.falciparum (5%), and rest of the malaria burden is collectively contributed by the 5 districts in the northern and 3 districts in the southern part of the State. The problem is further compounded by reports of Chloroquine resistance in P. Falciparum from tribal dominated Sarguja, Kanker and Bastar districts.

6.3.13 The State Government has informed that it has taken several steps to control the vector borne diseases like malaria. It includes scaling up the use of insecticide treated nets, enhancement of IEC activities, provision of rapid diagnostic kits, capacity building by providing training to different categories of staff etc. **The Commission recommends that the State Govt. should keep surveillance in the tribal districts about reports of fever incidence as several pockets in the State are still prone to malaria. It should make all efforts to eliminate filariasis, which is to be achieved by year 2015. More emphasis needs to be given to 9 filaria endemic districts. Surveys for filariasis morbidity are required to be undertaken in other districts as well. The State health machinery should also be prepared to fight dengue and Chikengunia which are emerging problems in all parts of the State.**

## 6.4 HIMACHAL PRADESH

### Infant Mortality rate and Maternal Mortality rate.

6.4.1 In Himachal Pradesh Infant mortality rate was reported to be 49 per thousand live births. The figure of infant mortality rate among tribals of the State was not available but it is assumed to be much higher due to hard geographical and climatic conditions prevailing in Scheduled areas. Similarly data on Maternal Mortality are also not available but it is understood to be on higher side. The State Government is running schemes like 'Janani Suraksha Yojna', 24 hour delivery scheme, referral to H.R.D. cases etc. which are likely to reduce maternal mortality rate in the State. Though the State Government is making all efforts to ensure that the health services become more responsive towards women-specific health problems specially that of pregnant women, adolescent girls and girl babies in tribal areas, much more is still to be done. **As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the Commission recommends that the State Government should make more efforts to popularize institutional deliveries and about incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR.**

6.4.2 The State Government has not yet taken concrete steps for starting special training programmes for local dais and to provide them with medical kit for first aid treatment and to make them available in the remote and inaccessible village to attend to the delivery cases. **The Commission feels that such a training to local dais and providing them kits will be a very useful step for ensuring safe deliveries in tribal areas, which can help in reducing IMR and MMR in the State and accordingly advises the State Govt. to take necessary steps in this regard.**

### Medical Camps

6.4.3 Simla Sanitarium and Hospital and Abhyudaya Swayam Sevi Sangathan had organized free medical camps at Reckong Peo and Kaza in Lahaul Spiti district during the year 2005-06 where 104 indoor and 9057 outdoor patients were treated. Surgery was done in all the above indoor cases and medicines were distributed at free of cost. Skin problem, STD, TB and injuries were specific health problems found in tribal women. **The Commission recommends that more such medical camps should be organized in different tribal areas of the State as it might be very difficult for all tribals to reach in medical camps being organized in the same district due to terrain and harsh climatic conditions prevailing almost 5 to 6 months in a year.**

### Immunization

6.4.4 Inoculations of children in tribal areas is also being undertaken by the State Government. Polio immunization for the tribal children between 0-5

age group is being done in the State. During year 2005-06, 200 Polio booths were established in tribal areas where 12,100 children were vaccinated. Immunization in tribal areas of the State varies from 68% in Lahaul-Spiti district to 100% in Chamba district. The Commission feels that districts with comparatively lesser percentage of immunization like Lahaul-Spiti should be covered in immunization campaigns and community involvement in such exercises could be more useful in this regard.

### **Medical Infrastructure**

6.4.5 There are 2 Hospitals, 8 Community Health centres, 33 PHC's and 102 sub-centres running in the tribal districts/ITDP's. One medical mobile van is also operating in Kinnaur district, which can not be said to be sufficient for wide-spread tribal areas in the State. **The Commission recommends that the State Govt. should take immediate steps to provide more medical mobile vans in the tribal areas of the State such as Lahaul, Spiti, Pangi and Bharmour.**

6.4.6 As far as availability of Specialists, Medical Officers, nursing staff and other paramedical staff is concerned, there is shortage of manpower in tribal areas of the State. It is learnt that the State Government has appointed some Specialist Medical Officers and Staff but the incumbents failed to join due to adverse geographical and climatic conditions prevailing in the scheduled areas. Incentives like increased salary for Doctors and nurses and rural health allowances have not worked. Specialists doctors and surgeons are also not available in the Referral Hospitals. In Keylong RH, 2 posts of Specialist in Orthopedics and 1 post Specialist in Gynecology are vacant. Similarly in Reckong - Peo/RH, the posts of Specialists in ENT, Orthopedics and Gynecology are lying vacant. **The Commission recommends that the State Government should take urgent steps to fill up the vacant posts of Specialist Doctors in a time-bound manner. The State Govt. is also advised to consider appointing Specialists/ Surgeons from fresh post-graduates from Medical Colleges of the State as well as from outside. The Government should also consider enhancing the incentives for serving in tribal areas by providing accelerated promotion besides making arrangements of residential accommodation for Doctors and para-medical staff posted in tribal areas.**

### **Health Studies**

6.4.7 A study was conducted by the State Government to identify the specific health problems in tribal areas which was focused on anemia amongst pregnant ladies and adolescent girls in Kinnaur District in the year 2005 and all anemic pregnant women and girls were given iron and folic acid tablets for 3 months free of cost.

## **6.5 KARNATAKA**

### **Infant Mortality**

6.5.1 According to SRS 2001, the infant mortality rate in Karnataka was estimated to be 58 per thousand live births which has reduced to 50 in the year

2005. IMR for tribals has not been separately estimated in the State. Estimates of maternal mortality are also not available, but it is presumed to be higher in tribal areas of the State. The State Government is providing Antenatal and Neonatal care for entire pregnant women population including tribal women. They are educated to utilize the health facilities for safe delivery. The PHCs, located in tribal areas are providing health services to tribal population.

### **Family planning Camps and Medical Camps.**

6.5.2 The State Government has informed that it has discontinued organizing family planning camps as well as medical camps in the State as these services are being provided in FRUs/ CHCs/ PHCs and private Hospitals and Nursing homes. Similarly all the patients are being treated for various diseases in the normal course in the health institutions where medicines are provided to patients free of cost.

### **Immunization**

6.5.3 Routine immunization service is available in all the health institutions for the entire children population including the tribals. From 1999-2000 onwards, National Pulse Polio Programme is being conducted every year. Further, general awareness among the tribals regarding benefits of inoculations of children are being created/made to the entire population through health melas, press and electronic media. General awareness is also being created about communicable diseases, hygiene and sanitation.

### **Medical Infrastructure**

6.5.4 The State Govt. has informed that medical institutions are equipped with necessary medical equipments and provided with adequate quantity of medicines.

## **6.6 MANIPUR**

### **Infant Mortality**

6.6.1 In Manipur, the infant mortality rate in year 2004 was 13 per thousand live births. Estimates of IMR among tribals was not available. Steps are being taken by Family Welfare Department to reduce infant mortality rate under Rural Health Mission and Reproductive Child Health Programme. Estimates of general Maternal Mortality and Maternal Mortality among tribals are also not available but it is understood to be on higher side among tribal population due to lack of basic health facilities and communication in these areas.

### **Medical infrastructure**

6.6.2 The tribal areas in the State are hilly and forested tracts with lack of transport, communication and health facilities. Due to difficult terrain and the problem of insurgency, the Doctors, nurses and other paramedical staff hesitate in working in tribal areas. It has resulted in large number of posts of

specialists, doctors and paramedical staff lying vacant in the State. As on March 2007, a total of 75 posts of Doctors including 9 posts of Grade I, 8 posts of Grade II, 30 posts of Grade III and 28 posts of Grade IV Doctors of Manipur Health Services were lying vacant. The shortage of Specialists has also adversely affected the functioning of CHCs and PHCs in the State.

6.6.3 The State Government provides incentives such as NPA/ Hill allowance to Doctors and staff posted in difficult areas. These incentives do not seem to be attractive for the professionals, which has resulted in non-availability of sufficient manpower. **The Commission is of the view that the State Government should take immediate steps to fill the vacant posts of Doctors and para-medical staff from the available candidates in the State or outside and make the incentives more attractive. Appointment of Specialists/ Doctors on contract basis (from amongst fresh medical graduates and post- graduates) should also be considered by the State Government to improve the situation. The Commission further recommends that the State Govt. should make arrangements to provide more and more Medical Mobile Vans equipped with necessary facilities to take care of the health problems in the tribal areas.**

## 6.7 ORISSA

### Infant Mortality

6.7.1 The Infant mortality rate in Orissa was 90 per thousand live birth in the year 2001 which has reduced to 75 in the year 2004. Estimates on Infant mortality rate and Maternal Mortality rate among the tribals are not separately available. Overall Infant Mortality rate in Orissa is much higher in comparison to other States. The State Govt. has informed that Health Services are being provided to all pregnant women, adolescent girls and babies in tribal areas of the State through ANC registration, 3 checkups, immunization of T.T. Further, supplementation of Iron and Folic acid, Chemo prophylaxis against malaria, referred of high risk pregnant women to FRU, Post natal care of pregnant women, promotion of institutional delivery of all pregnant women including scheduled tribes under 'Janani Suraksha Yojna' and giving cash assistance to the beneficiaries are the main steps to reduce IMR and MMR in the State. Adolescent girls are being given TT immunization at the age of 10 years and 16 years. Babies in the State are being immunized for DPT, Polio, BCG and measles and Vitamin A supplementation is provided to them for prevention of six killer diseases. **The Commission is of the view that the State Govt. should conduct studies to find out the IMR and MMR among the tribals and take more effective measures to reduce infant mortality and maternal mortality rates in tribal areas of the State in view of the fact that the tribals largely reside in remote, inaccessible, forested and forest fringed areas where the health and family welfare department finds operational difficulties.**

## Family Planning Camps

6.7.2 The State Government organized as many as 242 family planning camps in the State in year 2005-06 which was attended by 6348 females and 1221 males belonging to Scheduled tribe category. A total of 558 vasectomy and 24594 tubectomy operations were conducted during the year. Contraceptives like oral pills (1,06,112) and Nirodh (58099) were also distributed during the same period.

## Medical infrastructure

6.7.3 The CHCs and PHCs in the State are equipped with the requisite medical equipments and also provided with adequate quantities of medicines. For more improvement of PHCs and CHCs they have been included in National Rural Health Mission (NRHM) Schemes and developed with more medical facilities with manpower upto IPH standard. As far as availability of Doctors and paramedical staff in tribal areas of Orissa is concerned, there are some vacancies of Specialists, Doctors and paramedical staff. Regular efforts on priority basis are being taken to fill the same. The posts of Doctors are being filled up by way of recruitment through Orissa Public Service Commission. Besides, overage doctors have also been appointed on contractual basis in places where vacancies exist. The retirement age of Doctors has also been increased from 58 to 60 years. The paramedical staffs have also been posted in the State by way of contractual appointment.

6.7.4 The Government of Orissa also provides special incentives to Doctors who have joined in Tribal/ backward District Headquarters amounting to Rs. 2000/- per month and for periphery at the rate of Rs. 5000/- per month. **The Commission would like to advise the State Government to provide more incentives to the Doctors and paramedical staff posted in tribal areas of the State besides providing residential accommodation at the place of posting to retain them in the job.**

6.7.5 In Orissa, there are 221 CHCs out of which 48 CHCs have special services in Medicine, Surgery, O & G and Pediatrics, 132 CHCs have special services in O & G and Pediatrics only and 41 have only special services in O & G discipline. The posts of Orthopedic and ENT Surgeon have not been created so far in the State. Though posts of O&G specialists are available for all 221 CHCs and posts of pediatrician are available for as many as 132 CHCs, posts of Specialists in Medicines, Surgery, Orthopedics and ENT are not sanctioned for most of the CHCs in the State. **The Commission would like to advise the State Govt. to take steps in phased manner to create posts of Specialists in medicines, surgery, orthopedics and ENT in the CHCs located in the tribal area of the State.**

## National Vector Borne Disease Control Programme in Orissa

6.7.6 Vector borne diseases like Malaria and Filariasis pose immense public health concern and continue to be major cause of significant morbidity and mortality in the State. These diseases are prevalent both in rural and urban areas mostly among lower socio-economic groups of the population. The



dynamics of these diseases are largely determined by eco-epidemiological, socio-economic and water management systems. Children, young adults representing economically productive sections and pregnant women are the most vulnerable groups, although all age groups are affected. The high risk areas of malaria are largely the difficult, remote and inaccessible forested and forest fringed areas where most of tribals reside. This disease has resulted in death of over 300 persons in an average during 2001 to 2005 in the State. **The Commission feels that there is need for capacity building of the health functionaries by organizing training programmes for medical staff posted in tribal areas.**

### **National Leprosy Eradication Programme**

6.7.7 This programme is under implementation in the State since 1982-83 to eliminate leprosy. The State's prevalence rate of leprosy was 121.4 per 10,000 population in the year 1982-83 and at the national level it was 55. Due to successful implementation of the programme it has presently reduced to only 0.92 in the State and 0.84 per 10,000 population at national level. 21 districts have achieved elimination of the disease and in 7 districts viz. Sundergarh, Deogarh, Bolangir, Jharsuguda, Sambulpur, Angul and Boudh, the prevalence rate is below 2 per 10,000 population. Two districts namely Sonapur and Baragarh have prevalence rate above 2 per 10,000 populations. **The Commission feels that as many of these districts have large ST population, there is need to give further emphasis to Leprosy eradication efforts by the State Government in these districts.**

### **Mobile health units**

6.7.8 The State Govt. has informed that presently 90 Mobile Health Units are in operation in KBK (Kalahandi, Bolangiri and Koraput) districts. This is not sufficient to cover all the pockets and, therefore, **the Commission recommends that the State Government should take steps to provide more Mobile Health Units.**

## **6.8 RAJASTHAN**

### **Infant Mortality**

6.8.1 The infant mortality rate in the State was 67 per thousand live births as per SRS 2004. It was 101 among tribals as per SRS 1997. **The Commission would like to advise the State Government to undertake a study to find out the reasons for higher mortality among tribal infants and take effective measures to reduce it. The programme should involve the people from the tribal community apart from the health functionaries.**

### **Medical Infrastructure in tribal areas**

6.8.2 In tribal areas of Rajasthan there are 36 CHCs, 162 PHCs and 1216 Sub Health Centres whereas the required number on the basis of 2001 census is 42 CHCs, 225 PHCs and 1495 SHCs respectively. **The Commission, accordingly, recommends that the State Government**

**should open more health institutions in tribal areas and also introduce Mobile health units for inaccessible pockets which are far away from the medical institutions.**

6.8.3 Many posts of Doctors in the State are lying vacant. Out of 663 sanctioned posts of Doctors, 194 were reported to be vacant in the State. Similarly a large number of posts of paramedical staff are also lying vacant. **The State Government is advised to take urgent steps to fill up the vacant posts in the various Health institutions in a time-bound manner.**

## **6.9. SIKKIM**

### **Infant Mortality**

6.9.1 In Sikkim, infant mortality rate as per SRS 2005 was 30 per thousand live births. Estimates of IMR and MMR among tribals are not available.

### **Immunization**

6.9.2 Under the Intensified Pulse Polio Immunization, all children including tribal children between 0-5 years are immunized. In 2005-06 two campaigns were organized and in 2006-07 three such campaigns were held. On average around 68,000 children were covered in every campaign against the total target of 70,000 which works to 97% of children between 0-5 years the State including tribals.

### **Medical Infrastructure**

6.9.3 There are 1 CHC, 3 PHCs and 19 PHSCs in the tribal areas (North District). Besides 13 sub-centres in East district, 12 in West district and 5 in South district are in operation in tribal/ITDP areas. Similarly 2 PHCs in East District, 1 in South District and 4 in West district are located in tribal areas. No medical mobile vans are being used at present.

6.9.4 As far as sanctioned strength and number of Doctors in position is concerned, there are 2 vacant posts in CHCs and 1 post in PHC in the State. 12 posts of nursing staff and 36 posts of paramedical staff are vacant in PHCs of the State. **The Commission recommends that the State Government should make necessary efforts to fill up the vacant posts of doctors and other paramedical staff either through regular appointment or through contractual appointment to provide health services to the people. Specialist Doctors should also be appointed besides upgrading the medical infrastructure in tribal areas to provide easy access to the tribal people.**

### **Malnutrition**

6.9.5 The children aged 3 to 6 years, pregnant and lactating women are provided with weaning foods which is distributed as take home food at 100 gram per day per beneficiary for 30 days per month. Iron and folic acid tablets

to pregnant women and Vitamin 'A' supplements are also being provided to combat malnutrition in the children and pregnant women.

6.9.6 24 hour delivery services are in operation in all tribal identified primary health centres (10 PHCs). Further, RCH camps are also held for facilitating periodic medical check-up for tribal women living in remote and isolated hamlets. 12 training camps were held for providing training to local dais during the last two years.

## **6.10. WEST BENGAL**

### **Infant Mortality**

6.10.1 In West Bengal, the infant mortality rate as per 2001 census was 51 per thousand live births, which decreased to 38 as per 2005 SRS. Against this, the IMR among tribals of the State was 85.1 per thousand live births as per NPHS 1998-99. The State Government has taken several steps like strengthening Routine Immunization (through special outreach camps in inaccessible areas), proper antenatal checkups, delivery by skilled birth attendants, promotion of Institutional delivery, Exclusive Breast feeding for first 6 months, introduction of Nutrition clinics at sub-centre level and provision of Sick New Born Care Units (in tribal districts of Purulia and Birbhum) to reduce Infant mortality rate. As far as Maternal Mortality rate in the State is concerned, it is 194 per lakh live births which is quite satisfying.

### **Medical Infrastructure**

6.10.2 There are 29 CHCs, 205 PHCs, 738 Sub centres and 12 Medical Mobile Vans in the tribal areas of the State. Many posts of Doctors and nurses in Purulia, Bankura, West Midnapur and Jalpaiguri districts were lying vacant. Orthopedic and ENT surgeons are also not available at that level of health care systems. **The Commission would like to advise the State Government to take urgent steps to fill up the posts of doctors and paramedical staff either through regular appointment or on part time/contract basis.**

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## CHAPTER 7

### LAND ALIENATION

#### 7.1 INTRODUCTION

7.1.1 Land is the only tangible asset of the tribal families as most of them are dependent on agriculture and allied activities for their livelihood. The Commission in its various meetings observed that notwithstanding the operation of anti-land alienation laws being in force for decades in the States, legal and illegal transfer of tribal land has been taking place in most of the States on account of loopholes in these laws, connivance of lower level revenue functionaries, and innocence and ignorance of the tribal people. The Commission also observed that the last four census of tribal cultivators revealed that the percentage of the tribal cultivators came down from 68.18 per cent in 1961 to 54.43 per cent in 1981 and it further came down to 50.90 per cent in the 2001 census. The Commission observed that this has meant that a large number of tribal cultivators had been rendered landless on account of transfer of their land to non-tribals forced to resort to work as labourers in the fields, which was proved from the fact that the percentage of tribal agricultural labourers has increased from 19.71 in 1961 to 32.67 in 1991. (This percentage slightly decreased in 2001 to 28.40). The Commission felt that the decreasing number of cultivators and increasing number of landless labourers could be taken as indicative of the extent about the size of tribal land alienation taking place in the country. The Commission further noted that according to the sample survey conducted by the Department of Rural Development (1988), about 30 to 55 per cent of the tribal household had been affected by land alienation and 80 percent of the land was alienated to the non-tribals.

7.1.2 To enable the Commission to address to the issue of land alienation, it was felt that it would be appropriate to have a look at the anti-alienation laws enacted by the State Govts., to study them and to find out their strength and weaknesses and, based on that, make suitable recommendations to the State Govts. to stop further inroads into the erosion of the tribal lands. The Commission vide its d.o. letter dated 1 November, 2006 accordingly requested the State Govts. to send, inter-alia, information in the form of replies to a Questionnaire (**Annex 7.I**) in respect of the laws enacted by them to prevent the transfer of tribal land to the non-tribals. The Commission in its meeting held on 10 November, 2006 approved the above action taken by the Secretariat of the Commission. Despite being reminded, the required information could not be sent by all the State Govts. The State Govts., which sent the information either completely or partially are (i) Andhra Pradesh (ii) Chhattisgarh (iii) Himachal Pradesh (iv) Karnataka (v) Maharashtra (vi) Manipur (vii) Orissa (viii) Sikkim (ix) Uttar Pradesh and (x) West Bengal. While the Commission is quite pained to observe that data from some States with large tribal concentration was not forthcoming, the position of the operation of the land alienation laws is being reported in respect of these States only.

## **7.2. ANDHRA PRADESH**

7.2.1. The Government of Andhra Pradesh has enacted the following regulations to prevent the transfer of tribal lands to non-tribals or for restoration of the alienated lands to the tribals:

- (i) Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (APSALTR) (1/1959) as amended by Regulation 1/1970, 1/1971 & 1/1978.
- (ii) Andhra Pradesh Schedule Areas Land Transfer, Rules 1969.

7.2.2 The above mentioned regulations enacted by the Government of Andhra Pradesh, inter-alia, provide that:

- (i) The land can be transferred from a tribal to another tribal without any conditions.
- (ii) The land in Scheduled Areas cannot, under any circumstances, be transferred from a tribal to a non-tribal under Section 3 of the APSALT, Regulation 1 of 1959 as amended by Regulation 1 of 1970, 1/1971 & 1/1978. Originally there was a provision in APSALTR, 1959, which facilitated the transaction between tribals and non-tribals subject to obtaining previous sanction of the State Government, or with the written permission from the Agent to Government or of any Prescribed Officer, which has been withdrawn by the amending Regulation, 1/1970.
- (iii) Any transfer of land in the Scheduled Areas from a tribal to a non-tribal shall be treated as null and void unless such transfer is made in favour of a person who is a member of ST or a Society registered under the Andhra Pradesh Cooperative Societies Act, 1964 which is composed solely of members of Scheduled Tribes. However, partition among the non-tribal pattadars and devolution by succession do not attract the definition of transfer—under Sec. 3(9) of APSALTR, 1959; and as such tribal land may be indirectly under the Possession of non-tribals.

7.2.3 Section 3 of the Regulation, 1/1970 provides restriction on transfer of lands from any person to the non-tribals. In case the alienation has been made in violation of the provisions of the Regulation, Sec. 3(2) (a) provides for restoration of lands to tribals after ejecting the transferee. If restoration is not possible, Sec 3 (2) (b) provides for disposal of such lands as if it was the property of State Government by way of assignment or sale of it to any member of Scheduled Tribe or their Society.

7.2.4. Section 6A of the Regulation (amended Regulation, 1/1978) contains for penal provisions which state that any person who, on or after the commencement of the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation 1978 (a) acquires any immovable property in contravention of the provisions of this Regulation; or (b) continues in possession of such property after a decree for ejectment is passed; shall on conviction be punished with rigorous imprisonment for a term, which may extend to one year or with fined which may extend to two thousand rupees or

with both. Offences under the Regulation are treated as cognisable under Sec. –6B.

7.2.5. The Commission has been informed that in order to plug the loopholes, the review of these laws is being undertaken from time to time by the State Government. The Government has been regularly reviewing the progress of the implementation of the Regulation. Recently a study has been conducted in Telangana and Andhra areas on tribal land issue and the recommendations of the land committee set up by the State Government to peruse the report, are under active consideration of the State Government.

7.2.6. The State Government has informed that the provisions of the amendment Act No. 7 of 1998 and the AP Panchayat Raj Act, 1994 are consistent with the provision of Section 4 (m) (iii) of Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA) which provides that while endowing powers to Panchayats in the Scheduled areas, the State Legislature shall ensure that the Panchayat at appropriate level and the Gram Sabha are endowed specifically with power to prevent alienation of land in the Schedule Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribes. The State Govt. has further informed that Rules are yet to be framed for implementing the provisions of Act No. 7 of 1998. **The Commission recommends that the State Government of Andhra Pradesh should take urgent action to frame the rules for implementing the provisions of amendment Act No. 7 of 1998.**

#### **Disposal of Land alienation Cases**

7.2.7 As regards the number of land alienation cases of tribals, the Govt. of AP has informed that:-

- (i) During the period from 2001-2002 to 2005-2006, a total of 4502 cases involving 20,847 acres of land were detected
- (ii) Since inception of APSALTR, 1959 a cumulative figure of 73,489 cases have been detected and filed before the court of SDC Tribal Welfare Appeals can be preferred before the additional Agent or Agent to Govt. against the orders of the SDC courts. Revision provisions are also there with the Govt. As on date, the pendency is 182 in High Court, 106 at Govt. level and 521 at the level of Agent/ additional Agent.
- (iii) As many as 2427 cases covering an area of 6, 667 acres were rejected by the SDCs, and 5585 cases covering an area of 25,774 acres were decided in these courts in favour of tribals.
- (iv) During these five years (i.e. 2001-2002 to 2005-2006) in 5788 cases covering an area of 23549 acres, the land was restored to the tribals.

7.2.8 The State Govt. has informed that:

- (i) The basic reasons for alienation of tribal land to the non-tribals even though the State laws do not permit such transfers are (a) Money-lending, (b) Marital relations, (c) Benami transactions and (d) Production of bogus ST certificates.

- (ii) No case of illegal transfers of tribal land to non-tribals had been taking place in connivance of the revenue officials with a view to get the benefits of compensation for the land which had been acquired or was likely to be acquired, resulting in deprivation of compensation benefits to the real tribal owners has been reported. Further, strict instructions have been issued to the Land Acquisition Officer while awarding compensation to peruse the old records for standard reference and for determent of subsequent acquisition of rights.

### 7.3 CHHATTISGARH

7.3.1 The Govt. of Chhattisgarh have informed that the cases of transfer of tribal land to tribals or non-tribals and the restoration of the alienated tribal land to the tribals are dealt with in terms of Sections 165(6) and 170(Kh) of the Madhya Pradesh Land Revenue Code, 1959 which, inter-alia, provide that :-

- (i) The tribal land outside the Scheduled areas can be transferred to a non-tribal with the permission of the Collector who is the competent authority to approve such transfers.
- (ii) In the areas having concentration of Scheduled Tribes, the State Govt. by issuing notification may restrict the transfer of tribal land to non-tribals. Such transfers can be made with the permission of the Collector who will be required to record the reasons for such transfers.
- (iii) The procedure for transfer of tribal land to a non-tribal has been given under Section 170 (Kh) of the MPLR Code. This Section also provides for restoration of the alienated tribal land (to non-tribals) to the tribals.

#### Disposal of Land alienation cases

7.3.2 As regard, the details of the cases of land alienation, the Govt. of Chhattisgarh has informed as follows:-

(i)	Number of cases registered in different courts.	47304
(ii)	Number of cases rejected by various courts.	Not Available
(iii)	Number of cases decided by the courts in favour of tribals.	21348
(iv)	Number of cases in which actual possession was given to the tribals	21269 involving an area of 17660.619 hectare

7.3.3 The State Govt. has further informed that provisions have been made under Section 170(Kh) of the MPLRC, 1959 to prevent illegal transfer of land. It has also been stated that there is no illegal transfer of land in the State.

This statement, however, does not seem to be correct from the fact (as stated above), that in 21269 cases actual possession of land was given to the tribals by the orders of the courts which means that the tribal land in these cases had been illegally transferred to the non-tribals.

#### **7.4 HIMACHAL PRADESH**

7.4.1 The HP Transfer of Land (Regulation) Act 1968 has been enacted to regulate transfer of tribal land to a tribal or a non-tribal or for restoration of the alienated lands to the tribals. Section 3(1) of the Act provided that no persons belonging to any Scheduled Tribe shall transfer his interest in any land by way of sale, mortgage, lease, gift or otherwise to any person not belonging to a Scheduled Tribe except with the prior permission of the Deputy Commissioner of the concerned district. Now this position has changed with the amendment of the Act on 4 January, 2003. As per the amended Act, no person belonging to a Scheduled Tribe shall transfer his interest in any land including any constructed premises by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such a tribe, except with the previous permission in writing of the State Government. The State Government before according such permission shall consult the Gram Sabha or Panchayats at the appropriate level. The amended Act further provides that previous permission in writing of the State Government and prior consultation with Gram Sabha or Panchayats at appropriate level shall be required for making the acquisition of land under Land Acquisition Act, 1894 (1 of 1894) in the Scheduled Areas for development of projects and before resettling or rehabilitating persons evicted by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be co-ordinated at the State level. The Act further provides that any person belonging to Scheduled Tribe can transfer his land to another Scheduled Tribe belonging to the same district/ITDP of the State.

7.4.2 The Act provides that on receipt of an application for the grant of permission to transfer his land to a non-tribal, the Financial Commissioner shall refer the application to the Deputy Commissioner and the Deputy Commissioner, after making such enquiry as he thinks fit, shall submit the application, with his remarks, to the Commissioner who after according his opinion about such transfer of land shall forward the application to the State Govt. for a decision. The State Govt. after due consideration shall grant or refuse permission. Where permission is refused, the State Govt. shall record in writing the reasons for such refusal and shall communicate such refusal to the applicant as well as to the Gram Sabha or Panchayats at appropriate level. Before granting or refusing permission under Section 4(1), the State Govt. shall have regard to the following matters:-

- (a) The financial position of the applicant;
- (b) The age and physical condition of the applicant;
- (c) The purpose for which the transfer is proposed to be made and the recommendations of the concerned Gram Sabha or Panchayats at the appropriate level; and



- (d) Such other relevant matters as the State Govt. may think fit in the circumstances of the case.

7.4.3 Every transfer of land in contravention of the aforesaid Section [i.e. 3(1)] shall be void. Section 8 of the said Act provides that no rights, title or interest held by person belonging to a scheduled tribe in any land shall be liable to be attached or sold in execution of any decree or order, in favour of any person not belonging to a scheduled tribe, of any court, except where the amount due under such decree or order is due to the State Government or to any Co-Operative Land Mortgage Bank or Co-operative Society.

7.4.4 This Act has been further amended and the period for restoration of the alienated land has been extended to 30 years. The interest of the mortgages has been sought to be protected through the Himachal Pradesh Restitution of Mortgaged Land Act, 1976 which provides for the restitution of subsisting mortgages which were effected more than 20 years prior to the date on which an application for the restitution of the possession of the mortgaged land was made.

7.4.5. Alienation under custom has been protected against undue contestation by way of Himachal Pradesh (Restrictions to contest Alienation or Adoption under Custom) Act, 1976 which has imposed restriction on the powers of descendants or collateral to contest the alienation of immovable property or the appointment of heir on the ground that such alienation or appointment was contrary to custom. Non-ancestral property is completely barred from contestation.

7.4.6. Under Section 9 of the Act if any person contravenes or attempts to contravene or abet the contravention of any of the provisions of Section 3 or Section 5 he shall be punishable with fine which may extend to Rs.5000/- and in the case of a continuing contravention with an additional fine which may extend to Rs.500/- for every day during which such contravention continues after conviction for the first such contravention.

7.4.7 It has been stated that no case of transfer of tribal land to non-tribal has come to the notice of the State Govt. and, therefore, no necessity of reviewing the existing provisions of the Act has been felt. Further, the State Act/Acts are consistent with the provisions of section 4 (m) (iii) of PESA Act, 1996.

## **7.5 KARNATAKA**

7.5.1 The State Govt. of Karnataka have not furnished complete information with regard to the various points mentioned in the Questionnaire framed by the Commission in relation to transfer of tribal land to tribals or non-tribals and restoration of the alienated land to the tribals. They have, however, informed that the State Govt. has enacted The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 and Rules, 1979 framed thereunder. Section 4 of this Act prohibits transfer of lands

granted to a member of Scheduled Castes or Scheduled Tribes. This Section states that notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of this Act, shall be null and void and no right, title or interest in such land shall be conveyed or be deemed ever to have been conveyed by such transfer. The Act covers only the transfer of the land assigned/ granted by the State Govt. and not other lands. **The Commission is of the opinion that the scope of the Act should be extended to cover all types of land held/owned by the Scheduled Tribes as also the Scheduled Castes.** The Act also provides for restoration of alienated land to the SCs or STs as per rules governing it.

7.5.2 Under the above mentioned Act, the Assistant Commissioner has been vested with powers to decide the matter relating to land transfer or restoration of alienated land. The Rules made under the Act provide that on receipt of an application under sub-section 1 of Section 5 for restitution of the granted land, the Assistant Commissioner shall, inter-alia, require person or persons in possession of the granted land to file objections, to the claim with documentary evidence. After enquiry held by him under Section 5, the Assistant Commissioner shall consider all the objections raised and pass an order giving reasons for his decision and thereafter shall take possession of such land after evicting the persons in possession thereof in the manner specified in Section 39 of the Karnataka Land Revenue Act, 1964 and take further action to restore such land to the original grantee or his legal heir. Section 5 of the Act further provides that where it is not reasonably practicable to restore the land to such grantee or legal heir, such land shall be deemed to have vested in the Government free from all encumbrances. The Government may grant such land to a person belonging to any of the Scheduled Castes or Scheduled Tribes in accordance with Rules relating to grant of land. The Act also provides that subject to the orders of the Deputy Commissioner under Section 5-A, any order passed shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Assistant Commissioner. Section 5(3) further provides that where any granted land is in the possession of a person other than the original grantee or his legal heir, it shall be presumed, until the contrary is proved, that such person has acquired the land by a transfer which is null and void under the provisions of sub-section (1) of Section 4 of the Act.

### **Disposal of Land Alienation Cases**

7.5.3 As regards the number of cases of land alienation in the State of Karnataka, the Govt. of Karnataka have informed that during the last five years 10204 cases of land alienation involving an area of 39070 acres were detected in the State. Further details of these cases are as follows:-

(i)	Total number of land alienation cases filed in various courts in the State.	9793 covering an area of 36633 acres
(ii)	Number of cases rejected by the courts	5565 covering an area of 22448 acres

(iii)	Number of cases decided in favour of tribals	4228 covering an area of 14786 acres
(iv)	Number of cases in which the land was restored to the tribals	4211 involving an area of 14725 acres
(v)	Number of cases pending in the courts	411 involving an area of 2437 acres

## 7.6 MAHARASHTRA

7.6.1. The Govt. of Maharashtra have informed that in Maharashtra, certain restriction on transfer of tribal lands were imposed by the Maharashtra Land Revenue Code, 1966, which contained provisions prohibiting transfer of tribal land without prior permission of the Collector or Deputy Collector. However, such permission were given as a matter of routine, leading to transfer of tribal land. It has also been stated that the tribals were also induced to sell their lands because of indebtedness and poverty. A Committee was, accordingly set up by the State Govt. in 1971 to go into this problem and on the recommendations of that Committee, the following two Acts were enacted:-

- (i) The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974, and
- (ii) The Maharashtra Restoration of Land to the Scheduled Tribes Act, 1975.

7.6.2. The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 provides for the restoration to the tribals, their lands alienated to non-tribals prior to 6 July 1974, in contravention of the provisions of the Land Revenue Code or any other law for the time being in force. A new Section 36A, was inserted in the Code by the Amendment Act, 1974 to impose strict restrictions on alienation of tribal lands to non-tribal to provide that no tribal can, with effect from 6-7-1974, transfer his land to non-tribals by way of sale, gift, exchange, mortgage, lease or otherwise, without the previous sanction of the (i) Collector in the case of mortgage, or lease for a period not exceeding five years, and (ii) Collector, with the previous approval of Government, in other cases.

7.6.3. The State Government have stated that in most of the cases the permission is rejected by the Government and that before giving the sanction of the Government in exceptional cases, the following procedure is strictly followed:-

- (i) The first preference is given to another tribal to purchase the land on the same consideration offered by a non-tribal.
- (ii) To get maximum benefits from the land to tribals, evaluation of the land is carried out by all possible ways i.e. by ready reckoner, sub registrar, town planning & panch, and the sale permission is given on the highest price evaluated by all these ways.

- (iii) It is obligatory for a non-tribal to make the payments of the land by a cheque which is deposited in the nationalised bank in the account of the tribal in the presence of Tehsildar.
- (iv) If the tribal land is purchased by any organisation, company, industry etc. then an undertaking to provide permanent job to the tribal or his heir is taken from them.

7.6.4. As regards penal provisions for alienation of tribal land to a non-tribal or even to a tribal, the State Govt. have stated that where any land of a tribal is transferred to a non-tribal in contravention of the above stated provisions of the Code, 1966 (as amended in 1974), such land shall be forfeited to the Government and granted to the original tribal land owner on nominal price. The provisions of Tenancy Laws are also applicable to the land of a tribal leased to a non-tribal and the Collector has to put the tribal in possession of the leased land after expiry of lease/ mortgage period. The law further provides that land of a tribal should not be auctioned for recovery of Government dues, but that it should be taken under management and leased to a tribal.

7.6.5 The Maharashtra Restoration of Land to Scheduled Tribes Act, 1975 provides for restoration to a tribal, his land, which has gone into the hands of a non-tribal during the period from 1 April 1957 to 6 July 1974, as a result of validly effected transfers (including exchanges). Lands purchased or deemed to have been purchased by a non-tribal, during the above period, under the provisions of the Tenancy Act (including acquisition of land regularised on payment of penalty under Tenancy Laws) are also covered by this Act.

### **Disposal of Land Alienation Cases**

7.6.6 The State Government has reported that there is no case of tribal land alienation during the last 5 years.

### **Transfer of Tribal Land**

7.6.7 The State Govt. has informed that permission to transfer the tribal land to non-tribals was given in 74 cases, involving an area of 211.33 hectare and out of that 22 cases were through exchange of land and one case was through transfer on lease.

## **7.7 MANIPUR**

7.7.1 The State Govt. of Manipur has enacted Manipur Land Revenue and Land Reforms Act, 1960 to prevent the transfer of tribal land to non-tribals. The transfer of land under this Act can be made by a member of the Scheduled Tribe:-

- (i) If the transfer is to another member of the Scheduled Tribe;

- (ii) If the transfer is to any other person (not a member of the Scheduled Tribe), it is made with the previous written permission of the Deputy Commissioner; or
- (iii) If the transfer is to a Co-operative Society by way of mortgages and not by any other way.

7.7.2. Under the provisions of the Act, the tribal land can be transferred to another tribal by right of purchase, gift and inheritance etc. The tribal land can also be transferred to a non-tribal under the provisions of Section 158 of the Act. The Deputy Commissioner is the competent authority to issue the sale permit regarding the sale of land from a tribal to a non-tribal. The Act further provides that the alienation of the tribal land to the non-tribal land in violation of Section 158 of the Act will suffer from an appeal/Review/Revision by competent Revenue Court. In other words if the transfer of land from the tribals to the non-tribals has taken place in violation of any section of the Act in general or the provision of the Section 158, the transfer will be corrected by way of an appeal/Review/Revision by the competent Revenue Court. The State Govt. has stated that the above Act has adequate provisions to prevent the alienation of tribal land and, therefore, it has not felt the necessity of undertaking review of the provisions of the Act.

## **7.8. ORISSA**

7.8.1. The State Govt. of Orissa has enacted the following Regulations/Acts to prevent the transfer of tribal lands to non-tribals and for restoration of the alienated lands to the tribals:-

- (i) Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation 1956.
- (ii) Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation Amendment-2002.
- (iii) Orissa land Reforms Act, 1960 (Sections 22, 23 & 23-A).

7.8.2 Transfer of tribal land to another tribal by way of sale, mortgage, lease, gift or otherwise can be made in terms of Section 3(1) of Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation-2 and Sections 22, 23 and 23-A of Orissa Land Reforms Act, 1960. Section 3(1) of Regulation-2 also provides for non-transfer of tribal land to a non-tribal in Scheduled areas. However, in non-Scheduled areas, tribal land can be transferred to a non-tribal with the prior permission of the competent authority under Section 22 of the Orissa Land Reforms Act, 1960.

7.8.3 Regulation-2 (referred to above) prohibits, among other things, transfer of immovable properties belonging to members of Scheduled Tribes in favour of others not belonging to Scheduled Tribes. It provides that any transfer shall be null and void, if the same has been made without written permission of

the competent authority. In case any transfer has been made in contravention to this provision in the Regulation, the competent authority either suo-moto or on a petition filed on that behalf, shall declare such transfer as illegal and shall restore the land to the lawful owner or his/her heirs. The Regulation further provides for eviction of persons in forcible occupation of the land belonging to members of Scheduled Tribes. The Regulation also provides for penal action in respect of illegal transfer as well as unauthorized occupation.

7.8.4. In spite of all the provisions in the Regulation, a large-scale alienation of tribal land to non-tribals have occurred in the Scheduled Areas. To put an end to these problems, the State Government has made necessary amendments to the Regulation-2 of 1956, (through Amending Regulation of 2000), which came into force w.e.f. 04-09-2002 which contain the following stringent provisions:-

- (i) Total ban on transfer of tribal land to non-tribals in the Scheduled areas under Section 3(1).
- (ii) Gram Panchayat can inform about illegal transfer of land under Section 3(2).
- (iii) Transfer of property to even a S.T., if consideration paid by a non-S.T. be treated as transfer to non-S.T. under Section 3(1).
- (iv) A Scheduled Tribe having less than 5 acres of un-irrigated or 2 acres of irrigated land can not transfer his land even to a tribal person under Section 3(1).
- (v) If retrieved land is settled with non-S.T. approval of Gram Sabha and Gram Sasan is necessary under Section 3(2).
- (vi) Ejectment order and restoration order passed by the competent authority is required to be reported to Gram Panchayat under Section 3-A.
- (vii) Detailed enquiry Provision have been made to examine validity of all tribal land transfers from 04.10.1956 onwards to detect benami fraudulent cases under Section 3-B.
- (viii) Offender under the Regulation be punished with rigorous imprisonment upto 2 years and upto Rupees five thousand under Section 7(1) and the subsequent offender be punished with 3 years rigorous imprisonment and fine up to Rupees ten thousand under Section 7(2).
- (ix) All offences be tried by Executive Magistrate vested with powers of a first class Judicial Magistrate through summary procedure under Section 7A (1).
- (x) Offences are cognisable under Section 7A (3).

7.8.5 Sections 22 & 23 of the Orissa Land Reforms Act regulates illegal alienation of land belonging to the ST and SC persons. These provisions are applicable to the persons belonging to SCs in the entire State. As regards the Scheduled Tribes these provisions are applicable only to the non-scheduled areas. Under the law transfer of holding by a Scheduled Tribe (in non-

scheduled areas) or a Scheduled Castes person to a person not belonging to that tribe or caste is void unless the same is made with the prior permission in writing of the Revenue Officer. There is provision to impose a fine of Rs. 200/- per year per acre in the event of any transfer in contravention of the law. The law also provides for restoration of land to the original owner if the same is illegally transferred or forcibly occupied.

7.8.6 The position, in brief, is that in scheduled areas, the tribal land can be transferred only to another tribal and, in no case, to non-tribals in terms of Section 31 of Regulation-2 of 1956. On the other hand, in non-scheduled areas, the tribals land can be transferred to a non-tribal with the prior permission of the competent authority under Section 22 of the Orissa Land Reforms Act, 1960. The Sub-Collector and OSD (LR) have been declared as the competent authority under Section 2 (ab) of Regulation-2 of 1956 in scheduled areas. In non-scheduled areas, the Sub-Collector is the competent authority under Section 22 of O.L.R. Act, 1960. The procedure for transfer of tribal land to another tribal has been given under Section 3(2) of Regulation-2, 1956 in scheduled areas. Similarly, the procedure for transfer of tribal land to another tribal or to a non-tribal has been given under Section 22 of OLR Act, 1960. Illegal alienation of land in scheduled areas is punishable with rigorous imprisonment for a term, which may extend upto two years, or with fine which may extend upto Rs. 5000 or with both in terms of Section 7(1) of Regulation—2 of 1956. In non-scheduled areas such illegal transfer of ST land to non-ST can be declared void and penalty @ Rs. 200/- per acre for each year of occupation can be imposed under Section 23 of OLR Act, 1960 and land restored to the original ST owner.

7.8.7 Sections 3-A, 3-B and 3 (2) of Regulation-2, 1956 and Section 23-A of OLR Act, 1960 provide for restoration of land from non-tribals to the tribals in case the alienation has been made in violation of the provisions of these Acts.

### **Disposal of Land Alienation Cases.**

7.8.8 The State Govt. of Orissa has informed that the total number of land alienation cases filed in various courts is 20172. The position of disposal of these cases is as under:

(i)	Number of cases disposed by the courts	18644
(ii)	Number of cases rejected by the courts	3993
(iii)	Number of cases decided in favour of tribals	14651 involving in area of 13581.61 acres
(iv)	Number of cases out off the figure given against S. No. (iii) above, in which land was restored to the tribals.	13313 involving in area of 12821.84 acres.
(v)	Number of cases pending in the courts	1528

## **Transfer of tribal land.**

7.8.9 The State Govt. have informed that basic reasons for alienation of tribal land to the non-tribals in violation of the provisions of the existing laws are poverty and illiteracy. It has been further stated that no case of granting permission for transfer of tribal land to non-tribals with the approval of the lower level functionaries other than the competent authority has come to the notice of the State Govt. It has also been stated that not a single case has been detected regarding transfer of land of tribals to non-tribals during the last three years after the enforcement of amended Regulation-2 of 2000, which came into w.r.t. 04.09.2002.

7.8.10 The State Govt. through executive instructions have constituted a squad comprising Revenue Inspector, Welfare Extension Officer and Addl. District Welfare Officer at block level to detect cases of fraudulent and collusive transfers of tribal lands. They are given monthly target to detect such cases. To effectively implement the provisions of the various laws meant for welfare of the tribals, Task Force Committees have been constituted at Sub-Division and District level High Power Committee under the chairmanship of Chief Secretary has also been constituted.

## **7.9. SIKKIM**

7.9.1. The Govt. of Sikkim have informed that Clause (K) of Article 371(f) provides for continuance of all existing laws in force immediately before 26 May, 1975 (on which day Sikkim became the 22<sup>nd</sup> State of India) until amended or repealed by the order of the competent authority. The basic law enacted by the State Govt. to prevent transfer of tribal lands to non-tribals or for restoration of the alienated lands to the tribals is The Sikkim Agricultural Land Ceiling and Reforms Act, 1977 which came into effect from 2 June, 1978. This was amended on 28 October, 1978 by Act No. 21 of 1978. Chapter 7 of this Act is on "Restriction on Alienation of Land by Scheduled Tribes".

7.9.2. Section 28 of the Act provides that any transfer by a person belonging to a Scheduled Tribe in respect of any land allowed to be retained by him or portion thereof shall be void. Section 29 (1) provides that a person belonging to a Scheduled Tribe may transfer his land or part thereof by transfer to another member of Scheduled Tribes or to the Government, or to a corporation owned or controlled by the Government or to a Scheduled or Nationalized Bank or to a registered cooperation.

7.9.3 Section 29 (2) of the Act provides that a person belonging to Schedule Tribe may, with the permission in writing of the Revenue Officer, transfer his land to a person not belonging to any Scheduled Tribes.

7.9.4. Section 31 of the Act provides that when any transfer of land by a person belonging to Scheduled Tribes is made in contravention of the legal provisions even if with the permission of the competent authority in terms of sub-section (2) of the Section 29 is found, the Revenue Officer may, on his own or an application made on that behalf may order restoration of the transferred



land to the transferor or his successors-in-interests. If an order of ejectment under sub-section (1) or an order of restoration under sub-section (2) is not complied with within thirty days of the passing of such order, the Revenue Officer may either extend the period for good and sufficient reasons or send a requisition to the District Collector to effect such ejectment and restore the land to the tribal owner by using such force as may be necessary. Further no decree or order shall be passed by any court for the sale of the land belonging to a Scheduled Tribe person except for realization of any Government dues or other public demand. If any person is aggrieved by an order of the Revenue Officer under Section 31, he/she may, within thirty days from the date of such order, appeal to the Tribunal constituted under Section 13.

7.9.5. A tribal can transfer his land to a non-tribal under Section 19 (1), 19 (2) and 19(3) of The Sikkim Agricultural Land Ceiling and Reforms Act, 1977 on the following terms and conditions:-

- (a) to meet the expenses for the maintenance, education, marriage or medical treatment of such persons or any member of his family, or
- (b) to make payment of any amount payable to the Govt. or other local authorities, or
- (c) for the purpose of making gift to an institution established exclusively, for religious or other charitable purposes, or
- (d) for the purpose of establishing or running any industry, or
- (e) for such other purpose as may be prescribed.

7.9.6. Section 19 further provides that no document of transfer made in contravention of this provision of the Act shall be registered by any authority or in any way recognized as valid in any court exercising civil, criminal or revenue jurisdiction. All powers in land matter are vested in Revenue Officer in terms of the Act but such provisions have not been followed since the Govt. of Sikkim is following old laws protected by Article 371 (f).

7.9.7. The State Government have not laid down any procedure for transfer of tribal land to non-tribals. They have been following the Revenue Order No: 1 of 1917, which restricted the alienation of land belonging to Bhutias/Lepchas to non- Bhutias/Lepchas. There are no penal provisions for alienation of tribal land to a non-tribal or even to a tribal in violation of the provisions of the Act/Acts.

7.9.8 It is observed that the provisions of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 are not consistent with the provisions of Section 4(m)(iii) of PESA Act, 1996. The State Government of Sikkim has not made any amendment in the Act after 1978.

7.9.9 The Govt. of Sikkim has been following old laws in the land matters and as per Revenue Order No. 1 of 1917, Bhutias and Lepchas are not allowed to sell, mortgage or sublet any land belonging to them to non-Bhutias and non-Lepchas except under express sanction of Darbar or Officers

empowered by Darbar. The State Govt. have informed that there is no case of land alienation.

## **7.10. UTTAR PRADESH**

7.10.1 The Govt. of Uttar Pradesh have enacted UP Land Laws (Amendment) Act, 1982 which was passed to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. There is a complete ban in this State on transfer of land by Scheduled Tribes to non-Scheduled Tribes by way of sale, gift, lease or otherwise in terms of Section 157(Kh.) of the Act.

7.10.2 Sub-Section (3) of Section 157 (Kh.)(Kh.) provides that a Scheduled Tribe having holding under Section 131 (Kh.) of the said Act can transfer his land to another Scheduled Tribe with the prior permission of the Assistant Collector in terms of Section 157 (Kh.) (Kh.). (4). There is also a provision under Sub-Section (3) of Section 157 (Kh.)(Kh.) that in the event of non-availability of an ST buyer, an ST person can transfer his land to a Scheduled Caste person with the prior permission of the Assistant Collector in terms of Sub-Section (4) of Section 157 (Kh.)(Kh.).

7.10.3 Sections 166 & 167 provide that the cases of transfer of land made in contravention of the provisions made under the Act shall be null and void and that such land shall vest with the State Govt. This means that land illegally transferred by an ST person by way of sale, mortgage, lease or otherwise shall not be transferred to him but under Section 211 of the Act such an ST person can set aside the encroachment made upon his land by an unauthorised person.

7.10.4 The State Govt. has informed that the provisions of the Uttar Pradesh Land Laws (Amendment) Act, 1982 are consistent with the provisions of Section 4(m)(iii) of the PESA Act, 1996.

## **7.11. WEST BENGAL**

7.11.1 The Govt. of West Bengal have enacted the West Bengal Land Reforms Act, 1955 to check tribal land alienation and for restoration of alienated tribal land. Sections 14 A to 14 I under Chapter II-A of the Act deal with the various aspects of the transfer of tribal land.

7.11.2 Section 14C of the above Act provides for the various modes of transfer of land by Scheduled Tribes. It states that a raiyat belonging to a Scheduled Tribes may transfer his plot of land or part thereof in any one of the following ways:

- (i) By a complete mortgage entered into with a person belonging to a Scheduled Tribe for a period not exceeding seven years;
- (ii) By sale or gift to the Govt. for a public or charitable cooperative society.

- (iii) By simple mortgage to the Govt. or to a registered cooperative society
- (iv) By simple mortgage or mortgage by deposit of title deeds in favour of a scheduled bank, a cooperative land mortgage bank or a corporation, owned or controlled by the Central or State Govt. or by both, for the development of land or improvement of agricultural production:
- (v) By gift or will to a person belonging to a Scheduled Tribe
- (vi) By sale or exchange in favour of any person belonging to a Scheduled Tribe.

7.11.3 Proviso to Section 14C of the Act further provides that a tribal raiyat may, with the previous permission, in writing, of the Revenue Officer, transfer by sale his plot of land or any part thereof to a person not belonging to any Scheduled Tribe. It is further provided that no such permission shall be granted by the Revenue Officer unless he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price of that plot of land or any part thereof and that the proposed sale is intended to be made for one or more of the following purposes:

- (i) For the improvement of any other part of the plot of land, or
- (ii) For investment, or
- (iii) For such other purposes as may be prescribed.

7.11.4 Section 14D of the Act provides that no transfer of any land or any interests in such land by raiyat belonging to a Scheduled Tribe shall be valid unless made by a registered instrument. Section 14E enumerates the powers of the Revenue Officer to set aside improper transfers by an ST raiyat and to restore the transferred plot of land or part thereof to the transferor or his successor-in-interest after following the procedure given in sub-section (1) of the Section 14C having regard to the proviso given under this sub-section.

7.11.5 Section 14H of the Act provides that an appeal presented within thirty days from the date of the order appealed against shall lie to the Munsif having jurisdiction and that his orders shall be final. However, proviso to this Section provides that an application for revision or modification of the order passed by the Munsif on appeal shall lie to the District Judge if made within sixty days from the date of the order.

7.11.6 Section 14I of the Act provides that no suit shall lie in any Civil Court to vary or set aside any order passed by Revenue Officer in any proceeding except on the ground of fraud or want of jurisdiction.

7.11.7 The State Govt. has informed that no case of land alienation has been reported during the last five years in the State.

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## CHAPTER 7

### LAND ALIENATION

#### 7.1 INTRODUCTION

7.1.1 Land is the only tangible asset of the tribal families as most of them are dependent on agriculture and allied activities for their livelihood. The Commission in its various meetings observed that notwithstanding the operation of anti-land alienation laws being in force for decades in the States, legal and illegal transfer of tribal land has been taking place in most of the States on account of loopholes in these laws, connivance of lower level revenue functionaries, and innocence and ignorance of the tribal people. The Commission also observed that the last four census of tribal cultivators revealed that the percentage of the tribal cultivators came down from 68.18 per cent in 1961 to 54.43 per cent in 1981 and it further came down to 50.90 per cent in the 2001 census. The Commission observed that this has meant that a large number of tribal cultivators had been rendered landless on account of transfer of their land to non-tribals forced to resort to work as labourers in the fields, which was proved from the fact that the percentage of tribal agricultural labourers has increased from 19.71 in 1961 to 32.67 in 1991. (This percentage slightly decreased in 2001 to 28.40). The Commission felt that the decreasing number of cultivators and increasing number of landless labourers could be taken as indicative of the extent about the size of tribal land alienation taking place in the country. The Commission further noted that according to the sample survey conducted by the Department of Rural Development (1988), about 30 to 55 per cent of the tribal household had been affected by land alienation and 80 percent of the land was alienated to the non-tribals.

7.1.2 To enable the Commission to address to the issue of land alienation, it was felt that it would be appropriate to have a look at the anti-alienation laws enacted by the State Govts., to study them and to find out their strength and weaknesses and, based on that, make suitable recommendations to the State Govts. to stop further inroads into the erosion of the tribal lands. The Commission vide its d.o. letter dated 1 November, 2006 accordingly requested the State Govts. to send, inter-alia, information in the form of replies to a Questionnaire (**Annex 7.I**) in respect of the laws enacted by them to prevent the transfer of tribal land to the non-tribals. The Commission in its meeting held on 10 November, 2006 approved the above action taken by the Secretariat of the Commission. Despite being reminded, the required information could not be sent by all the State Govts. The State Govts., which sent the information either completely or partially are (i) Andhra Pradesh (ii) Chhattisgarh (iii) Himachal Pradesh (iv) Karnataka (v) Maharashtra (vi) Manipur (vii) Orissa (viii) Sikkim (ix) Uttar Pradesh and (x) West Bengal. While the Commission is quite pained to observe that data from some States with large tribal concentration was not forthcoming, the position of the operation of the land alienation laws is being reported in respect of these States only.

## **7.2. ANDHRA PRADESH**

7.2.1. The Government of Andhra Pradesh has enacted the following regulations to prevent the transfer of tribal lands to non-tribals or for restoration of the alienated lands to the tribals:

- (i) Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (APSALTR) (1/1959) as amended by Regulation 1/1970, 1/1971 & 1/1978.
- (ii) Andhra Pradesh Schedule Areas Land Transfer, Rules 1969.

7.2.2 The above mentioned regulations enacted by the Government of Andhra Pradesh, inter-alia, provide that:

- (i) The land can be transferred from a tribal to another tribal without any conditions.
- (ii) The land in Scheduled Areas cannot, under any circumstances, be transferred from a tribal to a non-tribal under Section 3 of the APSALT, Regulation 1 of 1959 as amended by Regulation 1 of 1970, 1/1971 & 1/1978. Originally there was a provision in APSALTR, 1959, which facilitated the transaction between tribals and non-tribals subject to obtaining previous sanction of the State Government, or with the written permission from the Agent to Government or of any Prescribed Officer, which has been withdrawn by the amending Regulation, 1/1970.
- (iii) Any transfer of land in the Scheduled Areas from a tribal to a non-tribal shall be treated as null and void unless such transfer is made in favour of a person who is a member of ST or a Society registered under the Andhra Pradesh Cooperative Societies Act, 1964 which is composed solely of members of Scheduled Tribes. However, partition among the non-tribal pattadars and devolution by succession do not attract the definition of transfer—under Sec. 3(9) of APSALTR, 1959; and as such tribal land may be indirectly under the Possession of non-tribals.

7.2.3 Section 3 of the Regulation, 1/1970 provides restriction on transfer of lands from any person to the non-tribals. In case the alienation has been made in violation of the provisions of the Regulation, Sec. 3(2) (a) provides for restoration of lands to tribals after ejecting the transferee. If restoration is not possible, Sec 3 (2) (b) provides for disposal of such lands as if it was the property of State Government by way of assignment or sale of it to any member of Scheduled Tribe or their Society.

7.2.4. Section 6A of the Regulation (amended Regulation, 1/1978) contains for penal provisions which state that any person who, on or after the commencement of the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation 1978 (a) acquires any immovable property in contravention of the provisions of this Regulation; or (b) continues in possession of such property after a decree for ejectment is passed; shall on conviction be punished with rigorous imprisonment for a term, which may extend to one year or with fined which may extend to two thousand rupees or

with both. Offences under the Regulation are treated as cognisable under Sec. –6B.

7.2.5. The Commission has been informed that in order to plug the loopholes, the review of these laws is being undertaken from time to time by the State Government. The Government has been regularly reviewing the progress of the implementation of the Regulation. Recently a study has been conducted in Telangana and Andhra areas on tribal land issue and the recommendations of the land committee set up by the State Government to peruse the report, are under active consideration of the State Government.

7.2.6. The State Government has informed that the provisions of the amendment Act No. 7 of 1998 and the AP Panchayat Raj Act, 1994 are consistent with the provision of Section 4 (m) (iii) of Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA) which provides that while endowing powers to Panchayats in the Scheduled areas, the State Legislature shall ensure that the Panchayat at appropriate level and the Gram Sabha are endowed specifically with power to prevent alienation of land in the Schedule Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribes. The State Govt. has further informed that Rules are yet to be framed for implementing the provisions of Act No. 7 of 1998. **The Commission recommends that the State Government of Andhra Pradesh should take urgent action to frame the rules for implementing the provisions of amendment Act No. 7 of 1998.**

#### **Disposal of Land alienation Cases**

7.2.7 As regards the number of land alienation cases of tribals, the Govt. of AP has informed that:-

- (i) During the period from 2001-2002 to 2005-2006, a total of 4502 cases involving 20,847 acres of land were detected
- (ii) Since inception of APSALTR, 1959 a cumulative figure of 73,489 cases have been detected and filed before the court of SDC Tribal Welfare Appeals can be preferred before the additional Agent or Agent to Govt. against the orders of the SDC courts. Revision provisions are also there with the Govt. As on date, the pendency is 182 in High Court, 106 at Govt. level and 521 at the level of Agent/ additional Agent.
- (iii) As many as 2427 cases covering an area of 6, 667 acres were rejected by the SDCs, and 5585 cases covering an area of 25,774 acres were decided in these courts in favour of tribals.
- (iv) During these five years (i.e. 2001-2002 to 2005-2006) in 5788 cases covering an area of 23549 acres, the land was restored to the tribals.

7.2.8 The State Govt. has informed that:

- (i) The basic reasons for alienation of tribal land to the non-tribals even though the State laws do not permit such transfers are (a) Money-lending, (b) Marital relations, (c) Benami transactions and (d) Production of bogus ST certificates.

- (ii) No case of illegal transfers of tribal land to non-tribals had been taking place in connivance of the revenue officials with a view to get the benefits of compensation for the land which had been acquired or was likely to be acquired, resulting in deprivation of compensation benefits to the real tribal owners has been reported. Further, strict instructions have been issued to the Land Acquisition Officer while awarding compensation to peruse the old records for standard reference and for determent of subsequent acquisition of rights.

### 7.3 CHHATTISGARH

7.3.1 The Govt. of Chhattisgarh have informed that the cases of transfer of tribal land to tribals or non-tribals and the restoration of the alienated tribal land to the tribals are dealt with in terms of Sections 165(6) and 170(Kh) of the Madhya Pradesh Land Revenue Code, 1959 which, inter-alia, provide that :-

- (i) The tribal land outside the Scheduled areas can be transferred to a non-tribal with the permission of the Collector who is the competent authority to approve such transfers.
- (ii) In the areas having concentration of Scheduled Tribes, the State Govt. by issuing notification may restrict the transfer of tribal land to non-tribals. Such transfers can be made with the permission of the Collector who will be required to record the reasons for such transfers.
- (iii) The procedure for transfer of tribal land to a non-tribal has been given under Section 170 (Kh) of the MPLR Code. This Section also provides for restoration of the alienated tribal land (to non-tribals) to the tribals.

#### Disposal of Land alienation cases

7.3.2 As regard, the details of the cases of land alienation, the Govt. of Chhattisgarh has informed as follows:-

(i)	Number of cases registered in different courts.	47304
(ii)	Number of cases rejected by various courts.	Not Available
(iii)	Number of cases decided by the courts in favour of tribals.	21348
(iv)	Number of cases in which actual possession was given to the tribals	21269 involving an area of 17660.619 hectare

7.3.3 The State Govt. has further informed that provisions have been made under Section 170(Kh) of the MPLRC, 1959 to prevent illegal transfer of land. It has also been stated that there is no illegal transfer of land in the State.

This statement, however, does not seem to be correct from the fact (as stated above), that in 21269 cases actual possession of land was given to the tribals by the orders of the courts which means that the tribal land in these cases had been illegally transferred to the non-tribals.

#### **7.4 HIMACHAL PRADESH**

7.4.1 The HP Transfer of Land (Regulation) Act 1968 has been enacted to regulate transfer of tribal land to a tribal or a non-tribal or for restoration of the alienated lands to the tribals. Section 3(1) of the Act provided that no persons belonging to any Scheduled Tribe shall transfer his interest in any land by way of sale, mortgage, lease, gift or otherwise to any person not belonging to a Scheduled Tribe except with the prior permission of the Deputy Commissioner of the concerned district. Now this position has changed with the amendment of the Act on 4 January, 2003. As per the amended Act, no person belonging to a Scheduled Tribe shall transfer his interest in any land including any constructed premises by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such a tribe, except with the previous permission in writing of the State Government. The State Government before according such permission shall consult the Gram Sabha or Panchayats at the appropriate level. The amended Act further provides that previous permission in writing of the State Government and prior consultation with Gram Sabha or Panchayats at appropriate level shall be required for making the acquisition of land under Land Acquisition Act, 1894 (1 of 1894) in the Scheduled Areas for development of projects and before resettling or rehabilitating persons evicted by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be co-ordinated at the State level. The Act further provides that any person belonging to Scheduled Tribe can transfer his land to another Scheduled Tribe belonging to the same district/ITDP of the State.

7.4.2 The Act provides that on receipt of an application for the grant of permission to transfer his land to a non-tribal, the Financial Commissioner shall refer the application to the Deputy Commissioner and the Deputy Commissioner, after making such enquiry as he thinks fit, shall submit the application, with his remarks, to the Commissioner who after according his opinion about such transfer of land shall forward the application to the State Govt. for a decision. The State Govt. after due consideration shall grant or refuse permission. Where permission is refused, the State Govt. shall record in writing the reasons for such refusal and shall communicate such refusal to the applicant as well as to the Gram Sabha or Panchayats at appropriate level. Before granting or refusing permission under Section 4(1), the State Govt. shall have regard to the following matters:-

- (a) The financial position of the applicant;
- (b) The age and physical condition of the applicant;
- (c) The purpose for which the transfer is proposed to be made and the recommendations of the concerned Gram Sabha or Panchayats at the appropriate level; and



- (d) Such other relevant matters as the State Govt. may think fit in the circumstances of the case.

7.4.3 Every transfer of land in contravention of the aforesaid Section [i.e. 3(1)] shall be void. Section 8 of the said Act provides that no rights, title or interest held by person belonging to a scheduled tribe in any land shall be liable to be attached or sold in execution of any decree or order, in favour of any person not belonging to a scheduled tribe, of any court, except where the amount due under such decree or order is due to the State Government or to any Co-Operative Land Mortgage Bank or Co-operative Society.

7.4.4 This Act has been further amended and the period for restoration of the alienated land has been extended to 30 years. The interest of the mortgages has been sought to be protected through the Himachal Pradesh Restitution of Mortgaged Land Act, 1976 which provides for the restitution of subsisting mortgages which were effected more than 20 years prior to the date on which an application for the restitution of the possession of the mortgaged land was made.

7.4.5. Alienation under custom has been protected against undue contestation by way of Himachal Pradesh (Restrictions to contest Alienation or Adoption under Custom) Act, 1976 which has imposed restriction on the powers of descendants or collateral to contest the alienation of immovable property or the appointment of heir on the ground that such alienation or appointment was contrary to custom. Non-ancestral property is completely barred from contestation.

7.4.6. Under Section 9 of the Act if any person contravenes or attempts to contravene or abet the contravention of any of the provisions of Section 3 or Section 5 he shall be punishable with fine which may extend to Rs.5000/- and in the case of a continuing contravention with an additional fine which may extend to Rs.500/- for every day during which such contravention continues after conviction for the first such contravention.

7.4.7 It has been stated that no case of transfer of tribal land to non-tribal has come to the notice of the State Govt. and, therefore, no necessity of reviewing the existing provisions of the Act has been felt. Further, the State Act/Acts are consistent with the provisions of section 4 (m) (iii) of PESA Act, 1996.

## **7.5 KARNATAKA**

7.5.1 The State Govt. of Karnataka have not furnished complete information with regard to the various points mentioned in the Questionnaire framed by the Commission in relation to transfer of tribal land to tribals or non-tribals and restoration of the alienated land to the tribals. They have, however, informed that the State Govt. has enacted The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 and Rules, 1979 framed thereunder. Section 4 of this Act prohibits transfer of lands

granted to a member of Scheduled Castes or Scheduled Tribes. This Section states that notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of this Act, shall be null and void and no right, title or interest in such land shall be conveyed or be deemed ever to have been conveyed by such transfer. The Act covers only the transfer of the land assigned/ granted by the State Govt. and not other lands. **The Commission is of the opinion that the scope of the Act should be extended to cover all types of land held/owned by the Scheduled Tribes as also the Scheduled Castes.** The Act also provides for restoration of alienated land to the SCs or STs as per rules governing it.

7.5.2 Under the above mentioned Act, the Assistant Commissioner has been vested with powers to decide the matter relating to land transfer or restoration of alienated land. The Rules made under the Act provide that on receipt of an application under sub-section 1 of Section 5 for restitution of the granted land, the Assistant Commissioner shall, inter-alia, require person or persons in possession of the granted land to file objections, to the claim with documentary evidence. After enquiry held by him under Section 5, the Assistant Commissioner shall consider all the objections raised and pass an order giving reasons for his decision and thereafter shall take possession of such land after evicting the persons in possession thereof in the manner specified in Section 39 of the Karnataka Land Revenue Act, 1964 and take further action to restore such land to the original grantee or his legal heir. Section 5 of the Act further provides that where it is not reasonably practicable to restore the land to such grantee or legal heir, such land shall be deemed to have vested in the Government free from all encumbrances. The Government may grant such land to a person belonging to any of the Scheduled Castes or Scheduled Tribes in accordance with Rules relating to grant of land. The Act also provides that subject to the orders of the Deputy Commissioner under Section 5-A, any order passed shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Assistant Commissioner. Section 5(3) further provides that where any granted land is in the possession of a person other than the original grantee or his legal heir, it shall be presumed, until the contrary is proved, that such person has acquired the land by a transfer which is null and void under the provisions of sub-section (1) of Section 4 of the Act.

### **Disposal of Land Alienation Cases**

7.5.3 As regards the number of cases of land alienation in the State of Karnataka, the Govt. of Karnataka have informed that during the last five years 10204 cases of land alienation involving an area of 39070 acres were detected in the State. Further details of these cases are as follows:-

(i)	Total number of land alienation cases filed in various courts in the State.	9793 covering an area of 36633 acres
(ii)	Number of cases rejected by the courts	5565 covering an area of 22448 acres

(iii)	Number of cases decided in favour of tribals	4228 covering an area of 14786 acres
(iv)	Number of cases in which the land was restored to the tribals	4211 involving an area of 14725 acres
(v)	Number of cases pending in the courts	411 involving an area of 2437 acres

## 7.6 MAHARASHTRA

7.6.1. The Govt. of Maharashtra have informed that in Maharashtra, certain restriction on transfer of tribal lands were imposed by the Maharashtra Land Revenue Code, 1966, which contained provisions prohibiting transfer of tribal land without prior permission of the Collector or Deputy Collector. However, such permission were given as a matter of routine, leading to transfer of tribal land. It has also been stated that the tribals were also induced to sell their lands because of indebtedness and poverty. A Committee was, accordingly set up by the State Govt. in 1971 to go into this problem and on the recommendations of that Committee, the following two Acts were enacted:-

- (i) The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974, and
- (ii) The Maharashtra Restoration of Land to the Scheduled Tribes Act, 1975.

7.6.2. The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 provides for the restoration to the tribals, their lands alienated to non-tribals prior to 6 July 1974, in contravention of the provisions of the Land Revenue Code or any other law for the time being in force. A new Section 36A, was inserted in the Code by the Amendment Act, 1974 to impose strict restrictions on alienation of tribal lands to non-tribal to provide that no tribal can, with effect from 6-7-1974, transfer his land to non-tribals by way of sale, gift, exchange, mortgage, lease or otherwise, without the previous sanction of the (i) Collector in the case of mortgage, or lease for a period not exceeding five years, and (ii) Collector, with the previous approval of Government, in other cases.

7.6.3. The State Government have stated that in most of the cases the permission is rejected by the Government and that before giving the sanction of the Government in exceptional cases, the following procedure is strictly followed:-

- (i) The first preference is given to another tribal to purchase the land on the same consideration offered by a non-tribal.
- (ii) To get maximum benefits from the land to tribals, evaluation of the land is carried out by all possible ways i.e. by ready reckoner, sub registrar, town planning & panch, and the sale permission is given on the highest price evaluated by all these ways.

- (iii) It is obligatory for a non-tribal to make the payments of the land by a cheque which is deposited in the nationalised bank in the account of the tribal in the presence of Tehsildar.
- (iv) If the tribal land is purchased by any organisation, company, industry etc. then an undertaking to provide permanent job to the tribal or his heir is taken from them.

7.6.4. As regards penal provisions for alienation of tribal land to a non-tribal or even to a tribal, the State Govt. have stated that where any land of a tribal is transferred to a non-tribal in contravention of the above stated provisions of the Code, 1966 (as amended in 1974), such land shall be forfeited to the Government and granted to the original tribal land owner on nominal price. The provisions of Tenancy Laws are also applicable to the land of a tribal leased to a non-tribal and the Collector has to put the tribal in possession of the leased land after expiry of lease/ mortgage period. The law further provides that land of a tribal should not be auctioned for recovery of Government dues, but that it should be taken under management and leased to a tribal.

7.6.5 The Maharashtra Restoration of Land to Scheduled Tribes Act, 1975 provides for restoration to a tribal, his land, which has gone into the hands of a non-tribal during the period from 1 April 1957 to 6 July 1974, as a result of validly effected transfers (including exchanges). Lands purchased or deemed to have been purchased by a non-tribal, during the above period, under the provisions of the Tenancy Act (including acquisition of land regularised on payment of penalty under Tenancy Laws) are also covered by this Act.

### **Disposal of Land Alienation Cases**

7.6.6 The State Government has reported that there is no case of tribal land alienation during the last 5 years.

### **Transfer of Tribal Land**

7.6.7 The State Govt. has informed that permission to transfer the tribal land to non-tribals was given in 74 cases, involving an area of 211.33 hectare and out of that 22 cases were through exchange of land and one case was through transfer on lease.

## **7.7 MANIPUR**

7.7.1 The State Govt. of Manipur has enacted Manipur Land Revenue and Land Reforms Act, 1960 to prevent the transfer of tribal land to non-tribals. The transfer of land under this Act can be made by a member of the Scheduled Tribe:-

- (i) If the transfer is to another member of the Scheduled Tribe;

- (ii) If the transfer is to any other person (not a member of the Scheduled Tribe), it is made with the previous written permission of the Deputy Commissioner; or
- (iii) If the transfer is to a Co-operative Society by way of mortgages and not by any other way.

7.7.2. Under the provisions of the Act, the tribal land can be transferred to another tribal by right of purchase, gift and inheritance etc. The tribal land can also be transferred to a non-tribal under the provisions of Section 158 of the Act. The Deputy Commissioner is the competent authority to issue the sale permit regarding the sale of land from a tribal to a non-tribal. The Act further provides that the alienation of the tribal land to the non-tribal land in violation of Section 158 of the Act will suffer from an appeal/Review/Revision by competent Revenue Court. In other words if the transfer of land from the tribals to the non-tribals has taken place in violation of any section of the Act in general or the provision of the Section 158, the transfer will be corrected by way of an appeal/Review/Revision by the competent Revenue Court. The State Govt. has stated that the above Act has adequate provisions to prevent the alienation of tribal land and, therefore, it has not felt the necessity of undertaking review of the provisions of the Act.

## **7.8. ORISSA**

7.8.1. The State Govt. of Orissa has enacted the following Regulations/Acts to prevent the transfer of tribal lands to non-tribals and for restoration of the alienated lands to the tribals:-

- (i) Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation 1956.
- (ii) Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation Amendment-2002.
- (iii) Orissa land Reforms Act, 1960 (Sections 22, 23 & 23-A).

7.8.2 Transfer of tribal land to another tribal by way of sale, mortgage, lease, gift or otherwise can be made in terms of Section 3(1) of Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation-2 and Sections 22, 23 and 23-A of Orissa Land Reforms Act, 1960. Section 3(1) of Regulation-2 also provides for non-transfer of tribal land to a non-tribal in Scheduled areas. However, in non-Scheduled areas, tribal land can be transferred to a non-tribal with the prior permission of the competent authority under Section 22 of the Orissa Land Reforms Act, 1960.

7.8.3 Regulation-2 (referred to above) prohibits, among other things, transfer of immovable properties belonging to members of Scheduled Tribes in favour of others not belonging to Scheduled Tribes. It provides that any transfer shall be null and void, if the same has been made without written permission of

the competent authority. In case any transfer has been made in contravention to this provision in the Regulation, the competent authority either suo-moto or on a petition filed on that behalf, shall declare such transfer as illegal and shall restore the land to the lawful owner or his/her heirs. The Regulation further provides for eviction of persons in forcible occupation of the land belonging to members of Scheduled Tribes. The Regulation also provides for penal action in respect of illegal transfer as well as unauthorized occupation.

7.8.4. In spite of all the provisions in the Regulation, a large-scale alienation of tribal land to non-tribals have occurred in the Scheduled Areas. To put an end to these problems, the State Government has made necessary amendments to the Regulation-2 of 1956, (through Amending Regulation of 2000), which came into force w.e.f. 04-09-2002 which contain the following stringent provisions:-

- (i) Total ban on transfer of tribal land to non-tribals in the Scheduled areas under Section 3(1).
- (ii) Gram Panchayat can inform about illegal transfer of land under Section 3(2).
- (iii) Transfer of property to even a S.T., if consideration paid by a non-S.T. be treated as transfer to non-S.T. under Section 3(1).
- (iv) A Scheduled Tribe having less than 5 acres of un-irrigated or 2 acres of irrigated land can not transfer his land even to a tribal person under Section 3(1).
- (v) If retrieved land is settled with non-S.T. approval of Gram Sabha and Gram Sasan is necessary under Section 3(2).
- (vi) Ejectment order and restoration order passed by the competent authority is required to be reported to Gram Panchayat under Section 3-A.
- (vii) Detailed enquiry Provision have been made to examine validity of all tribal land transfers from 04.10.1956 onwards to detect benami fraudulent cases under Section 3-B.
- (viii) Offender under the Regulation be punished with rigorous imprisonment upto 2 years and upto Rupees five thousand under Section 7(1) and the subsequent offender be punished with 3 years rigorous imprisonment and fine up to Rupees ten thousand under Section 7(2).
- (ix) All offences be tried by Executive Magistrate vested with powers of a first class Judicial Magistrate through summary procedure under Section 7A (1).
- (x) Offences are cognisable under Section 7A (3).

7.8.5 Sections 22 & 23 of the Orissa Land Reforms Act regulates illegal alienation of land belonging to the ST and SC persons. These provisions are applicable to the persons belonging to SCs in the entire State. As regards the Scheduled Tribes these provisions are applicable only to the non-scheduled areas. Under the law transfer of holding by a Scheduled Tribe (in non-

scheduled areas) or a Scheduled Castes person to a person not belonging to that tribe or caste is void unless the same is made with the prior permission in writing of the Revenue Officer. There is provision to impose a fine of Rs. 200/- per year per acre in the event of any transfer in contravention of the law. The law also provides for restoration of land to the original owner if the same is illegally transferred or forcibly occupied.

7.8.6 The position, in brief, is that in scheduled areas, the tribal land can be transferred only to another tribal and, in no case, to non-tribals in terms of Section 31 of Regulation-2 of 1956. On the other hand, in non-scheduled areas, the tribals land can be transferred to a non-tribal with the prior permission of the competent authority under Section 22 of the Orissa Land Reforms Act, 1960. The Sub-Collector and OSD (LR) have been declared as the competent authority under Section 2 (ab) of Regulation-2 of 1956 in scheduled areas. In non-scheduled areas, the Sub-Collector is the competent authority under Section 22 of O.L.R. Act, 1960. The procedure for transfer of tribal land to another tribal has been given under Section 3(2) of Regulation-2, 1956 in scheduled areas. Similarly, the procedure for transfer of tribal land to another tribal or to a non-tribal has been given under Section 22 of OLR Act, 1960. Illegal alienation of land in scheduled areas is punishable with rigorous imprisonment for a term, which may extend upto two years, or with fine which may extend upto Rs. 5000 or with both in terms of Section 7(1) of Regulation—2 of 1956. In non-scheduled areas such illegal transfer of ST land to non-ST can be declared void and penalty @ Rs. 200/- per acre for each year of occupation can be imposed under Section 23 of OLR Act, 1960 and land restored to the original ST owner.

7.8.7 Sections 3-A, 3-B and 3 (2) of Regulation-2, 1956 and Section 23-A of OLR Act, 1960 provide for restoration of land from non-tribals to the tribals in case the alienation has been made in violation of the provisions of these Acts.

### **Disposal of Land Alienation Cases.**

7.8.8 The State Govt. of Orissa has informed that the total number of land alienation cases filed in various courts is 20172. The position of disposal of these cases is as under:

(i)	Number of cases disposed by the courts	18644
(ii)	Number of cases rejected by the courts	3993
(iii)	Number of cases decided in favour of tribals	14651 involving in area of 13581.61 acres
(iv)	Number of cases out off the figure given against S. No. (iii) above, in which land was restored to the tribals.	13313 involving in area of 12821.84 acres.
(v)	Number of cases pending in the courts	1528

## **Transfer of tribal land.**

7.8.9 The State Govt. have informed that basic reasons for alienation of tribal land to the non-tribals in violation of the provisions of the existing laws are poverty and illiteracy. It has been further stated that no case of granting permission for transfer of tribal land to non-tribals with the approval of the lower level functionaries other than the competent authority has come to the notice of the State Govt. It has also been stated that not a single case has been detected regarding transfer of land of tribals to non-tribals during the last three years after the enforcement of amended Regulation-2 of 2000, which came into w.r.t. 04.09.2002.

7.8.10 The State Govt. through executive instructions have constituted a squad comprising Revenue Inspector, Welfare Extension Officer and Addl. District Welfare Officer at block level to detect cases of fraudulent and collusive transfers of tribal lands. They are given monthly target to detect such cases. To effectively implement the provisions of the various laws meant for welfare of the tribals, Task Force Committees have been constituted at Sub-Division and District level High Power Committee under the chairmanship of Chief Secretary has also been constituted.

## **7.9. SIKKIM**

7.9.1. The Govt. of Sikkim have informed that Clause (K) of Article 371(f) provides for continuance of all existing laws in force immediately before 26 May, 1975 (on which day Sikkim became the 22<sup>nd</sup> State of India) until amended or repealed by the order of the competent authority. The basic law enacted by the State Govt. to prevent transfer of tribal lands to non-tribals or for restoration of the alienated lands to the tribals is The Sikkim Agricultural Land Ceiling and Reforms Act, 1977 which came into effect from 2 June, 1978. This was amended on 28 October, 1978 by Act No. 21 of 1978. Chapter 7 of this Act is on "Restriction on Alienation of Land by Scheduled Tribes".

7.9.2. Section 28 of the Act provides that any transfer by a person belonging to a Scheduled Tribe in respect of any land allowed to be retained by him or portion thereof shall be void. Section 29 (1) provides that a person belonging to a Scheduled Tribe may transfer his land or part thereof by transfer to another member of Scheduled Tribes or to the Government, or to a corporation owned or controlled by the Government or to a Scheduled or Nationalized Bank or to a registered cooperation.

7.9.3 Section 29 (2) of the Act provides that a person belonging to Schedule Tribe may, with the permission in writing of the Revenue Officer, transfer his land to a person not belonging to any Scheduled Tribes.

7.9.4. Section 31 of the Act provides that when any transfer of land by a person belonging to Scheduled Tribes is made in contravention of the legal provisions even if with the permission of the competent authority in terms of sub-section (2) of the Section 29 is found, the Revenue Officer may, on his own or an application made on that behalf may order restoration of the transferred



land to the transferor or his successors-in-interests. If an order of ejectment under sub-section (1) or an order of restoration under sub-section (2) is not complied with within thirty days of the passing of such order, the Revenue Officer may either extend the period for good and sufficient reasons or send a requisition to the District Collector to effect such ejectment and restore the land to the tribal owner by using such force as may be necessary. Further no decree or order shall be passed by any court for the sale of the land belonging to a Scheduled Tribe person except for realization of any Government dues or other public demand. If any person is aggrieved by an order of the Revenue Officer under Section 31, he/she may, within thirty days from the date of such order, appeal to the Tribunal constituted under Section 13.

7.9.5. A tribal can transfer his land to a non-tribal under Section 19 (1), 19 (2) and 19(3) of The Sikkim Agricultural Land Ceiling and Reforms Act, 1977 on the following terms and conditions:-

- (a) to meet the expenses for the maintenance, education, marriage or medical treatment of such persons or any member of his family, or
- (b) to make payment of any amount payable to the Govt. or other local authorities, or
- (c) for the purpose of making gift to an institution established exclusively, for religious or other charitable purposes, or
- (d) for the purpose of establishing or running any industry, or
- (e) for such other purpose as may be prescribed.

7.9.6. Section 19 further provides that no document of transfer made in contravention of this provision of the Act shall be registered by any authority or in any way recognized as valid in any court exercising civil, criminal or revenue jurisdiction. All powers in land matter are vested in Revenue Officer in terms of the Act but such provisions have not been followed since the Govt. of Sikkim is following old laws protected by Article 371 (f).

7.9.7. The State Government have not laid down any procedure for transfer of tribal land to non-tribals. They have been following the Revenue Order No: 1 of 1917, which restricted the alienation of land belonging to Bhutias/Lepchas to non- Bhutias/Lepchas. There are no penal provisions for alienation of tribal land to a non-tribal or even to a tribal in violation of the provisions of the Act/Acts.

7.9.8 It is observed that the provisions of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 are not consistent with the provisions of Section 4(m)(iii) of PESA Act, 1996. The State Government of Sikkim has not made any amendment in the Act after 1978.

7.9.9 The Govt. of Sikkim has been following old laws in the land matters and as per Revenue Order No. 1 of 1917, Bhutias and Lepchas are not allowed to sell, mortgage or sublet any land belonging to them to non-Bhutias and non-Lepchas except under express sanction of Darbar or Officers

empowered by Darbar. The State Govt. have informed that there is no case of land alienation.

## **7.10. UTTAR PRADESH**

7.10.1 The Govt. of Uttar Pradesh have enacted UP Land Laws (Amendment) Act, 1982 which was passed to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. There is a complete ban in this State on transfer of land by Scheduled Tribes to non-Scheduled Tribes by way of sale, gift, lease or otherwise in terms of Section 157(Kh.) of the Act.

7.10.2 Sub-Section (3) of Section 157 (Kh.)(Kh.) provides that a Scheduled Tribe having holding under Section 131 (Kh.) of the said Act can transfer his land to another Scheduled Tribe with the prior permission of the Assistant Collector in terms of Section 157 (Kh.) (Kh.). (4). There is also a provision under Sub-Section (3) of Section 157 (Kh.)(Kh.) that in the event of non-availability of an ST buyer, an ST person can transfer his land to a Scheduled Caste person with the prior permission of the Assistant Collector in terms of Sub-Section (4) of Section 157 (Kh.)(Kh.).

7.10.3 Sections 166 & 167 provide that the cases of transfer of land made in contravention of the provisions made under the Act shall be null and void and that such land shall vest with the State Govt. This means that land illegally transferred by an ST person by way of sale, mortgage, lease or otherwise shall not be transferred to him but under Section 211 of the Act such an ST person can set aside the encroachment made upon his land by an unauthorised person.

7.10.4 The State Govt. has informed that the provisions of the Uttar Pradesh Land Laws (Amendment) Act, 1982 are consistent with the provisions of Section 4(m)(iii) of the PESA Act, 1996.

## **7.11. WEST BENGAL**

7.11.1 The Govt. of West Bengal have enacted the West Bengal Land Reforms Act, 1955 to check tribal land alienation and for restoration of alienated tribal land. Sections 14 A to 14 I under Chapter II-A of the Act deal with the various aspects of the transfer of tribal land.

7.11.2 Section 14C of the above Act provides for the various modes of transfer of land by Scheduled Tribes. It states that a raiyat belonging to a Scheduled Tribes may transfer his plot of land or part thereof in any one of the following ways:

- (i) By a complete mortgage entered into with a person belonging to a Scheduled Tribe for a period not exceeding seven years;
- (ii) By sale or gift to the Govt. for a public or charitable cooperative society.

- (iii) By simple mortgage to the Govt. or to a registered cooperative society
- (iv) By simple mortgage or mortgage by deposit of title deeds in favour of a scheduled bank, a cooperative land mortgage bank or a corporation, owned or controlled by the Central or State Govt. or by both, for the development of land or improvement of agricultural production:
- (v) By gift or will to a person belonging to a Scheduled Tribe
- (vi) By sale or exchange in favour of any person belonging to a Scheduled Tribe.

7.11.3 Proviso to Section 14C of the Act further provides that a tribal raiyat may, with the previous permission, in writing, of the Revenue Officer, transfer by sale his plot of land or any part thereof to a person not belonging to any Scheduled Tribe. It is further provided that no such permission shall be granted by the Revenue Officer unless he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price of that plot of land or any part thereof and that the proposed sale is intended to be made for one or more of the following purposes:

- (i) For the improvement of any other part of the plot of land, or
- (ii) For investment, or
- (iii) For such other purposes as may be prescribed.

7.11.4 Section 14D of the Act provides that no transfer of any land or any interests in such land by raiyat belonging to a Scheduled Tribe shall be valid unless made by a registered instrument. Section 14E enumerates the powers of the Revenue Officer to set aside improper transfers by an ST raiyat and to restore the transferred plot of land or part thereof to the transferor or his successor-in-interest after following the procedure given in sub-section (1) of the Section 14C having regard to the proviso given under this sub-section.

7.11.5 Section 14H of the Act provides that an appeal presented within thirty days from the date of the order appealed against shall lie to the Munsif having jurisdiction and that his orders shall be final. However, proviso to this Section provides that an application for revision or modification of the order passed by the Munsif on appeal shall lie to the District Judge if made within sixty days from the date of the order.

7.11.6 Section 14I of the Act provides that no suit shall lie in any Civil Court to vary or set aside any order passed by Revenue Officer in any proceeding except on the ground of fraud or want of jurisdiction.

7.11.7 The State Govt. has informed that no case of land alienation has been reported during the last five years in the State.

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## **CHAPTER 8**

### **CASE STUDIES**

#### **8.1 Approach and Methodology**

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

8.1.2 In order to monitor and evaluate the implementation status of various development schemes and progress of investigation and disposal of the cases of atrocities on the members of Scheduled Tribes by the police authorities and the courts, the Commission interacts with the State/UT Governments by holding detailed State level review meetings with the Chief Secretaries and other senior officers through visits to the States and UTs. These meetings are generally preceded with visits to the tribal Bastis, hostels, Ashram Schools etc. and interactions with them on the impact of the developmental projects. The Commission has noticed that these visits and meetings have been greatly instrumental in enhancing the interests and involvement of the State/UT Governments in better understanding of the genuine problems of the Scheduled Tribes and accordingly, in advising them to take suitable initiatives in working out remedial measures and adopting appropriate and relevant strategies. The State level review meetings are generally held by the Chairperson accompanied by Member/ Members.

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

ground realities and the implementation status of various projects and schemes before having review meetings with the district administration.

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

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

## **8.2 Cases pertaining to Service matters**

8.2.1 As has been stated above, the Commission receives a large number of petitions from the members of Scheduled Tribes regarding (i) violation of reservation instructions in direct appointment or promotion to various civil posts and services in the Central Ministries/ Departments and organizations under Central Government. More than 50% of the representations/ petitions which are received in the Commission at its Headquarter as well as its Regional Offices pertain to service matters. These petitions are examined in the Commission and para-wise comments of the concerned organizations called for. The Commission takes a final view on the grievance of the petitioner on the basis of the points made in the petitions and the information furnished by the concerned organizations and accordingly, advises them to take corrective action. A copy of the reply sent by the concerned organization is forwarded to the petitioner for his information and in case the petitioner submit a rejoinder containing in additional material, the same is further examined in consultation with the concerned organization. If the Commission does not get a reply from the concerned organization on the points raised in the petition/ rejoinder despite repeated reminders, the Commission invites the Head of the organization and/ or any other senior officer of that organization to appear before the Commission for discussion with Chairman/Member/ Secretary, NCST. The decisions taken after the discussions are recorded and sent to the respective organization for taking necessary action on the Commission's advice/recommendation within a specified period of time.

8.2.2 The constraints of space do not permit making mention of all the cases/petitions which were successfully handled in the Commission. The Commission would, however, like to make a brief mention about some of the important cases which are given in the paragraphs which follow.

8.2.3 Shri Mohar Singh and 32 other Head Constables belonging to Scheduled Tribes in Delhi Police represented to the Commission in June, 2006 stating that there was a huge backlog of vacancies reserved for Scheduled Tribes in the post of Assistant Sub-Inspector (Executive). The Commission took up the matter with the Commissioner of Police and requested them to send detailed comments on the grievances of the petitioners. The Commission was informed in August, 2006 that 109 posts reserved for ST category have been lying vacant due to the reason that suitable/eligible candidates of ST category were not available for consideration in the feeder line i.e. Head Constable (Executive). It was stated that eligible candidates belonging to ST category were not available for being considered for promotion either in the normal zone of consideration or in the extended zone of consideration. The Commissioner, Delhi Police was requested to consider promoting the eligible Head Constables (Executive) belonging to Scheduled Tribes as ASI (Executive) on ad-hoc basis in terms of the DoPT's instructions contained in their O.M. dated 15 March, 2002 regarding ad-hoc promotions which provide that if the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list provided they are eligible and found fit for such ad-hoc appointment. Delhi Police vide their letter dated 12 April, 2007 informed the Commission that they had promoted 226 Head Constables (Exe.) to the rank of Assistant Sub-Inspectors (Exe.) on ad-hoc basis for a period of six months or till such time a regular panel was drawn and the officers become available for promotion out of whom 109 belonged to ST category. The Commission's intervention helped the eligible 109 Head Constables belonging to ST category to get promotion on ad-hoc basis as ASI (Exe.).

8.2.4 Ms. Kalpana Kanake, Senior Superintendent, Hostess in the Airports Authority of India, New Delhi represented to the Commission in November, 2005 for her promotion as Assistant Airport Manager. She stated that she had been given FCS (Flexible Complementing Scheme) in March, 1998 after completion of 8 and half years of service. She stated that in this scheme, all financial benefits were given to her but neither the post was confirmed nor any administrative powers were given to her. She further stated that even after completing 8 years of service in FCS, she was not being considered for the next promotional departmental examination for the post of Assistant Airport Manager. The Commission took up the matter with the Chairman, Airport Authority of India, New Delhi in December, 2005 and after protracted correspondence with them, the Commission was informed on 14 March, 2007 that Ms. Kanake had since been promoted to the post of Sr. Supdt. Hostess in the revised scale of pay of Rs.8000-16,340/- retrospectively from 1.4.1996. The Commission was further informed that Ms. Kanake had been granted higher scale of pay of Rs.10,750-16,750/- w.e.f. 1.4.2002 under the Flexible Complementing Scheme.

8.2.5 The General Secretary, Airport Authority of India SC & ST Employees Welfare Association, New Delhi sent a representation dated 19.4.2006 regarding the transfer of Shri Sumarki Laloo, Sr. Supdt, (Office) IGIA, New Delhi to Umroi Airport or Bordoloi Airport, Guwahati on the ground that his mother was seriously ill suffering from chronic asthma and there was no one to look after her. The Commission took up the matter with the Chairman, Airport Authority of India in June, 2006. The Airports Authority of India informed the Commission on 25 August, 2006 that Shri Sumarki Laloo had been transferred from IGI Airport, New Delhi to Guwahati Airport vide their order issued on 17 August, 2006.

8.2.6 Shri V. Dorai Swamy, Assistant Administrative Officer (AAO) (Employment No.45956), National Insurance Company Limited (NICL), Chennai represented to the Commission in September, 2005 regarding his promotion to the post of Administrative Officer/ Assistant Manager. The Commission took up the matter with the CMD, NICL, Kolkatta (Head Office) in November 2005. The NICL authorities informed the Commission on 12.12.2005 that the petitioner was not eligible for promotion and that his transfer to Chennai was not possible under the Transfer and Mobility Policy for Officers and further that, taking a lenient view, they had posted him at Pondicherry which was 150 km. away from Chennai. On this position being informed, the petitioner submitted a rejoinder in March, 2006 to the Commission which again was taken up with NICL authorities at Kolkatta in March, 2006 itself. The NICL authorities stuck to their earlier stand and stated that the petitioner was not eligible for promotion. On his request for transfer to Chennai, it was stated that ST officers were required to be posted at comparatively nearby places and accordingly Shri Swamy was posted at Pondicherry. The matter was discussed by the Hon'ble Chairman, NCST in his Chamber on 14.7.2006 with CMD, NICL. The Commission was assured by CMD that he would have a fresh look into the petitioner's grievance regarding promotion. The Commission was informed in May, 2007 by the petitioner that he had been promoted as Assistant Manager.

8.2.7 Shri B.S. Meena represented to the Commission in April 2006 regarding reinstatement into service. It was found that Shri Meena was working as Development Officer in the National Insurance Company Ltd., Hindaun City, Distt. Karauli (Rajasthan) and that during the period from August, 1996 to April, 2004 he was charge-sheeted for allegedly committing various offences and penalties of withholding of increments, reduction of basic pay by specified stages etc. were imposed on him on the basis of the findings of the Enquiry Officers with reference to the first six charge-sheets. The seventh charge sheet was issued on 05.04.2004 w.r.t. which the IO concluded the charges as proved and by the order dated 23.11.2005, the penalty of compulsory retirement was imposed on Shri Meena. The case of Shri Meena, based on the comments provided by the NICL, was first discussed with CMD and other officers of the company in the hearing held in the chamber of Chairman, NCST on 14.07.2006. The Commission observed that the mistake allegedly noticed in the cover note was not so grave as to warrant compulsory retirement. The CMD, NICL agreed to review the vigilance cases against Shri Meena. When the Commission found that no action had been taken by the Company to review the vigilance cases

against him, another hearing was organized in the chamber of Chairperson, NCST on 28.09.2006 in which the CMD agreed to reconsider the order of compulsory retirement dated 23.11.2005 and reinstate Shri Meena in service subject to the condition that he will be shifted from the duties of Development Officer in the Company and will be assigned work relating to administration. The NICL authorities vide their letter dated 08.12.2006 informed the Commission that Shri B.S. Meena had been reinstated into service of the Company as Development Officer, Gr-I (Administration) by allowing him the initial basic salary of that post from the date of his joining.

8.2.8 A representation was received from Shri B. Chekre Naik, Zonal Secretary, ST Employees Welfare Association, FCI, South Zone forwarding therewith a petition of Shri V.R. Malagamani regarding his posting in the Regional Office of FCI at Hyderabad on his promotion to the post of DGM. It was found that on promotion to the post of DGM, Shri Malagamani had been posted at Kandla Port Office. The Commission took up the matter with CMD, FCI, New Delhi in January, 2007. The FCI authorities did not agree to change the place of posting of the petitioner. The Commission observed that the grievance of Shri Malagamani was genuine as he had only two years to retire and his posting on his promotion to a far off place was against the general instructions of the Government in regard to non-transfer to the extent possible, during the last three years of the service of an officer. The Commission, therefore, decided to discuss the matter with CMD, FCI, New Delhi and accordingly CMD and other senior officers of FCI appeared before the Commission for discussion on 10.04.2007. The Commission noticed during the discussion that Shri Malagamani was appointed as Dy. Manager (GNL/Admn.) as direct recruit in 1994 and he had performed his duties to the complete satisfaction of the authorities at seven places i.e. Midnapur (WB), Sambhalpur (Orissa), Bangalore, Hyderabad, Kollam/Alleppey, Hubli (Karnataka) and Warrangal. The Commission observed that it was clear from these postings that Shri Malagamani had worked outside his hometown without representing to the Commission or to the FCI authorities. The Commission also pointed out that the general guidelines of Govt. of India provided that an employee should be posted at or near his home town in the last three years of his service so that he may not find any difficulty in settling at the time of retirement. It was also pointed out that out of five officers promoted to the post of DGM by the order dated 08.12.2006, three officers were younger to him and had yet been retained at the same station while Shri Malagamani who had served at six stations in the last 12 years of service and had subsequently served for only 7 months at Warrangal, had been transferred to a distant station at the fag end of his service career. CMD, FCI agreed to reconsider the request of Shri Malagamani for posting at Hyderabad in the vacancy caused by the retirement of DGM (Region). The FCI authorities vide their letter dated 24.04.2007 informed the Commission that the posting of Shri Malagamani on promotion as DGM (General) had been modified and he had now been posted at Hyderabad vide officer order dated 23.04.2007.

8.2.9.1 Shri B. Chekre Naik, Zonal Secretary (South), FCI ST Employees Welfare Association, Kazipet, District Warrangal A.P. represented to this Commission in respect of non-implementation of the reservation instructions in FCI (South Zone) and certain other grievances of the officers and employees



belonging to Scheduled Tribes in FCI. These grievances, in particular, related to denial of promotion to the eligible ST officers, exchange of posts reserved for Scheduled Tribes with SCs even after 6.11.2003 from which date the said exchange had been banned, non-filling of a huge backlog of vacancies reserved for Scheduled Tribes and non-maintenance of reservation rosters for various posts in accordance with the instructions contained in DoPT's O.M. dated 2.7.1997 regarding switching over from vacancy-based rosters to post-based rosters, leading to miscalculation of the vacancies reserved for Scheduled Tribes. The Commission took up the matter with FCI, Zonal Office, Chennai. As there was no response from the Zonal Office, Chennai for quite sometime, the Commission decided to discuss the matter with the senior officers of the FCI, South Zone and accordingly a hearing was arranged in the Commission on 4 January, 2007 which was attended by Executive Director (South Zone) and other officers.

8.2.9.2 FCI officials pointed out during the discussions that it had not been possible to promote ST candidates against the unfilled vacancies as they were not covered in the normal or extended zone of consideration. The Commission suggested that till such time the eligible ST candidates with required length of service became available, FCI should consider filling of the reserved vacancies by making ad-hoc promotions in terms of the DoPT's O.M. dated 15 March, 2002. FCI agreed to act on the Commission's suggestions. On inspection of a few rosters, which were produced before the Commission by the officials of FCI (South Zone), the Commission was surprised to find that these rosters suffered from several deficiencies leading to wrong calculation of vacancies reserved for Scheduled Tribes. The Commission stated that it had every reason to apprehend that the rosters with respect to other posts also may have similarly been cast in violation of the DoPT's instructions dated 2.7.1997. The Commission observed that there was an urgent need for the FCI (South Zone) to recast all the rosters in terms of the Govt. instructions, and, thereafter, to recalculate the share of backlog vacancies reserved for Scheduled Tribes. As decided in the meeting Dr. G.S. Somawat, Director, Regional Office of the Commission at Jaipur carried out an inspection for selected posts on a random basis in FCI, South Zone on 22, 23 and 24 January, 2007. A copy of the inspection report was sent to FCI on 22.2.2007 for taking immediate corrective measures.

8.2.9.3 The Commission observed that a number of vacancies reserved for Scheduled Tribes in various categories of posts in FCI (South Zone) had been exchanged and filled up with Scheduled Caste candidates even though such exchange had been completely banned as per the DoPT's instructions issued vide their O.M. No.36012/17/2002-Estt. (Res.) dated 6 November, 2003. The Commission observed that the exchange of ST points with SC candidates must have resulted in excess of SC candidates and resultant shortfall of ST candidates with respect to the quota prescribed for them. FCI officials (South Zone) were requested to rework the vacancies reserved for Scheduled Tribes by adjusting the excess SC candidates in terms of para 6 of the above-referred DoPT's instructions and to take special steps to fill up the ST backlog.

8.2.9.4 It was brought to the notice of the Commission by the Association that the K.L. Rao Committee set up to look into the grievances of ST employees in FCI, South Zone in particular relation to deprivation of promotion to ST candidates and large scale exchange of ST vacancies with SC vacancies had submitted a detailed report in the year 1992 in which it had pointed out gross violations of the reservation instructions by FCI and had made several recommendations to set right the position and that no action had been taken by the Management of FCI to implement these recommendations with the result that the interests of the Scheduled Tribe employees continued to suffer. FCI agreed to have a fresh look in the matter and inform the Commission about the action taken by them on the various recommendations of the K.L. Rao Committee within a period of one month.

8.2.9.5 The FCI South Zone, Chennai informed the Commission in August, 2007 that the recasting of the reservation rosters has been completed and that the rosters had been got verified and signed by the respective Zonal Liaison Officer for SCs & STs. The rosters were also verified by All Unions and groups of Welfare Associations for SCs & STs. It was also stated that the consequent upon the recasting of the rosters, the backlog vacancies reserved for STs (as also SCs) had been calculated properly as suggested in the Commission's report (by Dr. G.S. Somawat). The Commission, however, continued to receive complaints from the SC, ST Welfare Association in FCI, South Zone that the rosters has not been recast in proper manner and in the light of the suggestions contained in the Commission's Report. In view of these complaints, Dr. G.S. Somawat, Director, Regional Office of the Commission has been requested to inspect the recasted rosters to see whether the recasting has been properly done and also whether the backlog vacancies have been correctly worked out on the basis of the new rosters.

8.2.10 Smt. S. Eswaramma represented to this Commission in December, 2006 that her husband late Shri S. Rambabu, FM.II, Eastern Navel Command (ENC) , Visakhapatnam met with an accident on 6 July, 2002 while performing duties and expired on 20 July, 2002 leaving behind his wife Smt. S. Eswaramma and her two small kids below 8 years of age. She submitted an application to ENC requesting for her appointment against a Group 'D' post on compassionate ground. She had stated that she will get minimum death benefits since her husband had rendered only six years of Govt. service and, therefore, she was not able to meet the family needs with meagre amounts of terminal benefits. When no action was taken on her application, she approached the Commission in December 2006 and the Commission immediately took up the matter with the Headquarters of Eastern Navel Command, Visakhapatnam. The ENC vide their letter dated 23 February, 2007 informed the Commission that Smt. S. Eswaramma had been provisionally recommended for appointment to the post of Unskilled Labourer and that, as per Govt. instructions, necessary action to complete the pre-appointment formalities had been initiated and further that on completion of the civil verification and her being found medically fit, she would be issued an offer of appointment.

8.2.11 A representation dated 6.2.2007 was received in this Commission from Smt. Siemhnil Faihriem, Development Officer, Grade-I in the Oriental

Insurance Company Limited, Dimapur, Nagaland requesting this Commission to intervene in the matter of retention of her husband at Dimapur in the same Company. It was stated that her husband, who was working in the same office was transferred from Dimapur branch to Jorhat (Assam) branch under the normal transfer policy keeping in view the request made by them about two years ago for transfer of both of them to Tezpur branch, OICL. Later on her husband requested for the cancellation of the transfer order, which was not accepted. The case was discussed, among other cases, in the hearing held in the Commission on 4.4.2007 with the CMD and other senior officers of the Company. The Commission observed that two years ago both Smt. Siemhnil Faihriem and her husband had made a request for their transfer to Tezpur Branch so that they could remain posted at one station. However, it was noted during the discussion that Smt. Siemhnil Faihriem had earned a huge business for the Company and her transfer from Dimapur would not only affect adversely the business of the Company at Dimapur, but also affect the performance of Smt. Siemhnil Faihriem as she will have to start at Tezpur from zero level of business. Moreover, there was also shortage of staff at Dimapur. It was therefore, agreed that in the interest of the Company Smt. Siemhnil Faihriem and her husband both may be retained at Dimapur. CMD, OICL assured to take prompt action and issue instructions for early orders relating to cancellation of the transfer order in respect of husband of Smt. Siemhnil Faihriem. The OICL authorities vide their letter dated 3.5.2007 have informed that keeping in view the hardships explained by Smt. Faihriem and the recommendation of the Commission, a sympathetic view had been taken and her husband had been granted extension of stay at Dimapur for one year.

8.2.12 Shri Bhoop Singh Meena, Telecom Mechanic, Gr-III, Northern Railway, New Delhi represented to the Commission in April, 2006 alleging harassment on account of delay in finalizing a disciplinary case against him on the charges of fraudulent withdrawal of an amount of Rs. 9,900/- from the PF account allotted to one Shri Bhagi Ram. He had stated that he was charge-sheeted for major penalty proceedings in January, 1998. The Commission took up the matter with the Northern Railway, New Delhi in April, 2006 itself. As there was no response from the Railway authorities despite reminders to them, the Commission decided to discuss the case with the senior officers of the Northern Railway and accordingly a hearing was held in the Commission in the chamber of Chairman on 27.06.2006. The Railway authorities were advised by the Commission to expedite the pending enquiry and to apprise the Commission within a month. The Commission found that the disciplinary authority by its order dated 04.08.2006 found Shri Meena guilty of the charges and imposed on him the penalty of removal from service with immediate effect. The Commission thereafter asked the Railway authorities to produce a copy of original pay order and forensic report as mentioned in the order dated 04.08.2006. Certain more documents were called for by the Commission from the Railway authorities vide its letter dated 23.08.2006 which were sent to the Commission at the end of August, 2006. The Commission examined the documents sent by the Railway authorities and found that there were several infirmities in the action taken by the Railway authorities to remove Shri Meena from service. The Commission accordingly requested the Northern Railway to reinstate Shri Meena into service by imposing a lighter penalty on him other than the penalty of removal from

service and also to initiate action against other delinquent employees i.e. Cashier and Head Clerk and to apprise the Commission of the position within 30 days. In the absence of timely response from the Northern Railway, the Commission decided to discuss Shri Meena's case with the officers of Railway Board. Accordingly a hearing was arranged in the chamber of Chairman on 08.11.2006 to discuss Shri Meena's case and other cases pertaining to Railways. The Commission was informed that the penalty of removal from service had been reduced to reduction in lower time scale from TCM Gr-III to Helper Khalasi Grade for a period of five years with cumulative effect. The Railway authorities were advised to reconsider their decision and appoint him in the same grade i.e. TCM Grade-III. The Railway authorities informed the Commission in December, 2006 that on the basis of an appeal submitted by Shri Meena, the competent authority had revised the penalty to lower stage in the same time scale of pay in TCM Gr-III at the minimum of the scale i.e. Rs. 3050/- for a period of five years with cumulative effect.

8.2.13 Shri Umashankar Tikariya, Office Supdt., Grade-I, Western Central Railway, Itarsi (MP) represented to the Commission regarding his transfer from Itarsi to Bhopal and also about the denial of promotion due to him as Chief Office Supdt. in violation of the reservation instructions. The Commission called for the facts of the case from the Railway authorities in May, 2006. This case was also discussed in the Commission's meeting with the Railway authorities held on 08.11.2006 in which the Commission was informed that Shri Tikariya had since been promoted as Chief Office Supdt. retrospectively from 31.08.2005 and that he had assumed charge of that post at Bhopal from that date itself.

8.2.14.1 Shri Thakur Prasad, Senior Manager, Indian Renewable Energy Development Agency Ltd. (IREDA), New Delhi submitted a representation to the Commission in January, 2006 regarding irregularities in the recording of his ACRs, which had resulted in denial of his promotion as Assistant General Manager (AGM). The Commission took up the matter with IREDA authorities in February, 2006. The General Manager, IREDA vide his letter dated 10.03.2006 informed the Commission that the allegations of the petitioner were not based on facts. On being informed of this reply from IREDA, Shri Prasad submitted a rejoinder in November, 2006 alleging discrimination and harassment on account of being an ST officer and the Commission decided to discuss his case with the MD, IREDA and other officers and accordingly a hearing was held on 08.03.2007 in the chamber of Vice-Chairman. The Commission noted that on account of the pendency of disciplinary proceedings initiated against Shri Prasad vide Memorandum dated 24.02.1999, the results of the DPCs held on 30.06.1999, 23.12.1999, 01.07.2000 and 20.12.2000 were kept in a sealed cover. The Commission was informed that consequent upon opening of the recommendations of the DPCs kept in sealed cover, Shri Prasad was promoted to the post of Senior Manager w.e.f. 01.01.2002. The Commission noted that based on an order of Secretary, MNRE and Chairman, IREDA and IREDA Vigilance Cell investigation report, further disciplinary proceedings were initiated against Shri Thakur Prasad vide Memorandum dated 29.01.2003 which had since been completed and the penalty of withholding of promotion for a period of 3 years effective from 24.05.2004 (reduced to 2 years by the Reviewing Authority i.e. IREDA's Board of Directors) was imposed on him. It was noted that

Shri Prasad had completed the minimum required service of 4 years for being eligible for promotion to the next higher grade i.e. AGM and that the effect of the penalty of withholding of his promotion for 2 years for the purpose of his further promotion as Assistant General Manager (AGM) had also come to an end in May, 2006. The Commission was informed that the DPC to consider the suitability of Shri Prasad for his promotion as AGM was likely to be held very soon. The Commission desired that the meeting of the DPC should be held without any further delay so that promotion of Shri Prasad as AGM was not delayed.

8.2.14.2 The Commission was further informed that following an exchange of words between Shri Prasad and an officer of IREDA, Shri Prasad had again been placed under suspension by a Memorandum dated 29.12.2006 as disciplinary action was being contemplated against him. The Commission, on the one hand, advised Shri Prasad to withdraw his complaints and also express regrets in writing to the Management. On the other hand, the IREDA authorities were advised to consider withdrawing the suspension order and also the disciplinary proceedings being contemplated against him. The Commission was assured by MD that he would take immediate action to withdraw the suspension order as also to expedite the promotion of the petitioner as AGM provided he withdrew his complaints and submitted a regret letter. The IREDA vide its letter dated 19.03.2007 informed the Commission that the suspension order had been revoked by the disciplinary authority w.e.f. 14.03.2007 and his name was being included in the list of eligible employees to be referred to DPC to consider his suitability for the post of AGM. MD, IREDA informed Joint Secretary, NCST on 28.06.2007 that Shri Prasad had since been promoted as AGM.

8.2.15 A representation was received in February 2006 from Shri Purandas Kol, Supdt. Tribal Boys Hostel, Sapahi, District Sidhi, M.P. seeking intervention of the Commission for revocation of his suspension. He had stated that he was placed under suspension on 15.3.2005 on the charges of not attending the office, during the period he was on medical leave duly supported by certificates issued by Medical Officer and that no charge sheet was issued even after expiry of one year period. The Commission requested the District Collector, Sidhi in March, 2006 to get the matter looked into and to send a report to the Commission. The Office of Collector vide its letter dated 19.7.2006 informed that the suspension had been revoked and Shri Kol had been allowed to join duty.

8.2.16 Smt. Sushila Kerketta, M.P. Lok Sabha vide her letter dated 28.8.2006 wrote to this Commission regarding harassment of Dr. C.R. J. Khess, Professor of Psychiatry at the Central Institute Psychiatry, Ranchi by way of transferring him to Vardhman Mahavir Medical College (VMMC), New Delhi vide order dated 17 August, 2006. Dr. Khess also separately sent a petition on the same date to the Commission. The petitioner, inter alia, alleged that he would be completing five years of Professorship in November, 2006 which was an essential criteria for the post of Director and because he was the only tribal candidate and also the likely candidate for the post of Director, the Institute planned to remove him from the Institute and thereby to deny the promotion to him to the post of Director. The Commission requested the Secretary, Ministry

of Health and Family Welfare in September, 2006 to enquire into the allegations and to send the full facts of the case. The Ministry of Health and Family Welfare vide its letter dated 29.9.06 informed the Commission that Dr. Khess and other staff members (both teaching and non-teaching) had been transferred to Vardhman Mahavir Medical College (VMMC), New Delhi at Safdarjung Hospital in connection with its inspection by Medical Council of India (MCI) for recognition of MBBS degree to be awarded by this newly established medical college. It was further stated that the transfer of Dr. Khess was not made with any ulterior motive but he was transferred purely in public interest. The Commission was further informed that immediately after the completion of the MCI inspection, all the faculty members including Dr. Khess had been transferred back to the Central Institute of Psychiatry, Ranchi.

8.2.17 A representation from Shri Kalyan Singh Porte, Village-Jamaibhodar, P.O.-Basantpur, Tehsil-Wadrafanagar, District Surguja, Chattisgarh was received in November, 2006 in the Commission regarding denial of appointment to the post of Guru Ji and also about non-payment of dues in respect of services rendered for the post. It was alleged that he was appointed to the post of Guru Ji in Siksha Guarantee School (EGS) Village-Ruppur, Bodharpara by the Village Panchayat and he worked there for a period of about three months, and thereafter his services were terminated without any reason and that he was also denied the payment of salary for the services rendered by him. He also alleged that the Sarpanch of the Village Panchayat had subsequently appointed a lady belonging to OBC in his place by violating the rules and regulations. The Commission took up the matter with District Collector, Surguja, Chhattisgarh requesting him to enquire into the allegations and send a factual report to the Commission. The Commission being not satisfied with the report sent by the District Collector in December, 2006 decided to discuss the matter with the District Collector and accordingly District Collector, Surguja was requested to appear before the Commission on 2.2.2007. The Additional District Collector in place of District Collector appeared before the Commission on that date. The Commission was assured that payment of salary/honorarium for the period served by Shri Porte will be made within a week's time. The Commission was also assured that Shri Porte will also be considered for regular appointment as Guru Ji in Education Guarantee School and the Commission will be informed within a month. The District Collector, Surguja vide his letter dated 15.2.2007 informed the Commission that Shri Porte had been paid an amount of Rs.6799-00 (@ Rs.500 per month) for the services rendered by him from 2.10.1998 to 18.11.1999. By his subsequent letter dated 13.4.2007, the District Collector, Surguja further informed that Shri Porte had also been appointed on temporary basis as Siksha Karmi in Education Guarantee School, Bodharpara (Ruppur) vide order dated 23.3.07.

8.2.18 A representation dated 28.10.2006 from Shri Benzamin Hawla from Aizwal (Mizoram) was received in the Commission regarding recruitment for the post of ASI (Steno) and Head Constable (Ministerial) in the Central Reserve Police Force (CRPF). It was stated that an advertisement in this regard was published in the leading newspapers including employment news. It was stated that the recruitment test was required to be conducted on all India basis and that out of 94 posts for ASI (Steno), 15 posts including backlog vacancies were

reserved for Scheduled Tribes and similarly out of 126 posts of Head Constable (Ministerial), 100 posts were reserved for Scheduled Tribes. It was alleged that not even a single examination centre had been earmarked in the North-Eastern States comprising Assam, Meghalaya, Mizoram, Nagaland, Manipur, Arunachal Pradesh and Tripura and that this would severely hamper the chances of the ST candidates from the region in applying for the posts. The Commission was requested to take up the matter with CRPF and to impress upon them the genuine need for earmarking of some recruitment centres in the North-Eastern States in the general interest of the ST community living in that part of the country. The Commission took up the matter with the Director General, CRPF in December, 2006 requesting them to furnish full facts of the case taking into account the points raised in the petition. CRPF by its letter dated 9 January, 2007 informed the Commission that the process of recruitment as per the advertisement referred in the petition had already been cancelled and a fresh advertisement sent to DAVP in November, 2006 and the advertisement had since been published in employment news dated 6.1.2007 for recruitment of 104 posts of ASI (Steno) and 694 posts of Head Constable (Ministerial). The Commission was also informed that Group Centre, CRPF, Khatkhathi (Assam) had been included as a centre for the said recruitment.

8.2.19 Shri B.P. Kerketta, Assistant Engineer, Indian Bureau of Mines, Ranchi, represented to the Commission in January 2007 alleging harassment on account of non-grant of his annual increments for the last three years i.e. since January 2004. The Commission took up his case with the Indian Bureau of Mines in March 2007. The Indian Bureau of Mines informed the Commission on 9.4.2007 that his annual increments falling due in the year 2004, 2005, 2006 have been released vide office order dated 6 March 2007.

8.2.20 A representation was received in August 2006 from the President, Bharat Dynamics ST Employees Welfare Association, Hyderabad alleging that the results of the SRD to fill up 7 backlog vacancies reserved for Scheduled Tribes for the post of Helper were not being declared even though more than eight months time had passed after the interviews. The Commission took up the matter with the Chairman and Managing Director, Bharat Dynamics Ltd., Hyderabad on 29.8.2006. The Commission was informed in October 2006 that the SRD in question pertain to the 7 backlog vacancies reserved for STs for the year 2005 and that the selection process was completed by December 2005. At this juncture, the CVO of the company raised certain queries relating to recruitment/regularization of casual and contract labours before the Board of Directors which, inter alia questioned the existence of vacancies in the post of Helper (Group-D). It was further stated that in their opinion the filling of ST vacancies through SRD had no links with the queries made by CVO and he had accordingly been approached to endorse the view of the Management to enable them to release the list of selected candidates for filling the vacancies. The Commission requested the Bharat Dynamics Ltd. in December 2006 to expedite the issue of appointment letters to the selected ST candidates. The Bharat Dynamics Ltd. vide their letter dated 22.2.2006 informed the Commission that the offers of appointments had been issued to 7 candidates in October 2006 and 6 of them had accepted the offer and accordingly the process of verification of

the character and antecedents of these candidates have been initiated and that against non-acceptance by one candidate, offer had been sent to another candidate who was senior most in the waiting list and he had communicated his acceptance.

8.2.21 Shri Tsewabg Nurbwoo, Announcer-cum-Compere, Radio Kashmir, Leh represented to the Commission in September 2006 regarding non-grant of financial upgradation under the Assured Career Progression (ACP) Scheme. It was alleged that although he completed 24 years of service on 3.10.2001 and was due for the second financial upgradation under the Scheme, he was denied the financial upgradation for the last 5 years. The Commission took up the matter with the Director General, All India Radio, New Delhi in September, 2006. The Commission was informed by AIR, New Delhi in March, 2007 that Shri Nurbwoo had been granted the second financial upgradation with effect from 04.10.2001 vide Order dated 06.12.2006.

8.2.22 A complaint dated 29.9.2005 was received from Shri V.K. Sugathan (Retd. Major), Chief Security Officer, HMT, Bangalore regarding non-consideration of his candidature for a vacancy for the post of Security Officer reserved for Scheduled Tribe in Kochi Refineries Ltd.(KRL), Kochi, Kerala. It was stated that KRL notified one vacancy reserved for ST for the post of Security Officer in the year 2001. The vacancy was again notified in the year 2003 as the post was not filled by ST candidate. The petitioner alleged that the KRL cancelled the advertisement notified in the year 2003 and the vacancy reserved for ST was carried out. In May, 2005, KRL approached the Resettlement Directorate (Army) to fill up 2 vacancies, 1 for OBC and 1 for general conveniently concealing 1 vacancy reserved for the Scheduled Tribe. The Commission took up the matter with DGM (Personnel) Kochi Refinery Ltd., Ambalamugal (Kerala) in March, 2006. The Commission was informed by KRL that Shri Sugathan had made a similar complaint before the Commission's Regional Office at Bhopal on the same issue and based on the advice received from that Office, they had re-advertised one post of Security Officer reserved for Scheduled Tribe and that the complainant Shri Sugathan had applied for the post and further that Shri Sugathan had been selected for the post of Security Officer and had joined duty on 24.3.2006.

8.2.23 Shri Kameshwar Singh Tria and Shri Devid Daimari, Desk Officers in Railway Board, New Delhi represented to Commission in February, 2006 seeking intervention of Commission for their promotion as Deputy Directors/ Under Secretary against available vacancies. The Commission took up the matter with Railway Board in March, 2006, the matter was also discussed by the then Chairman of NCST with General Manager, Northern Railway, Baroda House, New Delhi during the course of hearing held in his Chamber on 12.06.2006. The Railway Board vide their letter dated 12 May, 2006 informed the Commission that the matter regarding the promotion of the petitioners was pending on account of a Court case in OA No. 2051/95 filed by Shri B.R. Mehrotra and others V/s Union of India in CAT, Principal Bench, New Delhi. It was stated that this pending Court case had led to non-preparation of select list of Section Officers for a long time. The Commission was further informed that



the case was finally decided by Hon'ble Court in June 2000 and orders of the Tribunal could be implemented by June 2001 and that after implementation of the judgement of the Court, the task of framing regular seniority panels of Section Officers was taken up in May, 2002 and both the petitioners i.e. Shri Triya and Daimari were included in the regular seniority panel of Section Officers for the year 1997-98 notified on 31.08.2005 and based on such empanelment, both of them were promoted as Deputy Director/ Under Secretary on ad-hoc basis vide Railway Board's Order dated 21.04.2006.

8.2.24 On account of the intervention of the Commission during the year 2005-06, the ad-hoc promotion of Shri Rajender Prasad as Assistant Director, CPWD (Horticulture) was regularized retrospectively w.e.f. 27.06.1997. Subsequent to the retrospective regularization of his promotion, Shri Rajender Prasad again represented to the Commission for promotion to the post of Dy. Director (Horticulture) against a post reserved for ST candidate. The matter was taken up with the Ministry of Urban Development, New Delhi. The Ministry of Urban Development (Works Division), instead of promoting Shri Prasad, sent a proposal of de-reservation to the Commission. It was stated that the eligibility for promotion to the post of Dy. Director (Hort) was 8 years regular service as Assistant Director (Hort) and that the eligibility is counted as on 1st of January preceding the recruitment year for which promotions are made. The Commission did not agree to the proposed de-reservation of one ST post of Dy. Director and advised the Ministry of Urban Development to promote Shri Rajender Prasad against the ST point till such time the DPC was convened for filling the vacancy in compliance with the judgements of Hon'ble Supreme Court regarding drawal of separate zone of consideration for SC/ST candidates. The Ministry of Urban Development vide their letter dated 24.08.2006 informed the Commission that the name of Shri Rajender Prasad was very low in the seniority list and was not covered even within the extended zone of consideration for regular promotion against the vacancy year 2006-07 and accordingly he was being considered for promotion as Dy. Director on ad-hoc basis against the first vacancy that could become available in the year 2006-07 since no zone of consideration was applicable for making ad-hoc promotion. The Commission vide its letter dated 08.09.2006 agreed to the proposal of the Ministry to de-reserve one ST quota vacancy of Dy. Director (Hort) in CPWD in the year 2005-06 subject to the condition that the carried forward reserved ST point of Dy. Director was filled up by promoting the senior most ST candidate i.e. Shri Rajender Prasad as Dy. Director on ad-hoc basis against the first vacancy occurring in the year 2006-07. Accordingly Shri Rajender Prasad was promoted to the post of Dy. Director on ad-hoc basis vide CPWD's Office order dated 18.09.2006 and posted at Nagpur, Maharashtra.

8.2.25 The President, NALCO, SC/ST Employees Welfare Association, Damanjodi, District Koraput, Orissa sent a representation of Shri Charles Lakra, Dy. Manager (HRD), Smelter & Power Complex, NALCO, Corporate Office, Bhubaneswar regarding his promotion to the post of Dy. Manager with retrospective effect from January, 2000 with all promotional benefits. The matter was taken up with CMD, National Aluminum Company Ltd. (NALCO), Bhubaneswar, Orissa in January, 2006. The Commission was informed that the

request of the petitioner had been considered by them and he had been promoted to the post of Dy. Manager retrospectively w.e.f. 01.01.2000 instead of 01.07.2002 with notional seniority. Shri Lakra again represented to the Commission for the grant of consequential financial benefits in the post of Dy. Manager from 01.01.2000. The Commission again took up the matter with NALCO in March, 2006. The NALCO vide their letter dated 19.05.2006 informed the Commission that it had since been decided by the management to extend the financial benefit for the period from 01.01.2000 to 30.06.2002.

8.2.26 One employee working in M.P. Vanvasi Seva Mandal, Mandla for the last 38 years informed the Commission in October 2006 that he had not been paid salary by the Institution due to stoppage of grant by the Govt. of M.P. resulting in economic hardship to him and his family. The matter was taken up by the Commission with Commissioner, Tribal Development, Govt. of M.P., Bhopal who informed that the first installment of grant was issued to the above institution and remaining amount had also been paid after adjusting the amount of advance paid through the District Collector, Mandla.

8.2.27 An ST employee working as Senior Auditor in Accounts Office, Ordinance Factory, Dehu Road, Pune (Maharashtra) represented to the Commission in March, 2005 regarding his transfer from Pune to Ambarnath and misbehavior of his senior officer. He also informed that his request for transfer had not been acceded to by his office. The case was taken up with Chief Controller of Finance and Accounts (Ordinance), Kolkata with the request to consider the case sympathetically as the enclosure sent along with the representation revealed that some other similarly situated employees belonging to general category had been transferred on request by the respondent department. As result of continuous follow-up the applicant was transferred to Ambarnath in public interest, as desired.

8.2.28 An ST Assistant Teacher working in a Middle School at Bilgaon, District Dindori, M.P. represented to the Commission in October, 2006 that he was transferred to a Middle School at Kanchanpur by the authorities but was not allowed to join. He informed the Block Education Officer in writing about the above situation but no action was taken. The applicant also requested for transferring him in Kanchanpur Middle School and releasing of salary for the preceding months by the authorities. The matter was taken up with District Collector Dindori, who informed that the case had been referred to the Commissioner, Tribal Development, Govt. of M.P. Bhopal. The issue was further raised with Commissioner T.D., Govt. of M.P. as a result of which the issues were successfully settled.

8.2.29 Secretary, Bharatiya Koyla Khadan Mazdoor Sangh, Johila Area, Umaria, M.P. wrote to the Commission in January, 2007 that pay arrears of an ST employee of the SECL were not being paid inspite of repeated requests by the individual and the Union. It was stated that as the applicant was to undergo knee surgery, the money was urgently required. The matter was taken up with the concerned authorities of SECL as a result of which the applicant was paid arrears by cheque on 9-1-2007, as desired.

### **8.3 Cases pertaining to development matters.**

8.3.1.1 The Commission received a letter from the Ministry of Tribal Affairs in September, 2006 forwarding therewith a copy of the news item titled 'How the mailman killed an IIT dream' appeared in the Hindustan Times, New Delhi edition dated 07.09.2006. The news item related to the denial of admission to an ST boy namely Shri Balaram Tudu of Mayurbhanj District, Orissa who had secured 83rd rank in IIT entrance examination in connection with his admission into B.Tech. Course at IIT, Kharagpur (W.B.). It was also reported that it was his last chance and he could not reappear in future in IIT entrance examinations and further that it was due to non-delivery of the counselling letter by the Postal Department that he could not reach well in time for the counselling. The Commission was requested to take up the matter with the concerned agencies of the Govt. to ensure that the ST boy got admission in IIT, Kharagpur as he was denied admission for no fault on his part.

8.3.1.2 The Commission immediately took up the matter with the Secretary, Department of Secondary and Higher Education (Ministry of Human Resource Development) vide its d.o. letter dated 11.09.2006. The Commission observed that it would be against the canons of justice to deny admission to a talented student simply because the Postal authorities failed to deliver the letter for counselling to him in time and that it was, therefore, necessary that some special consideration was shown to the poor tribal student by giving him a chance to appear for counselling and, thereafter, offering him admission into the B.Tech Course to ensure that a promising career was not nipped in the bud. The Commission also requested Secretary, Department of Secondary and Higher Education to issue suitable instructions to Director, IIT, Kharagpur to allow the tribal boy to appear in the counselling for the admission into the B.Tech Course. A copy of this d.o. letter was also endorsed to Director, IIT, Kharagpur requesting him to reconsider the entire matter by taking a compassionate view in recognition of the hard facts that Shri Tudu did not appear for counselling as the letter communicating the date for it was never delivered to him due to sheer negligence of the Postal authorities and that it would not only be unjust and unfair but also inhuman to punish a bright tribal student for no fault on his part. He was also requested to send the full facts to the Commission including the postal address of the candidate i.e. Shri Tudu, the date of the despatch letter to him calling for appearing in the counselling and whether the said letter was returned undelivered by the Postal authorities and if so what were the remarks written thereon by the Postal authorities by way of reasons for non-delivery. A copy of this letter was also endorsed to Chief Post Master General, Orissa Circle, Bhubaneswar requesting him to get the entire matter relating to non-delivery of the counselling letter to Shri Tudu investigated and send the full facts for perusal of the Commission.

8.3.1.3 Director, IIT, Kharagpur vide his letter dated 18.09.2006 addressed to J.S., National Commission for Scheduled Tribes informed the Commission that with reference to the Commission's letter dated 11.09.2006 addressed to the Secretary, Department of Secondary and Higher Education (referred to above),

he (i.e. Director, IIT, Kharagpur) had had detailed discussion in the matter with the Secretary on 16.09.2006 and it had been decided to take a compassionate view in the case having regard to the non-delivery of the counselling letter to Shri Tudu due to negligence of the Postal authorities. He further stated that the Hon'ble Minister of Human Resource Development had taken a very sympathetic view and requested Director, IIT, Kharagpur to consider the case of the tribal boy for admission to the Preparatory Course of IIT and that since all the 42 seats were already filled up, the Institute had, as a special case, created one additional seat at the Institute to accommodate Shri Tudu and accordingly Shri Tudu had since joined the Institute on 18.09.2006 for the Preparatory Course of the year 2006-2007.

8.3.2.1 President, AP Scheduled Tribes Welfare Association, Warangal (A.P.) represented to this Commission in September, 2006 regarding denial of enrolment/ admission to Shri A. Rahul Kumar Naik, an ST candidate, into B.Tech. Course in the National Institute of Technology (a Deemed University) Warangal (A.P.) in spite of the fact that he had been admitted into B.Tech. vide Spot Admission No. T-176 dated 02.09.2006 against an ST quota vacancy and that he had also made requisite payment (i.e. Rs. 23,650/-) towards the admission fee. The Commission immediately took up the matter with the Director, NIT, Warangal vide its letter dated 07/08.09.2006 asking him to furnish full facts of the case and also requesting him to take necessary action to allow Shri Naik to attend the classes with immediate effect. A copy of the d.o. letter was also sent to Deputy Education Adviser, Ministry of HRD, Shastri Bhawan alongwith a copy of the representation of the Association advising him to issue necessary instructions to Director, NIT, Warangal to allow Shri Naik to attend the classes in B.Tech Course and also to enquire into the allegations of harassment of the ST candidate by not being allowed to attend the classes even after his admission against the ST quota and payment of full fees by him, and to apprise the Commission of the action taken on the representation of Shri Naik.

8.3.2.2 The NIT, Warangal vide its letter dated 30.09.2006 informed this Commission that it had been decided by them to hold the Spot Admission on 18.09.2006 for all qualified candidates as per the AIEEE rank and that the case of Shri Naik will also be considered on that date. The Commission was further informed vide the NIT's letter dated 04.10.2006 that Shri A. Rahul Kumar Naik had been admitted into the B.Tech programme for the year 2006-07 on the basis of the Spot Admission held on 18.09.2006.

8.3.3 A complaint dated 30.7.2006 was received from Ms. Gyanvati Singh alias Jamvati Singh Village-Maman, Post-Bakeli, District-Umaria (M.P.) regarding delay in issuance of Letter of Intents (LOI) for SKO-LDO dealership to her under ST category for location at Anuppur, District-Umaria (M.P.). She alleged that the IOCL senior authorities were unnecessarily delaying the issuance of LOI. Her case was taken up by the Commission with CMD, IOCL, New Delhi in August, 2006. The Commission was informed in October, 2006 by IOCL that the location at Anuppur was advertised by IOCL for SKO-LDO dealership under ST category and interview for selection for a dealer was conducted at Raipur on 24.8.2004.

The first candidate in the panel was Shri Ravinder Singh. However, certain discrepancies were noticed at the time of conducting the FIR in respect of Shri Ravinder Singh and accordingly it was decided to cancel the selection of the first empanelled candidate Shri Ravinder Singh and to conduct FIR in respect of the candidate No.2 namely Ms. Gyanvati Singh alias Jamvati Singh. It was further stated that a complaint was received in the Vigilance Department of IOCL against the selection for location at Anuppur and, therefore, the issuance of LOI to Ms. Gyanvati Singh was kept on hold and finally issued on 29.9.2006 after receipt of clearance from Vigilance Department.

8.3.4 A Scheduled Tribe farmer of Haldani village of Nawapur Taluka in Nandurbar District (Maharashtra) sent a representation to the Commission and informed that the State Govt. had acquired his land in public interest but had not paid any compensation so far. The Commission took up the matter with District Collector, Nandurbar who informed the Commission vide letter dated 20-12-06 that the applicant had been paid Rs. 97,038 on 8-12-06 through Bank Draft as admissible under the rules.

8.3.5 A news appeared in Dainik Bhaskar, Bhopal dated 21-2-07 revealed that a husband belonging to ST was forced to conduct delivery in the District hospital in Barwani District of M.P. The matter was taken up with the District Collector who informed the Commission that the news appearing in the news paper was not based on the facts. He informed that the lady was admitted in the district hospital with pre eclasia, high blood pressure and severe shocks. In this condition it was not possible to carry her in the labour room as there was chance of falling from high table. In the above circumstances there was no other option and the delivery took place on the bed. As the patient was not accompanied by any female person, her husband was present on the venue. The delivery was carried out by the staff nurse and attendant (Dai). The lady was given free of cost medicines under Deen Dayal Upchar Yojna and was paid a cheque of Rs. 1400/- under "Janani Suraksha Yojna".

8.3.6 State President, Gondwana Punaruthan Sangh, M.P. sent a representation to the Commission and informed that a land belonging to one widow ST lady of Silwani, Raisen District had been encroached upon by a non SC/ST person forcefully and district authorities were not taking sufficient action against the culprit. The matter was taken up with District Collector and S.P. Raisen. As a result, the illegal encroachment was removed in the presence of Police and possession of the land was given to the ST lady. The S.P. informed that a case under section 447, 506, 34 IPC and 3(1)(4) of SCs/STs (POA) Act, 1989 had been registered. He also informed that the 2 accused persons had been arrested on 22-2-07 and challan had been sent to the court. An amount of Rs. 25,000 had been sanctioned to the victim and the accused who was a Govt. employee (teacher) had been suspended. Further, keeping in view his illegal activities, action to expel him from the district was also under consideration. It was also stated that the police was vigilant to provide security to the victim.

8.3.7. It was reported by a section of the press (Danik Bhaskar), Bhopal (M.P) dated 12-10-06 that a ST widow lady of Betul District was unable to carry

dead body of her husband kept in Hamidia Hospital, Bhopal due to acute poverty and that she decided to leave the dead body in the hospital without performing last rituals. The Commission took immediate action on the case and asked the District Collector, Betul (M.P) to take immediate action. The District Collector informed the Commission that the husband of the lady came in contact of electric wire resulting in severe burn and shock. He was carried to Bhopal for treatment where he succumbed to injuries. He had left behind his blind old mother, father, wife and three minor children. He further stated that the body of the deceased was carried to his native place by his relatives after receiving immediate relief of Rs. 1000/- from the tehsildar. He also informed that Rs. 2000/- had been paid by Assistant Commissioner, Tribal Welfare due to poor financial condition of the family. CEO, Janpad Panchayat Chicholi also gave an amount of Rs. 10,000/- under National Family Assistance Programme. After receiving above reply from the District Collector, the Commission requested him to assist her by providing employment to the widow of the deceased and admission of her children in Govt. run Ashram Schools. The District authorities took action on the Commission's recommendation and admitted her son in the boys Ashram schools, Chirapatla. The lady wanted to keep her daughters with her and had not agreed to the request of authorities for their admission in Ashram Schools and admitted them in village schools. The district authorities also sanctioned widow pension to her.

#### **8.4 Cases pertaining to Atrocities**

8.4.1 A minor Scheduled Tribe girl of Barwani District (M.P) wrote to the Commission in October, 2006 that she was raped by one non-SC/ST person, one ST person and another unknown person on 16-10-2006. The matter was taken up with District Collector, Barwani, who informed that a case under Section 363, 366, 376 (ii), 506, 34 of IPC and Sections 3 (2) (v) and 3 (1) (xii) of The SCs and STs (POA) Act has been registered and all the 3 accused had been arrested. The Commission took up the matter with District Collector, Barwani for providing monetary relief to the victim. It was informed that an amount of Rs. 25,000/- has been sanctioned to her as admissible under the rules.

8.4.2 It was brought to the notice of the Commission by a report published in the Newspaper Dainik Bhaskar, Bhopal dated 26.05.2005 that a minor tribal girl was abducted from rural market in Panna District and sold for prostitution after being raped by non SC/ST accused. The matter was taken up with Superintendent of Police Panna who informed the Commission in January, 2007 that a case under Section 363, 363 A, 372, 373, 376, 34 IPC and Section 3 (1) (ii) of The SCs/STs (POA) Act, 1989 was registered. Two accused had been arrested and challan sent to the court. The matter was again referred to the District Authorities for providing relief to the victim. It was informed to the Commission that an amount of Rs. 50,000 was sanctioned and Rs. 25,000 paid to the victim as admissible under the rules.

8.4.3 A tribal lady from Barwani District (M.P) represented to the Commission in January, 2007 that her husband was allegedly forced to take poison by a rich non-SC/ST 'Seth' resulting in his death. She also informed that the police authorities had not taken action on her complaint. Keeping in view of seriousness of the case, the matter was taken up with Addl. Director General

(AJK) PHQ, Bhopal and S.P. concerned. The Superintendent of Police informed the Commission that a dead body was found by the police on the information by the applicant. On investigation, it was noticed that the deceased worked as a labourer in the fields of the alleged person for the last ten years who was paid money and grains. This payment was stopped by that person for last one year and the deceased was not allowed to go to other places to work as labourer. Due to the harassment by that person, the deceased took poison resulting in his death. The non-SC/ST persons were arrested and challan under Section 306, 34 IPC and 3 (2) (v) of the SCs and STs (POA) Act, 1989, was presented in the court. The Commission further requested the district authorities to provide monetary assistance to the family of the deceased. As a result an amount of Rs. 1,50,000 was sanctioned in the name of wife of the deceased.

8.4.4 An ST minor girl was reported to be burnt by throwing acid on her face by a non-SC/ST person in Sehore District of M.P. The Commission took up the matter with S.P. Sehore who informed the Commission vide his letter dated 22-1-07 that a case under Section 326, IPC and 3 (2) (v) of The SCs and STs (POA) Act, 1989 had been registered and the accused had been arrested. The Commission further inquired about the monetary relief sanctioned to the victim. It was informed that an amount of Rs. 1,50,000/- had been sanctioned to the victim as admissible under the rules.

8.4.5 It was reported to the Commission in January, 2007 that an ST woman of village Mahodia, District Sehore was raped by the employer of her husband in his absence. The Commission intervened in the matter and called a report from S.P. concerned. The Commission was informed that a case under Section 342, 376, 506 IPC and 3 (1) (xii) of The SCs and STs (POA) Act, 1989 had been registered against the accused. The accused was arrested and challan was sent to the court. As the victim hails from Dewas District, the case had been sent to Dewas for providing financial assistance from the District.

8.4.6 It was reported to the Commission in October, 2006 that a minor ST girl of village Avalda District Barwani was molested by a non-SC/ST boy when she was going to her father's field. The Commission requested the S.P., Barwani to inquire into the case and send a detailed report about action taken by him. S.P. Barwani informed the Commission that the accused was also a minor boy who had been arrested and the case had been sent to Juvenile Court. The Commission further requested District Collector, Barwani to provide information about the monetary relief provided to the victim. It was informed that an amount of Rs. 25,000/- was sanctioned, as admissible under the rules.

8.4.7 It was brought to the notice of the Commission in December, 2006 that an ST lady of Bhilakheda, District Barwani was molested by non-SC/ST person when her husband had gone out for work. The Commission intervened in the matter and requested S.P., Barwani to take necessary steps urgently. The S.P. concerned informed the Commission that accused had been arrested, challan had been sent to the court and an amount of Rs. 25,000/- had been sanctioned under SCs/STs (POA) Rules, 1995.

8.4.8 It was brought to the notice of the Commission that a minor ST girl was molested by a minor non-SC/ST boy in Abhinav Colony, Sendhwa of Barwani District. The Commission took immediate action and requested S.P., Barwani to arrest the accused and provide security and monetary assistance to the victims. S.P. Barwani informed the Commission that a case had been registered under Section 345, 506 IPC and Section 3 (1) (xi) of The SCs and STs (POA) Act, 1989 and the accused, who was a minor boy, arrested on 13-3-07 and presented in the Juvenile Court. As there was no mention about monetary relief provided to the victim, the Commission vide letter dated 24-5-07 sought information about the same. Ultimately an amount of Rs. 25,000/- was sanctioned to the victim.

8.4.9 A letter dated 27.10.2006 was received from Shri D. Bhoopal, Monitoring & Legal Coordinator, Sakshi Human Rights Watch, AP regarding alleged gang-rape of an ST woman of Thalakondapalli Mandal in Mahabubnagar District requesting for immediate relief and payment of compensation to the victim. The matter was taken up with the District Collector, Mahbubnagar and the Superintendent of Police, Mahbubnagar on 22.11.2006. The District Collector, Mahbubnagar reported that as per the enquiry report of RDO, Mahbubnagar, the ST woman was gang-raped by three non-SC/ ST persons on 12.07.2006 by other caste people by name (i) Bashmni Yadaiah S/o Jangaian (ii) Gundmoni Sudhakar S/o Anjaiah (iii) Perumalla Ramesh S/o Vandanamaian all R/o Talakondapally. A criminal case No. 20/2006 dated 16.07.2007 u/s 376 IPC and Section 3(I) XI (2) V of SCs/STs (POA) Act, 1989 at PS Talakondapally had been registered. The Commission was further informed that an amount of Rs. 25,000/- being 50% of the exgratia paid to the victim. R.D.O. Mahabubnagar was also requested to provide house site, Pucca house and Govt. land to the victim as a measure of rehabilitation. The Commission was further informed that the matter regarding providing employment or pension of Rs. 1000/- per month to the victim was under consideration.

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## **CHAPTER-9**

### **SUMMARY OF RECOMMENDATIONS**

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

#### **Chapter-1: Organization Set-up and Functioning of the Commission.**

1. Clause 5 (b) of Article 338A should be suitably amended to provide that where the enquiry discloses clear violation in complying with the safeguards provided to the Scheduled Tribes in the Constitution or under any other order or law by a public servant, the Commission may advise/recommend to the concerned organization for taking corrective remedial measures and that it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such advice/recommendations. **[Para 1.6.7.1 (i)]**
2. On the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Right to Information Act, 2005, the National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for wilful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes. **[Paras 1.6.7.2 (ii)]**
3. The National Commission for Scheduled Tribes has been provided with skeleton staff only due to which it is not able to perform the constitutional obligations assigned to it in an effective manner. There is, therefore, an urgent need for augmentation of its existing strength. **[Para 1.6.7.1(iii)]**
4. Clause 6 and Clause 7 of Article 338A of the Constitution of India should be amended to provide that the President/ Governor of a State shall cause all reports submitted by the Commission to him/her to be laid before each House of Parliament/ State Legislature within three months of such submissions and a memorandum of action taken or proposed to be taken on the recommendations relating to the Union or the State shall be placed before each House of Parliament/ State Legislature within six months of submission of the report to the President/ Governor. **[Paras 1.8.1 to 1.8.5]**

#### **Chapter-2: Service Safeguards.**

1. The Department of Revenue and the Department of Personnel and Training who are Respondent No. 1 and 2 respectively in the W.P. (Civil) No. 244 of 1997 in the case of All India Income Tax SC/ST Employees Federation vs. Union of India and Others pending before the Constitution Bench of the Hon'ble Supreme Court may be advised to request the

Hon'ble Supreme Court through their counsels for early hearing of the W.P. which relates to reservation in promotion by selection within Group 'A' in favour of Scheduled Castes and Scheduled Tribes employees. **[Paras 2.3.1 to 2.3.4]**

2. The Department of Personnel & Training should find out a way to resolve the situation arising out of the two conflicting judgments of the two benches of CAT (i.e. Jodhpur bench and Principal bench, New Delhi) and revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by selection, in compliance with the observations of the Hon'ble Supreme Court of India in UP Rajya Vidyut Parishad SC/ST Karamchhari Kalyan Sangh vs. UP State Electricity Board and in the case of C.D. Bhatia and Ors. vs. Union of India and Ors. **[Paras 2.4.2.2 to 2.4.2.8]**
3. The Department of Personnel & Training should take up the matter with all the Central Ministries/Departments particularly those which are cadre controlling authorities for appointment to various posts/ services and advise them to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes by launching Special Recruitment Drives (SRDs) and/or by making ad-hoc promotions in case eligible ST candidates are not available in the extended zone of consideration in the matter of promotion by selection. **[Para 2.7.1.2]**
4. The Department of Public Enterprises should advise the Central Public Sector Undertakings to make concerted efforts to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in Group B posts through SRDs to bring their representation to the prescribed level of 7.5%. **[Para 2.7.2.2]**
- 5 (i) The Department of Economic Affairs (Banking Division) should advise the defaulter banks to devise a time bound programme (not exceeding 1 year period) to make up the shortfall/backlog of ST vacancies by launching Special Recruitment Drive or by deputing recruiting teams in the tribal areas or by both. **[Paras 2.7.3.2 & 2.7.3.3]**
- (ii) The Department of Economic Affairs (Banking Division) should re-convene a meeting of the Chief Executives of all the Public Sector Banks and Financial Institutions including the Insurance Companies, ask them to recalculate the shortfall/ backlog vacancies reserved for STs in a correct manner as envisaged in the DoPT's above-referred O.M. and launch SRDs to fill them within a maximum period of one year. **[Para 2.7.3.7]**
6. The Department of Economic Affairs (Insurance Division) should advise the Life Insurance Corporation of India, Mumbai, National Insurance Company Ltd. Kolkatta, The New India Assurance Company Ltd., Mumbai, Oriental Insurance Company Ltd., New Delhi and United India Insurance Company Ltd., Chennai to launch Special Recruitment Drives and fill up the shortfall/

backlog vacancies reserved for Scheduled Tribes in Group 'B' posts within a time-bound manner. On the same lines, the Department of Economic Affairs may also advise the New India Assurance Company Limited to make concerted efforts to increase the level of representation from 3.04% in Grade 'C' to the desired level of 7.5% by launching Special Recruitment Drives. **[Para 2.7.4.3]**

- 7(i) The Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Reader, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor and Reader which are filled up by direct recruitment and to chalk out a time bound programme to fill up these vacancies. **[Para 2.7.5.2.2]**
- (ii) The Ministry of Human Resource Development (Department of Higher Education) should also issue stringent instructions to all the Central Universities to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in the grade/ post of Lecturer within a specified period. **[Para 2.7.5.2.3]**
8. The Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit.. **[Para 2.7.5.3]**

### **Chapter-3: Specification of Communities as Scheduled Tribes and Subsequent Revision of the Lists of Scheduled Tribes.**

- (i) There is need to advise the State Govts. that
  - (a) they should issue instructions to provide that the families and children of the in-voluntarily migrated ST parents due to the resettlement in another State following displacement from his State of origin will continue to enjoy the same status in the State where they are resettled after displacement in case the community/ communities to which they belong has/ have already been notified as Scheduled Tribe/ Scheduled Tribes in that State and avail the benefits admissible to the Scheduled Tribes in that State **[Para 3.9.7(i)(a)]**.
  - (b) In case the community/ communities to which the resettled tribals belong has/ have not been notified as Scheduled Tribes in the State of resettlement, they (i.e. the State Govts.) should immediately initiate action to get that/ those community/ communities notified as Scheduled Tribe/ Scheduled Tribes effective from the date of

resettlement and also ensure that pending the issue of said notification, the resettled tribals are allowed to avail the benefits admissible to Scheduled Tribes in that State **[Para 3.9.7(i)(b)]**.

- (ii) There is also need to advise the State Govts. that they should issue instructions to provide that in the context of creation of new States or transfer of territories from one State to another State following re-organisation of States, the Scheduled Tribes notified for the undivided State will continue to enjoy the same status in the successor State depending upon the place of their residence in the new State on the date of the notification of the State Reorganisation Act **[Para 3.9.7(ii)]**.
- 2. In view of the Hon'ble Supreme Court's judgment dated 11.02.2005 in the case of Smt. Pushpa and Ors. vs Sivachanmugavelu and Ors. in Civil Appeal No. 6-7 of 1988 in which the Hon'ble Court held that the Union Territory of Pondichrrey having adopted a policy of Central Govt. whereunder all SCs or STs, irrespective of their States were eligible for posts which were reserved for SC/ ST candidates, no legal infirmity could be ascribed to such as policy and the same could not be held to be contrary to any provision of law, consider the applicability of the judgment of the Hon'ble Supreme Court of India in case of other Union Territories particularly the Union Territory of Chandigarh, where there is no notified list of Scheduled Tribes and issue necessary instructions/ directives to that effect. **[Paras 3.10.1 & 3.10.2]**

#### **Chapter-4: Development of Primitive Tribal Groups (PTGs).**

- 1(i) The Govt. of Bihar should conduct a quick survey to enumerate the population of the Hill Kharia PTG in different districts of Bihar so that correct information about their dispersed population is available to help the State Govt. and the Ministry of Tribal Affairs in making available to the members of this PTG the benefits of various schemes/ programmes meant for them. **[Para 4.3.1]**
- (ii) The Govt. of Bihar should take immediate steps to set up special schools including residential schools in the areas predominantly inhabited by PTGs with the same facilities which are being extended to the tribal students in general. **[Para 4.3.4]**
- (iii) The Govt. of Bihar should take immediate steps to provide safe drinking water to the PTGs to improve their health conditions. The State Govt. should also open primary health centres in and around the settlements of PTGs with a view to protect them from seasonal diseases of serious nature and also to save some of the fast dwindling PTGs such as Birjias, Asurs, Sawars and Birhors from extinction. **[Para 4.3.5]**
- 2. The Commission reiterates the recommendation given in the first Report that the people belonging to Maleru community (already recognized as a Scheduled Tribe) by virtue of their being hunters and living in forests and

on hills and subsisting on forest produce including roots and leaves, the Maleru community from Karnataka may be included in the list of Primitive Tribal Groups (PTGs). **[Para 4.7.11.2]**

3. The Ministry of Tribal Affairs may look into the proposal submitted by the State Govt. of Manipur for construction of road, bridges and to provide facilities of drinking water, minor irrigation, housing, electrification etc. and expedite their clearance to enable the State Govt. to address the problems of Maram Nagas PTG. **[Para 4.11.2]**
4. The Govt. of Rajasthan have stated that they have sent a proposal to the Govt. of India for opening two more residential schools - one each of boys and girls, 12 Ashram Hostels (6 for girls and 6 for boys) and 42 Maa-badi Centres/ Bhawans under 11th Five Year Plan for educational development of Saharia children. Ministry of Tribal Affairs may consider the proposal favourably and communicate their approval to the Govt. of Rajasthan at the earliest. **[Para 4.13.3.2]**
5. It has been brought to the notice of the Commission that Kattunayakans PTG in the State of Tamil Nadu have been facing difficulties in getting community certificates from the district authorities. The State Govt. of Tamil Nadu is advised to look into their problems relating to non-issue of community certificates and issue instructions to the district authorities to ensure that Kattunayakans are issued the community certificates after verifying the genuineness of their claims. **[Para 4.14.5]**
- 6(i) The population of Rajis has been decreasing at alarming pace. Their population which, as per 1991 Census was 1728 came down to 680 as per 2001 Census. The State Govt. of Uttarakhand is advised to look into this aspect with a view to find out the reasons behind the diminishing population of the Rajis and take concrete steps to reverse the trend to save them from extinction. **[Para 4.16.7]**
- (ii) The Commission further finds that while there is one Ashram type Govt. school at Pithoragarh (Uttarakhand) to take care of the educational needs of the 136 families residing in that district, there is no such school in Champavat district where 26 PTG families are residing. The State Govt. of Uttarakhand is advised to open one such school for PTG children in Champavat district also. **[Para 4.16.8]**
7. General recommendations of the Commission for enhancing the level of development of PTGs in respect of all States/ UTs having PTGs:
  - (i) The Primary schools are located in areas distant or far distant from the PTG hamlets/villages and, therefore, the PTG children face difficulties in attending schools regularly especially in rainy season. The Commission recommends **[Para 4.19.1(i)]** that:-

- (a) In order to increase the attendance and also to decrease the drop-out rates of PTGs students in the schools, one Primary school for each village may be opened in each PTG village/hamlet.
  - (b) As far as possible local eligible youth/women should be appointed as Teacher in such schools to ensure proper functioning of the schools.
  - (c) Incentives in the form of school dress, kid bags etc. and monetary assistance @ of Rs.100/- to Rs. 300/- per year to the students depending upon the classes in which they are studying as also to parents @ Rs.200/- to 400/- per year may be provided for encouraging them to come to schools/ to send their children to schools.
- (ii) One mini deep tube well for each PTG village/hamlet may be installed to make safe drinking water available to the PTGs throughout the year. In areas where there is no supply of electricity, hand pumps may be installed. The Commission further recommends that till such time the facilities of tube well/hand pumps are provided in the PTGs villages/hamlets, arrangements should be made for disinfecting of drinking wells during rainy seasons **[Para 4.19.1(ii)]**
- (iii) In order to provide emergency and regular treatment facilities to the PTGs, one Medical Mobile Van equipped with primary treatment facilities and medicines along with minor surgical equipments should be arranged for each block in the interior areas. The State Govts. having PTGs should also make special arrangements to provide nutrition-rich items like ragi, minor millets, tubers etc. to lactating and expectant mothers to combat malnutrition. **[Para 4.19.1(iii)]**
- (iv) The State Govts. should be advised to arrange distribution of consumer items available under PDS through mobile vans in respect of such PTGs who live in inaccessible forest/hilly areas where PDS outlets within reasonable distance are not available. The Commission further recommends that the State Govt. should make arrangements for organizing weekly markets (haat bazaar) where PTGs could come, sell the products crafted by them and purchase the items of their needs. **[Para 4.19.1(iv)]**
- (v) The State Govts. are advised to provide financial assistance to the PTGs families to enable them to construct houses as per their needs **[Para 4.19.1(v)]**
- (vi) Almost all the PTG families are BPL families and, therefore, there is an imperative need to involve them in income generating activities. Efforts should be made to encourage them to take to settled agriculture (by supplying them improved seeds, agricultural kits, plough bullocks, bullock carts etc.), horticulture and animal husbandry (by supplying them crossbreed cows, she buffaloes, sheep/piggery units etc.). They should also be provided training in cane and bamboo craft, carpentry, LMV driving, tailoring and coir craft to generate self-employment among them. **[Para 4.19.1(vi)]**

- (vii) The State Govts. (other than the Govt. of Madhya Pradesh) which have PTGs should be advised to formulate schemes for recruitment of candidates belonging to PTGs in Group C & D posts and contract posts of Teaching category in various grades without subjecting them to go through the recruitment process provided they possess the minimum qualification prescribed for the posts on the line of the scheme formulated by the Govt. of Madhya Pradesh. **[Para 4.19.1(vii)]**
- (ix) The Govt. of Karnataka has set up District Level Committees to oversee the effective implementation of the programmes for development of PTGs through various departments. The Deputy Commissioner of the respective district is the Chairperson of the Committee. The Committee meets once in three months to review the impact of the development programmes. The Commission feels that this is a very good step to ensure the development of the PTGs and needs to be replicated by other States and, therefore, all the other States having PTGs may also be advised to set up District Level Monitoring Committees on the line of the Karnataka model. **[Para 4.19.1(viii)]**

## **Chapter- 5: Educational Development of Scheduled Tribes.**

### **1. Andhra Pradesh**

The State Govt. of Andhra Pradesh is advised to make special efforts:

- (i) to improve the female literacy rate in districts Mahebnagar, Medak and Nizamabad to bring the same at par with the State's ST literacy rate (of females) to 26.10%. **[Para 5.2.1.1]**
- (ii) to increase the female literacy rate in respect of the Kolam and Kondh tribes (which are also PTGs) by providing various kinds of incentives. **[Para 5.2.1.2]**
- (iii) to raise the income ceiling of Rs. 18,000/- per annum in respect of the parents of the tribal children under the Best Available School Scheme aimed at imparting quality education to ST children to cover more tribal children and to ensure that the revised income ceiling under all circumstances is fixed above the poverty line. **[Para 5.2.3]**
- (iv) to reduce the drop-out rate which is 74.7 in Classes I to VII by providing various types of incentives to the tribal girls and boys and their parents. **[Para 5.2.6.1]**

### **2. Chhattisgarh**

The State Govt. of Chhattisgarh is advised:

- (i) to make special efforts to increase the female literacy rate in districts like Sarguja, Kawardha, Mahasamund, Bastar and Dantewada and the literacy

rate among the PTGs namely Abujhamadia, Baiga and Birhor. **[Para 5.3.1]**

- (ii) to take immediate steps for improvement of infrastructure in respect of the Hostels which are without electricity connections and boundary walls. **[Para 5.3.2.1]**
- (iii) to take necessary steps for appointment of one more teacher in all the single teacher Schools in the educational interest of STs. It is suggested that while making appointments, efforts should be made to appoint the teachers from amongst the local tribal youths. **[Para 5.3.2.3]**
- (iv) The Commission notes that 2295 posts of teacher in seven tribal districts of the State are lying vacant. The State Government is advised to chalk out a time bound programme to fill up 2295 vacant posts of teachers in the primary Schools in the State. **[Para 5.3.2.4]**

### **3. Himachal Pradesh**

- (i) To improve the attendance in school, the State Govt. provides poverty stipend scholarship at the rate of Rs. 4/- per month per tribal student. The amount of such scholarship for girl students is at the rate of Rs. 2/- per month per student. The Commission recommends that the State Govt. should take immediate steps to revise the quantum of these scholarships to raise it atleast to Rs.50/- per tribal student (both boys and girls). The State Govt. is further advised to raise the income ceiling of Rs.11,000/- under this scheme with a view to provide attendance incentives to more ST boys and girls and also to ensure that the revised income ceiling under all circumstances is fixed above the poverty line. **[Para 5.4.3.2]**

### **4. Karnataka**

- (i) The State Government is advised to make all-out efforts to reduce the drop-out rate by providing incentives to the tribal girls and boys and their parents. **[Para 5.5.3]**

### **5. Madhya Pradesh**

The State Govt. of Madhya Pradesh is advised:

- (i) to make special efforts to increase the female literacy in Jhabua, Sidhi and Satna Districts and also to improve the overall female ST literacy which is low compared to the State female literacy rate. **[Para 5.6.1]**
- (ii) to take steps to ensure that the full quota of 50% seats earmarked for girl students in 11 Ekalavya Model Residential Schools in the State is filled up from amongst ST girls only in the overall interest of the female education in the State. **[Para 5.6.2.2]**



## **6. Manipur**

- (i) The State Government should take immediate steps for improvement of infrastructure in all the five Hostels for ST girls and subsequently for the hostels for ST boys. The State Government is also advised to ensure supply of electricity in all the Hostels and Ashram Schools. The State Govt. should also draw up a time-bound programme for filling up of the vacant posts in Ashram Schools to ensure better education to ST children residing and reading in them. **[Para 5.7.2.1]**

## **7. Orissa**

- (i) The Government of Orissa is advised to make special efforts to increase the female literacy rate among the tribals and the literacy rate of the Primitive Tribal Groups by organizing awareness Camps in the tribal and PTG areas and also by providing incentives to children and their parents to induce them to attend schools. **[Para 5.8.1]**
- (ii) In Orissa, there are 2181 single-teacher Schools in tribal areas. The State Government have decided to appoint more number of teachers in such Schools i.e. one additional teacher in Schools having a minimum of 40 students. The State Govt. is advised to take immediate steps for appointment of one additional teacher in other single-teacher Schools also. Preference should be given for appointment of local tribal youth as Primary teachers. **[Para 5.8.2.3]**
- (iii) It has been stated by the State Govt. that due to non-receipt of financial assistance from Govt. of India, some of the ITDAs (Integrated Tribal Development Agencies) have stopped providing vocation training to ST boys and girls. The Ministry of Tribal Affairs is advised to look into this and ensure that the necessary funds are released to the ITDAs/ State Govt. at the earliest. **[Para 5.8.8]**

## **Chapter-6: Health and Nutrition.**

### **1. Andhra Pradesh**

- (i) The State Govt. should consider extending the benefits of the scheme introduced by them from the year 2006-07 with an objective of preventing death of new-born babies from hypothermia and outside infections to non-institutional births also. This scheme in its present form encompasses the babies born in the Govt. institutions only. **[Para 6.2.1 (ii)]**
- (ii) There is a need to organize more camps by the State Govt. in the tribal areas of the State involving specialist doctors to create awareness among the tribal women about the ill effects of anemia and malnutrition. Arrangement should also be made in these camps for providing medicines, medical examinations and tests free of cost for the tribals below the poverty line. **[Para 6.2.7]**

- (iii) The State Government should take effective and time bound measures to fill up the vacant posts of Doctors and other paramedical staff to ensure that the benefits of various schemes and programmes reach the tribals residing in remote and isolated areas. **[Para 6.2.8]**
- (iv) The State Govt. is advised to consider providing facilities of residential accommodation in the CHCs and PHCs located in tribal areas. **[Para 6.2.9]**
- (v) The State Government should concentrate on the tribal villages and hamlets situated in remote areas to combat the problem of malnutrition among children and expectant and lactating mothers. Base line community surveys are also required to be undertaken at grass root level. **[Para 6.2.10]**

## **2. Chhattisgarh**

- (i) The State Govt. should take steps to launch widespread awareness campaigns in tribal areas to educate them about Government programmes and facilities available for them. The State Government should also make efforts to collect reliable data on various health indices related to tribal of the State to enable them to fashion their programmes in the tribal areas accordingly. **[Para 6.3.1]**
- (ii) The State Government should make more efforts to extend its immunization programme in remote and isolated tribal areas and strengthen the delivery system through mobilizing the ground staff available with them. **[Para 6.3.2]**
- (iii) As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the State Government should make more efforts to popularize institutional deliveries and about incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR. **[Para 6.3.3]**
- (iv) The State Government has made several efforts to create awareness among tribals about the importance of the modern system of medical treatment in the view to wean them away from the age old traditional system of medicine. The Commission appreciates the efforts made by the State Govt. and feels that much more efforts are required to be made by the State Govt. in this direction as many incidents of 'Jhar-Phoonk', 'Jadu Tona' etc. among tribal and other communities are still reported in media. The State Government should also take effective measures against such practices besides educating the community as a whole. **[Para 6.3.6]**

- (v) Having regard to the geographical conditions obtaining in the State, medical mobile units (Vans) can be more effective in the State to provide medical services to the tribals and, therefore, more stress should be given by the State Government to establish Medical Mobile Units equipped with necessary facilities and manpower. **[Para 6.3.7]**
- (vi) The State Govt. should take immediate time-bound and effective measures to fill up a large number of vacant medical, nursing and paramedical posts to ensure delivery of health care facilities in tribal areas. The State Government is also advised to provide attractive special incentives to the Doctors and paramedical staff posted in tribal and naxalite affected areas besides providing them accommodation in Hospital campus. **[Para 6.3.10]**
- (vii) The Commission notes that the benefits of various programmes introduced by the State Govt. to ensure nutritious diet to the school going children is not reaching the many tribals specially residing in forest and naxal-affected areas. The State Government should educate the tribals in their local language and dialect so that they become aware of the importance of nutritional food. **[Para 6.3.11]**
- (viii) The State Govt. should keep surveillance in the tribal districts about reports of fever incidence as several pockets in the State are still prone to malaria. It should make all efforts to eliminate filariasis, which is to be achieved by year 2015. More emphasis needs to be given to 9 filaria endemic districts. Surveys for filariasis morbidity are required to be undertaken in other districts as well. The State health machinery should also be prepared to fight dengue and Chikengunia which are emerging problems in all parts of the State. **[Para 6.3.13]**

### **3. Himachal Pradesh**

- (i) As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the State Government should make more efforts to popularize institutional deliveries and incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR. **[Para 6.4.1]**
- (ii) The State Govt. should organize training programmes for local dais and provide them with necessary kits for ensuring safe deliveries in tribal areas which can help in reducing IMR and MMR in the State. **[Para 6.4.2]**
- (iii) The State Govt. should organize more medical camps in tribal areas of the State as it may be very difficult for all tribals to reach in medical camp being organized in the same district due to terrain and harsh climatic conditions prevailing almost 5 to 6 months in a year. **[Para 6.4.3]**

- (iv) The State Govt. should take immediate steps to provide more medical mobile vans in the tribal areas of the State such as Lahaul, Spiti, Pangi and Bharmour. **[Para 6.4.5]**
- (v) The State Government should take urgent steps to fill up the vacant posts of Specialist Doctors in a time-bound manner. The State Govt. is also advised to consider appointing Specialists/ Surgeons from fresh post-graduates from Medical Colleges of the State as well as from outside. The Government should also consider enhancing the incentives for serving in tribal areas by providing accelerated promotion besides making arrangements of residential accommodation for Doctors and para-medical staff posted in tribal areas. **[Para 6.4.6]**

#### **4. Manipur**

- (i) The State Government should take immediate steps to fill up the vacant posts of Doctors and para medical staff from the available candidates in the State or outside and make the incentives more attractive. Appointment of Specialists/ Doctors on contract basis (from amongst fresh medical graduates and post- graduates) should also be considered by the State Government to improve the situation. The Commission further recommends that the State Govt. should make arrangements to provide more and more Medical Mobile Vans equipped with necessary facilities to take care of the health problems in the tribal areas. **[Para 6.6.3]**

#### **5. Orissa**

- (i) The State Government should conduct studies to find out the IMR and MMR among the tribals and take more effective measures to reduce infant mortality and maternal mortality rates in tribal areas of the State in view of the fact that the tribals largely reside in remote, inaccessible, forested and forest fringed areas where the health and family welfare department finds operational difficulties. **[Para 6.7.1]**
- (ii) The State Government should provide more monetary incentives to the Doctors and paramedical staff posted in tribal areas of the State besides providing residential accommodation at the place of posting to retain them in the job. **[Para 6.7.4]**
- (iii) The State Govt. should take steps in phased manner to create posts of Specialists in medicines, surgery, orthopedics and ENT in the CHCs located in the tribal area of the State. **[Para 6.7.5]**
- (iv) The Commission feels that there is need for capacity building of the health functionaries by organizing training programmes for medical staff posted in tribal areas. **[Para 6.7.6]**
- (v) The Commission finds that though the State's prevalence rate of leprosy has presently reduced to 0.92 against the national rate of 0.84 per 10,000

population, in 7 districts viz. Sundergarh, Deogarh, Bolangir, Jharsuguda, Sambulpur, Angul and Boudh, the prevalence rate is below 2 per 10,000 population and in two districts namely Sonepur and Baragarh, the prevalence rate is above 2 per 10,000 population. The Commission is of the view that as many of these districts have large ST population, there is need for the State Govt. to give further emphasis to leprosy eradication efforts in these districts. **[Para 6.7.7]**

- (vi) The State Govt. has informed that presently 90 Mobile Health Units are in operation in KBK districts. This is not sufficient to cover all the pockets and, therefore, the State Government should take steps to provide more Mobile Health Units. **[Para 6.7.8]**

## **6. Rajasthan**

The State Government of Rajasthan is advised:

- (i) to undertake a study to find out the reasons for higher mortality among tribal infants and take effective measures to reduce it. The programme should involve the people from the tribal community apart from the health functionaries. **[Para 6.8.1]**
- (ii) to open more health institutions in tribal areas and also introduce Mobile health units for inaccessible pockets which are far away from the medical institutions. **[Para 6.8.2]**
- (iii) to take urgent steps to fill up the vacant posts in the various Health institutions in a time-bound manner. **[Para 6.8.3]**

## **8. Sikkim**

The State Government of Sikkim should make necessary efforts to fill up the vacant posts of doctors and other paramedical staff either through regular appointment or through contractual appointment to provide health services to the people. Specialist Doctors should also be appointed besides upgrading the medical infrastructure in tribal areas to provide easy access to the tribal people. **[Para 6.9.4]**

## **9. West Bengal**

The State Government should take urgent steps to fill up the posts of doctors and paramedical staff in CHCs/ PHCs and SHCs in the tribal areas either through regular appointment or on part time/ contract basis. **[Para 6.10.2]**

## Chapter-7: Land Alienation

1. The State Government of Andhra Pradesh should take urgent action to frame the rules for implementing the provisions of amendment Act No. 7 of 1998. **[Para 7.2.6]**
  2. Section 4 of The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 and Rules, 1979 framed thereunder prohibits transfer of lands granted to a member of Scheduled Castes or Scheduled Tribes. The Act covers only the transfer of the land assigned/ granted by the State Govt. and not other lands. The Commission is of the opinion that the scope of the Act should be extended to cover all types of land held/owned by the Scheduled Tribes. **[Para 7.5.1]**
-

GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
Department Of Personnel & Training, New Delhi

**OFFICE MEMORANDUM**

No. 36036/2/97-Estt.(Res)

Dated: 01, January 1998

Sub: Reservation policy for the Scheduled Castes and Scheduled Tribes-Implementation of

The undersigned is directed to say that, in terms of this Department's O.M. No. 36011/15/79-Estt(SCT) dated January 6, 1981, if other Ministries/ Departments intend to depart from the policies laid down by the Department of Personnel, it is mandatory for them to consult the Department of Personnel, in terms of sub rule 4 of Rule 4 of the Transaction of Business Rules, otherwise the policies laid down by the Department of Personnel are binding on them.

2. The instructions contained in this Department's Office Memorandum dated July 2, July 22, August 13, and August 29, 1997 continue to be in operation and there is no proposal to withhold or to keep in abeyance their implementation.

3. In the All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and others Vs. Union of India and others (Civil Appeal No. 13700 of 1996) the Supreme Court has held that the National Commission for Scheduled Castes and Scheduled Tribes has no power of granting injunctions, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(8) of the Constitution are all the procedural powers of a civil court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only.

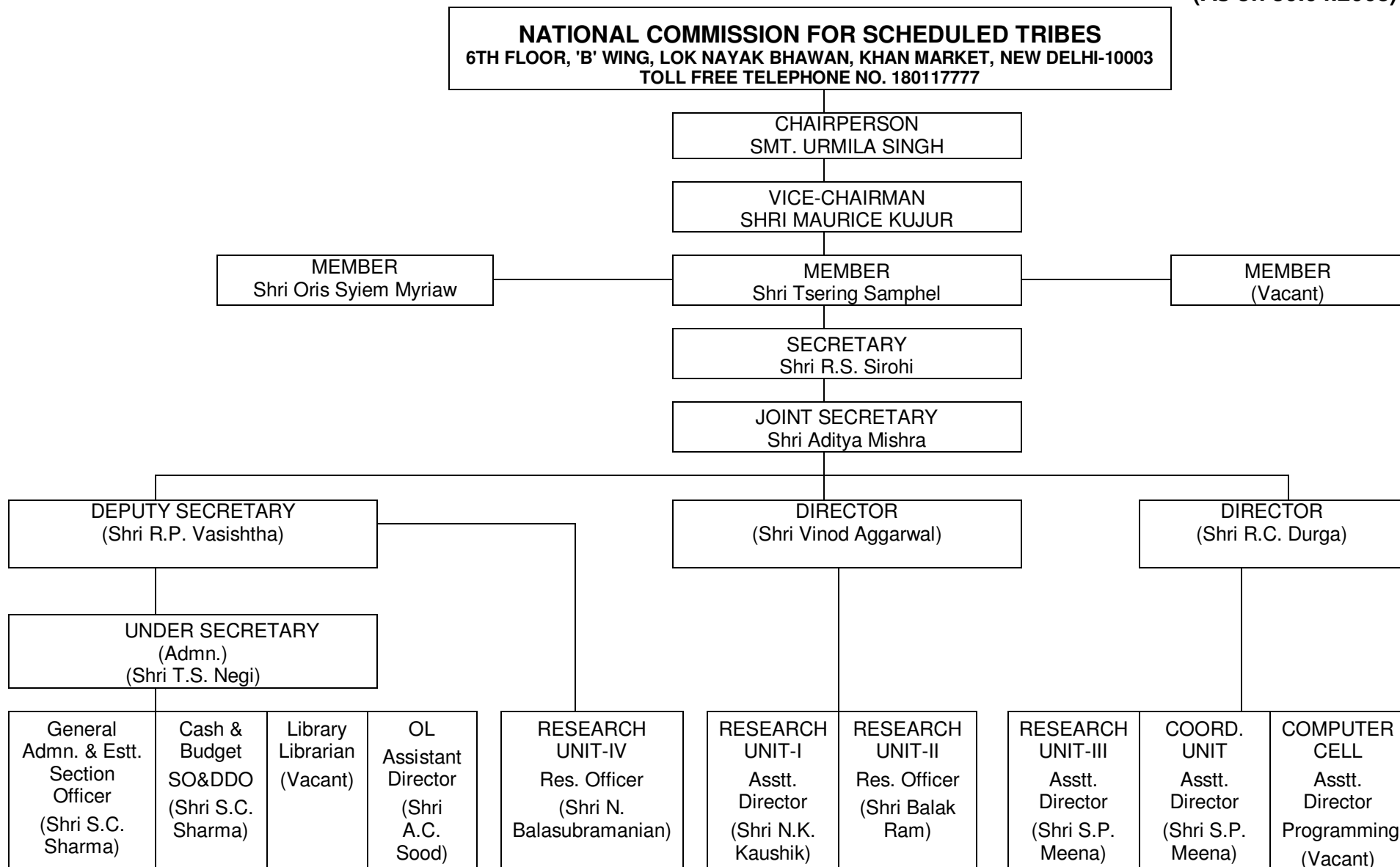
4. In view of the judgment of the Supreme Court referred to in para-3, the National Commission for Scheduled Castes and Scheduled Tribes has no power to direct withholding of the operation of any orders issued by the Government.

5. Ministry of Agriculture etc. may, therefore, keep in mind the directions contained in this Department's O.M. dated 06.01.1981 and the judgment of the Supreme Court referred to above while dealing with the directions given by the National Commission for Scheduled Castes and Scheduled Tribes. Ministry/ Departments etc. must, however, in all fairness consider the recommendations of the Commissions in the light of policies laid down by the Department of Personnel and Training.

Sd/-  
(J. Kumar)  
Under Secretary to the Govt. of  
India

To,

1. All Ministries/ Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board
6. Union Public Service Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Office/ P.M.O./ Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Load, New Delhi.
8. All Officers/ Sections of the Department of Personnel and Training/ Deptt. of Administrative Reforms & Public Grievances/ Department of Pensioners Welfare.





**Government of India  
National Commission for Scheduled Tribes**

6th Floor, 'B' Wing, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003  
Dated: 2.1.2007

D.O. No.6/8/2006-C.Cell

**K.N. Singh**  
**Joint Secretary**  
**Ph:24603669**

**Dear Shri Duggal,**

Kindly refer to your d.o. letter No.I-19012/1/2006-NI-II dated 11 December, 2006 requesting this Commission for agenda items and the related material for the next meeting of the National Integration Council. The matter was considered in the full meeting of the Commission held on 20.12.2006. The Commission observed that inspite of several anti-alienation legislations prevailing in the States, cases of large scale alienation of land owned by or allotted to Scheduled Tribes had been taking place illegally in tribal areas particularly Scheduled Areas. The Commission noted that this problem together with the problem of lack of development of Scheduled Tribes in the tribal areas coupled with their displacement in case of acquisition of their land for development purposes and failure of the State Govts. to resettle and rehabilitate them to their satisfaction had largely contributed to the spread of naxalism in tribal areas. The Commission, therefore, observed that the following agenda may be suggested to the Ministry of Home Affairs for the forthcoming meeting of the National Integration Council:-

- (i) Measures to be taken for prevention of alienation of tribal land to non-tribals and the restoration of such alienated land to the tribals.
  - (ii) Measures to be taken to check Naxal problems in tribal areas.
  - (iii) (a) Non-acquisition of the agricultural and fertile land for setting up industrial, irrigation and other major projects.  
(b) In case acquisition of tribal land is unavoidable, course of action prescribed for acquisition of land including consultation with the Gram Sabha (with reference to PESA Act, 1996).
  - (iv) A comprehensive legislation may be enacted to ensure proper and adequate resettlement and rehabilitation of the tribals likely to be displaced by the major projects having regard to the R&R Policy of Ministry of Rural Development.
  - (v) Ensuring ownership rights of the tribals over collection of minor forest produce and providing reasonable price support for the MFP.
  - (vi) Fast and effective implementation of the provisions contained in Scheduled Tribes (Recognition of Forest Rights) Bill which has since been passed by both Houses of Parliament and is awaiting the assent of the Hon'ble President.
2. The related material with respect to the above-mentioned agenda items will be sent later on.

With kind regards,

Yours sincerely,

**Sd/-**

**(K.N. Singh)**

**Shri V.K. Duggal**  
Home Secretary,  
North Block,  
New Delhi

**Government of India  
National Commission for Scheduled Tribes**

6th Floor, 'B' Wing, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003

D.O. No.4/4/2006-C.Cell

2.1.2007

**K.N. Singh  
Joint Secretary  
Ph:24603669  
Dear Ms. Santosh,**

Please refer to your letter No.16015/03/2006-TDR dated 29.11.2006 regarding the comments of this Commission on "Action Taken by the Government on the recommendations contained in the Fourth Report (14th Lok Sabha) - Atrocities on Scheduled Castes and Scheduled Tribes and pattern of social crimes towards them". The matter was considered by the Commission in its full meeting held on 20.12.2006. The Commission agreed that there was a justified need to empower the National Commission for Scheduled Tribes by making the implementation of its recommendations in relation to violation of the safeguards provided for the Scheduled Tribes through the following measures:-

- (i) Clause 5 (b) of Article 338A should be suitably amended to provide that where the enquiry discloses any violation of safeguards of the STs or negligence in the prevention of violation of these safeguards by a public servant, the Commission may recommend to the concerned Government or authority for taking corrective remedial measures and that it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such recommendations.
- (ii) On a complaint or suo-moto, the Commission may enquire into non-implementation of the provisions under Section 3 and 4 of the Act to ensure that the police authorities or a public servant perform their duties for proper implementation and investigation within a stipulated period and that the recommendation of the Commission in this regard should be binding on these authorities i.e. the police and civil servants for proper implementation for fair trial by special court. The Commission should also be empowered to award penalty for negligence by these authorities on the lines of the RTI Act, 2005.
- (iii) The Commission observed that it had submitted its first Report to the President of India in August, 2006 and that it had not yet been laid on the Table of both the Houses of Parliament. The Commission further observed that the Reports of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes were also laid before the Parliament many years after their submission to the President. This leads to dilution of the recommendations made by the Commission. The Commission observed that there was an urgent need to evolve a mechanism for laying the Reports of the Commission in Parliament within a reasonable period of time and accordingly felt the need for early acceptance of its recommendations contained in first Report of the National Commission for Scheduled Tribes for amending Clause (6) and Clause (7) of Article 338 (now Article 338A in the context of National Commission for Scheduled Tribes) as given below:-

**"Clause (6):-** The President shall cause all such reports to be laid before each House of Parliament within three months of such submission and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non- acceptance, if any, of any of such recommendations shall be placed before each House of the Parliament within six months of such submission.

**Clause (7):-** Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State within three months and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non- acceptance, if any, of any of such recommendations shall be laid before the Legislature within six months of such submission".

- (iv) On the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Right to Information Act, 2005, the National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for willful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes.
- (iv) The National Commission for Scheduled Tribes has been provided with skeleton staff only due to which it is not able to perform the constitutional obligations assigned to it in an effective manner. There is, therefore, an urgent need for augmentation of its existing strength.

With regards,

Yours sincerely,

sd/-....  
(K.N. Singh)

**Ms. Santosh**  
Deputy Secretary,  
MER Division,  
Ministry of Tribal Affairs,  
August Kranti Bhavan,  
Bhikaji Cama Palace,  
New Delhi

**MOST IMMEDIATE**

**No.36036/2/2007-Estt.(Res.)  
Govt. of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training**

**New Delhi, Dated the 29th March, 2007**

**To  
The Chief Secretaries of all the States/Union Territories.**

**Subject:- Supreme Court judgement in the matter of M. Nagaraj and others V/s Union of India and Others – regarding.**

Sir,

I am directed to say that the Supreme Court had in some judgements interpreted the Constitution and the law in a manner that seemed to affect the interests of the Scheduled Castes and Scheduled Tribes. For example, the Supreme Court in the case of Indra Sawhney V/s. Union of India had held that reservation in promotion for the Scheduled Castes and Scheduled Tribes was not permissible under the provisions of the Constitution. In the same case, the Hon'ble Court held that the number of vacancies to be filled by reservation in a year including the backlog vacancies would not exceed 50 per cent of the total vacancies. In the S. Vinod Kumar V/s. Union of India, the Supreme Court held that lower qualifying marks/lesser level of evaluation were not permissible for Scheduled Castes/Scheduled Tribes candidates in the matter of promotion. In the matter of Virpal Singh Chauhan, Ajit Singh and some other cases, the Supreme Court had held that if an SC/ST candidate was promoted earlier, by virtue of the rule of reservation roster, than his senior general candidate and the senior general candidate was promoted subsequently on to the said higher grade, the general candidate would regain his seniority over such previously promoted SC/ST candidate.

2. The Parliament, in order to address these issues had passed four amendments namely, the 77th Amendment, the 81st Amendment, the 82nd Amendment and 85th Amendment to the Constitution. These amendments were challenged in the Supreme Court mainly on the ground that these altered the basic structure of the Constitution. The Hon'ble Supreme Court in the matter of M. Nagaraj & Others V/s. Union of India & Others [Writ Petition (Civil) No.61/2002] has upheld all these four amendments. The Hon'ble Court concluded the judgement with the following observations:

"The impugned constitutional amendments by which Article 16(4A) and 16(4B) have been inserted flow from Article 16(4). They do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons, namely, backwardness and inadequacy of representation which enables the States to provide for reservation keeping in mind the overall

efficiency of the State Administration under Article 335. These impugned amendments are confined only to SCs and STs. They do not obliterate any of the constitutional requirements, namely, ceiling-limit of 50% (quantitative limitation), the concept of creamy layer (qualitative exclusion), the sub-classification between OBC on one hand and SCs and STs on the other hand as held in **Indira Sawhney**, the concept of post-based Roster with in-built concept of replacement as held in **R.K. Sabharwal**.

"We reiterate that the ceiling limit of 50%, the concept of creamy layer and the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency, are all constitutional requirements without which the structure of equality of opportunity in Article 16 would collapse.

"However, in this case, as stated, the main issue concerns the "extent of reservation". In this regard the concerned State will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation. As stated above, the impugned provision is an enabling provision. The State is not bound to making provision for SC/ST in matter of promotions. However if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance of Article 335. It is made clear that even if the State has compelling reasons, as stated above, the State will have to see that its reservation provision does not lead to excessiveness so as to breach the ceiling limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.

"Subject to above, we uphold the constitutional validity of the Constitution (Seventy-Seventh Amendment) Act, 1995, the Constitution (Eighty First Amendment) Act, 2000, the Constitution (Eighty Second Amendment) Act, 200. and the Constitution (Eighty Fifth Amendment) Act, 2001".

3. This Department has, in consultation with the law officers of the Government, examined whether the above referred judgement introduces the concept of creamy layer for the Scheduled Castes and Scheduled Tribes. This Department has been advised that the observations made in Nagaraj's case regarding creamy layer amongst the Scheduled Castes and Scheduled Tribes are mere obiter dicta, per incurium and do not flow from, and cannot be reconciled with the nine judge bench judgement of the Supreme Court in the matter of Indra Sawhney. The reference to creamy layer in the concluding paragraph and other portions of the judgement does not relate to the Scheduled Castes and Scheduled Tribes.

4. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,  
Sd/-

(K.G. Verma)  
Director  
Tele. No.23092158

Copy to:-

1. All Ministries/ Departments of Government of India.
  2. Department of Economic Affairs (Banking Division), New Delhi.
  3. Department of Economic Affairs (Insurance Division), New Delhi.
  4. Department of Public Enterprises, New Delhi.
  5. Railway Board.
  6. Union Public Service Commission/Supreme Court of India/Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ President Secretariat/Prime Minister's Office/Planning Commission/National Commission for Backward Classes.
  7. National Commission for Scheduled Castes.
  8. National Commission for Scheduled Tribes w.r.t. their letter No.12/16/2006-C.Cell dated 26-12-2006.
  9. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
  10. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
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**D.O.No.Policy-1/2006/ST/SSW**

**K.K. Gupta**  
**Secretary**

8.9.2006

**Dear Shri Joshi,**

Kindly refer to this Commission's d.o. letter of even number dated 2.6.2006 addressed to your predecessor regarding drawal of separate zone of consideration for SC/ST candidates in promotion by selection in Group B,C and D and to the lowest rung of Group A in compliance with judgments of the Hon'ble Supreme Court in case of (i) U.P. Rajya Vidyut Parishad SC/ST Karamchari Kalyan Sangh vs. U.P. State Electricity Board and Ors.(CA No.4026/1988) and (ii) C.D. Bhatia and Ors. vs. Union of India and Ors. (CA No.14568-69/95). In its judgment in the former case dated 23 November, 1994, the Hon'ble Supreme Court held that "we have concluded the hearing of arguments. We are prima facie in agreement with the contention of the learned counsel for the appellant that there has to be a separate zone of consideration so far as SC/ST candidates are concerned. Clubbing the Scheduled Caste with the general category in the same zone of consideration would defeat the very purpose of reservation." In the latter case, the Hon'ble Supreme Court vide their judgment dated 30.10.1994/3.4.1995 clarified that "the law laid down by them in U.P. Rajya Vidyut Parishad's case was binding on all the authorities including Union of India".

2. The Commission had accordingly, requested the Department of Personnel & Training to issue the revised instructions in line with the principles set down by the Hon'ble Supreme Court. As discussed in the meeting called on 24.5.2006 in the Chamber of Chairman, NCST [which was attended by JS (AT&A), JS (Estt.), Director (Estt.) and D.S., (Estt-Res)], DoPT a reference was made by the DoPT to the Department of Legal Affairs (Ministry of Law & Justice) on 19 June, 2006. A copy of the reference was sent to this Commission vide DoPT's letter No.42013/1/2006-Estt. (D) dated 3.7.2006. On perusal of the said reference, the Commission found that it was not precisely in accordance with the points which had emerged during the discussions on 24 May, 2006 during which it had been contended that the judgments of the Hon'ble Supreme Court were applicable in all types of promotion i.e. on adhoc basis as well as on regular basis and, therefore, the DoPT should have sought the advice of the Department of Legal Affairs on the issue whether in the light of Hon'ble Supreme Court's judgments, the instructions issued by DoPT vide their O.M. dated 15 March, 2002 regarding drawal of zone of consideration for SCs/STs in the matter of adhoc promotions by going down in the seniority list even beyond five times the number of vacancies for the purpose of adhoc promotion should also be made applicable in the case of regular promotion by selection. These shortcomings were brought to the notice of DoPT vide this Commission's letter of even number dated 3.8.2006 with the request to send a revised note/reference to Department of Legal Affairs. A copy of this letter was also endorsed to the Department of Legal Affairs with reference to the note dated 19 June, 2006 sent to them by DoPT. While this Commission has not heard anything so far from DoPT regarding the advice given by

the Department of Legal Affairs, the latter (i.e. the Department of Legal Affairs) in response to this Commission's endorsement of its letter dated 3.8.2006 (referred to above) made available to this Commission a copy of their advice dated 17.7.2006 already sent by them to DoPT vide their note dated 4.8.2006.

3. Judgment passed by CAT Jodhpur bench in O.A. No.66/02 Ram Singh Meena vs. Union of India has no relevance because appeal is pending before Hon'ble High Court of Rajasthan. Moreover, as per Article 141 Constitution of India, Supreme Court order is binding on all Courts in India as confirmed in the legal opinion also including High Court Rajasthan.

4. The Commission finds that **on the one hand**, the Department of Legal Affairs has referred to the categorical observation of the Supreme Court in the case of C.D. Bhatia vs. Union of India that 'the law laid down by this Court in U.P. State Rajya Vidyut Parishad's case is binding on all the authorities including the Union of India' and have further stated that the law declared by the Hon'ble Supreme Court in the U.P. State Rajya Vidyut Parishad's case is binding by virtue of Article 141 of the Constitution of India, **on the other hand**, it (i.e. the Department of Legal Affairs) has stated that "we are of the view that this order/judgment passed by the CAT, Jodhpur bench in O.A. No.62/02- Ram Singh Meena vs. Union of India does not suffer from any infirmity". **The Commission feels that the advice given by the Department of Legal Affairs does not seem to be in order. The Commission also feels that the judgment of the Jodhpur bench should not have any overriding effect on the law laid down by the Supreme Court which has already been implemented by DoPT itself in the matter of adhoc promotions in compliance with the Apex Court's judgment in Basudev Anil's case.**

5. In view of the above, the Department of Personnel & Training is requested to issue necessary instructions in compliance with the Hon'ble Supreme Court's judgments in U.P. Rajya Vidyut Parishad SCs/STs Karamchari Kalyan Sangh vs. U.P. State Electricity Board and Ors., and in the case of C.D. Bhatia vs. Union of India regarding drawal of separate zone of consideration for SC/ST employees in the matter of regular promotions by selection also on line with the instructions dated 15 March, 2002 by DoPT which do not put any limit on the size of the zone of consideration. Attention of DoPT, in this connection, is also invited to the following observations of CAT Principal bench, New Delhi in O.A. No.688/2005 in the case of Gopal Meena vs. Union of India:

"23. "If one has regard to the above. DoPT O.M. prescribes a common zone of consideration for unreserved and reserved candidates whereas the decision of the Apex Court ruled preparation of separate zone of consideration. In case of conflict the decision of Apex Court overrides the executive instructions and in our considered view separate zone of consideration has to be prepared for consideration of SC/ST candidates."

"26. ...."Once in adhoc promotion running down the seniority beyond the extended zone of consideration to consider the cases of eligible SC/ST candidates has been decided to be followed, non-compliance of the aforesaid principle for regular promotion and not amending the relevant provision issued in 1989 and 1987 by the DoPT the current executive instructions which infiltrate the arena covered by judicial orders cannot be countenanced, as held by the Apex Court in U.P. Rajya Vidut



Parishad's case. A judicial verdict is to be respected and overrides any executive instruction."

6. We shall be grateful if necessary action in this regard is taken at the earliest and Commission apprised of the action taken position within a month.

With regards,

Yours sincerely,

Sd/-  
(K.K.Gupta)

**Shri L.K. Joshi**  
Secretary,  
Department of Personnel & Training,  
North Block, New Delhi.

Copy to:-

Department of Legal Affairs (Attention Ms. Poonam Suri, Assistant Government Counsel) for information and necessary action in continuation of this Commission's endorsement to the letter of even number dated 3.8.2006 (which was sent to Secretary, DoPT) and with reference to their note Dy No.10930/06/Adve-A dated 4.8.2006 sent to the National Commission for Scheduled Tribes.

Sd/-  
(K.N. Singh)  
Joint Secretary

**No. AB.14017/2/1997-Estt.(RR)/Pt.  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel and Training)**

**New Delhi, dated 19th January, 2007**

**OFFICE MEMORANDUM**

**Subject :** Fifth Central Pay Commission's recommendations- Revision of Pay Scales- amendment of Service Rules/ Recruitment Rules

The undersigned is directed to refer to this Department's OM No. AB-14017/2/97 Estt. (RR) dated the 25th May, 1998 on the subject noted above and to say that paragraph 2 of the said OM provided as follows:

"The Supreme Court in its judgment in R.K. Sabharwal's case has ruled in favour of a change-over from the existing "vacancy" based reservation roster to post roster. Under the existing policy the determination of different quotes for recruitment is vacancy based. In order to comply with the aforesaid Supreme Court judgment, which has been implemented vide the DoPT OM No. 36012/2/96-Estt.(Res.) dated the 2nd July, 1997, it will be necessary to amend the existing Service Rules/ Recruitment Rules under column 11 of Annexure-1 in the DoP&T guidelines dated the 18th March, 1988 to replace the words "percentage of the "vacancies" to be filled by various methods" by "percentage of the 'posts' to be filled by various methods".

2. The Supreme Court in its judgment in CWP No. 5893 of 1997 decided on 18.12.1998-State of Punjab & Others Vs. Dr. R.N. Bhatnagar & another held as follows:

"The quota of percentage of departmental promotees and direct recruits has to be worked out on the basis of the roster points taking into consideration vacancies that fall due at a given point of time...there is no question of filling up the vacancy created by the retirement of a direct by a direct recruit or the vacancy created by a promotee by a promotee".

3. The Court also held that the decision rendered by the Constitution Bench in R.K. Sabharwal's case Vs. State of Punjab & Others [(1995(1) SER-791(SC)] in connection with Article 16(A) and the operation of roster for achieving the reservation of posts for Scheduled Castes, Scheduled Tribes & Backward Classes as per the scheme of reservation, can not be pressed in service for the scheme of method of appointment.

4. The Supreme Court referred the above-mentioned case in its judgment dated 22.2.1999 in All India Federation of Central Excise vs. The Union of India & Others [(IA Nos. 4, 6-8 in Writ Petition (C) No. 306 of 1988 with Writ Petition (C) No. 651 of 1997], and reiterated the above mentioned decision.

5. It has, therefore, been decided to rescind the instructions contained in Para 2 of this Department's OM dated 25.5.98 reproduced in paragraph 1 of this OM . The column 11 of the Annexure 1, appended to this Department's OM No. AB-14017/12/87-Estt.(RR) dated 18.3.1988 would continue in its form that existed before the issuance of OM dated 25.5.1998. For the sake of clarity, the column 11 of Annexure 1 would be as follows:-

### **Method of recruitment;**

Whether by direct recruitment or by promotion or by deputation/ absorption & percentage of the vacancies to be filled by various methods.

6. In case column 11 of the Annexure 1 in regard to Recruitment Rules for posts has been amended by the ministries/ departments in accordance with the instructions contained in the O.M. of 25.5.1998, the same may be amended/ notified again, as indicated in paragraph No. 5, in consultation with the Legislative Department. This may be done without making reference to the Department of Personnel & Training/ Union Public Service Commission.
7. The attached Annexure illustrates how the post-based roster for reservation and vacancy-based roster for appointment under various methods are to be operated.
8. The reservation position for SCs/ STs/ OBCs would continue to be governed by the DOPT OM No. 36012/2/96-Estt.(Res.) dated 2nd July 1997.
9. This would take effect from the date of issue and the past cases would not be amended.

Sd/-....  
(Smita Kumar)  
Director

To

All Ministries/ Departments of the Government of India.

Copy to:

- (i) The Secretary, Union Public Service Commission, Dholpur, Dholpur House, Shahjahan Road, New Delhi-110011 with reference to their communication No....
- (ii) The Comptroller & Auditor General of India, 10-Bahadur shah Zafar Marg, New Delhi-110002

The term 'cadre strength' referred to in this Department's O.M. No. 36012/2/96-Estt (Res.) dated 2.7.1997 in relation to calculation of reservation/ maintenance of reservation registers/ rosters means the number of posts required to be filled by a particular mode of recruitment in terms of the applicable Recruitment Rules. In a grade comprising 200 posts, where the Recruitments Rules prescribe a ratio of 40:40:20 for direct recruitment, promotions and deputation respectively, the cadre strength for direct recruitment and promotion shall be 80 each. Since there is no reservation for posts to be filled by deputation, 40 posts will not be subject to reservation. The O.M. of 2.7.97 also provides that if there is any increase or decrease in the cadre strength, size of the reservation roster will change and the number of reserved posts will also increase or decrease accordingly.

When recruitment is made vacancy-based, it is possible that at any given point of time, the share of direct recruitment may increase and the share of promotion may correspondingly decrease, or vice versa. In such cases, cadre strength for direct recruitment and cadre strength for promotion would change from year to year. Consequently, the number of reserved posts in direct recruitment quota and promotion quota will also change from year to year.

The following illustration clarifies the position.

#### **Illustration.**

Suppose sanctioned strength of a grade is 1000 and the Recruitment Rules for the grade provide that 50% of the vacancies shall be filled by direct recruitment on an All India basis by open competition and 50% by promotion. Reservation for SCs, STs and OBCs in direct recruitment in this case will be 15% , 7.5% and 27% respectively and in promotion reservation will be 15%for SC and 7.5% for ST

Suppose all the 1000 posts were filled in the year 2000 of which 500 i.e. 50% of the posts were filled by direct recruitment and 500 i.e. 50% of the posts were filled by promotion. The number of posts in direct recruitment quota and promotion quota in that grade in the year 2000 would will be as given below:

Direct Recruitment:	SCs-75,	STs-37	OBCs-135
Promotion	SCs-75,	STs-37	

Suppose in the year 2001, a total of 200 vacancies arose in the grade, of which 50 posts were vacated by candidates from the direct recruitment quota and 150 by candidates from the promotion quota. As a result of this, the number of incumbents in the direct recruitment quota became 450 and in the promotion quota 350. Since Recruitment Rules provide for filling of 50% of the vacancies by direct recruitment and 50% promotion, 100 vacancies in the year 2001 will be filled by direct recruitment and 100 by promotion. Thus in that year, the cadre strength for direct recruitment quota would become 550 and for promotion quota it would become 450. the number of reserved posts in the direct recruitment quota and promotion quota in that year will be as follows:

Direct Recruitment:	SCs-82,	STs-41	OBCs-148
Promotion	SCs-67	STs-33	

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

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

(Revised 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 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, alongwith 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 i.e. 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 a 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 the 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 consider rejection to the said proposal".

(g) Claims in respect of which the comments of either the RGI or the State Governments 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.

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## THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In exercise of the powers conferred by clause (1) of Article 342 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of States concerned, is pleased to make the following Order, namely:-

1. This order may be called the Constitution (Scheduled Tribes) Order 1950
2. The tribal or tribal communities or parts of or groups within tribes or tribal communities, specified in Parts I to XIV of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.
3. Any reference in the Schedule to this Order to a district or other territorial division of a State shall be construed as a reference to that district or other territorial division as existing on the 26th January, 1950.

### THE SCHEDULE Part I Assam

#### 1. In the Autonomous Districts:-

- |                      |                             |
|----------------------|-----------------------------|
| 1. Dimasa (Kachari)  | 6. Lakher                   |
| 2. Garo              | 7. Any Loshai (Mize tribes) |
| 3. Hajong            | 8. Mikir                    |
| 4. Khasi and Jaintia | 9. Any Naga tribes          |
| 5. Any Keki tribes   | 10. Syntang.                |

#### 2. In the Tribal Areas other than the Autonomous Districts:-

- |            |                    |
|------------|--------------------|
| 1. Ahor    | 7. Mishmi          |
| 2. Aka     | 8. Any Naga tribes |
| 3. Apatani | 9. Sinhgpho        |
| 4. Dafia   | 10. Momba          |
| 5. Galon   | 11. Sherdukpen     |
| 6. Khmpti  |                    |

#### 3. In the State of Assam excluding the Tribal Areas.

- |                      |           |
|----------------------|-----------|
| 1. Boro- Borokachari | 5. Lalung |
| 2. Deori             | 6. Mech   |
| 3. Hojai             | 7. Miri   |
| 4. Kachari           | 8. Rabha  |

### PART II-BIHAR

#### 1. Throughout State :-

- |            |                |
|------------|----------------|
| 1. Asure   | 6. Birhor      |
| 2. Baiga   | 7. Birjia      |
| 3. Bathodi | 8. Chero       |
| 4. Bedia   | 9. Chik Baraik |
| 5. Binjhia | 10. Goud       |



- |             |                    |
|-------------|--------------------|
| 11. Gorait  | 20. Lohara         |
| 12. Ho      | 21. Mahli          |
| 13. Karmali | 22. Mal Paharia    |
| 14. Kharia  | 23. Munda          |
| 15. Kharwar | 24. Oraon          |
| 16. Khond   | 25. Parhaiya       |
| 17. Kisan   | 26. Santal         |
| 18. Kora    | 27. Sanria Paharia |
| 19. Korwa   | 28. Savar          |

2. In the district of Ranchi, Singhbhum, Hazaribagh, Santal, Pargannas and Manbhum :-  
Bhumij

### **PART III- BOMBAY**

Throughout the State :-

- |  |   |
|--|---|
| 1. Barda   | 12. Koli Dhor   |
| 2. Bavacha   | 13. Koli Mahadev  |
| 3. Bhil, including<br>Bhagalia, Bhil Garasia, Dholii Bhil,<br>Dungri Bhil, Dungri Bhil, Dungri<br>Garasia, Mewasi Bhil, Rewal Bhil and<br>Tadvi Bhil | 14. Mavchi  |
| 4. Chodhara  | 15. Nalkada or Nayak                                    |
| 5. Dhanka  | 16. Pardhi, including Advichincher and<br>Phanse Pardhi |
| 6. Dhodia  | 17. Patelia   |
| 7. Dubla   | 18. Pomla   |
| 8. Gamit or Gamta  | 19. Powara  |
| 9. Gond  | 20. Rathawa   |
| 10. Kathodi or Katkari   | 21. Thakur  |
| 11. Konkori  | 22. Valvai  |
|  | 23. Varli   |
|  | 24. Vasava  |

### **PART IV-MADHYA PRADESH**

- In (1) Melghat taluq of Amravati district,  
(2) Baihar tahsil of Balaghat district,  
(3) Bhanujpratap, Bijarpur, Dantewara, Jagdalpur, Kankar, Kandagaon-Konta, and  
Narayanpur tahsil of Bastar district.  
(4) Batul and Bhainsdehi tahsils of Betul district.  
(5) Katghora tahsil of Bilaspur district  
(6) Suroncha and Gharchiroli tahsils of Chand district  
(7) Amarwara, Chhindwara, and Lakhnadon tahsils of Chhindwara district.  
(8) Balod (Sanjari) tahsil of Durg district  
(9) Mandla, Niwas and Ramgarh (Dindori) tahsil of Mandla district  
(10) Harsud tahsil of Nimar district  
(11) Dharamjagarh, Gharkod, Jashpurnagar and Kharsia tahsils of Raigarh district.  
(12) Ambikapur, Baikunthpur, Bharatpur, Janakpur, Mahendragarh, Pal, Samari and Sitapur  
tahsils of Sarguja district:-

- |                                     |  |
|-------------------------------------|--|
| 1. Andh                             | 8. Binjhar   |
| 2. Baiga                            | 9. Birhul or Birhor                                |
| 3. Bhaina                           | 10. Dhanwar  |
| 4. Bharia-Bhumia or Bhuinhar-Bhumia | 11. Garaba or Gadha                                |
| 5. Bhattra                          | 12. Gond including—Madia (Maria), Mudia<br>(Muria) |
| 6. Bhil                             | 13. Halba or Halbi                                 |
| 7. Bhunjia                          | 14. Kamar  |

15. Kavar or Kanwar,
16. Kharia
17. Kondh or Khond or Kandh
18. Kol
19. Kolam
20. Korku
21. Korwa
22. Kamjhar
23. Munda

24. Nagesia or Nagasia
25. Nihal
26. Oraon
27. Pardhan
28. Pardhi
29. Parja
30. Saonta or Saunta
31. Sawar or Sawara

## PART V-- MADRAS

Throughout the State:-

1. Aranadan
2. Bagata
3. Bhottadas-Bodo Bhottada, Muria Bhottada and Sano Bhottada
4. Bhumias- Bhuri Bhumia and Podo Bhumia
5. Chenchu
6. Gadabas-Boda Gadaba, Cerllam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Pranga Gadaba.
7. Gondi – Modya Gond and Rajo Gond.
8. Goudus – Bato, Bhirithva Dudhokouria, Hato, Jatako and Joria
9. Kosalya Goudus – Bosothoriya Goudus, Chiul Goudus, Dangayath Goudus, Doddu Kamaria, Dudu Kmaria, Dudu Kamaro, Ladiya Goudus and Pullosoria Goudus
10. Magatha Goudus – Bemia Goudu, Boodh Magatha, Dangayath Gaudu, Ladva Goudu, Panna Magatha and Sona Magatha
11. Holva
12. Jadapus
13. Jatapus
14. Kamniara
15. Kattunayakan
16. Khattis – Kharti, Kommarao and Lohara
17. Kodu
18. Kommar
19. Konda Dhoras

20. Konda Kapus
21. Kondareddis
22. Kondhs – Dessaya Kondhas, Dongria Kondhs, Kuttia Kondhs, Tikiria Kondhs and Sidho Paiko
23. Kota
24. Kotia – Bartika, Benda Oriya, Dhulia or Dulia, Holva Paiko Putiya, Sauroda and Sidho Paiko
25. Koya or Goud, with its subjects – Raja or Rasha Koyas, Lingadhari Koyas (ordinary) and Kottu Koyas.
26. Kudiya
27. Kurumans
28. Mariya Dhora
29. Maune
30. Mukha Dhora – Sooka Dhora
31. Maria
32. Paigarapu
33. Palasi
34. Poojayari
35. Porjas – Budo Bonda, Daruva, Didua, Joda, Mundili, Pengu, Pydi and Saliva.
36. Seddi Dhoras
37. Savaras – Kapu Savaras, Khutto Savaras and Maliva Savaras
38. Sholaga
39. Toda
40. Inhabitants of Laccadivs, Minvos and Amindivi Island who, and both of whose parents were bora in these Islands.

## Part VI- ORISSA

Throughout the State:-

1. Baguta
2. Baiga
3. Banjara or Banjari
4. Bathudi
5. Bhiya or Bhiyan

6. Binjhal
7. Binjhia or Binjhoa
8. Birhor
9. Bondo Poraja
10. Chenchu

- |                                    |                                       |
|------------------------------------|---------------------------------------|
| 11. Dal                            | 27. Kondadora                         |
| 12. Gadaba                         | 28. Kora                              |
| 13. Ghara                          | 29. Korua                             |
| 14. Gond                           | 30. Koya                              |
| 15. Gorait or Korait               | 31. Kulis                             |
| 16. Ho                             | 32. Mahali                            |
| 17. Jatapu                         | 33. Mankidi                           |
| 18. Juang                          | 34. Mankirdia                         |
| 19. Kavar                          | 35. Mirdhas                           |
| 20. Kharia or Kharian              | 36. Munda (Munda-Lohara and Munda-    |
| 21. Kharwar                        | Mahalis                               |
| 22. Khond (Kond) or Kandha Nanguli | 37. Mundari                           |
| Kandha and Sitha Kandha            | 38. Oraon                             |
| 23. Kisan                          | 39. Paroja                            |
| 24. Kolah-Kol-Loharas              | 40. Santal                            |
| 25. Kolha                          | 41. Saora or Savar or Saura or Sahara |
| 26. Koli                           | 42. Tharua                            |

## **PART VII- PUNJAB**

In Spiti and Lahaul to Kangra district :-

Tibetan

## **PART VIII – WEST BENGAL**

Throughout the State:-

- |           |           |
|-----------|-----------|
| 1. Bhutia | 5. Munda  |
| 2. Lepcha | 6. Oraon  |
| 3. Mech   | 7. Santal |
| 4. Mru    |           |

## **PART IX – HYDERABAD**

Throughout the State :-

- |   |                                   |
|---|-----------------------------------|
| 1. Andh                                 | 6. Kolam( including Mannervallu)  |
| 2. Bhil                                 | 7. Koya (including Bhine Koya and |
| 3. Chenchu or Chenchwar                 | Rajkoya)                          |
| 4. Gond (including Naikpod and Rajgond) | 8. Pardhan                        |
| 5. Hill Reddis                          | 9. Thoti                          |

## **PART X – MADHYABHARAT**

1. Throughout the State:-

1. Gond.
2. Korku
3. Sahoria

2. In the Revenue District of Jhabua; in the tahsils of Sendhwa, Barwani, Raipur, Khargone, Bhikangoan and Meheshwar of the Revenue District of Khargone; in the tahsil of Sailana of the Revenue District of Ratlam; in the tahsils of Sardarpur, Kuksi, Dhar and Manawar of the Revenue District of Dhar:-

Bhils and Bhilalas (inclusive of sub-tribes)

## **PART XI – MYSORE**

Throughout the State:-

- |                |                |
|----------------|----------------|
| 1. Hasalaru    | 4. Kadu-Kuruba |
| 2. Iruliga     | 5. Maleru      |
| 3. Jena Kuruba | 6. Soligaru    |

## **PART XII – RAJASTHAN**

Throughout the Scheduled Areas of the State:-

Bhil

## **PART XIII – SAURASHTRA**

Throughout the State:-

- |             |                 |
|-------------|-----------------|
| 1. Adodia   | 4. Mlyana       |
| 2. Darfer   | 5. Sindhi       |
| 3. Gharasia | 6. Wedva,Waghri |

## **PART XIV – TRAVANCORE- COCHI**

Throughout the State.

- |                   |                             |
|-------------------|-----------------------------|
| 1. Hill Pulaya    | 10. Mannan                  |
| 2. Kadar          | 11. Muduvan                 |
| 3. Kanikaran      | 12. Palliyan                |
| 4. Kochu Velan    | 13. palliyar                |
| 5. Mala Arayan    | 14. Ulladan (Hill Dwellers) |
| 6. Malai Pandaram | 15. Uraly                   |
| 7. Malai Vedan    | 16. Vishavan                |
| 8. Malayan        |                             |
| 9. Malayarayar    |                             |
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Published with the Ministry of Law's Notification No. S.R.O. 510 dated 6th September, 1950, Gazette of India  
Extraordinary, 1950 Part II, Section 3, Page 597

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# The Gazette of India

EXTRAORDINARY  
PART II-SECTION-3  
PUBLISHED BY AUTHORITY

No. I43A ] NEW DELHI , THURSDAY, SEPTEMBER 20, 1951

## MINISTRY OF LAW NOTIFICATIONS

New Delhi, the 20th September, 1951

S.R.O.1427A. – The following Order made by the President is published for general information.  
C.O.33

### THE CONSTITUTION (SCHEDULED TRIBES) (PARTS C STATES) ORDER, 1951

In exercise of the powers conferred by clause (1) of Article 342 of the Constitution of India, as amended by the Constitution (First Amendment) Act, 1951, the President is pleased to make the following Order, namely:-

1. This Order may be called the Constitution (Scheduled Tribes) (Part C States) Order, 1951.
2. The tribes or tribal communities or parts of or groups within, tribes or tribal communities, specified in Parts-I to VIII of the Schedule to this order shall in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.
3. Any reference in the Schedule to this Order to a district or other territorial division of a State shall be construed as a reference to that district or other territorial division as existing on the 26th January, 1950.

#### THE SCHEDULE

##### Part I. – AJMER

Throughout the State:-  
Bhil

##### Part II. – BHOPAL

Throughout the State:-

- |          |                           |
|----------|---------------------------|
| 1. Bhil  | 5. Mogia                  |
| 2. Gond  | 6. Pardhi                 |
| 3. Keer  | 7. Saharia, Sosia or Sor. |
| 4. Karku |                           |

##### Part III.- COORG

Throughout the State:-

- |            |             |
|------------|-------------|
| 1. Korama. | 4. Maratha. |
| 2. Kudiya. | 5. Meda.    |
| 3. Kuruba. | 6. Yerava.  |

##### Part IV. – HIMACHAL PRADESH

In Lahul in Chamba district and in Spiti in Mahasu district:-

Tibetan

#### **Part V.- KUTCH**

Throughout the State:-

- |            |             |
|------------|-------------|
| 1. Bhills. | 4. Paradhi. |
| 2. Dhodia. | 5. Vaghri.  |
| 3. Koli.   |             |

#### **Part VI. MANIPUR**

Throughout the State:-

1. Any Kuki Tribe
2. Any Lushai Tribe
3. Any Naga Tribe

#### **Part VII. – TRIPURA**

Throughout the State:-

- |            |                          |
|------------|--------------------------|
| 1. Lushai  | 10. Munda including Kaur |
| 2. Mag     | 11. Orang                |
| 3. Kuki    | 12. Lepcha               |
| 4. Chakma  | 13. Santal               |
| 5. Garoo   | 14. Bhil                 |
| 6. Chaimal | 15. Tripura              |
| 7. Halam   | 16. Jamatia              |
| 8. Khasia. | 17. Noatia               |
| 9. Bhutia  | 18. Riang                |

#### **Part. VIII.- VINDHYA PRADESH**

Throughout the State:-

- |             |                  |
|-------------|------------------|
| 1. Agariya. | 8. Mawasi        |
| 2. Baiga    | 9. Panika        |
| 3. Bhumiya. | 10. Pao.         |
| 4. Gond.    | 11. Bhil         |
| 5. Kamar    | 12. Bedia        |
| 6. Khairwar | 13. Biar (Biyar) |
| 7. Majhi.   | 14. Sonr.        |

RAJENDRA PRASAD  
PRESIDENT

K.V.K. SUNDARAM,  
SECRETARY

**THE CONSTITUTION (ANDAMAN AND NICOBAR ISLAND) SCHEDULED TRIBES ORDER 1959**  
**C.O. 58**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order shall, for the purpose of the Constitution, be deemed to be Scheduled Tribes in relation to the Union territory of the Andaman and Nicobar Islands so far as regards members thereof (resident in the Union territory)

**[THE SCHEDULE]**

1. Andamanese, Chariar, Chari, Kora, Tabo, Bo, Yere, Kede, Bea, Balawa, Bojigiyab, Juwai, Kol
2. Jarawas
3. Nicobarese
4. Onges
5. Sentinelese
6. Shom Pens

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Published with the Ministry of Law Notification No. G.S.R. 405, dated the 31st March, 1959, Gazette of India, Extraordinary, 1959, Part II, Section 3 (i), page 151

**THE CONSTITUTION (DADRA AND NAGAR HAVELI) SCHEDULED TRIBES ORDER 1962**  
**C.O.65**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962
2. The tribes or tribal communities, or parts of, or groups within tribes or tribal communities, specified in the Schedule to this Order shall, for the purpose of the Constitution, be deemed to be Scheduled Tribes in relation to the Union territory of Dadra and Nagar Haveli so far as regards members thereof resident in the Union territory.

**THE SCHEDULE**

1. Dhodia
2. Dubla including Halpati
3. Kathodi
4. Kokna
5. Koli Dhor including Kolgha
6. Naikda or Navaka
7. Varli

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Published with the Ministry of Law Notification No. G.S.R. 891, dated the 30th June, 1962, Gazette of India, Extraordinary, 1959, Part II, Section 3, page 389

**THE CONSTITUTION (SCHEDULED TRIBES) (UTTAR PRADESH) ORDER 1967**  
**C.O.78**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Uttar Pradesh, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities specified in the Schedule to this Order, shall, for the purpose of the Constitution of India, be deemed to be Scheduled Tribes in relation to the State of Uttar Pradesh so far as regards members thereof resident in that State.

**THE SCHEDULE**

1. Bhotia
2. Buksa
3. Jaunsari
4. Raji
5. Tharu

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Published with the Ministry of Law Notification No. G.S.R. 960, dated the 24th June, 1967, Gazette of India, Extraordinary, 1967, Part II, Section 3(i), page 311

**THE CONSTITUTION (GOA, DAMAN AND DIU) SCHEDULED TRIBES ORDER 1968**

**C.O.82**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968
2. The tribes or tribal communities specified in column (1) of the schedule to this Order and the synonyms thereof, if any, specified in column (2) against each such tribe or tribal community, shall, for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to the Union Territory of Goa, Daman and Diu so far as regards members thereof resident in the Union territory.

**THE SCHEDULE**

	<b>Tribe/ Tribal community</b>	<b>Synonym</b>
1.	Dhodia	Halpati
2.	Dubla	Talavia
3.	Naikda	Nayaka
4.	Siddi	
5.	Varli	

Published with the Ministry of Law Notification No. G.S.R. 97, dated the 12th January, 1968, Gazette of India, Extraordinary, 1968, Part II, Section 3(i), page 8

**THE CONSTITUTION (NAGALAND) SCHEDULED TRIBES ORDER 1970**

**C.O.88**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Nagaland, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Nagaland) Scheduled Tribes Order, 1970
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order, shall, for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to the State of Nagaland so far as regards members thereof resident in that State.

**THE SCHEDULE**

1.	Naga
2.	Kuki
3.	Kachari
4.	Mikir
5.	Garo

Published with the Ministry of Law Notification No. G.S.R. 1099, dated the 23rd July, 1970, Gazette of India, Extraordinary, 1970, Part II, Section 3(i), page 641.

**THE CONSTITUTION (SIKKIM) SCHEDULED TRIBES ORDER 1978**

**C.O.111**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Sikkim, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Sikkim) Scheduled Tribes Order, 1978
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order, shall, for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to the State of Sikkim so far as regards members thereof resident in that State.

**THE SCHEDULE**

1.	Bhutia (including Chumbipa Dophthap, Dukpa, Kagatey, Sherpa, Tibetan, Tromop, Yolmo)
2.	Lepcha

N. SANJIVA REDDY, President  
22nd June, 1978  
S. HARIHARA ...  
Secy. to the Govt. of India.

Published with the Ministry of Law Notification No. G.S.R. 1099, dated the 23rd July, 1970, Gazette of India, Extraordinary, 1970, Part II, Section 3(i), page 641.



**THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED TRIBES ORDER 1989<sup>1</sup>**  
**C.O. 142**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Jammu and Kashmir, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order, shall, for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to the State of Jammu and Kashmir so far as regards members thereof resident in that State.

**THE SCHEDULE**

- |                               |            |
|-------------------------------|------------|
| 1. Balti                      | 5. Changpa |
| 2. Beda                       | 6. Garra   |
| 3. Bot, Boto                  | 7. Mon     |
| 4. Brokpa, Drokpa, Dard, Shin | 8. Purigpa |

1. Vide G.S.R. 882 (E), dated 7th October, 1989, published in the Gazette of India, Extra. Pt. II, Sec. 3 (i), dated 7th October, 1989

**THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED TRIBES ORDER 1991<sup>2</sup>**

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**THE SCHEDULE**

- |             |          |
|-------------|----------|
| 1. Gujjar   | 3. Gaddi |
| 2. Bakarwal | 4. Sippi |

2. Added by the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991 (36 of 1991), sec. 2 (w.e.f. 20.8.1991)

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**MINISTRY OF HOME AFFAIRS**  
**NOTIFICATION**  
New Delhi, the 29th October 1956

**S.R.O. 2477A**—The following Order made by the President is published for general information:--

**THE SCHEDULED CASTES AND SCHEDULED TRIBES LISTS**  
**MODIFICATION ORDER, 1956**

In pursuance of section 41 of the States Reorganization Act, 1956 (37 of 1956), and section 14 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956), the President hereby makes the following Order namely:--

1. This Order may be called the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956
2. (1) The Constitution (Scheduled Castes) Order, 1950, is hereby modified in the manner and to the extent specified in Schedule I.  
(2) The Constitution (Scheduled Castes) (Part C States) Order, 1951, is hereby modified in the manner and to the extent specified in Schedule II.
3. (1) The Constitution (Scheduled Tribes) Order, 1950, is hereby modified in the manner and to the extent specified in Schedule III.  
(2) The Constitution (Scheduled Tribes) (Part C States) Order, 1951, is hereby modified in the manner and to the extent specified in Schedule IV.

**[Note:- Schedule I and Schedule II to this Order relate to the list of Scheduled Castes and, therefore, the list of Scheduled Castes specified in these Schedules is not being given here.]**

**SCHEDULE III**

[see paragraph 3(1)]

Modifications to the Constitution (Scheduled Tribes) Order, 1950.

1. In paragraph 2, for "Parts I to XIV", Substitute "Parts I to XII".
2. For paragraph 3, substitute:-  
"3. Any reference in this Order to a State or to a district or other territorial division thereof shall be, construed as a reference to the State, district or other territorial division constituted as from the 1st day of November, 1956."
3. For the Schedule substitute:-  
**THE SCHEDULE**

**PART I- ANDHRA PRADESH**

1. Throughout the State:-
  1. Chenchu or Chenchwar
  2. Koya or Goud with its sub-sects—Rajah or Rasha Koyas, Lingadhari Koyas (ordinary). Kottu Koyas, Bhine Koya and Rajkoya
2. Throughout the State except Hyderabad, Mahbubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda districts:-
  1. Bagata
  2. Gadabas

- |  |   |
|--|---|
| 3. Jatapus   | 11. Kulia   |
| 4. Kammara   | 12. Malis   |
| 5. Kattunayakan  | 13. Manna Dhora   |
| 6. Konda Dhoras  | 14. Mukha Dhora or Nooka Dhora                                |
| 7. Konda Kapus   | 15. Porja (Parangiperja)                                      |
| 8. Kondareddis   | 16. Reddi Dhoras  |
| 9. Kondhs (Kodi and Kodhu), Desaya<br>Kondhs, Dongria Kondhs, Kuttiya<br>Kondhs, Tikiria Kondhs and Yenity<br>Kondhs | 17. Rona, Rena  |
| 10. Kotia-Bentho Oriya, Bartika,<br>Dhulia or Dulia, Holva, Paiko,<br>Putiya, Sanrona and Sidhopaiko                 | 18. Savaras-Kapu Savaras, Maliya<br>Savaras or Khutto Savaras |
|  | 19. Sugalis (Lambadis)  |
|  | 20. Yenadis   |
|  | 21. Yerukulas   |

3. In the districts of Hyderabad, Mahbubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda:-

- |  |                                  |
|--|----------------------------------|
| 1. Andh                                    | 4. Hill Reddis                   |
| 2. Bhil                                    | 5. Kolam (including Mannervarlu) |
| 3. Gond (including Naikpod and<br>Rajgond) | 6. Pardhan                       |
|  | 7. Thoti                         |

4. In the Agency tracts:-

- |                 |            |
|-----------------|------------|
| 1. Goudu (Goud) | 3. Valmiki |
| 2. Nayaks       |            |

## PART II- ASSAM

1. In the Autonomous Districts:-

- |   |                 |
|---|-----------------|
| 1. Chakma   |                 |
| 2. Dimasa (Kachari)   |                 |
| 3. Garo   |                 |
| 4. Hajong   |                 |
| 5. Hmar   |                 |
| 6. Khasi and Jaintia ( including Khasi, Synteng or Pnar, War, Bhoi or Lyngngam) |                 |
| 7. Any Kulki Tribes, including :-   |                 |
| (i) Biate or Biete  | (xvii) Khelma   |
| (ii) Changsan   | (xviii) Kholhou |
| (iii) Chongloi  | (xix) Kipgen    |
| (iv) DOUNGEL  | (xx) Kuki       |
| (v) Gamalhou  | (xxi) Lengthang |
| (vi) Gangte   | (xxii) Lhangum  |
| (vii) Guite   | (xxiii) Lhoujem |
| (viii) Hanneng  | (xxiv) Lhouvun  |
| (ix) Haokip or Haupt  | (xxv) Lumpheng  |
| (x) Haolai  | (xxvi) Mangjel  |
| (xi) Hengna   | (xxvii) Misao   |
| (xii) Hongsungh   | (xxviii) Rieng  |
| (xiii) Hrangkhwal or<br>Rangkhoh  | (xxix) Sairhem  |
| (xiv) Jongbe  | (xxx) Selnam    |
| (xv) Khawchung  | (xxxi) Singson  |
| (xvi) Khawathlang or<br>Khotalong   | (xxxii) Sitlhou |
|   | (xxxiii) Suke   |
|   | (xxxiv) Thado   |

(xxxv) Thangngen  
(xxxvi) Uibuh

(xxxvii) Vaiphei

2. In the Tribal Areas other than the Autonomous Districts :-  
All Tribes of North-East Frontier Agency including—

- |            |                     |
|------------|---------------------|
| 1. Abor    | 7. Khowa            |
| 2. Aka     | 8. Mishmi           |
| 3. Apatani | 9. Momba            |
| 4. Dafla   | 10. Any Naga tribes |
| 5. Galong  | 11. Sherdukpen      |
| 6. Khampti | 12. Sinnpho         |

3. In the State of Assam excluding the Tribal Areas :-

- |                             |           |
|-----------------------------|-----------|
| 1. Barmans in Cachar        | 6. Lalung |
| 2. Baro-Borokachari         | 7. Mech   |
| 3. Deori                    | 8. Miri   |
| 4. Hojai                    | 9. Rabha  |
| 5. Kachari including Sonwal |           |

### **PART III-BIHAR**

1. Throughout the State:-

- |                 |                     |
|-----------------|---------------------|
| 1. Asur         | 16. Kharwar         |
| 2. Baiga        | 17. Khond           |
| 3. Banjara      | 18. Kisan           |
| 4. Bathaudi     | 19. Kora            |
| 5. Bedia        | 20. Korwa           |
| 6. Binjhia      | 21. Lohara or Lohra |
| 7. Birhor       | 22. Mahli           |
| 8. Birjia       | 23. Mal Paharia     |
| 9. Chero        | 24. Munda           |
| 10. Chik Baraik | 25. Oraon           |
| 11. Gond        | 26. Parhaiya        |
| 12. Gorait      | 27. Santal          |
| 13. Ho          | 28. Sauria Paharia  |
| 14. Karmali     | 29. Savar           |
| 15. Kharia      |                     |

2. In the districts of Ranchi, Singbhum, Hazaribagh, Santal Parganas and Manbhum :-

Bhumij

### **PART IV—BOMBAY**

1. Throughout the State except the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Aurangabad, Parbhani, Nanded, Bhil, Osmanabad, Halar, Madhya Saurashtra, Zalawad, Gohilwad, Sorath and Kutch :-

- |  |                                 |
|--|---------------------------------|
| 1. Barda                               | Bhil, Bhagalia, Bhilala, Pawra, |
| 2. Bavacha or Bamcha                   | Vasava and Vasave               |
| 3. Bhil, including Bhil Garasia, Dholi | 4. Chodhara                     |
| Bhil, Dungri Bhil, Dungri Garasia,     | 5. Dhanka, including Tadavi,    |
| Mewasi Bhil, Rawal Bhil, Tadvi         | Tetaria and Valvi               |

- |   |  |
|---|--|
| 6. Dhodia   | Nayaka, Mota Nayaka and Nana Nayaka                  |
| 7. Dubla, including Talavia or Halpati  |  |
| 8. Gamit or Gamta or Gavit, including Mavchi, Padvi, Vasava, Vasave and Valvi                 | 14. Pardhi, including Advichincher and Phanse Pardhi |
| 9. Gond or Rajgond  | 15. Patelia  |
| 10. Kathodi or Katkari, including Dhor Kathodi or Dhor Katkari and Son Kathodi or Son Katkari | 16. Pomla  |
| 11. Kokna, Kokni, Kukna   | 17. Rathawa  |
| 12. Koli Dhor, Tokre Koli, Kolcha or Kolgha   | 18. Varli  |
| 13. Naikda or Nayaka, including Cholivala Nayaka Kapadia                                      | 19. Vitolia, Kotwalia or Barodia                     |
- 
2. In Dangs district :-  
Kunbi
  3. In Surat district:-  
Caudhri
  4. In the Thana district :-  
Koli Malhar
  5. (a) In Ahmednagar district :-  
Akola, Rahuri and Sangamner talukas.  
(b) In Kolaba district:-  
Karjat, Khalapur, Alibagh Mahad and Sudhagad talukas  
(c) In Nasik district:-  
Nasik, Niphad, Sinnar, Chandor, Baglan, Igatpuri, Dindori and Kalvan talukas and Surgana and Peint Mahals.  
(d) In Poona district :-  
Ambegaon, Junnar, Khed, Mawal and Mulshi talukas and Velhe Mahal.  
(e) In Thana district :-  
Thana, Murbad, Bhivandi, Bassein, Wada, Shahanpur, Dahanu Palghar, Umbergaon, Jawhar and Mokhada talukas.
- Koli Mahadev or Dongar Koli
- 
6. (a) In Ahmednagar district :-  
talukas.  
(b) In Kolaba district :-  
Karjat, Khalapur, Pen, Panvel Akola, Rahuri and Sangamner and Sudhagad talukas and Matheran.  
(c) In Nasik district :-  
Igatpuri, Nasik and Sinner talukas.  
(d) In Poona district :-  
Ambegaon, Junnar, Khed and Mawal talukas.  
(e) In Thana district :-  
Thana, Kalyan, Murbad, Bhivandi, Bassein, Wada, Shahapur, Palghar, Jawhar and Mokhada talukas.
- Thakur or Thakar including Ka Thakur, Ka Thakar, Ma Thakur and Ma Thakar
- 
7. In (1) Melghat tahsil of the Amravati district.

- (2) Gadchiroli and Sironcha tahsils of the Chanda district.  
 (3) Kelapur, Wani and Yeotamal tahsils of the Yeotmal district :-

1. Andh	Mana
2. baiga	Mannewer
3. Bhaina	Moghya or Mogia or
4. Bharia-Bhumia or Bhunihar- Bhumia including Pando	Monghya Mudia (Muria)
5. Bhattra	Nagarchi
6. Bhil	Nagawanshi
7. Bhunjia	Ojha
8. Binjhwar	Raj
9. Birhul or Birhor	Sonjhari Jhareka
10. Dhanwar	Thatia or Thotya
11. Gadaba or Gadba	Wade Maria or Vade
12. Gond, including :- Arakh or Arrakh Agaria Asur Badi Maria or Bada Maria Bhatola Bhimma Bhuta, Koilabhuta or Koilabhuti Bhar Bisonhorn Maria Chota Maria Dandami Maria Dhuru or Dhurwa Dhoba Dhulia Dorla Gaiki Gatta or Gatti Gaita Gond Gowari Hill Maria Kandra Kalanga Khatola Koitar Koya Khirwar or Khirwara Kucha Maria Kuchaki Maria Madia (Maria)	Maria 13. Halba or Halbi 14. Kamar 15. kawar, Kanwar, Kaur, Cherwa, Rathia Tanwar or Chattri 16. Khairwar 17. Kharia 18. Kondh or Khond or Kandh 19. Kol 20. Kolam 21. Korku,, including Bopchi, Mouasi, Nihal or Nahul and Bondhi or Bondeya 22. Korwa, including Kodaku 23. Majhwar 24. Munda 25. Nagesia or Nagasia 26. Nihal 27. Oraon, including Dhanka and Dhangad 28. Pardhan, Pathari and Saroti 29. Pardhi including Bahelia or Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar and Takia. 30. Parja 31. Saonta or Saunta 32. Sawar or Sawara

8. In the districts of Aurangabad, Parbhani, Nanded, Bhil and Osmanabad :-

1. Andh	5. Koya (including Bhine Koya and Rajkoya)
2. Bhil	6. Pardhan
3. Gond (including Naikpod and Rajgond)	7. Thoti
4. Kolam (including Mannervarlu	

9. In the districts of Halar, Madhya Saurashtra, Zalawad, Gohiwad and Sorath :-

Siddi

10. In Nesses area in the forests of Alech, Gir and Barada :-

- |            |           |
|------------|-----------|
| 1. Bharwad | 3. Rabari |
| 2. Charan  |           |

11. In Zalawad district:-  
Padhar

12. In Kutch district:-

- |           |            |
|-----------|------------|
| 1. Bhil   | 4. Paradhi |
| 2. Dhodia | 5. Vaghri  |
| 3. Koli   |            |

#### **PART V—KERALA**

1. Throughout the State:-

- |                      |                         |
|----------------------|-------------------------|
| 1. Kadar             | 3. Muthuwan, Mudugar or |
| 2. Irrular or Irulan | Muduvan                 |

2. Throughout the State except Malabar district:-

- |                          |                             |
|--------------------------|-----------------------------|
| 1. Eravallan             | 9. Malayan                  |
| 2. Hill Pulaya           | 10. Malayarayar             |
| 3. Kanikaran or Kanikkar | 11. Mannan                  |
| 4. Kochu Velan           | 12. Palleyan                |
| 5. Malakkuravan          | 13. Palliyar                |
| 6. Malai Arayan          | 14. Ulladan (Hill Dwellers) |
| 7. Malai Pandaram        | 15. Uraly                   |
| 8. Malai Vedan           | 16. Vishavan                |

3. In Malabar district:-

- |                       |                   |
|-----------------------|-------------------|
| 1. Adiyen             | 10. Kurichchan    |
| 2. Arandan            | 11. Kurumans      |
| 3. Kammara            | 12. Malla Malasar |
| 4. Kattunayakan       | 13. Malasar       |
| 5. Konda Kapus        | 14. Malayekandi   |
| 6. Kondareddis        | 15. Palliyan      |
| 7. Koraga             | 16. Paniyan       |
| 8. Kota               | 17. Pulayan       |
| 9. Kudiya or Melakudi |                   |

4. In Malabar district (excluding Kasaragod taluk) :-  
Kurumbas

5. In Kasargod taluk of Malabar district :-  
Marati

#### **PART V—MADHYA PRADESH**

1. In the districts of Bhind, Gird, Morena, Shivpuri, Goona, Rajgarh, Shajapur, Ujjain, Ratlam, Mandsaur, Bhilsa (excluding Sironj sub-division), Indore, Dewas, Dhar, Jhabua and Nimar (M.B.) :-

1. Gond
2. Korku

### 3. Sheharia

2. In the revenue districts of Dhar and Jhabua; in the tahsils of Sendhwa, Barwani, Rajpur, Khargone, Bhikangaon and Maheshwar of the revenue district of Nimar; in the tahsil of Sailana of the revenue district of Ratlam :-

Bhils and Bhilalas including Barela, Patelia and other sub-tribes.

3. In (1) Bastar, Chhindwara, Mandla, Rajgarh and Surguja districts, (2) Baihar tahsil of the Balaghat district, (3) Betul and Bhainsdehi tahsils of the Betul district, (4) Bilaspur and katghora tahsils of the Bilaspur district, (5) Durg and Sanjari tahsils of the Durg district, (6) Murwara, Patan and Sihora tahsils of the Jabalpur district, (7) Hoshangabad, Narsimhapur and Sohagpur tahsils of the Hosangabad district, (8) Harsud tahsil of the Nimar district, (9) Bindra Nawagarh, Dhamtari and Mahasamund tahsils of the Raipur district :-

1. Andh	Madia (Maria)
2. Baiga	Mana
3. Bhaina	Mannewer
4. Bharia-Bhumia or Bhuinhar-Bhumia including Pando	Moghya or Mogia or Monghya
5. Bhattra	Mudia (Muria)
6. Bhil	Nagarchi
7. Bhunjia	Nagwanshi
8. Binjhar	Ojha
9. Birhul or Birhor	Raj
10. Dhanwar	Sonjhari Jhareka
11. Garaba or Gadha	Thatia or Thotya
12. Gond including--	Wade Maria or Vade Maria
Arakh or Arrakh	13. Halba or Halbi
Agaria	14. Kamar
Asur	15. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar or Chattri
Badi Maria or Bada Maria	16. Khairwar
Bhatola	17. Kharia
Bhimma	18. Kondh or Khond or Kandh
Bhuta, Koilabhuta or Koilabhuti	19. Kol
Bhar	20. Kolam
Bisonhorn Maria	21. Korku, including Bopchi, Mouasi, Nihal or Nahul and Bondhi or Bondeya
Chota Maria	22. Korwa, including Kodaku
Dandami Maria	23. Majhwar
Dhoba	24. Munda
Dhulia	25. Nagesia or Nagasia
Dorla	26. Nihal
Kaiki	27. Oraon, including Dhanka and Dhangad
Gatta or Gatti	28. Pardhan, Pathari and Saroti
Kaita	29. Pardhi, including Bahelia or Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar and Takia
Gond Gowari	30. Parja
Hill Maria	31. Saonta or Saunta
Kandra	32. Sawar or Sawara
Kalanga	
Khatola	
Koitar	
Koya	
Khirwar or Khirwara	
Kucha Maria	
Kuchaki Maria	



4. In the district of Datia, Tikamgarh, Chhatrapur, Panna, Satna, Rewa, Sidhi and Shahdol:

- |                                 |                               |
|---------------------------------|-------------------------------|
| 1. Agaria                       | 9. Majhi                      |
| 2. Baiga                        | 10. Mawasi                    |
| 3. Bhil                         | 11. Nat, Navdigar, Sapera and |
| 4. Biar or Biyar                | Kubutar                       |
| 5. Bhumiya including Bharia and | 12. Panika                    |
| Paliha                          | 13. Pao                       |
| 6. Gond, including Pathari      | 14. Sahariya                  |
| 7. Khairwar including Kondar    | 15. Saur                      |
| 8. Kol (Dahait)                 | 16. Sonr                      |

5. In the districts of Raisen and Sehore :-

- |                  |                          |
|------------------|--------------------------|
| 1. Bhil          | 6. Kol                   |
| 2. Bhilala       | 7. Mogia                 |
| 3. Gond or Daroi | 8. Pardhi                |
| 4. Karku         | 9. Saharia, Sosia or Sor |
| 5. Keer          |                          |

6. In Sironj sub-division of Bhilsa district:-

- |                   |                                       |
|-------------------|---------------------------------------|
| 1. Bhil           | 4. Garasia (excluding Rajput Garasia) |
| 2. Bhil Mina      | 5. Mina                               |
| 3. Damor, Damaria | 6. Seharla, Sahariya                  |

## **PART VII—MADRAS**

1. Throughout the State:-

1. Kadar
2. Irular

2. Throughout the State except Kanya Kumari district and Shencottah taluk of Tirunelveli district:-

- |                       |                        |
|-----------------------|------------------------|
| 1. Adiyar             | 11. Kurumans           |
| 2. Aranadan           | 12. Maha Malasar       |
| 3. Kammara            | 13. Malasar            |
| 4. Kattunayakan       | 14. Malayekandi        |
| 5. Konda Kapus        | 15. Mudugar or Muduvan |
| 6. Kondareddis        | 16. Palliyan           |
| 7. Koraga             | 17. Paniyan            |
| 8. Kota               | 18. Pulayan            |
| 9. Kudiya or Melakudi | 19. Sholaga            |
| 10. Kurichchan        | 20. Toda               |

3. In North Arcot, Salem and Tiruchirapalli districts:-  
Malayali

4. In Coimbatore district and Tirunelveli district (except Shencottah taluk):-  
Kaniyan or Kanyan

5. In Nilgiris district:-  
Kurmbas

6. In Kanya Kumari district and Shencottah taluk of Tirunelveli district:-

- |                          |                            |
|--------------------------|----------------------------|
| 1. Eravallan             | 10. Malayarayar            |
| 2. Hill Pulaya           | 11. Mannan                 |
| 3. Kanikaran or Kanikkar | 12. Muthuran               |
| 4. Kochu Velan           | 13. Palleyan               |
| 5. Melakkuravan          | 14. Palliyar               |
| 6. Malai Arayan          | 15. Uladan (Hill dwellers) |
| 7. Malai Pandaram        | 16. Uraly                  |
| 8. Malai Vedan           | 17. Vishavan               |
| 9. Malayan               |                            |

## **PART VIII—MYSORE**

1. Throughout the State except Coorg, Balgaum, Bijapur, Dharwar, Kanara, South Kanara, Gulbarga, Raichur and Bidar districts and Kollegal taluk of Mysore district :-

- |                |                |
|----------------|----------------|
| 1. Gowdalu     | 6. Kadu-Kuruba |
| 2. Hakkipikki  | 7. Malaikudi   |
| 3. Hasalaru    | 8. Maleru      |
| 4. Iruliga     | 9. Soligaru    |
| 5. Jena Kuruba |                |

2. In the districts of Balgaum, Bijapur, Dharwar and Kanara :-

- |  |   |
|--|---|
| 1. Barda   | 10. Kathodi or Katkari including Dhor Kathodi or Dhor Katkari and Son Kathodi and Son Katkari |
| 2. Bavacha or Bamcha   | 11. Kokna, Kokni Kukna  |
| 3. Bhil, including Bhil Grasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhagalia, Bhilala, Pawra, Vasava and Vasave | 12. Koli Dhor, Tokre Kodi, Kolcha or Kolgha   |
| 4. Chodhara  | 13. Naikda or Nayaka, including Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka and Nana Nayaka |
| 5. Dhanka including Tadvil, Tetaria and Valvi  | 14. Pardhi, including Advichincher and Phanse Pardhi  |
| 6. Dhodia  | 15. Patelia   |
| 7. Dubla, including Halavia or Halpati   | 16. Pomla   |
| 8. Gamit or Gamta or Gavit including Mavchi, Padvi, Vasava Vasave and Valvi  | 17. Rathawa   |
| 9. Gond or Rajgond   | 18. Varli   |
|  | 19. Vitolia, Kotwalia or Barodia  |

3. In the districts of Gulbarga, Bidar and Raichur :-

- |   |  |
|---|--|
| 1. Bhil                                 | 4. Koya (including Bhine Koya and Rajkoya) |
| 2. Chenchu or Chenchwar                 | 5. Thoti                                   |
| 3. Gond (including Naikpod and Rajgond) |  |

4. In South Kanara district and Kollegal taluk of Mysore district:-

- |             |           |
|-------------|-----------|
| 1. Adiyan   | 3. Irular |
| 2. Aranadan | 4. Kadar  |

- |                        |                        |
|------------------------|------------------------|
| 6. Kattunayakan        | 14. Mahamalarasar      |
| 5. Kammara             | 15. Malasar            |
| 7. Konda Kapus         | 16. Malayekandi        |
| 8. Kondareddis         | 17. Mudugar or Muduvan |
| 9. Koraga              | 18. Palliyan           |
| 10. Kota               | 19. Paniyan            |
| 11. Kudiya or Melakudi | 20. Pulayan            |
| 12. Kurrichchan        | 21. Sholaga            |
| 13 Kurumans            | 22. Toda               |
5. In Kollegal taluk of Mysore district:-  
Kaniyan or Kanyan
6. In South Kanara district:-  
Marati
7. In Coorg district:-
- |           |            |
|-----------|------------|
| 1. Korama | 4. Maratha |
| 2. Kudia  | 5. Meda    |
| 3. Kuruba | 6. Yerava  |

## PART IX—ORISSA

Throughout the State:-

- |                        |  |
|------------------------|--|
| 1. Bagata              | 28. Kavar  |
| 2. Baiga               | 29. Kharia or Kharian  |
| 3. Banjara or Banjari  | 30. Kharwar  |
| 4. Bathudi             | 31. Khond, Kond, or Kandha<br>including Nanguli Kandha and<br>Sitha Kandha |
| 5. Bhottada or Dhotada | 32. Kisan  |
| 6. Bhuiya or Bhuyan    | 33. Kol  |
| 7. Bhumia              | 34. Kolah-Kol-Loharas  |
| 8. Bhumij              | 35. Kolha  |
| 9. Bhunjia             | 36. Koli, including Malhar   |
| 10. Binjhal            | 37. Kondadora  |
| 11. Binjhia or Binjhoa | 38. Kora   |
| 12. Birhor             | 39. Korua  |
| 13. Bondo Poraja       | 40. Kotia  |
| 14. Chenchu            | 41. Koya   |
| 15. Dal                | 42. Kulis  |
| 16. Desua Bhumij       | 43. Lodha  |
| 17. Dharua             | 44. Madia  |
| 18. Didayi             | 45. Mahali   |
| 19. Gadaba             | 46. Mankidi  |
| 20. Gandia             | 47. Mankirdia  |
| 21. Ghara              | 48. Matya  |
| 22. Gond, Gondo        | 49. Mirdhas  |
| 23. Ho                 | 50. Munda, Munda-Lohara or Munda-<br>Mahalis                               |
| 24. Kandha Gauda       | 51. Mundari  |
| 25. Holva              |  |
| 26. Jatapu             |  |
| 27. Juang              |  |

52. Omatatya
53. Oraon
54. Parenga
55. Paroja
56. Pentia
57. Rajuar

58. Santal
59. Saora, Savar, Saura or Sahara
60. Shabar or Lodha
61. Sounti
62. Tharua

## PART X –PUNJAB

In spiti and Lahaul in Kangra district:-

1. Gaddi
2. Swangla
3. Bhot or Bodh

## PART XI—RAJASTHAN

1. Throughout the State except Ajmer district, Abu Road taluka of Sirohi district and Sunel Tappa of Jhalawar district:-

- |                                       |                     |
|---------------------------------------|---------------------|
| 1. Bhil                               | 5. Mina             |
| 2. Bhil Mina                          | 6. Sehria, Sahariya |
| 3. Damor, Damaria                     |                     |
| 4. Garasia (excluding Rajput Garasia) |                     |

2. In Ajmer district:-

1. Bhil
2. Bhil Mina

3. In Abu Road taluka of Sirohi district:-

- |   |   |
|---|---|
| 1. Barda  | 10. Kathodi or Katkari including Dhor Kathodi or Dhor Katkari and Son Kathodi and Son Katkari |
| 2. Bavacha or Bamcha  | 11. Kokna, Kokni Kukna  |
| 3. Bhil, including Bhil Garasia Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava and Vasave | 12. Koli Dhor, Tokre Koli, Kolcha or Kolgha   |
| 4. Chodhara   | 13. Naikda or Nayaka, including Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka and Nana Nayaka |
| 5. Dhanka, including Tadvi, Tetaria and Valvi   | 14. Pardhi, including Advichincher and Phanse Pardhi  |
| 6. Dhodia   | 15. Patelia   |
| 7. Dubla, including Talavia or Halpati  | 16. Pomla   |
| 8. Gamit or Gamta or Gavit, including Mavchi, Padvi, Vasa, Vasave and Valvi   | 17. Rathawa   |
| 9. Gond or Rajgond  | 18. Varli   |
|   | 19. Vitolia, Kotwalia or Barodia  |

4. In Sunel Tappa of Jhalawar district:-

1. Gond
2. Korku
3. Seharua

## PART XII—WEST BENGAL

1. Throughout the State:-

1. Ho
  2. Kora
  3. Lodha, Kheria or Kharia
  4. Mal Paharia
  5. Munda
  6. Oraon
  7. Santal
2. Throughout the State except the territories transferred from the Purnea district of Bihar:-  
Bhumij
3. Throughout the State except in the Purulia district and the territories transferred from the Purnea district of Bihar :-
1. Bhutia including Sherpa, Toto, Dukpa, Kagatay, Tibetan and Yolmo
  2. Chakma
  3. Garo
  4. Hajang
  5. Lepcha
  6. Magh
  7. Mahali
  8. Mech
  9. Mru
  10. Nagesia
  11. Rabha
4. In the Purulia district and the territories transferred from the Purnea district of Bihar:-
1. Asur
  2. Baiga
  3. Banjara
  4. Bathudi
  5. Bedia
  6. Binjhia
  7. Birhor
  8. Birjia
  9. Chero
  10. Chik Baraik
  11. Gond
  12. Gorait
  13. Karmali
  14. Kharwar
  15. Khond
  16. Kisan
  17. Korwa
  18. Lohara or Lohra
  19. Mahli
  20. Parhaiya
  21. Sauria Paharia
  22. Savar

**SCHEDULE IV**  
[see paragraph 3 (2)]  
**Modifications to the Constitution (Scheduled Tribes) (Part C States)**  
**Order, 1951.**

1. In paragraph 1, for "part C States" substitute "Union Territories".
2. In paragraph 2, for "Parts I to VIII" and "States", substitute "Parts I to IV" and "Union Territories" respectively.
3. For paragraph 3, substitute:-  
"3. Any reference in this Order to a Union Territory shall be construed as a reference to the territory constituted as a Union Territory as from the 1st day of November 1956."
4. For the Schedule, substitute:-

**THE SCHEDULE**  
**PART I—HIMACHAL PRADESH**

Throughout the Union Territory:-

1. Gaddi
2. Gujjar
3. Jad, Lamba, Khampa and Bhot or Bodh

4. Kanaura or Kinnara
5. Lahaula

6. Pangawala

## PART II—MANIPUR

Throughout the Union Territory:-

- |                              |              |
|------------------------------|--------------|
| 1. Aimol                     | 16. Maring   |
| 2. Anal                      | 17. Mao      |
| 3. Angami                    | 18. Monsang  |
| 4. Chiru                     | 19. Moyon'   |
| 5. Chothe                    | 20. Paite    |
| 6. Gangte                    | 21. Purum    |
| 7. Hmar                      | 22. Ralte    |
| 8. Kabui                     | 23. Sema     |
| 9. Kacha Naga                | 24. Simte    |
| 10. Koirao                   | 25. Sahte    |
| 11. Koireng                  | 26. Tangkhul |
| 12. Kom                      | 27. Thadou   |
| 13. Lamgang                  | 28. Vaiphui  |
| 14. Any Mizo (Lushai) tribes | 29. Zou      |
| 15. Maram                    |              |

## PART III—TRIPURA

Throughout the Union Territory:-

- |  |                                 |
|--|---------------------------------|
| 1. Lushai                                      | (xvi) Rangkhole                 |
| 2. Mag   | (xvii) Thangluya                |
| 3. Kuki, including the following sub-tribes :- | 4. Chakma                       |
| (i) Balte                                      | 5. Garoo                        |
| (ii) Belalhut                                  | 6. Chaimal                      |
| (iii) Chhalya                                  | 7. Halam                        |
| (iv) Fun                                       | 8. Khasia                       |
| (v) Hajango                                    | 9. Bhutia                       |
| (vi) Jangtei                                   | 10. Munda including Kaur        |
| (vii) Khareng                                  | 11. Orang                       |
| (viii) Khephong                                | 12. Lepcha                      |
| (ix) Kuntei                                    | 13. Santal                      |
| (x) Laifang                                    | 14. Bhil                        |
| (xi) Lentei                                    | 15. Tripura or Tripuri, Teppera |
| (xii) Mizel                                    | 16. Jamatia                     |
| (xiii) Namte                                   | 17. Noatia                      |
| (xiv) Paitu, Paite                             | 18. Riang                       |
| (xv) Rangchan                                  | 19. Uchai                       |

## PART IV—THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS

Throughout the Union Territory:-

Inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents, were born in those islands.]

RAJENDRA PRASAD  
[No. 19/20/56-Pub.II.]  
A. V. PAI, Secretary.



का

असाधारण

EXTRAORDINARY

भाग II - खण्ड 1

PART II- SECTION 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 151] नई दिल्ली, सोमवार, सितम्बर 20, 1976/भाद्र 29, 1898

No. 151 ] NEW DELHI , MONDAY, SEPTEMBER 20, 1976/ BHADRA 29, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिसमें कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be  
filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 20 the September, 1976/ Bhadra 29, 1898 (Saka)

The following Act of Parliament received the assent of the President on the 18th  
September, 1976, and is hereby published for general information :-

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS

(AMENDMENT) ACT, 1976

No. 108 of 1976

[18th September, 1976]

An Act to provide for the inclusion in, and the exclusion from the lists of Scheduled  
Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of  
representation of parliamentary and assembly constituencies in so far as such readjustment is  
necessitated by such inclusion or exclusion and for matters connected therewith.BE it enacted by Parliament in the Twenty-seventh Year of the Republic of  
India as follows:-1. (1) This Act may be called the Scheduled Castes and Scheduled Tribes  
Orders (Amendment) Act, 1976.Short title  
and Commencement(2) It shall come into force on such date as the Central Government may, by  
notification in the Official Gazette, appoint

2. In this Act, unless the context otherwise requires,-

Defini-  
tions(a) "census authority " means the Registrar General and ex-officio Census  
Commissioner for India;

- (b) "Commission" means the Election Commission appointed by the President under article 324 of the Constitution;
- 76 of 1972 (c) "Delimitation Act" means the Delimitation Act, 1972;
- (d) "last census" means the census held in India in 1971;
- (e) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950, made by the President under article 341 of the Constitution;
- (f) "Scheduled Tribes Order" means the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959, made by the President under article 342 of the Constitution;
- (g) "State" means a State included in the Scheduled Castes Order and the Scheduled Tribes Orders, and includes the Union territory of the Andaman and Nicobar Islands;
- Amend-  
ment of  
Scheduled  
Castes Order
3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.
- Amend-  
ment of  
Scheduled  
Tribes Order
4. The Scheduled Tribes Orders are hereby amended in the manner and to the extent specified in the Second Schedule
- Determi-  
nation of  
population of  
Scheduled  
Castes and  
Scheduled  
Tribes
5. (1) As soon as may be after the commencement of this Act, the population as at the last census of the Scheduled Castes or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the census authority.
- (2) Where by reason of the amendments made by section 3 or section 4—

(a) any locality in a State specified in relation to any caste or tribe in any of the parts of the Schedule to the Orders referred to in the said sections is varied so as to specify a larger area in relation to such caste or tribe, the census authority shall take into account the population figures of the caste or tribes as ascertained in the last census and in any previous census wherein the population figures of the caste or tribe in respect of the increased area had been ascertained and determined the population of that caste or tribe as on the 1st day of April, 1971 by increasing or decreasing such figures by the proportion in which the general population of the State or, as the case may be, the division, district, taluk tahsil, police station, development block or other territorial division in relation to which such caste or tribe has been specified by the said amendments has increased or decreased between the previous census aforesaid and the last census;

(b) any caste or tribe which is deemed to be both a Scheduled Caste and Scheduled Tribe in relation to a State or part thereof is varied so as to specify such caste or tribe only as a Scheduled Caste or Scheduled Tribe in relation to that State or part, the census authority shall take into account the population figures of such Scheduled Caste and Scheduled Tribe as ascertained in the last census:

Provided that it shall not be necessary for the census authority to determine the population of any Scheduled Castes or Tribes on the 1st day of April, 1971, if the population of that caste or tribe was not ascertained at the last census and in any of the previous censuses and is, in the opinion of that authority, numerically small.

*Explanation* – Where the population figures of any caste or tribe in respect of any increased area referred to in clause (a) had been ascertained in more than one previous census, the census authority shall take into account, for the purpose of that clause, the population figures of such caste or tribe as ascertained in the previous census which is nearest in point of time to the last census.



(3) The population figures ascertained or determined under sub-section (2) shall be notified by the census authority in the Gazette of India.

(4) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published and the figures so notified shall be final and shall not be called in question in any court.

6. (1) After the population figures have been notified for any State under section 5, it shall be the duty of the Commission to make such amendments as may necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, (without altering the extent of any constituency as given in such Order) having regards to the provisions of articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Act, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be to the Scheduled Tribes of that State on the basis of the number of reserved seats as specified in that Order as hereunder amended by the Commission, and the First Schedule and Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly.

Re-ad-  
justment  
of  
constitu-  
encies  
by the  
Election  
Com-  
mission

43 of 1950

(2) In making amendments under sub-section (1), the Commission shall, as far as may be necessary, have regard to the provisions of clause (c) and (d) of sub-section (1) of section 9 of the Delimitation Act.

(3) The Commission shall—

- (a) publish its proposals for the amendments in the Gazette of India and the Official Gazette of the State concerned and also in such other manner as it thinks fit;
- (b) specify a date on or after which such proposals will be further considered by it;
- (c) consider all objections and suggestions which may have been received by it before the date so specified; and
- (d) thereafter make the necessary amendments in the order

Procedure  
and powers  
of the  
Commi-  
ssion

7. (1) In the discharge of its functions under this Act, the Commission shall determine its own procedure and shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-

5 of 1908

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have the power to require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission shall be deemed to be a civil court for the purpose of sections 345 and 346 of the Code of Criminal Procedure, 1973

*Explanation*—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Publication  
of amend-  
ments and  
their dates of

8. (1) The Commission shall cause the amendments made by it in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 to be published in the Gazette of India and in the Official Gazette of the States

operation concerned.

(2) Upon publication in the Gazette of India, every such amendment shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication in the Gazette of India, every such amendment shall be laid before the House of People and the Legislative Assemblies of the States concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of any territorial constituencies in the House of the People or in the Legislative Assembly of a State necessitated by any amendments made by the Commission in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 and provided for in that Order as so amended shall apply in relation to every election to the House or, as the case may be, to the Assembly, held after the publication in the Gazette of India under sub-section (1) of such amendments and shall so apply in supersession of the provisions relating to representation contained in the Representation of the People Act, 1950.

43 of 1950

(5) Nothing contained in the foregoing sub-section shall affect the representation in the House of the People or in the Legislative Assembly of a State, existing on the date of publication in the Gazette of India under sub-section (1) of the amendments made by the Commission under this Act.

9. (1) The Commission may, from time to time, by notification in the Gazette of India and in the official Gazette of the State concerned—

Certain other powers of Election Commission

(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended under this Act, or any error occurring therein from any inadvertent slip or omission; and

(b) where the boundaries or the name of any districts or any territorial division mentioned in the said order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned

10. All things done, and all steps taken, before the commencement of this Act by the census authority for the determination of population of Scheduled Castes and Scheduled Tribes, or by the Commission for the purpose of re-adjustment of constituencies shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done or taken under these provisions as if such provisions were in force at the time such things were done or such steps were taken.

Validation of acts done previous to the commencement of the Act

**[Note:- Schedule I to this Order relates to the list of Scheduled Castes and, therefore, the list of Scheduled Castes specified in this Schedule is not being given.]**

## II. THE SECOND SCHEDULE

(See Section 4)

### CHAPTER I

In the Constitution (Scheduled Tribes) Order, 1950,--

(a) for paragraph 3, substitute—

"3 Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976";

(b) for the Schedule, substitute.

## "THE SCHEDULE"

### **PART I- Andhra Pradesh**

1. Andh
2. Bagata
3. Bhil
4. Chenchu, Chenchwar
5. Gadabas,
6. Gond, Naikpod, Rajgond,
7. Goudu (in the Agency tracts)
8. Hill Reddis
9. Jatapus
10. Kammara
11. Kattunayakan
12. Kolam, Mannervarlu
13. Konda Dhoras,
14. Konda Kapus
15. Kondareddis
16. Kondhs, Kodi, Kodhu, Desaya Kodhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs,
17. Kotia, Benthoriya, Bartika, Dhulia, Dulia, Holva, Paiko, Putiya Sanrona, Sidhopaiko
18. Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya
19. Kulia
20. Malis (excluding adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)
21. Manna Dhora
22. Mukha Dhora, Nooka Dhora
23. Nayaks (in the Agency tracts )
24. Pardhan
25. Porja, Parangiperja
26. Reddi Dhoras
27. Rona, Rena
28. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras
29. Sugalis, Lambadis,
30. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)

31. Valmiki (in the Agency tracts)
32. Yenadis
33. Yerukulas,

### **Part II.- Assam**

#### **I. In the autonomous districts:-**

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lyngngam
7. Any Kuki tribes, including
  - (i) Biate, Biete
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) Doungel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip, Haupt
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongsungh
  - (xiii) Hrangkhwal, Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathlang, Khothalong
  - (xvii) Khelma
  - (xviii) Kholhou
  - (xix) Kipgen
  - (xx) Kuki
  - (xxi) Lengthang
  - (xxii) Lhangum
  - (xxiii) Lhoujem
  - (xxiv) Lhouvun
  - (xxv) Lumpheng
  - (xxvi) Mangjel
  - (xxvii) Misao
  - (xxviii) Rieng
  - (xxix) Sairhem
  - (xxx) Selnam
  - (xxxi) Singson
  - (xxxii) Sitlhou
  - (xxxiii) Sukte
  - (xxxiv) Thado
  - (xxxv) Thangngeu
  - (xxxvi) Uibuh
  - (xxxvii) Vaiphei
8. Lakher
9. Man (Tai speaking)

10. Any Mizo (Lushai) tribes
11. Mikir
12. Any Naga tribes
13. Pawi
14. Synteng

#### **II. In the State of Assam excluding the autonomous districts:-**

1. Barmans in Cachar
2. Boro, Borokachari
3. Deori
4. Hojai
5. Kachari, Sonwal
6. Lalung
7. Mech
8. Miri
9. Rabha

### **Part III- Bihar**

1. Asur,
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Bhumij (in North Chotanagapur and South Chotanagpur divisions and Santal Parganas districts)
7. Binjhia
8. Birhor
9. Birjia
10. Chero
11. Chik Baraik
12. Gond
13. Gorait
14. Ho
15. Karmali
16. Kharia
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lohara, Lohra
23. Mahli
24. Mal Paharia
25. Munda
26. Oraon
27. Parhaiya
28. Santal
29. Sauria Paharia
30. Savar

### **Part IV.- Gujarat**

1. Barda
2. Bavacha, Bamcha
3. Bharwad (in the Nesses of the forests of Alech, Barada and Gir)
4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadv Bhil, Bhgalia, Bhilala, Pawra, Vasava, Vasave
5. Charan (in the Nesses of the forests of Alech, Barada and Gir)
6. Chaudhri (in Surat and Valsad districts)
7. Chodhara
8. Dhanka, Tadv, Tetaria Valvi
9. Dhodia
10. Dubla, Talavia, Halpati
11. Gamit, Gamta, Gavt Mavchi, Padvi
12. Gond, Rajgond
13. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi Son Katkari
14. Kokna, Kokni, Kukna
15. Koli (in Kutch districts)
16. Koli Dhor, Tokre Koli, Kolcha, Kolgha
17. Kunbi (in the Dangs district)
18. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
19. Padhar
20. Paradhi (in Kutch districts)
21. Pardhi, Advichincher, Phanse Pardhi (excluding Amreli, Bhavanagar, Jamnagar, Junagadh Kutch, Rajkot and Surendranagar districts)
22. Patelia
23. Pomla
24. Rabari (in the Nesses of the forests of Alech, Barada and Gir)
25. Rathawa
26. Siddi (in Amreli, Bhavnagar, Jamnagar, Junargadh, Rajkot and Surendranagar districts)
27. Vaghri (in Kutch district)
28. Varli
29. Vitolia, Kotwalia, Barodia

#### Part V.-Himachal Pradesh

1. Bhot , Bodh
2. Gaddi[excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), other than the Lahaul and Spiti district]
3. Gujjar [excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966)]
4. Jad, Lamba, Khampa
5. Kanaura, Kinnara
6. Lahaula
7. Pangwala
8. Swangla

#### Part VI.- Karnataka

1. Adiyen
2. Barda
3. Bavacha, Bamcha
4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadv Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
5. Chenchu, Chenchwar
6. Chodhara
7. Dubla, Talavia, Halpati
8. Gamit, Gamta, Gavt, Mavchi, Padvi, Valvi
9. Goud, Naikpod, Rajgond
10. Gowdalu
11. Hakkipikki
12. Hasalaru
13. Irular
14. Iruliga
15. Jenu Kuruba
16. Kadu Kuruba
17. Kammara (in South Kanara district and Kollegal taluk of Mysore district)
18. Kaniyan, Kanyan (in Kollegal taluk of Mysore district)
19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
20. Kattunayakan
21. Kakan, Kokni, Kukna
22. Koli Dhor, Tokre Koli, Kolcha, Kolgha
23. Konda Kapus
24. Koraga,
25. Kota
26. Koya, Bhine Koya, Rajkoya
27. Kudiya, Melakudi
28. Kuruba (in Coorg district)

29. Kurumans
30. Maha Malasar
31. Malaikudi
32. Malasar
33. Malayekandi
34. Maleru
35. Maratha (in Coorg district)
36. Marati (in south Kanara district)
37. Meda,
38. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
39. Palliyan
40. Paniyan
41. Pardhi, Advichincher, Phanse Pardhi,
42. Patelia
43. Rathawa
44. Sholanga
45. Soligaru
46. Toda
47. Varli
48. Viola, Kowalia, Barodia
49. Yerava

#### Part VII.- Kerala

1. Adiyen
2. Arandan,
3. Eravallan
4. Hill Pulaya
5. Irular, Irulan
6. Kadar
7. Kammara [in the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1966)]
8. Kanikaran, Kanikkar
9. Kattunayakan
10. Kochuvelan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota
15. Kudiya, Melakudi
16. Kurichchan
17. Kurumans
18. Kurumbas
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayan, [excluding the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States

Reorganisation Act, 1956  
(37 of 1966)]

26. Malayarayar
27. Mannan
28. Marati (in Hosdrug and Kasaragod taluks of Cannanore district)
29. Muthuvan, Mudugar, Muduvan
30. Palleyan,
31. Pahiyar
32. Palliyar
33. Paniyan
34. Ulladan
35. Uraly

#### Part VIII.- Madhya Pradesh

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumia, Bharia, Paliha, Pando
6. Bhattra
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhwar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta. Koliabhuta, Koliabhuti, Bhar, Bisonhorn, Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Kotar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mongia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku

20. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chhatra
21. Keer (in Bhopal, Rasen and Sehore districts)
22. Khairwar, Kondar
23. Kharia
24. Kondh, Khond, Kandh
25. Kol
26. Kolam
27. Korku, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
28. Korwa, Kodaku
29. Majhi
30. Majhwar
31. Mawasi
32. Mina (in Sironj sub-division of Vidisha district)
33. Munda
34. Nagesia, Nagasia
35. Oraon, Dhanka, Dhangad
36. Panika [in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts]
37. Pao
38. Pardhan, Pathari, Saroti
39. Pardhi (in Bhopal, Raisen and Sehore districts)
40. Pardhi, Bahelia, Bahellia, Chita Pardhi Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [In (1) Bastar, Chhindwara, Mandla, Raigarh, Seoni and Surguja districts (2) Baihar Tahsil of Balaghat District, (3) Betul and Bhainsdehi tahsils of Betul district, (4) Bilaspur and Katghora tahsils of Bilaspur district (5) Durg and Balod tahsils of Durg district (6) Chowki, Manpur and Mohala Revenue Inspectors' Circles of Rajnandgaon district (7) Murwara, Patan and Sihora tasils of Jabalpur district (8) Hoshangabad and Sohagpur tahsils of Hoshangabad district and Narsimhapur district (9) Harsud tahsil of Khandwa district (10) Bindra Nawagarh, Dhamtari and Mahasamund tahsils of Raipur district]
41. Parja
42. Sahariya, Saharia, Sehar, Sehria, Sosia, Sor

43. Saonta, Saunta
44. Saur
45. Sawar, Sawara
46. Sonr.

#### Part IX.-Maharashtra

1. Andh
2. Baiga
3. Barda
4. Bavacha, Bamcha
5. Bhaina
6. Bharia Bhumia, Bhuinhar, Bhumia, Pando
7. Bhattra
8. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadv Bhil, Bhagalia, Bhilala Pawra, Vasava, Vasave
9. Bhunjia
10. Binjhwar
11. Birhul, Birhor
12. Chodhara (excluding Akola, Amravati, Bhandara, Buldana, Chandrapur, Nagpur, Wardha, Yavatmal, Aurangabad, Bhir Nanded, Osmanabad and Parbhani districts)
13. Dhanka, Tadv, Tetaria, Valvi
14. Dhanwar
15. Dhodia
16. Dubla Talavia, Halpati
17. Gamit, Gamta, Gavit, Mavchi, Padvi
18. Gond, Rajgond, Arakh, Arrakh, Agaria, Asur, Bedi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa Dhoba, Dhulia, Dorla, Kaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Magia, Monghya, Mudia, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria.
19. Halba, Halbi
20. Kamar

21. Kathodi, Katkari, Dhor  
Kathodi, Dhor Kathkari,  
Son Kathodi, Son Katkari
22. Kawar, Kanwar, Kaur,  
Cherwa, Rathia, Tanwar,  
Chattri.
23. Khairwar
24. Kharia
25. Kokna, Kokni, Kukna
26. Kol
27. Kolam, Mannervarlu
28. Koli, Dhor; Tokre Koli,  
Kolcha, Kolgha
29. Koli Mahadev, Dongar Koli
30. Koli Malhar
31. Kondh, Khond, Kandh
32. Korku, Bopchi, Mouasi,  
Nihal, Nahul, Bondhi,  
Bondeya
33. Koya, Bhine Koya,  
Rajkoya
34. Nagesia, Nagasia
35. Naikda, Nayaka, Cholivala  
Nayaka, Kapadia Nayaka,  
Mota Nayaka, Nana  
Nayaka
36. Oraon, Dhangad
37. Pardhan, Pathari, Saroti
38. Pardhi, Advichincher,  
Phans Pardhi, Phanse  
Pardhi, Langoli Pardhi,  
Bahelia, Bahellia, Chita  
Pardhi, Shikari, Takankar,  
Takia
39. Parja
40. Patelia
41. Pomla
42. Rathawa
43. Sawar, Sawara
44. Thakur, Thakar, Ka  
Thakur, Ka Thakar, Ma  
Thakur, Ma Thakar
45. Thoti (in Aurangabad,  
Bhir, Nanded, Osmanabad  
and Parbhani districts and  
Rajura tahsil of  
Chandrapur district)
46. Varli
47. Vitolia, Kotwalia, Barodia

#### Part X.- Manipur

1. Aimol
2. Anal
3. Angami
4. Chiru
5. Chothe
6. Gangte
7. Hmar
8. Kabui
9. Kacha Naga
10. Koirao
11. Koirang
12. Kom

13. Lamgang
14. Mao
15. Maram
16. Maring
17. Any Mizo (Lushai) tribes
18. Monsang
19. Moyon
20. Paite
21. Purum
22. Ralte
23. Sema
24. Simte
25. Suhte
26. Tangkhul
27. Thadou
28. Vaiphui
29. Zou

#### Part XI.- Meghalaya

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng,  
Pnar, War, Bhoi, Lyngngam
7. Any Kuki tribes, including:-
  - (i) Biate, Biete
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) Dounghel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip, Haupt
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongsungh
  - (xiii) Hranghkwai, Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathilang,  
Khotalong
  - (xvii) Khelma
  - (xviii) Kholhou
  - (xix) Kipgen
  - (xx) Kuki
  - (xxi) Lengthang
  - (xxii) Lhangum
  - (xxiii) Lhoujem
  - (xxiv) Lhouvun
  - (xxv) Lumpheng
  - (xxvi) Mangjel
  - (xxvii) Misao
  - (xxviii) Rieng
  - (xxix) Sairhem
  - (xxx) Selnam
  - (xxxi) Singson
  - (xxxii) Sitlhou
  - (xxxiii) Sukte
  - (xxxiv) Thado
  - (xxxv) Thangngeu

- (xxxvi) Uibuh
- (xxxvii) Vaiphei
8. Lakher
9. Man (Tai Speaking)
10. Any Mizo (Lushai)  
tribes
11. Mikir
12. Any Naga tribes
13. Pawi
14. Synteng

#### Part XII.- Orissa

1. Bagata
2. Baiga
3. Banjara
4. Bathudi
5. Bhottada, Dhotada
6. Bhuiya, Bhuyan
7. Bhumia
8. Bhumij
9. Bhunjia
10. Binjhal
11. Binjhia, Binjhoa
12. Birhor
13. Bondo Poraja
14. Chenchu
15. Dal
16. Desua Bhumji
17. Dharua
18. Didayi
19. Gadaba
20. Gandia
21. Ghara
22. Gond, Gondo
23. Ho
24. Holva
25. Jatapu
26. Juang
27. Kandha Gauda
28. Kawar
29. Kharia, Kharian
30. Kharwar
31. Khond, Kond, Kandha,  
Nanguli Kandha, Sitha  
Kandha
32. Kisan
33. Kol
34. Kolah Laharas, Kol  
Loharas
35. Kolha
36. Koli, Malhar
37. Kondadora
38. Kora
39. Korua
40. Kotia
41. Koya
42. Kulis
43. Lodha
44. Madia
45. Mahali
46. Mankidi
47. Mankirdia

48. Matya
49. Mirdhas
50. Munda, Munda Lohara, Munda Mahalis
51. Mundari
52. Omanatya
53. Oraon
54. Parenga
55. Paroja
56. Pentia
57. Rajuar
58. Santal
59. Saora, Savar, Saura, Sahara
60. Shabar, Lodha
61. Sounti
62. Tharua

### Part XIII.- Rajasthan

1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
2. Bhil Mina
3. Damor, Damaria
4. Dhanka, Tadvil, Tetaria, Valvi
5. Garasia (excluding Rajput Garasia)
6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
7. Kokna, Kokni, Kukna
8. Koli Dhor, Tokre Koli, Kolcha, Kolgha
9. Mina
10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
11. Patelia
12. Seharia, Sehria, Sahariya

### Part XIV. Tamil Nadu

1. Adiyan
2. Aranadan
3. Eravallan
4. Irular
5. Kadar
6. Kammara (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
7. Kanikaran, Kanikkar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)

8. Kaniyan, Kanyan
9. Kattunayakan
10. Kochu Velan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
15. Kudiyar, Melakudi
16. Kurichchan
17. Kurumbas (in the Nilgiris district)
18. Kurumans
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayali (in Dharmapuri North Arcot Pudukottai, Salem, South Arcot and Tiruchirappalli districts)
26. Malaydkandi
27. Mannan
28. Mudugar, Muduvan
29. Muthuvan
30. Palleyan
31. Palliyan
32. Palliyar
33. Paniyan
34. Sholaga
35. Toda (excluding Kanyakumari district and Shenkottah Taluk of Tirunelveli district)
36. Uraly

### Part XV. Tripura

1. Bhil
2. Bhutia
3. Chaimal
4. Chakma
5. Garoo
6. Halam
7. Jamatia
8. Khasia
9. Kuki, including the following sub-tribes:-
  - (i) Balte
  - (ii) Belalhut
  - (iii) Chhalya
  - (iv) Fun
  - (v) Hajango
  - (vi) Jan gtei
  - (vii) Khareng
  - (viii) Khephong
  - (ix) Kuntei
  - (x) Laifang

- (xi) Lentei
- (xii) Mizel
- (xiii) Namte
- (xiv) Paitu, Paite
- (xv) Rangchan
- (xvi) Rangkhole
- (xvii) Thangluya
10. Lepcha
11. Lushai
12. Mag
13. Munda, Kaur
14. Noatia,
15. Orang
16. Riag
17. Santal
18. Tripura, Tripuri, Tippera
19. Uchai.

### Part XVI. West Bengal

1. Asur
2. Baiga
3. Badia, Bediya
4. Bhumiij
5. Bhutia, Sherpa, Toto, Dukpa, Kagatay, Tibetan, Yolmo
6. Birhor
7. Birjia
8. Chakma
9. Chero
10. Chik Baraik
11. Garo
12. Gond
13. Gorait
14. Hajang
15. Ho
16. Karmali
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lepcha
23. Lodha, Kheria, Kharia
24. Lohara, Lohra
25. Magh
26. Mahali
27. Mahli
28. Mal Paharya
29. Mech
30. Mru
31. Munda
32. Nagesia
33. Oraon
34. Parhaiya
35. Rabha
36. Santal
37. Sauria Paharia
38. Savar

## **CHAPTER – II**

In the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.-

- (a) in paragraph 2, for the workes "resident in the localities specified in relation to them in that Schedule", the words "resident in that Union territory" shall be substituted;
- (b) for the Schedule,, substitute-

### **"THE SCHEDULE"**

- |   |                |
|---|----------------|
| 1. Andamanese, Chariar, Chari, Kora,<br>Tabo, Bo, Yere, Kede, Bea, Balawa,<br>Bojigiyab, Juwai, Koi | 3. Nicobarese  |
| 2. Jarawas  | 4. Onges       |
|   | 5. Sentineless |
|   | 6. Shom Pens". |

S.K. MAITRA,  
Jt. Secy. to the Govt. of India.

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भारत राजपत्र

का

*THE GAZETTE OF INDIA*

असाधारण

EXTRAORDINARY

भाग II - खण्ड 1

PART II- SECTION 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, बुधवार, जनवरी 8, 2003/ पौष 18, 1924

No. 10] NEW DELHI, WEDNESDAY, JANUARY 8, 2003/ PAUSA 18, 1924

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिसमें कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be  
filed as a separate compilation

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

New Delhi, the 8<sup>th</sup> January, 2003/Pausa 8, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 7<sup>th</sup> January, 2003 and is hereby published for general information:-

**THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS  
(AMENDMENT) ACT, 2002  
No. 10 Of 2003**

(7<sup>th</sup> January, 2003)

An Act to provide for the inclusion in the lists of Scheduled Tribes, of certain tribes or tribal communities or parts of or groups within tribes or tribal communities, equivalent names or synonyms of such tribes or communities, removal of area restrictions and bifurcation and clubbing of entries, imposition of area restriction in respect of certain castes in the lists of Scheduled Castes, and the exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes, in relation to the States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Orissa, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal:

Be it enacted by parliament in the Fifty-third Year of the Republic of India as follows:-

1. This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.

Short title Definition

2. In this Act, unless the context otherwise requires, --

(a) “Scheduled Castes Order” means the Constitution (Scheduled Castes) Order, 1950, made by the President under Article 341 of the Constitution:

(b) “Scheduled Tribes Order” means the Constitution (Scheduled Tribes) Order 1950, the Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978, made by the President under Article 342 of the Constitution.

Amendment of Scheduled Castes Order 3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.

Amendment of Scheduled Tribes Orders 4. The Scheduled Tribes Orders are hereby amended in the manner and to the extent specified in the Second Schedule.

**[Note:- The First Schedule to this Act relates to the Scheduled Castes and, therefore, the contents of that Schedule are not being printed here.]**

## **THE SECOND SCHEDULE** **(See Section 4)**

(1) In the Constitution (Scheduled Tribes) Order, 1950, --

### **(a) in PART I. – Andhra Pradesh,-**

- (i) in entry 1, after “Andh”, insert “,Sadhu Andh”.
- (ii) in entry 4, omit “Chenchwar”;
- (iii) in entry 5, at the end, insert “, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba”;
- (iv) in entry 6, at the end, insert “,Koitur”;
- (v) in entry 12, for “Mannervarlu”, substitute “Kolawar”;
- (vi) in entry 13, at the end, insert “Kubi”;
- (vii) in entry 16, at the end, insert “,Kuinga”;
- (viii) in entry 17, omit “Dhulia, Paiko, Putiya”.
- (ix) in entry 18, for “Goud”, substitute “Doli Koya, Gutta Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya”;
- (x) in entry 29, at the end, insert “,Banjara”;
- (xi) in entry 31, for “Agency tracts” substitute “Scheduled Areas of Visakhapatnam, Srikakulam, Vijayanagaram, East Godavari and West Godavari districts”;
- (xii) in entry 32, at the end insert “, Chella Yenadi, Kappal Yenadi, Manchi Yenadi, Reddi Yenadi”;
- (xiii) in entry 33, at the end, insert “, Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula”;
- (xiv) after entry 33, insert-

“34, Nakkala, Kurvikaran

35. Dhulia, Paiko, Putiya (in the districts of Vishakhapatnam and Vijayanagaram).”,

### **(b) in PART II – Assam, -**

- (i) under the item “In the autonomous districts:- “, for entry II, substitute “II. Karbi”, and after entry 14, insert “15. Lalung”,
- (ii) under the item “In the State of Assam excluding the autonomous districts:- “, after entry 9, insert-

- “10. Dimasa
- 11. Hajong
- 12. Singhpho

13. Khampti
14. Garo.”,

**(c) in PART III. – Bihar, -**

- (i) in entry 1, at the end, insert “,Agaria”,
- (ii) in entry 16, at the end, insert “,Dhelki Kharia, Dudh Kharia, Hill Kharia”,
- (iii) in entry 19, at the end, insert “, Nagesia”,
- (iv) in entry 20, at the end, insert “, Mudi-kora”,
- (v) in entry 24, at the end, insert “Kumarbhag Paharia”,
- (vi) in entry 25, at the end, insert “,Patar”,
- (vii) in entry 26, at the end, insert “, Dhangar (Oraon)”,
- (viii) after entry 30, insert –

“31. Kavar  
32. Kol  
33. Tharu.”.

**(d) in PART IV – Gujarat : -**

- (i) in entry 9, at the end, insert “, Dhodi”,
- (ii) omit entries 15 and 20;
- (iii) in entry 26, after “Siddi” and before the brackets, insert “,Siddi Badshan”,
- (iv) omit entry 27

**(e) in PART V – Himachal Pradesh-**

- (i) in entry 2, omit “[excluding the territories specified in Sub-section (1) of section 5 of the Punjab Reorganization Act, 1966 (31 of 1966), other than the Lahul and Spiti districts.]”
- (ii) In entry 3, omit “[excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganization Act, 1966 (31 of 1966)]”.
- (iii) After entry 8, insert –

“9. Beta, Beda  
10. Domba, Gara, Zoba”,

**(f) in PART VI – Karnataka-**

- (i) in entry 37, at the end, insert “Medari, Gauriga, Burud’;
- (ii) in entry 41, at the end, insert “,Haranshikari”;
- (iii) after entry 49, insert “50. Siddi (in Uttar Kannada district)”;

**(g) in PART VII – Kerala –**

- (i) in entry 2, at the end, insert “, Aranadan”;
- (ii) in entry 4, at the end insert “, Mala Pulayan, Kurumba Pulayan, Karavazhi Pulayan, Pamba Pulayan”,
- (iii) in entry 6, at the end, insert “, Wayanad Kadar”;
- (iv) Omit entry 7;
- (v) For entry 10, substitute: 10. Kochuvelan”;
- (vi) Omit entries 11,12 and 14
- (vii) in entry 16, at the end, insert “,Kuruchiyan”;
- (viii) in entry 17, at the end, insert “, Mullu Kuruman, Mulla Kuruman, Mala Mukuramn”;
- (ix) in entry 18, at the end, insert “, Kurumba, Kurumbar, Kurumban;
- (x) in entry 20, at the end, insert “, Mala Arayan”;
- (xi) in entry 22, at the end, insert “, Malavedan”;
- (xii) for entry 25, substitute “25, Malayan, Nattu Malayan, Konga Malayan (excluding the areas comprising the Kasargode, Cannanore, Wayanad and Kozhikode districts)”;

- (xiii) in entry 27, at the end, insert “(to be spelt in Malayalam script in – parenthesis)”;
- (xiv) omit entry 28;
- (xv) for entries 30,31,and 32, substitute “30, Palleyan, Palliyan, Palliyar, Paliyan”;
- (xvi) in entry 34, at the end, insert “, Ullatan”;
- (xvii) after entry 35, insert –

- “36. Mala Vettuvan (in Kasargode and Kannur districts)
- 37. Ten Kurumban, Jenu Kurumban
- 38. Thachanadan, Thachanadan Moopan
- 39. Cholanaickan
- 40. Mavilan
- 41. Karimpalan
- 42. Vetta Kuruman
- 43. Mala Panickar”;

**(h) in PART VIII – Madhya Pradesh, omit “entries 21,32 and 39”;**

**(i) in PART IX – Maharashtra –**

- (i) omit entry 12;
- (ii) in entry 18, for “Gond Rajgond” substitute Gond, Rajgond”,
- (iii) omit entry 45”,

**(j) in PART X – Manipur –**

- (i) for entry 28, substitute “28. Vaiphel”,
- (ii) after entry 29, insert –

- “30. Ponmal Naga
- 31. Tarao
- 32. Kharam
- 33. Any Kuki tribes”,

**(k) in PART XII – Orissa, –**

- (i) in entry 1, at the end, insert, “Bhakta”;
- (ii) in entry 4, at the end, insert, “Bathuri”;
- (iii) in entry 5, at the end, insert , “Bhotra, Bhatra, Bhattara, Bhotora, Bhatara”;
- (iv) in entry 8, at the end, insert , “Teli Bhumij, Haladipokhria Bhumij, Haladi Pokharia Bhumija, Desi Bhumij, Desia Bhumij, "Tamararia Bhumij”;
- (v) in entry 10, at the end, insert, “ Binjhwar”,
- (vi) in entry 13, at the end, insert ,“ Bonda Paroja, Banda paroja”,
- (vii) in entry 17, at the end, insert, “ Bhuruba, Dhurva”,
- (viii) in entry 18, at the end, insert, “Didal Parojha, Didai”,
- (ix) in entry 19, at the end, insert, “ Bodo Gadaba, Gutob Gadaba, Kapu Gadaba, Ollara Gadaba, Parenga Gadaba, Sano Gadaba”
- (x) in entry 22, at the end, insert, “Rajgond, Maria Gond, Dhur Gond”,
- (xi) in entry 28, at the end, insert, “Kanwar”,
- (xii) in entry 29, at the end, insert, “Berga Kharia, Dhelki Kharia, Dudh Kharia, Erenga Kharia, Munda Kharia, Oraon Kharia, Khadia, Pahar Kharia”,
- (xiii) in entry 31, at the end insert “Kondh, Kui, Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond”,
- (xiv) in entry 32, at the end, insert “, Nagesar, Nagesia”,
- (xv) in entry 38, at the end, insert “, Khaira, Khayara”,
- (xvi) in entry 41, at the end, insert “,Gumba Koya, Kottur Koya, Kamar Koya, Musara Koya”,
- (xvii) in entry 43, at the end, insert “, Nodh, Nodha, Lodh”,
- (xviii) in entry 47, at the end, insert “, Mankria, Mankidi”,

- (xix) in entry 48, at the end, insert “,Matia”,
- (xx) in entry 49, at the end, insert “, Kuda, Koda”,
- (xxi) in entry 50, at the end, insert “, Nagabanshi Munda, Oriya Munda”,
- (xxii) in entry 52, at the end, insert “, Omanatyo, Amanatya”,
- (xxiii) in entry 53, at the end, insert “, Dhangar, Uran”,
- (xxiv) in entry 55, at the end, insert “ Parja, Bodo Paroja, Barong Jhodin Paroja, Chhelia Paroja, Jhodia Paroja, Konda Paroja, Paraja Ponga Paroja, Sodin Paroja, Sano Paroja, Solia Paroja”,
- (xxv) in entry 59, at the end, insert “Arsi Saora, Based Saora, Bhima Saora, Bhimma Saora, Chumura Saora, Jara Savar, Jadu Saora, Jati Saora, Juarai Saora, Kampu Saora, Kampa Soura, Kapo Saora, Kindal Saora, Kumbi Kancher Saora, Kalapithia Saora, Kirat Saora, Lanjia Saora, Lamba Lanjia Saora, Luora Saora, Luar Saora, Laria Savar, Malia Saora, Malla Saora, Uriya Saora, Raika Saora, Sudda Saora, Sarda Saora, Tankala Saora, Patro Saora, Vesu Saora”,
- (xxvi) in entry 62, at the end, insert “, Tharua Bindhani”,

**(l) In PART XIV- Tamil Nadu,** in entry 7, for “taluk,” substitute “and Ambasamudram Taluks”,

**(m) In PART XV – Tripura, -**

- in entry 6, at the end, in insert "Bengshel, Dub, Kaipeng, Kalai, Karbong,
- (i) Lengul, Mussum, Rupini, Sukuchep, Thangchep”
- (ii) in entry 14, at the end, insert “, Murashing”;

**(n) In PART XVI – West Bengal,** after entry 38, insert, -

- “39. Limbu (Subba)
- 40. Tamang”;

**(o) In PART XVII – Mizoram,** after entry 14, insert “13.Paite”;

**(p) In PART XVIII – Arunachal Pradesh –**

- (i) in entry 8, at the end, insert “, Idu, Taroan”;
- (ii) after entry 12, insert –

- “13. Hrusso
- 14. Tagin
- 15. Khamba
- 16. Adi”;

**(q) In PART XIX – Goa,** after entry 5, insert -

- "6. Kunbi
- 7. Gawda
- 8. Velip”;

**(r) In PART XXII – Jharkhand, -**

- (i) in entry 1, at the end, insert “, Agaria”,
- (ii) in entry 15, at the end, insert “, Dhelki Kharia, Dudh Kharia, Hill Kharia”,
- (iii) in entry 18, at the end, insert “, Nagesia”,
- (iv) in entry 19, at the end, insert “, Mudi-Kora”,
- (v) in entry 23, at the end, insert “, Kumarbhag Paharia”,
- (vi) in entry 24, at the end, insert “, Patar”,
- (vii) in entry 25, at the end, insert “, Dhangar (Oraon)”,
- (viii) in entry 30, insert –

- “31. Kavar  
32. Kol.”,

**(2) In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, after entry 5, insert**

“6. Gond, Dhuria, Nayak, Ojha, Pathari, Raj Gond (in the districts of Mehrajganj, Sidharth Nagar, Basti Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra);

7. Kharwar, Khairwar (in the districts of Deoria, Balia, Ghazipur, Varanasi and Sonbhadra)  
8. Saharya (in the district of Lalitpur)  
9. Parahiya (in the district of Sonbhadra)  
10. Baiga (in the district of Sonbhadra)  
11. Pankha, Panika (in the districts of Sonbhadra and Mirzapur)  
12. Agariya (in the district of Sonbhadra)  
13. Patari (in the district of Sonbhadra)  
14. Chero (in the district of Sonbhadra and Varanasi)  
15. Bhuiya, Bhuinya (in the district of Sonbhadra)”.  
  

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**(3) In the Constitution (Sikkim) Scheduled Tribes Order, 1978, after entry 2, insert –**

- “3. Limboo  
4. Tamang”

K.N. CHATURVEDI  
Additional Secy. to the Govt. of India.

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 2003  
ACT, NO. 47 OF 2003, DATED 19.9.2003**

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of

Assam

Be it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:-

1. Short Title:- This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2003
2. Amendment of the Constitution (Scheduled Tribes) Order, 1950.- In the Scheduled to the Constitution (Scheduled Tribes) Order, 1950, in Part II.-Assam,-
  - (i) For the sub-part heading "I. In the autonomous districts".  
the following shall be substituted namely:-
    - "I. In the autonomous districts of Karbi, Anglong and North Cachar Hills";
  - (ii) for the sub-part heading "II. In the State of Assam  
excluding the autonomous districts" the following shall be substituted, namely:-
    - II. In the State of Assam including the Bodoland Territorial Areas Districts and  
excluding the autonomous districts of Karbi Anglong and North Cachar Hills".

## THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

(As amended from time to time)

In exercise of the powers conferred by clause (1) of Article 342 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of States concerned, is pleased to make the following Order, namely:-

1. This order may be called the Constitution (Scheduled Tribes) Order 1950<sup>1</sup>
2. The tribal or tribal communities or parts of or groups within tribes or tribal communities, specified in <sup>2</sup>[Parts I to {XXII}<sup>3</sup>] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.
3. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 7th January, 2003 on which date the President of India gave assent to The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (No. 10 of 2003)

### THE SCHEDULE

#### Part I-Andhra Pradesh

1. Andh, **Sadhu Andh**
2. Bagata
3. Bhil
4. Chenchu
5. Gadabas, **Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba**
6. Gond, Naikpod, Rajgond, **Koitur**
7. Goudu (in the Agency tracts)
8. Hill Reddis
9. Jatapus
10. Kammara
11. Kattunayakan
12. Kolam, **Kolawar**
13. Konda Dhoras, Kubi
14. Konda Kapus
15. Kondareddis
16. Kondhs, Kodi, Kodhu, Desaya Kodhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs, **Kuvinga**
17. Kotia, Benthoriya, Bartika, Dulia, Holva, Sanrona, Sidhapaiko
18. Koya, **Doli Koya, Gutta Musara Koya, Oddi Koya, Pattidi Koya**, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya
19. Kulia
20. Malis (excluding adilabad, Hyderabad, Karimnagar,

- Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)
21. Manna Dhora
22. Mukha Dhora, Nooka Dhora
23. Nayaks (in the Agency tracts)
24. Pardhan
25. Porja, Parangiperja
26. Reddi Dhoras
27. Rona, Rena
28. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras
29. Sugalis, Lambadis, **Banjara**
30. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)
31. Valmiki (**in the Scheduled Areas of Vishakhapatnam, Srikakulam, Vijayanagram East Godavari and West Godavari districts**)
32. Yenadis, **Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi**
33. Yerukulas, **Koracha, Dabba Yerukula, Kunchapuri Yerykula, Uppu Yerukula**
34. **Nakkala, Kurvikaran**

#### 35. Dhulia, Paika, Putiya (in the districts of Vishakhapatnam and Vijayanagram)

#### Part II- Assam

[I. In the autonomous Districts of Karbi Anglong and North Cachar Hills]<sup>4</sup>

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lyngngam
7. Any Kuki tribes, including
  - (i) Biate, Bieta
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) Doungel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip, Haupt
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongsung
  - (xiii) Hrangkhwal, Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathlang, Khothalong
  - (xvii) Khelma
  - (xviii) Kholhou
  - (xix) Kipgen
  - (xx) Kuki
  - (xxi) Legthang



- (xxii) Lhangum
- (xxiii) Lhoujem
- (xxiv) Lhouvun
- (xxv) Lupheng
- (xxvi) Mangjel
- (xxvii) Misao
- (xxviii) Riang
- (xxix) Sairhem
- (xxx) Selnam
- (xxxi) Singson
- (xxxii) Sitlhou
- (xxxiii) Sukte
- (xxxiv) Thado
- (xxxv) Thangngeu
- (xxxvi) Uibuh
- (xxxvii) Vaiphei
- 8. Lakher
- 9. Man (Tai speaking)
- 10. Any Mizo (Lushai) tribes
- 11. **Karbi**
- 12. Any Naga tribes
- 13. Pawi
- 14. Syntheng
- 15. **Lalung**

**\*\*II. In the State of Assam including the Bodo land territorial Areas District and excluding the autonomous districts of Karbi Anglong and North Cachar Hills:**

- 1. Barmans in Cachar
- 2. Boro, Borokachari
- 3. Deori
- 4. Hojai
- 5. Kachari, Sonwal
- 6. Lalung
- 7. Mech
- 8. Miri
- 9. Rabha
- 10. **Dimasa**
- 11. **Hajong**
- 12. **Singpho**
- 13. **Khampti**
- 14. **Garó**

**Part III- Bihar**

- 1. Asur, **Agarla**
- 2. Baiga
- 3. Banjara
- 4. Bathudi
- 5. Bedia
- 6. **Omitted**
- 7. Binjhia
- 8. Birhor
- 9. Birjia
- 10. Chero
- 11. Chik Baraik
- 12. Gond
- 13. Gorait
- 14. Ho

- 15. Karmali
- 16. Kharia, **Dhelki Kharia, Dudh Kharia, Hill Kharia**
- 17. Kharwar
- 18. Khond
- 19. Kisan, **Nagesia**
- 20. Kora, **Mudi-Kora**
- 21. Korwa
- 22. Lohara, Lohra
- 23. Mahili
- 24. Mal Paharia, **Kumarbhag Paharia**
- 25. Munda, **Patar**
- 26. Oraon, **Dhangar (Oraon)**
- 27. Parhaiya
- 28. Santal
- 29. Sauria Paharia
- 30. Savar
- 31. **Kawar**
- 32. **Kol**
- 33. **Tharu**

**Part IV-Gujarat**

- 1. Barda
- 2. Bavacha, Bamcha
- 3. Bharwad (in the Nesses of the forests of Alech, Barada and Gir)
- 4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhgalia, Bhilala, Pawra, Vasava, Vasave
- 5. Charan (in the Nesses of the forests of Alech, Barada and Gir)
- 6. Chaudhri (in Surat and Valsad districts)
- 7. Chodhara
- 8. Dhanka, Tadvil, Tetaria, Valvi
- 9. Dhodia, **Dhodi**
- 10. Dubla Talavia, Hapati
- 11. Gamit, Gamta, Gavil Mavchi, Padvi
- 12. Gond, Rajgond
- 13. Kathodi, Katkari, Dhor Kathodi, Dhor, Katkari, Son Kathodi Son Katkari
- 14. Kokna, Kokni, Kukna
- 15. **Omitted**
- 16. Koli Dhor, Tokre Koli, Kolcha, Kolgha
- 17. Kunbi (in the Dangs district)
- 18. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
- 19. Padhar
- 20. **Omitted**
- 21. Pardhi, Advichincher, Phanse Pardhi (excluding

- Amreli, Bhavanagar, Jamnagar, Junagadh Kutch, Rajkot and Surendranagar districts)
- 22. Patelia
- 23. Pomla
- 24. Rabari (in the Nesses of the forests of Alech, Barada and Gir)
- 25. Rathawa
- 26. Siddi, Siddi-Badshan (in Amreli, Bhavnagar, Jamnagar, Junargadh, Rajkot and Surendranagar districts)
- 27. **Omitted**
- 28. Varli
- 29. Vitolia, Kotwalia, Barodia
- 30. **Bhil, Bhilala Barela, Patelia**
- 31. **Tadvil Bhil, Bawra, Vasave,**
- 32. **Padvi.**

**Part V- Himachal Pradesh**

- 1. Bhot, Bodh
- 2. Gaddi
- 3. Gujjar
- 4. Jad, Lamba, Khampa
- 5. Kanaura, Kinnara
- 6. Lahaula
- 7. Pangwala
- 8. Swangla
- 9. **Beta, Beda**
- 10. **Domba, Gara, Zoba**

**Part VI-Karnataka**

- 1. Adiyani
- 2. Barda
- 3. Bavacha, Bamcha
- 4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhgalia, Bhilala, Pawra, Vasava, Vasave
- 5. Chenchu, Chenchwar
- 6. Chodhara
- 7. Dubla, Talavia, Halpati
- 8. Gamit, Gamta, Gavil, Mavchi, Padvi, Valvi
- 9. Goud, Naikpod, Rajgond
- 10. Gowdalu
- 11. Hakkipikki
- 12. Hasalaru
- 13. Irular
- 14. Iruliga
- 15. Jenu Kuruba
- 16. Kadu Kuruba
- 17. Kammara (in South Kanara district and Kollegal taluk of Mysore district)

18. Kanivan, Kanyan (in Kollegal taluk of Mysore district)
19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
20. Kattunayakan
21. Kakan, Kokni, Kukna
22. Koli Dhor, Tokre Koli, Kolcha, Kolgha
23. Konda Kapus
24. Koraga,
25. Kota
26. Koya, Bhine Koya, Rajkoya
27. Kudiya Melakudi
28. Kuruba (in Coorg district)
29. Kurumans
30. Maha Malasar
31. Malaikudi
32. Malasar
33. Malayekandi
34. Maleru
35. Maratha (in Coorg district)
36. Marati (in south Kanara district)
37. Meda, **Medari, Gauriaga, Burud**
38. Naikda, Nayaka, Chollivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka, Naik, Nayak, Beda, Bedar and Valmiki.
39. Palliyan
40. Paniyan
41. Pardhi, Advichincher, Phanse Pardhi, **Haranshikari**
42. Patelia
43. Rathawa
44. Sholanga
45. Soligar
46. Toda
47. Varli
48. Viola, Kowalia, Barodia
49. Yerava
50. **Siddi (in Uttar Kannada district)**

#### Part VII- Kerala

1. Adiyan
2. Arandan, **Aranadan**
3. Eravallan
4. Hill Pulaya, **Mala Pulayan, Kurumba Pulayan, Pamba Pulayan**
5. Irular, Irulan
6. Kadar, **Wayanad Kadar**
7. **Omitted**
8. Kanikaran, Kanikkar
9. Kattunayakan
10. Kochuvelan
11. Omitted

12. Omitted
13. Koraga
14. **Omitted**
15. Kudiya, Melakudi
16. Kurichchan, **Kurichiyan**
17. Kurumans, **Mulla Kuruman, Mulla Kuruman, Mala Kurumbar, Kurumban**
18. Kurumbas, **Kurumbar, Kurumban**
19. Maha Malasar
20. Malai Arayan, **Mala Arayan**
21. Malai Pandaram
22. Malai Vedan, **Malavedan**
23. Malakkuravan
24. Malasar
25. Malayan, **Nattu Malayan, Konga Malayan (excluding the areas comprising the Kasargode, Connanore, Wayanad and Kozhikode districts)**
26. Malayarayar
27. Mannan
28. **Omitted**
29. Muthuvan, Mudugar, Muduvan
30. Palleyan, **Palliyan, Pliiyar, Paliyan**
31. **Omitted**
32. **Omitted**
33. Paniyan
34. Ulladan, **Ullatan**
35. Uraly
36. **Mala Vettuyan (in Kasargode and Kannur districts)**
37. **Ten Kurumban, Jenu Kurumban**
38. **Thachanadan, Thachanadan Moopan**
39. **Cholanaickan**
40. **Mavilan**
41. **Karimpalan**
42. **Vetta Kuruman**
43. **Mala Panickar**

#### Part VIII- Madhya Pradesh

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, Pando
6. Bhattra
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar

11. Binjhar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta. Koliabhuta, Koliabhuti, Bhar, Bisonhorn, Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Kotar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mongia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chhatri
21. **Omitted**
22. Khairwar, Kondar
23. Kharia
24. Kondh, Khond, Kandh
25. Kol
26. Kolam
27. Korku, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
28. Korwa, Kodaku
29. Majhi
30. Majhwar
31. Mawasi
32. **Omitted**
33. Munda
34. Nagesia, Nagasia
35. Oraon, Dhanka, Dhangad
36. Panika [in (i) Chhatarpur, Panna, Rewa, Satna, Shahdol, Umaria, Sidhi and Tikamgarh districts and (ii) Sevda and Datia tahsils of Datia district]
37. Pao
38. Pardhan, Pathari, Saroti
39. **Omitted**
40. Pardhi, Bahelia, Bahellia, Chita Pardhi Langoli Pardhi, Phans Pardhi,

Shikari, Takankar, Takia  
[In (i) Chhindwara, Mandla, Dindori and Seoni districts (ii) Baihar Tahsil of Balaghat District, (iii) Betul, Bhainsdehi and Shahpur tahsils of Betul district, (iv) Patan tahsil and Sihora and Majholi blocks of Jabalpur district (v) Katni (Murwara) and Vijaya Reghogarh tahsils and Bahoriband and Dhemerkheda blocks of Katni district (vi) Hoshangabad Babai, Sohagpur, Pipariya and Bankhedi tahsils and Kesla block of Hoshangabad district (vii) Narsinghpur district, and (viii) Harsud tahsil of Khandwa district]

41. Parja
42. Sahariya, Saharia, Sehari, Sehria, Sosia, Sor
43. Saonta, Saunta
44. Saur
45. Sawar, Sawara
46. Sonr.

#### Part IX-Maharashtra

1. Andh
2. Baiga
3. Barda
4. Bavacha, Bamcha
5. Bhaina
6. Bharia Bhumia, Bhuinhar, Bhumia, Pando
7. Bhattra
8. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhagalila, Bhilala Pawra, Vasava, Vasave
9. Bhunjia
10. Binjhwar
11. Birhul, Birhor
12. Omitted
13. Dhanka, Tadvil, Tetaria, Valvi
14. Dhanwar
15. Dhodia
16. Dubla Talavia, Halpati
17. Gamit, Gamta, Gavit, Mavchi, Padvi
18. Gond, Rajgond, Arakh, Arrakh, Agaria, Asur, Bedi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhom Maria,

Chota Maria, Dandami Maria, Dhuru, Dhurwa Dhoba, Dhulia, Dorla, Kaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandara, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Magia, Monghya, Mudia, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria.

19. Halba, Halbi
20. Kamar
21. Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari, Son Kathodi, Son Katkari
22. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri.
23. Khairwar
24. Kharia
25. Kokna, Kokni, Kukna
26. Kol
27. Kolam, Mannervaru
28. Koli Dhor; Tokre Koli, Kolcha, Kolgha
29. Koli Mahadev, Dongar Koli
30. Koli Malhar
31. Kondh, Khond, Kandh
32. Korku, Bopchi, Mouasi, Nihal, Nahul, Bondhi, Bondeya
33. Koya, Bhine Koya, Rajkoya
34. Nagesia, Nagasia
35. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
36. Oraon, Dhangad
37. Pardhan, Pathari, Saroti
38. Pardhi, Advichincher, Phans Pardhi, Phanse Pardhi, Langoli Pardhi, Bahelia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia
39. Parja
40. Patelia
41. Pomla
42. Rathawa
43. Sawar, Sawara
44. Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar
45. Omitted
46. Varli
47. Vitolia, Kotwalia, Barodia

#### Part X- Manipur

1. Aimol
2. Anal
3. Angami
4. Chiru
5. Chothe
6. Gangte
7. Hmar
8. Kabui
9. Kacha Naga
10. Koirao
11. Koirang
12. Kom
13. Lamgang
14. Mao
15. Maram
16. Maring
17. Any Mizo (Lushai) tribes
18. Monsang
19. Moyon
20. Paite
21. Purum
22. Ralte
23. Sema
24. Simte
25. Suhte
26. Tangkhul
27. Thadou
28. Viphei
29. Zou
30. Poumai Naga
31. Tarao
32. Kharam
33. Any Kuki tribes.

#### Part XI-Meghalaya

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lyngngam
7. Any Kuki tribes, including:-
  - (i) Biate, Biete
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) Doungel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip, Haupt
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongsungh
  - (xiii) Hrangkwal, Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathilang, Khothalong
  - (xvii) Khelma
  - (xviii) Kholhou

- (xix) Kipgen
- (xx) Kuki
- (xxi) Lengthang
- (xxii) Lhangum
- (xxiii) Lhoujem
- (xxiv) Lhouvun
- (xxv) Lupheng
- (xxvi) Mangjel
- (xxvii) Misao
- (xxviii) Riang
- (xxix) Sairhem
- (xxx) Selnam
- (xxxi) Singson
- (xxxii) Sitlhou
- (xxxiii) Sukte
- (xxxiv) Thado
- (xxxv) Thangngeu
- (xxxvi) Uibuh
- (xxxvii) Vaiphei
- 8. Lakher
- 9. Man (Tai Speaking)
- 10. Any Mizo (Lushai) tribes
- 11. Mikir
- 12. Any Naga tribes
- 13. Pawi
- 14. Synteng
- 15. Boro Kacharis
- 16. Koch
- 17. Raba, Rava

#### Part XII- Orissa

- 1. Bagata, Bhakta
- 2. Baiga
- 3. Banjara, Banjari
- 4. Bathudi, Bathuri
- 5. Bhottada, Dhotada, **Bhotra, Bhatra, Bhattara, Bhotora, Bhatara**
- 6. Bhuiya, Bhuyan
- 7. Bhumia
- 8. Bhumij, **Teli Bhumij, Haladipokhria Bhumij, Haladi Pokharia Bhumija, Desi Bhumij, Desia Bhumij, Tamaría Bhumij**
- 9. Bhunjia
- 10. Binjhal, **Binjhar**
- 11. Binjhia, Binjhoa
- 12. Birhor
- 13. Bondo Paraja, **Bonda Paroja, Banda paroja**
- 14. Chenchu
- 15. Dal
- 16. Desua Bhumji
- 17. Dharua, **Dhuruba, Dhurva**
- 18. Didayi, Didai Paroja, **Didai**
- 19. Gadaba, **Bodo Gadaba, Gutob Gadaba, Kapu Gadaba, Ollara Gadaba, Parenga Gadaba, Sano Gadaba.**

- 20. Gandia
- 21. Ghara
- 22. Gond, Gondo, **Rajgond, Maria Gond, Dhur Gond**
- 23. Ho
- 24. Holva
- 25. Jatapu
- 26. Juang
- 27. Kandha Gauda
- 28. Kavar **Kanwar**
- 29. Kharia, Kharian, **Berga Kharia, Dhelki Kharia, Dudh Kharia, Erenga Kharia, Munda Kharia, Oraon Kharia, Khadia, Pahari Kharia**
- 30. Kharwar
- 31. Khond, Kond, Kandha, Nanguli Kandha, Sitha Kandha, **Kondh, Kui, Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond**
- 32. Kisan, **Nagesar, Nagesia**
- 33. Kol
- 34. Kolah Laharas, Kol Loharas
- 35. Kolha
- 36. Koli, Malhar
- 37. Kondadora
- 38. Kora, **Khaira, Khayara**
- 39. Korua
- 40. Kotia
- 41. Koya, **Gumba Koya, Koitur Koya, Kamar Koya, Musara Koya**
- 42. Kulis
- 43. Lodha, **Nodh, Nodha, Lodh**
- 44. Madia
- 45. Mahali
- 46. Mankidi
- 47. Mankirdia, **Mankria, Mankidi**
- 48. Matya **Matia**
- 49. Mirdhas, **Kuda, Koda**
- 50. Munda, Munda Lohara, Munda Mahalis, **Nagabanshi Munda, Oriya Munda**
- 51. Mundari
- 52. Omanatya, **Omanatyo, Amanatya**
- 53. Oraon, **Dhangar, Uran**
- 54. Parenga
- 55. Paroja, **Parja, Bodo Paroja, Barong Jhodia Paroja, Chhelia Paroja, Jhodia Paroja, Konda Paroja, Paraja, Ponga**

- paroja, Sodia Paroja, Sano Paroja, Solia Paroja**
- 56. Pentia
- 57. Rajuar
- 58. Santal
- 59. Saora, Savar, , Saura, Sahara, **Arsi Saora, Based Saora, Bhima Saora, Bhimma Saora, Chumura Saora, Jara Savar, Jadu Saora, Jati Saora, Juari Saora, Kampu Saora, Kampa Soura, Kapo Saora, Kindal Saora, Kumbi Kancer Saora, Kalapithia Saora, Kirat Saora, Lanjia Saora, Lamba Lanjia Saora, Luara Saora, Luar Saora, Laria Savar, Malia Saora, Malla Saora, Uriya Saora, Raika Saora, Sudda Saora, Sarda Saora, Tankala Saora, Patro Saora, Vesu Saora**
- 60. Shabar, Lodha
- 61. Sounti
- 62. Tharua, **Tharua Bindhani**

#### Part XIII-Rajasthan

- 1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvī Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
- 2. Bhil Mina
- 3. Damor, Damaria
- 4. Dhanka, Tadvī, Tetaria, Valvi
- 5. Garasia (excluding Rajput Garasia)
- 6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
- 7. Kokna, Kokni, Kukna
- 8. Koli dhor, Tokre Koli, Kolcha, Kolgha
- 9. Mina
- 10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
- 11. Patelia
- 12. Seharia, Sehria, Sahariya

#### Part XIV-Tamil Nadu

- 1. Adiyar
- 2. Aranadan
- 3. Eravallan
- 4. Irular
- 5. Kadar

6. Kammara (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
7. Kanikaran, Kanikkar (in Kanyakumari district and Shenkottah and **Ambasamudram Taluks** of Tirunelveli district)
8. Kaniyan, Kanyan
9. Kattunayakan
10. Kochu Velan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
15. Kudiya, Melakudi
16. Kurichchan
17. Kurumbas (in the Nilgiris district)
18. Kurumans
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayali (in Dharmapuri North Arcot Pudukottai, Salem, South Arcot and Tiruchirapali districts)
26. Malaydkandi
27. Mannan
28. Mudugar, Muduvan
29. Muthuvan
30. Palleyan
32. Palliyan
33. Palliyar
34. Paniyan
35. Sholaga
36. Toda (excluding Kanyakumari district and Shenkottah Taluk of Tirunelveli district)
37. Uraly

#### Part XV- Tripura

1. Bhil
2. Bhutia
3. Chaimal
4. Chakma
5. Garoo
6. Halam, **Bengshel, Dub, Kaipeng, Kalai, Karbong, Lengui, Mussum, Rupini, Sukuchep, Thangchep**
7. Jamatia
8. Khasia
9. Kuki, including the following sub-tribes:-
  - (i) Baite

- (ii) Belalhut
- (iii) Chhalya
- (iv) Fun
- (v) Hajango
- (vi) Jan gtei
- (vii) Khareng
- (viii) Khephong
- (ix) Kuntei
- (x) Laifang
- (xi) Lentei
- (xii) Mizel
- (xiii) Namte
- (xiv) Paitu, Paite
- (xv) Rangchan
- (xvi) Rangkhole
- (xvii) Thangluya
10. Lepcha
11. Lushai
12. Mag
13. Munda, Kaur
14. Noatia, **Murashing**
15. Orang
16. Riang
17. Santal
18. Tripura, Tripuri, Tippera
19. Uchai.

#### Part XVI-West Bengal

1. Asur
2. Baiga
3. Badia, Bediya
4. Bhumij
5. Bhutia, Sherpa, Toto, Dukpa, Kagatay, Tibetan, Yolmo
6. Birhor
7. Birjia
8. Chakma
9. Chero
10. Chik Baraik
11. Garo
12. Gond
13. Gorait
14. Hajang
15. Ho
16. Karmali
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lepcha
23. Lodha, Kheria, Kharia
24. Lohara, Lohra.
25. Magh
26. Mahali
27. Mahli
28. Mal Paharya
29. Mech
30. Mru
31. Munda
32. Nagesia
33. Oraon
34. Parhaiya

35. Rabha
36. Santal
37. Sauria Paharia
38. Savar

#### Part XVII- Mizoram<sup>5</sup>

1. Chakma
2. Dimasa (Kachari)
3. Garo
4. Hajong
5. Hmar
6. Khasi and Jaintia, (Including Khasi, Synteng or Pnar, War, Bhoi or Lyngngam)
7. Any Kuki tribes, including:-
  - (i) Baite or Beite
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) Doulgel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip or Haupt
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongsungh
  - (xiii) Hranagkhwal or Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathlang or Khothalong
  - (xvii) Khelma
  - (xviii) Kholhou
  - (xix) Kipgen
  - (xx) Kuki
  - (xxi) Lengthang
  - (xxii) Lhangum
  - (xxiii) Lhoujem
  - (xxiv) Lhouvun
  - (xxv) Lumpheng
  - (xxvi) Mangjel
  - (xxvii) Missao
  - (xxviii) Riag
  - (xxix) Siarhem
  - (xxx) Selnam
  - (xxxi) Singson
  - (xxxii) Sitthou
  - (xxxiii) Sukte
  - (xxxiv) Thado
  - (xxxv) Thangngeu
  - (xxxvi) Uibuh
  - (xxxvii) Vaiphei
  8. Lakher
  9. Man (Tai-speaking)
  10. Any Mizo (Lushai)
  11. Mikir
  12. Any Naga Tribes
  13. Pawi
  14. Synteng.
  - 15. Paite**

## Part XVIII- Arunachal

### Pradesh<sup>6</sup>

All tribes in the State including:-

1. Abor
2. Aka
3. Apatani
4. Daffa
5. Galong
6. Khampti
7. Khowa
8. Mishmi, **Idu, Taroan**
9. Momba
10. Any Naga tribes
11. Sherdukpen
12. Singpho
13. **Hrusso**
14. **Tagin**
15. **Khamba**
16. **Adi**

## Part XIX- Goa<sup>7</sup>

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Siddi (Nayaka)
5. Varli
6. **Kunbi**
7. **Gawda**
8. **Velip**

## Part XX- Chhattisgarh<sup>8</sup>

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumia, Bharia, Paliha, Pando
6. Bhattra
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhar
12. Birhul, Birhor
13. Damor, Damarla
14. Dhanwar
15. Gadaba, Gadba
16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koliabhuta, Kliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita,

- Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chhatra
21. Khairwar, Kondar
22. Kharia
23. Kondh, Khond, Kandh
24. Kol
25. Kolam
26. Korku, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
27. Korwa, Kodaku
28. Majhi
29. Majhar
30. Mawasi
31. Munda
32. Nagesia, Nagasia,
33. Oraon, Dhanka, Dhangad
34. Pao
35. Pardhan, Pathari, Saroti
36. Pardhi, Bahelia, Bahellia, Chita, Pardhi, Langoli, Pardhi, Phans, Pardhi, Shikari, Takankar, Takia [(i) Bastar, Dantewara, Kanker, Raigarh, Jashpurnagar, Surguja and (ii) Katghora, Pali, Kartala nad Korba tahsils of Korba district, (iii) Bilaspur, Pendara, Kota and Takhatpur tahsils of Bilaspur district, (iv) Durg, Patan, Gunderdehi, Dhamdha, Balod, Gurur and Dondilohara tahsils of Durg district, (v) Chowki, Manpur and Mohala Revenue Inspector Circles of Rajnandgaon district, (vi) Mahasanmund Saraipali and Basna tahsils of Mahasamund districts, (vii) Bindra-

Navagarh Rajim and Deobhog tahsils of Raipur district, and (viii) Dhamtari, Kurud and Sihava tahsils of Dhamtari district]

37. Parja
38. Sahariya, Saharia, Seharia, Sehria, Sosia, Sor
39. Saonta, Saunta
40. Saur
41. Sawar, Sawara
42. Sonr.

## Part XXI- Uttaranchal<sup>9</sup>

1. Bhotia
2. Buksa
3. Jaunsari
4. Raji
5. Tharu

## Part XXII- Jharkhand<sup>10</sup>

1. Asur, **Agaria**
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Binjhia
7. Birhor
8. Birjia
9. Chero
10. Chik Baraik
11. Gond
12. Gorait
13. Ho
14. Karmali
15. Kharia, **Dhelki Kharia, Dudh Kharia, Hill Kharia**
16. Kharwar
17. Khond
18. Kisan, **Nagesia**
19. Kora **Mudi-Kora**
20. Korwa
21. Lohra
22. Mahli
23. Mal Paharia, **Kumarbhag Paharia**
24. Munda, **Patar**
25. Oraon, **Dhangar (Oraon)**
26. Parhaiaya
27. Santal
28. Sauria Paharia
29. Savar
30. Bhumij
31. **Kawar**
32. **Kol**

NB Entries in bold letters inserted by The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (No. 10 of 2003)

1. Published with the Ministry of Law's Notification No. S.R.O. 510 dated 6th September, 1950, Gazette of India Extraordinary, 1950 Part II, Section 3, Page 597
2. Substituted by The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 (published as S.R.O. 2477 A dated 29.10.1956)
3. Substituted vide Sixth Schedule w.r.t. Section 24 of The Bihar Reorganization Act, 2000
4. Inserted by The Constitution Scheduled Tribes Order (Amendment) Act, 2003 (No. 47 of 2003) Notified on 19.09.2003 (w.r.t. Part II- Assam)
5. Inserted by Third Schedule w.r.t. Section 14 of Act No. 34 of 1986 (w.e.f. 20.02.1987) (w.r.t. Part XVII -Mizoram)
6. Inserted by Third Schedule w.r.t. Section 17 of Act No. 69 of 1986 (w.r.t. Part XVIII- Arunachal Pradesh)
7. Inserted by Second Schedule w.r.t. Section 19 of Act No. 18 of 1987 (w.e.f. 30.05.1987) (w.r.t. Part XIX- Goa)
8. Inserted by The Fourth Schedule w.r.t. Section 20 of The Madhya Pradesh Reorganisation Act, 2000 (w.r.t. Part XX- Chhattisgarh)
9. Inserted by The Sixth Schedule w.r.t. Section 25 of The Uttar Pradesh Reorganisation Act, 2000 (w.r.t. Part XXI- Uttaranchal)
10. Inserted by The Sixth Schedule w.r.t. Section 24 of The Bihar Reorganisation Act, 2000 (w.r.t. Part XXII- Jharkhand)

**<sup>1</sup>THE CONSTITUTION (SCHEDULED TRIBES) <sup>2</sup>[(Union Territories)] ORDER, 1951**  
(As amended from time to time)

In exercise of the powers conferred by clause (1) of Article 342 of the Constitution of India, as amended by the Constitution (First Amendment) Act, 1951, the President is pleased to make the following Order, namely:-

1. This Order may be called the Constitution (Scheduled Tribes) <sup>2</sup>[(Union Territories)] Order, 1951.
2. The tribes or tribal communities or parts of or groups within, tribes or tribal communities, specified in [Parts-I to II]<sup>3</sup> of the Schedule to this order shall in relation to the [Union Territories]<sup>2</sup> to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.
- <sup>3</sup>[3. Any reference in this Order to Union Territory in Part I of the Schedule shall be construed as a reference to that territory constituted as a Union territory as from the 1st day of November 1956 <sup>4</sup>{and any reference to a Union territory in Part II of the Schedule shall be construed as a reference to the territory constituted as as Union territory as from the day appointed under clause (b) of section 2 of the Goa, Daman and Diu Reorganisation Act, 1987}].

**[THE SCHEDULE]<sup>5</sup>**

(Omitted)<sup>6</sup>  
(Omitted)<sup>7</sup>

**[Part I – Lakshadweep]<sup>8</sup>**

Throughout the State:-

Throughout the Union territory:-

Inhabitants of the Laccadive, Minicoy, and Aminidivi Islands who, and both of whose parents, were born in those islands.

**[Part II- Daman & Diu]<sup>4</sup>**

Throught the Union territory :-

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Siddi (Nayaka)
5. Varli.]

1. Published with the Ministry of Law Notifin. No. S.R.O. 1427B, dated the 20th September, 1951, Gazette of India, Extraordinary, 1951, Part II, Section 3, page 1198G
2. Subs. by The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956
3. Subs. by Second Schedule w.r.t. Section 19 Act, No. 18 of 1987, (w.e.f. 30.05.1987)
4. Inserted by ibdi. (w.e.f. 30.05.1987)
5. Original Schedule containing Parts I to VIII (Ajmer, Bhopal, Coorg, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh) notified on 20 September 1951) vide S. No. 1 above) was substituted by the Schedule containing Parts I to IV (Himachal Pradesh, Manipur, Tripura and The Laccadive, Minicoy and Amundivi Islands) vide the Order at S.No. 2 above
6. Entry relating to Himachal Pradesh (Part I) omitted by Fourth Schedule w.r.t. Section 20 of Act No. 53 of 1970 (w.e.f. 21.01.1971)
7. Parts II and III relating to Manipur and Tripura respectively omitted by Fifth Schedule w.r.t. Section 26 (2) of Act No. 81 of 1971 (w.e.f. 21.01.1972)
8. Substituted by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Adaptation of Laws Order, 1974, for Part I- The Laccadive, Minicoy and Amindivi Island (w.e.f. 1.11.1973)



**<sup>1</sup>[THE CONSTITUTION (SCHEDULED TRIBES) (UTTAR PRADESH) ORDER 1967]  
(As amended from time to time)**

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Uttar Pradesh, is pleased to make the following Order namely:-

THE SCHEDULE

1. This Order may be called the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities specified in the Schedule to this Order, shall, for the purpose of the Constitution of India, be deemed to be Scheduled Tribes in relation to the State of Uttar Pradesh so far as regards members thereof resident in that State.

1. Bhotia
2. Buksa
3. Jaunsari
4. Raji
5. Tharu
6. **Gond, Dhuria, Nayak, Ojha, Pathari, Raj Gond (in the districts of Mehrajganj, Sidharth nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra)**
7. **Kharwar, Khairwar (in the districts of Deoria, Balia, Ghazipur, Varanasi, and Sonbhadra)**
8. **Sahayra (in the district of Lalitpur)**
9. **Parahiya (in the district of Sonbhadra)**
10. **Baiga (in the district of Sonbhadra)**
11. **Pankha, Panika (in the districts of Sonbhadra and Mirzapur)**
12. **Agariya (in the district of Sonbhadra)**
13. **Patari (in the district of Sonbhadra)**
14. **Chero (in the districts of Sonbhadra and varanasi)**
15. **Bhuiya, Bhuinya (in the district of Sonbhadra)**

- 
1. Published with the Ministry of Law Notification No. G.S.R. 960, dated the 24th June, 1967, Gazette of India, Extraordinary, 1967, Part II, Section 3(i), page 311
  2. Entries against S.No. 6 to 15 inserted by The Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 notified on 07 January, 2003

**THE CONSTITUTION (SIKKIM) SCHEDULED TRIBES ORDER 1978**  
(As amended from time to time)

In exercise of the powers conferred by the clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Sikkim, is pleased to make the following Order namely:-

1. This Order may be called the Constitution (Sikkim) Scheduled Tribes Order, 1978
2. The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order, shall, for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to the State of Sikkim so far as regards members thereof resident in that State.

THE SCHEDULE

- |    |  |
|----|--|
| 1. | Bhutia (including Chumbipa Dophap, Dukpa, Kagatey, Sherpa, Tibetan, Tromop, Yolmo) |
| 2. | Lepcha   |
| 3  | <b>Limboo</b>  |
| 4  | <b>Tamang</b>  |

N. SANJIVA REDDY  
President

22nd June, 1978

S. HARIHARA ...  
Secy. to the Govt. of India.

- 
1. Published with the Ministry of Law Notification No. G.S.R. 1099, dated the 23rd July, 1970, Gazette of India, Extraordinary, 1970, Part II, Section 3(i), page 641.
  2. The communities written in bold letters were specified as Scheduled Tribes vide the Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002

**Total Population and Population of Scheduled Tribes in each State and UT as per  
Census of India 2001**

S.No.	Name of the State/UT	Total Population	Scheduled Tribes (ST) Population	%age of ST Population in the State/ UT to Total Population in the State/ UT	% of ST Population in the State/ UT to Total ST Population in the Country	Rank on the basis of ST Population as given in col.6
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	India®	1,028,610,328	84,326,240	8.2	100.00	
1	Andhra Pradesh	76,210,007	5,024,104	6.6	5.96	8
2	Arunachal Pradesh	1,097,968	705,158	64.2	0.84	19
3	Assam	26,655,528	3,308,570	12.4	3.92	11
4	Bihar	82,998,509	758,351	0.9	0.90	17
5	Chhattisgarh	20,833,803	6,616,596	31.8	7.85	7
6	Goa	1,347,668	566	0.04	0.0007	30
7	Gujarat	50,671,017	7,481,160	14.8	8.87	4
8	Haryana	21,144,564	-	0.0	-	-
9	Himachal Pradesh	6,077,900	244,587	4.0	0.29	23
10	Jammu & Kashmir	10,143,700	1,105,979	10.9	1.31	14
11	Jharkhand	26,945,829	7,087,068	26.3	8.40	6
12	Karnataka	52,850,562	3,463,986	6.6	4.11	10
13	Kerala	31,841,374	364,189	1.1	0.43	21
14	Madhya Pradesh	60,348,023	12,233,474	20.3	14.51	1
15	Maharashtra	96,878,627	8,577,276	8.9	10.17	2
16	Manipur	2,166,788	741,141	34.2	0.88	18
17	Meghalaya	2,318,822	1,992,862	85.9	2.36	12
18	Mizoram	888,573	839,310	94.5	1.00	16
19	Nagaland	1,990,036	1,774,026	89.1	2.10	13
20	Orissa	36,804,660	8,145,081	22.1	9.66	3
21	Punjab	24,358,999	-	0.0	-	-
22	Rajasthan	56,507,188	7,097,706	12.6	8.42	5
23	Sikkim	540,851	111,405	20.6	0.13	25
24	Tamil Nadu	62,405,679	651,321	1.0	0.77	20
25	Tripura	3,199,203	993,426	31.1	1.18	15
26	Uttar Pradesh	166,197,921	107,963	0.1	0.13	26
27	Uttaranchal	8,489,349	256,129	3.0	0.30	22
28	West Bengal	80,176,197	4,406,794	5.5	5.23	9
29	A & N Islands	356,152	29,469	8.3	0.03	28
30	Chandigarh	900,635	-	0.0	-	-
31	Dadra & Nagar Haveli	220,490	137,225	62.2	0.16	24
32	Daman & Diu	158,204	13,997	8.8	0.02	29
33	Delhi	13,850,507	-	0.0	-	-
34	Lakshadweep	60,650	57,321	94.5	0.07	27
35	Pondicherry	974,345	-	0.0	-	-

Source: Primary Census Abstract : Census of India 2001

Note: ® - Excludes Mao-Maram, Paomata and Purul sub-divisions of Senapati district of Manipur

D.O.No. 6/7/2006-C.Cell

**K.N. Singh**  
**Joint Secretary**  
**Ph:24603669**

3.1.2007

**Dear**

The National Commission for Scheduled Tribes in its meeting held on 20.12.2006 observed that in terms of the present instructions, persons belonging to Scheduled Tribe specified in relation to a State/UT are eligible to avail benefits of reservation in services and posts under Govt. of India and reservation in admission in any national level colleges and professional/ technical institutions under the control of Central Govt. irrespective of the State/UT to which they belong and also irrespective of the State/UT in which these colleges/institutions are located. The Commission, however, noted that the above facilities were not available to the children of such Scheduled Tribes who have migrated and settled in other States/UTs (i.e. other than the State of their origin) consequent upon their appointment and posting in those States/UTs against Group A or Group B posts under the State Govt. (which are filled on All India basis) or those who while working in Central Govt. offices or CPSUs are transferred and posted to States/UTs other than the State/UT of their origin. The Commission noted that the children of such migrated tribals face severe problems which include denial of the benefits of reservation in admission to the State-run educational/professional institutions and in the employment under the State Govt. while those who belong to general category and had migrated from other State/UT and fulfilled the prescribed eligibility conditions like domicile or birth in the State etc. did not face any such problem. The Commission further noted that the children of the migrated ST parents were not eligible to get admission in the institution of their choice even in the State of their origin due to the fact that they had migrated to another State and that even for the purpose of allotment of land/houses/house-sites or such other schemes also, persons belonging to general category of other States/UTs could apply irrespective of their State of origin while the ST migrants are losers in the State of migration and are also not entitled to such benefits in the State of their origin.

2. The Commission observed that ST persons who had migrated to serve in another State and contributed in the growth and development of that State suddenly become non-ST and such ST person and their wards are deprived of the safeguards and rights provided to them under the Constitution, which amounts to denial of justice to them,

notwithstanding the fact that the Constitution of India had made special provisions to bring the Scheduled Tribes at par with general population.

3. As you are aware, the above problem prevails due to the present instructions of the Govt. of India according to which a person continues to be a SC or ST in respect of the State of his/her origin and he or she will not be treated as SC or ST in the State to which he/she has migrated. You will agree that this decision has been causing undue hardships to the Scheduled Tribe persons on their migration to other State and, therefore, there is an urgent and genuine need to have a fresh look in this matter and issue instructions to the State Govts./UT Administrations to provide that the children of the migrated ST parents will be eligible to get the benefit of reservation in employment under the State Govt. and in admission in the State-run educational and professional institutions against seats reserved for Scheduled Tribes as also other benefits such as disbursement of post-matric scholarship etc.

4. We shall be grateful if the action taken or proposed to be taken by your Ministry/Department on the above suggestion/recommendation of the Commission is communicated within 30 days of the receipt of this letter.

With regards,

Yours sincerely,

(K.N. Singh)

**Shri L.K. Joshi**

Secretary,  
Department of Personnel & Training,  
North Block,  
New Delhi.

**Shri R.P. Agrawal**

Secretary,  
Department of Secondary & Higher Education,  
Shastri Bhavan,  
New Delhi

**Shri Naresh Dayal**

Secretary,  
Department of Health and Family Welfare,  
Nirman Bhavan, New Delhi

**Smt. Veena Chhotray**

Secretary,  
Ministry of Tribal Affairs,  
Shastri Bhavan,  
New Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
(SERVICES DEPARTMENT –BRANCH IV)  
7TH LEVEL, B- WING, DELHI SECRETARIAT  
I.P.ESTATE, NEW DELHI-110002

NO. F.16(73)/97-S.III/710

DATED: 30/6/2005

To

1. The Chairman,  
Delhi Subordinate Services Selection Board.  
Government of NCT of Delhi,  
UTCS Building, Shadara, Delhi
2. All Heads of Departments/ Local/ Autonomous Bodies/ PSUs,  
Government of NCT of Delhi.

Sub: Reservation for SCs/ STs in the jobs under the Government of NCT of Delhi.

Ref: Letter No. 14011/23/2005-Delhi-I dated 01.06.2005 of the Ministry of Home Affairs,  
Government of India.

Sir/Madam,

I am to inform you that the matter regarding grant of reservation to SCs/ STs in jobs under the Government of NCT of Delhi has been examined by the Ministry of Home Affairs in consultation with the Ministry of Law and Justice (Department of Legal Affairs), Government of India in light of the judgment of Hon'ble Supreme Court dated 11.02.2005 in Civil Appeal No. 6-7 of 1998 in the matter of S. Pushpa & Ors. Vs Sivachanmugavelu & Ors.

It has been stated by the Ministry of Home Affairs, Government of India vide their letter cited above that the Ministry of Law & Justice (Department of Legal Affairs) has opined that the law declared by the Hon'ble Supreme Court of India in its judgment dated 11.02.2005 applies to the National Capital Territory of Delhi also and shall be binding on all Courts within the territory of India under Article 141 of the Constitution of India.

In light of the above, all the Scheduled Caste/ Scheduled Tribe candidates irrespective of their nativity are eligible for reservation to the civil posts under Government of NCT of Delhi, which are reserved for SC/ST candidates and appropriate action for recruitment may be taken accordingly.

Yours sincerely,

Sd/-.....  
(S.P. Singh)  
Joint Secretary (Services)

NO. F.16(73)/97-S.III/710

DATED: 30/6/2005

Copy to:

1. Secretary to Lt. Governor, Delhi, Govt. of NCT of Delhi
2. Secretary to the Chief Minister, Govt. of NCT of Delhi.
3. Secretary (Legislative Assembly) Govt. of NCT of Delhi
4. Staff Officer, Office of the Chief Secretary, Govt. of NCT of Delhi
5. Secretary to the Speaker, Delhi Vidhan Sabha, Govt. of NCT of Delhi
6. Secretaries to all Ministers of Govt. of NCT of Delhi
7. Superintendent (Services-I/II/III/IV/ Coordination), GNCTD
8. Guard File.

Copy forwarded to :

Director, Delhi Govt. of India, Ministry of Home Affairs, North Block, New Delhi

(S.P. Singh)  
Joint Secretary (Services)

Government of India  
National Commission for Scheduled Tribes  
6th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi

Dated, 29.5.2007

D.O. No. 4/3/2006-C.Cell

K.N.Singh,  
Joint Secretary,  
Ph. 24603669

Dear Shri/ Smt.

As you are aware, there are certain tribal communities, which, on account of their declining or stagnant population and their economic backwardness including pre-agricultural level of technology and low level of literacy, have been identified and categorized as Primitive Tribal Groups (PTGs). The number of such communities in the entire country in respect of 17 States/ UTs is 75. It is proposed to have a separate chapter in the Report of the Commission for the year 2006-07 on the status of economic development of the PTGs. The PTG/ PTGs in respect of your State is/ are..... It is requested that a brief note in this regard may be sent to the Commission with particular reference to the following aspects:

- (i) Their total population as per 2001 Census
- (ii) The schemes/ programmes being implemented by the State Govt. for their (a) economic and educational development (b) providing medical facilities and improving their health conditions, (c) providing housing and, (d) safe drinking water, etc.
- (iii) Whether PDS is properly and effectively working in the areas inhabited by PTGs
- (iv) What are the sources of their subsistence,
- (v) Fund received during the last three years under the Central Sector Scheme of Ministry of Tribal Affairs and the activities undertaken for development of PTGs under the scheme,
- (vi) Specific problems being faced by these PTGs and the suggestions to overcome them,
- (vii) How many starvation deaths were reported from the PTGs during the last three years?

2. We shall be grateful if the requisite information is sent to this Commission at the earliest and in any case not later than 15th June 2007.

With regards,

Yours sincerely,

Sd/-...  
(K.N. Singh)

Shri .....  
Chief Secretary  
(As per list attached)

### List of Chief Secretaries

1.	Shri J. Harinarayan, Chief Secretary, Govt. of Andhra Pradesh, Hyderabad-500022 Fax: 040-23453700	9.	Shri Anil Vaish, Chief Secretary, Govt. of Rajasthan, Jaipur, Fax: 0141-2561324
2.	Shri N.K. Mandal, Chief Secretary, Govt. of Jharkhand, Ranchi, Fax; 0651-2403255	10	Shri L. Tripathy, Chief Secretary, Govt. of Tamil Nadu, Chennai Fax: 044-5672304
3.	Shri Sudhir Mankad, Chief Secretary, Govt. of Gujarat, Gandhinagar-382010, Fax: 079-23250305	11	Shri Shashi Prakash, Chief Secretary, Govt. of Tripura, Agartala Fax: 0381-2324013
4.	Smt. Lizzie Jacob, Chief Secretary, Govt. of Kerala Thiruvanthapuram Fax: 0471-2327176	12.	Shri Surjit Kishore Das, Chief Secretary, Govt. of Uttaranchal Dehradun Fax: 0135-2712500
5.	Shri P.B. Mahishi, Chief Secretary, Govt. of Karnataka, Bangalore, Fax: 080-22258913	13	Shri Amit Kiran Deb, Chief Secretary, Govt. of West Bengal Kolkata, Fax: 033-22215300
6.	Shri R.C. Sahani, Chief Secretary, Govt. of Madhya Pradesh, Bhopal Fax: 0755-2551370	14	Shri Jarnail Singh, Chief Secretary, Govt. of Manipur, Imphal Fax: 0385-222629
7.	Shri Johny Joseph, Chief Secretary, Govt. of Maharashtra, Mumbai Fax: 022-22028594	15	Shri Shivraj Singh, Chief Secretary, Govt. of Chhattisgarh, Raipur-492001 Fax: 0771-2221206
8.	Shri Ajit Kumar Tripathy, Chief Secretary, Govt. of Orissa, Bhubaneswar Fax: 0674-253666o		

Copies also sent to the Directors, Regional Offices of the Commission at Bhopal/ Jaipur, Assistant Director, Regional Offices of the Commission at Shillong and Research Officer Regional Office of the Commission at Bhubaneswar



**Government of India**

National Commission for Scheduled Tribes  
6th Floor, Lok Nayak Bhawan, New Delhi

K.K. GUPTA,  
SECRETARY

D.O. No. 4/3/2006-C.Cell

Dated 1 November, 2006

Dear (As per list attached)

The National Commission for Scheduled Tribes, which has been constituted under Article 338A of the Constitution of India w.e.f. 19 February, 2004 vide the Constitution (89th Amendment) Act, 2003, has submitted its first Report to the President of India in August, 2006. The Commission would now like to submit its next report to the President by end of February, 2007 with focused attention on some of the vital aspects affecting the socio-economic development of Scheduled Tribes.

2. You will agree that **education** provides the most vital input in human resource development. It is the most effective and crucial tool of the empowering people- the primary vehicle by which economically and socially marginalized sections of society like Scheduled Tribes can be empowered to lift themselves from the existing levels of poverty. Unless these underprivileged sections of society receive the minimum education, they cannot exercise the civil, political, economic and social freedom as enshrined in the Constitution of India.

3. Another important area which needs priority attention is the **special health needs of women and the girl child** which includes the tribal population. The reduction of infant mortality and maternal mortality are equally important indicators of human development. On account of inadequacy of infrastructure for health services, the medical care remains inaccessible to large sections of the tribal population, particularly in the remote and rural areas, where the majority of the tribes reside. There is no doubt that the Government has laid down norms for the network of Sub-centres, Primary Health Centres and Community Health Centres. However, there is a severe shortfall. The inadequacy of manpower in the rural primary health care institutions, with vacancies and absence of staff in critical posts has very serious implications for the health care of the tribal people.

4. Another area of concern in respect of the Scheduled Tribes has been **the alienation of their lands to the non-tribals**. The Commission has observed that notwithstanding the operation of anti-land alienation laws being in force for decades, legal and illegal transfer of tribal land has been taking place in various States on account of loopholes in these laws, connivance of the lower level revenue functionaries and ignorance and innocence of the tribal people.

5. As above mentioned three areas hold the key to the socio-economic advancement of tribals, the Commission would like to **give special and extensive coverage in its next report on the schemes/ programmes being implemented by the State Govts. either at their own or under the Centrally Sponsored/ Central Sectors Schemes for tribal development in these areas**. We have prepared three Questionnaires (Questionnaire 1, 2, & 3) to elicit the requisite information in respect of these three sectors copies of which are enclosed. I shall be grateful if you could issue necessary instructions to the Secretary/ Principal Secretary of the concerned department to get the requisite information collected and compiled on priority basis with respect to each Questionnaire. I shall also request you to instruct the Secretary/ Principal Secretary in charge of Tribal Development to coordinate with these Secretaries and to ensure that the required information in the respective Questionnaire is sent to this Commission by **15 December, 2006 positively**.

With regards,

Yours faithfully,

Sd/-...  
(K.K.Gupta)

Shri .....  
Chief Secretary  
(As per list attached)

### List of Chief Secretaries

1.	Shri J. Harinarayan, Chief Secretary, Govt. of Andhra Pradesh, Hyderabad-500022 Fax: 040-23453700	12	Shri A.K. Chaudhary, Chief Secretary, Govt. of Bihar, Patna Fax: 0612-2223983
2.	Shri S. Kabilan Chief Secretary, Govt. of Assam, Guwahati, Fax: 0361-2540310	13	Shri C. Phonsong, Chief Secretary, Govt. of Jammu & Kashmir, Jammu (J&K) Fax: 0194-2452356
3.	Shri R.P. Bagai, Chief Secretary, Govt. of Chhattisgarh, Raipur-492001 Fax: 0771-2221206	14	Dr. (Mrs.) Malati Das, Chief Secretary, Govt. of Karnataka, Bangalore Fax: 080-22258913
4.	Shri S.S. Parmar, Chief Secretary, Govt. of Himachal Pradesh Secretariat, Shimla-171002 Fax: 0177-2621813	15	Shri R.C. Sahni, Chief Secretary, Govt. of Madhya Pradesh, Bhopal, Fax: 0755-2551521
5.	Shri Manoj Kumar, Chief Secretary, Govt. of Jharkhand, Ranchi-834001 Fax: 0651-2403240	16	Shri S.C. Pani, Chief Secretary, Govt. of Orissa, Bhubaneswar, Fax: 0674-2536660
6.	Shri L. Jacob Chief Secretary, Govt. of Kerala Thiruvanthapuram Fax: 0471-2327176	17	Shri Anil Vaish, Chief Secretary, Govt. of Rajasthan, Jaipur, Fax: 0141-2561324
7.	Shri D.K. Shankaran Chief Secretary, Govt. of Maharashtra, Mumbai-400032 Fax: 022-22028594	18	Shri L. Tripathy, Chief Secretary, Govt. of Tamil Nadu, Chennai, Fax: 044-5672304
8.	Shri N.D. Chingapa Chief Secretary, Govt. of Sikkim, Gangtok Fax: 03592-222851	19	Shri Navin Chandra Bajpai, Chief Secretary, Govt. of Uttar Pradesh, Lucknow Fax: 0522-2239283
9.	Shri R.K. Mathur, Chief Secretary, Govt. of Tripura, Agartala, Fax: 0381-2324013	20	Shri Amit Kiran Deb, Chief Secretary, Govt. of West Bengal, Kolkata, Fax: 033-22215300
10.	Shri S.K. Das, Chief Secretary, Govt. of Uttaranchal, Dehradun Fax: 0135-2712500	21	Shri Sudhir Mankand, Chief Secretary, Govt. of Gujarat, New Sachivalya Complex, Gandhinagar-382010 Fax: 079-23250305
11.	Shri Jaranil Singh Chief Secretary, Govt. of Manipur, Imphal Fax: 0385-222629		

## EDUCATION

### 1. Literacy

1.1 What is the literacy rate in general in the State as per 2001 Census?

(i) Total                      Male                      Female

1.2 What is the literacy rate among the Scheduled Tribes in the State?

(i) Total                      Male                      Female

1.3 Please furnish the District wise literacy rate in the following Table:

General				Scheduled Tribes		
Name of the District	Total	Male	Female	Total	Male	Female

1.4 How does the literacy rate of ST male and female compared to the general literacy rate of male and female at national level?

1.5 What was the literacy rate among the Primitive Tribal Groups, male and female as per Census 1981, 1991 and 2001 and what efforts are being made to increase the literacy rate of PTGs?

1.6 What are the special efforts being made by the State Govt. to increase the literacy rate of the tribals in the State, particularly the female literacy with special reference to the following points?

- (i) Whether awareness programmes are under taken at regular intervals in the tribal areas, through NGOs and Social activists, to inform the tribal parents about the education and benefits flowing out of it to induce them to send their children to schools? If so, furnish the details of such programmes.
- (ii) Whether any monetary incentives are provided to the tribal parents for sending their wards to the schools? If so, furnish the details thereof.
- (iii) Most of the primary schools in the tribal areas are run by a single teacher and in case he takes leave due to any reason, no teacher is left in the school with the result that the education of the children suffers. What is the number of schools in tribal areas with a single teacher? How the State Govt. proposes to tackle this problem? Whether the State Govt. proposes to appoint one more teacher in such single teacher schools in tribal areas?
- (iv) Whether all the posts of teacher in primary schools in tribal areas are filled by the local tribal boys and girls? If not, whether, in the event of non availability of local tribal teachers, some incentives are provided to the non-tribal teachers to induce them to work in tribal areas?
- (v) What are the incentives being given to ST children to improve their attendance in the schools in the form of text-books, uniforms, stationary etc?

- (vi) Whether there is a regular system of counselling the parents of the tribal children to impress upon them that they should send their children to the school regularly without any interruption?

## **2. Enrolment**

- 2.1 What is the Gross Enrolment Ratio of ST students (boys and girls separately) in Classes I-V (6- 11 years), Classes VI-VIII (11-14 years) and Classes I-VIII (6-14 years) against the national Gross Enrolment Ratio of 91.37, 75.76 and 86.06 respectively?
- 2.2 What is the teacher- pupil ratio in districts having Scheduled Areas and how does it compare with the teacher-pupil ratio in respect of the whole State?
- 2.3 What are the suggestions of the State Govt. to improve the enrolment of ST boys and girls in Classes VI to VIII.

## **3 Drop-out Rates**

- 3.1 As per data made available by the Ministry of HRD, GOI, the drop-out rate at national level of ST students for the year 2003-04 in respect of Classes I-V, I-VIII and I-X was 48.93, 70.05 and 79.25 against the general drop-out rates of 31.47, 52.32 and 62.69 respectively. What is the drop-out rate of ST students in your State and how does it compare with the general drop-out rate of State with respect to these three categories?
- 3.2 Please indicate the steps being taken or proposed to be taken to arrest the drop-out rates among ST children of various stages of school education with particular reference to the following points:
- (i) Availability of the basic facilities in the ST hostels like light, water, kitchen, library etc. have been provided?
  - (ii) Arrangements for giving some monetary incentives to such parents of the children whose income is below the poverty line with a view to wean them from the compulsion of using their children as earning units instead of sending them to schools?
  - (iii) Whether timely payment of stipends and scholarships at pre-matric and post-matric levels to the tribal students is being made?
  - (iv) Whether mid-day meal scheme is being implemented in all the primary schools in the Scheduled Areas of the State? Shortcomings, if any, may be indicated.
  - (v) What steps are being taken to fill up the vacant posts of teachers in schools in the Scheduled Areas of the State?
  - (vi) Whether there is any arrangement for providing free extra coaching to the weak and below average tribal students on holidays or after school hours? If so, furnish details thereof.
  - (vii) Whether there are schemes for providing additional incentives in the form of cash awards to tribal students having more than 75% marks and/or those students who secure 60% or above marks in the annual examinations? If so, furnish details thereof.
  - (viii) Whether there is any provision to extend the mid-day meal scheme up to matric level for ST girl students? If so, furnish details thereof.
  - (ix) Whether there are any special arrangements made by the State Govt. to provide board and lodging to the studying children of those ST families who temporarily migrate to other places/States in search of their livelihood leaving their children behind? If not, how does the State Govt. proposed to tackle this problem with a view to arrest the drop-outs of such children.

## **4. Centrally Sponsored Schemes**

#### **4.1 Post-Matric Scholarship Scheme:**

- (i) What is the procedure for receiving applications, sanctioning of PMS and the mode & periodicity of payment. Please also indicate whether timely release of the funds are being made to the District Administrations to ensure prompt disbursement of the scholarships to the students?
- (ii) Whether all students pursuing post-matriculation education in the State are getting PMS? If not, the reasons thereof.
- (iii) Whether timely release of funds to the District authorities is being made? If so please indicate the periodicity of the release of funds under this scheme (along with the amount and date of release) to the District authorities for the year 2005-06.
- (iv) Whether rate of scholarship is different from what is prescribed by GOI? If so what are the rates and the reason for difference for each Group of class?
- (v) Whether income ceiling for eligibility of PMS is different from the ceiling prescribed by GOI? If so, give details and reasons there for.
- (vi) What is the procedure for grant of PMS to ST students of the State pursuing studies in other States and for ST students of other States pursuing studies in your State?
- (vii) Please indicate the State's Non-Plan committed liability under this scheme during each year of the Tenth Plan and the expenditure incurred over and above the committed liability and Central Assistance received each year of the Tenth Plan from GOI under the scheme.
- (viii) Whether the central assistance is being released under the scheme in time? If so please indicate the dates of receipt of the central assistance for the year 2005-06.
- (ix) What, in the opinion of the State Govt., are the bottlenecks if any, in the implementation of this scheme? What are the suggestions to overcome them? What are the general suggestions for further improvement of this scheme?

#### **4.2 Book Bank Scheme :**

- (i) What was the amount of central assistance received under the scheme for the year 2005-06 and what was the expenditure incurred?
- (ii) What was the amount released from the State budget and the amount of actual expenditure incurred out of that for the year 2005-06?
- (iii) How many sets of books were distributed in the year 2005-06? Please indicate its break up discipline-wise i.e. medical, engineering, veterinary, agriculture, polytechnics in respect of Degree Courses, and law, chartered accountancy, business management and bio-sciences in respect of Post Graduate Courses?
- (iv) What are the difficulties being experienced in implementation of this scheme and what are the suggestions of the State Govt. to overcome them? What are the general suggestions for further improvement of this scheme?

#### **4.3 Upgradation of Merit of ST Students:**

- (i) What was the amount of central assistance received during the last three years and the amount spent by the State Govt.?
- (ii) In how many schools in different districts/towns is this scheme being implemented and what was the number of students selected for special coaching during the year 2005-06, class-wise i.e. Classes IX to XII?
- (iii) The scheme provides for inclusion of at least 30% girl students and 3% disabled students from tribal community. Please indicate the number of girl and disabled students covered under this scheme during the last three years and their percentage to the total number of students.

- (iv) What difficulties have been experienced in implementing this scheme and what are the suggestions of the State Govt. to overcome these difficulties and other suggestions to improve the functioning of the scheme?

#### 4.4 Scheme for Construction of Hostels for ST Girls and Boys:

- (i) What was the amount of central assistance and State contribution under the scheme during the last three years and the actual amount spent out of that?
- (ii) What was the number of Hostels **for ST girls** in schools and colleges under the scheme at the end of the year 2005-06? Please indicate its break-up in the following Table:

Classes	No. of Hostels	Total capacity	Actual occupancy	Reasons for low occupancy
I-V				
VI-VIII				
IX-X				
XI-XII				
College students				

- (iii) What was the number of Hostels **for ST boys** in schools and colleges under the scheme by the end of the year 2005-06? Please indicate its break up in the following Table:

Classes	No. of Hostels	Total capacity	Actual occupancy	Reasons for low occupancy
I-V				
VI-VIII				
IX-X				
XI-XII				
College students				

- (iv) What are the facilities provided in these Hostels for the ST inmates in terms of furniture of study, rest and beddings, toilets, bathrooms, regular water supply, mess arrangement, cooking staff?
- (v) Number of Hostels with electricity connection and number of hostels without electricity.
- (vi) Number of Hostels without boundary wall and watchman.
- (vii) Number of Hostels with and without wardens.
- (viii) What are the arrangements for treatment of ailing students and their medical check ups at regular intervals?
- (ix) What are the suggestions of the State Govt. for more improved functioning of the Hostels covered under this Scheme?

#### 4.5 Scheme for Establishment for Ashram Schools in TSP areas:

- (i) What is the number of Ashram Schools constructed under this scheme (i) for boys only (ii) for girls only and (iii) for boys and girls both by the end of the November 2006?
- (ii) What was the amount of central assistance and State's contribution under the scheme for the year 2005-06 and the expenditure incurred out of that? Please indicate cumulative unspent balance at the end of the year 2005-06.
- (iii) What is the school-wise strength of tribal students studying and residing in these schools?

- (iv) Whether these schools are equipped with the minimum facilities such as drinking water supply, sanitation, messing?
- (v) What are the arrangements for treatment of ailing inmates and their medical check up at regular intervals?
- (vi) Number of schools with or without electricity connection?
- (vii) What are the difficulties being experienced in implementing this scheme and the suggestions to overcome them, along with any other suggestions for better functioning of these schools?

## **5. Central Sector Schemes**

### **5.1 Scheme for Grant-in-aid to Voluntary Organizations**

- (i) Please indicate:-
  - (a)(i) The number of residential schools and non-residential schools and hostels being run by the NGOs receiving grants-in-aid from the Central Government
  - (ii) Number of tribal students studying in schools and those residing in hostels
  - (iii) Whether these schools/hostels are being run in rented buildings and if so, whether the minimum basic facilities are available for the inmate?.
  - (b) Number of Computer Training Units and Shorthand and Typing Training Units
  - (c) Number of Balwaris/crèches (in areas not covered by the ICDS programme)
  - (d) Libraries and Audi video Units
  - (ii) What was the amount of grants-in-aid received by the State Govt. during the last three financial years i.e. 2003-04, 2004-05 and 2005-06.?
  - (iii) Whether the State Govt. undertakes inspection of the activities as also the accounts of the NGOs to ensure proper utilization of the grants on Scheduled Tribes?
  - (iv)(a) The number of ST students who were provided free coaching facilities through pre-examination centres under the Coaching and Allied Component of the Scheme during the last three years i.e. 2003-04, 2004-05 and 2005-06.
  - (b) Whether the Coaching Institutes monitor the programme and submit quarterly progress report to the State Govt.?
  - (c) What was the amount received under this component during the last three financial years and the expenditure incurred out of that?
  - (d) Whether any follow-up is being maintained by the Coaching Institutes regarding the placement of the passed out trainees and if so, the details thereof?

### **5.2 Scheme for setting up Educational Complexes in Low Literacy Pockets**

5.2.1 This Schemes covers 136 districts of the country having women literacy below 10% (as per 1991 Census) spread over 14 States. Please indicate:-

- (i) The agencies through which the Scheme is being implemented i.e. through NGOs or autonomous bodies or cooperative societies or by all.
- (ii) The name of the districts/pockets covered under the Scheme in the State.
- (iii) What is the number of the girls/women benefited under this Scheme during the last three years and whether literacy rate has improved? What is the women literacy in these districts/pockets as per 2001 Census?
- (iv) Whether the benefits under the Scheme are being extended to the entire PTG population, if any, irrespective of women literacy percentage?

- (v) What is the number of tribals belonging to PTGs covered under this Scheme during the last three years and whether the literacy rate among them has improved?
- (vi) The amount of grant received under the Scheme during 2005-06 and the amount spent out of that.
- (vii) What are the suggestions of the State Govt. for improving the implementation of this scheme?

### 5.3 **Vocational Training in Tribal Areas:** Please indicate:-

- (i) Number of Vocational Training Centres set up under the State to provide training in traditional skills.
- (ii) Number of tribal girls and boys trained during the last three years.
- (iii) What was the outcome of the training in terms of getting jobs by the passed out trainees?
- (iv) Whether due publicity is given to the tribal people particularly living in remote and inaccessible pockets about the benefits under the Scheme, if so, please give the details thereof?
- (v) What was the amount of grant received under the Scheme during 2005-06 and the amount of expenditure incurred out of that?
- (vi) What are the suggestions for ensuring more effective implementation of the scheme?

### 5.4 **Rajiv Gandhi National Fellowship**

5.4.1 This Scheme was started from the year 2005-06 for providing fellowships in the form of financial assistance to ST students to pursue higher studies such as M.Phil and PHD. The Scheme comprises 667 fellowships each year and the maximum duration of the fellowship is five years. Please indicate:-

- (i) Number of fellowships being provided to ST students under the Scheme in your State. Please furnish the list of beneficiary students.
- (ii) Whether all the recipients of these fellowships are pursuing their higher studies or some of them have dropped?
- (iii) The amount of grant received by the State Govt. during 2005-06 and the expenditure incurred out of that.
- (iv) Suggestions if any, for further improvement.

### 6. **National Overseas Scholarship Scheme**

6.1 Under this Scheme, 9 ST candidates and 1 candidate belonging to PTG are awarded scholarship annually for pursuing for Master's and Post-Doctoral level courses. Please indicate:-

- (i) The number of ST candidates including PTG (if any) selected and awarded the scholarship under this Scheme from your State. Please indicate the name of the student/students and name of the country where the higher study is being pursued.
- (ii) The amount of grant received during the year 2005-06 and the amount spent out of that.
- (iii) Suggestions if any, for further improvement.

### 7. **Eklavya Model Residential Schools:** Please indicate-

- (i) The number and location of such schools in your State which are operational.



- (ii) The number of such schools which have been sanctioned and are not yet operational.
- (iii) School-wise number of tribal students studying and residing in them.
- (iv) Under this Scheme, 50% seats are earmarked for girl students. Please indicate the number of girl students and their percentage to the total number of inmates in each school.
- (v) These schools are considered as the islands of academic excellence in school education for ST children and are meant to enable the tribal students to avail the facility of reservation in higher and professional educational courses as well as in higher levels of jobs in the Government and various public sector undertakings. Please indicate whether any study has been undertaken about the quality of the education being provided in these schools and the facilities available in them and if so, furnish the details thereof?
- (vi) Please also indicate whether any follow up study has been made about the prosecution of further higher studies by the passed out students and if so, furnish the details thereof?
- (vii) Whether the State Govts. are releasing the funds to the implementing agencies in time and if not the reasons for delay?
- (viii) What was the amount of grant received by the State Govt. under this Scheme during the year 2005-06 and the amount spent out of that?
- (ix) What are the difficulties experienced by the State Govt. in running these schools and suggestions to overcome them

## **8. Special Schemes:**

8.1.1 Please give a brief write-up on the implementation of the following Schemes in the State with particular reference to Scheduled Tribes beneficiaries:

- (i) National Programme of Nutritional Support to Primary Education popularly known as Mid-day-Meal (MDM) Scheme
- (ii) Kasturba Gandhi Balika Vidyalyaya (KGBV) Scheme
- (iii) Sarva Shiksha Abhiyan
- (iv) Scholarship for Talented ST Students
- (v) National Talent Search Scheme

## **9. State Sector Schemes**

### **9.1 Pre-Matric Scholarship/Stipend**

- (i) Whether the scholarship under this scheme covers the children from standard I to V also or only for the children from classes VI to X?
- (ii) What are the rate of scholarships/stipends to ST boys and girls for day scholars and for hostellers in each class in the State?
- (iii) Whether there is any income ceiling in respect of the parents of the children and if so, the amount thereof?
- (iv) When the above-mentioned rates of scholarships fixed and whether there is any proposal to revise the rates in case these rates were fixed more than two years ago?
- (v) What is the mode of disbursement of these scholarships to the students and whether the existing system ensures timely payment to the students?
- (vi) What was the allocation and expenditure under the scheme during the years 2003-04, 2004-05 and 2005-06?

9.2 What are the other schemes/ programmes being run by the State Govts?

- (i) To promote enrollment of ST girls and boys with a view to increase the literacy among them.

- (ii) To reduce the drop-out rates of tribal children particularly from classes VI onwards.
- (iii) To providing separate sanitation facilities for girls in upper primary and Higher Secondary schools.
- (iv) To construct school buildings at primary and High school levels in tribal areas.
- (v) To supply text-books to tribal students.
- (vi) Any other area related to education of tribal children.

**8. Education of wards of migrated tribals**

- (i) A number of tribals from other States may have migrated due to transfer in service or as seasonal workers or otherwise and their children are studying in your State. What are the arrangements for providing the benefits of reservation in admissions and grant of scholarships etc. admissible to tribal children residing in your State, to such tribal children who have migrated to your State along with their parents from other States in which alone their community has been recognized as Scheduled Tribe and not in your State? Please also indicate-
  - (a) Whether children of migrated tribals are getting the benefit of reservation in admission in your State?
  - (b) Whether the children of migrated tribals are eligible for grant of scholarships from the State funds? If not, whether such children are being given scholarship by the State of their origin and if so, what is the procedure being adopted by your State in this regard?
  - (c) Whether there is any system of granting the scholarships to the children of migrated tribals from the funds of your State and subsequently raising a debit against the State of origin?
  - (d) In case the children of migrated tribals are not getting the benefits of reservation in admission and grant of scholarship etc. in your State, what are the suggestions of the State Govt. to overcome this problem and to ensure that such children get these benefits to enable them to pursue their studies in your State?

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**Government of India**  
National Commission for Scheduled Tribes  
6th Floor, Lok Nayak Bhawan, New Delhi

K.K. GUPTA,  
SECRETARY

D.O. No. 4/3/2006-C.Cell

Dated 1 November, 2006

Dear (As per list attached)

The National Commission for Scheduled Tribes, which has been constituted under Article 338A of the Constitution of India w.e.f. 19 February, 2004 vide the Constitution (89th Amendment) Act, 2003, has submitted its first Report to the President of India in August, 2006. The Commission would now like to submit its next report to the President by end of February, 2007 with focused attention on some of the vital aspects affecting the socio-economic development of Scheduled Tribes.

2. You will agree that **education** provides the most vital input in human resource development. It is the most effective and crucial tool of the empowering people- the primary vehicle by which economically and socially marginalized sections of society like Scheduled Tribes can be empowered to lift themselves from the existing levels of poverty. Unless these underprivileged sections of society receive the minimum education, they cannot exercise the civil, political, economic and social freedom as enshrined in the Constitution of India.

3. Another important area which needs priority attention is the **special health needs of women and the girl child** which includes the tribal population. The reduction of infant mortality and maternal mortality are equally important indicators of human development. On account of inadequacy of infrastructure for health services, the medical care remains inaccessible to large sections of the tribal population, particularly in the remote and rural areas, where the majority of the tribes reside. There is no doubt that the Government has laid down norms for the network of Sub-centres, Primary Health Centres and Community Health Centres. However, there is a severe shortfall. The inadequacy of manpower in the rural primary health care institutions, with vacancies and absence of staff in critical posts has very serious implications for the health care of the tribal people.

4. Another area of concern in respect of the Scheduled Tribes has been **the alienation of their lands to the non-tribals**. The Commission has observed that notwithstanding the operation of anti-land alienation laws being in force for decades, legal and illegal transfer of tribal land has been taking place in various States on account of loopholes in these laws, connivance of the lower level revenue functionaries and ignorance and innocence of the tribal people.

5. As above mentioned three areas hold the key to the socio-economic advancement of tribals, the Commission would like to **give special and extensive coverage in its next report on the schemes/ programmes being implemented by the State Govts. either at their own or under the Centrally Sponsored/ Central Sectors Schemes for tribal development in these areas**. We have prepared three Questionnaires (Questionnaire 1, 2, & 3) to elicit the requisite information in respect of these three sectors copies of which are enclosed. I shall be grateful if you could issue necessary instructions to the Secretary/ Principal Secretary of the concerned department to get the requisite information collected and compiled on priority basis with respect to each Questionnaire. I shall also request you to instruct the Secretary/ Principal Secretary in charge of Tribal Development to coordinate with these Secretaries and to ensure that the required information in the respective Questionnaire is sent to this Commission by **15 December, 2006 positively**.

With regards,

Yours faithfully,

Sd/-...  
(K.K.Gupta)

Shri .....  
Chief Secretary  
(As per list attached)

### List of Chief Secretaries

1.	Shri J. Harinarayan, Chief Secretary, Govt. of Andhra Pradesh, Hyderabad-500022 Fax: 040-23453700	12	Shri A.K. Chaudhary, Chief Secretary, Govt. of Bihar, Patna Fax: 0612-2223983
2.	Shri S. Kabilan Chief Secretary, Govt. of Assam, Guwahati, Fax: 0361-2540310	13	Shri C. Phonsong, Chief Secretary, Govt. of Jammu & Kashmir, Jammu (J&K) Fax: 0194-2452356
3.	Shri R.P. Bagai, Chief Secretary, Govt. of Chhattisgarh, Raipur-492001 Fax: 0771-2221206	14	Dr. (Mrs.) Malati Das, Chief Secretary, Govt. of Karnataka, Bangalore Fax: 080-22258913
4.	Shri S.S. Parmar, Chief Secretary, Govt. of Himachal Pradesh Secretariat, Shimla-171002 Fax: 0177-2621813	15	Shri R.C. Sahni, Chief Secretary, Govt. of Madhya Pradesh, Bhopal, Fax: 0755-2551521
5.	Shri Manoj Kumar, Chief Secretary, Govt. of Jharkhand, Ranchi-834001 Fax: 0651-2403240	16	Shri S.C. Pani, Chief Secretary, Govt. of Orissa, Bhubaneswar, Fax: 0674-2536660
6.	Shri L. Jacob Chief Secretary, Govt. of Kerala Thiruvanthapuram Fax: 0471-2327176	17	Shri Anil Vaish, Chief Secretary, Govt. of Rajasthan, Jaipur, Fax: 0141-2561324
7.	Shri D.K. Shankaran Chief Secretary, Govt. of Maharashtra, Mumbai-400032 Fax: 022-22028594	18	Shri L. Tripathy, Chief Secretary, Govt. of Tamil Nadu, Chennai, Fax: 044-5672304
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10.	Shri S.K. Das, Chief Secretary, Govt. of Uttaranchal, Dehradun Fax: 0135-2712500	21	Shri Sudhir Mankand, Chief Secretary, Govt. of Gujarat, New Sachivalya Complex, Gandhinagar-382010 Fax: 079-23250305
11.	Shri Jaranil Singh Chief Secretary, Govt. of Manipur, Imphal Fax: 0385-222629		

## HEALTH AND NUTRITION

### 1. Mortality

- 1.1
  - (a) What is the infant mortality rate in the State as per 2001 Census?
  - (b) What is the infant mortality rate among the tribals?
  - (c) What special steps are being taken to reduce the infant mortality rate?
- 1.2 Whether any study has been conducted about the maternal mortality among the tribal population and if so, please furnish the following information?
  - (i) What is the maternal mortality rate in the tribal areas compared to the general maternal mortality rate in the State and,
  - (ii) What specific steps are being taken to reduce the maternal mortality rate in tribal areas?
- 1.3 What efforts are being made to ensure that the health services become more responsive towards women-specific health problems specially that of pregnant women, adolescent girls and girl babies in the tribal areas, which are sensitive indicators of human development?

### 2. Family Planning Camps

- 2.1 Number of family planning camps organized in the tribal areas during the year 2005-06-
  - (i) The number of tribals (men & women separately) who attended these camps.
  - (ii) Whether any literature in the local language was distributed to educate them about the norms of family planning? How many pamphlets/leaflets were distributed among them. Please enclose copies of such pamphlets/leaflets with the reply to the Questionnaire?
  - (iii) Whether any contraceptives were distributed among the tribals and if so, the details thereof?
  - (iv) How many sterilization operations were conducted? Please indicate the number separately for tribal men and women?

### 3. Medical Camps

- 3.1 Number of medical camps organized in the tribal areas during the year 2005-06-
  - (i) Number of patients treated along with their break up in respect of the diseases which are common in the tribal areas such as Malaria, Filariasis, TB, STD, sickle-cell-anemia, kala-azar, leprosy, etc.
  - (ii) What arrangements are in position for distribution of medicines free of cost to the patients at the time of discharge?
  - (iii) What types of specific health problems were found among the tribal women?

- (iv) Whether inoculations of children were also undertaken and if so, the details thereof?
  - (v) What are the arrangements made to create awareness among the tribals about the importance of the modern system of medical treatment with a view to wean them away from the age-old traditional system of medicine?
  - (vi) Whether cases of snake bites were also brought to the notice and if so, their number and whether any awareness was created among them to wean them away from the traditional system of treating snake bites through exorcizing?
- 3.2 Whether sufficient publicity was given in the tribal areas for organizing these camps in the tribal areas and if so, the different modes of publicity?
- 3.3 What arrangements are in position for dissemination of information and awareness about communicable diseases, genetic disorders, hygiene and sanitation in tribal areas?
- 4. Medical Infrastructure**
- 4.1 What is the medical infrastructure existing in the tribal areas? **Please indicate** the number of the following district-wise in Scheduled Areas:-
- (i) Community Health Centre
  - (ii) Primary Health Centre
  - (iii) Sub-Centre
  - (iv) Medical Mobile Vans
- 4.2 It has been brought to the notice of the Commission that CHCs & PHCs are not properly equipped with the requisite medical equipments and also not provided with medicines in adequate quantity. What is the position in your State? Are these Centres equipped with necessary medical equipments for carrying out various types of tests and provided with medicines in adequate quantity?
- 4.3(i) What is the total sanctioned strength (discipline-wise) of these Centres in respect of doctors and other paramedical staff and against that what is the total number of medical staff in position in these Centres (discipline-wise)?
- (ii) What is the number of posts which are vacant on 31 March, 2006. Please indicate the vacancies discipline-wise?
    - (a) What, in the opinion of the State Govt., accounts for a large number of sanctioned posts for doctors and paramedical staff being vacant in the tribal areas?
    - (b) What efforts are being made by the State Govt. to fill up the vacant posts of doctors and paramedical staff?
    - (c) Whether special incentives are being provided or proposed to be provided to the doctors and paramedical staff to induce them to work in the tribal areas and if so, the details of these incentives?
- 4.4 It has been generally found that the services of the specialist doctors such as orthopedic surgeons, ENT surgeons, gynecologists etc. are not available at the Community Health Centres and Primary Health Centres.

- (i) What is the position in your State?
  - (ii) What special efforts are being made to ensure that the services of such doctors are available at these Centres?
- 4.5. Whether the State Govt. is satisfied that the existing medical infrastructure in the tribal areas is adequate to take care of the health problems of the tribals in the respective areas covered by these Centres? If not, what are the suggestions in this regard?
- 4.6. What arrangements have been made by the State Govt. to effectively deal with epidemics of various diseases, which break out particularly in tribal areas such as cholera, plague, dengue, small pox etc.?

## **5. Central Sector Schemes**

- 5.1. What are the Central Sector Schemes which are being implemented by the State Govt. in the Scheduled Areas? **Please give brief write-up on each Scheme with particular reference to:**

- (i) Since when the Scheme is in operation
- (ii) The objectives of the scheme
- (iii) Amount of grant received and spent during the last three years
- (iv) Number of beneficiaries of these Schemes
- (v) How the State Govt. is satisfied about the objectives of the Scheme being achieved.
- (vi) Specific problems being faced in implementation of these Schemes and the suggestions to overcome them.

## **6. Centrally Sponsored Schemes**

- 6.1. What are the Centrally Sponsored Schemes which are being implemented by the State Govt. in the Scheduled Areas? Please give brief write up on each Scheme with particular reference to:

- (i) Since when the Scheme is in operation
- (ii) The objectives of the Scheme
- (iii) Amount of grant received and spent during the last three years
- (iv) Number of beneficiaries of these Schemes
- (v) How the State Govt. is satisfied about the objectives of the Scheme being achieved?
- (vi) Specific problems being faced in implementation of these Schemes and the suggestions to overcome them.
- (vii) Any other suggestion for better implementation of the Scheme.

## **7. State Sector Schemes**

- 7.1. What are the State Sector Schemes being implemented by the State Govt. in the tribal areas? Please give brief write up on each Scheme with particular reference to:

- (i) Since when the Scheme is in operation
- (ii) The objectives of the Scheme
- (iii) Matching ratio of the Central and the State contribution

- (iv) Amount of grant received and spent during the last three years
- (v) Number of beneficiaries of these Schemes
- (vi) How the State Govt. is satisfied about the objectives of the Scheme being achieved?
- (vii) Specific problems being faced in implementation of these Schemes and the suggestions to overcome them.

#### **8. Provision of Safe Drinking Water**

- (i) How many villages in the State in the Scheduled Areas have no sources of safe drinking water?
- (ii) What steps are being taken to provide safe drinking water in those villages?
- (iii) What is the timeframe for making available safe drinking water to these villages?

#### **9. Malnutrition**

- (i) What steps are being taken by the State Govt. to combat the problem of malnutrition among tribal children and expectant and lactating mothers?
- (ii) What are the suggestions of the State Govt. for further improving the nutritional needs of the tribal children and expectant and lactating mothers?
- (iii) Whether Referral Transportation Scheme is under implementation for pregnant women belonging to BPL tribal families and if so, please indicate the details thereof as also as to how many tribal pregnant women were benefited under this Scheme during the year 2005-06?
- (iv) Whether 24 hrs. delivery services scheme is in operation to make available the services to pregnant women? If so, please give the details thereof.
- (v) Please give the details of the arrangements in place for periodic medical check up of the pregnant tribal women, particularly living in remote and isolated hamlets?
- (vi) What arrangements have been made for providing special training to local dais and provide them with medical kit for first aid treatment and make them available in the remote and inaccessible villages to attend to the delivery cases? Please furnish number of such training programmes organized and the number of local dais who were trained during the past two years.

#### **10. Polio Immunization**

- (i) What arrangements have been made by the State Govt. for polio vaccinations for the tribal children between 0-5 age group?
- (ii) Whether any campaign in this regard was launched in the past? If so, please furnish the number of such campaigns and the number of tribal children who were vaccinated during the past two years.

#### **11. Ayurveda**

The tribals collect herbs and shrubs from the forest for preparation of various types of medicines. **Please indicate-**



- (i) The number of Ayurvedic dispensaries/centres in the tribal areas.
- (ii) Number of Ayurvedic camps which were organized during 2005-06 in the tribal areas and how many tribals were treated? How many of them were indoor patients?

## **12. Health Studies**

- (i) Whether any study has been conducted by the State Govt. to identify the specific health problems in tribal areas and if so, what suggestions were made by the study team to improve the availability of medical facilities in the tribal areas? If no, whether the State Govt. proposes to undertake such a study.
  - (ii) What are the suggestions of the State Govt. over and above the suggestions given by the study team (if any) to further improve the availability of medical facilities in tribal areas.
-

**Government of India**  
National Commission for Scheduled Tribes  
6th Floor, Lok Nayak Bhawan, New Delhi

K.K. GUPTA,  
SECRETARY

D.O. No. 4/3/2006-C.Cell

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With regards,

Yours faithfully,

Sd/-...  
(K.K.Gupta)

Shri .....  
Chief Secretary  
(As per list attached)

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## LAND ALIENATION

## 1. Act/Acts for Alienation and Restoration of Tribal Land

1.1 What are the Acts enacted by the State Govt. to prevent the transfer of tribal lands to non-tribals or restoration of the alienated lands to the tribals? Please enclose a copy of the Act/Acts?

1.2 Please provide a two-three page write-up on the basic features of this Act/these Acts regarding alienation of tribal land by way of sale, mortgage, lease, gift or otherwise with specific reference to the following points:-

- (i) Whether under these laws, the land can be transferred from a tribal to another tribal and if so, what are the terms and conditions thereof?
  - (ii) Whether the land cannot under any circumstance be transferred from a tribal to a non-tribal. If so, under what sections of the Act/Acts?
  - (iii) Whether the land can be transferred from a tribal to a non-tribal. **If so, please indicate:-**
    - (a) Which **sections** of the Act provide for transfer of tribal land to a non-tribal;
    - (b) Which competent authority such as District Collector, Divisional Commissioner etc. with whose approval the tribal land can be transferred to a non-tribal. Under which section (s) of the Act, permission of the competent authority specified in the Act is required;
    - (c) What is the procedure for transfer of tribal land to a non-tribal;
    - (d) What are the penal provisions for alienation of tribal land to a non-tribal or even to a tribal in violation of the provisions of the Act/Acts. Please indicate the sections of the Act/Acts? if there are any such provisions.
  - (iv) Whether the Act/Acts in question also provide for transfer of lands from the non-tribals to the tribals in case the alienation has been made in violation of the provisions of the Act/Acts? If so, what are the **sections** under which such restoration is possible and what is the procedure for restoration of illegally alienated land back to the tribals?
  - (v) Whether any review of these laws have been undertaken with a view to find out the loopholes in them which are being misused by the non-tribals to get the tribal lands transferred in their names and if so, what action is being taken to plug these loopholes?
- 1.3 Section 4 (m) (iii) of the PESA Act, 1996 provides that while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institution of self-government, a State Legislature shall ensure that the Panchayats at appropriate level and the Gram Sabha are endowed specifically with the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe. As per this Act, the Legislature of a State is barred from making any law inconsistent with the features given under Section 4 of the Act. **Please indicate-**
- (i) Whether the Act/Acts mentioned-above are consistent with the provisions of Section 4 (m)(iii) of PESA Act, 1996?
  - (ii) If the provisions of the State laws (mentioned-above) do not correspond with the PESA Act, what action is proposed by the State Govt. to amend the alienation laws to bring them in harmony with the PESA Act, 1996?

## **2. Land Alienation Cases**

- 2.1 How many land alienation cases of tribals have been detected in the State during the last 5 years?
- (i) Total number of land alienation cases filed in various courts in the State along with the total area involved (in acres).
  - (ii) Number of cases disposed of by the courts along with the total area involved (in acres), with the following break up-
    - (a) Number of cases rejected and the total area involved (in acres);
    - (b) Number of cases decided in favour of tribals and the total area involved (in acres);
    - (c) Number of cases [out of the figure given against (b)] in which land was restored to tribals along with the total area involved (in acres).
  - (iii) Number of cases pending in the courts along with total area involved (in acres).
  - (iv) Please indicate the number of cases out of the total cases filed in the various courts in which the transfer of land had been approved by the competent authority and the grounds on which the land transfer transactions were challenged in the courts.
  - (v) What are the basic reasons for alienation of tribal land to the non-tribals even though the State laws do not permit such transfer?
- 2.2 Whether any study has been conducted to find out the reasons for unlawful alienation of tribal lands to the non-tribals in violation of the alienation laws? If so, please furnish the gist of the study with particular reference to circumstances leading to unlawful transfer of tribal lands. If no, what factors in the opinion of the State, were responsible for unlawful transfer of tribal lands to non-tribal and what action is proposed to be taken by the State Govt. to curb this growing menace of illegal transfer of tribal land to non-tribals?

## **3. Transfer of Tribal Land**

- 3.1 In case the anti-alienation law operating in the State allows the transfer of tribal land to a non-tribal with the approval of competent authority as specified in the State Act/Acts. **Please indicate-**
- (i) In how many cases the transfer of tribal land to non-tribals was allowed during the last three years with the approval of the competent authority? What was the total area (in acres) involved?
  - (ii) How many applications for transfer of lands to non-tribals are pending in the various districts of the State for approval of the competent authority?
- 3.2 It has been brought to the notice of the Commission that the power of granting permission of transfer of tribal land to non-tribals is being exercised by lower authorities/functionaries other than the competent authority as mentioned in the respective State Act/Acts. Please indicate-
- (i) Whether in respect of your State the power of granting permission of transfer of tribal land to non-tribals is being exercised by authorities junior to the competent authority as prescribed in the State Act/Acts?
  - (ii) Whether instructions have been issued to the District authorities to ensure that the power of granting permission for transfer of tribal land to non-tribals is not delegated to junior functionaries?

## **4. Transfer of Tribal Land to Non-Tribals through connivance of Revenue Officials**

- 4.1 It has been brought to the notice of the Commission from some of the Scheduled Area States that the lands registered in the revenue records in the name of the Scheduled Tribes are being transferred in the name of the non-tribals with the connivance of the

revenue officials. It has been reported that this is being done by the non-tribals with a view to get the benefits of compensation for the land which has been acquired or is likely to be acquired under the Land Acquisition Act, 1894 for setting up of industrial and irrigation projects. This has been resulting in the deprivation of the compensation benefits to the real owner of the land who are tribals. **Please indicate-**

- (i) The number of such cases which have been brought to the notice of the State Govt. during the last three years and the size of the area of land involved (in acres).
  - (ii) How many such cases are pending in the courts of law.
  - (iii) What remedial measures have been taken by the State Govt. to put a check on such illegal transfers of tribal land.
  - (iv) Whether the State Govt. has advised or proposes to advise the senior revenue officials in the districts to have a close watch on the lower functionaries such as **patwaries** and kanoongos to ensure that such illegal transfers do not take place. If yes, whether the senior revenue officers have been advised to fix up responsibilities on the guilty and to take suitable penal action against them.
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